

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TODD MISSION, TEXAS ENACTING A RENTAL PROPERTY PROGRAM IN THE CITY OF TODD MISSION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000; PROVIDING FOR SEVERABILITY.

RESIDENTIAL RENTAL PROPERTY LICENSE

I. DEFINITIONS.

In this ordinance:

City Code means the City of Todd Mission Ordinances.

Critical violation means a violation of the City Code, state or federal law that is capable of causing or contributing to injury of illness of occupants.

License means a residential rental property license issued under this ordinance.

Life safety violation means a violation of the City Code, state or federal law that results in an immediate threat of death or injury to persons on the premises of a dwelling unit.

Rent means the offering or leasing of a dwelling unit to an occupant other than the owner and involves the payment of a rental amount.

Rental property means any single-family dwelling unit that is not owner occupied, whether or not rent is charged. The term "rental property" includes, but is not limited to, properties rented to students, families, or any other persons; properties in which a family member of the owner resides in the home but the owner does not (regardless of whether additional persons also reside in the home); properties used as vacation rentals or game-day rentals; and properties where a property caretaker lives in the home but the owner does not.

Residential dwelling unit means a building or portion of a building designed or adapted to provide independent living facilities for not more than one family and that contains bathroom facilities and not more than one kitchen.

Single-family residential dwelling means a building that contains only one dwelling unit and has open space on all sides of the building.

II. LICENSE REQUIRED.

- A. It is unlawful for any person to rent an unlicensed residential dwelling unit in a single-family dwelling.
- B. It is an affirmative defense to prosecution under this article that the dwelling unit was in a single-family dwelling and was rented for a period of less than six months to a person who was the immediate past owner of the dwelling unit or who will be the immediate next owner of the dwelling unit.

III. LICENSE REQUIREMENTS.

- A. License applications must be made on the forms provided by the city and accompanied with the application fees listed in the adopted annual city fee schedule.
- B. Licenses are not assignable or transferable and are valid for one year.
- C. A completed application for a new license must be submitted to the city for each unlicensed single-family residential dwelling.
- D. A completed renewal application must be submitted to the city for each licensed single-family residential dwelling at least 30 days prior to the expiration of the license.
- E. A completed application for a new owner license must be submitted to the city within 30 days of any change in ownership of a licensed dwelling unit in a single-family residential dwelling.
- F. Within 30 days from the date the city receives a completed license application the city will issue a license or notify the applicant that it refuses to issue a license.

IV. DENIAL OF LICENSE.

The city may deny a license for life safety or critical violations. If the city refuses to issue a license, the city will give written notice of the denial to the applicant as soon as reasonably possible, but not more than five business days after the decision is made to deny the license. The written notice will include:

- A. A clear statement of the reason for the city's denial; and
- B. A statement that the applicant may appeal the denial of the license to the City Council by filing a written notice of appeal with the city within 15 business days of the effective date of the denial.

V. REVOCATION OF LICENSE.

The city may revoke a license for life safety or critical violations. To revoke a license the city will send written notice of the city's intent to revoke the license not less than 30 business days prior to the date of revocation. The notice will include:

- A. A clear statement of the reason the city intends to revoke the license;
- B. The date the revocation will become effective, which will be not less than 30 business days from the date written; and
- C. A statement that the license holder may file a written appeal of the proposed revocation to the City Council within 15 business days of the date of the notice.

VII. APPEALS.

- A. The city will issue a written notice of public hearing to the license applicant/holder properly filing a written appeal.
- B. The City Council will hold a hearing on an appeal as soon as is reasonably possible, but not more than 20 business days after the date the appeal is properly filed. The city, the person appealing, and any other interested party, may present evidence and argument to the City Council. An audio recording of the hearing will be made.
- C. After completion of the hearing, the City Council will render a written decision on the appeal that includes a summary of the evidence that supports the decision. The City Council may issue appropriate orders to implement any decision made. A copy of the written decision will be provided to the person filing the appeal.
- D. The appeal provisions in this section govern over any other conflicting provision City Codes.

VIII. INSPECTION OF SINGLE-FAMILY RESIDENTIAL DWELLINGS.

- A. Upon application or renewal of a license for a single-family dwelling, the city will inspect the exterior of the dwelling to determine and ensure that the dwelling is not a public nuisance or substandard and that the unit meets all zoning, health and safety requirements of the Code.
- B. The city may inspect the interior of a single-family dwelling to ensure that the dwelling unit does not have any critical or life safety violations if:

- (1) There is a change in occupancy; or
 - (2) An inspector notes an exterior code violation that indicates a potential critical or life safety violation; or
 - (3) An inspection is requested by the tenant.
- C. An inspector may enter into a single-family dwelling for an interior inspection at a reasonable time within a seven-day period after:
 - (1) The inspector obtains the consent of the license holder for an unoccupied dwelling;
 - (2) The inspector obtains a warrant from a court to inspect the dwelling; or
 - (3) The inspector obtains the consent of an adult lawfully occupying the dwelling and the city notifies the license holder under subsection (d), below.
- D. If an interior inspection is requested by a tenant, the city will contact the license holder and allow the license holder to be present during the inspection unless the reported conditions involve serious risk of injury or death and in such case the inspection will be scheduled and conducted within 72 hours of the request.
- E. When access is available, swimming pools located adjacent to a single-family residential dwelling will be inspected for compliance with the city Code.

IX. REPAIRS.

Violations noted during an inspection must be completed as follows:

- (1) License holders must take steps to safely isolate tenants from the dangers of life safety violations immediately and must make repairs within a reasonable period of time. Life safety violations must remain isolated from tenants until all repairs are complete.
- (2) License holders must take steps to safely isolate tenants from the dangers of critical violations within 72 hours of notice and must make repairs within a reasonable period of time.

X. Penalty.

Any person, firm, corporation, or organization violating the terms of this ordinance shall, upon conviction, be guilty of a misdemeanor and fined in an amount not to exceed \$2,000.00 per offense. Each day that any violations of, or

failure to comply with, this Ordinance is committed or permitted to continue shall constitute a separate and distinct offense under this Ordinance. This penalty shall be in addition to all other remedies available at law or equity.

XI. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

XII. EFFECTIVE DATE.

This Ordinance becomes effective upon approval by City Council.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Todd Mission, this 10th day of November, 2022.

George C. Coulam, Mayor

ATTEST:

Julie Lunsford, City Secretary

COURTESY LETTER

SINGLE FAMILY RENTAL REGISTRATION PROGRAM

Dear Owner or Agent:

On November 10, 2022 the Todd Mission City Council approved the Single-Family Rental Registration Program. The intent of this program is to foster clean and safe rental properties (single-family rental homes) that will enhance the health, safety and quality of life for all residents of the City of Todd Mission.

Beginning November 10, 2022 owners, or the owner's agent, of rental properties (single-family rental homes) located in the City of Todd Mission will be required to register their properties annually by submitting a registration application with a **non-refundable** fee of **\$50.00**. The program also requires a mandatory annual comprehensive inspection and an as needed inspection for any critical or life safety violations under certain circumstances. We are reaching out to you because our records indicate that there is a single-family rental property at the above referenced location.

If the property is not a rental or you no longer the owner, please contact 936-894-3001 to clarify.

Beginning on November 10, 2022 you can:

- register your property(s); and
- print and submit a completed application with payment to City of Todd Mission located at 21718 FM 1774 Todd Mission, TX 77363.

Please Note:

- To register successfully, please enclose a completed application along with a copy of the owner's picture ID and the appropriate fee when registering your single-family rental property.
- The deadline to register is [REDACTED]. Any documents received after [REDACTED] will be subject to a penalty assessed by the City of Todd Mission Municipal Court.
- Incomplete applications and/or missing documents will not be accepted.

Rental Property License Application Process

Steps for Rental Property Owners to comply with the Single-Family Rental Registration Program by applying for and obtaining an annual permit:

Step 1: Apply for Permit

- Applications are available:
 - a. Mail
 - b. In person
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- Applications must be submitted along with a **\$50** non-refundable payment to the City by:
 - a. Mail
 - b. In person at City Hall
 - Application Review Process
 - 1. Applications will be checked for general compliance with City Ordinances.
 - 2. If in compliance an inspection will be scheduled

Step 2: Property Inspection

After the City has reviewed the application for a permit or renewal, an inspection of the property will be scheduled. All exterior surfaces must be well maintained to prevent damage and deterioration. This is to include: painting, sealing, or the use of other means to create a weather tight exterior. Maintenance shall be performed in a skilled manner with approved methods and materials. The inspection is intended to provide an assessment of the general condition of the property, and will consist of an inspection of the property's structures and grounds. The following is a list of items that would typically be inspected:

1. Exterior Maintenance

2. Yards

- Property maintained free of rodent infestation and accumulated debris or trash.

3. Foundations/Roof/Walls

- Structurally sound without holes or gaps
- Masonry is to be maintained, free from broken or missing brick, rock, stucco or mortar.

4. Stairways/Porches Decks/ Balconies

- Evenly spaced steps with firmly anchored hand and guard rails
- Egress routes to be maintained clear and safe.

5. Windows/Doors/Chimneys

- Secure doorframe molding that is weather tight and rodent proof; free of loose, broken or deteriorated materials
- Window and door screens to be maintained and secured.

6. Painted Surfaces

- Weather protected and intact with non-peeling, chipping or flaking paint that is free from rot.
- Address Numbers must be posted and visible from the street on which it is addressed.

7. Fences and Accessory Structures

- No broken or missing parts in fencing. Fences must be maintained square and plumb, as to not lean.
- Accessory Structures must be maintained by the same exterior standards as the home which it serves.

8. Compliance with the International Property Maintenance Code

Failed inspection

If the property fails the inspection, the **Property Owner** is responsible for correcting the violations and will be given a reasonable time frame in which to correct the violation. Life Safety violations (imminent threat) must be resolved immediately. Critical violations (potential threat) must be isolated from the tenant within 72 hours and repaired within a reasonable time period. After the violation has been corrected, the City of Todd Mission will conduct a re-inspection.

Step 3: Issue Permit

After application and a passed inspection, the City will issue the property owner a Permit to operate the property as a rental unit. The Permit is valid for one year from the date of application.

The City must be notified if a change in tenant occurs during the year.

Step 4: Permit Renewal

All Permits are valid for one year from the date of issuance. Please check the Permit status periodically to ensure that it is current. We encourage you to apply for a renewal at least 30 days prior to the expiration date of the Permit. The City will accept Permit renewals up to 60 days in advance of Permit expiration. Late fees will be assessed to expired or late registrations.