

**Sec. Multifamily/lodging license**

**(A) License required.**

(1) A person who rents or leases to another person three or more residential dwelling units that are part of a multifamily dwelling must obtain and maintain a current and valid multifamily issued in accordance with the provisions of this section. A person commits an offense if the person operates or causes to be operated a multifamily without a valid multifamily issued by the City under the provisions of this section.

(2) As used in this section:

(a) "Representative sample" means any number of dwelling units at the multifamily dwelling or as determined by the Director of Development Services based upon criteria such as, but not limited to, the age of the dwelling units, buildings, and structures, past inspection performance, and complaint history.

(b) "Comprehensive inspection" means an interior and exterior inspection of all of the dwelling units and non-dwelling buildings and structures comprising a multifamily dwelling or including without limitation common areas, offices, storage rooms, mail rooms, laundry facilities, and parking lots.

(c) "Licensee" includes, unless the context clearly requires the restrictive meaning, an applicant for a multifamily/lodging license as well as the holder of a license.

**(B) Application for license; required information and certifications.** An applicant for a license shall file with the City a written application, on the form provided for that purpose, signed by the owner or an authorized agent of the owner.

(1) An application for a license, whether an original or a renewal, must be made to the Director of Development Services by the intended operator of the multifamily dwelling. A signed, completed application form (which may, if allowed by the Director of Development Services, be in electronic form and electronically signed) shall be filed with the Director of Development Services. An unsigned or incomplete application will not be processed. The application shall require, and the applicant shall provide, the following information:

(a) The full name of the owner (whether or not the owner intends to directly operate the multifamily dwelling) and the full name of the property manager or other intended operator (if the multifamily dwelling will be operated by a third-party).

(b) The owner's and the property manager's or operator's (if any) street address, mailing address (if different), and telephone number.

(c) The trade name under which the multifamily dwelling is or will be operated.

(d) The address of the premises on which the multifamily dwelling or is or will be located.

(e) The name, mailing address, and telephone number of a person who will act as the applicant's agent and liaison with the Director of Development Services for matters relating to inspections of the premises as required by this section, and to receive notices and other communications provided in this

article. The applicant shall provide a telephone number at which a representative of the owner may be contacted at any time in emergencies. Notices sent to the address provided shall be considered as notice to the owner unless the owner provides new information as required in this subsection to the Director of Development Services.

(f) For multifamily dwellings that contain individually-owned condominium units that are managed by a homeowners association or third-party property management company, the name, address, and telephone number of the homeowners association or third party management company.

(2) The original application shall be accompanied by the following:

(a) Payment in full, by certified check, cashier's check, money order or other same-day funds of the required license fee;

(b) A statement under oath or certified under penalty of perjury attesting to:

(i) The assumed name of the multifamily dwelling is operated under an assumed name;

(ii) Such other information as required by the Director of Development Services necessary to the enforcement of the provisions of this article.

(3) Except for new construction, the applicant shall submit evidence with the application that the multifamily dwelling has been treated for insects, rodents, and vermin within the preceding six (6) months by a person licensed under the Texas Structural Pest Control Act.

(4) The applicant shall acknowledge that, as a condition of obtaining and maintaining a valid multifamily, an owner must comply with all applicable sections relating to nuisance abatement, noise control and public and semipublic swimming pools. Provisions of this chapter that are applicable to dwelling units of a multifamily dwelling apply equally to related non-dwelling structures of a premises, including but not limited to offices, storage rooms, laundry facilities, club houses, and swimming pool-related buildings.

(5) The applicant shall certify that each multifamily unit for which the application is submitted is equipped with properly working smoke alarms and, if the premises are equipped with a cooling tower for air conditioning, and

(6) The applicant shall certify that no multifamily dwelling unit will violate the occupancy limits

(C) Application deadline; term.

(1) Applications for a multifamily are due by March 1 of each calendar year.

(2) A multifamily is valid from the effective date stated on the issued license until December 31, unless sooner revoked or issued as a provisional license to a new owner under the provisions of subsection (G)(4)(c).

(D) Posting required; nontransferable; new license required on transfer.

(1) A license issued pursuant to this section shall be posted and displayed in the multifamily dwelling

or office or a conspicuous place to which occupants have access. A replacement license may be issued for one lost, destroyed, or mutilated upon application on the form provided by the City. A replacement license shall have the word "replacement" stamped across the face and shall bear the same number as the one it replaces.

(2) A multifamily dwelling license is not assignable or transferable.

(3) A new license must be obtained whenever there is a change in the ownership of the premises on which the multifamily dwelling is located; a change in the management or operation of the premises occurs; or when other changes affecting the material terms or information contained in the application for the present license renders that information materially inaccurate.

(E) License fees.

(1) The annual permit fee for a multifamily license is \$50 per dwelling unit. The fee for a new license shall be prorated based on the date the application is submitted in relation to the number of calendar months remaining in the calendar year of application. An additional late fee of 1/12th of the annual license fee is due for each month the payment of the annual fee is delinquent.

(2) Upon a change in ownership of the multifamily dwelling a new license shall be obtained within thirty (30) days of the change with the fee charged on a prorated basis.

(F) Inspections.

(1) Application for the issuance of a multifamily constitutes consent to inspection by the City of the multifamily dwelling and, subject to the rights of the occupants of a dwelling or lodging room, the dwelling units that comprise a multifamily dwelling in order to determine compliance with this Code. A licensee shall make all exteriors, all interior and exterior public areas, and all vacant multifamily dwelling units available to City representatives at all reasonable times for the purpose of making inspections to determine compliance with this Code.

(2) For purposes of inspecting an occupied multifamily dwelling unit and unless otherwise authorized by consent, the Director and the Director's representatives are hereby designated and authorized to obtain a search warrant or other order of a court.

(3) No less than annually, the City shall inspect a representative sample of the multifamily dwelling or. If an inspection reveals a violation, the City shall provide the licensee with notice of each violation and a demand for full compliance.

(4) The City will thereafter conduct subsequent follow-up inspections to determine compliance. In the event that two or more re-inspections are required for a noted violation before the violation is corrected, the property owner shall be charged a one-hundred dollar (\$100.00) reinspection fee for the third and each subsequent reinspection for each dwelling unit in which a previously noted but uncorrected violation exists.

(G) Unsatisfactory performance on annual inspection.

(1) If the annual inspection of a representative sample of individual dwelling units life safety or critical violations totaling in number a sum that is greater than the number of dwelling units inspected, the licensee shall pay a surcharge of half the amount of its standard annual fee for a multifamily in addition to the annual license fee at the time of the next license renewal.

(2) Upon making a determination that a licensee is subject to a surcharge, the Director of Development Services shall provide notice of the increased renewal fee by certified mail, personal service, or courier-receipted commercial delivery sent to the address noted on the licensee's application. The licensee may appeal an assessed surcharge to the City Manager or a designated representative of the City Manager by filing a written notice of appeal with the Director of Development Services. The City Manager or a representative designated by the City Manager shall render a decision on the appeal within five days of the date of the hearing, which decision shall be final.

(3) A multifamily dwelling operated by a licensee that is required to pay a surcharge under subsection (G)(1) is subject to a comprehensive inspection. Upon the completion of a comprehensive inspection, the City shall provide the property owner with notice of each violation and a demand for full compliance. Non-critical violations shall be corrected within sixty days of the date of the notice of violation. Life-safety and critical violations shall be corrected within the time specified in the notice of violation. If a follow-up inspection reveals the continuance of any violation after the applicable period for compliance has passed, the City may order the licensee to post a bond, letter of credit, or escrow deposit in the amount of twenty percent the multifamily dwelling's appraised value as appraised by the Erath County Appraisal District. The licensee shall post the bond or other security within thirty days after receipt of notice from the Director of Development Services. Any funds obtained by the City under a bond, letter of credit, or escrow account posted under this section shall be used only for the purpose of reimbursing the City the costs associated with correcting uncorrected violations at the multifamily dwelling or for demolishing buildings or structures that pose an imminent threat to the life, safety or welfare of the occupants or the public. The amount of any funds deposited shall not be part of the general fund.

(4) The bond or other posted security shall be maintained in the full amount originally posted for not less than one year from the date of posting. The City shall return or cancel the bond or other posted security (or such portions as may remain at the time):

(a) When the multifamily dwelling becomes fully compliant prior to the City's intervention through usage of the proceeds of the bond or other posted security;

(b) If the property has not been cited with a life safety or critical violation within eight months following the posting of the bond or other security; or

(c) When the property is sold to a new owner that is unaffiliated with the current licensee; provided that:

(i) A license issued to a new owner for a property that is subject to the bond requirements of this subsection may be issued as a provisional license only and shall be valid for a period not to exceed 120

days; and

(ii) The bond shall remain in full force and effect until an annual, non-provisional license is issued for the property.

(H) Revocation of license. A multifamily may be revoked:

(1) If the licensee has repeatedly failed to comply with the requirements of this chapter;

(2) If one or more dwelling units covered under the license have been substandard for more than sixty days following the delivery of notice of violation;

(3) If the multifamily dwelling covered under the license represents an imminent threat to the life, health or safety of any person;

(4) If the licensee has failed to post or maintain the bond or other security as may be required by subsection (G)(3); or

(5) The licensee has failed to pay, after notice, a reinspection fee imposed under subsection (F)(4).

The Director of Development Services shall provide notice of revocation by certified mail, personal service, or courier-receipted commercial delivery sent to the address provided on the licensee's application. The licensee may appeal the revocation to the City Manager by filing a written notice of appeal with the Director of Development Services within ten days of delivery of the notice of revocation. The City Manager or a designated representative of the City Manager shall provide an opportunity for a hearing on the appeal, and shall render a decision on the appeal within ten days of the date of the hearing. The decision of the City Manager or the designated representative shall be final.