

## **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knowing that a permit has not been issued for that dwelling or who knows that the permit issued for that dwelling has been revoked commits an offense each day the dwelling is occupied by a tenant.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 (or the owner's authorized agent) 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 and occupancy limits 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 [section 32.03\(3\)](#) and that the single-family dwelling will not violate the occupancy limits established by [section 32.04](#).

(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 nonassignable; 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) 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 state 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.

(2) 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). No permit shall be issued, and no 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.

(3) Release of utilities. A release of utilities may be provided upon application for utilities pending a change in tenancy inspection under subsection (H)(1). A 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 sixty-five dollars (\$65.00).

(J) Temporary tenancies. It shall be an affirmative defense to prosecution under subsection (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 [section 32.02\(F\)](#), a critical violation remains on the premises of the permitted single-family [dwelling]; 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 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 noncritical 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 article, 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-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 section 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.

(1) Notwithstanding the provisions of subsection (H) and (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 re-certification even in the event of a change in tenancy during that three-year term, if:

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

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

(2) After the three-year term of the initial permit, the dwelling shall not be subject to reinspection or re-certification if no enforcement action has been commenced during the previous permit period against the permit holder or the permitted property for a violation of a provision of this chapter that has resulted in one or more of the following:

(a) A conviction for the violation;

(b) The issuance of an abatement action work order by the City to correct the violation; or

(c) An action regarding the violation has been presented to the Housing Standards Board.

(3) Upon expiration of the permit period, if an enforcement action as described in subsection (2) has been taken against a certified property or the owner of a certified property, the property shall revert to an annual permit unless, upon inspection of the property and verification of compliance with this chapter, the Director determines that the public interest will be served by re-permitting the property as a certified property for a three year permit interval.

(Ordinance 4594, sec. 1, adopted 5/19/92; Ordinance 4619, sec. 14, adopted 8/25/92; Ordinance 5334, sec. 1, adopted 2/16/99; Ordinance 5895, sec. 1, adopted 4/19/05; Ordinance 5957, secs. 1–3, adopted 11/15/05; Ordinance 6127, sec. 1, adopted 5/1/07; Ordinance 6390, secs. 1–5, adopted 4/6/10)