

ORDINANCE NO. 3847

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE XI BY INCREASING THE ANNUAL AND RENEWAL REGISTRATION FEE FOR RENTAL UNITS; PROVIDING FOR A RE-INSPECTION FEE; PROVIDING FOR HABITABILITY SCORES FOR RENTAL UNITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A CRIMINAL PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That Chapter 6 of the Code of Ordinances of the City of Richardson, Texas, is amended by amending Article XI, Rental Registration, to read as follows:

“ARTICLE XI. RENTAL REGISTRATION

Sec. 6-470. 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:

Building official means the Chief Building Official for the City of Richardson, Texas, or designee.

Owner means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including, but not limited to, holder of fee-simple title; holder of life-estate; holder of leasehold estate for an interim term of five years or more; a buyer under contract for deed or executory contract for conveyance; a mortgagee, receiver, executor, administrator or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five years.

Person means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

Property manager means a person whom for compensation has managing control of a rental unit.

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

Rental unit means a single-family dwelling unit, duplex dwelling unit, and a townhome dwelling unit, or portion thereof that is rented or offered for rent as a residence.

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

Sec. 6-471. Rental registration.

- (a) Each owner of a rental unit within the city shall register each such rental unit with the building official and shall renew such registration annually on the date prescribed by the building official pursuant to subsection 6-472(a). Separate registration shall be required for each rental unit.
- (b) Each new owner of a rental unit within the city shall make application for registration with the building official and schedule an inspection of said rental unit within thirty (30) days after the date of acquiring ownership of a rental unit.
- (c) Application for rental registration shall be made upon a form provided by the city for such purpose, and shall include at least the following information:
 - (1) Owner's name, address, and work and home telephone number, driver's license number, or identification card number and state of issuance of the owner;
 - (2) If owner is a partnership, the name of all partners, the principal business address, and telephone number of each partner;
 - (3) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation;
 - (4) Name, address and telephone number of the property manager;
 - (5) Street address of the rental unit;
 - (6) Name, drivers license number or identification number and state of issuance for each primary or principal tenant;
 - (7) Number of persons occupying the rental unit;
 - (8) Whether there has been a change of occupancy or an additional tenant of the rental unit since the date of last registration; and
 - (9) Signed by the owner or owner's agent.
- (d) A nonrefundable fee of \$75.00 shall be charged for the registration of a rental unit.
- (e) The building official shall within 30 days after receipt of the registration application either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this article.
- (f) A certificate of registration shall be valid for a period of 12 calendar months following issuance thereof; provided, however, the initial certificate of registration for a rental unit shall not expire until the date of renewal of registration established by the building official pursuant to subsection 6-472(a).
- (g) It is an offense for an owner to fail to register the owner's rental units within the city, and each and every day that the owner continues to fail to register the owner's rental units within the city shall constitute a separate offense.
- (h) It shall be unlawful for any person to file a false registration application with the building official.

Sec. 6-472. Renewal of registration.

- (a) Recognizing that the initial implementation of this article may be difficult because of the number of rental units, the inspections of rental units and limited manpower, the building official shall, by administrative order, divide the city into four or more geographical areas and establish annual registration dates for rental units located within each geographical area. A copy of the geographical designation shall be on file in the office of the building official.
- (b) A registered owner of a rental unit within the city, or the owner's agent, shall renew the registration for each rental unit on or before the date prescribed by subsection (a) and shall pay to the city a nonrefundable renewal fee of \$75.00 at the time of application for renewal.
- (c) The building official shall send each registered owner of a rental unit within the city a renewal notice for registration accompanied by a registration application to be completed and returned by the owner.
- (d) A registered owner of a rental property or the owner's agent shall, upon receipt of the renewal notice, complete and return a completed registration application for each rental unit within 30 days after receipt of the renewal notice. If an owner does not receive a renewal notice, it is the owner's responsibility to nonetheless renew the registration for each rental unit within the city. It is an offense for an owner to fail to file a completed annual registration application for each rental unit on or before the dates specified in the renewal notice.
- (e) It is an offense for an owner to fail to renew the registration of the owner's rental units within the city, and each and every day that the owner continues to fail to renew the registration of the owner's rental units within the city shall constitute a separate offense.

Sec. 6-473. Reserved.

Sec. 6-474 Inspection.

- (a) The building official may inspect a rental unit to determine compliance with applicable state and local laws if the renewal of a registration for a rental unit includes that a change of occupancy of one or more tenants has occurred at a rental unit or at any other time when authorized by law.
- (b) Within thirty (30) days after the initial registration of a rental unit and within thirty (30) days after the change of occupancy or change in tenancy of a rental unit, the owner of the rental unit shall request the building official conduct an inspection and make the rental unit available for inspection by the building official. The owner and the building official shall agree on a reasonable date and time for the required inspection. Upon each inspection by the building official, the rental unit must score 85 or higher on the habitability evaluation criteria set forth in section 6-474 (e) below to satisfy the minimum physical condition and human habitability standards for the rental unit. Any rental unit that has a habitability score of less than 85 must be re-inspected and charged a re-inspection fee as set forth in subsection (d), below.
- (c) The building official or his agent shall enforce the provisions of this article upon presentation of proper identification to the occupant in charge of any rental unit and with the occupant's permission, may enter any unit between the hours of 8:00 a.m. and 6:00 p.m.; provided, however, in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life or severe property damage, the building official may enter any rental unit at any time and the requirement for presentation of identification and

the occupant's permission shall not apply. Whenever the building official is denied admission to inspect any rental unit under this section, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection. In applying for such a warrant, the building official shall submit to the magistrate an affidavit setting forth his belief that a violation of this article exists with respect to the place sought to be inspected and the reasons for such belief. Such affidavit shall designate the location of the rental unit and the name of the person believed to be the occupant thereof. If the magistrate finds that probable cause exists for an inspection of the rental unit in question, a warrant authorizing the inspection may be issued, such warrant describing the rental unit with sufficient certainty to identify the rental unit. Any warrants issued will constitute authority for the building official to enter upon and inspect the rental unit described therein.

(d) Any rental unit that has a habitability score of less than 85 must be re-inspected until the rental unit achieves a habitability score of 85 or greater. A re-inspection fee in the amount of \$75.00 shall be paid prior to the initial re-inspection. A re-inspection fee of \$120.00 shall be paid prior to each second and subsequent re-inspection.

(e) The habitability score for a rental unit shall be determined by deducting up to the maximum points set forth below from 100 based on the conditions or existence of the inspected category or item as determined by the building official or other person performing the inspection pursuant to this section:

Inspection Categories/Items Maximum Points Deducted

Building Interior and Occupancy Standards

Condition of Stairs, Handrails, and Guardrails 2.00

Condition of Ceilings and Walls 2.00

Condition of Doors and Windows 2.00

Condition of Floors and Floor Coverings 1.00

Proper/operable ventilation 1.00

Smoke Detectors 4.00

Adequate access to other habitable spaces 3.00

Number of occupants 3.00

Adequate floor area per occupant 3.00

Rodent, Insect Infestation 2.00

Sanitary Conditions 2.00

Sub-Total 25.00

Building Exterior

Condition of Paint, Wood, Siding, Trim 4.00

Condition of Doors, Windows, Shutters,

Screens

3.00

Condition of Roofs, Soffits, Fascia, Flashing,

Gutters, Downspouts

4.00

Condition of Walls, Chimneys, Foundations 2.00

Condition of Stairs, Handrails, and Guardrails 2.00

Condition of Car Ports/ Accessory Structures 2.00

Unobstructed Means of Egress and Ingress 3.00
Sub-Total 20.00

Property Maintenance

Open Storage; Hazardous, Combustible, Chemical Storage 4.00
Condition of Fences, Screening Walls, Retaining Walls 3.00
Unkempt Vegetation 2.00
Junk Vehicles, Other Parking Violations 2.00
Address 1.00
Condition of Pools, Pool equipment 2.00
Improper drainage, Standing Water 1.00
Sub-Total 15.00

Electrical (Interior/Exterior)

Condition of Electrical Panels, Junction Boxes 3.00
Condition and Protection of Wiring 3.00
Condition and Protection of Light Fixtures, Switches and Receptacles 2.00
Condition and Protection of Wiring of Appliances 2.00
Sub-Total 10.00

Plumbing & Mechanical (Interior/Exterior)

Condition of Plumbing Fixtures (interior and exterior) 4.00
Condition and Connection Appliances 3.00
Condition of Clean Outs 2.00
Condition of vent hood screen 1.00
Sub-Total 10.00

Water Heaters

Combustion Air 2.00
Condition and Protection of Wiring and Gas Connections 3.00
Condition of Flue Pipes 2.00
Condition of Temperature / Pressure Relief Valve / Line 2.00
Water Supply 1.00
Sub-Total 10.00

Heating and Air Conditioning Equipment

Condition and Protection of Wiring and Gas Connections 3.00
Condition of Flue Pipes 2.00
Condition of Filters and Condensate Drains 2.00
Heating and Air Conditioning (Functional) 3.00
Sub-Total 10.00

Total 100.00

**** Accessibility to all electrical, plumbing and mechanical systems are necessary to conduct a proper inspection. If the systems are not accessible, points will be deducted for any criteria that cannot be assessed.**

Secs. 6-475 – 6-499. Reserved.”

SECTION 2. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the

offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Richardson as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the _____ day of _____, 2011.

APPROVED:
