

ORDINANCE NO. 556

AN ORDINANCE REQUIRING RESIDENTIAL LANDLORDS TO RUN BACKGROUND CHECKS ON PROSPECTIVE TENANTS PRIOR TO RENTING PREMISES

WHEREAS, the City Council of the City of Aumsville finds that the selling, delivery, possession and use of unlawful controlled substances by residents of the City of Aumsville adversely affects the health and welfare of the City ranging from crime to the protection and care of our children;

WHEREAS, the City of Aumsville finds that there is a rational relation between a person's criminal background and their propensity to sell; deliver; manufacture or possess and use unlawful controlled substances;

WHEREAS, the City of Aumsville finds that requiring landlords to run criminal background checks prior to renting to residential tenants will make the landlord aware of the tenant's background and will reduce the number of people in the City of Aumsville who sell; deliver; manufacture; possess or use unlawful controlled substances;

NOW, THEREFORE, the City of Aumsville ordains as follows:

1. The recitals set forth above are incorporated into the body of this ordinance as if fully set forth herein.
2. Definitions:
 - 2.1 Dwelling. Any unit including but not limited to an apartment; a duplex; a triplex or studio apartment; a manufactured home or a single family house that is used or intended to be used as a place where individuals sleep, cook and live.
 - 2.2 Landlord. Any person; corporation; or other business entity including an agent of a landowner that is responsible for the renting of residential properties to tenants.
 - 2.3 Tenant. Any person over the age of 18 years who applies to rent or lease a dwelling;
 - 2.4 Oregon State Police Open Records Section. That division of the Oregon State Police that provides criminal history reports to the general public.
3. Criminal Background Checks Required. Commencing with the effective date of this Ordinance, all landlords within the corporate limits of the City of Aumsville shall obtain a written copy of all tenant's criminal history. Application for the tenant's criminal history shall be made either prior to or upon the rental or lease of a dwelling at the landlord's option. The criminal history report shall be obtained on all adults (persons over the age of 18 years) that will be living in the dwelling.

4. Fees. The landlord may, at landlord's discretion, charge a reasonable application fee to pay for or defer the costs of requesting the criminal history reports.
5. Maintenance of Records. Landlord shall maintain with landlord copies of the criminal history reports or copies of the letter from Oregon State Police Open Records Section showing that the tenant has no criminal history report during the time that tenant's are in possession of landlord's dwelling. Landlord shall provide the City of Aumsville with proof of compliance with this ordinance upon request by the City.
6. Subletting of Dwelling. Landlord shall also be required to obtain criminal history reports or copies of the letter from the Oregon State Police Open Records Section showing that the tenant has no criminal history report for any adult that sublets from the original or successor tenant the dwelling owned by landlord. Landlord may charge a reasonable fee to obtain the reports either from the original tenants or the tenants seeking to sublet the dwelling.
7. Decision to Rent or Lease. Nothing in this ordinance shall prohibit the Landlord from leasing the dwelling to a tenant regardless of what, if any, information is obtained as a result of the request for the tenant's criminal history report.
8. Tenant Obtaining Own Report. If the tenant so chooses he or she may obtain their own criminal history report and provide said report to the Landlord. The report shall be no less than 6 months old from the time Landlord rents or leases the dwelling to tenant.
9. Severability Clause. Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.
10. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

PASSED by the council September 26, 2005 and signed by the mayor September 27, 2005.