

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council.
From: Eric Strong, City Manager
Date: June 2, 2015
Subject: Rental Property Inspections

Council Action: Consider Ordinance 1294-15, an update to Chapter 14 of the Code of Ordinances regarding Inspections of Rental Properties.

Background Information:

The current ordinance regulating the inspection of rental properties (1-4 units, not apartment buildings), stipulates that we should be inspecting every rental property once per year. Historically, what we have done is inspect these types of properties when there is a change of occupancy, not one time per year.

Following a review of the ordinance and an evaluation of how to best handle these types of situations, staff is recommending a modification of the ordinance to alter how and when we inspect rental properties.

The proposed new language of the ordinance would require that we inspect rental properties under any one of four conditions, which are listed below:

1. Upon a change of Occupancy, unless the property has been inspected in the previous 12 months.
2. Upon a complaint by a tenant
3. Upon a complaint by a landlord
4. If staff determines that justifiable probable cause exists

Staff feels that this methodology will better serve the residents of Richland Hills as well as provide for a more appropriate allocation of time to other necessary functions from the Neighborhood Services Department.

Board/Citizen Input: N/A

Financial Impact; N/A

Staff Contacts:

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Attachments: Ordinance 1294-15

ORDINANCE NO. 1294-15

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” BY AMENDING ARTICLE VIII, SECTION 14-336. “INSPECTION WHEN CERTAIN ONE-FAMILY TO FOUR-FAMILY DWELLINGS ARE VACATED”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS;

SECTION 1

Article VIII “Unsafe, Substandard Dangerous Buildings” of Chapter 14 “Buildings and Building Regulations” is hereby amended by replacing Section 14-336 (c) (2) “Rental Inspection” in its entirety to read as follows:

Section 14-336 (c) (2) “Rental Inspection”

Once a rental property becomes vacant, the rental residence shall be inspected prior to being occupied again, unless an inspection has occurred within the previous 12 month period. The property may also be inspected at any time if a complaint is received by a tenant or owner of the property. The property may also be inspected at any time if staff determines that justifiable probable cause exists.

**SECTION 2
PROVISIONS CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of the ordinance are in direct conflict with the provisions of such ordinances and such Code are hereby repealed.

**SECTION 3
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish this ordinance or caption to the extent required by law.

**SECTION 5
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2015.

THE HONORABLE MAYOR BILL AGAN

ATTEST:

CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY