



**COLUMBIA ADMINISTRATIVE POLICY COMMITTEE MEETING AGENDA
TUESDAY, APRIL 25, 2023**

The Columbia Administrative Policy Committee will conduct a meeting on Tuesday, April 25, 2023 at 1:00 p.m. at City Hall (Mayor's Conference Room), 1737 Main Street, 2nd Floor, Columbia, South Carolina 29201. Members of the public may view the meeting online at www.columbiasc.gov. Please contact the City Clerk's Office at (803)545-3045 or cityclerk@columbiasc.gov if you have questions regarding the meeting.

The Honorable Edward H. McDowell, Jr., District II
The Honorable Aditi Bussells, At-Large ■ The Honorable Peter M. Brown, District IV

Prior to entering the meeting please turn all electronic communication devices to the silent, vibrate or off position. All presenters are asked to speak directly into the microphone for recording purposes.

CALL TO ORDER

COMMITTEE DISCUSSION

1. Columbia Race and Equity Assessment Project Proposal - Mr. Larry Salley, Executive Director / Greater Columbia Community Relations Council
2. Tenant's Bill of Rights and Responsibilities - The Honorable Edward H. McDowell, Jr.

ADJOURNMENT



We Are Columbia

MEETING DATE: April 25, 2023

DEPARTMENT: City Clerk

FROM: *Erika Hammond, City Clerk*

SUBJECT: **Columbia Race and Equity Assessment Project Proposal - Mr. Larry Salley, Executive Director / Greater Columbia Community Relations Council**

FUNDING SOURCE & ORIGINAL BUDGET:



We Are Columbia

MEETING DATE: April 25, 2023

DEPARTMENT: City Clerk

FROM: *Erika Hammond, City Clerk*

SUBJECT: Tenant's Bill of Rights and Responsibilities - The Honorable Edward H. McDowell, Jr.

FUNDING SOURCE & ORIGINAL BUDGET:

ATTACHMENTS:

- Proposed Tenant Bill of Rights and Responsibilities Ordinance (PDF)
- Landlord Tenant Notice (PDF)

ORDINANCE NO.: 2023-043

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Buildings Regulations, Article VIII, Rental Housing Regulations to add Section 5-344 Tenant’s Bill of Rights and Responsibilities

WHEREAS, City Council finds that there is a growing demand for affordable rental units; and

WHEREAS, the availability of safe and affordable rental housing is an essential component of a vital community; and

WHEREAS, City Council finds that protecting residential tenants from unfair and illegal rental practices is important to this vital community; and

WHEREAS, City Council wishes to adopt a Tenant’s Bill of Rights and Responsibilities in order to increase awareness and provide guidance to tenants regarding the availability of community resources, therefore

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this ___ day of _____, 2023, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5 is hereby amended by adding Section 5-344 to Article VIII to read as follows:

Sec. 5-344. Tenant’s Bill of Rights and Responsibilities; Notice.

(a) It shall be unlawful for a Person or Landlord to allow a Tenant to apply to rent, or in instances where no application is required, to occupy, a Dwelling Unit under said Person’s or Landlord’s control or authority without first providing the Tenant with a copy of the Notice of Rights and Responsibilities as provided for herein.

(b) For existing Tenants already occupying a Dwelling Unit as of the date of enactment of this Section, the Notice of Rights and Responsibilities shall be provided prior to the commencement of a new rental term. For Tenants with rental terms of 30 days or less, the Notice of Rights and Responsibilities shall be provided prior to initial commencement of the rental term and thereafter no less than once per year. Notices are not required for short term rentals with non-recurring rental terms of 30 days or less, as may be defined in this Code.

(c) City Council shall prescribe the contents of the Notice of Rights and Responsibilities by resolution, but it shall generally include information on Tenants’ rights under state and local law and contact information for organizations available to provide assistance to Tenants.

(d) There shall be a rebuttable presumption that a Person or Landlord has complied with this Section if the Person or Landlord can provide a written, dated and signed affirmation from the Tenant stating that the Tenant has received the Notice of Rights and

LEGAL DEPARTMENT DRAFT

Formatted: Font: 5 pt, No underline

Formatted: Font: 5 pt

Last revised: 3/21/2023

23016305

Attachment: Proposed Tenant Bill of Rights and Responsibilities Ordinance (8428 : Tenant’s Bill of Rights and Responsibilities)

Responsibilities. The signed affirmation shall be retained for at least one year after the Tenant vacates the Dwelling Unit.

(e) No penalties shall be assessed for conduct violating this Section occurring prior to [insert effective date].

(f) For a Person or Landlord’s first violation of this Section, the City of Columbia’s Code Enforcement division shall have the discretion to provide a reasonable time period, not to exceed 30 days, within which the Person or Landlord must correct the violation.

(g) This Section does not create any private causes of action and may only be enforced as provided herein.

(h) For Persons or Landlords owning or managing more than 25 dwelling units, the Notice required by this Section shall be posted in a conspicuous location within each dwelling unit in addition to the copy provided in person.

Requested by:

Councilman McDowell _____

Mayor

Approved by:

City Manager

Approved as to form:

ATTEST:

Deputy City Attorney

City Clerk

Introduced:

Final Reading:

LEGAL DEPARTMENT DRAFT

Formatted: Font: 5 pt, No underline

Formatted: Font: 5 pt

Last revised: 3/21/2023

23016305

Attachment: Proposed Tenant Bill of Rights and Responsibilities Ordinance (8428 : Tenant’s Bill of Rights and Responsibilities)

Pursuant to City of Columbia Ordinance 2023-XXX, landlords and other lessors of dwelling units over which the South Carolina Residential Landlord and Tenant Act applies are required to distribute this Notice to persons applying to rent or prior to occupation of such dwelling unit located within the City of Columbia. This Notice is not intended to provide legal advice but merely a general overview of tenant's rights and resources.

KNOW THE LANDLORD AND TENANT ACT

Although written is recommended, tenants in SC can have either a written or oral lease agreement. Prior to entering into a lease, tenants should be familiar with their responsibilities and with their rights under the South Carolina Residential Landlord and Tenant Act, found at S.C. Code Section 27-40-10 et seq..

BE AWARE OF YOUR RIGHTS AS TENANTS

Just as landlords have certain requirements and restrictions, such as providing a safe and clear premises, tenants have responsibilities under SC law and their lease agreements to pay rent, keep the unit clean and not disturb the peace.

ALL RESIDENTIAL UNITS MUST BE FIT FOR HABITATION

A landlord must comply with applicable building and housing codes materially affecting health and safety; make all repairs and do what is reasonably necessary to put and keep the premises in a fit and habitable condition; keep all common areas reasonably safe; make and keep running water and reasonable heat; maintain in reasonably good and safe working order and condition all electrical, gas, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances that are supplied or required to be supplied by landlord. S.C. Code Section 27-40-440.

If there is an issue with your dwelling unit for which you are not responsible under your lease agreement, contact your landlord as set forth in your agreement. If your landlord does not address the issue within a reasonable time, you

may be able to report it. Certain issues, such as lack of utilities can be reported to the City of Columbia Housing Official at 803-545-4362.

RETALIATION IS ILLEGAL

A landlord cannot retaliate by raising the rent, decreasing essential services or evicting a tenant based solely on a tenant's complaint to a governmental agency charged with enforcing a building or housing code. S.C. Code Section 27-40-910.

YOU HAVE THE RIGHT TO CHALLENGE AN UNLAWFUL EVICTION OR ACTION

If your landlord is violating your lease agreement, you have the right to seek relief through the Courts. If you cannot afford an attorney, there may be local legal services agencies you may be able to help you. Legal Assistance Telephone Intake Service at 1-803-744-9430.

RESOURCES

LawLine – <https://www.sctbar.org/public/get-legal-help/common-legal-topics/>.

U.S. Department of Housing and Urban Development – www.hud.gov/states/south_carolina/renting/tenantrights

I/WE _____
 CONFIRM THAT I/WE HAVE RECEIVED A COPY
 OF THIS TENANT BILL OF RIGHTS NOTICE ON
 _____ (DATE).