



Legislation Text

File #: 2014-0438, Version: 1

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING CHAPTER 120 REAL ESTATE SALE AND LEASING REGULATIONS FOR THE PURPOSE OF EDUCATING BUYERS AND TENANTS ABOUT CITY OF FAYETTEVILLE OCCUPANCY LIMITS

WHEREAS, over-occupancy of residential property is against the law and many new residents, buyers and tenants, are not aware of this current law; and

WHEREAS, requiring sellers and lessors of residential property to disclose the maximum legal occupancy rate to buyers and tenants may help alleviate the problem of over-occupancy and reduce the workload on the City's planning staff who must investigate these issues.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas enacts Chapter 120 **Real Estate Sale and Leasing Regulations** as shown below:

“§120.01 Zoning Disclosure Requirements for Sale or Lease of Residential Property:

(A) The owner of any real property located within a residential zoning district shall be required to disclose to any buyer or tenant of that property the zoning classification of that property and the occupancy limits as set forth in § 151.01 under the definition of “family.” The buyer or tenant shall acknowledge in writing the zoning disclosure.

(B) This requirement shall not apply to any of the following:

- (1) a transfer, lease or rental undertaken pursuant to a court order;
- (2) a transfer, lease or rental between spouses resulting from a judgment of dissolution of marriage, legal separation, or property settlement agreement incidental to such judgment; or
- (3) a transfer, lease, rental or exchange to or from any governmental or public educational entity.”

AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF December 16, 2014

FROM:
CITY COUNCIL MEMBER Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:


AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING CHAPTER 120 REAL ESTATE SALE AND LEASING REGULATIONS FOR THE PURPOSE OF EDUCATING BUYERS AND TENANTS ABOUT CITY OF FAYETTEVILLE OCCUPANCY LIMITS

APPROVED FOR AGENDA:



City Council Member Alan Long

12-05-2014
Date



Assistant City Attorney Blake Pennington
(as to form)

12/5/14
Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING
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FOR THE PURPOSE OF EDUCATING BUYERS AND TENANTS ABOUT
CITY OF FAYETTEVILLE OCCUPANCY LIMITS

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PASSED and APPROVED this _____ day of _____, 20____.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

From: Alderman, Alan Long
To: Pennington, Blake; Smith, Sondra
Subject: Purchases or Leases of Homes in Residential Neighborhoods
Date: Friday, October 10, 2014 4:29:34 PM

Kit,

I would like to sponsor an ordinance to cover the disclosure of our occupancy laws (section 151 DEF of Family-maximum number of persons in a single family home). Could you please find out what we have the statutory power to do under AR law and draft an ordinance accordingly?

1) Any person or agents involved in the selling of a home (all transactions) would be required to have the disclosure forms listed for the buyer to see prior to selling the home. The legislative intent would be to reduce the burden on code enforcement/planning that the city is currently experiencing. I do not want this to require any type of city administrative position at this time due to the budget.

2) Also, I want to include all leased (rented) property. The landlord would be required to disclose, along with the lease, the city of Fayetteville occupancy standards. These standards are a part of our code of ordinances related to the definition of a family, chapter 151.

The ordinance would require that the disclosure be attached to the lease and the landlord would be required to retain a copy with the renter's signature. Both parties would be required by the ordinance to show that they have acknowledged our occupancy ordinances in relation to over-occupancy and will abide by them.

Kind Regards,

Alan

**Contents may be confidential and legally privileged, and are intended only for the recipient(s) named above, and those on a need-to-know basis. Nothing herein is intended to be a binding signature.*