

ARTICLE XI. - SINGLE-FAMILY DWELLING RENTAL PERMIT

Sec. 22-561. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling unit means any structure with one or more habitable rooms, including an efficiency unit, which is intended to be occupied by one or more persons for living, sleeping, cooking, eating, and sanitation purposes.

Efficiency unit means any structure with one habitable room that contains facilities for combined sleeping, living, cooking, eating, and sanitation purposes.

Minimum housing standard means the property maintenance code.

Owner means any person holding title to a single-family dwelling unit according to the deed records in the county clerk's office, or the duly authorized agent of the person holding title to a single-family dwelling unit according to the deed records in the county clerk's office.

Rent means the offering, holding out or actual leasing of a rental unit to an occupant other than the owner, and generally involves the payment of a rental amount, although other forms of consideration may be involved or no consideration at all may be involved.

Single-family dwelling unit means any dwelling designed exclusively for residential occupancy by not more than one family, including a community-based residential home as defined by the Community Homes for Disabled Persons Location Act (V.T.C.A., Human Resources Code ch. 123). For the purposes of this article, "single-family dwelling unit" is to include a duplex dwelling unit and a town home dwelling unit.

Tenant means any person who rents or leases a rental unit for living or dwelling purposes with the consent of the landlord.

(Code 2001, § 3.1801; Code 2010, § 3.04.001)

Sec. 22-562. - Penalty.

Violations of this article are punishable as provided in section 1-7.

(Code 2001, § 3.1815; Code 2010, § 3.04.002)

Sec. 22-563. - Permit required.

No owner of a single-family dwelling unit shall rent the dwelling to a tenant without first obtaining a single-family rental permit issued under the provisions of this article. It shall be unlawful to submit a false or fraudulent application for a single-family rental permit. An owner who rents a single-family dwelling knowing that a permit has not been issued for that dwelling or who knows that the permit for that dwelling has been revoked commits an offense for each day the dwelling is occupied by a tenant.

(Code 2001, § 3.1802; Code 2010, § 3.04.003)

Sec. 22-564. - Application.

- (a) An applicant for a single-family rental permit shall file with the city a written application, on the form provided for that purpose, signed by the owner of the single-family dwelling to be permitted. An

applicant who owns more than one single-family rental property shall file a separate application for each property. The application shall include:

- (1) The name, physical street address, telephone number, and the driver's license or other government-issued identification number of the owner;
 - (2) The name, street address, and telephone number of any property manager of the property for which the application is being submitted;
 - (3) If the owner is other than an individual, the legal names, all trade names, the registered agent, managing partner, or other person authorized to accept service of process on behalf of the owner; and
 - (4) The name, mailing address, and telephone number of the tenant responsible for the dwelling, if available at the time of application.
- (b) An applicant may designate on the application an agent for service of process, who shall be the authorized agent for purposes of notice and other communications and for purposes of regulations in this article. If an owner designates an agent for service as provided in this article, service of any notice pursuant to this article on the designated agent shall constitute service upon the owner, unless the director of public works or his designee receives actual notice from the owner that the designated agent is no longer authorized to accept service on behalf of the owner.
- (c) The owner shall certify that the single-family dwelling unit for which the application for a rental permit is submitted is equipped with properly working smoke detectors in accordance with code requirements in the city.

(Code 2001, § 3.1803; Code 2010, § 3.04.004)

Sec. 22-565. - Filing of copies.

A single-family rental permit issued pursuant to this article shall be maintained by the city with a copy provided to the permittee.

(Code 2001, § 3.1804; Code 2010, § 3.04.005)

Sec. 22-566. - Transfer; forging or alteration; cancellation by permittee.

A rental permit issued under this article is not assignable or transferable. A permit is valid only for the premises for which it is issued. It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a permit. A permit issued pursuant to this article may be considered a "governmental record" for purposes of V.T.C.A., Penal Code ch. 37, as now or hereafter amended. A permit may be canceled upon written request of the owners and surrender of the permit to the director of public works or his designee. The surrender of the permit shall be effective immediately upon its filing with the director of public works.

(Code 2001, § 3.1805; Code 2010, § 3.04.006)

Sec. 22-567. - Inspection of premises.

The premises for which an application is submitted or for which a permit has been previously issued shall be inspected upon initial application for a single-family rental permit or change of occupancy or tenancy for compliance with the provisions of the property maintenance code as follows:

- (1) *Interior inspection* . Single-family rental dwelling units shall be fully inspected, both interior and exterior, by a city code enforcement officer certified by the department of state health services, or by a city plumbing inspector licensed by the state board of plumbing examiners upon the initial application for a single-family rental permit. The inspection shall be conducted prior to

tenants moving into the dwelling unit. In the event that the single-family rental property is occupied upon initial identification as a rental property, such unit shall be inspected on the exterior only prior to the issuance of a single-family rental permit. No interior inspections shall be undertaken on occupied single-family rental units.

- (2) *Change in tenancy* . Single-family rental dwelling units shall be fully inspected (interior and exterior) each time there is a change in tenancy in the dwelling by a city code enforcement officer certified by the department of state health services, or by a city plumbing inspector licensed by the state board of plumbing examiners.
- (3) *Reinspection* . A reinspection of a single family rental dwelling may not be necessary if the owner or property manager of the single-family rental unit submits sufficient proof to the city from which the city is able to determine that all noted violations have been appropriately remedied or repaired. Sufficient proof shall include an affidavit stating that the repairs have been completed, a copy of the receipt for materials used in the repair, or a receipt for the work done to make the repair, and photographs of the repairs. If a reinspection is necessary and the reinspection reveals that violations have not been corrected, subsequent inspection shall result in reinspection fees as provided for in the fee schedule in chapter 12. No permit shall be issued and no permanent release of utilities shall be provided if, as a result of an inspection, it is determined that the dwelling does not comply with the property maintenance code.

(Code 2001, § 3.1806; Code 2010, § 3.04.007; Ord. No. 1590, § I, 5-18-2015)

Sec. 22-568. - Release for utility services.

A temporary release of utilities may be provided upon application for utilities pending a change in tenancy inspection under the provisions of this article. A regular release for utility services shall not be issued unless the inspection reveals that the premises contain no life safety violations or critical violations.

(Code 2001, § 3.1807; Code 2010, § 3.04.008; Ord. No. 1590, § I, 5-18-2015)

Sec. 22-569. - Duration; fee.

- (a) Each single-family rental permit issued under this article shall be valid for one year from its date of issuance, unless suspended or revoked.
- (b) Applications for a permit shall include an annual permit fee as provided for in the fee schedule in chapter 12.

(Code 2001, § 3.1808; Code 2010, § 3.04.009)

Sec. 22-570. - Exception for temporary tenancy by past or future owner.

It shall be an affirmative defense to prosecution under this article that the single-family residential dwelling was rented or leased for a period of less than 60 days to a person who was the immediate past owner of the dwelling or who shall be the immediate next owner of the dwelling.

(Code 2001, § 3.1809; Code 2010, § 3.04.010)

Sec. 22-571. - Suspension.

A single-family rental permit may be temporarily suspended by the city:

- (1) If a life safety violation exists on the premises of the permitted single-family dwelling:
- (2) If, after notice and a period of correction to be determined by the building official, a critical violation remains on the premises of the permitted single-family dwelling: or
- (3) If, after a change in tenancy, the city has not received a request for inspection or certification of compliance within 60 days of application for temporary utilities.

(Code 2001, § 3.1810; Code 2010, § 3.04.011; Ord. No. 1590, § I, 5-18-2015)

Sec. 22-572. - Reinstatement of suspended permit.

A person whose permit has been suspended may, at any time, make written application for a reinspection for the purpose of reinstating the permit. Within ten days following the receipt of a request, which shall include a statement signed by the applicant certifying that all of the violations that caused suspension of the permit have been corrected, the city shall make a reinspection. Upon reinspection, if all life safety, critical, and noncritical violations have been corrected, the permit shall be reinstated.

(Code 2001, § 3.1811; Code 2010, § 3.04.012)

Sec. 22-573. - Revocation.

For serious or repeated violations of any of the requirements of this article, or for interference with the city or any of its agents in the performance of their duties related to administration and enforcement of this article, the single-family rental permit may be permanently revoked after the city has provided an opportunity for a hearing. Prior to such action, the city shall notify the holder of the permit in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten days from the service of such notice unless a request for a hearing is filed with the city, by the permit holder, within such ten-day period. A permit shall be suspended for cause pending its revocation or a hearing relative thereto.

(Code 2001, § 3.1812; Code 2010, § 3.04.013)

Sec. 22-574. - Hearings.

The hearings provided for in this article shall be conducted, at the option of the owner or property manager, by the city municipal court judge at a time and place designated by the judge of the court. Based on the record of such hearing, the judge shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing shall be furnished to the permit holder by the city.

(Code 2001, § 3.1813; Code 2010, § 3.04.014)

Sec. 22-575. - Reserved.

Editor's note— Ord. No. 1590, § I, adopted May 18, 2015, repealed § 22-575, which pertained to certification training for property owners and managers and derived from Code 2001, § 3.1814 and Code 2010, § 3.04.015.

Secs. 22-576—22-598. - Reserved.