

CITY OF SANDY OAKS

ORDINANCE NO. 2021-178

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS, PROVIDING FOR REGISTRATION AND INSPECTION OF RESIDENTIAL RENTAL PROPERTIES WITHIN THE CITY; PROVIDING FOR PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION, PROVIDING A REPEALER AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas ("City"), is a Type A General Law city incorporated and operating pursuant to the laws of the State of Texas; and

WHEREAS, the City Council of the City serves as the elected governing body of the City directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants; and

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the safety of its inhabitants pursuant to Local Government Code § 51.012; and

WHEREAS, the City is committed to ensuring that residential rental properties in the community are safe, livable, and routinely maintained in accordance with public health, safety, and property maintenance standards as adopted by City ordinances; and

WHEREAS, some residential rental property owners routinely fail to maintain their properties putting rental unit dwellers at risk of injury or death; and

WHEREAS, the City Council finds that renters and tenants are often required to make repairs and assess the costs for repairs themselves due to some residential property owners failing to maintain or make repairs on properties pursuant local ordinances or state law; and

WHEREAS, residential rental property registration and inspection programs provide cities with a mechanism for the identification, tracking, and enforcement of poorly maintained properties and owners/landlords; and

WHEREAS, the City Council finds it necessary to regulate residential properties in an effort to promote the health, safety, and welfare of its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS THAT:

SECTION 1. RESIDENTIAL RENTAL PROPERTY REGISTRATION AND INSPECTION DEFINITIONS.

BUILDING INSPECTOR. A person who is usually certified in one or more disciplines qualifying them to make professional judgment about whether a building meets building code requirements for inspections.

LOCAL CONTACT. An individual designated by an absent Owner/Landlord/Manager (one that lives outside of Sandy Oaks), who can respond promptly (less than two hours) to an emergency at a Rental Property, subject to this ordinance, on the Owner/Landlord/Manager's behalf and authorized to make decisions and act to remedy the emergency situation.

MAYOR. The Mayor of the City of Sandy Oaks or his or her designee.

OWNER/LANDLORD/MANAGER. Any person or corporation or company that owns, leases, or subleases residential Rental Property.

RENTAL CERTIFICATE OF OCCUPANCY (RCO). A certificate issued by the City of Sandy Oaks after the successful completion of Residential Rental Property Inspection authorizing occupancy by tenants.

RENTAL PROPERTY. Any residential single-family, two-family, or multi-family dwelling unit, including manufactured homes, that is not owner occupied, and is rented or leased, whether or not rent is charged, whether or not the lease is memorialized in writing. Rental Property includes, but is not limited to: properties rented or leased to students, families, or any other persons; properties in which a family member of the owner resides in the home but the owner does not (regardless of whether additional persons also reside in the home); properties used as vacation rentals or hosted short-term rentals; properties owned by a company or corporation to house employees, whether rent is paid or not; or properties where a property caretaker lives in the home but the owner does not.

SECTION 2. RESIDENTIAL RENTAL PROPERTY REGISTRATION.

- (A) The Owner/Landlord or Real Estate Manager of Rental Property is required to register Rental Property with the City on a form within fifteen (15) days of the property becoming Rental Property, if not previously registered with the City, and within 30 days if a Rental Property changes ownership. For purposes of this Section, only one registration is required per property location, whether the property location consists of a one-family, two-family unit (duplex), or multi-family unit (triplex, quadplex, apartment building, etc.).

The information required to register the Rental Property is as follows:

- 1) Physical address of the Rental Property;
- 2) Full name(s) of Owner(s)/Landlord(s);
- 3) Name of the Rental Property, if not identified by the physical address (e.g., "Main Street Apartments";

- 4) If the Owner/Landlord/Manager is a company, corporation, or association, the name and address of the registered agent on file with the Texas Secretary of State;
 - 5) Full contact information of the Owner/Landlord/Manager (home phone, cell phone, business phone, fax number, email address, and mailing and physical address);
 - 6) Type of Rental Property (single-family, two-family, multi-family, etc.);
 - 7) The name and complete contact information for the Local Contact, if different than the Owner/Landlord/Manager, in the case of an absentee owner. The Local Contact cannot be someone who is listed on the lease;
 - 8) If a two-family or multi-family property, the number of individual rental units and buildings at the property;
 - 9) Telephone number that will be answered 24 hours a day (i.e., emergency phone number) by a responsible party (Owner/Landlord/Manager, Local Contact, etc.);
 - 10) Tenant names, the contact information for all persons listed on the current lease(s), and all current lease(s) shall be presented to the City for review upon request; and
 - 11) Any other information, deemed necessary shall likewise be provided, as deemed necessary by the City.
- (B) An Owner/Landlord/Manager of Rental Property shall pay a fee of Fifty Dollars (\$50.00) per initial rental property registration.
- (C) An Owner/Landlord/Manager of Rental Property may not permit or allow another person to occupy or lease Rental Property without a registration required by this section and issuance of the Rental Certificate of Occupancy. All debts to the City must be paid in full prior to issuance of the RCO. Upon issuance, the RCO is good for two years unless one of the following occurs: (1) change of property ownership within the year, (2) the property owner loses the RCO due to violation/compliance, or (3) change of tenant. The registration fee will not be required to change the information required by subsection A(10) herein for a rental property registration if there is no other change in information under subsection (A).

SECTION 3. RESIDENTIAL RENTAL PROPERTY INSPECTION.

- (A) The City shall order an inspection of the interior and/or exterior of a Rental Property if any of the following circumstances exist:
- 1) The City receives a written or oral complaint from a tenant, neighbor, code officer, public works employee, police officer, or other interested party concerning a Rental Property indicating a current violation of a City ordinance, any of the international building codes, state law, or federal law or where the premises appear

to be unsafe, dangerous, or hazardous to the public health or safety;

- 2) Upon the first-time registration of a Rental Property with the City required by this Ordinance;
 - 3) The failure of an Owner/Landlord/Manager to register Rental Property as required by this Ordinance; or
 - 4) Any time the Rental Property is vacant, or without a tenant.
- (B) When an inspection is ordered, a preliminary inspection shall be conducted by a building inspector working at the direction of the City.
- (C) The preliminary inspection shall be conducted within 10 days of the City's order.
- (D) A written report of the preliminary inspection shall be submitted to the City, the occupants of the home and Owner/Landlord/Manager or Local Contact within two (2) days of the preliminary inspection. Actual notice must be achieved on the Owner/Landlord/Manager and/or Local Contact. This report shall contain a comprehensive list of any issues that require repair/remedy/correction with citation to the applicable law, regulation, and/or code offended. If no actionable issues are present, a written report detailing the preliminary inspection findings and passing performance shall be served on all parties as well, to close out the inspection.
- (E) If actionable dangerous issues exist in the preliminary inspection report, the Owner/Landlord/Manager has five (5) business days for occupied Rental Properties to remedy the issues and provide the City proof of such compliance. The cost of any remedy is the responsibility of Owner/Landlord/Manager and not the tenant(s) or the City.
- (F) Proof of compliance may be achieved by photos, receipts of materials/ work, affidavits of compliance, and/or a second inspection by the building inspector working at the direction of the City.
- (G) Failure to remedy a dangerous issue identified in the preliminary inspection within five (5) business days, and/or the failure to provide proof of a remedy to all of the dangerous issues identified in the preliminary report, is a violation of this ordinance and may result in the issuance of a criminal citation for the failure to comply. Additionally, a noncompliant Owner/Landlord/Manager, will also face a citation for each and every specific code, regulatory, and/or state law violation present at the time. The preliminary inspection report shall serve as a warning to the Owner/Landowner/Manager.
- (H) An Owner/Landlord/Manager of Rental Property, that wishes to contest the findings of a preliminary inspection report, may, at their own expense, seek an independent inspection of the Rental Property. A written report of this independent inspection shall be filed with the City of Sandy Oaks before the expiration of the five (5) day period for compliance. Such inspection must be conducted by a licensed building inspector, registered, and licensed through the Texas Real Estate Commission. If this written independent inspection report conflicts in a substantial way with the preliminary

inspection report, no citations may be issued for an offense under this Ordinance, until the matter is heard before the City Council. The Owner/Landlord/Manager shall be notified of the date and time of the meeting and be allowed to present their position to the City Council. The Mayor shall be responsible for determining whether the independent inspection report and preliminary inspection report are substantially in conflict and invoke a hearing before the City Council. The decision before the City Council on such an issue is whether to designate a period for compliance, and/or to close out an ordered inspection file. If Owner/Landlord/Manager is found in violation and if the tenant vacates property, then services will be terminated until violation findings are in compliance with this ordinance and inspection. A Peace Officer employed or appointed by the City may issue citations to the Owner/Landlord/Manager of Rental Property if found in violation.

- (I) The Owner/Landlord/Manager of the Rental Property shall permit the building inspector working at the direction of the City, to enter the Rental Property (exterior and interior) when necessary to review compliance with this Ordinance for the purposes of performing an inspection and/or to follow-up on a previous inspection. If the property to be inspected is occupied by a tenant or tenants, consent must be achieved of at least one occupant of legal age and authority to provide consent. If no consent of the occupants can be achieved, the City shall be responsible for seeking and obtaining a valid administrative search warrant issued by a court of competent jurisdiction to allow the designated building inspector access to perform the inspection. The time period for inspection completion shall toll during any days where a warrant is being sought to allow entry and shall not be held against the Owner/Landlord/Manager for purposes of this ordinance.
- (J) An Owner/Landlord/Manager of Rental Property that allows an occupant of a rental property to house pets/animals is required to secure the pets/animals by structurally sound fencing, so animal is not "At Large" as defined by City ordinance. (*See* Ordinance No. 2020-174, as amended). The Owner/Landlord/Manager of Rental Property shall arrange solid waste disposal and collection and recycling services as provided by City ordinance authorizing solid waste disposal and collection and recycling services. (*See* Ordinance No. 2015-31, as amended).
- (K) Any and all costs incurred by the City for third party inspection services related to compliance with this section shall be billed and collected from the Owner/Landlord/Manager. Failure to reimburse the City may lead to a civil collection action against Owner/Landlord/Manager, including attorney's fees and interest.

SECTION 4. PENALTY FOR VIOLATION.

Any violation of the terms of this Ordinance of said code is further declared to be a misdemeanor, and any person found to be guilty thereof shall be punishable by a fine not to exceed \$500.00. Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

SECTION 5. PUBLICATION

The City Secretary is hereby directed to publish in the official newspaper of the City, the ordinance, or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance as required by Local Government Code § 52.011.

SECTION 6. REPEALER.

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 7. SEVERABILITY.

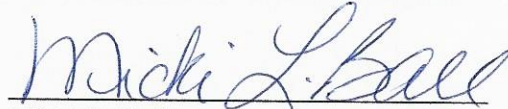
Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective upon publication pursuant to Local Government Code §52.011.

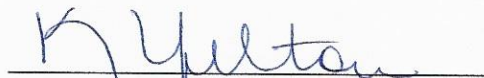
PASSED AND APPROVED on this 25th day of March 2021.

CITY OF SANDY OAKS, TEXAS



Micki L. Ball, Mayor

ATTEST:



Katherine Yelton, City Secretary