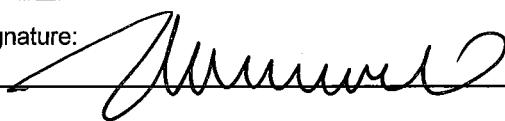


OGDEN CITY POLICY Office of the Mayor	Policy No: 1745
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Subject: WAIVER PROGRAM	Effective Date: <u>March 8</u> , 2017 Replaces and Supersedes former Policy No., effective.
Department: COMMUNITY AND ECONOMIC DEVELOPMENT	Reviewed by: <u>mab</u>
Division: BUILDING SERVICES	Review Date: <u>3/8/17</u>

Authorized Signature:



Michael P. Caldwell, Mayor

A. Background:

1. This section implements a pilot program between Ogden City and adult probation and parole ("AP&P") effective October 1, 2016, to allow a landlord whose property is licensed under Ogden's good landlord incentive program to rent to an individual who would otherwise not qualify to reside in such property due to the individual's criminal background. This pilot program recognizes the goal of the Utah legislature, through adoption of the Utah justice reinvestment initiative, to maintain secure communities, while recognizing the risks and treatment needs of individual offenders.
2. Pursuant to the terms of this pilot program, such individual may reside in a good landlord property provided that:
 - a. The individual has been granted a waiver pursuant to this section;
 - b. Such waiver has not been revoked or terminated; and
 - c. The landlord otherwise meets the requirements of title 12, chapter 16 of the Ogden municipal code and this policy.
3. Business licensing may adopt procedures not inconsistent with this policy to implement this pilot program as necessary.

B. Waiver Application:

1. An individual who has been processed into the AP&P system who desires to reside in a property that is licensed under Ogden's good landlord program shall fill out a waiver application with Ogden City business licensing.
2. The waiver application is classified as a private record pursuant to the Utah government records access and management act, Utah Code Annotated section 63G-2-101 et seq.
3. The waiver application shall require the following information:

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- a. Applicant's full name;
- b. Applicant's date of birth;
- c. Applicant's contact telephone number;
- d. Name and contact telephone number of applicant's parole officer;
- e. A copy of applicant's current BCI report, except that a first time applicant coming from a halfway house need not provide a BCI report until the time of renewal.
- f. Picture identification.**

4. An individual applying for a waiver agrees that the Ogden City police department is authorized to contact the applicant's parole officer and that AP&P is authorized to release the applicant's RIM level (or equivalent), any changes to the RIM level, and other private information to the Ogden City police department, if requested. OPD shall notify business licensing in the event a waiver is revoked, and business licensing shall notify the landlord.

5. An individual granted a waiver ("waiver tenant") must present a current BCI report to Ogden City business licensing every twelve (12) months.

C. Acceptance Or Denial Of A Waiver Application: The decision to accept or deny a waiver application shall be made by Ogden business licensing. An applicant may be denied a waiver if the application contains incomplete or false information.

D. Duration Of Waiver: A waiver shall be valid for one year. A waiver tenant is required to renew a waiver on an annual basis.

E. Revocation Of Waiver:

- 1. A waiver shall be revoked under the following circumstances:
 - a. Waiver tenant fails to renew the waiver annually;
 - b. Waiver tenant fails to present a current BCI report to Ogden City business licensing every twelve (12) months;
 - c. Waiver tenant is convicted of any crime listed in subsection 1745-4A3 of this policy;
 - d. Waiver tenant obtains a disqualifying RIM level.

F. Appealing A Denial Or Revocation Of A Waiver: An applicant or waiver tenant may appeal the denial or revocation of a waiver to a hearing officer pursuant to the procedure set forth in section 1745-7 of this policy.

G. Landlord Participation In The Waiver Program:

- 1. A landlord's participation in the waiver program is voluntary.
- 2. A landlord participating in the waiver program must otherwise meet the qualifications of the good landlord incentive program.

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3. Upon being presented with a waiver application by a prospective tenant, the landlord or landlord's agent shall contact Ogden City business licensing to confirm that the waiver is valid and provide the city with the rental property address, including the number of units, and whether any other waiver tenants are presently residing there.
4. A landlord participating in the waiver program must provide in its leases or rental agreements that a waiver tenant may be evicted if the tenant is convicted of any crime listed in subsection 1745-4A3 of this policy, or if the tenant fails to renew the waiver or who has a waiver that has been revoked or terminated, and agrees to commence and pursue eviction proceedings within thirty (30) days of receiving information that a violation of any such provision exists.

I. Non AP&P Applicants: An individual who does not otherwise qualify to reside in a good landlord property due to his or her criminal background and who is not supervised by AP&P may apply for a waiver under this program. Such applications will be considered on a case by case basis.

J. Waiver Application Submitted by Landlord or Property Manager

1. A landlord or property manager may submit a waiver application on behalf of an individual who would otherwise not qualify to reside in the landlord's property due to the individual's criminal background.
2. An application submitted by a property manager or landlord shall include a copy of the prospective tenant's picture identification.
3. The application shall be signed by both landlord or property manager and prospective tenant.
4. In addition to the information required in Section B. above, the landlord or property manager shall provide the rental property address, including the number of units, and whether any other waiver tenants are presently residing there.
5. All other provisions of this policy apply.