

ORDINANCE NO. _____

An ordinance amending Chapter 27, “Minimum Property Standards,” of the Dallas City Code by amending Sections 27-30, 27-31, 27-32, 27-38, and 27-42; providing clarification for the certification of inspection; providing a modified number of units required for a fulltime property manager; providing clarifying language on defense to prosecution; providing updated fees; providing criteria for initial and continued self-certification; providing criteria for required training; providing; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (d) of Section 27-30, “Registration and Posting Requirements; Defenses,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code is amended to read as follows:

“(d) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property or condominium association, fails to post, in a conspicuous place in a common area of the property or as otherwise approved by the director,[-

(1)] the certificate of inspection score issued by the director.[-and

(2) ~~the property’s score from its most recent graded inspection as well as an information sheet explaining how the graded inspection is scored.]”~~

SECTION 2. That Subsection (f) of Section 27-30, “Registration and Posting Requirements; Defenses,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code is amended to read as follows:

“(f) A person commits an offense if he, as an owner, landlord, or property manager of a multitenant property, operates the property or otherwise allows a dwelling unit in that property to be occupied or leased without employing a full-time manager to oversee the day-to-day operations of the property, if the property has 12 ~~[60]~~ or more units.”

SECTION 3. That Subsection (g) of Section 27-30, “Registration and Posting Requirements; Defenses,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code is amended to read as follows:

“(g) It is a defense to prosecution under this section that:

(1) at the time of notice of violation, no dwelling units in the rental property are leased or offered for lease and the owner of the rental property has filed with the director an exemption affidavit on a form provided by the director;

(2) at the time of notice of violation, the owner of the single dwelling unit rental property had rented the property to tenants for a total of not more than 30 consecutive days during the preceding 12 months;

(3) at the time of notice of violation, the only tenants living in the single dwelling unit rental property are individuals related to the owner by consanguinity or affinity;

(4) ~~[within the two years preceding the notice of violation or]~~ at the time of the notice of violation, the owner of a single dwelling unit rental property had a homestead exemption for the property on file with the county appraisal district which the rental property is located; or

(5) at the time of the notice of a violation:

(A) the property was a short-term rental; and

(B) applicable hotel occupancy taxes levied on the property under Article V of Chapter 44 of the city code, as amended, had been collected and remitted in full.”

SECTION 4. That Section 27-31, “Registration; Fees; Renewal,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code is amended to read as follows:

“SEC. 27-31. REGISTRATION; FEES; RENEWAL.

(a) Rental properties and condominium associations must provide a complete registration to the director annually.

(b) A registration application for a multitenant property, single dwelling unit rental property or condominium association that was not previously required to register must be submitted before the owner leases the property or before any condominium units are occupied.

(c) Rental registration expires one year after the registration date.

(d) The annual registration fee, which includes the initial inspection fee, for a multitenant property is an amount equal to \$6.00 times the total number of dwelling units, whether occupied or unoccupied, in the multitenant property.

(e) The annual registration fee~~[, which excludes the initial inspection fee,]~~ for a single dwelling unit rental property is ~~\$43.00~~^[21] per single dwelling unit rental property.

(f) No refund or prorating of a registration fee will be made.

(g) A registrant shall keep the information contained in its registration application current and accurate. If there is any change in the application information, the registrant shall promptly notify the director in writing of the changes in information.

(h) A registration may be renewed by making application for a renewal in accordance with this article on an electronic ~~[a]~~ form provided by the director. In the application renewal the registrant shall certify that all information in the then-current registration application is still accurate as of the date of the renewal application or correct any information that is not accurate as of the date of the renewal application. ~~[The registrant shall also submit a new, current affidavit certifying the matters identified in Subsection 27-32(b) of this article.]”~~

SECTION 5. That Section 27-32, “Registration Application,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code is amended to read as follows:

“SEC. 27-32. REGISTRATION APPLICATION.

~~[(a)]~~ An owner ~~[of a rental property and the owner]~~, landlord, or property manager of a condominium association, single dwelling rental unit, or multitenant property must submit to the director a registration application on an electronic ~~[a]~~ form provided for that purpose by the director. The application must contain the following true and correct information:

(1) the name, mailing address, email address, and telephone number for:

(A) the owner of the rental property being registered or the name of the condominium association being registered;

(B) the person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the rental property. An emergency condition includes any fire, natural disaster, collapse hazard, burst pipe, lack of working utilities, serious police incident, or other condition that requires an immediate response to avoid or minimize potential harm to the rental property, neighboring property, the occupants of the property, or the public.

(C) if the owner is not a natural person, then an agent, employee, or officer of the owner or condominium association authorized to receive legal notices and service of legal process on behalf of the owner or condominium association, and, in the case of an entity required to be registered with the State of Texas, the registered agent for service of process for the entity;

(D) the holder of any deed of trust or mortgage lien on the rental property being registered;

(E) any insurance carriers providing casualty insurance to the owner covering the rental property or condominium association being registered [~~(and providing the applicable policy number(s))~~];

(F) any agent, employee, officer, landlord, property manager, and other person in control of, managing, or operating the rental property or condominium association on behalf of the owner or condominium association; and

(2) if the property being registered is part of a multitenant property or condominium association:

(A) the name, all legal addresses comprising the property, and the main telephone number, if any, of the property;

(B) the number of dwelling units, buildings, and swimming pools located on the property and the total number of bedrooms located on the property (a dwelling unit with no separate bedroom will be counted as one bedroom); and

(C) the name, mailing address, telephone number, and email address for any condominium association applicable to the property;

(3) if the owner of the rental property is not a natural person, the form of the entity, including but not limited to, a corporation, general partnership, limited partnership, trust, or limited liability company, and the state or foreign jurisdiction of organization and registration, if other than the State of Texas, as well as, the name and mailing address for each principle officer, director, general partner, trustee, manager, member, or other person charged with the operation, control, or management of the entity;

~~(4) [the location of business records pertaining to the rental property or condominium association required to be maintained by Section 27-38 of this article;~~

~~(5) the official recording information (e.g. volume, page, and county of recording) for the owner's deed and any other instruments evidencing ownership of the rental property or creation and governance of the condominium association being registered;~~

~~(6) a list of all businesses, whether for profit or non-profit, operating out of the property and offering good or services to persons residing at or visiting the property;]~~

a photocopy ~~[copy]~~ of the owner's current driver's license or other government-issued personal identification card containing a photograph of the owner, if the owner is a natural person; and

~~(5[8]) any additional information the registrant desires to include or that the director deems necessary to aid in the determination of whether the registration application will be deemed complete.~~

~~[(b) In addition to the application containing the information enumerated above, the owner must also provide an affidavit certifying that the following statements are true:~~

~~(1) there are no outstanding and unpaid ad valorem taxes or city liens applicable to the rental property being registered;~~

~~(2) operation of the rental property as currently configured does not violate the city's zoning ordinance;~~

~~(3) if the rental property is a multitenant property or part of a condominium, that it has a valid and adequate certificate of occupancy;~~

~~(4) if the rental property owner is an entity required to be registered or incorporated in its jurisdiction of formation, said entity is duly formed, existing, and in good standing with the jurisdiction; and~~

~~(5) if the rental property is a single dwelling unit rental property, the owner or the owner's agent inspected the interior and exterior of the rental property within 60 days prior to the submission of the application and the results have been recorded on a form provided by the director.]”~~

SECTION 6. That Subsection (a) of Section 27-38, “Registrant’s Records,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code is amended to read as follows:

“(a) Each registrant shall maintain at a single location [~~within the city of Dallas, and identified in the registration application,~~] the business records of the rental property or condominium association being registered. If the registrant refuses to make those records available for inspection by the director or a peace officer, the director or peace officer may seek a court order to inspect the records.”

SECTION 7. That Section 27-42, “Property Inspection; Inspection and Reinspection Fees,” of Article VII, “Registration and Inspection of Rental Properties and Condominiums,” of Chapter 27, “Minimum Property Standards,” of the Dallas City Code is amended to read as follows:

“SEC. 27-42. PROPERTY INSPECTION; INSPECTION AND REINSPECTION FEES; SELF-CERTIFICATION PROCESS.”

(a) The director shall conduct a graded inspection of each multitenant property [~~and each condominium property~~] at least once every three years; but not more frequently than once a year. Graded inspections may be conducted more frequently by the director, when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (d) of this section, shall also conduct any subsequent inspections of any property failing the graded inspection. The director may conduct nongraded comprehensive inspections on a multitenant [~~and condominium~~] property at any time the director deems necessary. The director, in accordance with Subsection (e) of this section, may allow a multitenant property owner to conduct a self-certification inspection of the property.

(1) After completing a graded inspection, the director shall timely issue the property owner or manager [~~condominium association~~] a certificate of inspection that includes the inspection score.

(2) Multitenant properties [~~and condominiums~~] that were constructed and issued a certificate of occupancy within the preceding five years are not subject to a graded inspection.

(b) The director shall conduct an inspection of each single dwelling unit rental property at least once every five years [~~but not more frequently than once a year~~]. The director may conduct inspections of single dwelling rental properties at any time the director deems necessary when determined to be in the interest of the public health, safety, and welfare. The director, in accordance with Subsection (e) of this section, may allow a single dwelling unit rental property owner to conduct a self-certification inspection of the property.

(c) The inspections conducted pursuant to this section are in addition to any inspections conducted under Section 27-5 of this chapter.

(d) The director may use a property condition assessment tool to determine the frequency and the scope of graded inspections. If a property fails its graded inspection, or if the graded inspection reveals a condition the director determines to be a nuisance, the owner will be assessed fee for all subsequent inspections of the property conducted for the purposes of determining whether the owner has abated the nuisance or cured the deficiencies noted in the graded inspection. Inspection fees will be assessed as follows:

(1) For a multitenant property, a re-inspection of the exterior and any common area(s): \$20 for each separate structure inspected.

(2) For a multitenant property, re-inspection of the interior: \$46 for each unit actually re-inspected.

(3) ~~[For an initial inspection of a single dwelling unit rental property: \$110 per single dwelling unit rental property.]~~

For re-inspection if a single dwelling unit rental property: \$43 per single dwelling unit rental property.

(e) The following process is required to qualify for the voluntary self-certification process for rental properties deemed eligible by the director:

(1) Single dwelling unit and multitenant registrants, property owners, or authorized agents:

(A) may choose a self-certification inspection at the time of application and payment for rental registration;

(B) shall at the commencement of any tenancy, but prior to occupancy by the tenant, conduct an interior and exterior inspection of each rental unit and correct any deficiencies;

(C) shall have the tenant sign the director approved inspection form upon the completion of every inspection;

(D) shall, if deemed eligible by the director, conduct annual inspections of each rental unit;

(E) shall maintain director approved self-inspection forms for no less than five years from the date any tenant vacates the property;

(F) shall provide inspection forms to the director within 72 hours of a request from the director;

(G) shall provide a copy of all inspection forms and results required in this subsection to the tenant no later than 10 calendar days after the inspection is completed; and

(H) shall provide tenants with information concerning tenants' rights and responsibilities on a form approved by the director prior to the commencement of any tenancy.

(2) The director may conduct random audits of rental registrations to determine compliance with the self-certification inspection provisions. If the director determines the owner is not compliant with the self-certification inspections, all rental units that were subject to the self-certification is subject to inspection by the director using the approved form.

(f) For failure to have or display, at any time, required documentation, including, but not limited to, permits, notices, licenses, records, or certificates of occupancy, the fee is \$86 multiplied by the total number of units in multitenant property.

(g[f]) The director shall provide the [a] lists of the current graded inspection scores and approved self-certified inspections for all registered rental multitenant properties on the city's website."

SECTION 8. That Subsection (a) of Section 27-44, "Attendance at Crime Watch Safety Meetings," of Article VII, "Registration and Inspection of Rental Properties and Condominiums," of Chapter 27, "Minimum Property Standards," of the Dallas City Code is amended to read as follows:

"(a) The owner of a multitenant property shall attend at least four ~~[[eff. 1-1-15]]~~ crime watch meetings each calendar year. The meetings attended must be held by crime watch organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily dwellings, or any combination of those groups, gathered for the purpose of improving the quality of life in and around the properties, promoting crime prevention, reducing criminal opportunity, and encouraging cooperation with the Dallas Police Department. ~~[The meetings must be attended in the neighborhood in which the multitenant property is located, or if that neighborhood has no crime watch organization, then in the nearest neighborhood that does.]~~ A crime watch attendance certificate, provided [signed] by a crime watch chair, verifying that the crime watch meeting was attended by the owner of the multitenant property, or by the person designated to attend meetings for the property ~~[under Subsection (e)]~~, must be maintained with the property's records and submitted to the director upon request."

SECTION 9. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 10. That Chapter 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 11. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 12. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____