

ORDINANCE NO. 1998

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS", ARTICLE X, "MINIMUM HOUSING CODE", DIVISION 1, "GENERALLY", SECTION 14-183, DIVISION 2, "LICENSE", SECTIONS 14-192 AND 14-194 PROVIDING FOR REVOCATION OF LICENSES AND CERTIFICATES OF OCCUPANCY AND OTHER ENFORCEMENT ACTION FOR FAILURE TO COMPLY WITH THE MINIMUM HOUSING CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Euless has adopted a Minimum Housing Code which establishes minimum standards governing the use, occupancy, management, operation and maintenance of multi-family dwelling complexes within the City; and

WHEREAS, in order to better protect the health, safety and welfare of the citizens of Euless, it is the desire of the City Council to amend the Minimum Housing Code to provide for the enforcement of this Code.

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

SECTION 1.

THAT Chapter 14, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE X, "MINIMUM HOUSING CODE," DIVISION 1, "GENERALLY", Section 14-183, DIVISION 2, "LICENSE", Sections 14-192 and 14-194 of the Code of Ordinances of the City of Euless, Texas, as amended, is hereby amended to read as follows:

Sec. 14-183. Purpose.

The purpose of this article is to protect the public health, safety, and welfare of the citizens of the City by establishing minimum standards governing the construction, use, occupancy, management, operation and maintenance of multi-family dwelling complexes, establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make multi-family dwelling complexes and apartments safe, sanitary, and fit for human use and habitation; fixing certain

responsibilities and duties of owners, property managers and occupants of multi-family dwelling complexes; authorizing and establishing procedures for the inspection of multi-family dwelling complexes and the condemnation and vacation of those multi-family dwelling complexes unfit for human use, occupancy and habitation and fixing penalties for the violation of the provisions of this article. This article is declared to be remedial and essential to the public interest, safety, health and welfare, and it is intended that this article be liberally construed to effectuate the purposes as stated above. Further, it is declared that it is not the purpose of this article that it shall be used as an instrument for the harassment of any persons, nor is it the intent of this article to mandate the closure of any multi-family dwelling complex, but rather to ensure compliance with the minimum standards essential to protect the public, health, safety and welfare of the citizens of the City.

Sec. 14-192. License requirements/change in ownership.

- (1) No multi-family dwelling complex may be operated within the City without a license. The landlord of a complex shall apply for a license with Code Compliance. A license shall be valid for twelve (12) months upon issuance and must be renewed on an annual basis.
- (2) The landlord of a multi-family dwelling complex shall make application for a license within thirty (30) days after the Property Maintenance Inspection Report is issued to the landlord.
- (3) The landlord of a multi-family dwelling complex that is not subject to a Primary Inspection during the subsequent twelve (12) months shall make application for renewal of the license within thirty (30) days of the license renewal date.
- (4) Upon a change in ownership, the new landlord of the complex shall have thirty (30) days from the date of the change of ownership to file an application for a new license with Code Compliance. A change in ownership occurs when over fifty percent (50%) of the interest in the complex is transferred to a different person.
- (5) License applications received more than thirty (30) days after the renewal date has expired or the Property Maintenance Inspection Report has been issued or an ownership change has occurred shall be assessed a late fee.
- (6) The landlord must be current with any and all fees, taxes, and assessments owed to the City prior to the issuance or renewal of a license.
- (7) Continued maintenance and observance of the standards contained in this article are conditions that shall be complied with in order to retain a license and to obtain any renewal of a license.

- (8) All City building, electrical, plumbing, heating, air conditioning, health, zoning, fire safety and other applicable ordinances not specifically identified in the main body of this article shall be complied with at all times.
- (9) In the event that a valid license is not maintained, the City retains the right to revoke the certificate of occupancy.
- (10) The license shall be on a form prescribed by Code Compliance and shall at a minimum contain the following information about the complex:
 - a. The trade name, physical address, business mailing address, e-mail address(es), and related website(s), telephone numbers, total number of units;
 - b. The names 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 (24) hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard and violent or property crime;
 - c. The names, addresses, e-mail address(es), and related website(s), telephone numbers, of the property owner, property manager, resident manager, registered agent, all federal, state, and local funding agencies; and the type of business entity which owns the complex;
 - d. The names, addresses, e-mail address(es), and related website(s), telephone numbers, of the retail electric provider(s) in order to contact the appropriate person/entity for disconnect of public utility service;
 - e. The names, addresses, e-mail address(es), and related website(s), telephone numbers, of any mortgage lienholders;
 - f. The number of buildings, number of units per building broken down as to number of efficiencies, one-bedroom, two-bedroom, and three-bedroom; number of other buildings including the washateria, clubhouse, office, etc.;
 - g. The trade name of the complex. It shall be unlawful for any person to use or permit to be used more than one trade name at a single location.
 - h. Acknowledgment of receipt of copy of the "Minimum Housing Code Ordinance" and agreement to abide by the code as a condition to receiving and maintaining a license.
- (11) A landlord commits an offense and the license to operate may be revoked if the landlord:

- a. Operates a multi-family dwelling complex which is not currently licensed with Code Compliance;
 - b. Fails to pay fees as required by this article;
 - c. Maintains a property in violation of this article;
 - d. Commits any other violation of this article.
- (12) It shall be unlawful for any person to own, operate, manage or maintain a multi- family complex in the City without a current license having been issued for each complex. Any person owning, operating, managing or maintaining a complex at more than one location shall obtain a license for each separate location.

Sec. 14-194. Noncompliance; enforcement.

- (1) Upon failure to comply with the terms of this article after receipt of written notice from the Apartment Inspection Program Manager setting out the violation(s) and the time allowed to rectify the violation(s), the City may, at its discretion, take any or all of the following actions:
- a. Prohibit the landlord from reletting any unit in violation of this article that becomes vacant until the violation(s) have been rectified;
 - b. Impose a penalty upon the owner as provided in Section 14-186 of this article.
 - c. Revoke the owner's certificate of occupancy and the license authorized by this article to operate the entire multi-family dwelling complex.
 - (i) The City will notify the landlord in writing that such authority will be exercised and identify the specific date that the current license to operate will be invalid.
 - (ii) The landlord will be required, after receipt of notification from the City, to issue a formal written notice to all tenants at least sixty (60) days before the specific date on which the license to operate becomes invalid stating that all units must be vacated. This written notice shall also be posted prominently in the leasing office.
- (2) In addition to the remedies provided in subsection (1) above, the City reserves the right to take any or all of the following actions on any property which is assigned a Tier 3 designation in three (3) consecutive Primary Inspections as contained in the Property Maintenance Inspection Reports:

- a. Prohibit the landlord from reletting any unit in the multi-family dwelling complex that becomes vacant or renewing any leases for a term that would go beyond the date the license to operate becomes invalid. It shall be a violation of this article for the landlord to rent any unit after notice from the City that such action is prohibited.
 - b. Direct the fire department, police department, or other appropriate department to conduct safety surveillance and inspections to prevent imminent threats to the health and safety of residents, at the owner's expense, until the violations have been rectified.
- (3) If the City takes any enforcement action that mandates the involuntary relocation of tenants prior to the end of their contractual rental term, the City shall provide reasonable relocation expenses to eligible tenants. The cost of such relocation expenses shall be borne by the landlord. The failure to pay such expenses within thirty (30) days from notice of same shall result in the City placing a lien on the property to secure such repayment.

SECTION 2.

CUMULATIVE CLAUSE. This ordinance shall be cumulative of all provisions of ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

PENALTY CLAUSE. Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, Section 1-12, Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 4.

SEVERABILITY CLAUSE. That 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 invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or 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 invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

SAVINGS CLAUSE. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating multi-family dwelling units that 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 6.

PUBLICATION CLAUSE. The City Secretary of the City of Euless is hereby directed to publish the caption, penalty clause, and effective date clause of this ordinance in the official newspaper of the City of Euless, in accordance with Section 12 of Article II of the Charter of the City of Euless.

SECTION 7.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND GIVEN FIRST READING AND FINAL READING at a regular meeting of the Euless City Council on the 25th day of June 2013, by a vote of ____ ayes, ____ nays and ____ abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney