

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-14 RELATING TO REGISTRATION OF RENTAL PROPERTY; CREATING A PENALTY; AMENDING SECTION 25-12-213 RELATING TO REINSPECTION FEES; AND AMENDING ORDINANCE NO. 20120910-003 TO ADD REINSPECTION FEES AND FEES RELATED TO RENTAL REGISTRATION.

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

PART 1. FINDINGS

PART 2. City Code Title 4 (*Business Permits*) is amended to add Chapter 4-14 (*Rental Registration*) to read:

ARTICLE 1. GENERAL PROVISIONS

§ XX-X-1 PURPOSE

§ XX-X-2 DEFINITIONS

In this chapter:

- (1) AUSTIN METRO AREA means the five-county metropolitan area that surrounds the City of Austin.
- (2) CODE OFFICIAL means the Code Compliance Department director and authorized designees.
- (3) DWELLING UNIT means a residential unit providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.
- (4) LANDLORD means a person that owns, operates, manages, or controls rental property.
- (5) MULTI-FAMILY PROPERTY means property that is used for
 - (a) three or more dwelling units, within one or more buildings;
 - (b) condominium residential use as defined in Section 25-2-3(B); and

1 (c) three or more single-family properties owned by one person that are
2 adjacent to one another.

3 (6) NOTICE OF VIOLATION means a written notice that a violation of the
4 City Code exists.

5 (7) REGISTRANT means the landlord of a registered rental property.

6 (8) RENTAL PROPERTY means a property subject to this chapter.

7 (9) SINGLE-FAMILY PROPERTY means property that is used for
8 conservation single family residential, duplex residential, single-family
9 residential, townhouse residential, and two-family residential as those
10 terms are defined in Section 25-2-3(B).

11 **§ XX-X-3 REGISTRATION REQUIRED; EXCEPTIONS**

12 (A) Except as provided in subsection (C), a rental registration issued under this
13 chapter is required to operate, lease, occupy, or otherwise allow multi-family
14 rental property or single-family rental property to be occupied by a non-
15 owner if the following conditions are met:

16 (1) two or more separate notices of violation are issued for the same property
17 within a 12 month period and the owner of the property fails to correct
18 the violations within the time frame required by the code official;

19 (2) five or more separate notices of violation are issued for the same property
20 within a 12 month period regardless of whether the owner of the property
21 corrects the violations within the time frame required by the code
22 official; or

23 (3) two or more citations are issued for the same property within a 12 month
24 period.

25 (B) The violations identified in the notices and citations must be related to the
26 Chapter 25-12 (*Technical Codes*), Chapter 10-5, Article 2 (*Sanitary*
27 *Condition of Real Property*), Chapter 10-7 (*Pools and Spas*), or Section 25-
28 11-32 (*Permit Required*).

29 (C) This chapter does not apply to:

30 (1) Owner-occupied rental units; or

31 (2) Residential units regulated by another section of the Code.

1 **§ XX-X-4 REGISTRATION**

- 2 (A) The landlord of a rental property that meets the conditions in Section 4-14-
3 3(A) must register the property.
- 4 (B) The code official must provide written notice to a landlord that registration
5 is required.
- 6 (C) The code official may allow a landlord up to 14 days to register the rental
7 property.
- 8 (D) Registration is non-transferrable.
- 9 (E) A separate registration is required for each property.
- 10 (F) A person who fails to register as required in subsection (A) commits an
11 offense punishable under Section 4-14-52.

12 **§ XX-X-5 CHANGE IN OWNERSHIP**

13 If a change in ownership of the rental property occurs during the period the property is
14 subject to this chapter, the new owner must, within 30 days of the change, file a new
15 registration application and pay a new registration fee.

16 ***ARTICLE 2. RENTAL REGISTRATION APPLICATION***

17 **§ XX-X-20 APPLICATION FEES**

- 18 (A) A landlord must pay a registration application fee.
- 19 (B) The fee for the rental registration application under this chapter is
20 established by separate ordinance.
- 21 (C) If a rental registration is revoked, the landlord must reapply for registration
22 and pay the application fee.

23 **§ XX-X-21 CONTENTS OF APPLICATION**

- 24 (A) An application for rental registration must be submitted on a form approved
25 by the code official.
- 26 (B) An application must contain all of the information described in this
27 subsection that is applicable to the rental property.
- 28 (1) the name, address, and telephone of the applicant;

- 1 (2) the name, address, and telephone of the property management company,
2 if not the same as the applicant;
- 3 (3) the address of the property;
- 4 (4) the number of individual rental units and buildings at the property;
- 5 (5) a brief description of the amenities on the property;
- 6 (6) the form of business of the applicant and, if the business is a corporation
7 or association, a copy of the documents establishing the business;
- 8 (7) the name, address, and telephone of local contacts described in Section 4-
9 14-36; and
- 10 (8) any additional information required by the code official.

11 **ARTICLE 3. OPERATION**

12 **§ XX-X-30 RENTAL OF UNREGISTERED PROPERTY PROHIBITED**

13 A person may not operate, lease, occupy, or otherwise allow another person to
14 occupy a rental property without a registration required by this chapter.

15 **§ XX-X-31 REGISTRATION PERIOD**

- 16 (A) A rental property shall be registered for a minimum of two consecutive
17 years.
- 18 (B) The rental property must remain registered until none of the conditions in
19 Section 4-14-3(A) occur for two years.
- 20 (C) If a rental property completes a registration period and then becomes subject
21 to this chapter again, the registration period shall be for a minimum of five
22 years and must remain registered as provided for in subsection (B).

23 **§ XX-X-32 REGISTRATION FEE**

- 24 (A) Each year the registrant shall pay a fee to maintain the rental registration.
- 25 (B) The rental registration fee is established by separate ordinance.
- 26

1 **§ XX-X-33 DISPLAY OF REGISTRATION**

2 (A) A registrant of a multi-family property must display the registration in a
3 public area of an on-site management office or other similar public area of
4 the property.

5 (B) A registrant of a single-family property must display the registration in the
6 kitchen area of the property.

7 **§ XX-X-34 SIGNS**

8 (A) A registrant shall post and maintain signs on the premises of the property
9 that include the following information:

10 (1) the names and telephone number of the local contacts described in
11 Section 4-14-36 (*Local Contacts*); and

12 (2) how to report code violations to the city.

13 (B) The signs required by this section shall be a minimum of 12 inches by 24
14 inches. Sign facings shall be fabricated out of weather-proof material. The
15 signs shall have a white background with letters and numbers in a
16 contrasting color.

17 (C) The registrant of a multi-family property must post one sign per 50 units.
18 The signs must be posted outside and in the common areas of the property. If
19 more than one sign is required under this section, the signs may not be
20 placed in the same area of the property.

21 (D) The registrant of a single-family property must post one sign in the kitchen
22 area of each dwelling unit.

23 (E) Any changes in the information required in subsection (A) must be updated
24 within three business days of the change.

25 **§ XX-X-35 TENANT REGISTRY**

26 (A) The registrant must maintain a registry of all tenants at a single location.

27 (B) The registry must include the following information

28 (1) name of tenants; and

29 (2) tenant contact information.

1 (C) In the event of an emergency, the registrant must make the rental registry
2 available immediately for use by the code official.

3 (D) A registrant must update its registry within 48 hours of a change in
4 occupants at the property.

5 **§ XX-X-36 LOCAL CONTACTS**

6 (A) A registrant that does not reside within the Austin Metro Area must identify
7 an individual or individuals that can respond to emergency conditions.

8 (B) The individual or individuals described in subsection (A) must be present
9 within the Austin Metro Area and be available to respond within two hours
10 to an emergency during any 24-hour period.

11 (C) Emergency conditions shall include but not are limited to fire, natural
12 disaster, flood, collapse hazard, burst pipes, lack of working utilities, or
13 other condition that requires an immediate response to prevent harm to the
14 property, the occupants of the property, or the public.

15 (D) A registrant must provide the code official its local contacts information in
16 writing as follows:

17 (1) within three business days if there is a change related to the local
18 contacts; and

19 (2) on an annual basis.

20 **§ XX-X-37 NOTIFICATION OF CHANGE OF INFORMATION**

21 A registrant shall notify the code official of a material change in the information
22 contained in the rental registration application within 10 days of the change.

23 ***ARTICLE 4. INSPECTION***

24 **§ XX-X-40 INSPECTION BY CODE OFFICIAL**

25 (A) The code official may conduct

26 (1) inspections based on indications of Code violations, including complaints
27 received by the city;

28 (2) periodic inspections; and

29 (3) follow-up inspections.

- 1 (B) The following areas of a multi-family property will be subject to inspection
2 by the code official:
- 3 (1) all building exteriors;
- 4 (2) all exterior and interior public areas;
- 5 (3) vacant dwelling units; and
- 6 (4) occupied dwelling units upon the consent of the tenant or when subject to
7 a valid administrative search warrant issued by a court of competent
8 jurisdiction.
- 9 (C) The following areas of a single-family property will be subject to inspection
10 by the code official:
- 11 (1) all building exteriors;
- 12 (2) vacant dwelling-units, with the owner's consent; and
- 13 (3) occupied dwelling units upon receipt of complaint by the tenant or when
14 subject to a valid administrative search warrant issued by a court of
15 competent jurisdiction.
- 16 (D) The code official may inspect portions of a rental property as frequently as
17 the code official deems necessary.
- 18 (E) A landlord or tenant of a rental property may refuse to consent to an
19 inspection conducted by the code official. If consent is refused, the code
20 official may seek an administrative search warrant authorized by Article 18
21 of the Texas Code of Criminal Procedure and Section 2-10-1 of this code.

22 **§ XX-X-41 PERIODIC INSPECTIONS**

- 23 (A) A periodic inspection may occur once a year.
- 24 (B) The code official will select the dwelling units that will be subject to
25 inspection.
- 26 (C) Prior to a scheduled periodic inspection, a registrant must provide occupants
27 of the property at least 2 days written notice that includes the following:
- 28 (1) the units that may be inspected;
- 29 (2) that an inspector intends to enter the dwelling unit to inspect the unit;

1 (3) that the tenant has a right to see the code compliance inspector's
2 identification before the inspector enters the dwelling unit; and

3 (4) contact information for the Code Compliance Department.

4 (D) Upon request of the code official, a registrant must provide proof that
5 written notice was provided.

6 *ARTICLE 5. ENFORCEMENT*

7 **§ XX-X-50 SUSPENSION**

8 (A) The code official may suspend rental registration for a rental property if the
9 code official determines that

10 (1) the property is declared substandard or dangerous by the Building and
11 Standards Commission, the code official, or a court of competent
12 jurisdiction;

13 (2) the registrant fails to timely comply with a notice of violation;

14 (3) the registrant fails to comply with a requirement of this Chapter; or

15 (4) the registrant fails to pay its annual registration fee.

16 (B) A suspension is effective until the code official determines that registrant
17 complies with:

18 (1) the requirements of this Chapter;

19 (2) an order of the Building and Standards Commission, code official, or a
20 court of competent jurisdiction; or

21 (3) a notice of violation.

22 (C) While under suspension, a registrant may not lease or otherwise allow
23 vacant dwelling units to be occupied and may not lease or otherwise allow
24 an occupied unit to be occupied by new tenants.

25 (D) The code official must give notice to the registrant of its intent to suspend a
26 registration issued under this chapter.

27 (E) The notice required by this section may specify a reasonable time for
28 compliance with this chapter. If a time for compliance is specified, the code
29 official may not suspend before the time for compliance has expired.

1 **§ XX-X-51 REVOCATION**

2 (A) The code official may immediately revoke a registration that has been
3 suspended pursuant to Section 4-14-50 (*Suspension*) if the code official
4 determines that the registrant:

5 (1) did not comply in a reasonable time with the requirements of this chapter
6 or a notice of violation for which the suspension was ordered;

7 (2) during the suspension, did not comply with other requirements of this
8 chapter; or

9 (3) during the suspension, did not comply with an order of the Building and
10 Standards Commission, the code official, or a court of competent
11 jurisdiction.

12 (B) Even if the registration has not been suspended, the code official may
13 immediately revoke a registration issued under this chapter if an order to
14 vacate the rental property is issued by the Building and Standards
15 Commission or a court of competent jurisdiction.

16 **§ XX-X-52 PENALTY**

17 (A) A person who violates a provision of this chapter is guilty of a separate
18 offense for each day the violation of this chapter continues.

19 (B) Each offense is punishable by a fine not to exceed \$2,000. A culpable mental
20 state is not required for fines of \$500 or less, and need not be proved.

21 **PART 3.** City Code Section 25-12-213 (*Local Amendments To The International*
22 *Property Maintenance Code*) is amended to add:

23 **104.7 Reinspection Fees.** An individual subject to a Notice of Violation
24 ("Notice") shall pay a reinspection fee, established by separate ordinance, for
25 inspections that are requested by an individual that is subject to a Notice after:

26 1. the second requested inspection during the time period to comply with the
27 Notice; or

28 2. the first requested inspection after the time period to comply with the
29 Notice.

1 **PART 4.** Ordinance No. 20120910-003 (*Fiscal Year 2012-2013 Fee Ordinance*) is
2 amended to add a “Rental Registration Application Fee”, a “Rental Registration Fee”,
3 and “Reinspection Fee” for the Code Compliance Department, as follows.

	APPROVED	APPROVED	
	<u>2011-2012</u>	<u>2012-2013</u>	change
<i>Code Compliance Department</i>			

7 **Rental Registration Fees**

8 Rental Registration Application Fee None \$ _____

9 Rental Registration Fee None \$ _____

10 **Miscellaneous Fees**

11 Reinspection Fee None \$ _____

13 **PART 5.** This ordinance takes effect on _____, 2013.

14 **PASSED AND APPROVED**

15
16 §
17 §
18 _____, 2013 § _____
19 Lee Leffingwell
20 Mayor

23 **APPROVED:** _____
24 Karen M. Kennard
25 City Attorney

23 **ATTEST:** _____
24 Jannette S. Goodall
25 City Clerk