

ORDINANCE NO. 2008-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY ADDING A NEW ARTICLE XVIII OF CHAPTER 6 THEREOF; PROVIDING RULES AND REGULATIONS FOR THE PERMITTING AND INSPECTION OF RENTAL RESIDENTIAL PROPERTIES WITHIN THE CITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, there are a significant number of rental residential dwelling units within the City of Rosenberg, Texas (‘the City’); and

WHEREAS, City staff has experienced difficulty in contacting rental property owners to notify them of the need to correct violations of the various Codes and Ordinances of the City;

WHEREAS, a rental registration program would ensure compliance with life safety regulations, thus providing safe accommodations for the occupants of rental units within the City; and

WHEREAS, a rental registration program would provide an efficient mechanism for notifying rental property owners of Code violations of various Codes and Ordinances of the City, in connection with their rental properties; and

WHEREAS, a rental inspection program would provide a method by which to improve the overall condition of rental residential properties within the City, and maintain or enhance property values within residential neighborhoods; and

WHEREAS, the City has determined that it is in the best interest of the general public to establish a procedure for the permitting and inspecting of rental residential property within the City; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby declared true and correct.

Section 2. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by adding thereto a new Article XVIII of Chapter 6 to provide as follows:

'Chapter 6

BUILDINGS AND BUILDING REGULATIONS

* * *

Article XVIII. Rental Registration and Inspection

Sec. 6-435. Definitions.

Rental unit is defined as a single-family dwelling unit, a duplex dwelling unit, a town home dwelling unit, a condominium dwelling unit, a manufactured home dwelling unit, or an individual multifamily dwelling unit, or any portion thereof that is rented or offered for rent as a residence.

Rental inspection is defined as an inspection of a rental unit to determine compliance with all applicable standards set forth in the City's building, housing, property maintenance, electrical, plumbing, health, and zoning codes, and any other applicable state or local law.

Sec. 6-436. Rental registration application required.

- (a) The owner of each rental unit within the City, as of July 1, 2008, shall register such rental unit with the City Fire Marshal, or his designee, on or before October 1, 2008, and thereafter, shall renew registration annually. The annual renewal date for each rental unit shall be established at the time of issuance of the initial Rental Permit and shall be set forth therein.
- (b) The owner of each rental unit within the City, acquired after July 1, 2008, shall make application for registration within sixty (60) days after acquiring ownership of such rental unit.
- (c) The owner of each rental unit within the City shall be required to annually renew registration for each rental unit in accordance with the annual renewal date set forth in the initial Rental Permit.
- (d) Application for rental registration shall be made upon a form provided by the City for such purpose, and shall include, at a minimum, the following information:

- (1) Street address of the rental unit, or in the case of multifamily dwelling complexes, of the complex;
 - (2) Owner's name;
 - (3) The number of bedrooms contained therein;
 - (4) If owner is a person, mailing address, physical address, work telephone number, home telephone number;
 - (5) If owner is a partnership, the name of all partners, the principal business address, the tax ID number, and telephone number of each partner;
 - (6) If owner is a corporation, the state of incorporation, the name and address of the registered agent, the names of all officers, and the contact information of any local office of such corporation.
 - (7) Name and address of the property manager, if any; and
 - (8) Signature of owner or owner's agent.
- (e) In the case of multifamily dwelling complexes, only one application shall be required for the complex; however, the application shall set forth the total number of individual dwelling units within such complex.
- (f) The owner of each rental unit within the City shall make an application for registration prior to receiving a Certificate of Occupancy on new projects.

Sec. 6-437. Issuance of permit.

A rental registration annual permit shall be issued upon proper completion of a rental registration application.

Sec. 6-438. Inspections.

- (a) Once the permit has been issued, a rental unit will be subject to periodic rental inspections conducted by the City. If the owner properly registers the property, and receives his permit, such owner shall annually certify to the Fire Marshal that the rental property meets the following minimum standards:
- (1) Operable plumbing fixtures, including running water, both hot and cold, in all fixtures, proper sewer connection to a sewer or septic system, and a properly vented water heater, with relief valves.
 - (2) No exposed, live electrical wires.
 - (3) Working electrical outlets.
 - (4) Working light receptacles
 - (5) All installed air conditioning and heating units must be in working order.
 - (6) Owner has evaluated the integrity of structural components to ensure there are no health or safety issues, including holes in the walls or roof that would compromise the health or safety of the residents; rotten siding, roofing, flooring or eaves to the extent that it would cause a

hazard; guard railings that are in danger of falling off, broken out windows or door panels, etc.

(7) An operable smoke alarm.

(8) The presence of a deadbolt and locking doors.

- (b) If the owner of the rental unit certifies that, to the best of his knowledge, the rental unit meets the standards set forth above; the Fire Marshal will select a random sample of registered rental units to be inspected.
- (c) The Fire Marshal, or his designee, will inspect, on a random basis, registered units. Approximately ten per cent (10%) of registered units will be inspected each year, as well as any properly registered rental unit for which the City has received a complaint of a violation of one of the provisions of this Article or other codes or Ordinances of the City, applicable to the rental unit.
- (d) There will be no charge for the initial inspection of the properly registered units, or for the initial inspection of any properly registered unit for which the City has received a complaint. If a discrepancy is found on the initial inspection, there will be no charge for the first re-inspection. All subsequent re-inspections will be charged a fee of \$250.
- (e) Rental units that are not timely registered, as provided in Section 6-436 hereof, shall be subject to an Administrative Fee of \$300 if such registration occurs not more than thirty (30) days after the date such registration is required; an Administrative Fee of \$375 if such registration occurs after the thirtieth (30th) day, but on or before the sixtieth (60th) day after the date such registration is required; and an Administrative Fee of \$450 if the registration is more than sixty (60) days after the date such registration is required. Failure to timely register will require a mandatory inspection at a fee of \$500 (which will include the initial inspection and one re-inspection). Re-inspections required past the first re-inspection will have an inspection fee of \$250 per additional re-inspection.

Sec. 6-439. Prohibitions.

- (a) It shall be unlawful to falsify or omit any material information contained in the rental registration permit application.
- (b) It shall be unlawful to rent or lease a rental unit within the City, without a current and valid rental registration permit for such unit.
- (c) It shall be unlawful to fail to update any material information on the rental registration permit application upon renewal.
- (d) It shall be unlawful to fail to allow rental inspections to be done in accordance with this article.

- (e) The rental registration permit is not assignable or transferable. Upon sale or transfer of ownership of the rental unit, a new registration form and certification of the condition of the rental unit, will be required within sixty (60) days of such ownership change.

Sec. 6-440. Appeals.

An owner may appeal the denial of a rental registration permit, or may appeal the work required by the Rental Property Inspector by filing a written request for a hearing with the City Secretary, in person or by certified mail, return receipt requested, within twenty (20) calendar days following the date of denial of such permit, or requirement of work to be completed. If a request for a hearing is received, a hearing before a Panel of the Board of Appeals shall be held within twenty (20) calendar days of the City's receipt of such request. The results of such hearing will be sent to the owner of the property by certified mail, return receipt requested, at the address provided on the Application.

The Board of Appeals shall be appointed by City Council and shall be made up of a minimum of ten members, consisting of the following:

- a) Four (4) members who are residents of the City of Rosenberg, and not involved in the rental or real estate industry;
- b) Two (2) members who are residents of the City and are renters; and
- c) Four (4) members who are representative of the rental industry, whether they are real estate agents who lease to renters or manage rental property, or owners of rental property.

Appeals shall be heard by a Panel of the Board of Appeals. Each Panel shall consist of five (5) members: two (2) members of the Panel shall be resident members and not involved in the rental industry, one (1) member of the Panel shall be a resident and a renter, and two (2) members of the Panel shall be involved in the rental industry, such as a realtor or rental property owner.

If the Appeals Board Panel renders a decision in favor of the work required by the Rental Property Inspector, and the property owner wishes to seek further remedy, further appeal shall be through a court of competent jurisdiction."

Section 3. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it

shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by a vote of five (5) "ayes" in favor and two (2) "noes" against on this first reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on this, the 1st day of April 2008.

PASSED AND APPROVED by a vote of 5 "ayes" in favor and 2 "noes" against on this the second and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on this, the 6th day of May 2008.


NOTEST:
Linda [Signature]
Linda [Signature], CITY SECRETARY

APPROVED:

[Signature]
Joe M. Gurecky, MAYOR

APPROVED AS TO FORM:

[Signature]
William A. Olson, Jr., CITY ATTORNEY