

Memorandum



CITY OF DALLAS

DATE March 18, 2016

Honorable Members of the Housing Committee: Scott Griggs (Chair)
TO Carolyn King Arnold (Vice Chair), Monica R. Alonzo, Mark Clayton, Casey Thomas, II, and Tiffinni A. Young

SUBJECT **Proposed Chapter 27 Changes: Stakeholder Feedback**

On Monday, March 21, 2016, you will be briefed on Proposed Chapter 27 Changes: Stakeholder Feedback. A copy of the briefing is attached for your review

Please contact me if you have any questions or need additional information.

A handwritten signature in blue ink that reads "Joey Zapata".

Joey Zapata
Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Soils, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager - Mayor & Council

Proposed Chapter 27 Changes: Stakeholder Feedback

Briefing to the Housing Committee

March 21, 2016



Purpose of Briefing

- Outline aspects of the Texas Property Code that impact proposed changes
- Resolve issues from the Housing briefing of January 19, 2016 that need resolution before the ordinance can be considered by Council
- Summarize new comments from Dallas Area Interfaith, Texas Tenant's Union and Apartment Association of Greater Dallas
- Summarize stakeholder feedback including public meetings requested by Council and conducted during February
- Get Committee members' direction for future actions

Issues Identified in Housing Briefing on 1/19/2016

- Resolve the maximum indoor air temperature issue for air conditioned properties
- Clarify the enforcement issues surrounding mold
- Prepare an implementation plan based on the ordinance effective date of October 1, 2016
- Short-term Rentals

City Codes and State Law

Dallas City Code Chapter 27	Dallas Construction Codes	Texas Property Code Chapter 92*
<ul style="list-style-type: none">• Minimum property maintenance standards• Rental registration and inspection• Generally holds property owners responsible• Criminal and civil penalties• City government enforcement	<ul style="list-style-type: none">• Property construction standards• Applies to new construction and some renovations• Holds property owners responsible• Criminal and civil penalties• City government enforcement	<ul style="list-style-type: none">• Landlord/tenant relationship and responsibilities• Landlord repair obligation focuses on health and safety matters• Generally gives deference to lease agreements; subject to certain required notices and non-waivable obligations• Primarily private civil remedies• Private law suit enforcement

* As to landlord/tenant relationships, city regulation is **preempted** by Chapter 92 of Texas Property Code. Concerns about state law could be added to the City's legislative agenda.

Maximum Indoor Air Temperatures

Air conditioning is only required if screens are not provided. If air conditioning is provided, there are rules that apply.

Current Ordinance:

- Maximum indoor temperature of 85 degrees or 20 degrees below outdoor temperature whichever is warmer from April 1 through November 1

Maximum Indoor Air Temperatures

Discussion of Proposed Changes:

- **Option 1:** No change
- **Option 2:** No change in temperature and require the same standard all year
 - No opposition from property owners
- **Option 3(a):** 80 degrees or 20 degrees below outdoor
 - Pro: Provides a better situation for people with respiratory issues
 - Con: Requires property owners to invest in upgrades to air conditioning systems and structures
- **Option 3(b):** Absolute maximum of either 80 or 85 degrees
 - Pro: Maximum benefit for tenants
 - Con: Requires property owners to invest in upgrades to air conditioning systems and structures

Maximum Indoor Air Temperatures

Discussion of Proposed Changes:

- Standards used in other cities
 - Houston – none
 - San Antonio – none
 - Phoenix – 86 degrees; and State law requires air conditioning as a essential service
 - Irving - 85 degrees or 25 degrees below outdoors
- Feedback received from property owners
 - Lowering indoor temperature maximum would require substantial investment to upgrade their equipment and structures
 - Increased investment could cause rents to rise
- The total city wide investment amount is unknown since we do not have accurate information about the existing installed systems

Mold

- Mold can cause health and building structural issues
- Current Ordinance: not addressed
- Proposed Ordinance: Provisions addressing sources of moisture, commonly plumbing or structural leaks
- The main issue based on stakeholder feedback is remediation of mold damage
- Best practices will be outlined in the Chapter 27 Reference Manual

Chapter 27 Reference Manual

- The purpose of the book is to provide consistent interpretation of the ordinance for inspectors and the public
- The Director of Code is given the authority to establish interpretations of the ordinance
 - Building Inspection uses a similar process
- Development of the manual will take place over the next several months with input from stakeholders and other City departments
- The manual would be available on line and in print
 - An explanation of the ordinance provision in layman terms
 - Photos with examples of typical violations
 - Description of best practices for repairs where appropriate

Implementation Plan for Chapter 27 Changes

- Proposed effective date of October 1, 2016
- Implementation activities will begin immediately following passage of the ordinance
 - Inspector training
 - Preparing educational materials
 - Establishing a communication program
- Single-family registration and inspections will begin with a targeted approach to support Neighborhood Plus or other City initiatives
 - Goal is to inspect 10,000 properties per year
 - Estimated FY16-17 cost is \$925K for twelve (12) positions
 - 10 Inspectors, 1 Supervisor, 1 Office Assistant

Short-Term Rentals

- Met with industry representatives to discuss changes
- Added definition of “short-term rental” through reference to the Texas Tax Code:
 - The rental of all or part of a residential property to a person who does not have the right to use or possess the property for at least 30 consecutive days
- Added defense to the registration and inspection requirements of Chapter 27 if the property is both:
 - a “short-term rental” and
 - current in the payment of hotel occupancy taxes levied under the Dallas City Code

Other Stakeholder Input

- **Dallas Area Interfaith**
 - Landlords should be responsible for bedbug removal with no expense to tenant
 - Clarify standards for mold remediation
 - Maximum indoor temperature 80 degrees
 - Increased transparency
 - Leases and property rules in multiple languages
 - Provide community crime reports to residents
 - Improve complaint and repair process
 - Enforcement
 - Assure that owner knows about problems, not just managers

Other Stakeholder Input

- **Texas Tenants Union**
 - Indoor air temperature 80 degrees or lower
 - Transparency
 - Tenants receive copy of inspection reports
 - Retaliation
 - Extend protective period to one year
 - Clarify mold, indoor air quality
 - Provide relocation assistance if property closes
 - Provide rent escrow if repairs not made by landlord

Other Stakeholder Input

- **Apartment Association of Greater Dallas**
 - Indoor air temperature at current standards
 - Bedbugs
 - TAA lease asserts apartments are rented insect free and that if tenant causes bedbug problem, they may be required to pay cost of remediation
 - TAA lease currently available in Spanish
 - Logs of tenant complaint regarding repairs should not be open to other tenants

APPENDIX

- p 16-23 Stakeholder public meeting notes
- P24-96 Texas Tenants' Union
- P97-99 Council Member Tiffinni Young
- P100-101 Summary from Dallas Area Interfaith
- P102-104 Apartment Association of Greater Dallas
- P105-179 Dallas Area Interfaith

Chapter 27 Proposed Changes: Stakeholder Input

December 14, 2015—Singing Hills Recreation Center

- The City needs to prohibit landlords from placing an evicted tenant's belongings on the curb (debris often stays there for weeks)
- The City should require that evictions only occur on a neighborhood's bulk trash week
- How can the City reduce problems at rental properties where there are numerous unsupervised juveniles? Can DPD send notice to the landlord when problems occur?
- The City should seek out information about rental properties from Neighborhood Organizations and HOAs; many NA/HOAs know which properties are rentals
- The Rental Registration Program should have incentives for landlords including a provision requiring bulk trash citations to be issued to the tenant
- The City should create a database that would allow landlords to report/investigate nuisance tenants
- Proposed maximum indoor air temperature requirements wouldn't be feasible for 2 pipe cooling systems to achieve
- Some landlords keep a stock of window AC units that can be given out to disabled/families with young children in instances where AC system is malfunctioning
- The City should require landlords/property owners to trim hedges
- Has there been an analysis of the costs to landlords associated with the proposed changes? Texas Tech has a Real Estate School and may be willing to conduct cost analysis
- How will these changes affect the pool of affordable housing?
- Will the proposed changes apply to owner-occupants?
- The City should require tenants to contact their landlord before reporting code violations to the City
- Need to align our enforcement efforts with the state's legislative agenda
- Need to enforce the laws that we already have on the books, rather than create new laws
- The City should create a "renter education program;" curriculum could include "how to create a budget"
 - Portland and Seattle may have renter-education programs
- City should mandate that apartment complexes hire off-duty DPD officers
- City needs to have better data management systems so that all 311 data (not just code service requests) is available to Code inspectors

December 17, 2015—Meeting at Half Price Books

- Not all property maintenance responsibilities should be placed on landlords. Landlords can't control whether tenants change their air filters, keep condenser free of leaves, trim trees around condenser, etc.
- Landlords need to monitor their properties more often so that they are aware of maintenance issues at their properties

- Leases and other communication with the tenant should be required to be in writing
- Landlords should be required to replace old appliances because they can cause diseases
- Tenants should be encouraged/empowered to report property maintenance issues via 311
- Landlords should be treated fairly; City should recognize that tenants bear some of the responsibility for property maintenance
- The City/other entities should help tenants learn about property maintenance, especially when they are moving from apartment rentals to single family rentals
 - Other states require/encourage landlord and/or tenant education
- Most of our properties that cater to low income individuals also have poor maintenance practices
- The Rental Registration application for single family properties should ask for the tenant's information so that the tenant can be cited for premise violations
- Landlords shouldn't be fined for not providing water; water should be a tenant responsibility
- Bachmann Lake-area apartment complexes suffer from mold, insect infestations and broken ACs
- Why isn't mold addressed specifically?
- What will be the penalties for each code violation?
- How long will landlords be given to repair violations?
- How will "workmanship" be interpreted? This term could mean different things to different people and in different situations
- How are tenants protected in these proposed changes?
- Can the City prevent landlords of apartment complexes from wiring common area lights into individual units?
- Where is the provision that required the city to provide alternative housing in instances where the owner failed to repair the AC?
- If I operate an Airbnb property and have a homestead exemption, but don't live there, am I required to register as a rental property?
- What if I rent my property for slightly more than 30 days per year, will I have to register as a rental property?
- Can the City require a landlord to disclose existing or anticipated maintenance issues?
- The City should require landlords to provide all tenants with the city code provisions prohibiting retaliation against tenants who complain about code issues
- We need a better database to track Code compliance data
- How can the City encourage tenants to take more personal responsibility?
- The City should require that all leases contain information about the tenant's responsibility for upkeep and the rules of the complex
- The City needs to set a maximum number of vehicles that can be parked at a single-family property and maximum number of people who can live at a single-family property
- City should require that leases be provided in the tenant's native language
- City should adopt a rent escrow program; tenants complaining of code violations can pay their rent into a city-managed escrow fund until owner makes repairs
- Keep the MCRP program because it has been helpful

- What is the plan to ensure that affordable housing is still provided after landlords are forced to bring their properties up to code?
- The City should provide tax abatements for landlords who upgrade their properties; the City already subsidizes non-profit housing providers, private landlords should also be eligible for assistance/incentives
- The City should create a landlord-tenant mediation program
- Landlords should be encouraged to provide incentives to tenants who properly maintain their rental units
- There needs to be equity in code enforcement (i.e. both landlords and tenants required to maintain property)
- The proposed maximum indoor air temperature standards are unworkable; it would not be cost-effective for landlords with certain AC systems to upgrade their systems in order to comply with new standards
- Landlords should be required to fix AC within 24 hours
- What is the City going to do about code violations at owner-occupied properties?
- Need more punishment of bad homeowners/landlords
- City needs to incentivize landlords to rehab properties and rehab them properly (i.e. pull required permits); now—if you pull a permit it usually triggers a tax increase

February 4, 2016—Meeting at West Dallas Multi-Purpose Center

- How will City seek to punish repeat offenders?
- City should offer more tenant education; North Texas Fair Housing Center could facilitate trainings
- City should conduct more outreach in community to learn their concerns about blight
- City should notify all tenants of inspection results and of the tenant's right to report code violations
- City should inspect a higher percentage of units during multi-family graded inspections
- City should provide funding to tenants who move due to code violations
- What is the City's plan for enforcing new ordinance against absentee landlords?
- City should require landlords to provide a copy of their driver's license/photo identification when they register their rental property
- How will the changes to NOORP make it better?
- There is too much code enforcement directed at property owners in West Dallas

February 8, 2016—Meeting at Lake Highlands North Recreation Center

- Requirement of annual inspections will unnecessarily increase costs for absentee landlords because landlords will have to hire a local person to conduct inspection
- Will we be testing water quality during rental inspections?
- Will inspection statistics be published on the City's website?
- Can we require all apartments to have crime watches?

- How does a property become a SAFE property?
- Does the City inspect Onco lines?
- Who will inspect rental properties? Will they be specially-trained inspectors?
- Multiple, continuous duplexes should be inspected as multi-family properties
- Tenants should be cited for premise violations
- Landlords shouldn't be required to appear in municipal court multiple times on a single citation; can't reset court date via phone/electronically
- Does the City plan to consider the age of the structure when designing the risk-based rental inspection program?

February 18, 2016—Meeting at Cummings Recreation Center

- Biggest problem are vacant and abandoned properties
- Oasis Apartments are the source of numerous tenant and neighborhood complaints
- How do we plan to protect the most "vulnerable" citizens (i.e. elderly and disabled)?
- How can the City help elderly individuals whose residences are not code compliant?
- We should just enforce the laws that are on the books
- Need to create a manual for landlords
- City needs to do a better job educating landlords and tenants
- Community Court code education classes should be open to all citizens, not just court-ordered defendants
- How can people with back taxes access funds to help them abate code violations at their properties?
- The city has too many ordinances on the books and they are not being enforced
- Will rental inspections be unannounced?

February 16, 2016—Meeting at Park South YMCA

- Why doesn't Code Compliance focus its resources on the worst apartment complexes?
- Regarding the inspection affidavit that landlords will be required to submit on an annual basis, will the landlord be required to inspect or can they have a property manager/contractor inspect?
- Can non-tenants report code violations to 311?
- What are the consequences for absentee landlords?
- City needs to focus its resources on absentee landlords
- Code Compliance needs to focus on individuals who own multiple properties
- Bad property owners should be prohibited from purchasing properties from the tax resales
- City needs to develop ordinances/plans for reducing problems at vacant lots
- Properties with criminal activity should be prioritized for inspection

Below is a summary of notes from meetings held with smaller groups of stakeholders:

Various dates—Meetings with single-family and multi-family landlords

- Need to educate landlords about Domestic Violence and the protections/services provided to victims; rights of landlords
- The City of Mesquite Housing Authority does an excellent job of notifying landlords re: code violations; inspection report is easy to understand and photos are attached; inspectors drop off a copy of the inspection template before the graded inspection occurs
- Dallas Housing Authority—landlords get frustrated with DHA case managers' lack of communication
- COD needs to understand business model of single-family landlords in order to design best regulation and incentives
- Incentives
 - If COD offers low-interest loans to landlords, COD can incentivize healthy housing by putting restrictions on what can be purchased with loaned funds (i.e. landlord can only purchase carpet for use in bedrooms)
 - If tax credits are offered, need to be long-term (15+ years)
 - Tax abatements are only helpful if coupled with low-interest loans
- Tenants
 - National Tenant Network and Rent Screener are two good tenant screening tools
 - Best indicators of who will be a good tenant—good rental history & steady job
 - Landlords are wary of renting to tenants with outstanding payday loans because they know that the tenant will never be able to pay it off
 - Would like to find ways to share info about bad tenants with other landlords
 - Tenants create health hazards when they can't afford to have utilities
- COD should require owner to be the responsible party on the Dallas Water Utilities account because it forces landlord to maintain plumbing
- Why are there problems at the bottom of the market? "Professional tenants"—who stay for a few months and leave + good tenants don't complain because they don't want their rent to increase
- COD (or COD and landlords) should sponsor tenant education classes; attendees could receive voucher for rental application fee
- Bad landlords hurt good landlords
 - Tenant dumping—don't report bad tenants to tenant screening service or give false information when called as a reference
 - Allow crime/bad conditions on property—Good landlords are hurt because their tenants don't want to live next to a bad property
 - Bad owner—good property managers can't manage a property if the owner won't give them the necessary funds or authority
- Landlords don't like pulling major building permits because they know it will lead to their property being reassessed and taxes raised

- Landlords would be willing to partner with Community Colleges to create a pipeline for skilled labor; pay for property maintenance staff \$12-25/hour (high end of scale is HVAC/Electrical)
- If a landlord accepts a DHA voucher, COD should accept the landlord's score on the DHA Housing Quality Standards (HQS) and exempt the landlord from COD inspection
- DHA Housing voucher amount is too low
- Rental registration
 - Landlords should not be cited for premise violations; COD should use info from NOORP registration to cite tenant
 - Registration program should allow landlords to opt-in to receiving email/text messages when an NOV is issued or crime occurs on their property
 - Landlords should be able to register online and use a template to upload to bulk register their properties
- Municipal pre-trial process requires landlords to appear in court too many times
- City should provide incentives for tenants to water their lawns
- Landlords are disincentivized to evict because it is more difficult to secure a vacant structure (i.e. prevent theft)
- The city sets too low of a price on tax resales, allows bad landlords to obtain properties at low price
- Department of Code Compliance management should meet regularly with landlords and/or should provide a landlord advocate/liaison within the department
- Code should allow landlords to electronically submit photos as proof of progress on repairs; would save inspection resources
- Code should find way to better utilize data to allocate inspection resources
- Code should invite landlords to co-teach a class at the Code Academy
- Code should incentivize landlords to use electronic property management systems

Various dates—Meetings with Apartment Association of Greater Dallas

- See attached document provided by AAGD

Various dates—Meetings with Dallas Area Interfaith

- See attached document provided by DAI

Various dates—Meetings with individual community members

- Code should include more consumer protection provisions regulating landlord-imposed fines, late fees, etc.
- Code should allow tenants to pay rent into an escrow fund if landlord fails to abate serious code violations
- Code should include a Tenant's Bills of Rights and or list tenants rights and responsibilities (HUD does this)
- City should provide incentive to encourage tenant's to attend a tenant education class

- Tenants should be provided copies of any inspection reports
- Condos should be included in NOORP
- Older properties should be inspected more often
- Code should not provide landlords/properties managers prior notice of inspections or just 24-hour notice
- Multi-family inspections should be coordinated with Fire inspections
- 1st graded inspection score should be the final score
- If a multi-tenant unit has bedbugs, the landlord should be required to treat the entire complex
- Tenants should be required/encouraged to obtain renter's insurance
- Tenants should receive copy of inspection report
- AC readings should be required to be taken during hottest times of the day
- If provide AC, should be required to maintain it (including window units)
- Landlords should be required to maintain appliances
- Code should put some responsibilities on tenants
- City's inspection programs should be coordinated with DHA's inspection programs
- A vacant building ordinance may incentivize demolition
- City needs to maintain its own property
- City needs to increase code enforcement related to commercial properties
- Code needs to provide updates to 311 complainants who ask to be contacted
- NOORP should include periodic inspections
- Need more programs for elderly homeowners/persons with back taxes
- Can NOVs be served on management companies?
- Should require full-time managers at multi-family properties
- Need more regulation of extended-stay motels, functioning as multi-family
- Property managers should be required to attend more crime watch meetings
- City's inspections should focus on problem properties—age of property and crime
- The City should incentivize professional property management by exempting rental properties from registration if professional managed or by providing tax/utility discounts
- Rental registration system should be online
- City should find a way to incentivize neighborhood "watchdogs"
- City should provide tax abatements for improvements made to rental properties
- If a property manager/owner shows that they have budgeted for a major repair in capital improvement plan, allow them extra time to make the repair
- In the rare instances when good owners have violations, give them more time to repair in recognition of their typically-good management
- Change DPD policies so that officers who live in multi-family properties can have a take-home car
- Don't require property managers to give name and driver's license on registration form (because some PM get tickets/NOVs for properties that they no longer manage)
- City should limit the number of cars allowed per resident in residential neighborhoods

- Require landlords/group home operators to be involved in neighborhood organization
- Prohibit spotlights/bright lights in residential neighborhoods
- Allow inspectors to issue criminal citations without NOVs
- Should require multi-family and condos to have written tenant rules and responsibilities
- Require landlords to use TAA lease
- Rental registration date should be Jan. 1
- Allow current language in TAA lease to substitute for crime addendum; supports properties that are trying to go “paperless”
- Remove requirement that multi-family designate specific person to attend crime watch meetings
- Ordinance is too broad and grants too much discretion to the code inspector

***Note—At many meetings, stakeholders addressed issues that were not directly related to Ch. 27 or code enforcement. Such feedback was not summarized in this document. However, City staff attempted to address individual concerns after the meetings.

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,
AND IS SUBJECT TO ADDITIONAL REVISION.**

Note: City staff has received and continues to receive feedback from stakeholders on the proposed amendments to Chapter 27. While some of this feedback has been incorporated into the draft, staff is waiting on guidance from the Housing Committee and the City Council on further changes to the draft.

2/1/16

ORDINANCE NO. _____

An ordinance amending Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, by repealing [sections, articles]; amending the title of the Chapter; amending Sections [list sections]; providing (description of amendment); providing a penalty not to exceed \$4,000; 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 the title of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“CHAPTER 27

MINIMUM PROPERTY [URBAN REHABILITATION] STANDARDS”

SECTION 2. That Section 27-3, “Definitions,” of Article I, “General Provisions,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-3. DEFINITIONS.

In this chapter:

(1) ~~[BASEMENT means the portion of a structure that is partly underground and has more than one half its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining a structure.~~

(2) BATHROOM means an enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.

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(2) BUILDING means a structure for the support or shelter of any use or occupancy.

(3) [~~CELLAR~~] means the lowermost portion of a structure partly or totally underground having one half or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.

(4) ~~CERTIFICATE OF REGISTRATION~~ means a certificate of registration issued by the director under Article VII of this chapter to the owner or operator of a multi tenant property or under Article IX of this chapter to the owner of a non-owner occupied rental property, whichever is applicable.

(5) CITY ATTORNEY means the city attorney of the city of Dallas and includes the assistants and other authorized representatives of the city attorney.

(4) CONDOMINIUM has the meaning given that term in Chapter 82 of the Texas Property Code, as amended.

(5) CONDOMINIUM ASSOCIATION means a for profit or non-profit corporation the membership of which consists of condominium unit owners of a condominium complex and charged with governing, operating, managing or overseeing a condominium complex or its common elements.

(6) CONSTRUCTION CODES means the *Dallas Building Code*, Chapter 53 of the *Dallas City Code*, as amended; *Dallas Plumbing Code*, Chapter 54 of the *Dallas City Code*, as amended; *Dallas Mechanical Code*, Chapter 55 of the *Dallas City Code*, as amended; *Dallas Electrical Code*, Chapter 56 of the *Dallas City Code*, as amended; *Dallas One- and Two-Family Dwelling Code*, Chapter 57 of the *Dallas City Code*, as amended; *Dallas Existing Building Code*, Chapter 58 of the *Dallas City Code*, as amended; *Dallas Fuel Gas Code*, Chapter 60 of the *Dallas City Code*, as amended; *Dallas Green Construction Code*, Chapter 61 of the *Dallas City Code*, as amended; *Dallas Fire Code*, Chapter 16 of the *Dallas City Code*, as amended; and the *Housing Standards Manual*, as amended.

(7) CRIME PREVENTION ADDENDUM means an addendum to a residential lease or rental agreement for the use of a rental [multi-tenant] property as required by Section 27-43 of this chapter.

(8) DALLAS ANIMAL WELFARE FUND means the Dallas Animal Welfare Fund as described in Section 7-8.4 of Chapter 7 of this code.

(9) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(10) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

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(11[9]) DWELLING means a structure or building used, intended, or designed to be used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes [~~occupied as a residence~~].

(12[40]) DWELLING UNIT has the definition given that term in Section 51A-2.102(34) of the Dallas Development Code, as amended [~~means one or more rooms in a multifamily property designed to accommodate one family and containing only one kitchen plus living, sanitary, and sleeping facilities~~].

(11) ~~FLOOR SPACE means the total area of all habitable space.~~

(12) ~~GRADE means the natural surface of the ground, or surface ground after completion of any change in contour.~~

(13) GRADED INSPECTION means an inspection of a rental [~~multi-tenant~~] property in which the property is given a score by the director based on the number of code violations found to exist on the premises.

(14) [~~GUEST ROOM means any room in a multi-tenant property, other than a multifamily property, that is intended as a sleeping area, whether or not the room includes a kitchen or kitchenette and whether or not the property is operated for profit or charges for the services it offers.~~

(15) HABITABLE ROOM [SPACE] means a [~~the~~] space in a building or structure for [~~occupied by one or more persons while~~] living, sleeping, eating, or [~~and~~] cooking, [~~excluding kitchenettes,~~] Bathrooms [~~bathrooms~~], toilet rooms, [~~laundries, pantries, dressing rooms~~], closets, halls, storage or utility spaces, and similar areas, are not considered habitable space [~~foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms~~].

(15) INFESTATION means the presence, within or contiguous to a structure or premises, of insects, rats, vectors, or other pests.

(16) KITCHEN means an area [~~a space, 60 square feet or more in floor area with a minimum width of five feet,~~] used, or designated to be used, for cooking or preparation of food.

(17) ~~KITCHENETTE means a space, less than 60 square feet in floor area, used for cooking or preparation of food.~~

(17) LANDLORD means any person who is an owner, lessor, management company, or managing agent, including on-site manager, of a building or structure.

(18) MULTIFAMILY DWELLING [PROPERTY] means a multifamily use as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.

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(19) MULTITENANT [~~MULTI-TENANT~~] PROPERTY means property containing any of the following uses:

(A) A multifamily dwelling [~~property~~] as defined in Subsection (39[48]) of this section.

(B) A lodging or boarding house as defined in Section 51A-4.205(2) of the Dallas Development Code, as amended.

(C) A group residential facility as defined in Section 51A-4.209(b)(3) of the Dallas Development Code, as amended.

(D) An extended stay hotel or motel as defined in Section 51A-4.205(1.1) of the Dallas Development Code, as amended.

(E) A residential hotel as defined in Section 51A-4.209(b)(5.1) of the Dallas Development Code, as amended.

(20) [~~NON OWNER OCCUPIED RENTAL PROPERTY means a single family, duplex, townhouse, or condominium dwelling that is leased or rented to one or more persons other than the owner of the property, regardless of whether:~~

(A) ~~the lease or rental agreement is oral or written; or~~

(B) ~~the compensation received by the owner for the lease or rental of the property is in the form of money, services, or any other thing of value.~~

(21) OCCUPANT means a person who has possessory rights to and is actually in possession of a premise.

(21[22]) OPEN AND VACANT STRUCTURE means a structure that is, regardless of its structural condition:

(A) unoccupied by its owners, lessees, or other invitees; and

(B) unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

(22[23]) OPERATING CONDITION means free of leaks, safe, sanitary, structurally sound, and in good working order.

(23[24]) OWNER means [~~a person in whom is vested the ownership or title of real property~~]:

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(A) a person in whom is vested the ownership or title of real property including, but not limited to:

- (i) the holder of fee simple title;
- (ii) the holder of a life estate;
- (iii) the holder of a leasehold estate for an initial term of five years or more;
- (iv) the buyer in a contract for deed;
- (v) a mortgagee, receiver, executor, or trustee in control of real property; and
- (vi) the named grantee in the last recorded deed; and

(B) a landlord, property manager, agent, or person in control of real property [~~not including the holder of a leasehold estate or tenancy for an initial term of less than five years~~].

(24[25]) PERSON means any natural person [~~individual~~], corporation, organization, estate, trust, partnership, association, or similar [~~any other legal~~] entity.

(25) PEST means an invertebrate animal that can cause disease or damage to humans or building materials.

(26) PLUMBING FIXTURES means gas pipes, water pipes, toilets, lavatories, urinals, sinks, laundry tubs, dishwashers, garbage disposal units, clothes-washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

(27) POTABLE WATER means water that is free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

(28[27]) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(29[28]) PROPERTY MANAGER means a person who for compensation has managing control of real property.

(30[29]) PUBLIC SEWER means a sewer operated by a public authority or public utility and available for public use.

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(31[30]) REGISTRANT means a person filing a rental property [issued a certificate of] registration or renewal application [for a multi-tenant property] under Article VII of this chapter [or for a non-owner-occupied rental property under Article IX of this chapter, whichever is applicable].

(32) RENTAL PROPERTY means multitenant property and single dwelling unit rental property.

(33[34]) SANITARY means any condition of good order and cleanliness that precludes the probability of disease transmission.

(34) SECURITY DEVICE has the definition given that term in Chapter 92 of the Texas Property Code, as amended.

(35) SHORT-TERM RENTAL has the definition given that term in Section 156.001(b) of the Texas Tax Code, as amended.

(36) SINGLE DWELLING UNIT RENTAL PROPERTY means a single-family, duplex, townhouse, or condominium dwelling unit that is leased or rented to one or more persons other than the owner of the property, regardless of whether the lease or rental agreement is oral or written, or the compensation received by the lessor for the lease or rental of the property is in the form of money, services, or any other thing of value, provided, however, if three or more townhouses or condominiums in the same complex are under a common ownership and are leased or offered for lease, they will be considered a multitenant property for purposes of this chapter.

(37) SOLID WASTE means:

(A) industrial solid waste as defined in Section 18-2(22) of the Dallas City Code, as amended, and

(B) municipal solid waste as defined in Section 18-2(28) of the Dallas City Code, as amended.

(38[32]) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

[(33) UNIT means a dwelling unit or a guest room in a multi-tenant property.]

(39) TOILET ROOM means a room containing a toilet or urinal but not a bathtub or shower.

(40[34]) URBAN NUISANCE means a premises or structure that:

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(A) is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(B) regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(C) boarded up, fenced, or otherwise secured in any manner if:

(i) the structure constitutes a danger to the public even though secured from entry; or

(ii) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure in the manner described by Paragraph (B) of this subsection.

(42) VECTOR means an insect or other animal that is capable of transmitting a disease-producing organism.

(43) WORKMANLIKE means executed in a skilled manner, for example, generally plumb, level, square, in line, undamaged, and without marring adjacent work.”

SECTION 3. That Section 27-3.1, “Code enforcement official,” of Article I, “General Provisions,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-3.1. CODE ENFORCEMENT OFFICIAL.

(a) The director, or a designated representative, shall serve as the code enforcement official of the city.

(b) The code enforcement official shall have the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as are deemed necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the intent and purpose of the codes.

(c) The code enforcement official shall have the power to obtain:

(1) search warrants for the purpose of investigating [allowing the inspection of any specified premises to determine the presence of a health hazard or unsafe building condition, including but not limited to any structural, property, or utility hazard, or] a violation of a[ny] health and safety or nuisance abatement [building] regulation, statute, or ordinance; and

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(2) seizure warrants for the purpose of securing, removing, or demolishing an offending property and removing the debris from the premises.”

SEC. 27-3.2 REPORTS OF CODE ENFORCEMENT OFFICIAL

The report from the Code Enforcement Official shall be given to the property owner or the owner’s agent, as well as to the occupant of the unit.

Comment [A1]: Tenants should automatically get a copy of the inspector’s report. We have heard from tenants who were told that only the manager can see the report. While we know tenants can make an open records request, they shouldn’t have to.

SECTION 4. That Section 27-4, “Violations; Penalty,” of Article II, “Administration,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-4. VIOLATIONS; PENALTY.

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A person commits a separate offense each day ~~[or portion of a day]~~ during which a violation is committed, permitted, or continued.

(b) Criminal penalties.

(1) An offense under this chapter is punishable by a fine not to exceed \$2,000; except, that an offense under Section 27-5.2 and 27-25 of this chapter is punishable by a fine not to exceed \$500.

(2) An offense under this chapter is punishable by a fine of not less than:

(A) ~~\$150 [200] for a first conviction of a violation of Section 27-11(c)(1), (c)(2), or (c)(6); Section 27-11(d)(2)(A), (d)(3)(A), (d)(4), (d)(5), (d)(6), (d)(7), (d)(9)(A), (d)(9)(C), (d)(9)(D), (d)(10)(A), (d)(11), (d)(13), (d)(15)(A) or (d)(16)(C); Section 27-11(e)(1)(B), (e)(1)(C), or (e)(3); Section 27-11(f)(1)(A), (f)(1)(B), (f)(3)(C), (f)(3)(F), or (f)(4)(C); Section 27-11(g)(5); Section 27-11(h)(1)(B), (h)(3), (h)(4)(i), (h)(4)(ii), (h)(4)(iii), (h)(6)(A) or (h)(6)(B); Section 27-11(i)(1) or (i)(2); Section 27-12(1), (2), (3), or (5) [(a)(1), (3), or (4), 27-11(b)(1), (2), (3), (4), (6), (7), (8), (9), or (10), Section 27-60, or Article VIII of this chapter]; and~~

(B) \$500 for a first conviction of a violation of Section 27-11(d)(1), (d)(9)(B), (d)(12), (d)(14)(A), (d)(14)(B), (d)(15)(B), (d)(15)(C), (d)(16)(A), or (d)(16)(B); Section 27-11(e)(1)(A) or (e)(2)(A); Section 27-11(f)(2), (f)(3)(A), (f)(3)(B), (f)(3)(D), (f)(3)(E), (f)(3)(G), (f)(4)(A), (f)(4)(B), (f)(4)(D), (f)(4)(E) or (f)(4)(F); Section 27-11(g)(1) or (g)(2); Section 27-11(h)(1)(A), (h)(2), or (h)(5); or Section 27-15.1(c) ~~[(a)(2), (5), or (6), 27-11(b)(5), 27-11(e), or 27-11(d); and~~

~~(C) \$2,000 for a first conviction of a violation of Section 27-30].~~

(3) The minimum fines established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third

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and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) In addition to imposing the criminal penalty prescribed in Subsection (b) or exercising the other remedies provided by this chapter, the city may bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted.

(e) The penalties provided for in Subsections (b), (d), and (h) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

(f) The director has the authority to enforce provisions of Chapter 7A and Article II, Chapter 18 of this code.

(g) ~~[A person commits an offense if he fails to correct a violation of this chapter in compliance with any order issued under this chapter that has become final.~~

~~(h)~~ A person is criminally responsible for a violation of this chapter if:

(1) the person commits the violation or assists in the commission of the violation; or

(2) the person is the owner of the property and, either personally or through an employee or agent, allows the violation to exist.

(h) For purposes of subsection (g), an employee of the owner of real property that has been issued a certificate of occupancy or a certificate of completion with respect to improvements on the property is not personally liable for a violation of this chapter if, not later than the fifth calendar day after the date the citation is issued, the employee provides the property owner's name, current street address, and current telephone number to the enforcement official who issues the citation or to the director.

(i) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of this chapter, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b)."

(j) Criminal penalties may include sentencing the owner or agent to live in the substandard dwelling.

SEC. 27-4.1 PAYMENT OF RENT INTO ESCROW

Comment [A2]:

Comment [A3]: See the City of Los Angeles' Rent Escrow Account Program [http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode/chapterxvihousingregulations?fulltext=templates&fn=default.htm\\$3.0&vid=amlegal:losangeles_ca_mc\\$anc=JD_162.00](http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode/chapterxvihousingregulations?fulltext=templates&fn=default.htm$3.0&vid=amlegal:losangeles_ca_mc$anc=JD_162.00).

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SECTION 5. That Section 27-5, “Inspection,” of Article II, “Administration,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-5. INSPECTION.

(a) For the purpose of ascertaining whether violations of this chapter or other city ordinances exist, the director is authorized at a reasonable time to inspect:

- (1) the exterior of a structure and premises ~~that [which]~~ contain no structure; and
- (2) the interior of a structure, if the permission of the owner, occupant, or person in control is given.

(b) Nothing in this section limits the director’s ability to seek and obtain an administrative search warrant authorizing the inspection of the interior or exterior of a structure or a premises that contains no structure.”

SECTION 6. That Section 27-5.2, “Retaliation Against Tenants Prohibited,” of Article II, “Administration,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is repealed, and Section 27-5.2 shall be indicated as “Reserved” in the Dallas City Code as follows: **[Note: Staff proposes repealing Section 27-5.2 because retaliation against tenants is already prohibited by the Texas Property Code, Subchapter H.]**

“SEC. 27-5.2. RESERVED [RETALIATION AGAINST TENANTS PROHIBITED].

(a) A landlord commits an offense if he raises a tenant's rent, diminishes services to a tenant, or attempts eviction of a tenant within ~~six months~~ after:

- (1) the tenant files a valid complaint with the director complaining of a violation of this chapter on property occupied by the tenant; a complaint is considered valid if it results in an action described in Paragraph (2), (3), or (4) of this subsection;
- (2) the director issues to the landlord or the landlord's agent a written notice or citation listing any violation of this chapter that exists on property occupied by the tenant;

Comment [A4]: The retaliation section should remain. The state law only protects tenants who initiate a protected action; not when the city initiates the action. (See Section 92.331 of the Texas Property Code: http://www.statutes.legis.state.tx.us/Docs/PR/htm/PR_92.htm#92.331)

Comment [A5]: one year

Comment [A6]: correct typo

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(3) the city attorney files an action under Article IV-a of this chapter or under Chapter 54, 211, or 214 of the Texas Local Government Code relating to any violation of this chapter that exists on property occupied by the tenant;

(4) the tenant, after filing a complaint with the director and the landlord or the landlord's agent, files a written complaint with the city attorney complaining of a violation of this chapter on property occupied by the tenant, unless the complaint is later withdrawn by the tenant or dismissed on the merits; or

(5) repairs are completed on property occupied by the tenant in compliance with either a written notice or citation issued by the director or a court order.

(b) It is a defense to prosecution under Subsection (a) that:

(1) rent was increased pursuant to an escalation clause in a written lease which provided for changes in costs of utilities, taxes, and insurance;

(2) rent was increased, services were reduced, or notices to vacate were issued as part of a pattern of rent increases, service reductions, or evictions for an entire multidwelling project;

(3) the tenant was delinquent in rent when the landlord gave notice to vacate or filed an eviction action;

(4) the tenant was responsible for or caused a violation of this chapter that existed on property occupied by the tenant;

(5) the tenant's written lease fixing the rent, services, or term of occupancy had expired, unless, at the time an action described in Subsection (a)(1), (2), or (3) occurred, a violation of this chapter that was reasonably dangerous to the physical health or safety of the tenant or another person existed on property occupied by the tenant;

(6) the tenant holds over after giving notice of termination or intent to vacate;

(7) the tenant holds over after the landlord gives notice of termination at the end of the rental term and, at the time the notice of termination was given, the landlord or the landlord's agent had not received actual notice that a valid complaint had been filed with the city complaining of violations of this chapter on property occupied by the tenant;

(8) before filing a complaint with the city complaining of a violation of this chapter on property occupied by the tenant, other than a violation that is reasonably dangerous to the physical health or safety of the tenant or another person, the tenant fails to comply with a written lease provision requiring the tenant to:

(A) notify the landlord or the landlord's agent, in writing, of the violation; and

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(B) allow the landlord 15 days to correct the violation; or

(9) the landlord proves that the rent increase, service reduction, or attempted eviction was for good cause and not for purposes of retaliation against the tenant.

(c) An offense under this section may be prosecuted upon the filing of a written complaint by the tenant with the city attorney.”

SECTION 7. That Section 27-11, “Minimum Standards; Responsibilities of Owner,” of Article III, “Minimum Standards,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-11. MINIMUM PROPERTY STANDARDS; RESPONSIBILITIES OF OWNER.

(a) In general.

(1) The regulations in this article are minimum property standards for vacant and occupied buildings, properties, and structures within the city of Dallas. In addition to these minimum property standards, buildings, properties, and structures must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city of Dallas, including the *Housing Standards Manual*.

(2) These minimum property standards are intended to complement existing laws, ordinances, rules, and regulations. If the regulations in this chapter are less restrictive than other applicable laws, ordinances, rules, or regulation, the more restrictive law, ordinance, rule, or regulation applies.

(b) Repairs. All repairs required by this section must be performed in a workmanlike manner and in accordance with all ordinances, rules, and regulations of the City of Dallas, including the *Housing Standards Manual*.

(c) Property standards. An owner shall:

(1) maintain their premises in operating condition without any [eliminate a] holes, excavations, or sharp protrusions[, and any other object or condition that exists on the land and is] that are reasonably capable of causing injury to a person;

(2) securely cover or close any wells, cesspools, or cisterns;

(3) provide solid waste receptacles or containers when required by Chapter 18 of this code;

(4) provide drainage to prevent standing water and flooding on the land;

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(5) remove dead trees and tree limbs that are reasonably capable of causing injury to a person;

(6) keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry; and

(7) ~~protect, by periodic application of paint or other weather-coating materials, any exposed metal or wood surfaces from the elements and against decay or rust [by periodic application of weather-coating materials, such as paint or similar surface treatment].~~

(d[~~b~~]) Structural and material standards. [~~An owner shall:~~]

(1) General. An owner shall maintain structural members free from deterioration and shall maintain structural members so that they are capable of safely supporting imposed dead and live loads.

(2) Construction materials. An owner shall:

(A) maintain building and structure materials, including wood, gypsum products, glass, fiberglass, paper, canvas, fabric, plastic, vinyl, masonry, ceramic, plaster, brick, rock, stucco, slate, concrete, asphalt, tin, copper, steel, iron, aluminum, and other metals, in operating condition.

(B) protect, by periodic application of paint or other coating, the exterior surfaces of a structure that are subject to decay or rust.

(3) Roofs. An owner shall:

(A) maintain roofs in operating condition, free from leaks, holes, charred or deteriorated roofing materials, rotted wood, and other unsafe conditions.

(B) maintain gutters and downspouts, if installed, in operating condition and securely fastened.

(4) Chimneys and towers. An owner shall maintain chimneys, cooling towers, smoke stacks, and similar appurtenances in operating condition.

(5) Foundations. An owner shall maintain foundations and foundation components in operating condition, and keep all foundation components securely fastened.

(6) Floors. An owner shall maintain all flooring in operating condition, free from holes, cracks, decay, and trip hazards.

(7) Shower enclosures. An owner shall maintain shower enclosure floors and walls in operating condition free of holes, cracks, breaches, decay, rust, and rot.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(8) Counter tops and backsplashes. An owner shall maintain kitchen and bathroom counter tops and backsplashes surrounding kitchen sinks and lavatory sinks in operating condition free of decay, rust, and rot.

(9) Interior walls, ceilings, and surfaces; doors. An owner shall:

(A) maintain all interior walls and ceilings in operating condition;

(B) keep all interior walls and ceilings securely fastened to eliminate collapse hazards;

(C) maintain all interior surfaces, including windows and doors, in operating condition;

(D) repair, remove, or cover all peeling, chipping, flaking, or abraded paint; and

(E) repair all cracked or loose plaster, wood or other defective surface conditions.

(10) Exterior windows and skylights. An owner shall maintain:

(A) the glass surfaces of exterior windows and skylights so that they are weather tight, in operating condition; and

(B) each habitable room with natural light in accordance with the construction codes.

(11) Exterior doors. An owner shall maintain exterior doors so that they are weather tight, in operating condition.

(12) Security devices. An owner shall maintain any bars, grilles, grates, and security devices in operating condition and in accordance with the construction codes.

(13) Ventilation. An owner shall maintain all natural and mechanical ventilation in habitable rooms in operating condition and in accordance with the construction codes.

(14) Balconies, landings, porches, decks, and walkways. An owner shall maintain:

(A) all balconies, landings, porches, decks, and walkways in operating condition and securely fastened.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(B) support posts and columns for balconies, landings, porches, decks, and walkways or canopies in operating condition, securely fastened and anchored.

(15) Handrails and guardrails. An owner shall maintain all handrails and guardrails:

(A) in accordance with the construction codes;

(B) in operating condition, and securely fastened and anchored; and

(C) so that they are capable of safely supporting imposed dead and live loads.

(16) Steps and stairways. An owner shall:

(A) maintain steps and stairways in operating condition, securely fastened and anchored, and free from trip hazards;

(B) maintain steps and stairways so that they are capable of safely supporting imposed dead and live loads; and

(C) seal any cracks or breaches in lightweight concrete steps, balconies, and walkways.

(17) Fencing, retaining walls, and barriers.

(A) An owner shall maintain all fences, retaining walls, decorative walls, and barriers in operating condition, and in accordance with the Dallas Development Code. This requirement applies to a masonry wall only if wall encloses:

(i) a multitenant property; or

(ii) a single-family or duplex property where the wall is not shared with another property.

(B) An owner shall repair or replace rotted, missing, fire-damaged, or broken wooden slats and support posts.

(C) An owner shall repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials.

(D) An owner shall replace loose or missing bricks, stones, rocks, mortar, and similar materials on any masonry wall that is not shared with another property, if the wall:

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AND IS SUBJECT TO ADDITIONAL REVISION.**

or duplex, or

(i) encloses a multitenant property or a single-family property

(ii) serves as a retaining wall.

~~[protect the exterior surfaces of a structure that are subject to decay by application of paint or other coating;~~

~~(2) fill hollow, masonry supporting piers, if used, with concrete and anchor the piers to concrete footings with a 5/8 inch steel dowel;~~

~~(3) provide and maintain railings for stairs, steps, balconies, porches, and elsewhere as specified in the Dallas Building Code;~~

~~(4) repair holes, cracks, and other defects reasonably capable of causing injury to a person in stairs, porches, steps, and balconies;~~

~~(5) maintain a structure intended for human occupancy and a structure used as an accessory to a structure intended for human occupancy in a weather tight and water tight condition;~~

~~(6) maintain floors, walls, ceilings, and all supporting structural members in a sound condition, capable of bearing imposed loads safely;~~

~~(7) provide cross ventilation of not less than 1 1/2 square feet for each 25 lineal feet of wall in each basement, cellar, and crawl space;~~

~~(8) repair or replace chimney flue and vent attachments that do not function properly;~~

~~(9) repair holes, cracks, breaks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings; and~~

~~(10) maintain any fence on the property in compliance with the following standards:~~

~~(A) maintain a fence so that it is not out of vertical alignment more than one foot from the vertical, measured at the top of the fence, for a fence over four feet high, or more than six inches from the vertical, measured at the top of the fence, for a fence not more than four feet high, except that this provision does not apply to a masonry wall unless the wall encloses:~~

~~(i) a multi-tenant property; or~~

~~(ii) a single family or duplex property where the wall is not shared with another property;~~

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AND IS SUBJECT TO ADDITIONAL REVISION.**

~~(B) repair or replace rotted, fire damaged, or broken wooden slats and support posts;~~

~~(C) repair or replace broken or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and~~

~~(D) repair or replace loose bricks, stones, rocks, mortar, and similar materials on any masonry wall that encloses:~~

~~(i) a multi-tenant property; or~~

~~(ii) a single family or duplex property where the wall is not shared with another property.]~~

(e[e]) Utility and appliance standards. ~~[An owner shall:]~~

(1) Air conditioning. If screens are not provided in accordance with Subsection (h)(2), an owner shall:

(A) provide and maintain in operating condition refrigerated air equipment capable of maintaining a maximum inside temperature of [80 / 85] degrees Fahrenheit, whichever is warmer, in each room of a structure intended for human occupancy;

Comment [A7]: 80 degrees or lower

(B) maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, properly attached; and

(C) install window-mounted air conditioning units, if provided, in compliance with the construction codes.

(2) Heating.

(A) An owner shall provide every dwelling unit with heating facilities that are installed and maintained in operating condition and in accordance with the construction codes. The heating facilities must be capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three feet above the floor and two feet from exterior walls in any room intended for human occupancy.

(B) Where heating is provided in buildings or structures other than dwelling units, an owner shall maintain those facilities in operating condition and in accordance with the construction codes.

(h) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(1) after being issued a notice or citation for violation of Subsection (c)(7) of this section, the owner fails to repair heating equipment within 72 hours after receiving such notice or citation and the overnight low temperature, as measured by the National Weather Service at Dallas Love Field, is below 40°F. for three consecutive days after receiving such notice or citation; or

(2) after being issued a notice or citation for violation of Subsection (c)(8) of this section, the owner fails to repair refrigerated air equipment within 72 hours after receiving such notice or citation and the daytime high temperature, as measured by the National Weather Service at Dallas Love Field, is 95°F. or above for three consecutive days after receiving such notice or citation.

(i) It is a defense to prosecution under Subsections (c)(7) and (c)(8) of this section and to the alternative housing requirements of Subsection (h) of this section that:

(1) failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or

(2) the owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice or citation for a violation of Subsection (c)(7) or (c)(8) of this section.

(j) It is a defense to prosecution under Subsection (c)(7) of this section and to the alternative housing requirements of Subsection (h)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating equipment in compliance with the Dallas Mechanical Code, as amended, in each room of the structure intended for human occupancy.

(k) It is a defense to prosecution under Subsection (c)(8) of this section and to the alternative housing requirement of Subsection (h)(2) of this section that the structure is provided with exterior windows and doors that are easily openable to provide air ventilation and covered with screens in compliance with Subsection (d)(2) of this section. (Ord. Nos. 15198; 15372; 15919; 16473; 19234; 20578; 24481; 25522)

Comment [A8]: This is in the existing code and should be kept. Subsections will need to be renumbered/lettered.

(3) Appliances. If appliances are provided in a rental dwelling unit, the owner shall maintain those appliances, including portable heating units, portable air conditioning units, cook stoves, refrigerators, dishwashers, garbage disposals, ventilation hoods, washing machines, and clothes dryers, and all appliance connections, in operating condition.

~~[provide and maintain in operating condition connections to discharge sewage from a structure or land into a public sewer system where available;~~

~~(2) provide and maintain in operating condition a toilet connected to a water source and to a public sewer, where available, in each structure intended for human habitation;~~

~~(3) provide and maintain in operating condition connections and pipes to supply potable water at adequate pressure to a structure intended for human occupancy;~~

~~(4) provide and maintain in operating condition a device to supply hot water of a minimum temperature of 120°F. within each structure intended for human habitation;~~

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~~(5) provide and connect a kitchen sink, bathtub or shower, and lavatory to a cold and hot water source in each structure intended for human habitation;~~

~~(6) connect plumbing fixtures and heating equipment that the owner supplies in accordance with the Dallas Plumbing Code and Dallas Mechanical Code;~~

~~(7) provide and maintain heating equipment in operating condition so that it is capable of maintaining a minimum inside temperature of 68°F. from November 16 through March 15 in each room of a structure intended for human occupancy;~~

~~(8) if screens are not provided as required in Subsection (d)(2), provide and maintain in operating condition, from April 1 through November 1, refrigerated air equipment capable of maintaining a maximum inside temperature that is 20 degrees lower than the outside temperature or 85°F., whichever is warmer, in each room of a structure intended for human occupancy;~~

~~(9) provide and maintain in operating condition supply lines for electrical service to each structure intended for human occupancy if electrical service is available within 300 feet;~~

~~(10) connect each heating and cooking device that burns solid fuel to a chimney or flue; and~~

~~(11) provide and maintain in operating condition electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances and fixtures.]~~

(f) Plumbing standards.

(1) Plumbing systems. An owner shall maintain:

(A) all plumbing pipes, fittings, and valves necessary to supply and conduct natural fuel gases, sanitary drainage, storm drainage, or potable water in operating condition in accordance with the *Dallas Plumbing Code*, Chapter 54 of the Dallas City Code, as amended; and

(B) all plumbing fixtures free of cross-connections and conditions that permit backflow into the potable water supply.

(2) Fuel gas distribution systems. An owner shall maintain distribution systems that carry fuel gas or liquefied petroleum gas in a leak-free condition in accordance with the construction codes. If such a distribution system has been compromised, an owner shall have the system pressure-tested and repaired in accordance with the *Dallas Plumbing Code*, Chapter 54 of the Dallas City Code, as amended.

(3) Plumbing fixtures.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(A) An owner shall provide each dwelling unit with:

(i) a kitchen equipped with a kitchen sink; and

(ii) a minimum of one toilet; a lavatory sink; and either a bathtub, a shower, or a combination of a bathtub and shower.

(B) An owner shall keep all plumbing fixtures connected to an approved potable water supply system.

(C) An owner shall connect and maintain all plumbing fixtures in operating condition, in accordance with the construction codes.

(D) An owner shall equip toilets and urinals with cold potable water under pressure necessary for safe and sanitary operation.

(E) An owner shall keep all plumbing fixtures connected to a public sewer system or to an approved private sewage disposal system.

(F) An owner shall maintain all piping distribution systems in operating condition, and shall eliminate all unsafe, unsanitary, and inoperable conditions in such distribution systems.

(G) Except when the sewer lines are being serviced, an owner shall cap each sewer clean-out opening with an approved plug in accordance with the construction codes.

(4) Water heating equipment.

(A) An owner shall maintain all water heating equipment in operating condition in compliance with the construction codes.

(B) For all water heating equipment, an owner shall maintain in accordance with the construction codes a temperature and pressure relief valve with an approved drain line.

(C) An owner shall provide and maintain in operating condition water heating equipment that supplies hot water at a minimum temperature of 110 degrees Fahrenheit, measured at the water outlet, to every required plumbing fixture.

(D) An owner shall vent all fuel-fired water heating equipment as required by the construction codes.

(E) An owner shall maintain any existing fuel-fired water heaters that are located in a sleeping room or bathroom in compliance with the construction codes.

Comment [A9]: 120 degrees is in Section 92.052(a)(3)(B) of the Texas Property Code http://www.statutes.legis.state.tx.us/Docs/PR/htm/PR_92.htm#92.052

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(F) An owner shall maintain boilers and central heating plants in operating condition.

(g) Electrical standards.

(1) An owner shall maintain all provided electrical equipment and materials in operating condition and in accordance with the construction codes.

(2) An owner shall provide electrical circuits and outlets sufficient to carry safely a load imposed by normal use of appliances, equipment, and fixtures, and maintain them in operating condition.

(3) In each dwelling unit, an owner shall provide and maintain each habitable room, bathroom, hallway, and stairway with at least one electric lighting outlet. The electric lighting outlet must be controlled by a wall switch, unless a wall switch is not required by the construction codes.

(4) An owner shall maintain all electric light fixtures located adjacent to exterior doors of all buildings or structures in operating condition.

(5) An owner shall not use extension cords or flexible cords as a substitute for permanent wiring and an owner shall only use extension cords and flexible cords in accordance with the construction codes.

(6) An owner shall ensure that the wiring to a tenant's meter or submeter is not connected to any common area.

Comment [A10]: We have seen tenants who were hooked into the outside lights on more than one occasion. This should be a violation.

(h(4)) Health standards. [An owner shall:]

(1) Infestations.

(A) Where evidence of infestation exists, the owner of a building, structure, or property, including a vacant or occupied one-or two-family dwelling, or multifamily dwelling, shall eliminate infestations of vectors, rodents, insects, or pests and repair any conditions that contribute to infestation.

Comment [A11]: include insects (bedbugs) under infestations

(B) If the building, structure, or property is a rental property, the owner shall provide notice to the tenants at least 48 hours before taking steps to eliminate the infestation.

(i) The notice must be in writing and must include the method being used to eliminate the infestation.

(ii) A tenant can waive the 48-hour notice period in writing. [eliminate rodents and vermin in or on the land;]

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(C) It is a defense to prosecution under this paragraph that the building, structure, or property was treated to eliminate vectors, rodents, or pests by a person licensed under the Texas Structural Pest Control Act once within the preceding 30 days.

(2) Screens. An owner shall provide a structure intended for human habitation with a screen for keeping out insects at each opening of the structure if the structure is not cooled with refrigerated air.

(3) Common toilet and shower facilities. An owner shall maintain toilet and shower facilities for common areas of a multifamily dwelling in operating condition. ~~[maintain the interior of a vacant structure or vacant portion of a structure free from rubbish and garbage; and]~~

(4) Swimming pools, spas, ponds, and fountains.

(i) Water in swimming pools, spas, ponds, fountains, and other containers shall be maintained to prevent the breeding or harborage of insects.

(ii) Swimming pools, spas, ponds, and fountains shall be maintained in operating condition.

(iii) Fences or other barriers enclosing swimming pools, spas, ponds, and fountains shall be maintained in operating condition and in accordance with the construction codes ~~[keep the interior of a structure free from insects, rodents, and vermin, except as specified in Section 27-12(b)].~~

(5) Sewage overflow. An owner shall sanitize all areas contaminated by sewage overflow immediately after servicing is completed.

(6) Mold, Mildew and air quality. An owner shall maintain the dwelling so that occupants do not have adverse health impacts from breathing indoors.

Comment [A12]: This is a huge issue. Landlords will fix the leak and soak up water from the carpet, while leaving soggy padding and sheetrock to flourish with mold and mildew.

~~(6)~~(7) Vacant dwelling units.

(A) An owner shall maintain the interiors of all vacant dwelling units free of solid waste.

(B) The owner of a vacant dwelling unit must store any swimming pool chemicals, cleaning chemicals, pesticides, herbicides, rodenticides, fertilizers, paints, solvents, gasoline, gasoline-powered equipment, or combustible materials of any kind in accordance with the construction codes and the Dallas Development Code.

(i[e]) Security standards. An owner or operator of a multifamily dwelling [property], other than one exempt from registration under Section 27-30 of this chapter, shall:

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(1) provide and maintain security devices in each dwelling unit as required by Sections 92.153, 92.154, and 92.155 of the Texas Property Code, as amended; and

(2) if the multifamily dwelling [~~property~~] has three or more dwelling units, provide security lighting that adequately illuminates all parking areas, walkways, stairs and steps, doorways, and garbage storage areas so that persons moving in or around those areas can be easily seen.

~~[(f) It is a defense to prosecution under Subsection (a) of this section that the premises concerned is the site of new construction and reasonable and continuous progress is being made to complete the construction.~~

~~[(g) It is a defense to prosecution under Subsection (d)(4) of this section that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act once within the preceding six months.~~

~~[(h) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:~~

~~(1) after being issued a notice or citation for violation of Subsection (e)(7) of this section, the owner fails to repair heating equipment within 72 hours after receiving such notice or citation and the overnight low temperature, as measured by the National Weather Service at Dallas Love Field, is below 40 degrees Fahrenheit for three consecutive days after receiving such notice or citation; or~~

~~(2) after being issued a notice or citation for violation of Subsection (e)(8) of this section, the owner fails to repair refrigerated air equipment within 72 hours after receiving such notice or citation and the daytime high temperature, as measured by the National Weather Service at Dallas Love Field, is 95 degrees Fahrenheit or above for three consecutive days after receiving such notice or citation.~~

~~[(i) It is a defense to prosecution under Subsections (e)(7) and (e)(8) of this section and to the alternative housing requirements of Subsection (h) of this section that:~~

~~(1) failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or~~

~~(2) the owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice or citation for a violation of Subsection (e)(7) or (e)(8) of this section.~~

~~[(j) It is a defense to prosecution under Subsection (e)(7) of this section and to the alternative housing requirements of Subsection (h)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has~~

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AND IS SUBJECT TO ADDITIONAL REVISION.**

~~provided utility connections for heating equipment in compliance with the Dallas Mechanical Code, as amended, in each room of the structure intended for human occupancy.~~

~~(k) It is a defense to prosecution under Subsection (c)(8) of this section and to the alternative housing requirement of Subsection (h)(2) of this section that the structure is provided with exterior windows and doors that are easily openable to provide air ventilation and covered with screens in compliance with Subsection (d)(2) of this section.]”~~

SECTION 8. That Section 27-12, “Responsibilities of Occupant,” of Article III, “Minimum Standards,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-12. RESPONSIBILITIES OF OCCUPANT.

~~[(a)]~~ An occupant shall:

(1) maintain the interior and exterior ~~[those]~~ portions of the person’s dwelling unit ~~[interior of a structure under his control]~~ free from accumulations of solid waste ~~[rubbish, garbage,]~~ and other conditions that would encourage infestation ~~[of insects, rodents, or vermin];~~

(2) remove an animal or animals from a structure if the presence of the animal or animals is a health hazard to an occupant;

(3) connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the construction ~~[building]~~ codes.

(4) provide solid waste receptacles or containers when required by Chapter 18 of this code; and

(5) not alter a structure or its facilities so as to create a nonconformity with Section 27-11 or this section.

~~[(b) The tenant occupant of a single family residential structure shall keep the interior of the structure free from insects, rodents, and vermin if the owner can show that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act:~~

~~(1) within two weeks before the date the tenant took occupancy; or~~

~~(2) once within the preceding six months if there has been more than one tenant during the preceding six months].”~~

SECTION 9. That Section 27-15, “Occupancy Load Limits,” of Article IV, “Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants,” of

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AND IS SUBJECT TO ADDITIONAL REVISION.**

Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-15. OCCUPANCY LOAD LIMITS.

A structure or dwelling unit is overcrowded if the occupancy limits set in Texas Property Code Section 92.010, as amended, are exceeded~~following standards are not met:~~

(1) ~~Floor space per person. Each structure or dwelling unit must contain at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of additional habitable floor space for each additional occupant.~~

(2) ~~Sleeping space per person. In each structure or dwelling unit of two or more rooms, each room occupied for sleeping purposes by one occupant must contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person must contain at least 50 square feet of floor space for each occupant.~~

(3) ~~Special provisions. Children under 12 months of age are not considered occupants, and children under 12 years of age are considered as 1/2 of one occupant for purposes of Subparagraphs (1) and (2).~~

(4) ~~Ceiling height. For purposes of Subparagraphs (1) and (2), a room of a structure must have a ceiling height of at least seven feet to be considered habitable space].”~~

SECTION 10. That Section 27-15.1, “Placarding of a Structure by the Director,” of Article IV, “Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-15.1. PLACARDING OF A STRUCTURE BY THE DIRECTOR.

(a) After a court order requiring vacation of a structure or dwelling unit has become final, t~~(F)~~he director may place a red placard ~~[warning of a dangerous condition]~~ on or near the front door of the ~~[any]~~ structure or dwelling unit ~~[that:~~

- (1) ~~is unsanitary or unsafe; and~~
- (2) ~~presents an immediate danger to the health, safety, or welfare of the public or of any occupant of the structure].~~

(b) The red placard shall state:

- (1) that the structure or dwelling unit was ordered to be vacated;

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(2) that a person commits an offense if he, without authority from the director:

(A) removes or destroys the red placard;

(B) occupies the structure or dwelling unit; or

(C) as owner of the structure, authorizes a person to occupy the structure or dwelling unit; and

(3) the maximum fine for violation of the ordinance [After placarding a structure under Subsection (a) of this section, the director shall immediately refer the structure to the city attorney for a hearing before the municipal court, to be held in accordance with Article IV a of this chapter, on the dangerous condition of the structure and the need to vacate any occupants of the structure. Before the 11th day after the director placards the structure, the director shall give notice of the hearing to each owner, lienholder, or mortgagee of the affected property in accordance with the notice requirements of Section 27-16.5].

(c) A person commits an offense if he:

(1) without authority from the director, removes or destroys a red placard placed by the director;

(2) occupies a structure or dwelling unit on which the director has placed a red placard; or

(3) [as owner of a structure or dwelling unit,] authorizes a person to occupy a structure or dwelling unit on which the director has placed a red placard.

~~[(d) It is a defense to prosecution under Subsection (c)(2) that:~~

~~(1) the person had lawfully and continuously occupied the structure or dwelling unit before and after the structure was placarded; and~~

~~(2) the structure or dwelling unit had not been ordered vacated by the municipal court.~~

~~(e) It is a defense to prosecution under Subsection (c)(3) that:~~

~~(1) the person authorized by the owner to occupy the structure or dwelling unit had lawfully and continuously occupied the structure or dwelling unit before and after the structure was placarded; and~~

~~(2) the structure or dwelling unit had not been ordered vacated by the municipal court.]”~~

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AND IS SUBJECT TO ADDITIONAL REVISION.**

SECTION 11. That Section 27-16, “Securing of a Structure by the Director,” of Article IV, “Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16. SECURING OF A STRUCTURE BY THE DIRECTOR.

(a) The requirements of this section are in addition to any other requirements of this chapter governing securing of a structure. Any hearing before the municipal court pursuant to this section concerning the securing of a structure must comply with all notice and procedural requirements contained in Article IV-a of this chapter for hearings before the municipal court.

(b) The director shall secure any structure that the director determines:

- (1) violates a minimum standard established in Article III of this chapter; and
- (2) is unoccupied or is occupied only by a person who does not have a right of possession to the structure.

(c) ~~[Before securing a structure under Subsection (b), the director shall post a notice on or near the front door of the structure stating that if the owner does not secure the structure within 48 hours, the city will secure the structure at the owner’s expense.]~~

~~(d)~~ Before the 11th day after the date the director secures the structure, the director shall give notice to the owner by:

- (1) personally serving the owner with written notice;
- (2) depositing the notice in the United States mail addressed to the owner at the owner’s post office address;
- (3) publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located, if personal service cannot be obtained and the owner’s post office address is unknown; or
- (4) posting the notice on or near the front door of the structure, if personal service cannot be obtained and the owner’s post office address is unknown.

(d[e]) The notice issued under Subsection (d) must contain:

- (1) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

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AND IS SUBJECT TO ADDITIONAL REVISION.**

- (2) a description of the violation of the minimum standards that is present at the structure;
- (3) a statement that the director will secure or has secured, as the case may be, the structure; and
- (4) an explanation of the owner's entitlement to request a hearing about any matter relating to the director's securing of the structure.

(e[f]) A public hearing shall be held before the municipal court if, within 30 days after the date the director secures the structure, the owner files with the municipal court a written request for the hearing. The hearing must be held within 20 days after the date the request is filed. Notice of the hearing must be given to each owner [~~lienholder, or mortgagee~~] of the affected property in accordance with the notice requirements of Section 27-16.5. At the hearing, the director shall present evidence of the need to secure the structure, and the owner may testify or present witnesses or written information about any matter relating to the director's securing of the structure.

(f[g]) The municipal court shall uphold the director's action in securing a structure if it finds the structure or a portion of the structure was an urban nuisance [~~open and potentially dangerous to the health, safety, or welfare of the public~~].

(g[h]) An unoccupied structure that is closed pursuant to an order of the director, the municipal court, or the fire marshal, or that is closed by the owner of the structure without an official order, must be secured in compliance with the Dallas Fire Code.

(h[i]) A structure intended for residential use or occupancy that, pursuant to an order of the director, the municipal court, or the fire marshal, is closed by the owner through sealing the doors or windows with boards, or equivalent materials, may be referred by the director to the city attorney for appropriate action under Article IV-a of this chapter, if the structure:

- (1) remains boarded up for 180 days or more without being occupied by the owner or a lawful tenant; and
- (2) has at least one visible violation of this chapter.

(i[j]) The city's cost of securing a structure under this section constitutes a lien against the real property on which the structure stands, as provided in Section 27-16.8(e)."

SECTION 12. That Subsection (b) of Section 27-16.3, "Municipal Court Jurisdiction, Powers, and Duties Relating to Urban Nuisances," of Article IV-a, "Municipal Court Jurisdiction Over Urban Nuisances," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

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AND IS SUBJECT TO ADDITIONAL REVISION.**

“(b) The municipal court of record has the following powers and duties:

(1) To require the reduction in occupancy load of an overcrowded structure or the vacation of a structure found to be an urban nuisance.

(2) To require the repair of a structure found to be an urban nuisance.

(3) To require the demolition of a structure found to be an urban nuisance.

(4) To require the removal of personalty from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personalty is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personalty. Costs of any removal and storage are the responsibility of the owner of the personalty.

(5) To require that an open and vacant structure or open and vacant portion of a structure be secured.

(6) To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or a private contractor. Costs of correction are the responsibility of the owner.

(7) To assess a civil penalty, not to exceed \$1,000 a day per violation or, if the property is the owner’s lawful homestead, \$10 a day per violation, against a property or property owner for each day or part of a day that the owner fails to repair or demolish a structure in compliance with a court order issued under this article.

(8) To require relocation of the occupants of a structure found to be an urban nuisance or found to be overcrowded, ~~and to determine, upon an order of relocation of the occupants of a structure, whether the occupants of the structure are ineligible for relocation assistance under Subsection (c) of this section.~~

Comment [A13]: All tenants who are displaced when a substandard property is shut down should be given relocation assistance – enough notice to move with dignity as well as financial help of no less than two months’ rent. Likewise, the city should require landlords to provide notice and relocation assistance when they redevelop. (See Austin relocation ordinance in development <http://www.austintexas.gov/page/proposed-tenant-relocation-assistance-policy-development>)

SECTION 13. That Subsection (c) of Section 27-16.4, “Initiation of Proceeding; Petition Requirements,” of Article IV-a, “Municipal Court Jurisdiction Over Urban Nuisances,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) ~~[The proceeding will be styled “City of Dallas, Plaintiff v. (Property Description), Defendant.”]~~The municipal court shall set the matter for a hearing not less than 30 days nor more than 60 days after the filing of the petition.”

SECTION 14. That Subsection (d), “Assessment of Civil Penalties,” of Section 27-16.8 “Noncompliance With Court Orders; Civil Penalties; Liens,” of Article IV-a, “Municipal Court

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AND IS SUBJECT TO ADDITIONAL REVISION.**

Jurisdiction Over Urban Nuisances,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(d) Assessment of civil penalties.

(1) If the city attorney or the director determines that the owner, lienholder, or mortgagee of a structure has not timely complied with a municipal court order issued under Section 27-16.7, the city attorney may file an action in municipal court for the assessment of a civil penalty against the property and property owner. The city attorney or the director shall promptly give notice to each owner, lienholder, and mortgagee of the hearing to assess a civil penalty. The notice must include:

(A) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(B) an identification of the court order affecting the property;

(C) a description of each violation of minimum standards found by the court to be present on the property when the court order was issued;

(D) a description of any work ordered by the court to correct each violation on the property;

(E) a statement that the city attorney or the director has determined that an owner, lienholder, or mortgagee has not timely complied with the court order and a description of the provisions of the court order that still require compliance; and

(F) a statement that the court will conduct a hearing to consider assessment of a civil penalty against ~~the~~ the property and property owner and the date, time, and place of the hearing.

(2) The notice required under Subsection (d)(1) for a municipal court hearing to consider the assessment of a civil penalty against the ~~the~~ property and property owner subject to a court order must be given in compliance with the notice requirements set forth in Section 27-16.5 for other hearings under this article.

(3) A hearing to consider the assessment of a civil penalty on property subject to a court order must be conducted in compliance with the requirements and procedures set forth in this article for other hearings before the municipal court, except that, in addition to any other evidence presented, an owner, lienholder, or mortgagee may present evidence of any work performed or completed on the property to comply with the court order.

(4) The court, after hearing evidence from each interested person present, may assess a civil penalty against the owner in a specific amount in accordance with Section 27-16.3(b)(7) of this article.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(5) Notice of a court order issued under this subsection must comply with the requirements and procedures of Section 27-16.7(f) and (g) and Section 27-16.11 for notice of other board orders.

(6) A civil penalty assessed under this subsection may be enforced in accordance with Subsection (e) of this section.

(7) A civil penalty assessment hearing may be combined with any other hearing before the municipal court concerning the same property.”

SECTION 15. That Paragraph (4) of Subsection (e), “Liens,” of Section 27-16.8 “Noncompliance With Court Orders; Civil Penalties; Liens,” of Article IV-a, “Municipal Court Jurisdiction Over Urban Nuisances,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(4) The city may use lawful means to collect expenses and civil penalties assessed under this article from an owner or a property. Any civil penalty or other assessment imposed under this article accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full. The city may petition a court of competent jurisdiction in a civil suit for a final judgment in accordance with the assessed civil penalty. To enforce the civil penalty, the city must file with the district clerk of a county in which the city is located a certified copy of the municipal court order assessing the civil penalty, stating the amount and duration of the penalty. The assessment of a civil penalty under this article is final and binding and constitutes prima facie evidence of the penalty. No other proof is required for the district court to enter final judgment on the penalty.”

SECTION 16. That Subsection (a) of Section 27-16.13, “Administrative Citation,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(a) An administrative citation issued under this article must:

(1) notify the person charged with violating the ordinance that the person has the right to a hearing;

(2) provide information as to the time and place to appear before [øf] the hearing officer;

(3) include the nature, date, and location of the violation;

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(4) notify the person charged with violating the ordinance of the amount of the administrative penalty for which the person may be liable and provide instructions and the due date for paying the administrative penalty;

(5) notify the person charged that any request to have the inspector who issued the citation present at the administrative hearing must be in writing and must be received by the hearing officer at least five calendar days before the scheduled hearing date and that the failure to timely request the presence of the inspector constitutes a waiver of the person's right to require the inspector to be present at the hearing;

(6) notify the person charged that failure to timely appear at the time and place of the hearing as set forth in the citation or, if the hearing is continued or postponed, at any subsequent hearing, is considered an admission of liability for the violation charged; and

(7) contain a return of service signed by the inspector indicating how the administrative citation was served on the person charged."

SECTION 17. That Section 27-16.14, "Service Of an Administrative Citation," of Article IV-b, "Administrative Adjudication Procedure For Premises and Property Violations," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-16.14. SERVICE OF AN ADMINISTRATIVE CITATION.

(a) An attempt must be made to personally serve an administrative citation by handing it to the person charged if the person is present at the time of service or by leaving the citation at the person's usual place of residence with any person residing at such residence who is 16 years of age or older and informing that person of the citation's contents.

(b) If an attempt to personally serve the citation fails, the administrative citation must then be served upon the person charged by posting the citation on either:

(1) the front door or front gate of the premises or property; or

(2) a placard staked to the yard of the premises or property in a location visible from a public street or alley.

(c) If service upon the person charged is by posting the citation on the premises or property, a copy of the citation must also be sent to the last known address of the person charged by regular United States mail. If the person charged is the owner of the premises or property, then the last known address of the person is that address kept by the appraisal district of the county in which is located the premises or property that is the subject of the citation. If the owner is a corporation or legal entity, then the last known address of the person is the address of the registered agent for the corporation kept by the Secretary of State. If the person charged is the

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person in control of the premises or property, then the last known address of the person is the address of the premises or property.

~~[(d) If service upon the person charged is by posting the citation on the premises or property, a photograph of the posting and a copy of the mail notice must be forwarded with a copy of the citation to the municipal court clerk. The photograph and the mail notice will become part of the citation.]”~~

SECTION 18. That Section 27-16.15, “Answering an Administrative Citation,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.15. ANSWERING AN ADMINISTRATIVE CITATION.

(a) A person who has been charged with a violation of this chapter through [issued] an administrative citation shall answer to the charge [of the violation] by appearing in person or through counsel before the hearing officer no later than the 31st calendar day after the date the citation was issued [at the hearing on the date and location set forth in the citation]. If the 31st calendar day falls on a day when the court is closed, then the person must appear (in person or through counsel) by the next day that the court is open [The hearing must be held no sooner than 31 calendar days following the issuance of the administrative citation].

(b) An answer to the administrative citation may be made in either [any] of the following ways:

(1) By returning the citation, on or before the 31st calendar day from the date the citation was issued [date of the administrative hearing], with the applicable administrative penalties, fees, and court costs, which action constitutes an admission of liability.

(2) By personally appearing, with or without counsel, before the hearing officer on or before the 31st calendar day from the date the citation was issued [the date and location set forth in the citation] and on any subsequent hearing date. The person charged in the administrative citation must be present at the hearing and cannot be represented by anyone other than their legal counsel. If the person charged is a corporation or a business entity, the corporation or business entity must be represented by counsel.

~~[(3) By filing a written answer, either personally or through counsel, at least seven calendar days prior to the hearing date set forth in the citation, except that the filing of a written answer does not relieve the person charged from the duty to personally appear before the hearing officer on the date and location set forth in the citation and on any subsequent hearing date.]”~~

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SECTION 19. That Section 27-16.16, “Failure To Appear At an Administrative Hearing,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.16. FAILURE TO APPEAR AT AN ADMINISTRATIVE HEARING.

(a) A person [~~issued an administrative citation~~] who fails to answer an administrative citation as required by section 27-16.15 of this chapter [~~appear at a hearing authorized under this article~~] is considered to have admitted liability for the violation charged. Upon proof of service by the city, the hearing officer shall issue, in writing, an administrative order of liability and assess against the person charged with the violation an appropriate amount of administrative penalties, fees, and court costs.

(b) The hearing officer shall assess an additional \$36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties assessed against a person for a violation exceed the maximum penalty established by city ordinance for the particular violation, and in no case may the total amount of administrative penalties assessed against a person for a violation be less than the minimum penalty established by city ordinance for the particular violation.

(c) Within seven calendar days after the hearing officer files [~~files~~] the administrative order of liability with the municipal court clerk, the municipal court clerk [~~hearing officer~~] shall send a copy of the order to the person charged with the violation. The copy of the order must be sent by regular United States mail to the person’s last known address as defined in Section 27-16.14(c). The administrative order must include a statement:

- (1) of the amount of the administrative penalties, fees, and court costs;
- (2) of the right to appeal to municipal court before the 31st calendar day after the date the hearing officer’s order is filed with the municipal court clerk;
- (3) that, unless the hearing officer’s order is suspended through a properly filed appeal, the administrative penalties, fees, and court costs must be paid within 31 calendar days after the date the hearing officer’s order is filed;
- (4) that, if the administrative penalties, fees, and court costs are not timely paid, the penalties, fees, and costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment; and
- (5) that the city may enforce the hearing officer’s administrative order by:

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AND IS SUBJECT TO ADDITIONAL REVISION.**

- (A) filing a civil suit for collection of the administrative penalties, fees, and court costs; ~~and/or~~
- (B) obtaining an injunction to prohibit specific conduct that violates the order or to require specific conduct necessary for compliance with the order; or
- (C) both (A) and (B).”

SECTION 20. That Subsection (a) of Section 27-16.17, “Hearing Officers; Qualifications, Powers, Duties, and Functions,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(a) Hearing officers shall be appointed by the city council ~~employed by the administrative judge of the municipal court~~ to administratively adjudicate violations of ordinances described by Section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a)(1) of the Texas Local Government Code. The city council ~~administrative judge of the municipal court~~ shall appoint one hearing officer and may appoint a maximum of five associate hearing officers, who shall meet the same qualifications and have the same powers, duties, and functions of the hearing officer.”

SECTION 21. That Section 27-16.18, “Hearing For Disposition Of an Administrative Citation; Citation As Rebuttable Proof Of Offense,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.18. HEARING FOR DISPOSITION OF AN ADMINISTRATIVE CITATION; CITATION AS REBUTTABLE PROOF OF OFFENSE.

(a) Every hearing for the adjudication of an administrative citation under this article must be held before a hearing officer. A hearing cannot be held without the presence of the person charged or the person’s attorney.

(b) At a hearing under this article, the administrative citation is rebuttable proof of the facts that it states. Evidence of compliance with the ordinance after the administrative citation was issued can be presented but such evidence is not considered rebuttal evidence nor does it refute or contradict the allegations made in the citation.

(c) The formal rules of evidence do not apply to the hearing, and any relevant evidence will be deemed admitted if the hearing officer finds it competent and reliable; ~~regardless of the existence of any common law or statutory rule to the contrary~~. The hearing

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AND IS SUBJECT TO ADDITIONAL REVISION.**

officer is not required to formally admit evidence into the record for the evidence to be deemed admitted. The hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all rebuttable proof established by this article or other applicable law.

(d[e]) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut evidence; except that, if the person charged fails to make a timely, written request to have the inspector who issued the citation present at the hearing, the person charged will be deemed to have waived the right to call and examine that inspector.

(e[f]) The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation, giving due weight to all testimony and evidence offered.

(f[e]) If requested by the hearing officer or any party to the hearing prior to commencement of the hearing, the entire proceedings of the administrative hearing[~~-, limited to pre-hearing motions and testimony,~~] will be recorded electronically. Failure to timely request that the administrative hearing be electronically recorded constitutes a waiver of the right to have a record of the hearing. The person charged may, at his expense, have a court reporter present in the hearing room during the proceedings.

(g[f]) After hearing all the evidence, the hearing officer shall immediately issue an order in writing, either:

(1) finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, and notifying the person of the right of appeal to municipal court; or

(2) finding the person charged not liable for the violation; or

(3) finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, notifying the person of the right of appeal to municipal court, and suspending the enforcement of the administrative order for a specific period of time; provided that:

(A) a person whose administrative order is suspended must pay all fees and court costs;

(B) if, at the end of the suspension, the property or premises complies with the administrative order, the hearing officer may reduce the applicable administrative penalties; and

(C) if, at the end of the suspension, the property or premises is still in violation of the administrative order, the administrative penalties originally assessed will become due.

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(~~h~~~~g~~) The hearing officer shall assess an additional \$36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties assessed against a person for a violation be more than ~~exceed~~ the maximum penalty or less than the minimum penalty established by city ordinance for the particular violation.

(~~i~~~~h~~) A person who has been found liable for a violation may, after the hearing officer has issued an administrative order but prior to the conclusion of the hearing, assert financial inability to bring the property or premises into compliance with the order. At that time, the hearing officer shall ~~may~~ suspend enforcement of the administrative order for a specific time not to exceed 30 days and set the matter for an indigency hearing ~~make a determination of financial inability to pay~~ pursuant to Section 27-16.19(e).

(~~j~~~~i~~) During a period in which enforcement of an administrative order is suspended under Subsection (f)(3) or (h) of this section, the person found liable for a violation may request an extension of the suspension period. The hearing officer may, only one time for each administrative order, grant an extension of the suspension period. The sole basis for an extension is that the person found liable for the violation is making a good faith attempt to comply with the administrative order and, due to delay beyond that person's control, is unable to timely complete the rehabilitation and/or repair of the property or the premises or otherwise comply with the administrative order. The extension granted will be for a specific time period as determined by the hearing officer, not to exceed 30 days. If, in the interests of justice, the city believes that a further extension should be granted, the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.

(~~k~~~~j~~) An administrative order of the hearing officer must be filed with the municipal court clerk.

(~~l~~~~k~~) Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.

(~~m~~~~l~~) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.

(~~n~~~~m~~) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of the court reporter, typing, and other

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AND IS SUBJECT TO ADDITIONAL REVISION.**

incidental services. The municipal court clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged. If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription.”

SECTION 22. That Subsection (e) of Section 27-16.19, “Financial Inability To Comply With an Administrative Order, Pay For Transcription Of a Record, Or Post an Appeal Bond,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(e) After receiving a claim that a person found liable for a violation under this article is financially unable to comply with an administrative order, to pay for a transcription of the record, and/or to post an appeal bond, the hearing officer shall ~~may~~ set the matter for hearing and notify all parties of the hearing date by regular United States mail. The hearing officer shall ~~may~~ order the person found liable for a violation to bring to the hearing documentary evidence to support the person’s claim of financial inability. The hearing officer’s determination of whether the person found liable for a violation is financially unable to comply with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond must be based on all information provided to the hearing officer by the person found liable or by the city attorney in opposition to the claim of financial inability. If the hearing officer determines that the person found liable for a violation does not have the financial ability to bring the property or premises into compliance with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond, then the hearing officer shall enter that finding in writing.”

SECTION 23. That Subsection (f) of Section 27-16.19, “Financial Inability To Comply With an Administrative Order, Pay For Transcription Of a Record, Or Post an Appeal Bond,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“(f) If the hearing officer finds that a person is financially unable to bring the property or premises into compliance with the administrative order, the hearing officer shall not suspend the finding of liability, but shall suspend the enforcement of the administrative order for a specified period of time, not to exceed 120 days, to allow the person to apply with a Citizen Advocate Program to help bring their properties into compliance with the administrative order. ~~[The suspension must be for a specific period of time.]~~ At the end of the suspension period, if the

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AND IS SUBJECT TO ADDITIONAL REVISION.**

property or premises is in compliance with the administrative order, the administrative citation will be dismissed. If, at the end of the suspension period, the property or premises is still in violation of the administrative order, the administrative penalties, fees, and court costs originally assessed will become due. If, in the interests of justice, the city believes that the suspension should be extended, the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.

SECTION 24. That Section 27-16.20, “Appeal To Municipal Court,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.20. APPEAL TO MUNICIPAL COURT.

(a) Either party to an action ruled upon by the hearing officer [~~A person determined by the hearing officer to be liable for a violation of an ordinance enforced~~] under this article may appeal that determination by filing a petition in municipal court within [~~before the~~] 31^[st] calendar days after the date the hearing officer’s administrative order is filed with the municipal court clerk. An appeal does not stay the enforcement of the order of the hearing officer unless, before the appeal petition is filed, a bond is filed with the municipal court for twice the amount of the administrative penalties, fees, and court costs ordered by the hearing officer. The city is not required to file a bond in order to appeal. An appellant to municipal court may request a waiver of the bond amount on the basis of financial inability to pay, in which case the hearing officer may hold a hearing pursuant to Section 27-16.19 to determine whether the appellant is indigent and whether the bond amount may be waived. If the hearing officer’s administrative order is reversed on appeal, the appeal bond will be returned to the appellant.

(b) If a person found liable for a violation does not timely appeal the hearing officer’s administrative order, the order will become a final judgment. If the administrative penalties, fees, and court costs assessed in the final judgment are not paid within 31 calendar days after the date the hearing officer’s order is filed with the municipal court clerk, the administrative penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the hearing officer’s administrative order by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the administrative order or to require specific conduct necessary for compliance with the administrative order.

(c) Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(d) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.

(e) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of the court reporter, typing, and other incidental services. The municipal court clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged. If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription.

(f) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall cause a record of the case to be prepared from the transcript and the statement of facts, which must conform to the provisions relating to the preparation of a statement of facts in the Texas Rules of Appellate Procedure. The appellant shall pay for the statement of facts. If the person found liable for a violation failed to timely request that the administrative hearing be electronically recorded, then that person has waived the right to appeal the administrative order. If the person found liable for a violation timely requested that the administrative hearing be electronically recorded and, through no fault of the person, the recording of the hearing is either unavailable or cannot be transcribed, then the municipal judge shall reverse the hearing officer's order and remand the matter to the hearing officer for a new administrative hearing.

(g[~~e~~]) Upon receiving the record of the administrative hearing, the municipal judge shall review the record and may grant relief from the administrative order only if the record reflects that the appellant's substantial rights have been prejudiced because the administrative order is:

- (1) in violation of a constitutional or statutory provision;
- (2) in excess of the hearing officer's statutory authority;
- (3) made through unlawful procedure;
- (4) affected by another error of law;
- (5) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or
- (6) arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(h[e]) The municipal judge shall rule on the appeal within 21 calendar days after receiving the record of the administrative hearing. The municipal judge shall affirm the administrative order of the hearing officer unless the record reflects that the order violates one of the standards in Subsection (d) of this section. If the record reflects that the hearing officer's order violated one of the standards in Subsection (d), the municipal judge may either:

- (1) reverse the hearing officer's order and find the appellant not liable;
- (2) reverse the hearing officer's order and remand the matter to the hearing officer for a new hearing; or
- (3) affirm the order, but reduce the amount of the administrative penalties assessed to no lower than the minimum penalty established by ordinance for the particular violation, excluding the additional \$36 administrative penalty.

(i[f]) The municipal judge's ruling on the appeal must be issued in writing and filed with the municipal court clerk. A copy of the ruling must be sent to the appellant by regular United States mail at the last known address of the appellant as provided to the municipal court for the appeal.

(j[g]) The municipal judge's ruling is a final judgment. If an appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, will be deducted from the appeal bond. If no appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, must be paid within 30 calendar days after the municipal judge's ruling is filed with the municipal court clerk. If not timely paid, such penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the municipal judge's ruling by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the ruling or to require specific conduct necessary for compliance with the ruling."

SECTION 25. That Section 27-16.22, "Dallas Tomorrow Fund," of Article IV-b, "Administrative Adjudication Procedure For Premises and Property Violations," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-16.22. DALLAS TOMORROW FUND.

- (a) The Dallas Tomorrow Fund is composed of:
 - (1) all Dallas Tomorrow Fund penalties collected under Section 27-16.21(b) of this article;

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(2) 30 percent of all civil ~~penalties~~ ~~[fines]~~ collected by the city for civil lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code or under Chapter 214 of the Texas Local Government Code; and

(3) any funds donated by an individual or entity, any of which donations may be refused by a majority vote of the city council.

(b) The Dallas Tomorrow Fund shall ~~[must]~~ be used for the sole purpose of rehabilitating and~~[or]~~ repairing properties and premises in the city for persons who~~:~~

~~(4)~~ are found by the Dallas Tomorrow Fund administrator to be financially unable to comply with a notice of violation issued by the director under this chapter ~~[an administrative order of a hearing officer under Section 27-16.19; and~~

~~(2) do not qualify for other home repair or rehabilitation assistance available through the city].”~~

SECTION 26. That Section 27-16.23, “Administration of the Dallas Tomorrow Fund,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.23. ADMINISTRATION OF THE DALLAS TOMORROW FUND.

(a) The city manager shall appoint an administrator of the Dallas Tomorrow Fund. The administrator shall adopt policies and procedures consistent with this article for the administration of the fund.

(b) To be eligible to receive funds from the Dallas Tomorrow Fund, a person must:

(1) have received a notice of violation of this chapter from the director ~~[been found liable for an administrative offense under this article (other than a violation of Chapter 7 or Section 49-21.1 of this code)];~~

(2) have been found by the administrator of the Dallas Tomorrow Fund ~~[a hearing officer under Section 27-16.19]~~ to be financially unable to comply with the notice of violation ~~[an administrative order issued under this article];~~

~~(3) [not qualify for other home repair or rehabilitation assistance available through the city;~~

~~(4)~~ file a request with the Dallas Tomorrow Fund administrator for the purpose of rehabilitating and/or repairing the person’s property or premises until it complies with the notice of violation ~~[administrative order]; and~~

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(4[5]) not have received funds from the Dallas Tomorrow Fund within the preceding 60 months.

(c) A person who makes a request to the Dallas Tomorrow Fund administrator is voluntarily requesting that the administrator use the fund to rehabilitate and/or repair the person's property or premises for the sole purpose of bringing the property or premises into compliance with the notice of violation ~~[administrative order]~~.

(d) The administrator is responsible for ensuring that the property or premises is inspected and that a detailed, written project plan is prepared that includes the work proposed, the amount of time the work will take, and the cost of the work. The project plan shall include only the work necessary to bring the property or premises into compliance with the notice of violation.

(e) A person who files a request with the Dallas Tomorrow Fund administrator does so voluntarily. Before the work on the property or premises begins, the person who filed the request must confirm in writing that he or she: ~~[That person may]~~

(1) has inspected the project plan ~~[prior to the beginning of work];~~

(2) approves the project plan; and

(3) understands that he or she has the right to withdraw the request at any time by providing written notice to the Dallas Tomorrow Fund administrator. ~~[The administrator shall give the person written notice of this right to examine the project plan and withdraw the request. If the person does not withdraw the request, the person is considered to have given approval for the project.]~~

(f) If the person continues with the request, the person must indemnify the city against any liability resulting from the project, any damages that may occur related to the project, and any damages resulting from any early termination of the project.

(g[f]) The administrator shall comply with state law in procuring a contractor to rehabilitate and/or repair the property or premises in accordance with the project plan ~~[and the administrative order]~~.

(h[g]) The ~~[person who filed the request with the Dallas Tomorrow Fund and the]~~ contractor selected by the Dallas Tomorrow Fund administrator ~~[that person shall each have]~~ has the right to terminate the project at any time pursuant to their contractual agreement and ~~[or]~~ pursuant to policies and procedures adopted by the administrator. Any termination notice must be in writing. The city has no obligation, and is not liable, for any subsequent rehabilitation and/or repair of the property or premises as a result of the termination.

(i[h]) If the project is terminated prior to completion for any reason, the administrator may disburse money from the Dallas Tomorrow Fund to pay the contractor for work completed by the contractor ~~[completion of work approved by the administrator]~~.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(j[i]) Once the administrator certifies that the project is completed, the administrator shall notify the code officer who wrote the notice of violation and the officer's district manager [hearing officer] in writing. The project must then be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation [administrative order. If the property or premises complies with the administrative order, then the city inspector shall send a notification of compliance to the hearing officer, who shall then dismiss the administrative citation]. If the city inspector determines that the property or premises does not comply with the notice of violation [administrative order], then the city inspector shall send written notice to the administrator that the project is not completed and describe the work that is required before the project will be considered completed. At that point, the administrator shall ensure that the selected contractor will continue the project until once again certifying that the project is completed, at which time the project will again be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation [administrative order].

(k[j]) The administrator may only initiate project plans for projects costing \$20,000 [40,000] or less. No project plan may be initiated by the administrator unless the project cost is less than or equal to the amount in the Dallas Tomorrow Fund at any one time. The administrator shall produce a biannual report of available funds and appropriated funds in the Dallas Tomorrow Fund. If the fund is temporarily out of money, the administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project's cost. If during work on the project, additional funds [change orders] are needed in order to ensure that the property or premises complies with the notice of violation [administrative order], the administrator may approve additional funds, not to exceed 25 percent of the maximum project amount allowed by this subsection, for work that was necessary to bring the property or premises into compliance with the notice of violation [administrative order], but that was not anticipated in the original project plan. Substantial changes to the project plan shall be approved in writing by the person who filed the request with the Dallas Tomorrow Fund administrator."

SECTION 27. That Section 27-24, "Definitions," of Article VI, "Master Metered Utilities," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-24. DEFINITIONS.

In this article:

(1) MASTER METERED APARTMENT BUILDING means a building or group of buildings on a single premise containing three or more [than four] dwelling units that are leased to occupants who are provided one or more utility services for which they do not pay the utility company directly.

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(2) **PROPERTY MANAGER** means the person, firm, or corporation that collects or receives rental payments, or has responsibility for paying utility bills for a master metered apartment building.

(3) **UTILITY COMPANY** means the entity providing gas, electric, or water and wastewater service to a master metered apartment building.

(4) **UTILITY INTERRUPTION** means the termination of utility service to a master metered apartment building by a utility company for nonpayment of billed service.”

SECTION 28. That Section 27-27, “Notice Of Utility Interruption,” of Article VI, “Master Metered Utilities,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-27. NOTICE OF UTILITY INTERRUPTION.

(a) A utility company shall ~~make a reasonable effort (including, but not limited to messenger delivery) to~~ provide notice of a pending utility interruption to tenants of a master metered apartment building.

Comment [A14]: make notice a requirement

(b) A person commits an offense if he knowingly:

(1) interferes with an employee of a utility company posting notices of a utility interruption at dwelling units of a master metered apartment building; or

(2) removes a notice of utility interruption posted at a dwelling unit of a master metered apartment building.

(c) It is a defense to prosecution under Subsection (b)(2) that the person is the resident of the dwelling unit from which notice was removed.

(d) A utility company shall notify the city attorney of any utility interruption to a master metered apartment dwelling unit resulting from a violation of Section 27-28 of this article. Notice must be given, in writing, not more than three days after utility service is interrupted.

(e) A person who is responsible for bills received for electric utility service or gas utility service provided to an apartment, a leased or owner-occupied condominium, or one of more buildings containing at least 10 dwellings that receive electric utility service or gas utility service that is master metered but not submetered, shall comply with the notice requirements in Subchapter G of Chapter 92 of the Texas Property Code, as amended.”

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SECTION 29. That the title of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“ARTICLE VII.
REGISTRATION AND INSPECTION OF RENTAL [MULTI-TENANT] PROPERTIES
AND CONDOMINIUMS.”**

[NOTE: The following proposed changes to Article VII do not include the current language that is being amended. Except for the changes reflected in the section titles, the language below is the new language only. A reader can determine what is being changed by comparing the language below with the current Article VII found on the city’s website.]

SECTION 30. That Section 27-30, “Registration Required; Defenses,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-30. REGISTRATION AND POSTING REQUIREMENTS
[REQUIRED]; DEFENSES.”**

(a) The owner of a rental property located in the city commits an offense if he operates the rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual reapplication that fully complies with Section 27-31 of this article.

(b) A condominium association commits an offense if it governs, operates, manages, or oversees a condominium complex or its common elements located in the city without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(c) A person commits an offense if he, as a landlord or property manager, operates a rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

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

(e) A person commits an offense if he, as an owner, officer, landlord, or property manager of a multitenant property or condominium association, fails to provide each tenant or

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condominium owner a copy of the certificate of inspection within 30 days of receiving the current score from the director.

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

(1) at the time of notice of a 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 promulgated by the director;

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

(3) at the time of notice of a 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 in which the rental property is located; or

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

(A) the property use 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 had been collected and remitted in full.

SECTION 31. That Section 27-31, "Registration Application," of Article VII, "Registration and Inspection of Rental Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-31. REGISTRATION APPLICATION; FEES; RENEWAL.

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

(b) A registration application for a 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.

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

(e) The annual registration fee for a condominium association is \$XX per [unit? association?].

(f) The annual registration fee for a single dwelling unit rental property is \$XX per rental property.

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

(h) A registrant shall keep the information contained in its registration application current and accurate. In the event of any change in the application information, the registrant shall promptly notify the director in writing of said changed information.

(i) A registration may be renewed by making application for a renewal in accordance with this article on a form promulgated by the director. In the application for 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 32. That Section 27-32, “Registration Fees,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-32. REGISTRATION APPLICATION [FEES].

(a) An owner of a rental property and the owner, officer, landlord, or property manager of a condominium association must submit to the director a registration application on a form promulgated for that purpose by the director. The application must contain the following true and correct information:

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

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(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 said 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 persons in control of, managing, or operating the rental property or condominium association on behalf of the owner or condominium association; and

(G) any persons designated to attend crime watch meetings as required by Section 27-44 of this article;

(H) if the property being registered is part of a multitenant complex or a condominium complex,

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

(ii) the number of dwelling units, buildings, and swimming pools located on the rental 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

(iii) the name, mailing address, telephone number and e-mail address for any condominium association applicable to said complex;

(I) if the owner of the rental property is not a natural person, the form of the entity (e.g., corporation, general partnership, limited partnership, trust, limited liability company, etc.) and the state or foreign jurisdiction of organization and registration, if other than the State of Texas;

(J) the location of business records pertaining to the rental property or condominium association required to be maintained by Section ____ of this article;

(K) 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;

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(L) a list of all businesses, whether for-profit or non-profit, operating out of the rental property and offering goods or services to persons residing at or visiting the property, and

(M) such additional information as the applicant 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 rental property or part of a condominium complex, 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 said 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 the 60 days prior to the submission of the application and the results have been recorded on a form provided by the director."

SECTION 33. That Article VII, "Registration and Inspection of Rental Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to add a new Section 27-32.1 to read as follows:

"SEC. 27-32.1. REVIEW AND ACCEPTANCE OF REGISTRATION APPLICATION.

(a) Upon receiving a registration application, the director shall review the application for completeness.

(b) If the director finds that the registrant submitted a complete application and paid the correct annual registration fee, the director shall promptly notify the registrant that his application has been received and found to be complete.

(c) If the director finds that the registrant has failed to submit a complete application or pay the annual registration fee or that any of the information on the application is materially

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incorrect or misleading, the director shall promptly notify the registrant that the application has been found to be defective or incomplete and the director shall list the defects or missing items.”

[REPEAL 27-33, 27-34, 27-35, 27-36, and 27-37.]

SECTION 34. That Section 27-38, “Registrant’s Records,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-38. REGISTRANT’S RECORDS.

(a) Each registrant shall maintain at a single location within the city identified in its 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.

(b) Business records that must be maintained by the registrant include:

(1) the current certificate of occupancy issued for the rental property, if required;

(2) deeds or other instruments evidencing ownership of the rental property;

(3) a current rental registration application or renewal application;

(4) the pool logs, pool permits, and manager of pool operation certificates for any swimming pool on the rental property, if required;

(5) leases or rental agreements applicable to the rental property;

(6) the crime prevention addendum form provided by the city for each lease or rental agreement as required under Section 27-43 of this article;

(7) records of attendance at four crime watch meetings as required by Section 27-44 of this article; and

(8) any other records deemed necessary by the director for the administration and enforcement of this article.”

SECTION 35. That Section 27-39, “Emergency Response Information,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

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“SEC. 27-39. REQUIRED EMERGENCY RESPONSE ~~[INFORMATION]~~.

The owner of a rental property or condominium association, or an authorized agent thereof, must arrive at the property within one hour after the contact person named in the registration application is notified by the city or emergency response personnel that an emergency condition has occurred on the property.”

SECTION 36. That Section 27-40, “Failure To Pay Ad Valorem Taxes,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-40. FAILURE TO PAY AD VALOREM TAXES.

A registrant or an applicant for ~~[a certificate of]~~ registration for a ~~[multi-tenant]~~ property subject to registration under this article shall not allow the payment of ad valorem taxes owed in connection with the ~~[multi-tenant]~~ property to become delinquent.”

[REPEAL 27-41.]

SECTION 37. That Section 27-42, “Property Inspections; Inspection and Reinspection Fees,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-42. PROPERTY INSPECTIONS; INSPECTION AND REINSPECTION FEES.

(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.

(1) After completing a graded inspection, the director shall timely issue the property owner or 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.

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

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(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, the owner will be assessed fees for all subsequent inspections of the property conducted for the purposes of determining whether the owner has abated the deficiencies noted in the graded inspection.

(e) Inspection fees will be assessed in accordance with the fee schedule set forth in XXXX.

(f) The director shall provide a list of the current graded inspection scores for all registered rental properties on the city's website."

SECTION 38. That Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended by adding a new Section 27-42.1 to read as follows:

"SEC. 27-42.1. REVOCATION OF CERTIFICATE OF OCCUPANCY.

Where a multitenant rental property is being used or maintained in a manner that is a substantial danger of injury or an adverse health impact to any person or property and is in violation of this ordinance, the Dallas Development Code, other city ordinances, rules or regulations, or any county, state or federal laws or regulations, the director may ask the building official to revoke the property's certificate of occupancy."

SECTION 39. That Section 27-43, "Crime Prevention Addendum Required," of Article VII, "Registration and Inspection of Rental Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-43. CRIME PREVENTION ADDENDUM REQUIRED.

(a) The owner or operator of a multitenant property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after September 1, 2004 include a crime prevention addendum complying with this section.

(b) The owner of a single dwelling unit rental property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after [the effective date of this ordinance] include a crime prevention addendum complying with this section.

(c) The crime prevention addendum must include the following information:

(1) The name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant named in the lease or rental agreement and, if the applicant will not be occupying the rental property, the name, date of birth, driver's license number (or, if the person does not have a driver's license, the number on any

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other government-issued personal identification card containing a photograph of the person), and signature of the tenant or tenants who will be occupying the property. The signatures required on the crime prevention addendum must be separate and apart from the signatures used to execute other provisions of the lease or rental agreement.

(2) A statement advising the tenant or tenants that the owner of the rental property will initiate eviction proceedings if the tenant, or any guest or co-occupant of the tenant, engages in any abatable criminal activity on the premises of the rental property.

(c) For purposes of this section, an abatable criminal activity includes robbery or aggravated robbery; aggravated assault; murder; prostitution; criminal gang activity; discharge of firearms; gambling; illegal manufacture, sale, possession, or use of drugs; and illegal manufacture or sale of alcoholic beverages.”

SECTION 40. That Section 27-44, “Attendance At Crime Watch Safety Meetings and Mandatory Crime Prevention and Safety Meetings Sponsored By the City,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-44. ATTENDANCE AT CRIME WATCH SAFETY MEETINGS [~~AND MANDATORY CRIME PREVENTION AND SAFETY MEETINGS SPONSORED BY THE CITY~~].

(a) The owner of a multitenant property shall attend at least three 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, 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 (c), must be maintained with the property’s records and submitted to the director upon request.

(b) If unable to personally attend every crime watch meeting required by this section, the owner of a multitenant property may designate in the property registration application another person to attend the meetings. A person may not be designated to attend crime watch meetings for more than five separate multitenant properties.”

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SECTION 41. That Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended by adding a new Section 27-44.1 to read as follows:

[NOTE: This section is still subject to revision.]

“SEC. 27-44.1. PRESUMPTIONS.

(a) Unless otherwise provided in a section of the article, 30 business days is deemed prompt and sufficient notice by the city.

(b) Any notice to be provided by the city pursuant to this article shall be deemed effective when personally delivered to the intended addressee or mailed by first class U.S. mail, certified mail, return receipt requested, addressed to the intended addressee at the last applicable address provided in the registration of the rental property in question. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(c) Notices delivered to one tenant of a dwelling unit in a rental property shall be deemed effective as to all tenants and occupants of that dwelling unit.

(d) Notice delivered to one owner of a rental property shall be deemed effective as to all owners of a rental property.

(e) Notice to an owner of a rental property shall be deemed effective if made to an agent, employee, officer, landlord, or property manager authorized to act on behalf of said owner or identified in the registration for said rental property. For purposes of this article, an owner may act by and through an agent, employee, officer, landlord, or property manager authorized to act on behalf of said owner or identified in the registration for a rental property for said purposes.

(f) Notice to a condominium association with respect to common areas or exteriors of a condominium complex shall be effective as to all owners with an interest in that common area or those exteriors. If there is not a condominium association existing and in good standing with authority over common areas or exteriors of a condominium complex, notice to an owner of a common interest in the common areas or exterior shall be effective as to all other owners with a common interest in the common area or exterior.

(g) In lieu of originals, true and correct copies of any instruments or documents required of an owner or registrant shall be sufficient. Notwithstanding the foregoing, affidavits submitted to the city must bear the original signatures of the affiant and the authority taking said oath.

(h) Any affidavits required in connection with this article must be made by a natural individual having actual personal knowledge of the matters certified and duly signed and sworn to under oath before an authority authorized to take oaths.”

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SECTION 42. That Article VIII, “Mandatory Crime Reduction Program for Designated Apartment Complexes,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is repealed, and Article VIII shall be indicated as “Reserved” in the Dallas City Code as follows:

“ARTICLE VIII.

RESERVED. [MANDATORY CRIME REDUCTION PROGRAM FOR DESIGNATED APARTMENT COMPLEXES.

SEC. 27-45. PURPOSE.

(a) ~~A correlation exists between high crime rates at an apartment complex and an apartment complex’s failure to meet minimum property standards. High crime rates contribute to the deterioration, decay, disrepair, and substandard appearance and condition of the structures and premises of an apartment complex. The purpose of this article is to protect the health, safety, morals, and welfare of the occupants of apartment complexes and other citizens of the city of Dallas by obtaining greater compliance with minimum property standards through the establishment of a mandatory crime reduction program for apartment complexes. Reducing the crime rate at an apartment complex is essential to making the apartment complex safe, sanitary, and fit for human use and habitation.~~

(b) ~~This article does not create a private cause of action (other than one brought by the city) or expand existing tort liability against an owner, operator, property manager, or other person in control of an apartment complex that is designated for participation in a mandatory crime reduction program.~~

SEC. 27-46. DEFINITIONS.

In this article:

(1) ~~APARTMENT COMPLEX means a multifamily property that contains 10 or more dwelling units that are leased or offered for lease and are not independently owned.~~

(2) ~~CHAPTER 125 CRIMES means murder; capital murder; sexual assault; aggravated sexual assault; aggravated assault; robbery; aggravated robbery; unlawfully carrying a weapon; prostitution; gambling; delivery, possession, manufacture, or use of a controlled substance; discharging a firearm in a public place; reckless discharge of a firearm; engaging in organized criminal activity; commercial distribution or manufacture of obscene material; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include nonapplicable crimes.~~

(3) ~~CHIEF OF POLICE means the chief of the police department of the city or the chief’s authorized representative.~~

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~~(4) COMMUNITY PER CAPITA CRIME INDEX or CRIME INDEX means a statistically determined level of criminal activity in an individual apartment complex in the city during a 12-month period that is expressed on a per capita basis and calculated in accordance with Section 27-48 of this article.~~

~~(5) CRIME RISK THRESHOLD means a statistically determined level of criminal activity in apartment complexes in the city during a 12-month period, adjusted for the occupancy of the apartment complexes surveyed and expressed on a per capita basis, that is calculated in accordance with Section 27-49 of this article.~~

~~(6) DESIGNATED APARTMENT COMPLEX means an apartment complex that is required to participate in a mandatory crime reduction program under Section 27-50 of this article.~~

~~(7) MULTI TENANT PROPERTY REGISTRATION means registration as a multi-tenant property under Article VII of this chapter.~~

~~(8) NONAPPLICABLE CRIMES means all offenses involving domestic violence, forgery, counterfeiting, fraud, embezzlement, stolen property (buying, receiving, or possessing), crimes against family and children, driving while intoxicated, violations of alcoholic beverage laws, and vagrancy.~~

~~(9) PART 1 CRIMES means murder (excluding suicide and murder resulting from domestic violence), rape, robbery, aggravated assault (excluding domestic violence), burglary, theft, and auto theft. The term does not include nonapplicable crimes.~~

~~(10) PART 2 CRIMES means assaults other than those listed as Part I crimes, narcotics offenses (restricted to those of delivery, possession, or manufacture), arson, vandalism, weapons offenses, prostitution, gambling, and disorderly conduct. The term does not include nonapplicable crimes.~~

~~(11) REGISTERED APARTMENT COMPLEX means an apartment complex holding a certificate of registration as a multi-tenant property under Article VII of this chapter.~~

SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE.

~~The chief of police shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the policy of this article.~~

SEC. 27-48. COMMUNITY PER CAPITA CRIME INDEX.

~~(a) The chief of police shall calculate on a monthly basis the community per capita crime index for each registered apartment complex in the city.~~

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(b) ~~The community per capita crime index for an apartment complex is calculated as follows:~~

~~(1) Determine the total number of bedrooms in the apartment complex as designated in the most recent multi-tenant property registration application filed with the director for the property;~~

~~(2) Multiply the number of bedrooms by two (two occupants counted for each bedroom) to produce the ideal occupancy number for the property;~~

~~(3) Multiply the ideal occupancy number by the percent of units in the apartment complex that are occupied (as designated in the most recent multi-tenant property registration application filed with the director for the property) to produce the actual occupancy number;~~

~~(4) Divide the number of Part I crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part I crimes;~~

~~(5) Divide the number of Part II crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part II crimes.~~

~~(6) Divide the number of Chapter 125 crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Chapter 125 crimes.~~

(c) ~~Example of calculation of community per capita crime index:~~

Apartment size:	100 units
Apartment occupancy rate:	90% occupied
Apartment crime in 12-month period:	10 Part I crimes;
	20 Part II crimes;
	15 Chapter 125 crimes
Apartment unit mix:	70 one bedrooms; 30 two bedrooms
Total bedrooms	130 (with two occupants counted for each bedroom)

~~Ideal occupancy number = 130 x 2 = 260~~

~~Actual occupancy number = 260 x 90% = 234~~

~~Crime index for Part I crimes = (10 ÷ 234) x 100 = 4.3~~

~~Crime index for Part II crimes = (20 ÷ 234) x 100 = 8.5~~

~~Crime index for Chapter 125 crimes = (15 ÷ 234) x 100 = 6.4~~

~~SEC. 27-49. CRIME RISK THRESHOLD.~~

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(a) ~~The chief of police shall collectively calculate on a monthly basis the crime risk threshold for all registered apartment complexes in the city.~~

(b) The crime risk threshold for apartment complexes is calculated as follows:

(1) ~~Determine the total number of registered apartment complexes in the city.~~

(2) ~~Add together each apartment complex's crime index for Part I crimes and divide the sum by the total number of registered apartment complexes to produce the average crime index for Part I crimes.~~

(3) ~~Subtract each apartment complex's crime index for Part I crimes from the average crime index for Part I crimes to get the apartment complex's deviation from the average crime index for Part I crimes.~~

(4) ~~Add the square of each apartment complex's deviation from the average crime index for Part I crimes together and divide the sum by the total number of registered apartment complexes to produce the average squared deviation for Part I crimes.~~

(5) ~~Take the square root of the average squared deviation for Part I crimes and add it to the average crime index for Part I crimes to produce the crime risk threshold for Part I crimes.~~

(6) ~~Repeat the process using each apartment complex's crime index for Part II crimes and Chapter 125 crimes to determine the crime risk threshold for Part II crimes and Chapter 125 crimes, respectively.~~

(c) Example of calculation of crime risk threshold.

Apartment Complex No.	1	2	3	4	5	6	7	8	9	10	SUM
Crime Index for Part I Crimes	12	9	3	10	12	22	7	11	15	19	120
Deviation from Average Crime Index	0	-3	-9	-2	0	10	-5	-1	3	7	0
Deviation Squared	0	9	81	4	0	100	25	1	9	49	278

Average crime index for Part I crimes = $120 \div 10 = 12$

Average squared deviation = $278 \div 10 = 27.8$

Standard deviation = $\sqrt{27.8} = 5.27$

Crime risk threshold for Part I crimes = $12 + 5.27 = 17.27$

(Note: To calculate the crime risk threshold for Part II crimes and Chapter 125 crimes, repeat the formula using the crime indexes for Part II crimes and then for Chapter 125 crimes.)

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SEC. 27-50. MANDATORY CRIME REDUCTION PROGRAM; WHEN REQUIRED.

(a) An apartment complex must participate in a mandatory crime reduction program, whenever the apartment complex has:

(1) a crime index for Part I crimes that is greater than the crime risk threshold for Part I crimes for all registered apartment complexes in the city and a crime index for Part II crimes that is greater than the crime risk threshold for Part II crimes for all registered apartment complexes in the city; or

(2) a crime index for Chapter 125 crimes that is greater than the crime risk threshold for Chapter 125 for all registered apartment complexes in the city.

(b) An apartment complex must remain in the mandatory crime reduction program for six months or until the apartment complex's crime index falls below the crime risk threshold for the applicable types of crime, whichever occurs later.

SEC. 27-51. NOTICE OF DESIGNATION TO PARTICIPATE IN PROGRAM.

(a) The chief of police shall provide written notice to the owner, operator, or property manager of each apartment complex designated to participate in the mandatory crime reduction program.

(b) The notice must include the following information:

(1) The name and address of the apartment complex.

(2) A statement that the apartment complex is required to participate in a mandatory crime reduction program, including a description of the fee and other requirements of the program.

(3) The community per capita crime index and crime risk threshold used to calculate the apartment complex's qualification for the mandatory crime reduction program.

(4) The actual occupancy number used to calculate the apartment complex's crime index.

(5) The number of Part I, Part II, and Chapter 125 crimes used to calculate the apartment complex's crime index, including the date, time, and location of each offense.

(6) A statement that a mandatory inspection of the apartment complex premises will be conducted by the chief of police at a scheduled date and time.

(7) The process for appealing the chief of police's decision requiring an apartment complex to participate in a mandatory crime reduction program.

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~~(c) Designation of an apartment complex for participation in the mandatory crime reduction program and application of the requirements of this article are binding upon all subsequent owners or other transferees of an ownership interest in the apartment complex.~~

SEC. 27-52. DELIVERY OF NOTICES.

Any written notice that the chief of police is required to give to an apartment complex under this article is deemed to be delivered:

- (1) on the date the notice is hand delivered to the owner, operator, or property manager of the apartment complex; or
- (2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the owner, operator, or property manager of the apartment complex at the address provided for in the most recent multi-tenant property registration application.

SEC. 27-53. APPEAL FROM DESIGNATION.

(a) If the chief of police designates an apartment complex for participation in the mandatory crime reduction program pursuant to this article, this action is final unless the owner, operator, or property manager of the apartment complex files a written appeal to the permit and license appeal board with the city secretary not later than 10 days after receiving notice of being a designated apartment complex.

(b) If the appeal of the chief of police's decision is based on changes in an apartment complex's occupancy rate, then the owner, operator, or property manager of the apartment complex shall, at the time of filing the appeal, also file with the city secretary and the chief of police a copy of a current and valid lease for every occupied dwelling unit in the apartment complex.

(c) If a written request for an appeal hearing is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(d) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.

(e) In deciding the appeal, the permit and license appeal board is limited to the issue of whether the apartment complex's crime index is greater than the crime risk threshold calculated for all registered apartment complexes in the city for the particular types of crime that qualified the apartment complex for designation under Section 27-50(a). The board shall affirm the decision of the chief of police if the board finds that the apartment complex's crime index

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~~exceeds the applicable crime risk threshold and shall reverse the chief of police's decision if the board finds that the crime index does not exceed the applicable crime risk threshold.~~

~~(f) The board's decision must be by a majority vote. Failure to reach a majority vote will leave the decision of the chief of police unchanged. The decision of the permit and license appeal board is final, and no rehearing may be granted.~~

SEC. 27-54. PROPERTY INSPECTIONS.

~~(a) After an apartment complex has been designated to participate in the mandatory crime reduction program, the chief of police shall inspect the apartment complex to:~~

~~(1) determine whether the apartment complex is in compliance with applicable city ordinances and state laws relating to public safety and security, including but not limited to requirements for locks, door viewers, signage, building numbering, and crime prevention addenda;~~

~~(2) evaluate what changes and improvements to the premises and operations of the apartment complex will assist in reducing the occurrence of crimes at the apartment complex; and~~

~~(3) determine whether the apartment complex is in compliance with this article.~~

~~(b) The chief of police is authorized at a reasonable time to inspect:~~

~~(1) the exterior of the apartment complex; and~~

~~(2) the interior of the apartment complex, if the permission of the owner, operator, property manager, or other person in control is given or a search warrant is obtained.~~

~~(c) The chief of police shall inspect a designated apartment complex at least twice during each period that the apartment complex is required to participate in the mandatory crime reduction program. The first inspection must be conducted for the purposes of Subsections (a)(1) and (a)(2), and the second inspection must be conducted for the purposes of Subsection (a)(3). Other inspections may be conducted as the chief of police deems necessary to the administration and enforcement of this article.~~

~~(d) The owner, operator, property manager, or person in control of an apartment complex commits an offense if, either personally or through an agent or employee, he refuses to permit a lawful inspection of the apartment complex as required by this section.~~

~~(e) Whenever an apartment complex is inspected by the chief of police and a violation of this article or any other city ordinance or state law applicable to the apartment complex is found, the apartment complex will, after the expiration of any time limit for~~

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~~compliance given in a notice or order issued because of the violation, be reinspected by the chief of police to determine that the violation has been eliminated.~~

SEC. 27-55. CONFERENCE WITH POLICE.

~~(a) At least once during each period that an apartment complex is required to participate in the mandatory crime reduction program, the chief of police shall require a conference with the owner, operator, or property manager of a designated apartment complex to review:~~

- ~~(1) the requirements of the mandatory crime reduction program;~~
- ~~(2) the results of the chief of police's inspection of the apartment complex;~~
- ~~(3) any voluntary recommendations for reducing crimes on and near the apartment complex; and~~
- ~~(4) any other information the chief of police wishes to discuss at the conference.~~

~~(b) An owner, operator, or property manager of a designated apartment complex commits an offense if he fails to attend a scheduled conference after receiving notice of the conference from the chief of police.~~

~~(c) At least one individual with legal authority to act on behalf of the apartment complex must attend each conference required by this section.~~

SEC. 27-56. PROGRAM FEE.

~~(a) A program fee of \$250 will be charged to each designated apartment complex to defray the costs incurred by the chief of police in conducting inspections of the apartment complex, attending conferences with the owner, operator, or property manager of the apartment complex, and administering and enforcing the mandatory crime reduction program. A separate program fee is required each time an apartment complex is designated to participate in the mandatory crime reduction program.~~

~~(b) The owner, operator, or property manager of a designated apartment complex shall pay the program fee to the chief of police within 30 days after receiving notice of being a designated apartment complex.~~

~~(c) No refund of a program fee will be made.~~

SEC. 27-57. MANDATORY REQUIREMENTS.

~~(a) Within 30 days after receiving notice of being a designated apartment complex, the apartment complex must meet all of the requirements of this section, except Subsection (h)~~

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~~(fencing requirements). Subsection (h) (fencing requirements) must be met within 60 days after receiving notice of being a designated apartment complex. The chief of police may extend the deadlines of this subsection, in increments not exceeding 30 days each, upon a showing that the work cannot be performed within the required time period because of its scope and complexity.~~

~~(b) Trespass affidavits.~~

~~(1) An owner, operator, or property manager of the apartment complex shall execute a trespass affidavit, on a form provided by the chief of police for that purpose, that authorizes the police department to enforce, on behalf of the apartment complex, all applicable trespass laws on the premises of the apartment complex.~~

~~(2) A true and correct copy of the trespass affidavit must be posted at the apartment complex in a manner and location so that it is clearly visible to the public at all times.~~

~~(c) Background checks.~~

~~(1) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all current and prospective employees of the apartment complex.~~

~~(2) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.~~

~~(3) A current credit report must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.~~

~~(4) All records maintained on an employee or tenant in compliance with this subsection must be retained at the apartment complex for at least 90 days following the date of any termination of the employee's employment or the tenant's occupancy at the apartment complex.~~

~~(5) The owner, operator, or property manager of the apartment complex shall make all records maintained under this subsection available for inspection by a police officer at reasonable times upon request.~~

~~(d) Lighting.~~

~~(1) Security lighting must be provided, maintained, and operated so that it adequately illuminates all parking areas, walkways, stairs, steps, doorways, and garbage storage areas of the apartment complex to such a degree that the facial features of a person at least five feet tall are distinguishable from a distance of 35 feet.~~

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~~(2) Security lighting must be in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (d)(1) of this section and another city ordinance or state law, the other law will prevail.~~

~~(e) Landscaping.~~

~~(1) No bush or shrub on the premises of the apartment complex may be taller than three and one half feet.~~

~~(2) No tree on the premises of the apartment complex may have a canopy lower than six feet above the ground.~~

~~(3) All trees, shrubs, bushes, and other landscaping must be maintained in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (e)(1) or (e)(2) of this section and another city ordinance or state law, the other law will prevail.~~

~~(f) Locked common areas. All enclosed common areas of the apartment complex (including but not limited to laundry rooms, club rooms, and fitness rooms) must be kept locked and may only be accessed with a key, key card, key pad, or similar device.~~

~~(g) Key control plan. A description of the plan and procedures for storing and accessing keys, key cards, and key codes to dwelling units, enclosed common areas, and other facilities of the apartment complex must be filed with the chief of police.~~

~~(h) Fencing.~~

~~(1) The perimeter of the premises of a designated apartment complex must be enclosed with a fence that is at least six feet high, except that if a lower height is required by another city ordinance, the fence must be the maximum height allowed under the other city ordinance.~~

~~(2) Notwithstanding Subsection (h)(1) of this section, vehicular driveways and pedestrian walkways are not required to be fenced or gated, except that the combined width of openings in the fence for vehicular driveways and pedestrian walkways may not exceed 10 percent of the perimeter of the area of the property required to be fenced.~~

~~(3) All fencing must be maintained in compliance with applicable city ordinances and state law. If there is any conflict between Subsection (h)(1) or (h)(2) of this section and another city ordinance or state law, the other law will prevail.~~

~~(i) Pay phones. All pay phones on the premises of the apartment complex must be blocked to incoming calls or removed from the premises.~~

~~(j) Crime watch meetings.~~

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~~(1) At least one crime watch meeting must be held each month on the premises of the apartment complex.~~

~~(2) The chief of police must be given at least 10 days advance notice of the meeting.~~

~~(k) Residential security survey.~~

~~(1) An owner, operator, or property manager of the apartment complex shall distribute a residential security survey, on a form provided by the chief of police, to each tenant of the apartment complex who is 18 years of age or older.~~

~~(2) The owner, operator, or property manager of the apartment complex shall file all returned surveys with the chief of police within 30 days after distribution.~~

~~SEC. 27-58. MODIFICATION OF FENCING REQUIREMENTS.~~

~~(a) The owner, operator, or property manager of a designated apartment complex may request a modification of the fencing requirements set forth in Section 27-57(h) by filing a written request with the city secretary not later than 10 days after receiving notice of:~~

~~(1) being designated for participation in a mandatory crime reduction program under Section 27-57; or~~

~~(2) having a previously granted fencing modification revoked by the chief of police under Subsection (f) of this section.~~

~~(b) If a written request is filed under Subsection (a) with the city secretary within the 10 day limit, the permit and license appeal board shall consider the request. The city secretary shall set a date for the hearing within 45 days after the date the written request is filed.~~

~~(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.~~

~~(d) The permit and license appeal board shall grant the request for a fencing modification if it finds that:~~

~~(1) an existing fence or other barrier, or a proposed fence or other barrier, on the premises of the apartment complex will serve to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); and~~

~~(2) the existing fence or barrier, or the proposed fence or barrier, complies with all other applicable city ordinances and state law.~~

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~~(e) The board shall grant or deny the request for a fencing modification by a majority vote. Failure to reach a majority vote will result in denial of the request. The decision of the permit and license appeal board is final, and no rehearing may be granted.~~

~~(f) If the board grants the request for a fencing modification, the modification remains valid and does not have to be renewed each time an apartment complex is designated for participation in the mandatory crime reduction program, unless the chief of police revokes the fencing modification upon a determination that the modified fence or other barrier:~~

~~(1) fails to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); or~~

~~(2) fails to comply with a city ordinance or state law applicable to fences.~~

~~(g) Upon revoking a fencing modification, the chief of police shall notify the owner, operator, or property manager of a designated apartment complex in writing of the revocation. The notice must include the reason for the revocation, the date the chief of police orders the revocation, and a statement informing the owner, operator, or property manager of the right to appeal the decision by filing a new request for a fencing modification in accordance with Subsection (a). The chief of police may not revoke a fencing modification under Subsection (f) sooner than six months after the modification is granted by the permit and license appeal board.~~

~~(h) The grant of a request for modification of the fencing requirements of Section 27-57(h) does not exempt a designated apartment complex from any other provision of this chapter or other applicable city ordinances or state law.]”~~

SECTION 43. That Article IX, “Registration and Inspection of Non-Owner Occupied Rental Property,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is repealed, and Article IX shall be indicated as “Reserved” in the Dallas City Code as follows:

“ARTICLE IX.

RESERVED. [~~REGISTRATION AND INSPECTION OF NON-OWNER OCCUPIED RENTAL PROPERTY.~~

~~SEC. 27-59. AUTHORITY OF DIRECTOR.~~

~~The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article.~~

~~SEC. 27-60. REGISTRATION REQUIRED; DEFENSES.~~

~~(a) A person commits an offense if he owns a non-owner occupied rental property in the city without a valid certificate of registration issued under this article.~~

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(b) ~~If a person owns more than one non-owner occupied rental property in the city, a separate registration is required for each property. If both dwelling units of a duplex qualify as non-owner occupied rental properties, then each dwelling unit must be registered separately, even if under a common ownership.~~

(c) ~~If three or more townhouses or condominiums in the same complex are under a common ownership and are leased or offered for lease, they must be registered as a multi tenant property under Article IV of this chapter instead of as non-owner occupied rental properties under this article.~~

(d) ~~It is a defense to prosecution under Subsection (a) that the non-owner occupied rental property had been leased or rented for less than the 60 day period preceding the date of the violation.~~

SEC. 27-61. REGISTRATION APPLICATION.

~~To obtain a certificate of registration for a non-owner occupied rental property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the owner of the non-owner occupied rental property. If the owner is not an individual, an authorized officer or agent of the owner must file the form. The application must contain the following information:~~

(1) ~~The name, street address, mailing address, and telephone number of the applicant (owner of the property).~~

(2) ~~The name, street address, mailing address, telephone number, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant for the non-owner occupied rental property is not an individual.~~

(3) ~~The form of business of the applicant; the name, street address, mailing address, and telephone number of a high managerial agent of the business; and, if the business is a corporation or association, a copy of the documents establishing the business.~~

(4) ~~The street address of the non-owner occupied rental property.~~

(5) ~~The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 27-69 of this article.~~

(6) ~~Documentary evidence of payment of ad valorem taxes owed in connection with the non-owner occupied rental property.~~

(7) ~~The names, street addresses, mailing addresses, and telephone numbers of any owners of the non-owner occupied rental property other than the applicant.~~

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~~(8) A statement that, by filing the registration, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the registration is true and correct and that the registration is complete and includes all information required to be disclosed under this article.~~

~~(9) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.~~

~~SEC. 27-62. REGISTRATION FEES.~~

~~(a) The annual fee for a certificate of registration for a non-owner occupied rental property is \$25.~~

~~(b) No refund of a registration fee will be made.~~

~~(c) The registration fee established in Subsection (a) will not be charged upon renewal of a certificate of registration for a non-owner occupied rental property if no violations of Section 27-11(b), (c), or (d) of this chapter were found on the property by the director within the preceding registration year.~~

~~SEC. 27-63. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.~~

~~(a) Upon payment of all required fees, the director shall issue a certificate of registration for a non-owner occupied rental property to the applicant if the director determines that:~~

~~(1) the applicant has complied with all requirements for issuance of the certificate of registration;~~

~~(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration; and~~

~~(3) the applicant has no outstanding fees assessed under this article.~~

~~(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.~~

~~(c) If the director determines that an applicant should be denied a certificate of registration, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

~~(d) A certificate of registration issued under this section must be displayed on the premises of the non-owner occupied rental property in a manner and location approved by the~~

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~~director. The certificate of registration must be presented upon request to the director or to a peace officer for examination.~~

SEC. 27-64. ~~REVOCATION OF CERTIFICATE OF REGISTRATION.~~

~~(a) The director shall revoke any certificate of registration for a non-owner occupied rental property if the director determines that:~~

~~(1) the registrant failed to comply with any provision of this chapter, any other city ordinance, or any state or federal law applicable to the operation of a non-owner occupied rental property;~~

~~(2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration; or~~

~~(3) the registrant failed to pay a fee required by this article at the time it was due.~~

~~(b) Before revoking a certificate of registration under Subsection (a), the director shall notify the registrant in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days to comply with the notice.~~

~~(c) If, after 10 days from receipt of the notice required in Subsection (b), the registrant has not complied with the notice, the director shall revoke the certificate of registration and notify the registrant in writing of the revocation. The notice must include the reason for the revocation, the date the director orders the revocation, and a statement informing the registrant of the right of appeal.~~

SEC. 27-65. ~~APPEALS.~~

~~If the director denies issuance or renewal of a certificate of registration or revokes a certificate of registration issued pursuant to this article, this action is final unless the applicant or registrant files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~

SEC. 27-66. ~~EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.~~

~~(a) A certificate of registration for a non-owner occupied rental property expires one year after the date of issuance.~~

~~(b) A certificate of registration may be renewed by making application in accordance with Section 27-61. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.~~

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~~SEC. 27-67. NONTRANSFERABILITY.~~

~~A certificate of registration for a non-owner occupied rental property is not transferable.~~

~~SEC. 27-68. REGISTRANT'S RECORDS.~~

~~(a) Each registrant shall maintain at a single location business records of the non-owner occupied rental property. A registrant shall make those records available for inspection by the director or a peace officer at reasonable times upon request.~~

~~(b) Records that must be maintained by the registrant include, but are not limited to:~~

~~(1) records of ownership for the property; and~~

~~(2) any other records deemed necessary by the director for the administration and enforcement of this article.~~

~~SEC. 27-69. EMERGENCY RESPONSE INFORMATION.~~

~~(a) The registrant of a non-owner occupied rental property shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the 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 prevent harm to the property, the occupants of the property, or the public.~~

~~(b) The registrant of the non-owner occupied rental property shall notify the director within 10 days of any change in the emergency response information.~~

~~(c) The registrant of a non-owner occupied rental property, or an authorized agent, must arrive at the property within one hour after a contact person named under this section is notified by the city or emergency response personnel that an emergency condition has occurred on the property.~~

~~SEC. 27-70. FAILURE TO PAY AD VALOREM TAXES.~~

~~A registrant or an applicant for a certificate of registration for a non-owner occupied rental property shall not allow the payment of ad valorem taxes owed in connection with the non-owner occupied rental property to become delinquent.~~

~~SEC. 27-71. NOTIFICATION OF CHANGE OF INFORMATION.~~

~~A registrant shall notify the director within 10 days of any material change in the information contained in the application for a certificate of registration for a non-owner occupied rental property, including any changes in ownership of the property.~~

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~~SEC. 27-72. PROPERTY INSPECTIONS; REINSPECTION FEES.~~

~~(a) The director may inspect any non-owner occupied rental property in the city for code violations in accordance with Section 27-5 of this chapter.~~

~~(b) Whenever a non-owner occupied rental property is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.~~

~~(c) The owner, occupant, or other person responsible for the violation shall pay to the director \$50 for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated.]”~~

SECTION 44. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing the dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$4,000; a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, other than the dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000; and a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 45. That Chapter 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 46. 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 47. That this ordinance shall take effect on October 1, 2016, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,
AND IS SUBJECT TO ADDITIONAL REVISION.**

By _____
Assistant City Attorney

Passed _____

DRAFT

Memorandum



DATE: March 4, 2016

TO: Councilman Scott Griggs
A.C. Gonzalez, City Manager
Warren Ernst, City Attorney

SUBJECT: Proposed Chapter 27 Ordinance Amendments Recommendations

After convening with District 7 constituents and other interested stakeholders, I received a lot of feedback. I have included questions and/or suggestions below.

1. **Bedbugs** -

Currently, owners can send a bill for fumigation costs of an apartment to those tenants immediately after fumigation. Fumigation costs should be paid for by owners as this is a health and safety issue for the community. Lease addendum should not transfer this responsibility from the owner.

2. **Mold** -

This is a serious, common problem and is a top cause of asthma and should be specifically addressed in Chapter 27. If mold or mildew is suspected, owners should fix the leak, then treat the area with appropriate disinfectant. If mildew is gone – no more is to be done, however, if mold returns, owner should remove all of affected area and thoroughly disinfect and install new sheetrock/carpet/etc. Painting over mold should not be considered addressing the problem.

3. **Air Conditioning** -

Having air conditioning at 80 degrees or lower is important for health and quality of life. Ensuring air conditioning problems be fixed within 48 hours is also important.

4. **Clean Responsibilities** -

- A. Provide tenant (before signing lease) in English and in the language of the majority of tenants: application, lease agreement, list of responsibilities of the landlord and the tenant, and information on complaint/repair process.
- B. Require that community crime report be available to current tenants and given to potential tenants. Also require criminal background checks on applicants.

5. **Complaint/repair process** -

- A. Require a written maintenance/complaint log of tenant complaints and what was done about it (available for review at any time by City or tenants) require that the most recent interior and exterior inspection report be available for tenant review.

March 4, 2016

Subject: Proposed Chapter 27 Ordinance Amendments Recommendations

Page 2

- B. Have very clear information in English and the language of the majority of tenants about complaint/repair process that also addresses potential retaliation

For example: If you have a health/maintenance problem, call office manager or fill out a form or stop by office. If you are threatened about your request, please call Fair Housing at _____ and explain the situation. If the apartment does not fix the problem within _____ hours/days, call 311 to report your problem, and write down your case number. If a city inspector has not visited your apartment within _____ days, then call _____ at _____.

6. **Higher Fines** -

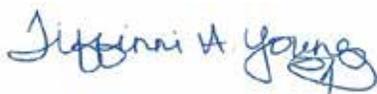
Have higher fines for health/safety violations. Even with a strong, clear code that is enforced, low fines allow negligent owners to continue business as usual without making needed repairs.

7. **Section 27-42**: I would like to see required inspections at least once a year – every 3 years is not acceptable.
8. **Rental House Certification** – What is the cost? How will property owners receive info on registration? What office will manage this? Where will property owners go to register?
9. **Risk Based Inspections** – What will drive the inspections? Complaints?
10. What is the specified amount of time or number of times a property is fined before it is shut down or seized?
11. Can a clause be added to Chapter 27 that addresses prior bad acts? Such as someone with prior bad acts not be allowed to purchase property from the city (landbank) or sheriff's sale?
12. Why was retaliation clause taken away?
13. What is the availability of having an escrow clause? Whereby dollars would be paid to escrow account to fund fixes to property.
14. What can be put in Chapter 27 to expedite repairs and/or closure of apartment complexes with scores below 70?

I also have grave concerns about whether or not the city will have enough code officers and staff to vigilantly enforce and enhanced Chapter 27, and concerns about tracking procedures updated/or lack thereof.

I look forward to seeing a stronger, updated Chapter 27 that allows the City of Dallas to truly deal with some of the worst offenders, while providing relief for our citizens.

Committed to Service,



Tiffinni A. Young

CHAPTER 27 – Dallas Housing Code

Draft Dallas Area Interfaith Issues

I. Strengthen minimum standards

A. Bedbugs

Currently, owners can send a bill for fumigation costs of an apartment to those tenants immediately after fumigation. Fumigation costs should be paid for by owners as this is a health and safety issue for the community. Lease addendum should not transfer this responsibility from the owner.

B. Mold

This is a serious, common problem and is a top cause of asthma and should be specifically addressed in Chapter 27.

If mold or mildew is suspected, owners 1) should fix the leak, 2) then treat area with appropriate disinfectant, 3) if mildew is gone – no more is to be done, however 4). If mold returns, owner should remove all of affected area 5). Then thoroughly disinfect and 6) install new sheetrock/carpet/etc. Painting over mold should not be considered addressing the problem.

C. Air conditioning

Having air conditioning at 80 degrees or lower is important for health and quality of life. Ensuring air conditioning problems be fixed within 48 hours is also important.

II. Clear Responsibilities

A. Provide tenant (before signing lease) in English and in the language of the majority of tenants:

- Application
- Lease agreement
- List of responsibilities of the landlord and the tenant
- Information on complaint/repair process

B. Require community crime report be available to current tenants and given to potential tenants. Also require criminal background checks on applicants/find ways to eliminate creation of havens for sex offenders in areas where large concentrations of multi-family dwellings do not ask for criminal background information.

III. Improve Complaint/Repair Process

A. Require a written Maintenance/Complaint log of Tenant complaints and what was done about it (available for review at any time by City or tenants)

Require that the most recent Interior and Exterior Inspection Report be available for Tenant review

B. Have very clear information in English and the language of the majority of tenants about complaint/repair process that also addresses potential retaliation

(For example:

If you have a health/maintenance problem, call office manager or fill out a form or stop by office

If you are threatened about your request, please call Fair Housing at..... and explain the situation.

If the apartment does not fix the problem within Hours/days, call 311 and report your problem. Write down your case number.

If a city inspector has not visited your apartment within Days, then call.....at.....

- C. Include non-renewal of lease due to complaints filed as a form of reprisal

IV. Meaningful, Consistent Enforcement

- A. Ability to identify owners
- B. Tenants and the city need to know who controls the property and makes final decisions and is accountable. Often the person signing a permit that is being renewed is a property manager or someone who takes orders from the person or group in charge. Make sure the owner signs the permit.
- C. Require that the owner discloses all properties in the area that they own
- D. Properties with problems are inspected more often. When city inspections occur, apartments other than the ones managers select should be inspected – including all those apartments with complaints filed through 311.
- E. Higher fines

Have higher fines for health/safety violations. Even with a strong, clear code that is enforced, low fines allow negligent owners to continue business as usual without making needed repairs.

**POSITION PAPER
CITY OF DALLAS
CHAPTER 27 REVISIONS**



The Apartment Association of Greater Dallas (AAGD) is extremely grateful to have been included in the discussions regarding changes to Chapter 27. Staff has listened to our concerns as we discussed policies, and when possible, have included them in the proposed changes.

Earlier, we spoke in generalities about what we wanted to see incorporated into the ordinance. Now that the draft ordinance has been completed and distributed, we have solid precepts to work with and consider. Based upon our review of the draft and input received from the AAGD Board of Directors, we would like to raise the following issues:

Sec. 27-11, 17.e.1 Air Conditioning – We understand that there has been a great deal of discussion about the minimum and maximum temperatures that will be required to be maintained by the code. We have consulted with HVAC engineers and learned that the reality is that most commercial air conditioners used in the apartment industry are designed to maintain a temperature 20 degrees cooler than the outside temperature. In Texas, the summer is notorious for getting as high as 105 degrees or more. In those instances, air conditioners would be running at maximum capacity to keep the ambient temperature at 85 degrees. Although it may not be comfortable, it is the reality. The cities of Irving, Garland and Mesquite all refer to the 20 degree differential as the standard, acknowledging the heat excesses in Texas. The City of Plano sets no cooling requirement. Our Board would prefer to see the cooling temperature set relative to the outside temperature, or to remain at 85 degrees. The heating minimum of 68 degrees is entirely acceptable.

Sec. 27-11, Defense to Prosecution – In an effort to clean up the ordinance, all of the “defenses to prosecution” were removed. We hope that they are being replaced by something perhaps in another section, or even common sense. You have deleted examples where extenuating circumstances are clearly at work, yet they cannot be used as a defense. For example, if some terrible act of nature were to cause severe damage to apartment units, it appears that the owner would still be liable to maintain the ambient temperature. In (k) on page 15, it is no longer a defense to use screens to maintain temperature, while earlier in the section they are allowed. We believe some of the defenses should be restored.

Sec. 27-16.22 Dallas Tomorrow Fund – We have some concerns about the Dallas Tomorrow Fund. We understand where the money is coming from, but wonder how much is anticipated to be raised for this fund; where is the money currently going that will lose part of its funding; and will apartment owners be eligible for such repair funds, should they demonstrate the need? We want to ensure that the money is not funneled to the very landlords that have consistently violated the codes by evading needed repairs to their rental property.



Sec. 27-32.(a)(1)(G) Crime Watch Designee – We think it is a waste of time and resources to try to get the name of a person that will be designated to attend a crime watch meeting for each property. First of all, the city allows one person to attend and represent as many as four properties. This duty is typically rotated among available employees. Also, the apartment business is notorious for moving employees from site to site. You may collect a name, but it might change in a relatively short period.

Sec. 27-32 (a)(1)(L) List of Businesses – This section wants the landlord to list any businesses being operated out of the rental unit. Most apartment lease contracts prohibit operating a business out of your apartment, especially if it involves customer traffic. If a business is operating, it is probably un-authorized by the property management, who would not be aware of its existence. We are assuming this may apply more to single-family rental property rather than apartments.

Sec. 27-38 (6) Crime Prevention Addendum – For many years we have had a “gentleman’s agreement” that the requirement for an addendum could be satisfied if an owner was using the TAA apartment lease, as the language is almost verbatim in the lease as it is in the city’s addendum. We would like to see it documented in the ordinance that use of the TAA lease satisfies this requirement, which would eliminate further confusion.

Sec. 27-38 (7) Records of Attendance at Crime Watch Meetings – In sub-section 7, the city requires records of attendance at four crime watch meetings, yet in Sect. 27-44 (a) it says that an owner must attend three crime watch meetings. One of these statements needs correction.

Sec. 27-42 – Graded Inspections – In meetings between the city staff and the AAGD task force, a graded inspection program was described at length. However, few of the described perimeters are included in the ordinance. There was a detailed grading system described that included an exterior score of up to 60%; and interior score which could comprise up to 40%; a risk level assigned based upon the severity and frequency of code violations; and a regimen for inspections based upon the assigned level. The only reference to this entire system is made in (a) where it says that an inspection will be conducted “at least once every three years but not more frequently than once a year.” We would like to see where the documentation for the proposed program will be.

Also, there is no definition for what is “passing” on the graded inspection, which is key when determining fees. It also appears that a very important section has been removed that allowed an “opportunity to cure” certain code violations that would affect the passing score. Since this has been removed, we are very interested to see how the scoring will be handled. All of these details should be documented somewhere for public viewing.



Sec. 27-50 – Mandatory Crime Reduction Program – Although AAGD had a key role in the development of the Mandatory Crime Reduction Program, as all things go, it has run its course. We are in agreement with eliminating it from the ordinance.

Response to Concerns Raised by Other Groups - We are aware that the Dallas Area Interfaith group has raised a number of concerns as well. We agree that minimum standards should be strengthened, but some of their recommendations are not feasible.

Bedbugs – This pest has become the bane of all landlords, as they are difficult and expensive to eradicate. The TAA has an addendum that clearly spells out who is responsible for the pest control expenses. Apartments are initially rented insect-free. If an infestation of bed bugs appears, it is determined to be caused by the resident, and the onus of remediation falls upon them. Residents who live near an infested unit and get bed bugs are not held responsible nor charged for the removal.

Language – Although we understand, probably more than most, the challenges for immigrants who do not speak English, it is impossible and improbable to make landlords responsible for creating documents in the predominant language of the residents. The TAA already has all major apartment lease forms available in Spanish, but we cannot be expected to provide these in other indigenous languages.

Complaint/Repair Process – Apartment properties already maintain logs of requested repairs and maintenance. The individual resident is the one that management will communicate with on repairs, but it would be inappropriate to have the logs open for the general viewing of other tenants of the property.

They request that the most recent interior and exterior inspection report be made available to review. It is our understanding that these scores are already available on the city's website. We have had access to apartment scores for years.

These are the sum total of items that we would like to see changed or advanced for more discussion. We look forward to working with staff and the city on this ordinance and are very pleased that the city has devoted so much time and effort into making this an updated and workable ordinance. Thank you for allowing us to have input.

Sincerely,
Kathy Carlton

Kathy Carlton
Director of Government Affairs
Submitted January 29, 2016

**THIS IS A PRELIMINARY WORKING DRAFT FOR DISCUSSION PURPOSES,
AND IS SUBJECT TO ADDITIONAL REVISION.**

Note: City staff has received and continues to receive feedback from stakeholders on the proposed amendments to Chapter 27. While some of this feedback has been incorporated into the draft, staff is waiting on guidance from the Housing Committee and the City Council on further changes to the draft.

2/1/16

ORDINANCE NO. _____

An ordinance amending Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, by repealing [sections, articles]; amending the title of the Chapter; amending Sections [list sections]; providing (description of amendment); providing an **initial** penalty not to exceed \$4,000; 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 the title of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“CHAPTER 27

MINIMUM PROPERTY [~~URBAN REHABILITATION~~] STANDARDS”

SECTION 2. That Section 27-3, “Definitions,” of Article I, “General Provisions,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-3. DEFINITIONS.

In this chapter:

(1) ~~[BASEMENT means the portion of a structure that is partly underground and has more than one half its height, measured from clear floor to ceiling, above the average finished grade of the ground adjoining a structure.~~

(~~2~~) BATHROOM means an enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.

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(2) BUILDING means a structure for the support or shelter of any use or occupancy.

(3) [~~CELLAR~~ means the lowermost portion of a structure partly or totally underground having one half or more of its height, measured from clear floor to ceiling, below the average finished grade of the adjoining ground.

(4) ~~CERTIFICATE OF REGISTRATION~~ means a certificate of registration issued by the director under Article VII of this chapter to the owner or operator of a multi tenant property or under Article IX of this chapter to the owner of a non-owner occupied rental property, whichever is applicable.

(5) CITY ATTORNEY means the city attorney of the city of Dallas and includes the assistants and other authorized representatives of the city attorney.

(4) CONDOMINIUM has the meaning given that term in Chapter 82 of the Texas Property Code, as amended.

(5) CONDOMINIUM ASSOCIATION means a for profit or non-profit corporation the membership of which consists of condominium unit owners of a condominium complex and charged with governing, operating, managing or overseeing a condominium complex or its common elements.

(6) CONSTRUCTION CODES means the *Dallas Building Code*, Chapter 53 of the *Dallas City Code*, as amended; *Dallas Plumbing Code*, Chapter 54 of the *Dallas City Code*, as amended; *Dallas Mechanical Code*, Chapter 55 of the *Dallas City Code*, as amended; *Dallas Electrical Code*, Chapter 56 of the *Dallas City Code*, as amended; *Dallas One- and Two-Family Dwelling Code*, Chapter 57 of the *Dallas City Code*, as amended; *Dallas Existing Building Code*, Chapter 58 of the *Dallas City Code*, as amended; *Dallas Fuel Gas Code*, Chapter 60 of the *Dallas City Code*, as amended; *Dallas Green Construction Code*, Chapter 61 of the *Dallas City Code*, as amended; *Dallas Fire Code*, Chapter 16 of the *Dallas City Code*, as amended; and the *Housing Standards Manual*, as amended. **PEOPLE NEED TO UNDERSTAND DETAILS WHEN THE CODE REFERS TO THESE IN SUBSEQUENT SECTIONS OF CODE**

(7[6]) CRIME PREVENTION ADDENDUM means an addendum to a residential lease or rental agreement for the use of a rental [~~multi-tenant~~] property as required by Section 27-43 of this chapter.

(8[6.1]) DALLAS ANIMAL WELFARE FUND means the Dallas Animal Welfare Fund as described in Section 7-8.4 of Chapter 7 of this code.

(9[7]) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

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(10[8]) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(11[9]) DWELLING means a structure or building used, intended, or designed to be used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes [~~occupied as a residence~~].

(12[40]) DWELLING UNIT has the definition given that term in Section 51A-2.102(34) of the Dallas Development Code, as amended [~~means one or more rooms in a multifamily property designed to accommodate one family and containing only one kitchen plus living, sanitary, and sleeping facilities~~].

(11) ~~FLOOR SPACE means the total area of all habitable space.~~

(12) ~~GRADE means the natural surface of the ground, or surface ground after completion of any change in contour.~~

(13) GRADED INSPECTION means an inspection of a rental [~~multi-tenant~~] property in which the property is given a score by the director based on the number of code violations found to exist on the premises. **GRADED INSPECTION to include an interior and exterior inspection with scores added together as is currently done.**

(14) [~~GUEST ROOM means any room in a multi-tenant property, other than a multifamily property, that is intended as a sleeping area, whether or not the room includes a kitchen or kitchenette and whether or not the property is operated for profit or charges for the services it offers.~~

(15) HABITABLE ROOM [SPACE] means a [the] space in a building or structure for [~~occupied by one or more persons while~~] living, sleeping, eating, or [~~and~~] cooking. [~~excluding kitchenettes,~~] Bathrooms [~~bathrooms~~], toilet rooms, [~~laundries, pantries, dressing rooms~~], closets, halls, storage or utility spaces, and similar areas, are not considered habitable space [~~foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms~~].

(15) INFESTATION means the presence, within or contiguous to a structure or premises, of insects, rats, vectors, or other pests.

(16) KITCHEN means an area [~~a space, 60 square feet or more in floor area with a minimum width of five feet,~~] used, or designated to be used, for cooking or preparation of food.

(17) ~~KITCHENETTE means a space, less than 60 square feet in floor area, used for cooking or preparation of food.~~

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(17) LANDLORD means any person who is an owner, lessor, management company, or managing agent, including on-site manager, of a building or structure.

(18) MULTIFAMILY DWELLING [~~PROPERTY~~] means a multifamily use as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended.

(19) MULTITENANT [~~MULTI-TENANT~~] PROPERTY means property containing any of the following uses:

(A) A multifamily dwelling [~~property~~] as defined in Subsection (39[48]) of this section.

(B) A lodging or boarding house as defined in Section 51A-4.205(2) of the Dallas Development Code, as amended.

(C) A group residential facility as defined in Section 51A-4.209(b)(3) of the Dallas Development Code, as amended.

(D) An extended stay hotel or motel as defined in Section 51A-4.205(1.1) of the Dallas Development Code, as amended.

(E) A residential hotel as defined in Section 51A-4.209(b)(5.1) of the Dallas Development Code, as amended.

(20) [~~NON OWNER OCCUPIED RENTAL PROPERTY~~] means a single-family, duplex, townhouse, or condominium dwelling that is leased or rented to one or more persons other than the owner of the property, regardless of whether:

(A) the lease or rental agreement is oral or written; or

(B) the compensation received by the owner for the lease or rental of the property is in the form of money, services, or any other thing of value.

(21) OCCUPANT means a person who has possessory rights to and is actually in possession of a premise.

(21[22]) OPEN AND VACANT STRUCTURE means a structure that is, regardless of its structural condition:

(A) unoccupied by its owners, lessees, or other invitees; and

(B) unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

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(22[23]) OPERATING CONDITION means free of leaks, safe, sanitary, structurally sound, and in good working order.

(23[24]) OWNER means [~~a person in whom is vested the ownership or title of real property~~]:

(A) a person in whom is vested the **legal or beneficial** ownership or title of real property including, but not limited to:

- (i) the holder of fee simple title;
- (ii) the holder of a life estate;
- (iii) the holder of a leasehold estate for an initial term of five years or more;
- (iv) the buyer in a contract for deed;
- (v) a mortgagee, receiver, executor, or trustee in control of real property; and
- (vi) the named grantee in the last recorded deed; and

(B) a landlord, property manager, agent, or person in control of real property [~~not including the holder of a leasehold estate or tenancy for an initial term of less than five years~~].

(C) a person that controls the real estate by reason of majority ownership or has the final decision regarding expenditures and other significant property ownership decisions

(24[25]) PERSON means any natural person [~~individual~~], corporation, organization, estate, trust, partnership, association, or similar [~~any other legal~~] entity.

(25) PEST means an invertebrate animal that **carry and can** cause disease or damage to humans or building materials. **Bed Bugs – skin inflammation, swelling**

(26) PLUMBING FIXTURES means gas pipes, water pipes, toilets, lavatories, urinals, sinks, laundry tubs, dishwashers, garbage disposal units, clothes-washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

(27) POTABLE WATER means water that is free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in

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bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

(28[27]) PREMISES or PROPERTY means a lot, plot, or parcel of land, including any structures on the land.

(29[28]) PROPERTY MANAGER means a person who for compensation has managing control of real property.

(30[29]) PUBLIC SEWER means a sewer operated by a public authority or public utility and available for public use.

(31[30]) REGISTRANT means a person filing a rental property [issued a certificate of] registration or renewal application [for a multi-tenant property] under Article VII of this chapter [or for a non-owner-occupied rental property under Article IX of this chapter, whichever is applicable].

(32) RENTAL PROPERTY means multitenant property and single dwelling unit rental property.

(33[34]) SANITARY means any condition of good order and cleanliness that precludes the probability of disease transmission.

(34) SECURITY DEVICE has the definition given that term in Chapter 92 of the Texas Property Code, as amended.

(35) SHORT-TERM RENTAL has the definition given that term in Section 156.001(b) of the Texas Tax Code, as amended. **WHAT IS THIS?? PROVIDE MORE DEFINITION**

(36) SINGLE DWELLING UNIT RENTAL PROPERTY means a single-family, duplex, townhouse, or condominium dwelling unit that is leased or rented to one or more persons other than the owner of the property, regardless of whether the lease or rental agreement is oral or written, or the compensation received by the lessor for the lease or rental of the property is in the form of money, services, or any other thing of value, provided, however, if three or more townhouses or condominiums in the same complex are under a common ownership and are leased or offered for lease, they will be considered a multitenant property for purposes of this chapter.

(37) SOLID WASTE means:

(A) industrial solid waste as defined in Section 18-2(22) of the Dallas City Code, as amended, and

(B) municipal solid waste as defined in Section 18-2(28) of the Dallas City Code, as amended.

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(38[32]) STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

~~[(33) UNIT means a dwelling unit or a guest room in a multi-tenant property.]~~

(39) TOILET ROOM means a room containing a toilet or urinal but not a bathtub or shower.

(40[34]) URBAN NUISANCE means a premises or structure that:

(A) is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(B) regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(C) boarded up, fenced, or otherwise secured in any manner if:

(i) the structure constitutes a danger to the public even though secured from entry; or

(ii) the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure in the manner described by Paragraph (B) of this subsection.

(42) VECTOR means an insect or other animal **that carry** or is capable of transmitting a ~~disease-producing organism~~ **EXPAND TO INCLUDE BED BUGS –itching, inflammation, swelling may not necessarily qualify as a ‘disease’**

(43) WORKMANLIKE means executed in a skilled manner, for example, generally plumb, level, square, in line, undamaged, and without marring adjacent work.”

SECTION 3. That Section 27-3.1, “Code enforcement official,” of Article I, “General Provisions,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-3.1. CODE ENFORCEMENT OFFICIAL.

(a) The director, or a designated representative, shall serve as the code enforcement official of the city.

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(b) The code enforcement official shall have the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as are deemed necessary to clarify the application of this chapter. Such interpretations, rules, and regulations must be in conformity with the intent and purpose of the codes.

(c) The code enforcement official shall have the power to obtain:

(1) ~~search warrants for the purpose of investigating [allowing the inspection of any specified premises to determine the presence of a health hazard or unsafe building condition, including but not limited to any structural, property, or utility hazard, or] a violation of a [ny] health and safety or nuisance abatement [building] regulation, statute, or ordinance; and~~

(2) seizure warrants for the purpose of securing, removing, or demolishing an offending property and removing the debris from the premises.”

SECTION 4. That Section 27-4, “Violations; Penalty,” of Article II, “Administration,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-4. VIOLATIONS; PENALTY.

(a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense. A person commits a separate offense each day ~~[or portion of a day]~~ during which a violation is committed, permitted, or continued.

(b) Criminal penalties. **NO EXPLANATION OF DERIVATION OF FINES – NEED TO BE HIGHER WITH AN EXPLANATION OF WHAT ACTIONS MATCH WHAT FINES. REFERENCING PROVISIONS PROVIDES NO CONTEXT. FINES NEED TO BE HIGHER. CHANGES NOTED BELOW APPEAR TO REDUCE OR ELIMINATE EXISTING FINES. NEED EXPLANATION**

(1) An offense under this chapter is punishable by a fine not to exceed \$2,000; except, that an offense under Section 27-5.2 and 27-25 of this chapter is punishable by a fine not to exceed \$500.

(2) An offense under this chapter is punishable by a fine of not less than:

(A) \$150 [200] for a first conviction of a violation of Section 27-11(c)(1), (c)(2), or (c)(6); Section 27-11(d)(2)(A), (d)(3)(A), (d)(4), (d)(5), (d)(6), (d)(7), (d)(9)(A), (d)(9)(C), (d)(9)(D), (d)(10)(A), (d)(11), (d)(13), (d)(15)(A) or (d)(16)(C); Section 27-11(e)(1)(B), (e)(1)(C), or (e)(3); Section 27-11(f)(1)(A), (f)(1)(B), (f)(3)(C), (f)(3)(F), or (f)(4)(C); Section 27-11(g)(5); Section 27-11(h)(1)(B), (h)(3), (h)(4)(i), (h)(4)(ii), (h)(4)(iii), (h)(6)(A) or (h)(6)(B); Section 27-11(i)(1) or (i)(2); Section 27-12(1), (2), (3), or (5) [~~(a)(1), (3), or (4), 27-11(b)(1), (2), (3), (4), (6), (7), (8), (9), or (10), Section 27-60, or Article VIII of this chapter]; and~~

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(B) \$500 for a first conviction of a violation of Section 27-11(d)(1), (d)(9)(B), (d)(12), (d)(14)(A), (d)(14)(B), (d)(15)(B), (d)(15)(C), (d)(16)(A), or (d)(16)(B); Section 27-11(e)(1)(A) or (e)(2)(A); Section 27-11(f)(2), (f)(3)(A), (f)(3)(B), (f)(3)(D), (f)(3)(E), (f)(3)(G), (f)(4)(A), (f)(4)(B), (f)(4)(D), (f)(4)(E) or (f)(4)(F); Section 27-11(g)(1) or (g)(2); Section 27-11(h)(1)(A), (h)(2), or (h)(5); or Section 27-15.1(c) [~~(a)(2), (5), or (6), 27-11(b)(5), 27-11(e), or 27-11(d)~~]; and

(C) ~~\$2,000 for a first conviction of a violation of Section 27-30].~~

(3) The minimum fines established in Subsection (b)(2) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (b)(1).

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) In addition to imposing the criminal penalty prescribed in Subsection (b) or exercising the other remedies provided by this chapter, the city may bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted.

(e) The penalties provided for in Subsections (b), (d), and (h) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

(f) The director has the authority to enforce provisions of Chapter 7A and Article II, Chapter 18 of this code.

(g) ~~[A person commits an offense if he fails to correct a violation of this chapter in compliance with any order issued under this chapter that has become final.~~

~~(h)]~~ A person is criminally responsible for a violation of this chapter if:

(1) the person commits the violation or assists in the commission of the violation; or

(2) the person is the **legal or beneficial** owner of the property and, either personally or through an employee or agent, allows the violation to exist. **IDENTIFY THE PERSON WHO HAS THE ULTIMATE DECISION POWER**

(h) For purposes of subsection (g), an employee of the owner of real property that has been issued a certificate of occupancy or a certificate of completion with respect to improvements on the property is not personally liable for a violation of this chapter if, not later than the fifth calendar day after the date the citation is issued, the employee provides the property owner's name, current street address, and current telephone number to the enforcement

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official who issues the citation or to the director. **CITY SHOULD HAVE THE PROPERTY OWNER'S NAME ALREADY AND MAKE OWNER'S INFORMATION A REQUIRED COMPONENT OF REGISTRATION.**

(i) As an alternative to imposing the criminal penalty prescribed in Subsection (b), the city may impose administrative penalties, fees, and court costs in accordance with Article IV-b of this chapter, as authorized by Section 54.044 of the Texas Local Government Code, for an offense under this chapter. The alternative administrative penalty range for an offense is the same as is prescribed for a criminal offense in Subsection (b).”

SECTION 5. That Section 27-5, “Inspection,” of Article II, “Administration,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-5. INSPECTION.

(a) For the purpose of ascertaining whether violations of this chapter or other city ordinances exist, the director is authorized at a reasonable time to inspect:

- (1) the exterior of a structure and premises that [~~which~~] contain no structure; and
- (2) the interior of a structure, if the permission of the owner, occupant, or person in control is given.

(b) Nothing in this section limits the director’s ability to seek and obtain an administrative search warrant authorizing the inspection of the interior or exterior of a structure or a premises that contains no structure.”

SECTION 6. That Section 27-5.2, “Retaliation Against Tenants Prohibited,” of Article II, “Administration,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is repealed, and Section 27-5.2 shall be indicated as “Reserved” in the Dallas City Code as follows: [Note: Staff proposes repealing Section 27-5.2 because retaliation against tenants is already prohibited by the Texas Property Code, Subchapter H.] **THIS SECTION SHOULD NOT BE REPEALED NOR RESERVED. REFERING TO SOME STATE CODE DOESN’T DESCRIBE THE ISSUES OF RETALIATION NEEDED FOR TENANTS AND LANDLORDS TO KNOW ABOUT. ADDITIONALLY, WHAT PREVENTS THE CITY FROM INCLUDING SPECIFIC OR ADDITIONAL**

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**RETALIATION MEASURES. IS DALLAS LEGALLY PREVENTED FROM DOING
THE MINIMUM AS MAY BE PROVIDED BY STATE LAW?**

“SEC. 27-5.2. RESERVED [~~RETALIATION~~ ~~AGAINST~~ ~~TENANTS PROHIBITED~~]. **THESE SPECIFIC RETALIATION ITEMS SHOULD NOT BE RESERVED AND INSTEAD BE RE-INSTATED AND REVIEWED FURTHER FOR ANY ADDITIONAL RETALIATION ISSUES THAT CITIZENS WOULD LIKE DALLAS TO CONSIDER.**

(a) A landlord commits an offense if he raises a tenant's rent, diminishes services to a tenant, or attempts eviction of a tenant within six months after: **ADD to this the refusal to renew a tenant's lease without identifiable cause.**

(1) ~~the tenant files a valid complaint with the director complaining of a violation of this chapter on property occupied by the tenant; a complaint is considered valid if it results in an action described in Paragraph (2), (3), or (4) of this subsection;~~

(2) ~~the director issues to the landlord or the landlord's agent a written notice or citation listing any violation of this chapter that exists on property occupied by the tenant;~~

(3) ~~the city attorney files an action under Article IV a of this chapter or under Chapter 54, 211, or 214 of the Texas Local Government Code relating to any violation of this chapter that exists on property occupied by the tenant;~~

(4) ~~the tenant, after filing a complaint with the director and the landlord or the landlord's agent, files a written complaint with the city attorney complaining of a violation of this chapter on property occupied by the tenant, unless the complaint is later withdrawn by the tenant or dismissed on the merits; or~~

(5) ~~repairs are completed on property occupied by the tenant in compliance with either a written notice or citation issued by the director or a court order.~~

(b) ~~It is a defense to prosecution under Subsection (a) that:~~

(1) ~~rent was increased pursuant to an escalation clause in a written lease which provided for changes in costs of utilities, taxes, and insurance;~~

(2) ~~rent was increased, services were reduced, or notices to vacate were issued as part of a pattern of rent increases, service reductions, or evictions for an entire multidwelling project;~~

(3) ~~the tenant was delinquent in rent when the landlord gave notice to vacate or filed an eviction action;~~

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AND IS SUBJECT TO ADDITIONAL REVISION.**

~~(4) the tenant was responsible for or caused a violation of this chapter that existed on property occupied by the tenant;~~

~~(5) the tenant's written lease fixing the rent, services, or term of occupancy had expired, unless, at the time an action described in Subsection (a)(1), (2), or (3) occurred, a violation of this chapter that was reasonably dangerous to the physical health or safety of the tenant or another person existed on property occupied by the tenant;~~

~~(6) the tenant holds over after giving notice of termination or intent to vacate;~~

~~(7) the tenant holds over after the landlord gives notice of termination at the end of the rental term and, at the time the notice of termination was given, the landlord or the landlord's agent had not received actual notice that a valid complaint had been filed with the city complaining of violations of this chapter on property occupied by the tenant;~~

~~(8) before filing a complaint with the city complaining of a violation of this chapter on property occupied by the tenant, other than a violation that is reasonably dangerous to the physical health or safety of the tenant or another person, the tenant fails to comply with a written lease provision requiring the tenant to:~~

~~(A) notify the landlord or the landlord's agent, in writing, of the violation; and~~

~~(B) allow the landlord 15 days to correct the violation; or~~

~~(9) the landlord proves that the rent increase, service reduction, or attempted eviction was for good cause and not for purposes of retaliation against the tenant.~~

~~(e) An offense under this section may be prosecuted upon the filing of a written complaint by the tenant with the city attorney."~~

SECTION 7. That Section 27-11, "Minimum Standards; Responsibilities of Owner," of Article III, "Minimum Standards," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

IN ADDITION TO THE CHANGES NOTED IN THIS AMENDMENT REQUEST, A NEW SECTION NEEDS TO BE CREATED MAKING MINIMUM REQUIREMENTS FOR LANDLORDS TO DOCUMENT AND FOLLOW-UP ON TENANT COMPLAINTS/REQUESTS RELATING TO LANDLORD RESPONSIBILITIES. THIS SECTION NEEDS TO INCLUDE THE FOLLOWING:

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- 1) Landlord will be required to maintain a written log noting complaints by tenants which will include the nature of the complaint, who took the complaint, date, apartment number, action taken and when and confirmation that the problem has been resolved.
- 2) Provide an initial time frame for such repairs to be made with an update given if there is to be any delay.
- 3) Have such written repair logs retained on site and available for review at any time by City Inspectors, as well as providing any tenant documentation of his complaint and status of the repairs.
- 4) Provide in writing to prospective and existing tenant the procedures for making a complaint, with specific instructions on how to contact the City if repairs are not being taken care of
- 5) Ensure that compliance with such written log will be a specific requirement to ensure issuance of a new or renewal registration.

“SEC. 27-11. MINIMUM PROPERTY STANDARDS; RESPONSIBILITIES OF

(a) In general.

(1) The regulations in this article are minimum property standards for vacant and occupied buildings, properties, and structures within the city of Dallas. In addition to these minimum property standards, buildings, properties, and structures must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city of Dallas, including the *Housing Standards Manual*. **WHAT IS THIS Housing Standards Manual? Is it available for review?**

(2) These minimum property standards are intended to complement existing laws, ordinances, rules, and regulations. If the regulations in this chapter are less restrictive than other applicable laws, ordinances, rules, or regulation, the more restrictive law, ordinance, rule, or regulation applies.

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(b) Repairs. All repairs required by this section must be performed in a workmanlike manner and in accordance with all ordinances, rules, and regulations of the City of Dallas, including the *Housing Standards Manual*.

(c) Property standards. An owner shall:

(1) maintain their premises in operating condition without any [eliminate a] holes, excavations, or sharp protrusions[, and any other object or condition that exists on the land and is] that are reasonably capable of causing injury to a person;

(2) securely cover or close any wells, cesspools, or cisterns;

(3) provide solid waste receptacles or containers when required by Chapter 18 of this code;

(4) provide drainage to prevent standing water and flooding on the land;

(5) remove dead trees and tree limbs that are reasonably capable of causing injury to a person;

(6) keep the doors and windows of a vacant structure or vacant portion of a structure securely closed to prevent unauthorized entry; and

(7) protect, by periodic application of paint or other weather-coating materials, any exposed metal or wood surfaces from the elements and against decay or rust [by periodic application of weather-coating materials, such as paint or similar surface treatment].

(d[~~b~~]) Structural and material standards. [~~An owner shall:~~]

(1) General. An owner shall maintain structural members free from deterioration and shall maintain structural members so that they are capable of safely supporting imposed dead and live loads.

(2) Construction materials. An owner shall:

(A) maintain building and structure materials, including wood, gypsum products, glass, fiberglass, paper, canvas, fabric, plastic, vinyl, masonry, ceramic, plaster, brick, rock, stucco, slate, concrete, asphalt, tin, copper, steel, iron, aluminum, and other metals, in operating condition.

(B) protect, by periodic application of paint or other coating, the exterior surfaces of a structure that are subject to decay or rust.

(3) Roofs. An owner shall:

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(A) maintain roofs in operating condition, free from leaks, holes, charred or deteriorated roofing materials, rotted wood, and other unsafe conditions.

(B) maintain gutters and downspouts, if installed, in operating condition and securely fastened.

(4) Chimneys and towers. An owner shall maintain chimneys, fireplaces, cooling towers, smoke stacks, and similar appurtenances in operating condition. ADD FIREPLACES IF THERE IS A CHIMNEY

(5) Foundations. An owner shall maintain foundations and foundation components in operating condition, and keep all foundation components securely fastened.

(6) Floors. An owner shall maintain all flooring in operating condition, free from holes, cracks, decay, and trip hazards.

(7) Shower enclosures. An owner shall maintain shower enclosure floors and walls in operating condition free of holes, cracks, breaches, decay, rust, and rot.

(8) Counter tops and backsplashes. An owner shall maintain kitchen and bathroom counter tops and backsplashes surrounding kitchen sinks and lavatory sinks in operating condition free of decay, rust, and rot.

(9) Interior walls, ceilings, and surfaces; doors. An owner shall:

(A) maintain all interior walls and ceilings in operating condition;

(B) keep all interior walls and ceilings securely fastened to eliminate collapse hazards;

(C) maintain all interior surfaces, including windows and doors, in operating condition;

(D) repair, remove, or cover all peeling, chipping, flaking, or abraded paint; and

(E) repair all cracked or loose plaster, wood or other defective surface conditions.

(10) Exterior windows and skylights. An owner shall maintain:

(A) the glass surfaces of exterior windows and skylights so that they are weather tight, in operating condition; and

(B) each habitable room with natural light in accordance with the construction codes.

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(11) Exterior doors. An owner shall maintain exterior doors so that they are weather tight, in operating condition.

(12) Security devices. An owner shall maintain any bars, grilles, grates, and security devices in operating condition and in accordance with the construction codes.

(13) Ventilation. An owner shall maintain all natural and mechanical ventilation in habitable rooms in operating condition and in accordance with the construction codes.

(14) Balconies, landings, porches, decks, and walkways. An owner shall maintain:

(A) all balconies, landings, porches, decks, and walkways in operating condition and securely fastened.

(B) support posts and columns for balconies, landings, porches, decks, and walkways or canopies in operating condition, securely fastened and anchored.

(15) Handrails and guardrails. An owner shall maintain all handrails and guardrails:

(A) in accordance with the construction codes;

(B) in operating condition, and securely fastened and anchored; and

(C) so that they are capable of safely supporting imposed dead and live loads.

(16) Steps and stairways. An owner shall:

(A) maintain steps and stairways in operating condition, securely fastened and anchored, and free from trip hazards;

(B) maintain steps and stairways so that they are capable of safely supporting imposed dead and live loads; and

(C) seal any cracks or breaches in lightweight concrete steps, balconies, and walkways.

(17) Fencing, retaining walls, and barriers.

(A) An owner shall maintain all fences, retaining walls, decorative walls, and barriers in operating condition, and in accordance with the Dallas Development Code. This requirement applies to a masonry wall only if wall encloses:

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- (i) a multitenant property; or
- (ii) a single-family or duplex property where the wall is not shared with another property.

(B) An owner shall repair or replace rotted, missing, fire-damaged, or broken wooden slots and support posts.

(C) An owner shall repair or replace broken, missing, or bent metal posts and torn, cut, bent, or ripped metal fencing materials.

(D) An owner shall replace loose or missing bricks, stones, rocks, mortar, and similar materials on any masonry wall that is not shared with another property, if the wall:

- (i) encloses a multitenant property or a single-family property or duplex, or
- (ii) serves as a retaining wall.

~~[protect the exterior surfaces of a structure that are subject to decay by application of paint or other coating;~~

~~(2) fill hollow, masonry supporting piers, if used, with concrete and anchor the piers to concrete footings with a 5/8 inch steel dowel;~~

~~(3) provide and maintain railings for stairs, steps, balconies, porches, and elsewhere as specified in the Dallas Building Code;~~

~~(4) repair holes, cracks, and other defects reasonably capable of causing injury to a person in stairs, porches, steps, and balconies;~~

~~(5) maintain a structure intended for human occupancy and a structure used as an accessory to a structure intended for human occupancy in a weather-tight and water-tight condition;~~

~~(6) maintain floors, walls, ceilings, and all supporting structural members in a sound condition, capable of bearing imposed loads safely;~~

~~(7) provide cross-ventilation of not less than 1-1/2 square feet for each 25 lineal feet of wall in each basement, cellar, and crawl space;~~

~~(8) repair or replace chimney flue and vent attachments that do not function properly;~~

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(9) ~~repair holes, cracks, breaks, and loose surface materials that are health or safety hazards in or on floors, walls, and ceilings; and~~

(10) ~~maintain any fence on the property in compliance with the following standards:~~

(A) ~~maintain a fence so that it is not out of vertical alignment more than one foot from the vertical, measured at the top of the fence, for a fence over four feet high, or more than six inches from the vertical, measured at the top of the fence, for a fence not more than four feet high, except that this provision does not apply to a masonry wall unless the wall encloses:~~

(i) ~~a multi-tenant property; or~~

(ii) ~~a single-family or duplex property where the wall is not shared with another property;~~

(B) ~~repair or replace rotted, fire-damaged, or broken wooden slats and support posts;~~

(C) ~~repair or replace broken or bent metal posts and torn, cut, bent, or ripped metal fencing materials; and~~

(D) ~~repair or replace loose bricks, stones, rocks, mortar, and similar materials on any masonry wall that encloses:~~

(i) ~~a multi-tenant property; or~~

(ii) ~~a single-family or duplex property where the wall is not shared with another property.]~~

(e[e]) Utility and appliance standards. [An owner shall:]

(1) Air conditioning. If screens are not provided in accordance with Subsection (h)(2), an owner shall:

(A) provide and maintain in operating condition refrigerated air equipment capable of maintaining a maximum inside temperature of [80 / 85] degrees Fahrenheit, whichever is warmer, in each room of a structure intended for human occupancy; **MAXIMUM OF 80 DEGREES**

(B) maintain all fixed air conditioning systems, including air conditioning unit covers, panels, conduits, and disconnects, in operating condition, properly attached; and

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(C) install window-mounted air conditioning units, if provided, in compliance with the construction codes.

(2) Heating.

(A) An owner shall provide every dwelling unit with heating facilities that are installed and maintained in operating condition and in accordance with the construction codes. The heating facilities must be capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three feet above the floor and two feet from exterior walls in any room intended for human occupancy.

(B) Where heating is provided in buildings or structures other than dwelling units, an owner shall maintain those facilities in operating condition and in accordance with the construction codes.

(3) Appliances. If appliances are provided in a rental dwelling unit, the owner shall maintain those appliances, including portable heating units, portable air conditioning units, cook stoves, refrigerators, dishwashers, garbage disposals, ventilation hoods, washing machines, and clothes dryers, and all appliance connections, in operating condition.

~~[provide and maintain in operating condition connections to discharge sewage from a structure or land into a public sewer system where available;~~

~~(2) provide and maintain in operating condition a toilet connected to a water source and to a public sewer, where available, in each structure intended for human habitation;~~

~~(3) provide and maintain in operating condition connections and pipes to supply potable water at adequate pressure to a structure intended for human occupancy;~~

~~(4) provide and maintain in operating condition a device to supply hot water of a minimum temperature of 120°F. within each structure intended for human habitation;~~

~~(5) provide and connect a kitchen sink, bathtub or shower, and lavatory to a cold and hot water source in each structure intended for human habitation;~~

~~(6) connect plumbing fixtures and heating equipment that the owner supplies in accordance with the Dallas Plumbing Code and Dallas Mechanical Code;~~

~~(7) provide and maintain heating equipment in operating condition so that it is capable of maintaining a minimum inside temperature of 68°F. from November 16 through March 15 in each room of a structure intended for human occupancy;~~

~~(8) if screens are not provided as required in Subsection (d)(2), provide and maintain in operating condition, from April 1 through November 1, refrigerated air equipment capable of maintaining a maximum inside temperature that is 20 degrees lower than the outside~~

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AND IS SUBJECT TO ADDITIONAL REVISION.**

temperature or 85°F., whichever is warmer, in each room of a structure intended for human occupancy;

(9) ~~provide and maintain in operating condition supply lines for electrical service to each structure intended for human occupancy if electrical service is available within 300 feet;~~

(10) ~~connect each heating and cooking device that burns solid fuel to a chimney or flue; and~~

(11) ~~provide and maintain in operating condition electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances and fixtures.]~~

(f) Plumbing standards.

(1) Plumbing systems. An owner shall maintain:

(A) all plumbing pipes, fittings, and valves necessary to supply and conduct natural fuel gases, sanitary drainage, storm drainage, or potable water in operating condition in accordance with the *Dallas Plumbing Code*, Chapter 54 of the Dallas City Code, as amended; and

(B) all plumbing fixtures free of cross-connections and conditions that permit backflow into the potable water supply.

(2) Fuel gas distribution systems. An owner shall maintain distribution systems that carry fuel gas or liquefied petroleum gas in a leak-free condition in accordance with the construction codes. If such a distribution system has been compromised, an owner shall have the system pressure-tested and repaired in accordance with the *Dallas Plumbing Code*, Chapter 54 of the Dallas City Code, as amended.

(3) Plumbing fixtures.

(A) An owner shall provide each dwelling unit with:

(i) a kitchen equipped with a kitchen sink; and

(ii) a minimum of one toilet; a lavatory sink; and either a bathtub, a shower, or a combination of a bathtub and shower.

(B) An owner shall keep all plumbing fixtures connected to an approved potable water supply system.

(C) An owner shall connect and maintain all plumbing fixtures in operating condition, in accordance with the construction codes.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(D) An owner shall equip toilets and urinals with cold potable water under pressure necessary for safe and sanitary operation.

(E) An owner shall keep all plumbing fixtures connected to a public sewer system or to an approved private sewage disposal system.

(F) An owner shall maintain all piping distribution systems in operating condition, and shall eliminate all unsafe, unsanitary, and inoperable conditions in such distribution systems.

(G) Except when the sewer lines are being serviced, an owner shall cap each sewer clean-out opening with an approved plug in accordance with the construction codes.

(4) Water heating equipment.

(A) An owner shall maintain all water heating equipment in operating condition in compliance with the construction codes.

(B) For all water heating equipment, an owner shall maintain in accordance with the construction codes a temperature and pressure relief valve with an approved drain line.

(C) An owner shall provide and maintain in operating condition water heating equipment that supplies hot water at a minimum temperature of 110 degrees Fahrenheit, measured at the water outlet, to every required plumbing fixture. ORIGINAL CODE SAYS 120 – CHANGE BACK

(D) An owner shall vent all fuel-fired water heating equipment as required by the construction codes.

(E) An owner shall maintain any existing fuel-fired water heaters that are located in a sleeping room or bathroom in compliance with the construction codes.

(F) An owner shall maintain boilers and central heating plants in operating condition.

(g) Electrical standards.

(1) An owner shall maintain all provided electrical equipment and materials in operating condition and in accordance with the construction codes.

(2) An owner shall provide electrical circuits and outlets sufficient to carry safely a load imposed by normal use of appliances, equipment, and fixtures, and maintain them in operating condition.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(3) In each dwelling unit, an owner shall provide and maintain each habitable room, bathroom, hallway, and stairway with at least one electric lighting outlet. The electric lighting outlet must be controlled by a wall switch, unless a wall switch is not required by the construction codes.

(4) An owner shall maintain all electric light fixtures located adjacent to exterior doors of all buildings or structures in operating condition.

(5) An owner shall not use extension cords or flexible cords as a substitute for permanent wiring and an owner shall only use extension cords and flexible cords in accordance with the construction codes.

(h[d]) Health standards. [~~An owner shall:~~]

(1) Infestations.

(A) Where evidence of infestation exists, the owner of a building, structure, or property, including a vacant or occupied one-or two-family dwelling, or multifamily dwelling, shall eliminate infestations of vectors, rodents, or pests and repair any conditions that contribute to infestation.

(B) If the building, structure, or property is a rental property, the owner shall provide notice to the tenants at least 48 hours before taking steps to eliminate the infestation.

(i) The notice must be in writing and must include the method being used to eliminate the infestation.

(ii) A tenant can waive the 48-hour notice period in writing. [~~eliminate rodents and vermin in or on the land;~~]

(C) It is a defense to prosecution under this paragraph that the building, structure, or property was treated to eliminate vectors, rodents, or pests by a person licensed under the Texas Structural Pest Control Act once within the preceding 30 days.

(2) Screens. An owner shall provide a structure intended for human habitation with a screen for keeping out insects at each opening of the structure if the structure is not cooled with refrigerated air.

(3) Common toilet and shower facilities. An owner shall maintain toilet and shower facilities for common areas of a multifamily dwelling in operating condition. [~~maintain the interior of a vacant structure or vacant portion of a structure free from rubbish and garbage; and]~~

(4) Swimming pools, spas, ponds, and fountains.

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(i) Water in swimming pools, spas, ponds, fountains, and other containers shall be maintained to prevent the breeding or harborage of insects.

(ii) Swimming pools, spas, ponds, and fountains shall be maintained in operating condition.

(iii) Fences or other barriers enclosing swimming pools, spas, ponds, and fountains shall be maintained in operating condition and in accordance with the construction codes [keep the interior of a structure free from insects, rodents, and vermin, except as specified in Section 27-12(b)].

(5) Sewage overflow. An owner shall sanitize all areas contaminated by sewage overflow immediately after servicing is completed.

(6) Vacant dwelling units.

(A) An owner shall maintain the interiors of all vacant dwelling units free of solid waste.

(B) The owner of a vacant dwelling unit must store any swimming pool chemicals, cleaning chemicals, pesticides, herbicides, rodenticides, fertilizers, paints, solvents, gasoline, gasoline-powered equipment, or combustible materials of any kind in accordance with the construction codes and the Dallas Development Code.

(i[e]) Security standards. An owner or operator of a multifamily dwelling [property], other than one exempt from registration under Section 27-30 of this chapter, shall:

(1) provide and maintain security devices in each dwelling unit as required by Sections 92.153, 92.154, and 92.155 of the Texas Property Code, as amended; and

PROVIDE SECURITY DEVICE REQUIREMENTS INSTEAD OF REFERENCING A CODE

(2) if the multifamily dwelling [property] has three or more dwelling units, provide security lighting that adequately illuminates all parking areas, walkways, stairs and steps, doorways, and garbage storage areas so that persons moving in or around those areas can be easily seen.

~~[(f) It is a defense to prosecution under Subsection (a) of this section that the premises concerned is the site of new construction and reasonable and continuous progress is being made to complete the construction.~~

~~(g) It is a defense to prosecution under Subsection (d)(4) of this section that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act once within the preceding six months.~~

~~(h) An owner shall provide a tenant with alternative housing that meets the minimum standards required by this section when:~~

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~~(1) after being issued a notice or citation for violation of Subsection (c)(7) of this section, the owner fails to repair heating equipment within 72 hours after receiving such notice or citation and the overnight low temperature, as measured by the National Weather Service at Dallas Love Field, is below 40 degrees Fahrenheit. for three consecutive days after receiving such notice or citation; or~~

~~(2) after being issued a notice or citation for violation of Subsection (c)(8) of this section, the owner fails to repair refrigerated air equipment within 72 hours after receiving such notice or citation and the daytime high temperature, as measured by the National Weather Service at Dallas Love Field, is 95 degrees Fahrenheit. or above for three consecutive days after receiving such notice or citation.~~

~~(i) It is a defense to prosecution under Subsections (c)(7) and (c)(8) of this section and to the alternative housing requirements of Subsection (h) of this section that:~~

~~(1) failure to maintain heating and refrigerated air equipment in compliance with those subsections was the direct result of an act of nature or other cause beyond the reasonable control of the owner; or~~

~~(2) the owner is making diligent efforts to repair the heating and refrigerated air equipment in compliance with those subsections; if the owner demonstrates to the director that diligent efforts to repair are being made, the director will not issue a notice or citation for a violation of Subsection (c)(7) or (c)(8) of this section.~~

~~(j) It is a defense to prosecution under Subsection (c)(7) of this section and to the alternative housing requirements of Subsection (h)(1) of this section that a written contract is in effect requiring the tenant to provide and maintain heating equipment and the owner has provided utility connections for heating equipment in compliance with the Dallas Mechanical Code, as amended, in each room of the structure intended for human occupancy.~~

~~(k) It is a defense to prosecution under Subsection (c)(8) of this section and to the alternative housing requirement of Subsection (h)(2) of this section that the structure is provided with exterior windows and doors that are easily openable to provide air ventilation and covered with screens in compliance with Subsection (d)(2) of this section.]”~~

SECTION 8. That Section 27-12, “Responsibilities of Occupant,” of Article III, “Minimum Standards,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-12. RESPONSIBILITIES OF OCCUPANT.

~~[(a)]~~ An occupant shall:

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- (1) maintain the interior and exterior [~~those~~] portions of the person's dwelling unit [~~interior of a structure under his control~~] free from accumulations of solid waste [~~rubbish, garbage,~~] and other conditions that would encourage infestation [~~of insects, rodents, or vermin~~];
- (2) remove an animal or animals from a structure if the presence of the animal or animals is a health hazard to an occupant;
- (3) connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the construction [~~building~~] codes.
- (4) provide solid waste receptacles or containers when required by Chapter 18 of this code; and
- (5) not alter a structure or its facilities so as to create a nonconformity with Section 27-11 or this section.

~~[(b) The tenant occupant of a single-family residential structure shall keep the interior of the structure free from insects, rodents, and vermin if the owner can show that the structure was treated to eliminate insects, rodents, and vermin by a person licensed under the Texas Structural Pest Control Act:~~

- ~~(1) within two weeks before the date the tenant took occupancy; or~~
- ~~(2) once within the preceding six months if there has been more than one tenant during the preceding six months]."~~

SECTION 9. That Section 27-15, "Occupancy Load Limits," of Article IV, "Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-15. OCCUPANCY LOAD LIMITS.

A structure or dwelling unit is overcrowded if the occupancy limits set in Texas Property Code Section 92.010, as amended, are exceeded[~~following standards are not met:~~
THE SPECIFICS ARE NEEDED FOR WHAT THE TEXAS CODE PROVIDES – HOW DOES THIS COMPARE TO THE EXISTING CODE ?

- ~~(1) Floor space per person. Each structure or dwelling unit must contain at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of additional habitable floor space for each additional occupant.~~
- ~~(2) Sleeping space per person. In each structure or dwelling unit of two or more rooms, each room occupied for sleeping purposes by one occupant must contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person must contain at least 50 square feet of floor space for each occupant.~~

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(3) ~~Special provisions. Children under 12 months of age are not considered occupants, and children under 12 years of age are considered as 1/2 of one occupant for purposes of Subparagraphs (1) and (2).~~

(4) ~~Ceiling height. For purposes of Subparagraphs (1) and (2), a room of a structure must have a ceiling height of at least seven feet to be considered habitable space].~~

SECTION 10. That Section 27-15.1, “Placarding of a Structure by the Director,” of Article IV, “Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-15.1. PLACARDING OF A STRUCTURE BY THE DIRECTOR.

(a) After a court order requiring vacation of a structure or dwelling unit has become final, t[F]he director may place a red placard [warning of a dangerous condition] on or near the front door of the [any] structure or dwelling unit [that:

- (1) ~~is unsanitary or unsafe; and~~
- (2) ~~presents an immediate danger to the health, safety, or welfare of the public or of any occupant of the structure].~~

(b) The red placard shall state:

- (1) that the structure or dwelling unit was ordered to be vacated;
- (2) that a person commits an offense if he, without authority from the director:
 - (A) removes or destroys the red placard;
 - (B) occupies the structure or dwelling unit; or
 - (C) as owner of the structure, authorizes a person to occupy the structure or dwelling unit; and

(3) ~~the maximum fine for violation of the ordinance [After placarding a structure under Subsection (a) of this section, the director shall immediately refer the structure to the city attorney for a hearing before the municipal court, to be held in accordance with Article IV-a of this chapter, on the dangerous condition of the structure and the need to vacate any occupants of the structure. Before the 11th day after the director placards the structure, the director shall give notice of the hearing to each owner, lienholder, or mortgagee of the affected property in accordance with the notice requirements of Section 27-16.5].~~

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(c) A person commits an offense if he:

(1) without authority from the director, removes or destroys a red placard placed by the director;

(2) occupies a structure or dwelling unit on which the director has placed a red placard; or

(3) ~~[as owner of a structure or dwelling unit,]~~ authorizes a person to occupy a structure or dwelling unit on which the director has placed a red placard.

~~[(d) It is a defense to prosecution under Subsection (c)(2) that:~~

~~(1) the person had lawfully and continuously occupied the structure or dwelling unit before and after the structure was placarded; and~~

~~(2) the structure or dwelling unit had not been ordered vacated by the municipal court.~~

~~(e) It is a defense to prosecution under Subsection (c)(3) that:~~

~~(1) the person authorized by the owner to occupy the structure or dwelling unit had lawfully and continuously occupied the structure or dwelling unit before and after the structure was placarded; and~~

~~(2) the structure or dwelling unit had not been ordered vacated by the municipal court.]”~~

SECTION 11. That Section 27-16, “Securing of a Structure by the Director,” of Article IV, “Vacation, Reduction of Occupancy Load, and Securing of Structures and Relocation of Occupants,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16. SECURING OF A STRUCTURE BY THE DIRECTOR.

(a) The requirements of this section are in addition to any other requirements of this chapter governing securing of a structure. Any hearing before the municipal court pursuant to this section concerning the securing of a structure must comply with all notice and procedural requirements contained in Article IV-a of this chapter for hearings before the municipal court.

(b) The director shall secure any structure that the director determines:

(1) violates a minimum standard established in Article III of this chapter; and

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(2) is unoccupied or is occupied only by a person who does not have a right of possession to the structure.

~~(c) [Before securing a structure under Subsection (b), the director shall post a notice on or near the front door of the structure stating that if the owner does not secure the structure within 48 hours, the city will secure the structure at the owner's expense.~~

~~(d)~~ Before the 11th day after the date the director secures the structure, the director shall give notice to the owner by:

(1) personally serving the owner with written notice;

(2) depositing the notice in the United States mail addressed to the owner at the owner's post office address;

(3) publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the structure is located, if personal service cannot be obtained and the owner's post office address is unknown; or

(4) posting the notice on or near the front door of the structure, if personal service cannot be obtained and the owner's post office address is unknown.

~~(d)~~ The notice issued under Subsection (d) must contain:

(1) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(2) a description of the violation of the minimum standards that is present at the structure;

(3) a statement that the director will secure or has secured, as the case may be, the structure; and

(4) an explanation of the owner's entitlement to request a hearing about any matter relating to the director's securing of the structure.

~~(e)~~ A public hearing shall be held before the municipal court if, within 30 days after the date the director secures the structure, the owner files with the municipal court a written request for the hearing. The hearing must be held within 20 days after the date the request is filed. Notice of the hearing must be given to each owner~~[-, lienholder, or mortgagee]~~ of the affected property in accordance with the notice requirements of Section 27-16.5. At the hearing, the director shall present evidence of the need to secure the structure, and the owner may testify or present witnesses or written information about any matter relating to the director's securing of the structure.

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(f[g]) The municipal court shall uphold the director’s action in securing a structure if it finds the structure or a portion of the structure was an urban nuisance [~~open and potentially dangerous to the health, safety, or welfare of the public~~].

(g[h]) An unoccupied structure that is closed pursuant to an order of the director, the municipal court, or the fire marshal, or that is closed by the owner of the structure without an official order, must be secured in compliance with the Dallas Fire Code.

(h[i]) A structure intended for residential use or occupancy that, pursuant to an order of the director, the municipal court, or the fire marshal, is closed by the owner through sealing the doors or windows with boards, or equivalent materials, may be referred by the director to the city attorney for appropriate action under Article IV-a of this chapter, if the structure:

- (1) remains boarded up for 180 days or more without being occupied by the owner or a lawful tenant; and
- (2) has at least one visible violation of this chapter.

(i[j]) The city’s cost of securing a structure under this section constitutes a lien against the real property on which the structure stands, as provided in Section 27-16.8(e).”

SECTION 12. That Subsection (b) of Section 27-16.3, “Municipal Court Jurisdiction, Powers, and Duties Relating to Urban Nuisances,” of Article IV-a, “Municipal Court Jurisdiction Over Urban Nuisances,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

- “(b) The municipal court of record has the following powers and duties:
- (1) To require the reduction in occupancy load of an overcrowded structure or the vacation of a structure found to be an urban nuisance.
 - (2) To require the repair of a structure found to be an urban nuisance.
 - (3) To require the demolition of a structure found to be an urban nuisance.
 - (4) To require the removal of personalty from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personalty is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personalty. Costs of any removal and storage are the responsibility of the owner of the personalty.
 - (5) To require that an open and vacant structure or open and vacant portion of a structure be secured.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(6) To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or a private contractor. Costs of correction are the responsibility of the owner.

(7) To assess a civil penalty, not to exceed \$1,000 a day per violation or, if the property is the owner's lawful homestead, \$10 a day per violation, against a property or property owner for each day or part of a day that the owner fails to repair or demolish a structure in compliance with a court order issued under this article.

(8) To require relocation of the occupants of a structure found to be an urban nuisance or found to be overcrowded, and to determine, upon an order of relocation of the occupants of a structure, whether the occupants of the structure are ineligible for relocation assistance under Subsection (c) of this section."

SECTION 13. That Subsection (c) of Section 27-16.4, "Initiation of Proceeding; Petition Requirements," of Article IV-a, "Municipal Court Jurisdiction Over Urban Nuisances," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"(c) [~~The proceeding will be styled "City of Dallas, Plaintiff v. (Property Description), Defendant."~~]The municipal court shall set the matter for a hearing not less than 30 days nor more than 60 days after the filing of the petition."

SECTION 14. That Subsection (d), "Assessment of Civil Penalties," of Section 27-16.8 "Noncompliance With Court Orders; Civil Penalties; Liens," of Article IV-a, "Municipal Court Jurisdiction Over Urban Nuisances," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"(d) Assessment of civil penalties.

(1) If the city attorney or the director determines that the owner, lienholder, or mortgagee of a structure has not timely complied with a municipal court order issued under Section 27-16.7, the city attorney may file an action in municipal court for the assessment of a civil penalty against the property and property owner. The city attorney or the director shall promptly give notice to each owner, lienholder, and mortgagee of the hearing to assess a civil penalty. The notice must include:

(A) an identification, which is not required to be a legal description, of the structure and the property on which it is located;

(B) an identification of the court order affecting the property;

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(C) a description of each violation of minimum standards found by the court to be present on the property when the court order was issued;

(D) a description of any work ordered by the court to correct each violation on the property;

(E) a statement that the city attorney or the director has determined that an owner, lienholder, or mortgagee has not timely complied with the court order and a description of the provisions of the court order that still require compliance; and

(F) a statement that the court will conduct a hearing to consider assessment of a civil penalty against [øæ] the property and property owner and the date, time, and place of the hearing.

(2) The notice required under Subsection (d)(1) for a municipal court hearing to consider the assessment of a civil penalty against the [øæ] property and property owner subject to a court order must be given in compliance with the notice requirements set forth in Section 27-16.5 for other hearings under this article.

(3) A hearing to consider the assessment of a civil penalty on property subject to a court order must be conducted in compliance with the requirements and procedures set forth in this article for other hearings before the municipal court, except that, in addition to any other evidence presented, an owner, lienholder, or mortgagee may present evidence of any work performed or completed on the property to comply with the court order.

(4) The court, after hearing evidence from each interested person present, may assess a civil penalty against the owner in a specific amount in accordance with Section 27-16.3(b)(7) of this article.

(5) Notice of a court order issued under this subsection must comply with the requirements and procedures of Section 27-16.7(f) and (g) and Section 27-16.11 for notice of other board orders.

(6) A civil penalty assessed under this subsection may be enforced in accordance with Subsection (e) of this section.

(7) A civil penalty assessment hearing may be combined with any other hearing before the municipal court concerning the same property.”

SECTION 15. That Paragraph (4) of Subsection (e), “Liens,” of Section 27-16.8 “Noncompliance With Court Orders; Civil Penalties; Liens,” of Article IV-a, “Municipal Court Jurisdiction Over Urban Nuisances,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

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AND IS SUBJECT TO ADDITIONAL REVISION.**

“(4) The city may use lawful means to collect expenses and civil penalties assessed under this article from an owner or a property. Any civil penalty or other assessment imposed under this article accrues interest at the rate of 10 percent a year from the date of the assessment until paid in full. The city may petition a court of competent jurisdiction in a civil suit for a final judgment in accordance with the assessed civil penalty. To enforce the civil penalty, the city must file with the district clerk of a county in which the city is located a certified copy of the municipal court order assessing the civil penalty, stating the amount and duration of the penalty. The assessment of a civil penalty under this article is final and binding and constitutes prima facie evidence of the penalty. No other proof is required for the district court to enter final judgment on the penalty.”

SECTION 16. That Subsection (a) of Section 27-16.13, “Administrative Citation,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

- “(a) An administrative citation issued under this article must:
- (1) notify the person charged with violating the ordinance that the person has the right to a hearing;
 - (2) provide information as to the time and place to appear before [øf] the hearing officer;
 - (3) include the nature, date, and location of the violation;
 - (4) notify the person charged with violating the ordinance of the amount of the administrative penalty for which the person may be liable and provide instructions and the due date for paying the administrative penalty;
 - (5) notify the person charged that any request to have the inspector who issued the citation present at the administrative hearing must be in writing and must be received by the hearing officer at least five calendar days before the scheduled hearing date and that the failure to timely request the presence of the inspector constitutes a waiver of the person’s right to require the inspector to be present at the hearing;
 - (6) notify the person charged that failure to timely appear at the time and place of the hearing as set forth in the citation or, if the hearing is continued or postponed, at any subsequent hearing, is considered an admission of liability for the violation charged; and
 - (7) contain a return of service signed by the inspector indicating how the administrative citation was served on the person charged.”

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SECTION 17. That Section 27-16.14, “Service Of an Administrative Citation,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.14. SERVICE OF AN ADMINISTRATIVE CITATION.

(a) An attempt must be made to personally serve an administrative citation by handing it to the person charged if the person is present at the time of service or by leaving the citation at the person’s usual place of residence with any person residing at such residence who is 16 years of age or older and informing that person of the citation’s contents.

(b) If an attempt to personally serve the citation fails, the administrative citation must then be served upon the person charged by posting the citation on either:

- (1) the front door or front gate of the premises or property; or
- (2) a placard staked to the yard of the premises or property in a location visible from a public street or alley.

(c) If service upon the person charged is by posting the citation on the premises or property, a copy of the citation must also be sent to the last known address of the person charged by regular United States mail. If the person charged is the owner of the premises or property, then the last known address of the person is that address kept by the appraisal district of the county in which is located the premises or property that is the subject of the citation. If the owner is a corporation or legal entity, then the last known address of the person is the address of the registered agent for the corporation kept by the Secretary of State. If the person charged is the person in control of the premises or property, then the last known address of the person is the address of the premises or property.

~~[(d) If service upon the person charged is by posting the citation on the premises or property, a photograph of the posting and a copy of the mail notice must be forwarded with a copy of the citation to the municipal court clerk. The photograph and the mail notice will become part of the citation.]”~~

SECTION 18. That Section 27-16.15, “Answering an Administrative Citation,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.15. ANSWERING AN ADMINISTRATIVE CITATION.

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(a) A person who has been charged with a violation of this chapter through [issued] an administrative citation shall answer to the charge [of the violation] by appearing in person or through counsel before the hearing officer no later than the 31st calendar day after the date the citation was issued [at the hearing on the date and location set forth in the citation]. If the 31st calendar day falls on a day when the court is closed, then the person must appear (in person or through counsel) by the next day that the court is open [The hearing must be held no sooner than 31 calendar days following the issuance of the administrative citation].

(b) An answer to the administrative citation may be made in either [any] of the following ways:

(1) By returning the citation, on or before the 31st calendar day from the date the citation was issued [date of the administrative hearing], with the applicable administrative penalties, fees, and court costs, which action constitutes an admission of liability.

(2) By personally appearing, with or without counsel, before the hearing officer on or before the 31st calendar day from the date the citation was issued [the date and location set forth in the citation] and on any subsequent hearing date. The person charged in the administrative citation must be present at the hearing and cannot be represented by anyone other than their legal counsel. If the person charged is a corporation or a business entity, the corporation or business entity must be represented by counsel.

~~[(3) By filing a written answer, either personally or through counsel, at least seven calendar days prior to the hearing date set forth in the citation, except that the filing of a written answer does not relieve the person charged from the duty to personally appear before the hearing officer on the date and location set forth in the citation and on any subsequent hearing date.]”~~

SECTION 19. That Section 27-16.16, “Failure To Appear At an Administrative Hearing,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.16. FAILURE TO APPEAR AT AN ADMINISTRATIVE HEARING.

(a) A person [issued an administrative citation] who fails to answer an administrative citation as required by section 27-16.15 of this chapter [appear at a hearing authorized under this article] is considered to have admitted liability for the violation charged. Upon proof of service by the city, the hearing officer shall issue, in writing, an administrative order of liability and assess against the person charged with the violation an appropriate amount of administrative penalties, fees, and court costs.

(b) The hearing officer shall assess an additional \$36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare

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AND IS SUBJECT TO ADDITIONAL REVISION.**

Fund, as applicable. In no case may the total amount of administrative penalties assessed against a person for a violation exceed the maximum penalty established by city ordinance for the particular violation, and in no case may the total amount of administrative penalties assessed against a person for a violation be less than the minimum penalty established by city ordinance for the particular violation.

(c) Within seven calendar days after the hearing officer files ~~[filing]~~ the administrative order of liability with the municipal court clerk, the municipal court clerk ~~[hearing officer]~~ shall send a copy of the order to the person charged with the violation. The copy of the order must be sent by regular United States mail to the person's last known address as defined in Section 27-16.14(c). The administrative order must include a statement:

- (1) of the amount of the administrative penalties, fees, and court costs;
- (2) of the right to appeal to municipal court before the 31st calendar day after the date the hearing officer's order is filed with the municipal court clerk;
- (3) that, unless the hearing officer's order is suspended through a properly filed appeal, the administrative penalties, fees, and court costs must be paid within 31 calendar days after the date the hearing officer's order is filed;
- (4) that, if the administrative penalties, fees, and court costs are not timely paid, the penalties, fees, and costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment; and
- (5) that the city may enforce the hearing officer's administrative order by:
 - (A) filing a civil suit for collection of the administrative penalties, fees, and court costs; ~~[and/or]~~
 - (B) obtaining an injunction to prohibit specific conduct that violates the order or to require specific conduct necessary for compliance with the order; or
 - (C) both (A) and (B)."

SECTION 20. That Subsection (a) of Section 27-16.17, "Hearing Officers; Qualifications, Powers, Duties, and Functions," of Article IV-b, "Administrative Adjudication Procedure For Premises and Property Violations," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"(a) Hearing officers shall be appointed by the city council ~~[employed by the administrative judge of the municipal court]~~ to administratively adjudicate violations of ordinances described by Section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a)(1) of

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AND IS SUBJECT TO ADDITIONAL REVISION.**

the Texas Local Government Code. The city council [~~administrative judge of the municipal court~~] shall appoint one hearing officer and may appoint a maximum of five associate hearing officers, who shall meet the same qualifications and have the same powers, duties, and functions of the hearing officer.”

SECTION 21. That Section 27-16.18, “Hearing For Disposition Of an Administrative Citation; Citation As Rebuttable Proof Of Offense,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.18. HEARING FOR DISPOSITION OF AN ADMINISTRATIVE CITATION; CITATION AS REBUTTABLE PROOF OF OFFENSE.

(a) Every hearing for the adjudication of an administrative citation under this article must be held before a hearing officer. A hearing cannot be held without the presence of the person charged or the person’s attorney.

(b) At a hearing under this article, the administrative citation is rebuttable proof of the facts that it states. Evidence of compliance with the ordinance after the administrative citation was issued can be presented but such evidence is not considered rebuttal evidence nor does it refute or contradict the allegations made in the citation.

(c) The formal rules of evidence do not apply to the hearing, and any relevant evidence will be deemed admitted if the hearing officer finds it competent and reliable[~~regardless of the existence of any common law or statutory rule to the contrary~~]. The hearing officer is not required to formally admit evidence into the record for the evidence to be deemed admitted. The hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all rebuttable proof established by this article or other applicable law.

(d[e]) Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut evidence; except that, if the person charged fails to make a timely, written request to have the inspector who issued the citation present at the hearing, the person charged will be deemed to have waived the right to call and examine that inspector.

(e[d]) The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation, giving due weight to all testimony and evidence offered.

(f[e]) If requested by the hearing officer or any party to the hearing prior to commencement of the hearing, the entire proceedings of the administrative hearing[~~limited to pre-hearing motions and testimony~~] will be recorded electronically. Failure to timely request that the administrative hearing be electronically recorded constitutes a waiver of the right to have

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AND IS SUBJECT TO ADDITIONAL REVISION.**

a record of the hearing. The person charged may, at his expense, have a court reporter present in the hearing room during the proceedings.

(g[f]) After hearing all the evidence, the hearing officer shall immediately issue an order in writing, either:

(1) finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, and notifying the person of the right of appeal to municipal court; or

(2) finding the person charged not liable for the violation; or

(3) finding the person charged liable for the violation, assessing the applicable administrative penalties, fees, and court costs, notifying the person of the right of appeal to municipal court, and suspending the enforcement of the administrative order for a specific period of time; provided that:

(A) a person whose administrative order is suspended must pay all fees and court costs;

(B) if, at the end of the suspension, the property or premises complies with the administrative order, the hearing officer may reduce the applicable administrative penalties; and

(C) if, at the end of the suspension, the property or premises is still in violation of the administrative order, the administrative penalties originally assessed will become due.

(h[g]) The hearing officer shall assess an additional \$36 administrative penalty for each violation (other than a violation of Section 49-21.1 of this code) for which a person is found liable, which amount will be placed in the Dallas Tomorrow Fund or the Dallas Animal Welfare Fund, as applicable. In no case may the total amount of administrative penalties assessed against a person for a violation be more than [exceed] the maximum penalty or less than the minimum penalty established by city ordinance for the particular violation.

(i[h]) A person who has been found liable for a violation may, after the hearing officer has issued an administrative order but prior to the conclusion of the hearing, assert financial inability to bring the property or premises into compliance with the order. At that time, the hearing officer shall [may] suspend enforcement of the administrative order for a specific time not to exceed 30 days and set the matter for an indigency hearing [make a determination of financial inability to pay] pursuant to Section 27-16.19(e).

(j[i]) During a period in which enforcement of an administrative order is suspended under Subsection (f)(3) or (h) of this section, the person found liable for a violation may request an extension of the suspension period. The hearing officer may, only one time for each administrative order, grant an extension of the suspension period. The sole basis for an

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AND IS SUBJECT TO ADDITIONAL REVISION.**

extension is that the person found liable for the violation is making a good faith attempt to comply with the administrative order and, due to delay beyond that person's control, is unable to timely complete the rehabilitation and/or repair of the property or the premises or otherwise comply with the administrative order. The extension granted will be for a specific time period as determined by the hearing officer, not to exceed 30 days. If, in the interests of justice, the city believes that a further extension should be granted, the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling.

(k) An administrative order of the hearing officer must be filed with the municipal court clerk.

(l) Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.

(m) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.

(n) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of the court reporter, typing, and other incidental services. The municipal court clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged. If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription."

SECTION 22. That Subsection (e) of Section 27-16.19, "Financial Inability To Comply With an Administrative Order, Pay For Transcription Of a Record, Or Post an Appeal Bond," of Article IV-b, "Administrative Adjudication Procedure For Premises and Property Violations," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"(e) After receiving a claim that a person found liable for a violation under this article is financially unable to comply with an administrative order, to pay for a transcription of the record, and/or to post an appeal bond, the hearing officer shall ~~may~~ set the matter for hearing

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and notify all parties of the hearing date by regular United States mail. The hearing officer shall ~~[may]~~ order the person found liable for a violation to bring to the hearing documentary evidence to support the person's claim of financial inability. The hearing officer's determination of whether the person found liable for a violation is financially unable to comply with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond must be based on all information provided to the hearing officer by the person found liable or by the city attorney in opposition to the claim of financial inability. If the hearing officer determines that the person found liable for a violation does not have the financial ability to bring the property or premises into compliance with the administrative order, to pay for a transcription of the record, and/or to post an appeal bond, then the hearing officer shall enter that finding in writing."

SECTION 23. That Subsection (f) of Section 27-16.19, "Financial Inability To Comply With an Administrative Order, Pay For Transcription Of a Record, Or Post an Appeal Bond," of Article IV-b, "Administrative Adjudication Procedure For Premises and Property Violations," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"(f) If the hearing officer finds that a person is financially unable to bring the property or premises into compliance with the administrative order, the hearing officer shall not suspend the finding of liability, but shall suspend the enforcement of the administrative order for a specified period of time, not to exceed 120 days, to allow the person to apply with a Citizen Advocate Program to help bring their properties into compliance with the administrative order. ~~[The suspension must be for a specific period of time.]~~ At the end of the suspension period, if the property or premises is in compliance with the administrative order, the administrative citation will be dismissed. If, at the end of the suspension period, the property or premises is still in violation of the administrative order, the administrative penalties, fees, and court costs originally assessed will become due. If, in the interests of justice, the city believes that the suspension should be extended, the city can make a motion to extend the suspension period for a specific time and present the motion to the hearing officer for a ruling."

SECTION 24. That Section 27-16.20, "Appeal To Municipal Court," of Article IV-b, "Administrative Adjudication Procedure For Premises and Property Violations," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-16.20. APPEAL TO MUNICIPAL COURT.

(a) Either party to an action ruled upon by the hearing officer ~~[A person determined by the hearing officer to be liable for a violation of an ordinance enforced]~~ under this article may appeal that determination by filing a petition in municipal court within ~~[before the]~~ 31~~[st]~~ calendar days after the date the hearing officer's administrative order is filed with the municipal

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court clerk. An appeal does not stay the enforcement of the order of the hearing officer unless, before the appeal petition is filed, a bond is filed with the municipal court for twice the amount of the administrative penalties, fees, and court costs ordered by the hearing officer. The city is not required to file a bond in order to appeal. An appellant to municipal court may request a waiver of the bond amount on the basis of financial inability to pay, in which case the hearing officer may hold a hearing pursuant to Section 27-16.19 to determine whether the appellant is indigent and whether the bond amount may be waived. If the hearing officer's administrative order is reversed on appeal, the appeal bond will be returned to the appellant.

(b) If a person found liable for a violation does not timely appeal the hearing officer's administrative order, the order will become a final judgment. If the administrative penalties, fees, and court costs assessed in the final judgment are not paid within 31 calendar days after the date the hearing officer's order is filed with the municipal court clerk, the administrative penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the hearing officer's administrative order by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the administrative order or to require specific conduct necessary for compliance with the administrative order.

(c) Any recording of an administrative hearing must be kept and stored for not less than 45 calendar days beginning the day after the last day of the administrative hearing. Any administrative hearing that is appealed must be transcribed from the recording by a court reporter or other person authorized to transcribe court of record proceedings. The court reporter or other person transcribing the recorded administrative hearing is not required to have been present at the administrative hearing.

(d) The person found liable for the violation shall pay for any transcription of the recorded administrative hearing unless the hearing officer finds, pursuant to Section 27-16.19, that the person is unable to pay or give security for the transcription.

(e) Before the recorded proceedings are transcribed, the person found liable for the violation shall, unless found by the hearing officer to be unable to pay for the transcription, post a cash deposit with the municipal clerk for the estimated cost of the transcription. The cash deposit will be based on the length of the proceedings, as indicated by the amount of tape used to electronically record the proceedings, and the costs of the court reporter, typing, and other incidental services. The municipal court clerk shall post a current schedule of charges for transcription fees, including deposits. If the cash deposit exceeds the actual cost of the transcription, the municipal court clerk shall refund the difference to the person charged. If the cash deposit is insufficient to cover the actual cost of the transcription, the person charged must pay the additional amount before being given the transcription. If a case is reversed on appeal, the municipal court clerk shall refund to the person charged any amounts paid for a transcription.

(f) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall cause a record of the case to be prepared from the transcript and the statement of facts, which

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AND IS SUBJECT TO ADDITIONAL REVISION.**

must conform to the provisions relating to the preparation of a statement of facts in the Texas Rules of Appellate Procedure. The appellant shall pay for the statement of facts. If the person found liable for a violation failed to timely request that the administrative hearing be electronically recorded, then that person has waived the right to appeal the administrative order. If the person found liable for a violation timely requested that the administrative hearing be electronically recorded and, through no fault of the person, the recording of the hearing is either unavailable or cannot be transcribed, then the municipal judge shall reverse the hearing officer's order and remand the matter to the hearing officer for a new administrative hearing.

(g[~~d~~]) Upon receiving the record of the administrative hearing, the municipal judge shall review the record and may grant relief from the administrative order only if the record reflects that the appellant's substantial rights have been prejudiced because the administrative order is:

- (1) in violation of a constitutional or statutory provision;
- (2) in excess of the hearing officer's statutory authority;
- (3) made through unlawful procedure;
- (4) affected by another error of law;
- (5) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or
- (6) arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(h[e]) The municipal judge shall rule on the appeal within 21 calendar days after receiving the record of the administrative hearing. The municipal judge shall affirm the administrative order of the hearing officer unless the record reflects that the order violates one of the standards in Subsection (d) of this section. If the record reflects that the hearing officer's order violated one of the standards in Subsection (d), the municipal judge may either:

- (1) reverse the hearing officer's order and find the appellant not liable;
- (2) reverse the hearing officer's order and remand the matter to the hearing officer for a new hearing; or
- (3) affirm the order, but reduce the amount of the administrative penalties assessed to no lower than the minimum penalty established by ordinance for the particular violation, excluding the additional \$36 administrative penalty.

(i[~~f~~]) The municipal judge's ruling on the appeal must be issued in writing and filed with the municipal court clerk. A copy of the ruling must be sent to the appellant by regular United States mail at the last known address of the appellant as provided to the municipal court for the appeal.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(j[~~g~~]) The municipal judge’s ruling is a final judgment. If an appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, will be deducted from the appeal bond. If no appeal bond was posted, any administrative penalties, fees, or court costs assessed by the municipal judge or by the hearing officer, if affirmed by the municipal judge, must be paid within 30 calendar days after the municipal judge’s ruling is filed with the municipal court clerk. If not timely paid, such penalties, fees, and court costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment. The city may enforce the municipal judge’s ruling by filing a civil suit for collection of the administrative penalties, fees, and court costs and/or by obtaining an injunction to prohibit specific conduct that violates the ruling or to require specific conduct necessary for compliance with the ruling.”

SECTION 25. That Section 27-16.22, “Dallas Tomorrow Fund,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.22. DALLAS TOMORROW FUND.

- (a) The Dallas Tomorrow Fund is composed of:
- (1) all Dallas Tomorrow Fund penalties collected under Section 27-16.21(b) of this article;
 - (2) 30 percent of all civil ~~penalties~~ [fines] collected by the city for civil lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code or under Chapter 214 of the Texas Local Government Code; and
 - (3) any funds donated by an individual or entity, any of which donations may be refused by a majority vote of the city council.
- (b) The Dallas Tomorrow Fund shall [~~must~~] be used for the sole purpose of rehabilitating and[~~or~~] repairing properties and premises in the city for persons who[~~:~~]
- (1) are found by the Dallas Tomorrow Fund administrator to be financially unable to comply with a notice of violation issued by the director under this chapter [~~an administrative order of a hearing officer under Section 27-16.19; and~~
 - (2) ~~do not qualify for other home repair or rehabilitation assistance available through the city].”~~

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SECTION 26. That Section 27-16.23, “Administration of the Dallas Tomorrow Fund,” of Article IV-b, “Administrative Adjudication Procedure For Premises and Property Violations,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-16.23. ADMINISTRATION OF THE DALLAS TOMORROW FUND.

(a) The city manager shall appoint an administrator of the Dallas Tomorrow Fund. The administrator shall adopt policies and procedures consistent with this article for the administration of the fund.

(b) To be eligible to receive funds from the Dallas Tomorrow Fund, a person must:

(1) have received a notice of violation of this chapter from the director [~~been found liable for an administrative offense under this article (other than a violation of Chapter 7 or Section 49-21.1 of this code)~~];

(2) have been found by the administrator of the Dallas Tomorrow Fund [~~a hearing officer under Section 27-16.19~~] to be financially unable to comply with the notice of violation [~~an administrative order issued under this article~~];

(3) [~~not qualify for other home repair or rehabilitation assistance available through the city~~];

(4) file a request with the Dallas Tomorrow Fund administrator for the purpose of rehabilitating and/or repairing the person’s property or premises until it complies with the notice of violation [~~administrative order~~]; and

(4[5]) not have received funds from the Dallas Tomorrow Fund within the preceding 60 months.

(c) A person who makes a request to the Dallas Tomorrow Fund administrator is voluntarily requesting that the administrator use the fund to rehabilitate and/or repair the person’s property or premises for the sole purpose of bringing the property or premises into compliance with the notice of violation [~~administrative order~~].

(d) The administrator is responsible for ensuring that the property or premises is inspected and that a detailed, written project plan is prepared that includes the work proposed, the amount of time the work will take, and the cost of the work. The project plan shall include only the work necessary to bring the property or premises into compliance with the notice of violation.

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(e) A person who files a request with the Dallas Tomorrow Fund administrator does so voluntarily. Before the work on the property or premises begins, the person who filed the request must confirm in writing that he or she: ~~[That person may]~~

(1) has inspected the project plan ~~[prior to the beginning of work];~~

(2) approves the project plan; and

(3) understands that he or she has the right to withdraw the request at any time by providing written notice to the Dallas Tomorrow Fund administrator. ~~[The administrator shall give the person written notice of this right to examine the project plan and withdraw the request. If the person does not withdraw the request, the person is considered to have given approval for the project.]~~

(f) If the person continues with the request, the person must indemnify the city against any liability resulting from the project, any damages that may occur related to the project, and any damages resulting from any early termination of the project.

(g~~f~~) The administrator shall comply with state law in procuring a contractor to rehabilitate and/or repair the property or premises in accordance with the project plan ~~[and the administrative order].~~

(h~~g~~) The ~~[person who filed the request with the Dallas Tomorrow Fund and the]~~ contractor selected by the Dallas Tomorrow Fund administrator ~~[that person shall each have]~~ has the right to terminate the project at any time pursuant to their contractual agreement and ~~[or]~~ pursuant to policies and procedures adopted by the administrator. Any termination notice must be in writing. The city has no obligation, and is not liable, for any subsequent rehabilitation and/or repair of the property or premises as a result of the termination.

(i~~h~~) If the project is terminated prior to completion for any reason, the administrator may disburse money from the Dallas Tomorrow Fund to pay the contractor for work completed by the contractor ~~[completion of work approved by the administrator].~~

(j~~i~~) Once the administrator certifies that the project is completed, the administrator shall notify the code officer who wrote the notice of violation and the officer's district manager ~~[hearing officer]~~ in writing. The project must then be inspected by the city for the sole purpose of determining whether the property or premises complies with the notice of violation ~~[administrative order. If the property or premises complies with the administrative order, then the city inspector shall send a notification of compliance to the hearing officer, who shall then dismiss the administrative citation].~~ If the city inspector determines that the property or premises does not comply with the notice of violation ~~[administrative order]~~, then the city inspector shall send written notice to the administrator that the project is not completed and describe the work that is required before the project will be considered completed. At that point, the administrator shall ensure that the selected contractor will continue the project until once again certifying that the project is completed, at which time the project will again be inspected by the city for the sole

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purpose of determining whether the property or premises complies with the notice of violation [~~administrative order~~].

(~~k~~) The administrator may only initiate project plans for projects costing \$20,000 [~~10,000~~] or less. No project plan may be initiated by the administrator unless the project cost is less than or equal to the amount in the Dallas Tomorrow Fund at any one time. The administrator shall produce a biannual report of available funds and appropriated funds in the Dallas Tomorrow Fund. If the fund is temporarily out of money, the administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project's cost. If during work on the project, additional funds [~~change orders~~] are needed in order to ensure that the property or premises complies with the notice of violation [~~administrative order~~], the administrator may approve additional funds, not to exceed 25 percent of the maximum project amount allowed by this subsection, for work that was necessary to bring the property or premises into compliance with the notice of violation [~~administrative order~~], but that was not anticipated in the original project plan. Substantial changes to the project plan shall be approved in writing by the person who filed the request with the Dallas Tomorrow Fund administrator."

SECTION 27. That Section 27-24, "Definitions," of Article VI, "Master Metered Utilities," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-24. DEFINITIONS.

In this article:

(1) MASTER METERED APARTMENT BUILDING means a building or group of buildings on a single premise containing three or more [~~than four~~] dwelling units that are leased to occupants who are provided one or more utility services for which they do not pay the utility company directly.

(2) PROPERTY MANAGER means the person, firm, or corporation that collects or receives rental payments, or has responsibility for paying utility bills for a master metered apartment building.

(3) UTILITY COMPANY means the entity providing gas, electric, or water and wastewater service to a master metered apartment building.

(4) UTILITY INTERRUPTION means the termination of utility service to a master metered apartment building by a utility company for nonpayment of billed service."

SECTION 28. That Section 27-27, "Notice Of Utility Interruption," of Article VI, "Master Metered Utilities," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

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“SEC. 27-27. NOTICE OF UTILITY INTERRUPTION.

(a) A utility company shall make a reasonable effort (including, but not limited to messenger delivery) to provide notice of a pending utility interruption to tenants of a master metered apartment building.

(b) A person commits an offense if he knowingly:

(1) interferes with an employee of a utility company posting notices of a utility interruption at dwelling units of a master metered apartment building; or

(2) removes a notice of utility interruption posted at a dwelling unit of a master metered apartment building.

(c) It is a defense to prosecution under Subsection (b)(2) that the person is the resident of the dwelling unit from which notice was removed.

(d) A utility company shall notify the city attorney of any utility interruption to a master metered apartment dwelling unit resulting from a violation of Section 27-28 of this article. Notice must be given, in writing, not more than three days after utility service is interrupted.

(e) A person who is responsible for bills received for electric utility service or gas utility service provided to an apartment, a leased or owner-occupied condominium, or one of more buildings containing at least 10 dwellings that receive electric utility service of gas utility service that is master metered but not submetered, shall comply with the notice requirements in Subchapter G of Chapter 92 of the Texas Property Code, as amended. **WHAT ARE THESE REQUIREMENTS REGARDING NOTICE ?- TENANTS NEED TO KNOW**

SECTION 29. That the title of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“ARTICLE VII.
REGISTRATION AND INSPECTION OF RENTAL [~~MULTI-TENANT~~] PROPERTIES
AND CONDOMINIUMS.”**

[NOTE: The following proposed changes to Article VII do not include the current language that is being amended. Except for the changes reflected in the section titles, the language below is the new language only. A reader can determine what is being changed by comparing the language below with the current Article VII found on the city’s website.]
THIS CAVEAT MAKES IT EXTREMELY DIFFICULT TO COMPARE WHAT IS BEING CHANGED. NO ONE HAS THE TIME TO COMPARE LANGUAGE AS THIS NOTE REFERENCES

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SECTION 30. That Section 27-30, “Registration Required; Defenses,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

**“SEC. 27-30. REGISTRATION AND POSTING REQUIREMENTS
[REQUIRED]; DEFENSES.”**

(a) The owner of a rental property located in the city commits an offense if he operates the rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual reapplication that fully complies with Section 27-31 of this article. **FULLY COMPLIES IS IMPORTANT**

(b) A condominium association commits an offense if it governs, operates, manages, or oversees a condominium complex or its common elements located in the city without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(c) A person commits an offense if he, as a landlord or property manager, operates a rental property or otherwise allows a dwelling unit in a rental property to be occupied or leased without first submitting a rental registration application or annual renewal application that fully complies with Section 27-31 of this article.

(d) A person commits an offense if he, as an owner, officer, landlord, or property manager of a multitenant property or condominium association, fails to post the certificate of inspection in a conspicuous place in a common area of the property or as otherwise approved by the director. **THE POSTING SHOULD ALSO INCLUDE THE DETAILED GRADING OF THE LATEST EXTERNAL AND INTERNAL INSPECTION AND MAKE TENANTS AWARE OF ITS LOCATION**

(e) A person commits an offense if he, as an owner, officer, landlord, or property manager of a multitenant property or condominium association, fails to provide each tenant or condominium owner a copy of the certificate of inspection within 30 days of receiving the current score from the director.

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

(1) at the time of notice of a 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 promulgated by the director;

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

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(3) at the time of notice of a 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 in which the rental property is located; or

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

(A) the property use 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 had been collected and remitted in full.

SECTION 31. That Section 27-31, “Registration Application,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

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

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

(b) A registration application for a 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 for a multitenant rental property is an amount equal to \$6.00 times the total number of dwelling units, whether occupied or unoccupied, in the multitenant rental property. **CONSIDER A HIGHER AMOUNT – WHAT HAS IT BEEN HISTORICALLY AND SHOULD THE REGISTRATION BE ADJUSTED TO COVER MORE INSPECTION COSTS AND ALSO BE BASED ON HISTORICAL VIOLATIONS?**

(e) The annual registration fee for a condominium association is \$XX per [unit? association?].

(f) The annual registration fee for a single dwelling unit rental property is \$XX per rental property.

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

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(h) A registrant shall keep the information contained in its registration application current and accurate. In the event of any change in the application information, the registrant shall promptly notify the director in writing of said changed information. **IS THIS BEING DONE NOW? HOW DOES THE CITY KEEP TRACK OF UPDATES?**

(i) A registration may be renewed by making application for a renewal in accordance with this article on a form promulgated by the director. In the application for 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.” **REFERENCING AN EXISTING RENEWAL SHOULD BE CHANGED SO THAT A NEW FORM IS CREATED YEARLY. MAKE THIS A MORE PRO-ACTIVE REQUIREMENT ON THE PART OF THE OWNER. ADDITIONALLY, THE FORM PROMULGATED BY THE DIRECTOR NEEDS TO BE REVIEWED AND IMPROVED FOR NEEDED INFORMATION. THE OLD CODE PROVIDED THE SPECIFIC REQUIREMENTS FOR REGISTRATION AND THESE NEED TO BE UPDATED.**

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

“SEC. 27-32. REGISTRATION APPLICATION [FEES].

(a) An owner of a rental property and the owner, officer, landlord, or property manager of a condominium association must submit to the director a registration application on a form promulgated for that purpose by the director. The application must contain the following true and correct information:

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

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required to be registered with the State of Texas, the registered agent for service of process for said 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 persons in control of, managing, or operating the rental property or condominium association on behalf of the owner or condominium association; and

(G) any persons designated to attend crime watch meetings as required by Section 27-44 of this article;

(H) if the property being registered is part of a multitenant complex or a condominium complex,

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

(ii) the number of dwelling units, buildings, and swimming pools located on the rental 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

(iii) the name, mailing address, telephone number and e-mail address for any condominium association applicable to said complex;

(I) if the owner of the rental property is not a natural person, the form of the entity (e.g., corporation, general partnership, limited partnership, trust, limited liability company, etc.) and the state or foreign jurisdiction of organization and registration, if other than the State of Texas; **THIS SECTION NEEDS EXPANSION TO IDENTIFY BENEFICIAL OWNERSHIP. MANY PROPERTIES ARE OWNED BY ENTITIES THAT ARE OWNED BY OTHER ENTITIES. THE FULL AND TOP LEVEL OF OWNERSHIP NEEDS TO BE PROVIDED, ALONG WITH THE INDIVIDUAL DECISION MAKERS WHO CONTROL THE PROPERTY FROM A SALE, EXPENDITURE AND OTHER SIGNIFICANT PERSPECTIVE.**

(J) the location of business records pertaining to the rental property or condominium association required to be maintained by Section ____ of this article; **LOCATION OF THE BUSINESS RECORDS OF THE BENEFICIAL OWNERS OF THE PROPERTY**

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(K) 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;

(L) a list of all businesses, whether for-profit or non-profit, operating out of the rental property and offering goods or services to persons residing at or visiting the property, and

(M) such additional information as the applicant 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:

DOES NOT THE CITY CHECK THESE ITEMS IN ADDITION TO GETTING AN AFFIDAVIT?

(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 rental property or part of a condominium complex, 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 said 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 the 60 days prior to the submission of the application and the results have been recorded on a form provided by the director.”

SECTION 33. That Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to add a new Section 27-32.1 to read as follows:

“SEC. 27-32.1. REVIEW AND ACCEPTANCE OF REGISTRATION APPLICATION.

(a) Upon receiving a registration application, the director shall review the application for completeness. **WHAT IS THE PROCEDURE AND TIMING FOR ENSURING COMPLETE ADHERENCE TO REQUIRED INFO?**

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(b) If the director finds that the registrant submitted a complete application and paid the correct annual registration fee, the director shall promptly notify the registrant that his application has been received and found to be complete.

(c) If the director finds that the registrant has failed to submit a complete application or pay the annual registration fee or that any of the information on the application is materially incorrect or misleading, the director shall promptly notify the registrant that the application has been found to be defective or incomplete and the director shall list the defects or missing items.”

[REPEAL 27-33, 27-34, 27-35, 27-36, and 27-37.]

SECTION 34. That Section 27-38, “Registrant’s Records,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-38. REGISTRANT’S RECORDS.

(a) Each registrant shall maintain at a single location within the city identified in its 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. **SINGLE LOCATION FOR BUSINESS RECORDS OF MULTIPLE PROPERTIES OWNED BY SAME BENEFICIAL OWNER**

(b) Business records that must be maintained by the registrant include:

- (1) the current certificate of occupancy issued for the rental property, if required;
- (2) deeds or other instruments evidencing ownership of the rental property;
- (3) a current rental registration application or renewal application;
- (4) the pool logs, pool permits, and manager of pool operation certificates for any swimming pool on the rental property, if required;
- (5) leases or rental agreements applicable to the rental property;
- (6) the crime prevention addendum form provided by the city for each lease or rental agreement as required under Section 27-43 of this article;
- (7) records of attendance at four crime watch meetings as required by Section 27-44 of this article; and
- (8) any other records deemed necessary by the director for the administration and enforcement of this article.”

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SECTION 35. That Section 27-39, “Emergency Response Information,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-39. REQUIRED EMERGENCY RESPONSE [INFORMATION].

The owner of a rental property or condominium association, or an authorized agent thereof, must arrive at the property within one hour after the contact person named in the registration application is notified by the city or emergency response personnel that an emergency condition has occurred on the property.”

SECTION 36. That Section 27-40, “Failure To Pay Ad Valorem Taxes,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 27-40. FAILURE TO PAY AD VALOREM TAXES.

A registrant or an applicant for ~~[a certificate of]~~ registration for a ~~[multi-tenant]~~ property subject to registration under this article shall not allow the payment of ad valorem taxes owed in connection with the ~~[multi-tenant]~~ property to become delinquent.”

[REPEAL 27-41.]

SECTION 37. That Section 27-42, “Property Inspections; Inspection and Reinspection Fees,” of Article VII, “Registration and Inspection of Rental Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended to read as follows: **THIS AMENDMENT SHOULD NOT BE MADE AT THIS TIME**

THIS AMENDMENT ELIMINATES AND AMENDS SIGNIFICANT PROVISIONS REGARDING FINES, INSPECTION PROTOCOL AND NOTIFICATIONS TO TENANTS. THIS SECTION IS CRITICAL AND NEEDS TO ADDRESS PROTOCOL REGARDING THE PROCEDURES AND PROCESS WHEREBY INSPECTIONS CAN BE INITIATED BY TENANTS. SOME OF THE ITEMS, SUCH AS GRADING INTERIORS NEEDS TO BE ADDRESSED HERE AND IN THE DEFINITIONS.

“SEC. 27-42. PROPERTY INSPECTIONS; INSPECTION AND REINSPECTION FEES.

(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

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year. **Such graded inspection will include both an interior and exterior grading process as is currently required**

(1) After completing a graded inspection, the director shall timely issue the property owner or condominium association a certificate of inspection that includes the **combined** inspection score **and the individual grades for interior and exterior inspections.**

(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.

(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, the owner will be assessed fees for all subsequent inspections of the property conducted for the purposes of determining whether the owner has abated the deficiencies noted in the graded inspection.

(e) Inspection fees will be assessed in accordance with the fee schedule set forth in XXXX. **THIS NEEDS TO BE ADDRESSED**

(f) The director shall provide a list of the current graded inspection scores for all registered rental properties on the city's website." **WHAT INFORMATION WILL BE PROVIDED ABOUT THE PROPERTY AND OWNERSHIP. WILL PROPERTIES BE SORTED BY OWNERSHIP, NEIGHBORHOOD, ETC.?**

SECTION 38. That Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended by adding a new Section 27-42.1 to read as follows:

"SEC. 27-42.1. REVOCATION OF CERTIFICATE OF OCCUPANCY.

Where a multitenant rental property is being used or maintained in a manner that is a substantial danger of injury or an adverse health impact to any person or property and is in violation of this ordinance, the Dallas Development Code, other city ordinances, rules or regulations, or any county, state or federal laws or regulations, the director may ask the building official to revoke the property's certificate of occupancy."

SECTION 39. That Section 27-43, "Crime Prevention Addendum Required," of Article VII, "Registration and Inspection of Rental Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

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IN ADDITION TO THE CRIME PREVENTION ADDENDUM MODIFICATION, A NEW SECTION IS NEEDED TO ADDRESS LEASE AND RENTAL AGREEMENT ISSUES THAT CREATE PROBLEMS FOR TENANTS:

THE IMPORTANT ISSUES TO PROVIDE ARE:

- 1) A STANDARDIZED LEASE/RENTAL AGREEMENT. The City can come up with a Crime Prevention Addendum, so a standard lease agreement to obtain registration should be used that provides for the following issues:**
 - a) Lease Applications and Agreements in English and Spanish**
 - b) Clear language and bullet points (perhaps a separate addendum) that delineate the responsibilities of the Landlord and those of the Tenant. Having a readable list of Property Standards is needed to let me know specifically who is responsible for what.**
 - c) Addendum that outlines the procedures for making property-related complaints and how the Owner will document and respond to such complaints.**
 - d) Specific procedures provided as to how to make complaints to the City if no action is being taken by Owner**
 - e) Information on Retaliation and what cannot be done by Landlord. Expand explanations to ensure understanding by Tenants. Include specific items of Retaliation (including non-renewal of a lease)**
 - f) Information on where Inspection and Crime Watch data is available for review and when and where Crime meetings for the property or neighborhood are located.**

“SEC. 27-43. CRIME PREVENTION ADDENDUM REQUIRED.

- (a) The owner or operator of a multitenant property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after September 1, 2004 include a crime prevention addendum complying with this section.
- (b) The owner of a single dwelling unit rental property shall require that every lease or rental agreement, or renewal of a lease or rental agreement, executed after [the effective date of this ordinance] include a crime prevention addendum complying with this section.
- (c) The crime prevention addendum must include the following information:
 - (1) The name, date of birth, driver’s license number (or, if the person does not have a driver’s license, the number on any other government-issued personal identification card containing a photograph of the person), and signature of the tenant named in the lease or rental agreement and, if the applicant will not be occupying the rental property, the name, date of birth, driver’s license number (or, if the person does not have a driver’s license, the number on any other government-issued personal identification card containing a photograph of the person), and

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signature of the tenant or tenants who will be occupying the property. The signatures required on the crime prevention addendum must be separate and apart from the signatures used to execute other provisions of the lease or rental agreement.

(2) A statement advising the tenant or tenants that the owner of the rental property will initiate eviction proceedings if the tenant, or any guest or co-occupant of the tenant, engages in any abatable criminal activity on the premises of the rental property. **HAVING AN ABSOLUTE OBLIGATION TO EVICT PUT TOO MUCH LEVERAGE TO OWNER. WHO DEFINES WHAT 'ENGAGING' IS, AS OPPOSED TO INDICTED, CONVICTED, ETC. SOMETHING DEFINED BY THE COURT OR OTHER AUTHORITY.**

(c) For purposes of this section, an abatable criminal activity includes robbery or aggravated robbery; aggravated assault; murder; prostitution; criminal gang activity; discharge of firearms; gambling; illegal manufacture, sale, possession, or use of drugs; and illegal manufacture or sale of alcoholic beverages." **EXPAND TO INCLUDE ISSUES SUCH AS PEDOPHILIA, CHILD ABUSE AND OTHER CRIMES AGAINST PERSONS.**

SECTION 40. That Section 27-44, "Attendance At Crime Watch Safety Meetings and Mandatory Crime Prevention and Safety Meetings Sponsored By the City," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 27-44. ATTENDANCE AT CRIME WATCH SAFETY MEETINGS [AND MANDATORY CRIME PREVENTION AND SAFETY MEETINGS SPONSORED BY THE CITY]. STAFF IS NOW WANTING TO PUT THE RESPONSIBILITY OF MEETINGS ON ANYONE ELSE EXCEPT THE CITY. THE CITY SHOULD SPONSOR, OR AT LEAST CREATE STANDARDS, AS TO WHAT IS MINIMALLY NEEDED TO HAVE AN EFFECTIVE MEETING.

(a) The owner of a multitenant property shall attend at least three - **CHANGE BACK TO 4 AS ORIGINALLY REQUIRED** 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 **FIRE RESCUE HAS BEEN DELETED - PUT BACK IN.** 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, 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 (c), must be maintained with the property's records and submitted to the director upon request.

(b) If unable to personally attend every crime watch meeting required by this section, the owner of a multitenant property may designate in the property registration application

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AND IS SUBJECT TO ADDITIONAL REVISION.**

another person to attend the meetings. A person may not be designated to attend crime watch meetings for more than five separate multitenant properties.” **THERE NEEDS TO BE A LIMIT OF HOW MANY OF THE MEETINGS CAN BE DESIGNATED TO A NON-OWNER. THE OWNER NEEDS TO ATTEND AT LEAST 50% OF THE MEETINGS.**

SECTION 41. That Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code, as amended, is amended by adding a new Section 27-44.1 to read as follows:

[NOTE: This section is still subject to revision.]

“SEC. 27-44.1. PRESUMPTIONS.

(a) Unless otherwise provided in a section of the article, 30 business days is deemed prompt and sufficient notice by the city.

(b) Any notice to be provided by the city pursuant to this article shall be deemed effective when personally delivered to the intended addressee or mailed by first class U.S. mail, certified mail, return receipt requested, addressed to the intended addressee at the last applicable address provided in the registration of the rental property in question. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(c) Notices delivered to one tenant of a dwelling unit in a rental property shall be deemed effective as to all tenants and occupants of that dwelling unit.

(d) Notice delivered to one owner of a rental property shall be deemed effective as to all owners of a rental property.

(e) Notice to an owner of a rental property shall be deemed effective if made to an agent, employee, officer, landlord, or property manager authorized to act on behalf of said owner or identified in the registration for said rental property. For purposes of this article, an owner may act by and through an agent, employee, officer, landlord, or property manager authorized to act on behalf of said owner or identified in the registration for a rental property for said purposes.

(f) Notice to a condominium association with respect to common areas or exteriors of a condominium complex shall be effective as to all owners with an interest in that common area or those exteriors. If there is not a condominium association existing and in good standing with authority over common areas or exteriors of a condominium complex, notice to an owner of a common interest in the common areas or exterior shall be effective as to all other owners with a common interest in the common area or exterior.

(g) In lieu of originals, true and correct copies of any instruments or documents required of an owner or registrant shall be sufficient. Notwithstanding the foregoing, affidavits submitted to the city must bear the original signatures of the affiant and the authority taking said oath.

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(h) Any affidavits required in connection with this article must be made by a natural individual having actual personal knowledge of the matters certified and duly signed and sworn to under oath before an authority authorized to take oaths.”

SECTION 42. That Article VIII, “Mandatory Crime Reduction Program for Designated Apartment Complexes,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is repealed, and Article VIII shall be indicated as “Reserved” in the Dallas City Code as follows: **THIS ARTICLE VIII SHOULD NOT BE RESERVED BUT RETAINED AND MODIFIED TO RETAIN IMPORTANT POLICE INVOLVEMENT. NO EXPLANATION HAS BEEN PROVIDED AS TO WHY THIS IMPORTANT SECTION IS BEING ELIMINATED OR WHAT EFFORTS HAVE BEEN TAKEN BY THE POLICE DEPARTMENT TO COMPLY WITH THIS SECTION IN THE FIRST PLACE. THE POLICE DEPARTMENT NEEDS TO BE ACCOUNTABLE AND HAVE INPUT WITH COUNCIL AND TENANTS BEFORE THIS SECTION IS CHANGED FROM THE CURRENT CODE.**

“ARTICLE VIII.

RESERVED. [~~MANDATORY CRIME REDUCTION PROGRAM FOR DESIGNATED APARTMENT COMPLEXES.~~

SEC. 27-45. PURPOSE.

(a) ~~A correlation exists between high crime rates at an apartment complex and an apartment complex’s failure to meet minimum property standards. High crime rates contribute to the deterioration, decay, disrepair, and substandard appearance and condition of the structures and premises of an apartment complex. The purpose of this article is to protect the health, safety, morals, and welfare of the occupants of apartment complexes and other citizens of the city of Dallas by obtaining greater compliance with minimum property standards through the establishment of a mandatory crime reduction program for apartment complexes. Reducing the crime rate at an apartment complex is essential to making the apartment complex safe, sanitary, and fit for human use and habitation.~~ **SOME IMPORTANT ITEMS HERE**

(b) ~~This article does not create a private cause of action (other than one brought by the city) or expand existing tort liability against an owner, operator, property manager, or other person in control of an apartment complex that is designated for participation in a mandatory crime reduction program.~~

SEC. 27-46. DEFINITIONS.

In this article:

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(1) ~~APARTMENT COMPLEX~~ means a multifamily property that contains 10 or more dwelling units that are leased or offered for lease and are not independently owned.

(2) ~~CHAPTER 125 CRIMES~~ means murder; capital murder; sexual assault; aggravated sexual assault; aggravated assault; robbery; aggravated robbery; unlawfully carrying a weapon; prostitution; gambling; delivery, possession, manufacture, or use of a controlled substance; discharging a firearm in a public place; reckless discharge of a firearm; engaging in organized criminal activity; commercial distribution or manufacture of obscene material; and other crimes listed in Chapter 125 of the Texas Civil Practice and Remedies Code, as amended. The term does not include nonapplicable crimes.

(3) ~~CHIEF OF POLICE~~ means the chief of the police department of the city or the chief's authorized representative.

(4) ~~COMMUNITY PER CAPITA CRIME INDEX~~ or ~~CRIME INDEX~~ means a statistically determined level of criminal activity in an individual apartment complex in the city during a 12-month period that is expressed on a per capita basis and calculated in accordance with Section 27-48 of this article. **WHAT IS THE STATUS OF THIS CRIME INDEX?**

(5) ~~CRIME RISK THRESHOLD~~ means a statistically determined level of criminal activity in apartment complexes in the city during a 12-month period, adjusted for the occupancy of the apartment complexes surveyed and expressed on a per capita basis, that is calculated in accordance with Section 27-49 of this article.

(6) ~~DESIGNATED APARTMENT COMPLEX~~ means an apartment complex that is required to participate in a mandatory crime reduction program under Section 27-50 of this article.

(7) ~~MULTI-TENANT PROPERTY REGISTRATION~~ means registration as a multi-tenant property under Article VII of this chapter.

(8) ~~NONAPPLICABLE CRIMES~~ means all offenses involving domestic violence, forgery, counterfeiting, fraud, embezzlement, stolen property (buying, receiving, or possessing), crimes against family and children, driving while intoxicated, violations of alcoholic beverage laws, and vagrancy.

(9) ~~PART 1 CRIMES~~ means murder (excluding suicide and murder resulting from domestic violence), rape, robbery, aggravated assault (excluding domestic violence), burglary, theft, and auto theft. The term does not include nonapplicable crimes.

(10) ~~PART 2 CRIMES~~ means assaults other than those listed as Part I crimes, narcotics offenses (restricted to those of delivery, possession, or manufacture), arson, vandalism, weapons offenses, prostitution, gambling, and disorderly conduct. The term does not include nonapplicable crimes.

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(11) ~~REGISTERED APARTMENT COMPLEX~~ means an apartment complex holding a certificate of registration as a multi-tenant property under Article VII of this chapter.

SEC. 27-47. AUTHORITY OF THE CHIEF OF POLICE.

~~The chief of police shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the chief of police determines are necessary to discharge any duty under or to effect the policy of this article.~~

SEC. 27-48. COMMUNITY PER CAPITA CRIME INDEX.

(a) ~~The chief of police shall calculate on a monthly basis the community per capita crime index for each registered apartment complex in the city.~~ **BEING DONE?**

(b) ~~The community per capita crime index for an apartment complex is calculated as follows:~~

(1) ~~Determine the total number of bedrooms in the apartment complex as designated in the most recent multi-tenant property registration application filed with the director for the property;~~

(2) ~~Multiply the number of bedrooms by two (two occupants counted for each bedroom) to produce the ideal occupancy number for the property;~~

(3) ~~Multiply the ideal occupancy number by the percent of units in the apartment complex that are occupied (as designated in the most recent multi-tenant property registration application filed with the director for the property) to produce the actual occupancy number;~~

(4) ~~Divide the number of Part I crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part I crimes;~~

(5) ~~Divide the number of Part II crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Part II crimes.~~

(6) ~~Divide the number of Chapter 125 crimes occurring on the property within the preceding 12 months by the actual occupancy number and multiply the result by 100 to produce the community per capita crime index for Chapter 125 crimes.~~

(c) ~~Example of calculation of community per capita crime index.~~

Apartment size:	100 units
Apartment occupancy rate:	90% occupied
Apartment crime in 12-month period:	10 Part I crimes; 20 Part II crimes;

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~~15 Chapter 125 crimes~~

Apartment unit mix:— ~~70 one bedrooms; 30 two bedrooms~~

Total bedrooms ~~130 (with two occupants counted for each bedroom)~~

Ideal occupancy number = $130 \times 2 = 260$
 Actual occupancy number = $260 \times 90\% = 234$

Crime index for Part I crimes = $(10 \div 234) \times 100 = 4.3$
 Crime index for Part II crimes = $(20 \div 234) \times 100 = 8.5$
 Crime index for Chapter 125 crimes = $(15 \div 234) \times 100 = 6.4$

SEC. 27-49. CRIME RISK THRESHOLD.

(a) ~~The chief of police shall collectively calculate on a monthly basis the crime risk threshold for all registered apartment complexes in the city.~~ **BEING DONE?**

(b) ~~The crime risk threshold for apartment complexes is calculated as follows:~~

(1) ~~Determine the total number of registered apartment complexes in the city.~~

(2) ~~Add together each apartment complex's crime index for Part I crimes and divide the sum by the total number of registered apartment complexes to produce the average crime index for Part I crimes.~~

(3) ~~Subtract each apartment complex's crime index for Part I crimes from the average crime index for Part I crimes to get the apartment complex's deviation from the average crime index for Part I crimes.~~

(4) ~~Add the square of each apartment complex's deviation from the average crime index for Part I crimes together and divide the sum by the total number of registered apartment complexes to produce the average squared deviation for Part I crimes.~~

(5) ~~Take the square root of the average squared deviation for Part I crimes and add it to the average crime index for Part I crimes to produce the crime risk threshold for Part I crimes.~~

(6) ~~Repeat the process using each apartment complex's crime index for Part II crimes and Chapter 125 crimes to determine the crime risk threshold for Part II crimes and Chapter 125 crimes, respectively.~~

(c) ~~Example of calculation of crime risk threshold.~~

Apartment Complex No.	1	2	3	4	5	6	7	8	9	10	SUM
Crime Index for Part I Crimes	12	9	3	10	12	22	7	11	15	19	120

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Deviation from Average Crime Index	0	-3	-9	-2	0	10	-5	-1	3	7	0
Deviation Squared	0	9	81	4	0	100	25	1	9	49	278

Average crime index for Part I crimes = $120 \div 10 = 12$

Average squared deviation = $278 \div 10 = 27.8$

Standard deviation = $\sqrt{27.8} = 5.27$

Crime risk threshold for Part I crimes = $12 + 5.27 = 17.27$

(Note: To calculate the crime risk threshold for Part II crimes and Chapter 125 crimes, repeat the formula using the crime indexes for Part II crimes and then for Chapter 125 crimes.)

SEC. 27-50. MANDATORY CRIME REDUCTION PROGRAM; WHEN REQUIRED. BEING DONE?

(a) An apartment complex must participate in a mandatory crime reduction program, whenever the apartment complex has:

(1) a crime index for Part I crimes that is greater than the crime risk threshold for Part I crimes for all registered apartment complexes in the city and a crime index for Part II crimes that is greater than the crime risk threshold for Part II crimes for all registered apartment complexes in the city; or

(2) a crime index for Chapter 125 crimes that is greater than the crime risk threshold for Chapter 125 for all registered apartment complexes in the city.

(b) An apartment complex must remain in the mandatory crime reduction program for six months or until the apartment complex's crime index falls below the crime risk threshold for the applicable types of crime, whichever occurs later.

SEC. 27-51. NOTICE OF DESIGNATION TO PARTICIPATE IN PROGRAM.

(a) The chief of police shall provide written notice to the owner, operator, or property manager of each apartment complex designated to participate in the mandatory crime reduction program. **BEING DONE?**

(b) The notice must include the following information:

(1) The name and address of the apartment complex.

(2) A statement that the apartment complex is required to participate in a mandatory crime reduction program, including a description of the fee and other requirements of the program.

(3) The community per capita crime index and crime risk threshold used to calculate the apartment complex's qualification for the mandatory crime reduction program.

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AND IS SUBJECT TO ADDITIONAL REVISION.**

(4) ~~The actual occupancy number used to calculate the apartment complex's crime index.~~

(5) ~~The number of Part I, Part II, and Chapter 125 crimes used to calculate the apartment complex's crime index, including the date, time, and location of each offense.~~

(6) ~~A statement that a mandatory inspection of the apartment complex premises will be conducted by the chief of police at a scheduled date and time.~~

(7) ~~The process for appealing the chief of police's decision requiring an apartment complex to participate in a mandatory crime reduction program.~~

(e) ~~Designation of an apartment complex for participation in the mandatory crime reduction program and application of the requirements of this article are binding upon all subsequent owners or other transferees of an ownership interest in the apartment complex.~~

SEC. 27-52. DELIVERY OF NOTICES.

~~Any written notice that the chief of police is required to give to an apartment complex under this article is deemed to be delivered:~~

(1) ~~on the date the notice is hand delivered to the owner, operator, or property manager of the apartment complex; or~~

(2) ~~three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the owner, operator, or property manager of the apartment complex at the address provided for in the most recent multi tenant property registration application.~~

SEC. 27-53. APPEAL FROM DESIGNATION.

(a) ~~If the chief of police designates an apartment complex for participation in the mandatory crime reduction program pursuant to this article, this action is final unless the owner, operator, or property manager of the apartment complex files a written appeal to the permit and license appeal board with the city secretary not later than 10 days after receiving notice of being a designated apartment complex.~~

(b) ~~If the appeal of the chief of police's decision is based on changes in an apartment complex's occupancy rate, then the owner, operator, or property manager of the apartment complex shall, at the time of filing the appeal, also file with the city secretary and the chief of police a copy of a current and valid lease for every occupied dwelling unit in the apartment complex.~~

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~~(c) If a written request for an appeal hearing is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.~~

~~(d) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.~~

~~(e) In deciding the appeal, the permit and license appeal board is limited to the issue of whether the apartment complex's crime index is greater than the crime risk threshold calculated for all registered apartment complexes in the city for the particular types of crime that qualified the apartment complex for designation under Section 27-50(a). The board shall affirm the decision of the chief of police if the board finds that the apartment complex's crime index exceeds the applicable crime risk threshold and shall reverse the chief of police's decision if the board finds that the crime index does not exceed the applicable crime risk threshold.~~

~~(f) The board's decision must be by a majority vote. Failure to reach a majority vote will leave the decision of the chief of police unchanged. The decision of the permit and license appeal board is final, and no rehearing may be granted.~~

SEC. 27-54. PROPERTY INSPECTIONS. BEING DONE?

~~(a) After an apartment complex has been designated to participate in the mandatory crime reduction program, the chief of police shall inspect the apartment complex to:~~

~~(1) determine whether the apartment complex is in compliance with applicable city ordinances and state laws relating to public safety and security, including but not limited to requirements for locks, door viewers, signage, building numbering, and crime prevention addenda;~~

~~(2) evaluate what changes and improvements to the premises and operations of the apartment complex will assist in reducing the occurrence of crimes at the apartment complex; and~~

~~(3) determine whether the apartment complex is in compliance with this article.~~

~~(b) The chief of police is authorized at a reasonable time to inspect:~~

~~(1) the exterior of the apartment complex; and~~

~~(2) the interior of the apartment complex, if the permission of the owner, operator, property manager, or other person in control is given or a search warrant is obtained.~~

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~~(e) The chief of police shall inspect a designated apartment complex at least twice during each period that the apartment complex is required to participate in the mandatory crime reduction program. The first inspection must be conducted for the purposes of Subsections (a)(1) and (a)(2), and the second inspection must be conducted for the purposes of Subsection (a)(3). Other inspections may be conducted as the chief of police deems necessary to the administration and enforcement of this article.~~

~~(d) The owner, operator, property manager, or person in control of an apartment complex commits an offense if, either personally or through an agent or employee, he refuses to permit a lawful inspection of the apartment complex as required by this section.~~

~~(e) Whenever an apartment complex is inspected by the chief of police and a violation of this article or any other city ordinance or state law applicable to the apartment complex is found, the apartment complex will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the chief of police to determine that the violation has been eliminated.~~

SEC. 27-55. CONFERENCE WITH POLICE. BEING DONE?

~~(a) At least once during each period that an apartment complex is required to participate in the mandatory crime reduction program, the chief of police shall require a conference with the owner, operator, or property manager of a designated apartment complex to review:~~

- ~~(1) the requirements of the mandatory crime reduction program;~~
- ~~(2) the results of the chief of police's inspection of the apartment complex;~~
- ~~(3) any voluntary recommendations for reducing crimes on and near the apartment complex; and~~
- ~~(4) any other information the chief of police wishes to discuss at the conference.~~

~~(b) An owner, operator, or property manager of a designated apartment complex commits an offense if he fails to attend a scheduled conference after receiving notice of the conference from the chief of police.~~

~~(c) At least one individual with legal authority to act on behalf of the apartment complex must attend each conference required by this section.~~

SEC. 27-56. PROGRAM FEE. BEING DONE?

~~(a) A program fee of \$250 will be charged to each designated apartment complex to defray the costs incurred by the chief of police in conducting inspections of the apartment complex, attending conferences with the owner, operator, or property manager of the apartment~~

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~~complex, and administering and enforcing the mandatory crime reduction program. A separate program fee is required each time an apartment complex is designated to participate in the mandatory crime reduction program.~~

~~(b) The owner, operator, or property manager of a designated apartment complex shall pay the program fee to the chief of police within 30 days after receiving notice of being a designated apartment complex.~~

~~(c) No refund of a program fee will be made.~~

SEC. 27-57. MANDATORY REQUIREMENTS.

~~(a) Within 30 days after receiving notice of being a designated apartment complex, the apartment complex must meet all of the requirements of this section, except Subsection (h) (fencing requirements). Subsection (h) (fencing requirements) must be met within 60 days after receiving notice of being a designated apartment complex. The chief of police may extend the deadlines of this subsection, in increments not exceeding 30 days each, upon a showing that the work cannot be performed within the required time period because of its scope and complexity.~~

~~(b) Trespass affidavits.~~

~~(1) An owner, operator, or property manager of the apartment complex shall execute a trespass affidavit, on a form provided by the chief of police for that purpose, that authorizes the police department to enforce, on behalf of the apartment complex, all applicable trespass laws on the premises of the apartment complex.~~

~~(2) A true and correct copy of the trespass affidavit must be posted at the apartment complex in a manner and location so that it is clearly visible to the public at all times.~~

~~(c) Background checks. **BEING DONE?**~~

~~(1) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all current and prospective employees of the apartment complex.~~

~~(2) A current official criminal history report (issued by the Texas Department of Public Safety within the preceding 12 months) must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.~~

~~(3) A current credit report must be obtained on all prospective tenants 18 years of age or older who apply for occupancy in the apartment complex on or after February 1, 2009.~~

~~(4) All records maintained on an employee or tenant in compliance with this subsection must be retained at the apartment complex for at least 90 days following the date of~~

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~~any termination of the employee's employment or the tenant's occupancy at the apartment complex.~~

~~(5) The owner, operator, or property manager of the apartment complex shall make all records maintained under this subsection available for inspection by a police officer at reasonable times upon request.~~

~~(d) Lighting.~~

~~(1) Security lighting must be provided, maintained, and operated so that it adequately illuminates all parking areas, walkways, stairs, steps, doorways, and garbage storage areas of the apartment complex to such a degree that the facial features of a person at least five feet tall are distinguishable from a distance of 35 feet.~~

~~(2) Security lighting must be in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (d)(1) of this section and another city ordinance or state law, the other law will prevail.~~

~~(e) Landscaping.~~

~~(1) No bush or shrub on the premises of the apartment complex may be taller than three and one-half feet.~~

~~(2) No tree on the premises of the apartment complex may have a canopy lower than six feet above the ground.~~

~~(3) All trees, shrubs, bushes, and other landscaping must be maintained in compliance with all applicable city ordinances and state law. If there is any conflict between Subsection (e)(1) or (e)(2) of this section and another city ordinance or state law, the other law will prevail.~~

~~(f) Locked common areas. All enclosed common areas of the apartment complex (including but not limited to laundry rooms, club rooms, and fitness rooms) must be kept locked and may only be accessed with a key, key card, key pad, or similar device.~~

~~(g) Key control plan. A description of the plan and procedures for storing and accessing keys, key cards, and key codes to dwelling units, enclosed common areas, and other facilities of the apartment complex must be filed with the chief of police.~~

~~(h) Fencing.~~

~~(1) The perimeter of the premises of a designated apartment complex must be enclosed with a fence that is at least six feet high, except that if a lower height is required by another city ordinance, the fence must be the maximum height allowed under the other city ordinance.~~

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~~(2) Notwithstanding Subsection (h)(1) of this section, vehicular driveways and pedestrian walkways are not required to be fenced or gated, except that the combined width of openings in the fence for vehicular driveways and pedestrian walkways may not exceed 10 percent of the perimeter of the area of the property required to be fenced.~~

~~(3) All fencing must be maintained in compliance with applicable city ordinances and state law. If there is any conflict between Subsection (h)(1) or (h)(2) of this section and another city ordinance or state law, the other law will prevail.~~

~~(i) Pay phones. All pay phones on the premises of the apartment complex must be blocked to incoming calls or removed from the premises.~~

~~(j) Crime watch meetings. **BEING DONE?**~~

~~(1) At least one crime watch meeting must be held each month on the premises of the apartment complex.~~

~~(2) The chief of police must be given at least 10 days advance notice of the meeting.~~

~~(k) Residential security survey.~~

~~(1) An owner, operator, or property manager of the apartment complex shall distribute a residential security survey, on a form provided by the chief of police, to each tenant of the apartment complex who is 18 years of age or older. **BEING DONE?**~~

~~(2) The owner, operator, or property manager of the apartment complex shall file all returned surveys with the chief of police within 30 days after distribution.~~

SEC. 27-58. MODIFICATION OF FENCING REQUIREMENTS.

~~(a) The owner, operator, or property manager of a designated apartment complex may request a modification of the fencing requirements set forth in Section 27-57(h) by filing a written request with the city secretary not later than 10 days after receiving notice of:~~

~~(1) being designated for participation in a mandatory crime reduction program under Section 27-57; or~~

~~(2) having a previously granted fencing modification revoked by the chief of police under Subsection (f) of this section.~~

~~(b) If a written request is filed under Subsection (a) with the city secretary within the 10-day limit, the permit and license appeal board shall consider the request. The city secretary shall set a date for the hearing within 45 days after the date the written request is filed.~~

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~~(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.~~

~~(d) The permit and license appeal board shall grant the request for a fencing modification if it finds that:~~

~~(1) an existing fence or other barrier, or a proposed fence or other barrier, on the premises of the apartment complex will serve to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); and~~

~~(2) the existing fence or barrier, or the proposed fence or barrier, complies with all other applicable city ordinances and state law.~~

~~(e) The board shall grant or deny the request for a fencing modification by a majority vote. Failure to reach a majority vote will result in denial of the request. The decision of the permit and license appeal board is final, and no rehearing may be granted.~~

~~(f) If the board grants the request for a fencing modification, the modification remains valid and does not have to be renewed each time an apartment complex is designated for participation in the mandatory crime reduction program, unless the chief of police revokes the fencing modification upon a determination that the modified fence or other barrier:~~

~~(1) fails to deter and reduce crime at the apartment complex to the same extent as the fence required under Section 27-57(h); or~~

~~(2) fails to comply with a city ordinance or state law applicable to fences.~~

~~(g) Upon revoking a fencing modification, the chief of police shall notify the owner, operator, or property manager of a designated apartment complex in writing of the revocation. The notice must include the reason for the revocation, the date the chief of police orders the revocation, and a statement informing the owner, operator, or property manager of the right to appeal the decision by filing a new request for a fencing modification in accordance with Subsection (a). The chief of police may not revoke a fencing modification under Subsection (f) sooner than six months after the modification is granted by the permit and license appeal board.~~

~~(h) The grant of a request for modification of the fencing requirements of Section 27-57(h) does not exempt a designated apartment complex from any other provision of this chapter or other applicable city ordinances or state law.]”~~

SECTION 43. That Article IX, “Registration and Inspection of Non-Owner Occupied Rental Property,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is repealed, and Article IX shall be indicated as “Reserved” in the Dallas City Code as follows: **ARTICLE IX SHOULD NOT BE REPEALED OUTRIGHT NOR SHALL IT BE**

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**RESERVED IN ITS CURRENT FORM UNTIL MORE DISCUSSION AND INPUT IS
MADE REGARDING THIS CRITICAL ARTICLE.**
“ARTICLE IX.

**RESERVED. [REGISTRATION AND INSPECTION OF NON-OWNER OCCUPIED
RENTAL PROPERTY.**

SEC. 27-59. AUTHORITY OF DIRECTOR.

~~The director shall implement and enforce this article and may by written order establish such rules, regulations, or procedures, not inconsistent with this article, as the director determines are necessary to discharge any duty under or to effect the policy of this article.~~

SEC. 27-60. REGISTRATION REQUIRED; DEFENSES.

~~(a) A person commits an offense if he owns a non-owner occupied rental property in the city without a valid certificate of registration issued under this article.~~

~~(b) If a person owns more than one non-owner occupied rental property in the city, a separate registration is required for each property. If both dwelling units of a duplex qualify as non-owner occupied rental properties, then each dwelling unit must be registered separately, even if under a common ownership.~~

~~(c) If three or more townhouses or condominiums in the same complex are under a common ownership and are leased or offered for lease, they must be registered as a multi-tenant property under Article IV of this chapter instead of as non-owner occupied rental properties under this article.~~

~~(d) It is a defense to prosecution under Subsection (a) that the non-owner occupied rental property had been leased or rented for less than the 60-day period preceding the date of the violation.~~

SEC. 27-61. REGISTRATION APPLICATION.

~~To obtain a certificate of registration for a non-owner occupied rental property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the owner of the non-owner occupied rental property. If the owner is not an individual, an authorized officer or agent of the owner must file the form. The application must contain the following information:~~

~~(1) The name, street address, mailing address, and telephone number of the applicant (owner of the property).~~

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~~(2) The name, street address, mailing address, telephone number, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant for the non-owner occupied rental property is not an individual.~~

~~(3) The form of business of the applicant; the name, street address, mailing address, and telephone number of a high managerial agent of the business; and, if the business is a corporation or association, a copy of the documents establishing the business.~~

~~(4) The street address of the non-owner occupied rental property.~~

~~(5) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency as required by Section 27-69 of this article.~~

~~(6) Documentary evidence of payment of ad valorem taxes owed in connection with the non-owner occupied rental property.~~

~~(7) The names, street addresses, mailing addresses, and telephone numbers of any owners of the non-owner occupied rental property other than the applicant.~~

~~(8) A statement that, by filing the registration, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the registration is true and correct and that the registration is complete and includes all information required to be disclosed under this article.~~

~~(9) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.~~

~~SEC. 27-62. REGISTRATION FEES.~~

~~(a) The annual fee for a certificate of registration for a non-owner occupied rental property is \$25.~~

~~(b) No refund of a registration fee will be made.~~

~~(c) The registration fee established in Subsection (a) will not be charged upon renewal of a certificate of registration for a non-owner occupied rental property if no violations of Section 27-11(b), (c), or (d) of this chapter were found on the property by the director within the preceding registration year.~~

~~SEC. 27-63. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION.~~

~~(a) Upon payment of all required fees, the director shall issue a certificate of registration for a non-owner occupied rental property to the applicant if the director determines that:~~

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~~(1) the applicant has complied with all requirements for issuance of the certificate of registration;~~

~~(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration; and~~

~~(3) the applicant has no outstanding fees assessed under this article.~~

~~(b) If the director determines that the requirements of Subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.~~

~~(c) If the director determines that an applicant should be denied a certificate of registration, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

~~(d) A certificate of registration issued under this section must be displayed on the premises of the non owner occupied rental property in a manner and location approved by the director. The certificate of registration must be presented upon request to the director or to a peace officer for examination.~~

SEC. 27-64. REVOCATION OF CERTIFICATE OF REGISTRATION.

~~(a) The director shall revoke any certificate of registration for a non owner occupied rental property if the director determines that:~~

~~(1) the registrant failed to comply with any provision of this chapter, any other city ordinance, or any state or federal law applicable to the operation of a non owner occupied rental property;~~

~~(2) the registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration; or~~

~~(3) the registrant failed to pay a fee required by this article at the time it was due.~~

~~(b) Before revoking a certificate of registration under Subsection (a), the director shall notify the registrant in writing that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days to comply with the notice.~~

~~(c) If, after 10 days from receipt of the notice required in Subsection (b), the registrant has not complied with the notice, the director shall revoke the certificate of registration and notify the registrant in writing of the revocation. The notice must include the reason for the~~

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revocation, the date the director orders the revocation, and a statement informing the registrant of the right of appeal.

SEC. 27-65. APPEALS.

~~If the director denies issuance or renewal of a certificate of registration or revokes a certificate of registration issued pursuant to this article, this action is final unless the applicant or registrant files an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~

SEC. 27-66. EXPIRATION AND RENEWAL OF CERTIFICATE OF REGISTRATION.

~~(a) A certificate of registration for a non-owner occupied rental property expires one year after the date of issuance.~~

~~(b) A certificate of registration may be renewed by making application in accordance with Section 27-61. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.~~

SEC. 27-67. NONTRANSFERABILITY.

~~A certificate of registration for a non-owner occupied rental property is not transferable.~~

SEC. 27-68. REGISTRANT'S RECORDS.

~~(a) Each registrant shall maintain at a single location business records of the non-owner occupied rental property. A registrant shall make those records available for inspection by the director or a peace officer at reasonable times upon request.~~

~~(b) Records that must be maintained by the registrant include, but are not limited to:~~

~~(1) records of ownership for the property; and~~

~~(2) any other records deemed necessary by the director for the administration and enforcement of this article.~~

SEC. 27-69. EMERGENCY RESPONSE INFORMATION.

~~(a) The registrant of a non-owner occupied rental property shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week in the event of an emergency condition on the 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 prevent harm to the property, the occupants of the property, or the public.~~

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~~(b) The registrant of the non-owner occupied rental property shall notify the director within 10 days of any change in the emergency response information.~~

~~(c) The registrant of a non-owner occupied rental property, or an authorized agent, must arrive at the property within one hour after a contact person named under this section is notified by the city or emergency response personnel that an emergency condition has occurred on the property.~~

~~SEC. 27-70. FAILURE TO PAY AD VALOREM TAXES.~~

~~A registrant or an applicant for a certificate of registration for a non-owner occupied rental property shall not allow the payment of ad valorem taxes owed in connection with the non-owner occupied rental property to become delinquent.~~

~~SEC. 27-71. NOTIFICATION OF CHANGE OF INFORMATION.~~

~~A registrant shall notify the director within 10 days of any material change in the information contained in the application for a certificate of registration for a non-owner occupied rental property, including any changes in ownership of the property.~~

~~SEC. 27-72. PROPERTY INSPECTIONS; REINSPECTION FEES.~~

~~(a) The director may inspect any non-owner occupied rental property in the city for code violations in accordance with Section 27-5 of this chapter.~~

~~(b) Whenever a non-owner occupied rental property is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.~~

~~(c) The owner, occupant, or other person responsible for the violation shall pay to the director \$50 for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated.]”~~

SECTION 44. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing the dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$4,000; a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, other than the dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000; and a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500. **DUMPING SHOULD NOT HAVE A FINE SUBSTANTIALLY HIGHER THAN**

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**FIRE SAFETY, PUBLIC HEALTH OR SANITATION VIOLATIONS. ALL FINES,
ESPECIALLY THE \$500 MAXIMUM ARE TOO LOW.**

SECTION 45. That Chapter 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 46. 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 47. That this ordinance shall take effect on October 1, 2016, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____