

ORDINANCE NO. 009, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ADOPTING A RENTAL HOUSING PROGRAM AS AN IMPLEMENTATION  
ACTION OF THE HOUSING STRATEGIC PLAN AND THE OUR CLIMATE  
FUTURE PLAN

WHEREAS, livable housing has a positive impact on health, economic security, educational attainment and the overall stability of individuals and families in communities; and

WHEREAS, in Fort Collins, the best available data suggests that more than 40% of all housing units are renter-occupied; and

WHEREAS, the renter community, which makes up a significant portion of the City's population, would benefit from proactive rental property inspections conducted by the City to ensure the health, safety and habitability of their rental housing; and

WHEREAS, while the City maintains a complaint-based rental inspection system to promote safe and habitable housing for renters, that program does not adequately address the power dynamics faced by tenants who often fear retaliation, increased rental payments, damaged relationships with property owners and eviction for reporting complaints to the City; and

WHEREAS, the Council has determined, and now finds, that the adoption of this Ordinance is necessary to ensure safe and stable housing that allows individuals, families and communities to thrive and is necessary for the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 5-236 is hereby deleted in its entirety.

**~~Sec. 5-236.-- Definitions.~~**

~~For the purposes of this Article, certain terms, phrases, words and their derivatives shall be construed as expressly stated herein and as follows:~~

~~Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this Division and are defined in the City Code, Land Use Code, International Building Code, International Fire Code, Land Use Code, International Plumbing Code, International Mechanical Code or National~~

~~Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words *dwelling unit*, *dwelling*, *premises*, *building*, *rooming house*, *rooming unit*, *housekeeping unit* or *story* are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."~~

~~*Electronic record* shall mean a record created, generated, sent, communicated, received or stored by electronic means and reproducible in a physical document.~~

~~*Owner* shall mean any person whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without actual possession thereof, or has charge, care or control of any dwelling or dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. *Owner* shall not include any person, group of persons, company, association or corporation who holds only a security interest or easement on the real property upon which the dwelling or dwelling unit is situated.~~

~~*Property manager* shall mean any person, group of persons, company, firm or corporation charged with the care and control of rental housing as defined below who performs services with respect to such rental housing under a contract with the owner thereof or who otherwise acts as representative of an owner with respect to such rental housing.~~

~~*Rental dwelling unit* shall mean one (1) or more rooms occupied or intended to be occupied as a unit exclusively for residential purposes that is leased, rented or sublet for compensation (including money or services or the sharing of expenses) and that is located in a boarding house or a single family, two family or multi family dwelling.~~

~~*Rental housing* shall mean any building or mobile home or portion thereof, including the lot, tract or parcel of land on which the same is located, containing any dwelling unit, or guest room which is leased, rented or sublet to a family or person(s) for compensation (including money or services, and the sharing of expenses).~~

Section 3. That a new Section 5-221 is hereby created in Chapter 5 of the Code of the City of Fort Collins to read as follows:

## **ARTICLE VI. HOUSING STANDARDS**

### **Division 1 - Generally**

#### **Sec. 5-221. Definitions.**

For the purposes of this Article, certain terms, phrases, words and their derivatives shall be construed as expressly stated herein and as follows:

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this Division and are defined in the City Code, Land Use Code, International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code or National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words dwelling unit, dwelling, premises, building, rooming house, rooming unit, housekeeping unit or story are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

*Agent* shall mean any person legally authorized to act on behalf of or in place of the owner or lessee of a dwelling unit and for receipt of notices and legal service of process related to a dwelling unit. An *agent* may also be the requisite local contact.

*Applicant* shall mean any person who seeks to register a dwelling unit as a long-term residential rental under this Division.

*Building* shall mean a structure with the capacity to contain, and is designed for the shelter of, humans, animals, or personal property of any kind. Building shall include, without limitation, any house, office building, store, warehouse, or any other residential or nonresidential structure of any kind, whether or not such structure is permanently affixed to the ground upon which it is situated, and any trailer, semi-trailer, trailer coach, mobile home, or other vehicle designed or used for occupancy by persons for any purpose.

*Building official* shall mean the Chief Building Official with the administrative and enforcement authority as provided in this Article, and their designees.

*Director* shall mean the Director of Community Development and Neighborhood Services with the administrative and enforcement authority provided in this Article, and their designees.

*Dwelling unit* shall mean one or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building that is leased, rented or sublet for compensation (including money or services or the sharing of expenses). *Dwelling unit* shall not include such land, buildings, and residential units owned by the Board of Governors of the Colorado State University System or utilized by Colorado State University for the housing of students or faculty or for other educational purposes.

*Electronic record* shall mean a record created, generated, sent, communicated, received or stored by electronic means and reproducible in a physical document.

*Imminent danger* shall mean an existing condition that is reasonably likely to cause immediate serious or life-threatening injury or death.

*Lease* shall mean an agreement by which an owner of residential rental property conveys the right to use and occupy such property to an occupant or tenant or lessee, in exchange for consideration.

*Lessee or tenant* shall mean a person having a possessory interest in a property under an oral or written lease agreement.

*Local contact* shall mean one or more persons legally authorized by the owner to access the dwelling unit, to make decisions regarding the dwelling unit, to accept service of noncompliance notice in lieu of the owner and have a physical residential or business address no more than seventy (70) miles from the dwelling unit to be available to respond to any issues raised by the lessee or the City.

*Long-term residential rental* shall mean a dwelling unit that is leased, in part or in whole, for periods of thirty (30) consecutive days or more.

*Municipal court or court* shall mean the municipal court of the City as established in Article VII, Section 1 of the Charter.

*Owner* shall mean any person whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without actual possession thereof, or has charge, care or control of any dwelling or dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. *Owner* shall not include any person who holds only a security interest or easement on the real property upon which the dwelling unit is situated.

*Person* means any individual, corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership, limited partnership, limited liability company, and body politic and corporate, and all other groups and combinations.

*Property manager* shall mean any person charged with the care and control of rental housing or dwelling unit who performs services with respect to such rental housing or dwelling unit under a contract with the owner thereof or who otherwise acts as representative of an owner with respect to such rental housing or dwelling unit.

*Registered premises or premises* shall mean a dwelling unit that has a valid registration issued pursuant to Division 3 allowing long-term residential rental of such dwelling unit.

*Rental housing* shall mean any building or mobile home or portion thereof, including the lot, tract or parcel of land on which the same is located, containing any dwelling unit, or guest room which is leased, rented or sublet to a family or person(s) for compensation (including money or services, and the sharing of expenses).

Section 4. That reserved sections in Division 1, Article VI of Chapter 5 of the Code of the City of Fort Collins will be Section 5-222 to Sections 5-236.

Section 5. That Article VI of Chapter 5 of the Code of the City of Fort Collins is hereby amended by the addition of a new Division 3, to read in its entirety as follows:

### **Division 3 - Long-Term Rental Registration**

#### **Subdivision A. - Generally**

##### **Sec. 5-280. Purpose.**

This registration of long-term residential rental properties is implemented pursuant to this Division to ensure the health and safety of renters of long-term residential properties, to promote safe and stable housing for renters and to improve the overall livability of our City.

##### **Sec. 5-281. Administration.**

The Director and Building Official shall administer the provisions of this Division and are authorized to jointly promulgate rules and regulations for its administration and implementation.

##### **Sec. 5-282. Reserved.**

#### **Subdivision B. - Registration**

##### **Sec. 5-283. Registration required.**

An owner of a long-term residential dwelling unit shall register it with the City and comply with the inspection requirements pursuant to this Division.

##### **Sec. 5-284. Application for registration.**

(a) Any person seeking to register a particular dwelling unit pursuant to this Division, or renew an existing registration, must file a complete application and pay all applicable fees. The Director may approve or deny registration based on whether the applicant and the premises proposed to be registered or renewed satisfy all the requirements of this Division.

(b) The Director may require such additional information and documentation as the Director deems necessary to determine whether an initial or renewal application meets the requirements of this Division.

(c) At the time of an initial or renewal application for registration, each applicant shall pay a fee in an amount set by the City Manager in accordance with § 7.5-1.

(d) Each applicant shall pay a fee for every inspection or reinspection of a dwelling unit in an amount set by the City Manager pursuant § 7.5-1.

#### **Sec. 5-285. Registration requirements.**

(a) The following are the minimum requirements that must be satisfied by the applicant for the issuance or renewal of a long-term residential rental registration.

(1) The applicant must provide documentation satisfactory to the Director that the applicant is the owner of the dwelling unit, or the owner's authorized agent.

(2) The rental dwelling unit must comply with all applicable federal, state, and local laws and must pass an inspection conducted by the Building Official as described in Subdivision C.

(b) The applicant must identify one or more persons who will be the local contact. Any such person must have access to the dwelling unit and be authorized to make decisions regarding the dwelling unit.

#### **Sec. 5-286. Issuance of registration.**

(a) Upon the applicant's compliance with the requirements of this Division, the Director shall register the dwelling unit as a long-term rental.

(1) Each registration shall be applicable only to the dwelling unit for which approval is granted by the Director and no registration shall be transferrable.

(2) A registration shall terminate upon transfer of ownership of the registered premises.

#### **Sec. 5-287. Term of registration and renewal.**

(a) Registration issued pursuant to this Division shall be valid for one (1) year. Registration must be renewed annually.

(b) Renewal applications shall be reviewed by the Director in consultation with the Building Official, are subject to § 5-288 and § 5-308, must meet the standards set forth in § 5-285 and, if applicable, § 5-306.

(c) Any prior violation of the provisions of this Article may be considered by the Director during the registration renewal review and may result in non-renewal. In the Director's discretion, after consultation with the Building Official as necessary, the Director may impose conditions upon a registration at the time of renewal to address non-

compliance with the terms of the registration, the provisions of this Article, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the registration pursuant to § 5-308 and, if applicable, § 5-306.

#### **Sec. 5-288. Registration regulations.**

Upon completion of registration pursuant to this Division, the following requirements must be met for the registration to remain valid.

(1) The owner shall comply with the terms of the registration and all applicable provisions of this Code, including, but not limited to, this Chapter 5, Chapter 20 regarding nuisances, the Land Use Code, and any other applicable provision of federal, state, and local law.

(2) The owner shall maintain the dwelling unit in compliance with the minimum rental housing requirements as provided in § 5-296.

#### **Sec. 5-289. Fees**

The fees authorized and imposed under this Division shall be paid by the owner to the City as directed in any notice provided under this Article.

#### **Sec. 5-290. Grounds for denial.**

The following are all grounds for the Director's denial of an application for registration or renewal:

(a) Registering the dwelling unit would violate any applicable federal, state, or local law, and any rules and regulations adopted pursuant thereto.

(b) The premises of the dwelling unit does not comply with the requirements of the Land Use Code or with any applicable provisions of Chapters 5, 9, 12 or 20 of this Code.

(c) The applicant fails to complete any required inspections or obtain necessary permits for the premises of the dwelling unit.

#### **Sec. 5-291. Appeal.**

An owner may appeal any decision whether to grant, renew, suspend, or revoke an application or registration under this Division to the City Manager in accordance with Chapter 2, Article VI of this Code. The City Manager's decision shall be final.

#### **Secs. 5-292 – 5-295. Reserved.**

### **Subdivision C. - Inspections**

**Sec. 5-296. Inspections required.**

(a) The Director and Building Official shall establish a regular and orderly schedule to inspect all dwelling units within the City. Such schedule may be determined based upon location of the dwelling unit within the City, the age of dwelling units, size of the rental complex, complaints received from residents or the public, or the general condition of the property. Such schedule is in addition to and does not limit or preclude the right of the Building Official to inspect a property pursuant to any other provision of this Chapter 5, including, but not limited to, inspections based on a request of a tenant, owner, manager, or complainant.

(b) The Building Official may enter a dwelling unit and related buildings on the premises at all reasonable times to inspect for compliance with the provisions of this Division.

(1) The Building Official has authority to inspect the dwelling unit and related buildings on the premises to be registered or renewed for purposes of verifying compliance with the rental housing minimum requirements as set forth in this Article.

(2) A refusal by the owner or lessee to allow such inspection shall be grounds for denial of the issuance of a registration or renewal, will result in a notice of non-compliance under § 5-299 and may result in an enforcement action pursuant to § 5-306.

(c) The Building Official shall prepare a report documenting any violations of this Division on a written inspection report and may make a photographic record of the property or of any violations discovered on the property. This report will be provided to the Director and owner.

(d) Except as provided in § 5-297, the Director shall not approve a registration unless the dwelling unit at issue has successfully passed an inspection performed by the Building Official when so required.

(e) Each dwelling unit shall be inspected upon initial registration and every five (5) years thereafter.

(1) When multiple dwelling units are located on a single parcel of land the Building Official shall inspect a random sample of the dwelling units based on the following:

a. Up to 10 units, one hundred (100) percent of the units will be inspected,

b. 11-100 units, a minimum of ten (10) percent of the units to be inspected,



c. Over 100 units, a minimum of five (5) percent of the units to be inspected.

The random sampling is at the sole discretion of the Building Official.

#### **Sec. 5-297 Exemptions to inspection requirement.**

(a) The following dwelling units are exempt from the City-conducted scheduled inspection requirement described in this Section:

(1) A dwelling unit that complies with federal housing standards and has been inspected by another state or federal government agency within the last five (5) years and has successfully passed that inspection.

a. Such application for registration and renewal of registration shall include documentation from that governmental agency setting forth the date of the inspection and the result of that inspection.

(2) A dwelling unit newly constructed less than ten (10) years before the registration application date, based on the date of issuance of the certificate of occupancy or temporary certificate of occupancy. This exemption does not apply to existing structures that receive a new certificate of occupancy or temporary certificate of occupancy.

a. Such application for registration and renewal of registration shall include a copy of the dated certificate of occupancy or temporary certificate of occupancy.

(g) All registered dwelling units shall be subject to other inspections as provided in this Chapter 5. No person shall be deemed in compliance with the provisions of this Chapter 5 solely by virtue of having registered a dwelling unit pursuant to this Division.

#### **Sec. 5-298. Notice of inspection.**

(a) A letter of intent to inspect a dwelling unit based on the systematic inspection schedule or pursuant to a re-inspection will be sent by the City to the owner, local contact and tenant informing them of the need to schedule an inspection within the time frame stated in the notice.

(b) The owner must notify the tenant of the scheduled inspection of the dwelling unit and related buildings on the premises and request the tenants' permission to authorize the Building Official to enter the dwelling unit and related buildings on the premises at the scheduled date and time.

(c) The owner, or the owner's agent or local contact, must provide the Building Official with access to the entire dwelling unit and related buildings on the premises.

#### **Sec. 5-299. Notice of non-compliance.**

(a) If the Building Official determines upon inspection that the dwelling unit does not comply with the requirements of this Division, a notice of non-compliance and an order to correct shall be issued to the owner and local contact with a copy to the tenant. The notice of non-compliance and order shall be in writing and shall describe the violation in sufficient detail for it to be properly corrected.

(1) The notice and order shall provide a reasonable time for correction of the non-compliance of not less than seven (7) days nor more than ninety (90) days from the date of service of the notice and order. The notice and order shall advise the owner that a reinspection is required and that if the owner fails to correct the violation by the required correction date, the City may take one (1) or more of the actions set forth in Subdivision D below.

(2) If the observed violations constitute an imminent danger to the dwelling unit or any related building on the premises then the Building Official shall comply with § 5-300.

(b) The notice of non-compliance and order to correct shall be served upon the owner by one (1) of the following methods:

(1) Personal service upon the owner, agent or local contact, in which case service shall be deemed complete on the date service occurs; or

(2) By posting on the dwelling unit premises and mailing to the owner or agent at the address currently on file with the City as part of the registration of the dwelling unit pursuant to this Division. Service by this method shall be deemed complete three (3) days after mailing and posting.

(c) After the time for correction as set forth in the notice of non-compliance and order to correct has passed, the City shall re-inspect the dwelling unit to verify the violations identified during the initial inspection have been corrected.

(1) The owner may be granted an extension of time by the City if the Building Official determines that substantial progress is being made to correct the violation. Such request must be made in writing by the property owner and submitted to the Building Official prior to expiration of the 90-day period. Upon receipt the Building Official shall, in consideration of all applicable facts, determine the terms and conditions of the extension.

(d) A re-inspection fee shall be assessed upon the owner for each re-inspection when violations identified on a notice of non-compliance have not been corrected by the date established for correction in the notice of non-compliance unless the Building Official has granted an extension prior to the re-inspection date.

#### **Sec. 5-300. Imminent Danger.**

(a) If the Director or Building Official finds that a dwelling unit, or a part of any such dwelling or building presents an imminent danger, the Building Official shall order the rental dwelling unit, or the affected portion of the building, be vacated.

(1) A written notification of non-compliance stating the violations that deem the dwelling unit, or any part of such dwelling or building, as an imminent danger will be served as required in § 5-299.

(b) The Building Official shall post notice of any such order on the subject premises and send a copy thereof to the owner at the address currently on file with the City as part of the registration of the dwelling unit as described in § 5-285.

(1) It shall be unlawful for anyone to remove or deface the posted notice. Such violation is a civil infraction pursuant to § 1-15(f) of this Code.

(c) The owner shall correct the violations causing the property to present an imminent danger, and such correction confirmed by re-inspection of the premises as described in § 5-299.

**Secs. 5-301 – 5-305. Reserved.**

#### **Subdivision D – Violations and Penalties**

##### **Sec. 5-306. Violations and penalties.**

In addition to the suspension, revocation or refusal to renew any registration hereunder, any owner who violates any provision of this Division may be punished by a fine or imprisonment or both in accordance with § 1-15 of this Code as described below. Each day that a violation of this Division continues shall be deemed a separate offense. Additionally, the City may take any other legal action available to address violations of the provisions of this Article.

(a) Registration or Renewal. It shall be unlawful for any owner to lease or to allow the use, maintenance, or occupancy of any dwelling unit that does not have a current, valid registration as described in §§ 5-285 and 5-287. Such violation is a civil infraction pursuant to § 1-15(f) of this Code. Between April 1, 2024 and April 1, 2029 it shall not be a violation of this section for an owner who is otherwise in compliance with this Article but is awaiting inspection by the City to lease or allow the use, maintenance, or occupancy of a dwelling unit.

(b) Inspection. It shall be unlawful for any owner to lease or to allow the use, maintenance, or occupancy of any dwelling unit that does not comply with the inspection requirements in § 5-296. Such violation is a civil infraction pursuant to § 1-15(f) of this Code.

(c) Failure to correct. It shall be unlawful for an owner not to correct the violations identified in a properly served non-compliance notice and order as described in § 5-299. Such violation is a misdemeanor pursuant to § 1-15(a) of this Code.

(d) Failure to vacate. It shall be unlawful for a tenant or other occupant of a dwelling unit to fail to vacate a dwelling unit after the passage of such time as is set forth in a vacation order posted pursuant to § 5-300. Such violation is a misdemeanor pursuant to § 1-15(a) of this Code.

(e) Interference with City official. It shall be unlawful for any tenant or person having common authority of a rental dwelling unit to deny entry to the Building Official when such individual is acting pursuant to this Division. Such violation is a misdemeanor pursuant to § 1-15(a) of this Code.

#### **Sec. 5-307. Enforcement.**

(a) The Director or Building Official may cause to be issued a summons and complaint for prosecution in municipal court in accordance with the procedures established in Chapter 19 of this Code.

(b) Upon conviction of any person for a violation of this Division, the Director may place a notice of the violation on the City's website that contains the address of the subject dwelling unit and a statement that the dwelling unit was found not to comply with a requirement or limitation of this Division. Such notice shall remain on the City's website only until such time as the owner of the subject dwelling unit establishes, to the reasonable satisfaction of the City, that the condition that caused the violation has been corrected.

#### **Sec. 5-308. Suspension, revocation, or nonrenewal of registration.**

(a) In addition to the grounds set forth in § 5-306, the Director may suspend, revoke, or not renew any registration issued pursuant to this Division if the Director determines that any of the following have occurred:

(1) Fraud, material misrepresentation or false statement in the initial application for registration or any renewal application; or

(2) Failure to comply with the requirements of § 5-288.

(b) Procedures for investigation of registration violations and for suspension, revocation or other registration sanctions as a result of any such violation shall be as provided in § 5-307 of this Division and any rules and regulations promulgated by the Director as provided in § 5-281.

(c) The suspension or revocation of a registration shall not affect any lease or other arrangement for possession between the owner and a tenant. However, the owner shall not enter into any new arrangement for possession, nor renew any arrangement, during active

suspension or revocation of its registration. Additionally, the owner must comply with any conditions related to the disciplinary action.

**Sec. 5-309. Public nuisance.**

A violation of any provisions of this Division is hereby declared to be a public nuisance, subject to abatement by the City in accordance with the procedures established in Chapter 20 of this Code.

**Secs. 5-310 – 5-344. Reserved.**

Section 6. That Section 5 of this Ordinance shall become effective April 1, 2024. The Director shall develop and implement the administrative and financial processes for this registration program between the effective date of this Ordinance and April 1, 2024.

Section 7. That Section 5-256 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 5-256 Enforcement authority; rules and procedures.**

The Building Official is hereby authorized and directed to enforce all of the provisions of this Article. For such purposes, the Building Official shall have the authority to adopt and promulgate administrative rules and procedures consistent with the provisions of this Article; to interpret and implement the provisions of this Article; to secure the intent thereof; to enforce all provisions of this Article pursuant to the authority granted by the Chief of Police under Paragraph 2-504(b)(2); and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Article, or of violating accepted engineering methods involving public safety.

Introduced, considered favorably on first reading, and ordered published this 17th day of January, 2023, and to be presented for final passage on the 7th day of February, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 7th day of February, 2023.

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Mayor

ATTEST:

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City Clerk