ORDINANCE NO. 17827-10-2007

AN ORDINANCE AMENDING CHAPTER SEVEN "BUILDINGS"; OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE IX "REGISTRATION AND INSPECTION OF MULTI-FAMILY DWELLING COMPLEXES" TO REVISE THE REGULATIONS FOR THE REGISTRATION AND INSPECTION OF MULTI-FAMILY DWELLINGS AND ADDING CIVIL ENFORCEMENT AND BY ADDING A NEW ARTICLE, ARTICLE X "REGISTRATION AND INSPECTION OF ONE-FAMILY AND TWO FAMILY DWELLINGS" TO REQUIRE REGISTRATION OF ONE AND TWO-FAMILY RENTAL UNITS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in January of 2005, the City Council formed the "Unrelated Persons Task Force" composed of representatives from area residents, the Black and Hispanic Chambers, apartment and real estate associations, the League of Neighborhoods, Texas Christian University, and neighborhood associations to study the impacts of rental properties in single family neighborhoods; and

WHEREAS, during the eight Task Force meetings, the Task Force members recommended that the rental registration ordinance be strengthened to require registration of one and two-family dwellings and multi-family dwellings with three or more units and to require owners to maintain a local emergency contact for owners who rent residential property in the City of Fort Worth; and

WHEREAS, on October 3, 2006, a public hearing was held before the City Council to discuss a proposed ordinance requiring registration of one and two-family dwellings and multi-family dwellings with three or more units and to require owners to

maintain a local emergency contact for owners who rent residential property in the City of Fort Worth; and

WHEREAS, the City Council instructed City Staff to conduct a series of public meetings to gain further input on the proposed ordinance requiring registration of one and two-family dwellings and multi-family dwellings with three or more units and to require owners to maintain a local emergency contact for owners who rent residential property in the City of Fort Worth; and

WHEREAS, City Staff conducted a series of public meetings over an eight month period to gain further comment and input on the proposed ordinance requiring registration of one and two-family dwellings and multi-family dwellings with three or more units and to require owners to maintain a local emergency contact for owners who rent residential property in the City of Fort Worth; and

WHEREAS, requiring registration and inspection of one-family dwellings, two-family dwellings, units of two-family dwellings, and multi-family dwellings with three to seven units serves to protect the health, safety, and welfare, of the tenants of residential rental units and the surrounding neighborhoods, and

WHEREAS, the current City Code of Fort Worth does not require registration and inspection of multi-family dwellings containing three to seven units, and;

WHEREAS, the current City Code of Fort Worth does not require registration of one-family dwellings and two-family dwellings and units of two-family dwellings, and

WHEREAS, it is advisable to adopt regulations requiring the registration of residential rental units for one and two-family dwellings where certain city code violations are present and multi-family dwellings with three to seven units, requiring owners to

maintain a local contact for emergency purposes, increasing the criminal enforcement provisions and adding civil enforcement provisions with regard to rental registration and inspection; and;

WHEREAS, it is the intent of the following regulations to establish additional supplemental standards and regulations for rental units located in the City to protect the health, safety, and welfare, of the tenants of residential rental units and the surrounding neighborhoods;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Article IX "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended by amending Sections 7-394 to change the definition of multi-family dwelling complex and add the term "boarding house" to read as follows:

Sec. 7-394. Definitions.

Multi-family dwelling complex:

(a) Multi-family dwelling complex means:

(1) Three (3) or more dwelling units that are under common ownership or that are managed by the same person, and that are on the same lot or tract or on adjoining lots or tracts; and/or

(2) A lodging house or boarding house.

SECTION 2.

Section 7-400 of Article IX "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is

hereby amended by adding two new subsections (b) and (f), and renumbering subsection (b) though (d) to read as follows:

Sec. 7-400. Certificate of Occupancy.

(b) Change of ownership. Within thirty (30) days after the change of ownership of a multi-family dwelling complex, the landlord shall obtain a new certificate of occupancy in order to continue operating. The complex, including all occupied and all vacant dwelling units, shall be subject to a complete certificate of occupancy inspection by the building official and the director before a new certificate of occupancy will be issued.

(c) Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Minimum Building Standards Code, this article, or of other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of the Building Code and other applicable ordinances shall not be valid. Changes in the character or use of a building shall not be made except as provided in the Building Code.

(d) The certificate of occupancy for all multi-family dwelling complexes shall be posted in a conspicuous place on the premises of the complex, and shall not be removed except by the building official.

(e) A landlord commits an offense if the landlord knowingly operates a multi-family dwelling complex in violation of this section.

(f) If the building official determines that the complex fails the certificate of occupancy inspection, all vacant units within the complex shall be posted for non-occupancy, and the landlord shall not allow the occupancy of such units until the complex passes final inspection and is issued a certificate of occupancy.

SECTION 3.

Section 7-401, "Registration Required" of Article IX "Registration and Inspection of Multi-Family Dwelling Complexes of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended by revising subsection (e) to read as follows:

Sec. 7-401. Registration Required.

(e) The registration shall be on a form prescribed by the code compliance director, and shall at a minimum contain the following information about the complex:

(1) the trade name, physical address, and business address;

(2) the names, addresses, and telephone numbers of the owner, property manager, resident manager, registered agent, and all federal, state, and local funding agencies; and the type of business entity which owns the complex;

(3) the names and physical address of designated employees or authorized representatives who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any twenty-four hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard, and violent crime. A post office box shall not suffice for the address requirements of this subsection;

(4) the names, addresses, and telephone numbers of any mortgagees;

(5) a copy of a site plan depicting the total number of all buildings within the complex, including a description of the use of each building and the location of each building within the complex;

(6) the total number of dwelling units;

(7) the number of dwelling units per category, with the categories based on the number of sleeping rooms in a unit;

(8) the number and type of security systems and fire alarm systems maintained on the premises and the names and telephone numbers of the alarm companies which respond to alarms or relay alarms to emergency services;

(9) if the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and physical address of any of the following:

a. for a corporation, a corporate officer;

b. for a partnership, a general partner;

c. for a limited liability company, the managing or administrative member;

d. for a limited partnership, a general partner;

e. for a limited liability partnership, a general partner;

f. for a limited liability limited partnership, a general partner;

g. for a trust, a trustee;

h. for a real estate investment trust, a general partner or an officer; or

i. for any other legal entity not named above, a duly authorized agent;

(10) if the property is owned by a person, other than an individual, who lives outside the State of Texas, the owner shall designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner. If the property is owned by a person who is an individual and who lives outside the State of Texas, the individual shall either designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner or provide a physical address where the owner may receive legal service. A designation of a registered agent under this section shall include the name and address of the agent; and

(11) if any change in the information required by this section occurs, the owner shall notify the code compliance director within thirty (30) days of the change, in a manner prescribed by the code compliance director.

SECTION 4.

Section 7-402, "Fees" of Article IX "Registration and Inspection of Multi-Family Dwelling Complexes of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended by increasing the annual fees in subsection (b) and deleting subsections (c) and renumbering subsection(d) to read as follows:

Sec. 7-402. Fees.

(a) The landlord of a multi-family dwelling complex shall pay the city fees to offset the city's cost of administration, registration and inspection.

(b) An annual fee of twenty-four dollars ($24.00) for the first dwelling unit and eight dollars ($8.00) for each additional dwelling unit shall be:

(1) submitted annually with the registration form required by Section 7-401 above, and

(2) submitted with a new registration upon a change of ownership of the complex.

(c) The fee requirements described above shall not include a dwelling unit on a college, university, or seminary occupied by a student or a student and the student's family and in which the dwelling unit is owned by the respective college, university, or seminary.

SECTION 5.

Section 7-403, "Inspection by the Director" of Article IX "Registration and Inspection of Multi-Family Dwelling Complexes of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended to read as follows:

Sec. 7-403. Inspection by the Director.

(a) The director may conduct:

(1) inspections for issuance of certificate of occupancy in conjunction with the development department;

(2) inspections based on indications of Code violations, including complaints filed with the director;

(3) periodic inspections; and

(4) follow-up inspections.

(b) The following areas of a multi-family dwelling complex shall be subject to periodic inspection by the director:

(1) all building exteriors;

(2) all exterior and interior public areas;

(3) vacant dwelling units;

(4) occupied dwelling units upon receipt of complaint by the unit's tenant during a periodic inspection.

(c) Except as provided by (d) below, the director may inspect portions of a multi-family dwelling complex as frequently as the director deems necessary. The director shall schedule periodic inspections no less frequently than once every two (2) years.

(d) Exemption. A multi-family dwelling complex whose original construction was completed on or after December 31, 1994, shall be exempt from the director's periodic inspection for three (3) years from the date the original certificate of occupancy was issued for the complex. If a complex was constructed in phases, each phase shall be treated as a separate complex for the purposes of this subsection. However, an inspection of the complex shall be triggered during the exemption period if:

(1) The ownership of the complex changes, in which case an inspection pursuant to subsection (g) shall be made; or

(2) The director receives a valid complaint of, or otherwise becomes aware of, a violation of this article or of the Minimum Building Standards Code at the complex.

(e) The landlord of a multi-family dwelling complex shall make all exteriors, all exterior and interior public areas, and all vacant dwelling units of the complex available to the director for inspections at all reasonable times.

(f) A multi-family dwelling complex fails a periodic inspection if it does not score at least 100 points, out of a possible 125 points, according to the Periodic Inspection Report scale attached as Exhibit A. The landlord of a multi-family dwelling complex that fails the periodic inspection as provided for in Section 7-403 shall correct all violations identified by the periodic inspection report within thirty days or within a reasonable time in accordance with industry standards as demonstrated by the landlord.

(g) The director is authorized to make follow up inspections of a multi-family dwelling complex which fails the initial periodic inspection and to inspect all areas included in the periodic inspection as well as occupied dwelling units, in such frequency and scope as the director deems necessary to determine compliance with this article and with the Minimum Building Standards Code, subject to the limitations set forth in subsection (m) of this section.

(h) If the complex fails the first follow-up inspection, the city shall assess the landlord a follow-up inspection fee of twenty-five dollars ($25.00) per dwelling unit for the gross number of dwelling units within the complex. Written notice of

the assessed follow-up inspection fee shall be sent by the code compliance director via U.S. mail to the landlord.

(i) The landlord of a multi-family dwelling complex that fails a non-periodic inspection shall correct all violations identified by the non-periodic inspection. Violations identified by a non-periodic report shall be corrected within a reasonable time in accordance with industry standards. If the multi-family dwelling complex fails a follow-up non-periodic inspection, the landlord shall pay the city a follow-up inspection fee of twenty-five dollars ($25.00) per unit that remains in violation.

(j) The landlord of a multi-family dwelling complex must file with the code compliance director a written request for an administrative hearing not later than the thirtieth (30) day after the fee is assessed under subsection (h) or (i). The fee shall be considered assessed on the date the notice is mailed by the City to the landlord.

(k) An administrative hearing shall be conducted by the code compliance director on the assessment of a fee under subsection (h) or (i) of this section not later than the twentieth (20) day after the date the hearing request is filed.

(l) In addition to the other authority granted by this section, the director is authorized to inspect a multi-family dwelling complex with greater frequency than provided above if the director has cause to believe that the complex is not in compliance with the Minimum Building Standards Code or this article.

(m) In addition to other authority granted by this section, the director has all rights and authority granted by Article 18.05 of the Texas Code of Criminal Procedure. Inspections shall comply with all federal, state, and local laws, regulations, and ordinances.

SECTION 6.

Section 7-404, "Landlord/Tenant Inspections" of Article IX "Registration and Inspection of Multi-Family Dwelling Complexes of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended by amending subsection (b)(3)b. to read as follows:

Sec. 7-404. Landlord/tenant Inspections.

(b) A landlord shall maintain reports of the inspections conducted pursuant to subsection (a) for all dwelling units within the multi-family dwelling complex.

(1) The reports shall either be on a form provided by the director or on a form that complies with the requirements of the director.

(2) A report shall include places for marking whether the dwelling unit complies with the standards set by the director to be included within the scope of the inspection, and shall include the names of all persons occupying the dwelling unit (other than overnight guests).

(3) A report shall also include:

a. The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any twenty-four-hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes, or violent crime; and

b. A notice for reporting code violations to the City in a form provided by the Code Compliance Director.

SECTION 7.

Section 7-410, "Crime Prevention Standards" of Article IX "Registration and Inspection of Multi-Family Dwelling Complexes of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended by amending subsections (1).b. and (2) to read as follows:

Sec. 7-410. Crime Prevention Standards.

The landlord of a multi-family dwelling complex shall provide the following crime prevention measures:

(1) Signs for emergencies and code violations. A landlord of a multi-family dwelling complex shall post and maintain signs on the premises of the complex which include the following:

a. Emergency numbers. The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any twenty-four-hour period. Emergency conditions shall

include fire, natural disaster, flood, collapse hazard, burst pipes, or violent crime.

b. *Notice for reporting code violations.* A sign for reporting code violations to the City in a form approved by the Code Compliance Director.

(2) The sign required by this section shall be a minimum of twelve (12) inches by twenty-four (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. At each multi-family dwelling complex there shall be at least one sign posted, and an additional sign for each fifty (50) dwelling units in excess of fifty (50). The signs shall be prominently displayed in exterior, publicly accessible areas of the complex. If the complex has an on-site management office, one sign shall be on the exterior of the office.

SECTION 8.

Section 7-416, "Criminal Enforcement" of Article IX "Registration and Inspection of Multi-Family Dwelling Complexes of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended to increase the fines to read as follows:

Sec. 7-416. Criminal Enforcement.

A violation of this article is a misdemeanor punishable by a fine not to exceed two thousand dollars ($2,000.00). Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense.

SECTION 9.

Article IX "Registration and Inspection of Multi-Family Dwelling Complexes of Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended to add a new section, Section 7-417 "Civil Enforcement" to read as follows:

Sec. 7-417. Civil Enforcement.

(a) The city may invoke Sections 54.012--54.019 of the Texas Local Government Code, as amended, and petition the state district court or the applicable county court at law, through the city attorney, for either injunctive

relief, civil penalties, or both injunctive relief and civil penalties, whenever it appears that a person has violated, or continues to violate, any provision of this chapter.

(b) Pursuant to Section 54.016 of the Texas Local Government Code, as amended, the city may obtain against the owner or the operator of a facility, a temporary or permanent injunction, as appropriate, that:

(1) Prohibits specific conduct that violates the ordinance; or

(2) Requires specific conduct that is necessary for compliance with the ordinance.

(c) Pursuant to Section 54.017 of the Texas Local Government Code, as amended, the city may recover a civil penalty of not more than one thousand dollars ($1,000.00) per day for each violation of any provision of this chapter that relates to any matter specified in subsection (a), if the city proves that:

(1) The defendant was actually notified of the provisions of the chapter; and

(2) After the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinances or failed to take action necessary for compliance with the ordinance.

(d) The city may also institute suit to recover the cost of any actual damages incurred by the city, and any costs of response, remediation, abatement, and restoration incurred by the city as allowed under state or federal laws, or at common law.

(e) In determining the amount of civil liability, the court should take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, and any other factors as justice requires.

SECTION 10.

Chapter 7, "Buildings" of the Code of the City of Fort Worth, is hereby amended by creating and adding Article X "Registration and Inspection of One-Family and Two Family Dwellings" to read as follows:

ONE-FAMILY AND TWO-FAMILY DWELLINGS.

Sec. 7-418. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meaning hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

Code compliance director means the director of the code compliance department, or the director's duly authorized representative.

Director means the code compliance director and the director's authorized representatives.

Dwelling Unit means one (1) or more habitable rooms, including an efficiency unit, which is intended to be occupied by one (1) or more persons for living, sleeping, cooking, eating and sanitation purposes.

Efficiency unit means a dwelling unit with one (1) habitable room that contains facilities used for combined sleeping, living, cooking, eating and sanitation purposes.

Existing building means a building constructed in compliance with all codes at the time of construction, or one for which a legal building permit has been issued prior to the effective date of this ordinance.

Owner means any person holding title to a one-family, two-family dwelling, or unit of a two-family dwelling, according to the deed records in the county clerk's office of the county in which the complex is situated, or the duly authorized agent of the person holding title to a one-family, two-family dwelling, or unit of a two-family dwelling, according to the deed records in the county clerk's office of the county in which the complex is situated.

Person means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

One-family dwelling means a dwelling designed exclusively for residential occupancy by not more than one family, including a community-based residential home as defined by the Community Homes for Disabled Persons Location Act, Chapter 123.001, Texas Human Resources Code. One-family dwelling shall not include a two-family dwelling as defined by this section or a multi-family dwelling as defined by Section 7-394 of Article IX.

Two-family dwelling means a dwelling designed exclusively for residential occupancy by two families, including a community-based residential home as defined by

the Community Homes for Disabled Persons Location Act, Chapter 123.001, Texas Human Resources Code. Two-family dwelling shall not include a one-family dwelling as defined by this section or a multi-family dwelling as defined by Section 7-394 of Article IX.

Sec. 7-419. Purpose.

The purpose of this article is to safeguard the life, health, safety, welfare, and property of individuals who, by rent, lease, or permission, occupy one-family and dwelling units of two-family dwellings and the general public by developing a process to enforce the minimum building standards, and to provide equitable and practical criminal, administrative, and civil penalties for the violation of minimum building standards.

Sec. 7-420. Applicability and Administration.

(a) This article shall apply to all one-family dwellings and dwelling units of two-family dwellings, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses.

(b) The code compliance director and the director's authorized representatives are authorized to administer and enforce the provisions of this article and the Minimum Building Standards Code.

Sec. 7-421. Registration Required.

(a) An owner of a one-family dwelling or a dwelling unit of a two-family dwelling shall be required to register a minimum of two consecutive years if:

(1) it does not score at least 100 points, out of a possible 125 points, according to the Periodic Inspection Report scale attached as Exhibit B; or

(2) it has an inspection score of 100 to 120 points, according to the Periodic Inspection Report scale attached as Exhibit B, and violations are not corrected within 30 calendar days; or

(3) an inspection uncovers a fire safety and/or public health and sanitation violation including, but not limited to:

a. non-working doors, windows, or escape routes required for emergency exit;

b. non-working smoke detectors;

c. inadequate heated air as required by City Code;

d. inadequate heated water as required by City Code;

e. unsafe or hazardous plumbing systems;

f. unsafe or hazardous electrical systems; or

g. hazardous structural conditions that could cause serious bodily injury due to collapse or partial collapse of a dwelling unit's structural member.

(b) If during the period in which a one-family dwelling or dwelling unit of a two-family dwelling is registered, a subsequent condition that would require registration under subsection (a) above occurs, then the one-family dwelling or dwelling unit of a two-family dwelling shall be subject to all registration requirements of this article and fee requirements as set out in section 7-423(a) of this article for an additional year. The additional registration year shall commence from the date the current period of registration expires.

Sec. 7-422. Registration.

(a) An owner who rents, leases to, or allows another person to occupy a one-family dwelling or dwelling unit of a two-family dwelling, and is required to register by this Article, shall file with the City a written registration application, on the form provided for that purpose, and signed by the owner of the dwelling to be registered.

(b) The registration shall be on a form prescribed by the code compliance director, and shall at a minimum contain the following information:

(1) the trade name, physical address, and business address;

(2) the names, addresses, and telephone numbers of the owner, property manager, and resident manager; and the type of business entity which owns the complex;

(3) the name and physical address of designated employees or authorized representatives who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any twenty-four hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard, and violent crime. A post office box shall not suffice for the address requirements of this section;

(4) the names, addresses, and telephone numbers of any mortgagees;

(5) if the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and address of any of the following

a. for a corporation, a corporate officer;

b. for a partnership, a general partner;

c. for a limited liability company, the managing or administrative member;

d. for a limited partnership, a general partner;

e. for a limited liability partnership, a general partner;

f. for a limited liability limited partnership, a general partner;

g. for a trust, a trustee;

h. for a real estate investment trust, a general partner or an officer.

i. for any other legal entity not named above, a duly authorized agent;

(6) if the property is owned by a person, other than an individual, who lives outside the State of Texas, the owner shall designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner. If the property is owned by a person who is an individual and who lives outside the State of Texas, the individual shall either designate a registered agent, in the State of Texas, who will accept legal service on behalf of the owner or provide a physical address where the owner may receive legal service. A designation of a registered agent under this section shall include the name and address of the agent; and

(7) if any change in the information required by this section occurs the owner shall notify the code compliance director within thirty (30) days of the change, in a manner prescribed by the code compliance director.

Sec. 7-423. Fees.

(a) A first year fee of two-hundred dollars ($200.00) for each one-family dwelling or dwelling unit of a two-family dwelling required to register shall be:

(1) submitted with the registration form required by this article, and

(2) submitted with a new registration upon a change of ownership of the one-family dwelling or dwelling unit of a two-family dwelling.

(b) Unless an additional year has been added under Section 7-421(b), a second year fee of one-hundred dollars ($100.00) for each one-family dwelling or dwelling unit of a two-family dwelling required to register shall be:

(1) submitted with the registration form required by this article, and

(2) submitted with a new registration upon a change of ownership of the one-family dwelling or dwelling unit of a two-family dwelling.

(c) A registration is valid for one year from the date the completed registration form is filed in the office of the Code Compliance Director, and payment of the registration fee for that year has been made, unless the ownership of the complex changes.

(d) A registration is not assigned or transferable. If a change of ownership of the complex occurs during the period that a registration is otherwise valid, the landlord of the complex shall have thirty (30) days from the date the change of ownership occurred to file a new registration with the code compliance director, and pay a new registration fee.

(e) If a one-family dwelling or dwelling unit of a two-family dwelling fails a follow-up inspection, the city shall assess the owner a follow-up inspection fee of twenty-five dollars ($25.00). Written notice of the assessed follow-up inspection fee shall be sent by the code compliance director via U.S. mail to the owner.

(f) The owner of a one-family dwelling or dwelling unit of a two-family dwelling must file with the code compliance director a written request for an administrative hearing not later than the thirtieth (30) day after the fee is assessed under subsection (e). The fee shall be considered assessed on the date the notice is mailed by the City to the landlord.

(g) An administrative hearing shall be conducted by the code compliance director on the assessment of a fee under subsection (e) of this section not later than the twentieth (20) day after the date the hearing request is filed.

Sec. 7-424. Inspection and Reporting.

(a) An owner shall inspect each dwelling for compliance with the standards set forth in the attached Exhibit A of this Article. Inspections shall be recorded on a form approved by the Code Compliance Director.

(b) The inspection of a dwelling shall be conducted a minimum of once annually and at any time when the occupancy changes.

(c) The owner shall sign each inspection report, and shall require a tenant to sign the report for the tenant's dwelling. If the tenant disagrees with any notation made by the owner on the report, the owner shall permit the tenant to make written comments on the report prior to signing it. The owner shall provide the tenant with a copy of the report after it is signed.

(d) An owner shall maintain a copy of the report of every inspection conducted pursuant to this section for a minimum of three (3) years. A copy of the reports maintained by an owner pursuant to this subsection shall be provided to the Code Compliance Director upon request.

(e) A notice for reporting code violations to the city shall be provided to the tenants once annually and at any time when the occupancy changes. The notice shall be in a form provided by the Code Compliance Director.

(f) The Code Compliance Director may conduct:

(1) inspections based on indication of Code violations;

(2) periodic inspections; and

(3) follow-up inspections.

(g) The following areas shall be subject to periodic inspection by the Code Compliance Director:

(1) all building exteriors;

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

(3) occupied dwelling units upon receipt of complaint by the unit's tenant during a periodic inspection.

(h) The Code Compliance Director is authorized to make follow-up inspections of a one-family dwelling or dwelling unit of a two-family dwelling which fails an initial inspection or a periodic inspection.

(i) In addition to other authority granted by this Article, the Code Compliance Director has all rights and authority granted by Article 18.05 of the Texas Code of Criminal Procedure. Inspections shall comply with all federal, state, and local laws, regulations, and ordinances.

Sec. 7-425. Criminal Enforcement.

(a) A violation of this article is a misdemeanor punishable by a fine not to exceed two thousand dollars ($2,000.00). Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense.

Sec. 7-426. Civil Enforcement.

(a) The city may invoke Sections 54.012--54.019 of the Texas Local Government Code, as amended, and petition the state district court or the applicable county court at law, through the city attorney, for either injunctive relief, civil penalties, or both injunctive relief and civil penalties, whenever it appears that a person has violated, or continues to violate, any provision of this chapter.

(b) Pursuant to Section 54.016 of the Texas Local Government Code, as amended, the city may obtain against the owner or the operator of a facility, a temporary or permanent injunction, as appropriate, that:

(1) Prohibits specific conduct that violates the ordinance; or

(2) Requires specific conduct that is necessary for compliance with the ordinance.

(c) Pursuant to Section 54.017 of the Texas Local Government Code, as amended, the city may recover a civil penalty of not more than one thousand dollars ($1,000.00) per day for each violation of any provision of this chapter that relates to any matter specified in subsection (a), if the city proves that:

(1) The defendant was actually notified of the provisions of the chapter; and

(2) After the defendant received notice of the ordinance provisions, the defendant committed acts in violation of the ordinances or failed to take action necessary for compliance with the ordinance.

(d) The city may also institute suit to recover the cost of any actual damages incurred by the city, and any costs of response, remediation, abatement, and restoration incurred by the city as allowed under state or federal laws, or at common law.

(e) In determining the amount of civil liability, the court should take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, and any other factors as justice requires.

SECTION 11.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 12.

It is hereby declared to be 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 unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 13.

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 offense. Each day that a violation exists shall constitute a separate offense.

SECTION 14.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of Fort Worth which have accrued at

the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 15.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 16.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: Martha L Walters
Assistant City Attorney

ADOPTED: October 9, 2007

EFFECTIVE: October 22, 2007

EXHIBIT "A"
OF ARTICLE IX "REGISTRATION AND INSPECTION OF MULTI-FAMILY DWELLING COMPLEXES"

The following descriptive categories are assigned a point value ranging from one to five points. Points are deducted for defective conditions or violations identified during routine inspection. This Periodic Inspection report along with any attachments is designed to reflect a grade based on general conditions observed throughout the property. An interior inspection will be required of multifamily dwelling complexes that fail to maintain a passing score of 100 points.

BALCONIES	-____(2)	AIR CONDITIONING	-____(2)
CHIMNEYS	-____(2)	ELECTRICAL HAZARDS	-____(5)
DOORS	-____(2)	GAS SUPPLY HAZARD	-____(5)
DOOR VIEWERS	-____(2)	HEATING	-____(5)
FIRE DAMAGE	-____(5)	LIGHTING	-____(2)
FOUNDATION	-____(2)	SEWAGE LEAKS	-____(5)
GLASS BROKEN OR CRACKED	-____(2)	SEWAGE CLEANOUT PLUGS	-____(5)
GLASS SHARDS NOT REMOVED	-____(5)	WATER LEAK	-____(2)
GUTTERS AND DOWNSPOUTS	-____(2)	WATER PENETRATION	-____(2)
LANDINGS	-____(2)	WATER SUPPLY	-____(2)
LOCKING DEVICES	-____(5)	WATER TEMPERATURE	-____(2)
PORCHES	-____(2)	PUBLIC ROOMS	-____(2)
INFESTATION	-____(2)	RAILINGS	-____(2)
SOLID WASTE CONTAINERS	-____(2)	ROOF DETERIORATION	-____(2)
STORAGE ON PORCH AND/OR PATIO	-____(2)	ROOF LEAK	-____(5)
SWIMMING POOL	-____(2)	STAIRS	-____(2)
TRASH ACCUMULATION	-____(5)	STRUCTURAL COLLAPSE	-____(5)
WEEDS AND GRASS	-____(1)	WALKWAYS	-____(2)
OUTSIDE STORAGE	-____(2)	WALLS	-____(2)
BOARD UP METHODS	-____(2)	WEATHER PROTECTION	-____(2)
COVERED PARKING	-____(2)	WINDOW BARS OR GRILLES	-____(5)
FENCES	-____(1)	FIRE LANES	-____(2)
ADDRESS NUMBERS	-____(2)	GRAFFITI	-____(5)
EMERGENCY NUMBERS	-____(2)	JUNKED VEHICLES	-____(1)
SIGNS	-____(2)	PARKING AREAS	-____(1)
TENANT AND LANDLORD INSPECTION FORMS	-____(5)		
CERTIFICATE OF OCCUPANCY	-____(10)	NOT POSTED CURRENT REGISTRATION	-____(5)

BEGINNING SCORE	125
TOTAL DEDUCTIONS	_____
FINAL SCORE	_____

EXHIBIT "A"
OF ARTICLE X "REGISTRATION AND INSPECTION OF ONE-FAMILY AND TWO-FAMILY DWELLINGS"

Please list the names of all persons occupying the dwelling unit (other than overnight guests).

_____

_____

_____

The City of Fort Worth Code of Ordinances requires a "Tenant and Landlord Inspection" of each dwelling in a multifamily dwelling complex. The inspection must be performed together by the tenant and landlord:

- 1) a minimum of once a year; or
- 2) when the occupancy of the dwelling changes.

THE TENANT MUST ANSWER THE FOLLOWING QUESTIONS BY CIRCLING EITHER YES OR NO.

YES -- NO	Has the Landlord installed a smoke detector in this residence?
YES -- NO	Did you check to make sure the smoke detector works?
YES -- NO	If battery operated, do you know the Tenant must replace smoke detector batteries?
YES -- NO	Do you know a portable barbecue or cooking appliance cannot be used on a balcony, walkway, landing or within ten (10) feet of a combustible building?
YES -- NO	Do all electrical outlets, switches or lighting fixtures operate properly?
YES -- NO	Have you seen exposed electrical wiring inside or outside the residence?
YES -- NO	Have you noticed sewage leaking from inside or outside of the residence?
YES -- NO	Have you noticed water leaking from inside or outside of the residence?
YES -- NO	Are any of the drains clogged?
YES -- NO	Have you noticed the odor of gas inside or outside of the residence?
YES -- NO	Where evidence of infestation exists, has the dwelling been exterminated within the last 30 days?
YES -- NO	Is there broken glass in the window or door frames?
YES -- NO	Do the windows and doors lock properly?
YES -- NO	Is there a door viewer (peephole) installed in each exterior door?
YES -- NO	Is there a keyless bolting device on exterior doors that doesn't require special knowledge or tools to open?
YES -- NO	If a sliding door is present, is it equipped with a pin lock?
YES -- NO	Is the building marked with contrasting property address numbers?
YES -- NO	Is the dwelling unit number marked at the entrance to the unit?
YES -- NO	Has the Landlord advised the tenant the appropriate way to report problems to the Landlord?
YES -- NO	In case of an emergency, does the tenant have an evacuation plan?

Where is your meeting place?

_____

YES – NO Has the Landlord provided the tenant with a copy of the Fort Worth Rental Handbook?

EXHIBIT "B"
OF ARTICLE X "REGISTRATION AND INSPECTION OF ONE-FAMILY AND TWO-FAMILY DWELLINGS"

The following descriptive categories are assigned a point value ranging from one to five points. Points are deducted for defective conditions or violations identified during routine inspection. This Periodic Inspection report along with any attachments is designed to reflect a grade based on general conditions observed throughout the property.

BALCONIES	-____(2)	AIR CONDITIONING	-____(2)
CHIMNEYS	-____(2)	ELECTRICAL HAZARDS	-____(10)
DOORS	-____(2)	GAS SUPPLY HAZARD	-____(10)
DOOR VIEWERS	-____(2)	HEATING	-____(10)
FIRE DAMAGE	-____(10)	LIGHTING	-____(5)
FOUNDATION	-____(2)	SEWAGE LEAKS	-____(10)
GLASS BROKEN OR CRACKED	-____(5)	SEWAGE CLEANOUT PLUGS	-____(5)
GLASS SHARDS NOT REMOVED	-____(10)	WATER LEAK	-____(5)
GUTTERS AND DOWNSPOUTS	-____(2)	WATER PENETRATION	-____(5)
LANDINGS	-____(2)	WATER SUPPLY	-____(5)
LOCKING DEVICES	-____(10)	WATER TEMPERATURE	-____(10)
PORCHES	-____(2)		
INFESTATION	-____(2)	RAILINGS	-____(2)
SOLID WASTE CONTAINERS	-____(2)	ROOF DETERIORATION	-____(2)
STORAGE ON PORCH AND/OR PATIO	-____(2)	ROOF LEAK	-____(10)
SWIMMING POOL	-____(2)	STAIRS	-____(5)
TRASH ACCUMULATION	-____(10)	STRUCTURAL COLLAPSE	-____(10)
WEEDS AND GRASS	-____(1)	WALKWAYS	-____(2)
OUTSIDE STORAGE	-____(2)	WALLS	-____(2)
BOARD UP METHODS	-____(2)	WEATHER PROTECTION	-____(2)
COVERED PARKING	-____(2)	WINDOW BARS OR GRILLES	-____(10)
FENCES	-____(1)		
ADDRESS NUMBERS	-____(2)	GRAFFITI	-____(5)
JUNKED VEHICLES	-____(2)	PARKING AREAS	-____(2)
TENANT AND LANDLORD INSPECTION FORMS	-____(5)		

BEGINNING SCORE	125
TOTAL DEDUCTIONS	_____
FINAL SCORE	_____

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved As Amended on 10/9/2007 - Ordinance No. 17827-10-2007

DATE: Tuesday, October 09, 2007
LOG NAME: 23RENTAL REG **REFERENCE NO.: G-15907(Revised)**

SUBJECT:
Adopt Ordinance Amending Chapter 7 "Buildings" City Code to Add Additional Registration, Inspection and Enforcement Requirements for Multifamily Properties with Three or More Units and to Add New Regulations for One- and Two-Family Rental Properties

RECOMMENDATION:
It is recommended that the City Council adopt the attached ordinance amending Chapter 7 "Buildings" City Code to add additional registration, inspection and enforcement requirements for multi-family properties with three or more units and to add new regulations for one- and two-family rental properties.

DISCUSSION:
Staff proposes to amend Chapter 7 "Buildings" to add additional registration, inspection and enforcement requirements for multi-family properties with three or more units and to add new regulations for one- and two-family rental properties. This will enable the Code Compliance Department to identify and abate Texas state law and Fort Worth City code violations for the health, safety, and welfare of tenants, adjoining property owners, and the general public. A summary of the proposed addition is listed below.

Section 7-394 is amended to expand the definition of multi-family dwelling complexes.

Section 7-400 is amended to bring all sub-sections regarding certificate of occupancy requirements under one section.

Section 7-401 is amended to require more precise ownership identification including physical addresses of designated employees, corporate entity identification, and providing for a designated agent for out of state owners.

Section 7-402 is amended to increase the annual registration fee from six dollars per dwelling unit to twenty-four dollars for the first dwelling unit and eight dollars for each additional dwelling unit.

Section 7-403 is amended to include the standards for periodic inspections, to increase the fee for failing a follow-up inspection from eighteen dollars per unit to twenty-five dollars per unit, to add a fee for failing a follow-up non-periodic inspection of twenty-five dollars, and to provide for an administrative appeal for assessed fees.

Section 7-404 is amended to allow the Code Compliance Director to provide the form of the tenant notice for reporting code violations.

Section 7-410 is amended to allow the Code Compliance Director to provide the form of the sign for reporting code violations.

Section 7-416 is amended to increase the criminal punishment range from a fine not to exceed five-hundred

dollars to a fine not to exceed two-thousand dollars.

Section 7-417 is added to provide for civil enforcement of the ordinances regarding this Article X of Chapter 7, through Chapter 54 of the Texas Local Government Code, or under any state or federal law, including common law causes of action.

Section 7-418 is added to define terms specific to the ordinance regulating one-family and two-family rental dwellings.

Section 7-419 is added to provide that the purpose for the ordinance regulating one-family and two-family rental dwellings is to protect the health, safety, and welfare of the occupants of one-family and two-family dwelling units and the general public.

Section 7-420 is added to provide for applicability and administration of the ordinance regulating one-family and two-family rental dwellings.

Section 7-421 is added to require registration, if certain health, safety and welfare standards are not met, of one-family dwellings, two-family dwellings and units of two-family dwellings which the owner rents, leases, or allows another to occupy.

Section 7-422 is added to provide for registration requirements including ownership information and a designated agent for out of state owners.

Section 7-423 is added to provide for registration fees, if certain health, safety and welfare standards are not met, for one-family dwellings, two-family dwellings and units of two-family dwellings required to register under this Article..

Sections 7-424 is added to require inspection by owners, tenants and the Code Compliance Department of one-family dwellings, two-family dwellings, and units of two-family dwellings required to register under this Article.

Section 7-425 and 426 are added to provide criminal and civil enforcement.

After public hearings were held in 2006 to seek public comment on the proposed ordinance, a series of public meetings were held in 2007 to gather further input on the ordinance.

A public hearing was held by City Council on October 2, 2007 to seek public comment on a proposed ordinance. The attached ordinance reflects City Council's direction after the conclusion of that public hearing.

The attached ordinance will be effective upon adoption and publication.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that adoption of the ordinance will result in an deficit in the FY08 Code Compliance Revenue budget. The deficit will be partially offset by staff vacancies and anticipated budgetary savings.

TO Fund/Account/Centers	FROM Fund/Account/Centers

Submitted for City Manager's Office by:	Libby Watson (6183)
Originating Department Head:	Carl Smart (6345)
Additional Information Contact:	Matthew Wallis (7620)