

ORDINANCE NO. 2021-3323

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES, TO CREATE A DEFINITION AND DEFINE THE STANDARDS AND REVIEW PROCESS FOR A SINGLE-FAMILY RENTAL REGISTRATION AND INSPECTION PROGRAM; AMENDING APPENDIX A, "FEE SCHEDULE," PROVIDING FOR ADMINISTRATIVE FEES ASSOCIATED WITH PERMITTING AND INSPECTION OF SINGLE-FAMILY RENTAL DWELLINGS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford, Texas, 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 increase in the number of persons or entities desiring to rent their residential properties has led to the proliferation of transient and rental uses within neighborhoods previously planned, approved and constructed for use as owner occupied single-family residences; and,

WHEREAS, the regulation of the use and operation of such single-family rental dwellings is intended to prevent the further erosion of pre-existing and stable single-family neighborhoods, and,

WHEREAS, the City Council finds and determines that regulations related to single-family rental registration and inspection should be adopted to define single-family rental dwellings, establish standards for such rentals and appropriate review processes applicable to such uses, and establish commensurate permitting and inspection fees; and,

WHEREAS, the City Council finds that these regulations are necessary to ensure proper ongoing maintenance of single-family dwellings that may be rented or leased on a long-term basis and preserve the aesthetic value of the community; and,

WHEREAS, the City Council finds that these regulations are necessary to prevent the imminent destruction of property and injury to persons; and,

WHEREAS, the City Council finds that the amendment to Chapter 22, as outlined herein, is in the best interest of the City of Bedford and will promote the health, safety, and general welfare of the citizens of the City of Bedford and the general public.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That Chapter 22 of the Code of Ordinances, City of Bedford, Texas, is hereby amended by adding a new article, to be numbered Article V, which such article reads as follows:

ARTICLE V. – SINGLE-FAMILY RENTAL REGISTRATION AND INSPECTION PROGRAM

Sec. 22-215. - Purpose of article.

The purpose of this article is to safeguard the life, health, safety, welfare and property of the occupants of rental dwelling units and the general public by establishing a process to enforce the minimum building standards and property maintenance codes.

Sec. 22-216. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Building official shall mean the officer or other designated authority of the city charged with the administration and enforcement of this article.

Landlord shall mean a land or building owner who has leased, rented, or permitted the exclusive use of the land, the building or a part of the land or building, to another person.

Lease shall mean a special kind of contract between a property owner and a person wanting temporary enjoyment and exclusive use of the property, in exchange for rent paid to the property owner.

Owner shall mean any person, agent, firm or corporation having a legal or equitable interest in the property.

Rent means money or other consideration paid by a tenant to a landlord in exchange for the exclusive use and enjoyment of land, a building or a part of a building.

Rental unit shall mean property owned and/or operated by a landlord by whom a tenant has been granted temporary and exclusive use through a verbal or written agreement.

Single-family rental dwelling shall mean any single-family dwelling or individual unit of a two-family dwelling, including single-family detached homes, duplexes and townhomes, which is rented, leased, or otherwise occupied by a person other than the owner. A single-family rental dwelling shall not include multifamily dwellings or dwellings operated as a short-term rental, as that phrase is defined in Article V, Chapter 26 of the Code of Ordinances, City of Bedford, Texas.

Tenant shall mean a person to whom a landlord grants temporary and exclusive use of land or a part of a building, usually in exchange for rent.

Sec. 22-217. – Permit Required.

No person shall lease a single-family rental dwelling without first obtaining a permit issued under the provisions of this section. It shall be unlawful to submit a false or fraudulent application for a permit. A person who offers for lease a single-family rental dwelling knowing that a permit has not been issued or who knows that the permit issued has been revoked commits an offense each day occupied by a tenant.

Sec. 22-218 Single-Family Rental Dwelling Permit Application.

An applicant for a single-family rental unit permit shall file with the city a written application, within thirty (30) days after the date of acquiring ownership, on the forms furnished by the City for such purpose, and renew such registration annually. An applicant who owns more than one single-family residential dwelling shall file a separate application for each dwelling.

- (1) ***Form, contents.*** The application shall include the following minimum information:
- a. Street address of the rental unit.
 - b. The name, physical street address, telephone number, e-mail address, signature and driver's license or other government-issued identification number of the owner (or signed owner authorization);
 - c. The name, physical street address, telephone number, e-mail address, and signature of any property manager of the property for which an application is being submitted;
 - d. 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

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- e. The name and telephone number of the tenant responsible for the single-family rental dwelling unit, if available, at the time of application.
- (2) **Annual Fee.** Applications for the permit shall include an annual permit fee of \$75.00 per single-family rental dwelling unit.
- (3) **Agent for service.** An owner 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 building official receives actual written notice from the owner that the designated agent is no longer authorized to accept service on behalf of the owner.
- (4) **Permit copy.** A permit issued pursuant to this section shall be maintained by the city, with a copy provided to the permittee.

Sec. 22-219. – Permit non-assignable; 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 building official. The surrender of a permit shall be effective immediately upon its filing in the office of the building official.

Sec. 22-220. - Smoke detector/carbon monoxide detector.

The applicant shall certify that the rental unit for which the application is submitted is equipped with properly working smoke detectors and carbon monoxide detectors (if served by natural gas) in accordance with the provisions of the current adopted editions of the International Residential Code.

Sec. 22-221. - Inspections.

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 current adopted editions of the International Residential Code, the International Building Code, and the City's Minimum Housing Code, as follows:

- (1) Single-family rental dwellings shall be fully inspected each time a change in tenancy occurs in the rental unit. Nothing contained in this section shall be construed to prohibit an inspection at the request of a tenant.
- (2) The city may re-inspect any rental unit as necessary to determine compliance. No permit shall be issued if, after inspection, it is determined that the premises does not comply with the minimum housing standards contained in the City's Minimum Housing Code and the current adopted edition of the International Residential Code.
- (3) If a change in tenancy occurs within three (3) months after the date of the required annual renewal, and the annual renewal was lawfully obtained by the owner, the owner shall be exempt from the annual renewal and inspection, including related fees, until one full year later from the lawfully obtained annual renewal.
- (3) The building official shall enforce the provisions of this article upon presentation of proper identification to the owner of any rental unit or, if occupied, to the tenant residing in any rental unit and, with the owner and/or tenant's permission, may inspect the unit. The authority to conduct both exterior and interior inspections by the building official is subject to all limitations provided in state and federal law. If entry is refused by the owner

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or tenant or could not be obtained, the building official is authorized to seek a warrant pursuant to Article 18.05 of the Texas Code of Criminal Procedure as the same may be amended from time to time. Any warrants issued will constitute authority for the building official to enter upon and inspect the rental unit described therein.

Sec. 22-222. - Release of utilities.

A release of utilities for single-family rental dwelling units may be provided upon application for utilities pending a change in tenancy inspection.

Sec. 22-223. - Period of validity.

Each permit issued under this section shall be valid for one year from its date of issuance, unless suspended or revoked.

Sec. 22-224. - Temporary tenancies.

It shall be an affirmative defense to prosecution that the single-family residential dwelling was rented or leased for a period of less than 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.

Sec. 22-225. - Suspension of permit.

The city may temporarily suspend a permit for a single-family rental, if:

- (1) After notice and a period of time allowed for correction a critical violation remains on the premises of the rental unit; or
- (2) After a single-family dwelling unit is subject to change in tenancy inspection and the city has not received a request for inspection within 60 days of application for utilities.

Sec. 22-226. - Reinstatement of suspended permit.

A person whose permit has been suspended may, at any time, make written application for a re-inspection for the purpose of reinstating the permit. Within ten 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 re-inspection. Upon re-inspection, if all life safety, critical, and noncritical violations have been corrected, the permit shall be reinstated. If all violations have not been corrected the permit will continue to be suspended. The city shall charge a fee of \$50.00 for the second re-inspection.

Sec. 22-227. - 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 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 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.

Sec. 22-228. - Hearings.

The hearings provided for in this section shall be conducted, by the city's zoning board of adjustment (ZBA). The ZBA shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. An affirmative vote of four members shall be required to

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modify or rescind any official notice or order. A written report of the hearing decision shall be furnished to the permit holder by the city.

SECTION 3. That Appendix A, "Fee Schedule," of the Code of Ordinances, City of Bedford, Texas, is hereby amended to add a fee of \$75.00 for a single-family dwelling rental registration, a fee of \$100.00 for a single-family dwelling rental registration-late fee, and a fee of \$75.00 for inspection/re-inspection of the rental unit associated with the single family dwelling rental registration, under the Building Department Fee Schedule list, Miscellaneous, to be inserted alphabetically as follows:

Appendix A. – Fee Schedule

Building Department Fee Schedule

Miscellaneous

Single-Family Rental Registration-New/renewal (or re-issue w/change of ownership)
...\$75.00

Single-Family Rental Registration (Late Fee, per 30-day interval) \$100.00

Single-Family Rental Registration Inspection/Re-Inspection \$75.00

SECTION 4. That single-family rental dwellings operating on the effective date of this Ordinance shall be brought into full compliance with the terms of this Ordinance within sixty (60) days of the effective date hereof.

SECTION 5. That this Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Bedford, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 6. 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 section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7. That any person, firm, or corporation who violates any provision of this Ordinance as adopted by the City Council of the City of Bedford shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-7 of the Code of Ordinances, City of Bedford, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be

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punishable as such.

SECTION 8. That all rights and remedies of the City of Bedford are expressly saved as to any and all violations of the provisions of the Code of Ordinances as amended or revised herein, or any other ordinances affecting the matters regulated herein 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 9. This Ordinance shall be in full force and effect from and after January 1, 2022.

PRESENTED AND PASSED this 26th day of October 2021, by a vote of 7 ayes, 0 nays, and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Bryn D. Meredith, City Attorney