

ORDINANCE NO. 6127

AN ORDINANCE AMENDING CHAPTER 32, "NEIGHBORHOOD SANITATION AND HOUSING STANDARDS", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Sec. 32.09 of Chapter 32 "Neighborhood Sanitation and Housing Standards", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 32.09. Single-family permits.

(A) *Permit required.* No person shall rent a single-family dwelling unit without first obtaining a single-family permit issued under the provisions of this section. It shall be unlawful to submit a false or fraudulent application for a single-family permit. A person who rents a single-family dwelling knowing that a permit has not been issued for that dwelling or who knows that the permit issued for that dwelling has been revoked commits an offense each day the dwelling is occupied by a tenant.

(B) *Application; form.* An applicant for a single-family rental permit shall file with the City a written application, on the form provided for that purpose, signed by the owner of the single-family dwelling to be permitted. An applicant who owns more than one single-family residential dwelling shall file a separate application for each dwelling.

(C) *Form; contents.* The application shall include:

- (1) the name, physical street address, telephone number, and driver's license or other government-issued identification number of the owner, and the name, street address, and telephone number of any property manager of the property for which an application is being submitted;
- (2) if the owner is other than an individual, the legal name, all trade names, and the registered agent, managing partner, or other person authorized to accept service of process on behalf of the owner; and
- (3) the name and telephone number of the tenant responsible for the dwelling, if available, at the time of application.

(D) *Agent for service.* An applicant may designate on the application an agent for service of process who shall be the authorized agent for purposes of notice and other communications provided in this section. If an owner designates an agent for service as provided in this subsection, service of any notice under this Code on the designated agent shall constitute service upon the owner unless the Director of Code Compliance receives actual notice from the owner that the designated agent is no longer authorized to accept service on behalf of the owner.

(E) *Smoke detector certification.* The applicant shall certify that the single-family dwelling for which the application is submitted is equipped with properly working smoke detectors in accordance with the provisions of Sec. 32.03(A)(3).

(F) *Accessibility of permit; replacement.* A single-family rental permit issued pursuant to this section shall be maintained by the City, with a copy provided to the permittee.

(G) *Permit non-assignable; surrender.* A permit issued under this section is not assignable or transferable. A permit is valid only 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 owner(s) and surrender of the permit itself to the Director of Code Compliance. The surrender of a permit shall be effective immediately upon its filing in the office of the Director.

(H) *Inspection.* The premises for which the application is submitted or for which a permit has been previously issued shall be inspected for compliance with the provisions of the minimum housing standards contained in this Code as follows:

- (1) Exterior inspection: An exterior inspection shall be conducted by the City annually.
- (2) Change in tenancy: A single-family rental dwelling shall be fully inspected each time there is a change in tenancy in the dwelling. The applicant or permittee (if a permit has previously been issued for the dwelling) may request that the inspection be conducted by the City. Alternatively, the applicant or permittee may submit with the application a certification of compliance. The certification of compliance shall be signed by a person who holds a current and valid license to perform real estate inspections issued by the Texas Real Estate Commission under the provisions of Chapter 1102 of the Texas Occupations Code. The person signing the certification of compliance shall certify that the premises for which the application is being made complies with the minimum housing standards contained in this Code. The certification of compliance must be dated no more than 30 days before the date of the application. Nothing contained in this section shall be construed to prohibit an inspection at the request of a tenant.

- (3) Reinspection as necessary to determine compliance. A reinspection will not be necessary if the owner (or property manager) submits sufficient proof to the City from which the City is able to determine that all noted violations have been appropriately repaired. Sufficient proof shall include an affidavit stating that the repairs have been completed, a copy of the receipt for materials used in the repair or a receipt for the work done to make the repair, and photographs of the repair(s). If a reinspection is nonetheless necessary and the reinspection reveals that violations have not been corrected, subsequent inspections shall result in a reinspection fee of \$25.00 for that reinspection, \$50.00 for the next reinspection, if so needed, and \$75.00 for each reinspection thereafter. No permit shall be issued, and no permanent release of utilities shall be given if, as a result of an inspection, it is determined that the premises does not comply with the minimum housing standards contained in this Code.
- (4) Utilities provided upon a change in tenancy. A temporary release of utilities may be provided upon application for utilities pending a change in tenancy inspection under Sec. 32.09(H)(2). A permanent release for utility services shall not be issued unless:

(a) The inspection reveals that the premises contains no life safety violations or critical violations; or

(b) the City has been requested to inspect the premises and failed to inspect the premises within two complete business days of the City's receipt of the request for inspection without good cause and through no fault of the applicant.

(I) *Permit term and fee.*

- (1) Each single-family rental permit issued under this section shall be valid for one year from its date of issuance, unless suspended or revoked.
- (2) Applications for permit shall include an annual permit fee of fifty-five (\$55.00) dollars.

(J) *Temporary tenancies.* It shall be an affirmative defense to prosecution under Section 32.09 (A) that the single-family residential dwelling was rented or leased for a period of less than sixty (60) days to a person who was the immediate past owner of the dwelling or who shall be the immediate next owner of the dwelling.

(K) *Suspension of permit.* A single-family rental permit may be temporarily suspended by the City:

- (1) If a life safety violation exists on the premises of the permitted single-family dwelling;
- (2) If, after notice and a period of correction as provided by Sec. 32.02(F), a critical violation remains on the premises of the permitted single-family; or
- (3) If, after a change in tenancy, the City has not received a request for inspection or a certification of compliance within 60 days of application for temporary utilities.

(L) *Reinstatement of suspended permit.* A person whose permit has been suspended may, at any time, make written application for a reinspection for the purpose of reinstating the permit. Within ten (10) days following receipt of a request, which shall include a statement signed by the applicant that in the applicant's opinion, all of the violations that caused suspension of the permit have been corrected, the City shall make a reinspection. Upon reinspection, if all life safety, critical, and non-critical violations have been corrected, the permit shall be reinstated.

(M) *Revocation of permit.* For serious or repeated violations of any of the requirements of this Chapter, or for interference with the City or any of its agents in the performance of their duties, the single family rental permit may be permanently revoked after the City has provided an opportunity for a hearing. Prior to such action, the City shall notify the holder of the permit in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days from the service of such notice unless a request for a hearing is filed with the City, by the permit holder, within such ten (10) day period. A permit shall be suspended for cause pending its revocation or a hearing relative thereto.

(N) *Hearings.* The hearings provided for in this section shall be conducted, at the option of the owner (or property manager), by either the Housing Standards Board or a hearing officer appointed under the provisions of Sec. 24.25 of this Code, at a time and place designated by the Board or the hearing officer, as the case may be. Based on the record of such hearing, the Board or the hearing officer shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the City.

(O) *Certified rental properties.* Notwithstanding the provisions of Sec. 32.09(H) and Sec. 32.09(I) of this section, a permit for a single-family rental dwelling shall be issued for a period of three (3) years, and the dwelling shall not be subject to reinspection or recertification even in the event of a change in tenancy during that three-year term, if:

- (1) the owner (or the property manager for the dwelling) of the dwelling has completed a certification training course provided by the Director; and

- (2) the permit for the dwelling has not been suspended or revoked during the three-year term of the extended permit authorized by this subsection.

After the three-year term of the initial permit, the dwelling shall only be subject to reinspection or re-certification upon a change in tenancy, notwithstanding the issuance of a new permit provided that the owner or property manager has completed a refresher training course provided by the Director.”

Section 2

That, unless re-authorized by an affirmative vote of the majority of the City Council, Sec. 32.09 is repealed effective on the third anniversary of the adoption of this Ordinance.

Section 3

This Ordinance shall not, for a period of two years from the date of the adoption of this Ordinance, apply to any single-family dwelling unit that:

- (1) Was inspected on or after July 1, 2006 and before the effective date of this Ordinance; and
- (2) As a result of such inspection, it was determined that the dwelling unit had no life-safety or critical violations.

Section 4

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 5

That Chapter 32 “Neighborhood Sanitation and Housing Standards”, of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6


That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

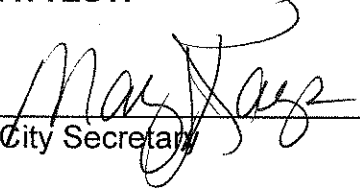
PASSED AND APPROVED this the 1st day of May, 2007.

CITY OF GARLAND, TEXAS



Mayor

ATTEST:



City Secretary