

ATTACHMENT B
Proposed Rental License Code Update

Chapter 10-3: Rental Licenses²⁵

10-3-1 Legislative Intent. [top↑](#)

This chapter provides for comprehensive enforcement of [chapter 10-2, "Housing Code,"](#) [International Property Maintenance Code \(IPMC\)](#), B.R.C. 1981, by establishing a system of rental licenses for all dwelling and rooming accommodations in the city that are rented to tenants.

(Ordinance No. 5798 (1996))

10-3-2 Rental License Required Prior to Occupancy and License Exemptions. [top↑](#)

(a) No operator shall allow any person to occupy any rental property as a tenant or lessee or otherwise for a valuable consideration unless each room or group of rooms constituting the rental property has been issued a valid rental license by the city manager.

(b) Buildings, or building areas, described in one or more of the following paragraphs are exempted from the requirement to obtain a rental license from the city manager.

(1) Any dwelling unit occupied by the owner, or members of the owner's family and housing no more than two roomers who are unrelated to the owner or the owner's family.

(2) A dwelling unit meeting all of the following conditions:

(A) The dwelling unit constitutes the owner's principal residence;

(B) The dwelling unit is temporarily rented by the owner for a period of time no greater than twelve consecutive months in any twenty-four-month period;

(C) The dwelling unit was occupied by the owner immediately prior to its rental;

(D) The owner of the dwelling unit is temporarily living outside of Boulder County; and

(E) The owner intends to re-occupy the dwelling unit upon termination of the temporary rental period identified in subparagraph (b)(2)(B) of this section.

(3) Commercial hotel and motel occupancies, [including vacation rental properties](#), which offer lodging accommodations primarily for periods of time less than thirty days, but bed and breakfast facilities are not excluded from rental license requirements.

(4) Common areas and elements of buildings containing attached, but individually owned, dwelling units.

(Ordinance Nos. 5798 (1996); 7416 (2005))

10-3-3 Terms of Rental Licenses. [top↑](#)

(a) License terms shall be as follows:

(1) Rental licenses, other than reduced term licenses issued pursuant to [section 10-3-4](#), "Reduced Term Rental License," B.R.C. 1981, temporary licenses issued pursuant to [section 10-3-9](#), "Temporary Rental License Appeals," B.R.C. 1981, or accessory dwelling unit or owner's accessory unit licenses governed by paragraph (a)(2) of this section, shall be valid until the licensed property is sold unless:

(A) The license is revoked; or

(B) The licensee fails to submit to the city manager a completed safety inspection report, on forms provided by the city, within four years from the date of initial license issuance and within each successive four-year period thereafter. The safety inspection report shall:

(i) In the section of the report concerning fuel burning appliances, be executed by a qualified heating maintenance person certifying compliance with those portions of subsection [10-2-10\(e\)](#), B.R.C. 1981, for which the report form requires inspection and certification.

(ii) In the section of the report concerning smoke **and carbon monoxide alarms detectors**, is executed by the operator certifying that the ~~operator~~ **owner or agent** inspected the smoke and **carbon monoxide alarms detectors** in the licensed property and that they complied with the requirements of [chapter 10-2](#), **"Housing Code," IPMC**, B.R.C. 1981.

(iii) In the section of the report concerning trash removal, is executed by the operator certifying that the operator has a current valid contract with a commercial trash hauler for removal of accumulated trash from the licensed property in accordance with subsection [6-3-3\(b\)](#), B.R.C. 1981.

(2) Accessory dwelling units, as defined in [section 9-16-1](#), "General Definitions," B.R.C. 1981, and owner's accessory units pursuant to subsection [9-8-5\(b\)](#), B.R.C. 1981: **twelve months four years** from the date of license application for newly constructed units or from the date of prior license expiration for units for which the operator is renewing an unexpired rental license.

(b) The city manager shall issue separate rental licenses for individual buildings. Such licenses shall cover all dwelling units and rooming units within such buildings. In a building containing attached but individually owned dwelling units, or any other dwelling units which may be separately conveyed, the city manager shall issue separate rental licenses for each dwelling unit. A structure, or group of structures, shall be considered to be a single building if it has been assigned a single street address by the city. If a complex of buildings on one property is under common ownership, and this owner is willing to have a common expiration date for the rental licenses for all dwelling and rooming units, the city manager may consider the whole complex to be the equivalent of a single building for the purposes of licensing and the fee schedule in [section 4-20-18](#), "Rental License Fee," B.R.C. 1981.

(c) Whenever an existing rental license is being renewed, the renewal license shall be effective from the date of expiration of the last rental license **if renewed within 90 days of the expiration date**, unless the operator provides documentation satisfactory to the city manager, or an affidavit subject to the law against perjury, that no portion of the subject property was rented during any of the time between expiration of the old rental license and issuance of the new rental license, in which case the renewal license shall be effective as of the date of issuance. **Licenses not renewed within 90 days will be considered expired and a new baseline and safety inspection shall be performed before the license can be renewed.**

(Ordinance Nos. 5798 (1996); 5952 (1997); 7023 (1999); 7189 (2002))

10-3-4 Reduced Term Rental License. [top↑](#)

(a) The city manager shall issue a reduced term rental license whenever the city manager determines that violations of [chapter 10-2, "Housing Code," IPMC](#) B.R.C. 1981, revealed during an inspection, individually or in combination, demonstrate a failure to maintain the rental property in a safe, sanitary, and clean condition so that the dwelling endangers the health and safety of the occupants, including, without limitation, violations of **[section 10-2-3, "Unfit Dwellings and Vacation Thereof," B.R.C. 1981, involving property unfit for human habitation, and subsections 10-2-7\(a\), B.R.C. 1981, involving open sewage, 10-2-7\(b\), B.R.C. 1981, involving use of a lavatory as a kitchen sink, 10-2-17\(c\), B.R.C. 1981, involving blocked chimney flues, and 10-2-20\(b\), B.R.C. 1981, involving cockroaches, chapter 10-2, section 108 "Unsafe Structures and Equipment"](#)** or if the city manager determines that there is or has been a violation of a limitation on numbers of occupants or numbers of dwelling units found in [title 9, "Land Use Code," B.R.C. 1981](#), which demonstrates a failure to maintain the rental property in compliance with that title.

(1) For violations of [chapter 10-2, "Housing Code," IPMC](#) B.R.C. 1981, the rental license term shall be reduced to twenty four months.

(2) For violations of [title 9, "Land Use Code," B.R.C. 1981](#), the rental license term shall be reduced to twelve months.

(b) If a person disagrees with the decision of the city manager to issue a reduced term rental license under subsection (a) of this section, such person may appeal the city manager's decision within thirty days after the issuance of the reduced term license, as follows:

(1) For reduced term licenses issued as a result of violations of the provisions of [chapter 10-2, "Housing Code," IPMC](#), B.R.C. 1981, the appeal shall be made as provided in **[section 10-2-5, Title 10-2 section 111, "Appeals and Variances," B.R.C. 1981.](#)**

(2) For reduced term licenses issued as a result of violations of the provisions of [title 9, "Land Use Code," B.R.C. 1981](#), the appeal shall be made to the board of zoning adjustment, although the fee amount shall be as specified for an appeal to the board of building appeals.

(Ordinance No. 5798 (1996))

10-3-5 Rental License Procedure for Newly Constructed Rental Property. [top↑](#)

Inspections to determine compliance with the provisions of [chapter 10-2, "Housing Code," IPMC](#), B.R.C. 1981, are not required prior to issuance of the first rental license for newly constructed

rental property if a rental license application is submitted no later than **sixty days one year** from the date of issuance of the first certificate of occupancy or temporary certificate of occupancy, **in which case payment of license fees is not required.**

(Ordinance Nos. 5798 (1996); 7023 (1999))

10-3-6 Rental License Application Procedure for Buildings Being Converted to Rental Property. [top↑](#)

Every operator of a property who is converting the property to rental property shall follow the procedures in this section for procuring a rental license:

- (a) Submit a written application for a rental license to the city, on official city forms provided for that purpose, at least thirty days prior to rental of the property.
- (b) Pay all license fees prescribed by [section 4-20-18](#), "Rental License Fee," B.R.C. 1981, at the time of submittal of the rental license application.
- (c) Cause **that a baseline and safety an** inspection of the property **to** be conducted at the operator's expense by a rental housing inspector licensed by the city for such work, and cause the **inspector applicant** to return to the city manager, in the form provided by the manager, a certification of inspection showing compliance with [chapter 10-2](#), "~~Housing Code,~~" IPMC, B.R.C. 1981. **A baseline and safety inspection may be performed up to 12 months in advance of application time actually required.**
- (d) Take all reasonable steps to notify any occupants of the property of the date of the housing code inspection. The operator, or an agent of the operator other than the inspector or any tenant of the unit, shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.

(Ordinance Nos. 5798 (1996); 7023 (1999))

10-3-7 Rental License Renewal Procedure for Buildings Occupied as Rental Property. [top↑](#)

Every operator of a rental property shall follow the procedures in this section when renewing an unexpired rental license:

- (a) Pay all license fees prescribed by [section 4-20-18](#), "Rental License Fee," B.R.C. 1981, prior to the expiration of the existing license.
- (b) Cause **that a safety an** inspection of the property **to** be conducted at the operator's expense by a rental housing inspector licensed by the city for such work, and cause the **inspector applicant** to return to the city manager, in the form provided by the manager, a certification of inspection showing compliance with [chapter 10-2](#), "~~Housing Code,~~" IPMC, B.R.C. 1981, ~~as of a date no more than sixty nor less than fifteen days before the date of expiration of the existing license.~~ **A baseline and safety inspection may be performed up to 12 months in advance of time-application actually required.** **A copy of the Safety Inspection Checklist shall be made available to city staff and tenants of inspected units upon written request to the owner or operator.**

(c) Take all reasonable steps to notify all tenants of the rental property of the date and time of the scheduled housing code inspection. The operator, or an agent of the operator other than the inspector or any tenant of the unit, shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.

(Ordinance Nos. 5798 (1996); 7023 (1999))

10-3-8 Temporary Rental License. [top↑](#)

If the inspection by the rental housing inspector shows that there are violations of [chapter 10-2, "Housing Code," IPMC](#), B.R.C. 1981, in the building, and the operator cannot correct the deficiencies before the housing is to be occupied (in the case of new rental property) or the existing license expires (in the case of a renewal), the operator may apply, on forms specified by the city manager, to the city for a temporary rental license. If the manager finds, based on the number and severity of violations, that such a temporary license would not create or continue an imminent health or safety hazard to the public or the occupants, the manager may issue a temporary rental license. The manager shall specify the duration of the temporary license, which shall be for a period reasonably necessary to make the needed repairs and changes. Upon submission to the manager by the operator of an additional certificate of inspection, on forms supplied by the manager, performed by a rental housing inspector, showing that the deficiencies have been corrected, and accompanied by an additional rental housing license fee, the manager shall issue the rental housing license.

(Ordinance Nos. 5798 (1996); 7023 (1999))

10-3-9 Temporary Rental License Appeals. [top↑](#)

Any operator denied a temporary rental license, or aggrieved by the period of time allowed for correction, may appeal the denial or the period of time for correction, or both, to the board of building appeals within thirty days as provided in [section 10-2-5, Chapter 10-2, section 111, "Appeals and Variances,"](#) B.R.C. 1981. As to an appeal of the time reasonably required to correct a violation, the board shall either affirm the city manager's originally prescribed time period or grant a longer time period to correct the alleged violation.

(Ordinance Nos. 5798 (1996); 7023 (1999))

10-3-10 Time of Rental License Expiration. [top↑](#)

Every rental license expires upon the earliest of the following dates:

(a) The expiration date on the rental license unless temporary authority to rent is allowed under the provisions of [section 10-3-8, "Temporary Rental License,"](#) B.R.C. 1981, of this chapter;

(b) Thirty days after the date upon which transfer of ownership of the rental property occurs. However, for purposes of this section and [section 10-3-11, "transfer of ownership"](#) shall not include situations in which a rental property is transferred from ownership by one or more individuals into a Limited Liability Company form of ownership, and when all of the following conditions exist:

(1) At least one transferring owner is a member of the Limited Liability Company;

(2) No exchange of consideration takes place as a condition of the transfer; and

(3) The transferring owners certify on forms approved by the city manager that there will be no significant change in the persons who manage the rental property or, in the alternative, in the persons who are responsible for managing the rental property.

(c) The effective date of any order or notice to vacate the rental property issued under any provision of law;

(d) The expiration of the temporary certificate of occupancy for the rental property if a permanent certificate of occupancy has not been issued; or

(e) The revocation of the certificate of occupancy for the rental property.

(Ordinance Nos. 5798 (1996); 7023 (1999); 7636 (2008))

10-3-11 Change of Rental Property Ownership, Agent, and Rental License Transfer. [top↑](#)

(a) Upon transfer of ownership of the property for which a rental license has been issued and is still current and valid at time of transfer, the new operator of the property shall apply for a rental license within **thirty sixty** days after the date of transfer of ownership of the rental property. The new operator shall:

(1) Submit all license fees prescribed by [section 4-20-18](#), "Rental License Fee," B.R.C. 1981, with the application.

(2) Cause a baseline **and safety** inspection of the property to be conducted at the operator's expense by a rental housing inspector licensed by the city for such work, and cause the **inspector applicant** to return to the city manager, in the form provided by the manager, a certification of inspection showing compliance with [chapter 10-2](#), "Housing Code," IPMC, B.R.C. 1981, **as of a date no more than sixty days before the date of expiration of the existing license.**²⁶

(3) Take all reasonable steps to notify all tenants of the rental property of the date and time of the scheduled housing code inspection. The operator, or an agent of the operator other than the inspector or any tenant of the unit, shall be present and accompany the inspector throughout the inspection, unlocking and opening doors as required.

(b) No operator shall transfer the ownership, or change the local agent, of a rental property for which a rental license is required, without notifying the city manager of the identity and mailing address of the buyer or new local agent within **thirty fifteen** days after the transfer of the property or change of agent.

(Ordinance Nos. 5798 (1996); 7189 (2002))

10-3-12 Rental License Fees. [top↑](#)

(a) Applicants for any rental housing license, and operators who are renewing an existing rental housing license, shall pay the license fees prescribed by [section 4-20-18](#), "Rental License Fee," B.R.C. 1981, upon submission of any rental housing license application.

(b) If an operator of rental property legally changes the use of a structure by adding units for which such operator receives a rental license under this chapter separate from the rental license for the remainder of the rental property, the operator shall apply for a single rental license to cover the entire property no later than thirty days before the expiration date of the rental license that first expires. There shall be no additional fee assessed for the dwelling units or rooming units that were added to the structure at the time the separate rental licenses are consolidated.

(c) If an operator of rental property reduces the number of dwelling units or rooming units within a rental property, the operator is not entitled to a refund of any fee previously paid.

(d) The city manager shall charge no license fee for the following rental dwelling units, so long as such units have also been individually certified to the city manager as low income rental property by the housing authority of the City of Boulder, and such certification is valid at the time the fee would otherwise be due:

(1) Units owned by or leased and operated by the housing authority of the City of Boulder;

(2) Units owned by or leased and operated by an entity which has a current valid tax status determination by the United States Internal Revenue Service as a section 501(c)(3) tax exempt organization and such units are permanently affordable, as that term is defined in [chapter 9-14](#), "Residential Growth Management System," B.R.C. 1981; or

(3) Units covered by an assistance payment contract pursuant to 49 U.S.C. 1437(b), "Lower-income housing assistance - authorization for contracts for assistance payments for existing dwellings."

(4) If a housing complex under common ownership operates a fixed number or percentage of units as qualifying units under this subsection, but the individual units occupied by low income tenants vary over time, the license and fee waiver allowed by this subsection shall be applied pro rata to the total amount.

(Ordinance Nos. 5798 (1996); 7023 (1999))

10-3-13 Posting of Rental License. [top↑](#)

~~No operator who holds a rental license shall fail to post the license, or a true copy thereof, conspicuously upon the premises for which such license has been issued.~~ **Posting of a rental license at the rental property is not required. Rental license information is available on the City of Boulder website at www.bouldercolorado.gov. Operators must make the rental license available upon request.**

(Ordinance No. 5798 (1996))

10-3-14 Local Agent Required. [top↑](#)

Whenever any rental property is required to be licensed under this chapter, and neither the owner nor the operator is a natural person domiciled within Boulder County, Colorado, the owner shall appoint a natural person who is domiciled within Boulder County, Colorado, to serve as the local agent of the owner and the operator for service of such notices as are specified in [sections 10-2-3](#), "Unfit Dwellings and Vacation Thereof," [10-2-4](#), "Enforcement of the Housing Code," [10-3-15](#), "City Manager May Order Premises Vacated," and [10-3-16](#), "Administrative Remedy," [chapter 10-](#)

2, section 108 "Unsafe Structures and Equipment," and section 109 "Emergency Measures."

B.R.C. 1981, and notices given to the local agent shall be sufficient to satisfy any requirement of notice to the owner or the operator. The owner shall notify the city manager in writing of the appointment within five days of being required to make such an appointment, and shall thereafter notify the city manager of any change of local agent within fifteen days of such change.

(Ordinance No. 5798 (1996))

10-3-15 City Manager May Order Premises Vacated. [top↑](#)

(a) Whenever the city manager determines that any rental housing is in violation of this chapter or of [chapter 10-2, "Housing Code," IPMC](#), B.R.C. 1981, and has caused a summons and complaint requiring the operator to appear in municipal court to answer the charge of violation to issue, and the summons cannot be served upon the operator despite reasonable efforts to do so, or, having been served, the operator has failed to appear in the municipal court to answer the charges or at any other stage in the proceedings, or, having been convicted or entered a plea of guilty or no contest, the operator has failed to satisfy the judgment of the court or any condition of a deferred judgment, then the city manager may, after thirty days' notice and an opportunity for a hearing to the tenants and the operator, require that the premises be vacated, and not be reoccupied until all of the requirements of the housing code and the rental licenses code have been satisfied and a rental housing license is in effect. No person shall occupy any premises as a tenant after that person receives actual or constructive notice that the premises have been vacated under this section.

(b) Any notice required by this section to be given to an operator is sufficient if sent by first class or certified mail to the address of the last known owner of the property as shown on the records of the Boulder County Assessor as of the date of mailing. Any notice required by this section to be given to a tenant is sufficient if sent by first class or certified mail to or delivered to any occupant at the address of the premises and directed to "All Tenants."

(c) The remedy provided in this section is cumulative and is in addition to any other action the city manager is authorized to take.

(Ordinance No. 5798 (1996))

10-3-16 Administrative Remedy. [top↑](#)

(a) If the city manager finds that a violation of any provision of this chapter or [chapter 10-2, "Housing Code," IPMC](#), B.R.C. 1981, exists, the manager, after notice to the operator and an opportunity for hearing under the procedures prescribed by [chapter 1-3, "Quasi-Judicial Hearings,"](#) B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

(1) Impose a civil penalty according to the following schedule:

(A) For the first violation of the provision, \$150.00;

(B) For the second violation of the same provision, \$300.00; and

(C) For the third violation of the same provision, \$1,000.00;

(2) Revoke the rental license; and

(3) Issue any order reasonably calculated to ensure compliance with the provisions of this chapter and [chapter 10-2](#), "~~Housing Code~~," IPMC, B.R.C. 1981.

(b) If notice is given to the city manager by the operator at least forty-eight hours before the time and date set forth in the notice of hearing on any violation that the violation has been corrected, the manager will reinspect the building. If the manager finds that the violation has been corrected, the manager may cancel the hearing.

(c) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, and election of one remedy by the manager shall not preclude resorting to any other remedy as well.

(d) If any person fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by [section 2-2-12](#), "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

(Ordinance No. 5798 (1996))

10-3-17 Penalty. [top↑](#)

The penalty for violation of any provision of this chapter is a fine of not more than \$2,000.00 per violation, or incarceration for not more than ninety days in jail, or both such fine and incarceration.

A \$250.00 investigative fee will be assessed to owners or operators that do not respond to renewal notices and a code compliance inspector must visit the property to perform an investigative inspection.

(Ordinance No. 5798 (1996))

10-3-18 Authority to Issue Rules. [top↑](#)

The city manager may adopt reasonable rules to implement the provisions of this chapter.

Ordinance No. 7636 (2008)

10-3-19 Owner Occupied Designation.

(a) A rental property may be considered as "owner occupied" if the occupant is a registered member of the corporation owning the rental property and written affirmation from the registered agent of the corporation is provided to the city as part of the licensing process.

(b) For clarification on owner occupied rental properties the definition for "Family" from Title 9 Chapter 3 states:

"Family means the heads of household plus the following persons who are related to the heads of the household: parents and children, grandparents and grandchildren.

brothers and sisters, aunts and uncles, nephews and nieces, first cousins, the children of first cousins, great grandchildren, great grandparents, great-great grandchildren, great-great grandparents, grand nieces, grandnephews, great-aunts, and great-uncles. These relationships may be of the whole or half blood, by adoption, guardianship, including foster children, or through a marriage or a domestic partnership meeting the requirements of chapter 12-4, "Domestic Partners," B.R.C. 1981, to a person with such a relationship with the heads of household.

²⁵ Adopted by Ordinance No. 5798. Derived from Ordinance Nos. 3888, 4587, 4623, 5007, 5012, 5039, 5270, 5494, 5660.

²⁶ That portion of the inspection which covers subsections (c), (d), and (e) of ~~section 10-2-9, "Electrical Service Standards,"~~ chapter 10-2, section 605, "Electrical Equipment," B.R.C. 1981, shall be done by a licensed rental housing inspector who is also an ~~ASHI~~ American Society of Home Inspectors or National Association of Home Inspectors certified rental housing inspector, an ~~ICBO or~~ ICC certified combination inspector, or ~~an electrical contractor licensed by the city a~~ State Licensed Master Electrician.

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