

ORDINANCE NO. 20211026-XXX

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, ADOPTING A RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION PROGRAM BY AMENDING CHAPTER 11 , “HOUSING,” TO ADD A NEW ARTICLE IV, ENTITLED “RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION,” ESTABLISHING REGULATIONS FOR LANDLORDS AND OWNERS OF SINGLE-FAMILY, DUPLEX, TOWNHOME, MANUFACTURED, AND MULTI-FAMILY RESIDENTIAL RENTAL PROPERTIES; PROVIDING FOR SEVERABILITY, PENALTY, REPEAL, AND AN EFFECTIVE DATE.

WHEREAS, the City of Angleton, Texas, is a home rule City acting under its Charter adopted and pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code (the “City”); and

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, and property of its citizens, including the occupants of rental dwelling units; and

WHEREAS, the City finds and determines that the regulations adopted herein are in the best interest of the citizens of the City and are necessary to preserve and protect public health and safety; and

WHEREAS, the City Council of the City of Angleton, Texas (the “City Council”), now deems it necessary to amend Chapter 11, “Housing,” of the Code of Ordinances of the City of Angleton, Texas (the “Code of Ordinances”) by adopting and adding Article IV, “Rental Property Registration and Inspection,” to establish residential rental property registration and inspection requirements and to establish related fees.

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

SECTION 1. All facts recited in the preamble to this Ordinance are found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. That Chapter 11, “Housing,” of the Code of Ordinances be and is hereby amended to add a new Article to be numbered IV, to be entitled “Residential Rental Property Registration and Inspection,” and to establish regulations for property owners, property managers, and landlords of rental properties and related fees for annual registration and annual inspection and for when tenants or occupants change. Said article and corresponding section(s) shall read as follows:

CHAPTER 11 – HOUSING - ARTICLE IV – RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION PROGRAM

Sec. XX-XXX – Purpose.

The purpose of this Article is to safeguard the life, safety, health, and welfare of rental property occupants and the general public by establishing a process to enforce the minimum building standards and property maintenance codes.

Sec. XX-XXX – Definitions.

For the purposes of this section, the following words and phrases shall apply, unless the context clearly indicates a different meaning:

Agent for service is a person designated on the Rental Registration application for service of process who shall be the authorized agent for purposes of notice and other communications and is authorized to accept service on behalf of the owner.

Building official is the officer or other designated authority of the City charged with the administration and enforcement of this Article.

Code enforcement official shall refer to any person who has passed the Basic Code Enforcement Officer credentialing process and is designated by the Development Services Director or his/her designee as responsible for the administration and enforcement of this Article.

Dwelling unit means a structure or that part of a structure which is used as a residence.

Duplex rental dwelling is any individual unit of a two-family dwelling which is rented, leased, or otherwise occupied by a person other than the owner.

Inspection fee is a fee charged by the City of Angleton for the City's agent to inspect rental properties

Landlord means the land or building owner who has leased, rented, or permitted the exclusive use of the land, the building, or a part of the land or building, to another person.

Multi-family rental dwelling is an individual unit of a multi-family rental dwelling complex.

Multi-family rental dwelling complex is a single parcel of property with one or more residential buildings that contain three or more attached rental units or with two or more detached units, such as an apartment complex. This term includes all rental units on a single parcel.

Owner means any person, agent, firm, or corporation having a legal or equitable interest in the property.

Registration fee is a fee charged by the City on an annual basis for the active registration of any rental property within the City.

Rent includes money or other consideration paid by a tenant to a landlord or owner in exchange for the exclusive use and enjoyment of land, a building, or a part of a building.

Rental property means property owned, and/or operated by a landlord or owner, and is occupied by a person other than the owner or occupied by a tenant who has been granted temporary and exclusive use through a verbal or written agreement. This definition shall also be applied when used in the plurality (e.g., “rental properties”), but it shall not be applied to short term rental properties (e.g. Airbnb, vrbo).

Residential rental property inspection is an inspection performed by the City’s Development Services Department annually or as tenants change.

Residential rental property permit is a permit which is issued by the City’s Development Services Department only after a property owner, property manager, agent for service, or landlord has completed the annual residential rental property registration, passed a residential rental property inspection, and paid all applicable fees.

Residential rental property registration is an annual registration of the rental property with the City to designate the property as a rental unit.

Single-family rental dwelling means any single-family detached dwelling unit which is rented, leased, or otherwise occupied by a person other than the owner.

Tenant is a person, other than the owner, to whom the landlord or owner grants temporary and exclusive use of land, a building, or a part of a building, usually in exchange for rent or other consideration.

Townhouse rental dwelling unit means any single-family dwelling unit which is rented, leased, or otherwise occupied by a person other than the owner. This definition shall also be applied to “manufactured home rental unit.”

Utility and building permit release relates to the process by which the Building Official may issue a hold of utilities and a hold on building permits for any rental unit without a current rental registration or that fails to timely obtain a required rental inspection, rental follow-up inspection or rental re-inspection required by **Sec. XX-XXX.**

Sec. XX-XXX – Applicability.

This section shall apply to all single-family rental dwelling units, all duplex dwelling units, all townhouse rental dwelling units, all manufactured home rental units, and all multi-family rental dwelling units.

Sec. XX-XXX – Registration and inspection of residential rental properties required.

All single-family rental dwelling units, all duplex dwelling units, all townhouse rental dwelling units, all manufactured home rental dwelling units, and all multi-family rental dwelling units are required to register with the City as a rental property and receive an inspection.

Sec. XX-XXX. Registration requirements.

- (a) It is unlawful for any person to rent an unregistered rental dwelling to another. It is an affirmative defense to prosecution under this subsection that the rental dwelling was rented for a period of less than six months to a person who was the immediate past owner of the rental dwelling or who will be the immediate next owner of the rental dwelling.
- (b) No person shall lease a rental dwelling without first submitting a written or electronic request for a rental inspection, receiving a passing rental inspection, completing registration, and paying applicable fees. A separate registration shall be required for each rental property, and a separate rental inspection shall be required for each rental unit. A person commits an offense each day a rental registration or rental inspection request is overdue.
- (c) Registration applications must be made on the forms provided by the City and accompanied with the required application fees. Registrations are not assignable or transferable and are valid beginning on the first day of January and expire on the last day of December the year in which registration is obtained. A new registration application must be submitted to the City within thirty (30) days of any change in ownership of a rental dwelling.
- (d) The registration application shall include:
 - (i) The name, physical street address, telephone number, e-mail address, and driver's license or other government-issued identification number of the owner;
 - (ii) If the owner is not an individual person but, rather, an entity of some sort, the legal name and all trade names of the owning entity and the physical street address, telephone number, e-mail address, and driver's license or other government-issued identification number of the registered agent, managing partner, or other person authorized to accept service of process on behalf of owner;
 - (iii) The name, street address, e-mail address and telephone number of any property manager for the rental dwelling for which registration is submitted;

- (iv) The name, e-mail address, and telephone number of the tenant and number of occupants;
 - (v) The owner, or the owner's authorized agent, shall certify that the rental dwelling for which the registration is submitted is equipped with properly working smoke detectors and carbon monoxide detectors in accordance with the provisions of the adopted editions of the International Property Maintenance Code and the International Building Code; and
 - (vi) The owner's, or the owner's agent's, signature authorizing entry and access to the exterior rental dwelling in order to perform the initial inspection required to complete rental registration.
- (e) Rental registration is required annually, which such registration being effective on the first day of January and expiring the last day of December the year in which registration is obtained. If the renewal date falls on a holiday or weekend, the registration is required to be completed on the following business day. A late registration fee will apply after January 15. No registration fees will be prorated or discounted based on the initial registration date.

Sec. XX-XXX. Inspection requirements.

- (f) Inspections are required to be completed annually, with such inspection required to be completed within fourteen (14) days of registration. A passing inspection is required before a new tenant may occupy the rental property.
- (i) Within fourteen (14) days of registration, the City will inspect the exterior of the single-family rental dwelling unit, duplex dwelling unit, townhouse rental dwelling unit, manufactured home rental dwelling unit, or multi-family rental dwelling unit to determine and ensure that the dwelling unit is not a public nuisance or substandard and that the dwelling unit meets all health and safety requirements of the Code of Ordinances.
 - (ii) The City may inspect the interior of a single-family rental dwelling unit, duplex dwelling unit, townhouse rental dwelling unit, manufactured home rental dwelling unit, or multi-family rental dwelling unit to ensure that the dwelling unit does not have any critical or life safety violations if:
 1. There is a change in occupancy;
 2. An inspector notes an exterior violation of the Code of Ordinances that indicates a potential critical or life safety violation; or
 3. An inspection is requested by the tenant. The City will contact the agent for service and allow him/her to be present during the inspection.
 - (iii) The City may enter into a single-family rental dwelling unit, duplex dwelling unit, townhouse rental dwelling unit, manufactured home rental

dwelling unit, or multi-family rental dwelling unit for an interior inspection at a reasonable time when the officer:

- a. Obtains the consent of an adult lawfully occupying the dwelling unit;
- b. Obtains the consent of the agent for service for an unoccupied dwelling unit; or
- c. Obtains a warrant from a court to inspect the dwelling unit upon receipt of a Code Enforcement or health complaint.

(g) Apartment complexes are required to have each individual apartment unit inspected annually or as tenants change. The Building Official or designee may conduct an annual inspection of the exterior of apartment complexes after the annual registration is complete.

Sec. XX-XXX – Requirements to obtain residential rental property permit.

A residential rental property permit can only be issued by City of Angleton Development Services after the requirements of this section have been met. A property owner, property manager, agent for service, or landlord must complete an annual registration of the property as a rental property and pass a residential rental property inspection performed by a Code Enforcement representative of the City of Angleton. It shall be unlawful to submit a false or fraudulent application for registration.

Sec. XX-XXX – Denial, suspension, or revocation of residential rental property permit.

- (a) A residential rental property permit may be denied, suspended, or revoked by the Code Enforcement Official for life safety or critical violations. These violations include but are not limited to:
 - (i) The registration application contains false information;
 - (ii) There are utility fees or other charges over sixty (60) days past due for the rental property over which the landlord is responsible;
 - (iii) The rental property is not in compliance with the standards set forth in this article;
 - (iv) Access to the property by the Code Enforcement Official has been impaired so as to prevent timely inspection of the premises;
 - (v) A change in tenancy has occurred and the landlord or owner has failed to request an inspection as required by this article; or

- (vi) There exists any condition in, on, or near the rental property that renders the rental property unsafe or unfit for human habitation or occupancy or presents a threat to public health or safety.
- (b) The City may deny a registration application for life safety or critical violations. If the City refuses to issue a residential rental property permit, the City will give written notice of the denial to the applicant as soon as reasonably possible, but not more than five (5) business days after the decision is made to deny the residential rental property permit. The written notice will include:
 - (i) A clear statement of the reason for the City's denial; and
 - (ii) A statement that the applicant may appeal the denial of the residential rental property permit to the City of Angleton's Development Services within fifteen (15) days of the date of the notice.
- (c) The city may suspend or revoke a residential rental property permit for life safety or critical violations. To suspend or revoke a residential rental property permit, the City will send written notice of the City's intent to either suspend or revoke the residential rental property permit no less than thirty (30) business days prior to the date of revocation. The notice will include:
 - (i) A clear statement of the reason the City intends to either suspend or revoke the residential rental property permit;
 - (ii) The date the suspension or revocation will become effective, which will not be less than thirty (30) business date from the date written; and
 - (iii) A statement that the residential rental property permit holder may file a written appeal of the proposed suspension or revocation to the City of Angleton's Development Services within fifteen (15) business days of the date of the notice.

Sec. XX-XXX – Appeal; issuance and reinstatement of residential rental property permit after denial, suspension, or revocation.

A rental property owner or agent for service whose permit has been denied, suspended, or revoked may, at any time, make a written application for a reinstatement inspection and pay the rental inspection fee for the purpose of reinstating the permit. Within ten (10) business days following receipt of a written request, which shall include a statement signed by the applicant that, in the applicant's opinion all of the violations that caused denial, suspension, or revocation of the residential rental property permit have been corrected, and the payment of the applicable fee, the City shall perform a rental reinstatement inspection. Upon inspection, if all violations that caused the denial, suspension, or revocation of the residential rental property permit have been corrected, the residential rental property permit will be reinstated. The City may charge a fee for each reinstatement inspection.

Sec. XX-XXX – Repairs; corrections of violations.

- (a) Residential rental property permit holders are required to correct life safety and critical violations, inspection deficiencies, and violations of the City's Code of Ordinances
- (b) Residential rental property permit holders must take steps to safely isolate tenants from the dangers of life safety violations immediately and must make repairs within a reasonable period of time not to exceed ten (10) days from the date of inspection. Life safety violations must remain isolated from tenants until all repairs are complete.
- (c) Residential rental property permit holders must take steps to safely isolate tenants from the dangers of critical violations within 72 hours of notice and must make repairs within a reasonable period of time not to exceed ten (10) days from the date of inspection.

Sec. XX-XXX - Utility and building permit release.

The Building Official or some such designee may issue a hold of utilities and a hold on building permits for any rental dwelling without a current rental registration or that fails to timely obtain a required rental inspection, rental follow-up inspection, or rental re-inspection.

Sec. XX-XXX – Permit non-assignable; surrender.

A residential rental property permit issued under this article is not assignable or transferrable. A residential rental property permit is only valid for the premises for which it is issued. It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a residential rental property permit. A residential rental property permit may be canceled upon written request of the property owner to the Building Official. The cancellation of a permit shall be effective immediately upon the filing of the written request in the office of the City of Angleton's Development Services.

Sec. XX-XXX – Permit copy.

The original of a residential rental property permit issued pursuant to this article shall be maintained by the City, with a copy provided to the owner or the owner's authorized agent.

Sec. XX-XXX – Applicable residential rental registration and inspection fees.

The City's fee schedule is hereby amended to include the following fees related to the Residential Rental Property Registration and Inspection Program to be paid by residential rental property owners annually:

Fee Type	Fee Amount
Residential Rental Property Registration Fee for Single Family Homes, Duplexes, Townhomes, and Manufactured Homes	\$100.00
Residential Rental Property Registration Fee for Apartment Complexes	\$350.00
Residential Rental Property Inspection Fee for Single Family Homes, Duplexes, Townhomes, and Manufactured Homes	\$50.00
Residential Rental Property Inspection Fee for Individual Apartment Units	\$30.00
Residential Rental Property Reinspection/Reinstatement Fee for Single Family Homes, Duplexes, Townhomes, Manufactured Homes, and Individual Apartment Units	\$30.00
Residential Rental Property Delinquent Fee for Single Family Homes, Duplexes, Townhomes, Manufactured Homes, and Apartment Complexes	\$75.00
Residential Rental Property Delinquent Fee for Individual Apartment Units	\$50.00

SECTION 3. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance, rule, or regulation of the City shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five-hundred dollars (\$500.00), provided that if such rule, ordinance, or regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed four-thousand dollars (\$4,000.00). Each occurrence of any violation of this Ordinance, rule, or regulation shall constitute a separate offense. Each day on which any such violation of this Ordinance, rule, or police regulation occurs shall constitute a separate offense.

SECTION 4. Severability. 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part this declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 5. Repeal. All other ordinances or parts of ordinances inconsistent with or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 6. Effective Date.. This Ordinance shall be in full force and effect beginning January 1, 2022, when published as required by law. .

PASSED AND APPROVED ON this the _____ day of _____, 2021.

JASON PEREZ, MAYOR

ATTEST:

FRANCES AGUILAR, CITY SECRETARY