ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 4 TO ADD CHAPTER 4-14 RELATING TO REGISTRATION OF RENTAL PROPERTY; CREATING A PENALTY; AMENDING SECTION 25-12-213 RELATING TO REINSPECTION FEES; AND AMENDING ORDINANCE NO. 20120910-003 TO ADD REINSPECTION FEES AND FEES RELATED TO RENTAL REGISTRATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS

PART 2. City Code Title 4 (*Business Permits*) is amended to add Chapter 4-14 (*Rental Registration*) to read:

ARTICLE 1. GENERAL PROVISIONS

§ XX-X-1 PURPOSE

§ XX-X-2 DEFINITIONS

In this chapter:

(1) AUSTIN METRO AREA means the five-county metropolitan area that surrounds the City of Austin.

(2) CODE OFFICIAL means the Code Compliance Department director and authorized designees.

(3) DWELLING UNIT means a residential unit providing complete, independent living facilities including permanent provisions for living, sleeping, eating, and cooking.

(4) LANDLORD means a person that owns, operates, manages, or controls rental property.

(5) MULTI-FAMILY PROPERTY means property that is used for

(a) three or more dwelling units, within one or more buildings;

(b) condominium residential use as defined in Section 25-2-3(B); and

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(c) three or more single-family properties owned by one person that are adjacent to one another.

(6) NOTICE OF VIOLATION means a written notice that a violation of the City Code exists.

(7) REGISTRANT means the landlord of a registered rental property.

(8) RENTAL PROPERTY means a property subject to this chapter.

(9) SINGLE-FAMILY PROPERTY means property that is used for conservation single family residential, duplex residential, single-family residential, townhouse residential, and two-family residential as those terms are defined in Section 25-2-3(B).

§ XX-X-3 REGISTRATION REQUIRED; EXCEPTIONS

(A) Except as provided in subsection (C), a rental registration issued under this chapter is required to operate, lease, occupy, or otherwise allow multi-family rental property or single-family rental property to be occupied by a non-owner if the following conditions are met:

(1) two or more separate notices of violation are issued for the same property within a 12 month period and the owner of the property fails to correct the violations within the time frame required by the code official;

(2) five or more separate notices of violation are issued for the same property within a 12 month period regardless of whether the owner of the property corrects the violations within the time frame required by the code official; or

(3) two or more citations are issued for the same property within a 12 month period.

(B) The violations identified in the notices and citations must be related to the Chapter 25-12 (*Technical Codes*), Chapter 10-5, Article 2 (*Sanitary Condition of Real Property*), Chapter 10-7 (*Pools and Spas*), or Section 25-11-32 (*Permit Required*).

(C) This chapter does not apply to:

(1) Owner-occupied rental units; or

(2) Residential units regulated by another section of the Code.

§ XX-X-4 REGISTRATION

(A) The landlord of a rental property that meets the conditions in Section 4-14-3(A) must register the property.

(B) The code official must provide written notice to a landlord that registration is required.

(C) The code official may allow a landlord up to 14 days to register the rental property.

(D) Registration is non-transferrable.

(E) A separate registration is required for each property.

(F) A person who fails to register as required in subsection (A) commits an offense punishable under Section 4-14-52.

§ XX-X-5 CHANGE IN OWNERSHIP

If a change in ownership of the rental property occurs during the period the property is subject to this chapter, the new owner must, within 30 days of the change, file a new registration application and pay a new registration fee.

ARTICLE 2. RENTAL REGISTRATION APPLICATION

§ XX-X-20 APPLICATION FEES

(A) A landlord must pay a registration application fee.

(B) The fee for the rental registration application under this chapter is established by separate ordinance.

(C) If a rental registration is revoked, the landlord must reapply for registration and pay the application fee.

§ XX-X-21 CONTENTS OF APPLICATION

(A) An application for rental registration must be submitted on a form approved by the code official.

(B) An application must contain all of the information described in this subsection that is applicable to the rental property.

(1) the name, address, and telephone of the applicant;

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(2) the name, address, and telephone of the property management company, if not the same as the applicant;

(3) the address of the property;

(4) the number of individual rental units and buildings at the property;

(5) a brief description of the amenities on the property;

(6) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;

(7) the name, address, and telephone of local contacts described in Section 4-14-36; and

(8) any additional information required by the code official.

ARTICLE 3. OPERATION

§ XX-X-30 RENTAL OF UNREGISTERED PROPERTY PROHIBITED

A person may not operate, lease, occupy, or otherwise allow another person to occupy a rental property without a registration required by this chapter.

§ XX-X-31 REGISTRATION PERIOD

(A) A rental property shall be registered for a minimum of two consecutive years.

(B) The rental property must remain registered until none of the conditions in Section 4-14-3(A) occur for two years.

(C) If a rental property completes a registration period and then becomes subject to this chapter again, the registration period shall be for a minimum of five years and must remain registered as provided for in subsection (B).

§ XX-X-32 REGISTRATION FEE

(A) Each year the registrant shall pay a fee to maintain the rental registration.

(B) The rental registration fee is established by separate ordinance.

§ XX-X-33 DISPLAY OF REGISTRATION

(A) A registrant of a multi-family property must display the registration in a public area of an on-site management office or other similar public area of the property.

(B) A registrant of a single-family property must display the registration in the kitchen area of the property.

§ XX-X-34 SIGNS

(A) A registrant shall post and maintain signs on the premises of the property that include the following information:

(1) the names and telephone number of the local contacts described in Section 4-14-36 (*Local Contacts*); and

(2) how to report code violations to the city.

(B) The signs required by this section shall be a minimum of 12 inches by 24 inches. Sign facings shall be fabricated out of weather-proof material. The signs shall have a white background with letters and numbers in a contrasting color.

(C) The registrant of a multi-family property must post one sign per 50 units. The signs must be posted outside and in the common areas of the property. If more than one sign is required under this section, the signs may not be placed in the same area of the property.

(D) The registrant of a single-family property must post one sign in the kitchen area of each dwelling unit.

(E) Any changes in the information required in subsection (A) must be updated within three business days of the change.

§ XX-X-35 TENANT REGISTRY

(A) The registrant must maintain a registry of all tenants at a single location.

(B) The registry must include the following information

(1) name of tenants; and

(2) tenant contact information.

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(C) In the event of an emergency, the registrant must make the rental registry available immediately for use by the code official.

(D) A registrant must update its registry within 48 hours of a change in occupants at the property.

§ XX-X-36 LOCAL CONTACTS

(A) A registrant that does not reside within the Austin Metro Area must identify an individual or individuals that can respond to emergency conditions.

(B) The individual or individuals described in subsection (A) must be present within the Austin Metro Area and be available to respond within two hours to an emergency during any 24-hour period.

(C) Emergency conditions shall include but not are limited to fire, natural disaster, flood, collapse hazard, burst pipes, lack of working utilities, or other condition that requires an immediate response to prevent harm to the property, the occupants of the property, or the public.

(D) A registrant must provide the code official its local contacts information in writing as follows:

(1) within three business days if there is a change related to the local contacts; and

(2) on an annual basis.

§ XX-X-37 NOTIFICATION OF CHANGE OF INFORMATION

A registrant shall notify the code official of a material change in the information contained in the rental registration application within 10 days of the change.

ARTICLE 4. INSPECTION

§ XX-X-40 INSPECTION BY CODE OFFICIAL

(A) The code official may conduct

(1) inspections based on indications of Code violations, including complaints received by the city;

(2) periodic inspections; and

(3) follow-up inspections.

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(B) The following areas of a multi-family property will be subject to inspection by the code official:

(1) all building exteriors;

(2) all exterior and interior public areas;

(3) vacant dwelling units; and

(4) occupied dwelling units upon the consent of the tenant or when subject to a valid administrative search warrant issued by a court of competent jurisdiction.

(C) The following areas of a single-family property will be subject to inspection by the code official:

(1) all building exteriors;

(2) vacant dwelling-units, with the owner's consent; and

(3) occupied dwelling units upon receipt of complaint by the tenant or when subject to a valid administrative search warrant issued by a court of competent jurisdiction.

(D) The code official may inspect portions of a rental property as frequently as the code official deems necessary.

(E) A landlord or tenant of a rental property may refuse to consent to an inspection conducted by the code official. If consent is refused, the code official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure and Section 2-10-1 of this code.

§ XX-X-41 PERIODIC INSPECTIONS

(A) A periodic inspection may occur once a year.

(B) The code official will select the dwelling units that will be subject to inspection.

(C) Prior to a scheduled periodic inspection, a registrant must provide occupants of the property at least 2 days written notice that includes the following:

(1) the units that may be inspected;

(2) that an inspector intends to enter the dwelling unit to inspect the unit;

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(3) that the tenant has a right to see the code compliance inspector's identification before the inspector enters the dwelling unit; and

(4) contact information for the Code Compliance Department.

(D) Upon request of the code official, a registrant must provide proof that written notice was provided.

ARTICLE 5. ENFORCEMENT

§ XX-X-50 SUSPENSION

(A) The code official may suspend rental registration for a rental property if the code official determines that

(1) the property is declared substandard or dangerous by the Building and Standards Commission, the code official, or a court of competent jurisdiction;

(2) the registrant fails to timely comply with a notice of violation;

(3) the registrant fails to comply with a requirement of this Chapter; or

(4) the registrant fails to pay its annual registration fee.

(B) A suspension is effective until the code official determines that registrant complies with:

(1) the requirements of this Chapter;

(2) an order of the Building and Standards Commission, code official, or a court of competent jurisdiction; or

(3) a notice of violation.

(C) While under suspension, a registrant may not lease or otherwise allow vacant dwelling units to be occupied and may not lease or otherwise allow an occupied unit to be occupied by new tenants.

(D) The code official must give notice to the registrant of its intent to suspend a registration issued under this chapter.

(E) The notice required by this section may specify a reasonable time for compliance with this chapter. If a time for compliance is specified, the code official may not suspend before the time for compliance has expired.

§ XX-X-51 REVOCATION

(A) The code official may immediately revoke a registration that has been suspended pursuant to Section 4-14-50 (*Suspension*) if the code official determines that the registrant:

(1) did not comply in a reasonable time with the requirements of this chapter or a notice of violation for which the suspension was ordered;

(2) during the suspension, did not comply with other requirements of this chapter; or

(3) during the suspension, did not comply with an order of the Building and Standards Commission, the code official, or a court of competent jurisdiction.

(B) Even if the registration has not been suspended, the code official may immediately revoke a registration issued under this chapter if an order to vacate the rental property is issued by the Building and Standards Commission or a court of competent jurisdiction.

§ XX-X-52 PENALTY

(A) A person who violates a provision of this chapter is guilty of a separate offense for each day the violation of this chapter continues.

(B) Each offense is punishable by a fine not to exceed $2,000. A culpable mental state is not required for fines of $500 or less, and need not be proved.

PART 3. City Code Section 25-12-213 (*Local Amendments To The International Property Maintenance Code*) is amended to add:

104.7 Reinspection Fees. An individual subject to a Notice of Violation ("Notice") shall pay a reinspection fee, established by separate ordinance, for inspections that are requested by an individual that is subject to a Notice after:

1. the second requested inspection during the time period to comply with the Notice; or

2. the first requested inspection after the time period to comply with the Notice.

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PART 4. Ordinance No. 20120910-003 (*Fiscal Year 2012-2013 Fee Ordinance*) is amended to add a "Rental Registration Application Fee", a "Rental Registration Fee", and "Reinspection Fee" for the Code Compliance Department, as follows.

	APPROVED	**APPROVED**	
	2011-2012	**2012-2013**	**change**
Code Compliance Department			
Rental Registration Fees			
Rental Registration Application Fee	None	$_____	
Rental Registration Fee	None	$_____	
Miscellaneous Fees			
Reinspection Fee	None	$_____	

PART 5. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

§
§
_____, 2013 §

_____
Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

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