

**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 REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AND EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Angleton, Texas is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City of Angleton, Texas has a substantial interest in protecting the health, safety, welfare, and property of the occupants of rental dwelling units; and

**WHEREAS**, the City of Angleton, Texas 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 now deems it necessary to amend Chapter 11 “Housing” of the Angleton Code of Ordinances by adopting 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 Angleton Code of Ordinances, City of Angleton, Texas, be and is hereby amended to add a new Article to be numbered IV, to be entitled “Residential Rental Property Registration and Inspection,” establishing regulations for property owners, property managers, and landlords of rental properties and related fees for annual

registration and annual inspection and 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 have the meanings respectively ascribed to them by this section, unless the context clearly indicates a different meaning:

*Agent for service* is a person designated on the Rental Registration application for service of a 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* – 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* – an individual unit of a multi-family rental dwelling complex.

*Multi-family rental dwelling complex* – 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* – Any person, agent, firm or corporation having a legal or equitable interest in the property.

*Registration fee* – Fee charged by the City of Angleton on an annual basis for the active registration of rental property within the City.

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

*Rental property/properties* – Property owned, and/or operated by a landlord or owner and is occupied by a person other than the owner or a tenant by who has been granted temporary and exclusive use through a verbal or written agreement.

*Residential rental property inspection* – Inspection performed by the City of Angleton Development Services Department annually or as tenants change.

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

*Residential rental property registration* – Annual registration of the rental property with the City of Angleton designated the property as a rental unit.

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

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

*Utility and building permit release* – 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 and frequency of occurrence.**

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.

- (a) Rental registration is required annually, beginning on the first of January through the last day of December. 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 the fifteenth day of January.
- (b) Inspections are required to be complete annually, beginning the first day of January through the last day of December. An inspection is required to be complete within two weeks of registration.
- (c) No registration fees will be prorated or discounted based on initial registration date.
- (d) A passing inspection is required before a new tenant may occupy the rental property.
- (e) No person shall lease a rental dwelling without first submitting a written request, phone call request or electronic request for a rental inspection and passing rental inspection, completing registration, and paying applicable fees. A person commits an offense each day a rental registration or rental inspection request is overdue.
- (f) Discretionary rental inspections of rental properties may be conducted when a Code Enforcement or health complaint is received by the City.
- (g) A separate registration shall be required for each rental property.
- (h) A separate rental inspection shall be required for each rental unit.
- (i) Apartment complexes are required to have each individual apartment unit inspected annually or as tenants change.
- (j) The Building Official or designee will conduct an annual inspection of the exterior of apartment complexes after the annual registration is complete.

**Sec. XX-XXX – Registration form and contents.**

The residential rental registration form shall include:

- (1) The name, physical street address, telephone number, e-mail address, and driver's license or other government-issued identification number of the owner;
- (2) If the owner is other than an individual, the legal name and all trade names of the owner 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;
- (3) The name, street address, e-mail address and telephone number of any property manager for the rental units for which registration is submitted;
- (4) The name, e-mail address, and telephone number of the tenant and number of occupants;
- (5) The owner, or the owner's authorized agent, shall certify that the rental unit(s) 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.

**Sec. XX-XXX – Residential rental property permit required.**

No person shall lease to, rent to, or permit occupancy by a person other than the owner of a single-family rental dwelling, duplex rental dwelling, townhouse rental dwelling, or multi-family rental dwelling without obtaining a residential rental property permit under the provisions of this article.

**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 – Revocation of residential rental property permit.**

Residential rental property permit may be denied, suspended, or revoked by the Code Enforcement official if:

- (a) The application contains false information;
- (b) There are utility fees and / or charges over sixty (60) days past due for the rental property over which the landlord is responsible;
- (c) The rental property is not in compliance with the standards set forth in this article;
- (d) Access to the property by the code enforcement official has been impaired so as to prevent timely inspection of the premises;
- (e) A change in tenancy has occurred and the landlord or owner has failed to request an inspection as required by this article, or;
- (f) 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.

**Sec. XX-XXX – Reinstatement of suspended permit.**

A rental property owner or agent for service whose permit has been 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) 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 suspension or revocation of the permit have been corrected, and the applicable fee, the city shall perform a rental reinstatement inspection. Upon inspection, if all of the violations that caused the suspension or revocation of the permit have been corrected, the rental property permit will be reinstated. The city shall charge a fee for each reinstatement inspection.

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

The Building Official or designee may issue a hold of utilities and a hold on building permits for any residential rental property 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 – Correction of violations.**

Residential rental property owners, landlords, property management, or agent for service is required to corrected inspection deficiencies and violations of the City of Angleton Code of Ordinances within ten (10) days of inspection.

**Sec. XX-XXX – Permit period of validity.**

Each permit issued under this article shall be valid for one year from its date of issuance, unless suspended.

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

A residential rental property permit issued under this article is not assignable or transferrable. A 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 permit. A permit may be canceled upon written request of the property owner(s) to the building official. The cancellation of a permit shall be effective immediately upon the filing of the written request in the office of Development Services.

**Sec. XX-XXX – Permit copy.**

The original of a permit issued pursuant to this article shall be maintained by the City, with a copy provide to the owner or the owner’s authorized agent.

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

The City’s Comprehensive 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:

“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.** This ordinance shall be cumulative of all other ordinances of the City of Angleton and shall not repeal any of the provision of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

**Section 4.** It is hereby declared to be in the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgement of decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or section of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, or section.

**Section 5.** All rights or remedies of the city of Angleton, Texas are expressly saved as to any and all violation of the City Code or any amendments thereto regarding the inspection of rental dwelling units that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition of the courts.

**Section 6.** Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each violation of this ordinance.

**Section 7.** The City of Angleton has published in the official newspaper of the City of Angleton, “The Brazoria County Facts” the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Texas Local Government Code.

**Section 8.** This Ordinance shall be in full force and effect from January 1, 2022 and after the date of its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON** this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

**JASON PEREZ, MAYOR**

**ATTEST:**

---

**FRANCES AGUILAR, CITY SECRETARY**

**APPROVED AS TO FORM AND LEGALITY:**

---

**JUDITH ELMASRI, CITY ATTORNEY**