

October 7, 2024
Item No. 9.1.
Rental Certification Program

Sponsor: Debbie Eller, Director of Community Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding an ordinance creating a voluntary rental inspection certification program.

Relationship to Strategic Goals:

Neighborhood Integrity, Core Services & Infrastructure

Recommendation(s): Staff recommends that City Council consider adoption of an ordinance to allow implementation of a voluntary rental inspection certification program.

Summary: In June of 2022, multiple residents spoke to City Council at Hear Visitors expressing concerns about the conditions of rental properties and requesting that Council direct staff to implement a proactive rental inspection program. In September 2022, staff presented information regarding a proactive rental inspection program to City Council and staff was directed to move forward with developing a pilot program through a complaint-driven process.

Staff developed a reporting mechanism for rental property maintenance issues through SeeClickFix. The system includes a question to ensure that the residents have gone through the appropriate process of reporting the issues to the property owner or manager. Code Enforcement staff will respond and, if needed, include Building Inspectors and the Fire Marshalls office to determine if actual violations are present and then work to get the violation corrected and gain compliance.

In April 2023, staff provided information to City Council regarding the proposed rental inspection program, outreach completed, and next steps for implementation. The implementation was placed on hold to allow Texas A&M University to staff and open the Off Campus Student Services (OCSS) office.

The first proposed step includes implementation of a voluntary rental inspection certification program through the attached ordinance. The proposed next steps for implementation of a Mandatory Proactive Rental Inspection program and a timeline will be included in the presentation.

Budget & Financial Summary: N/A

Attachments:

1. Voluntary Rental Inspection Cert. Ordinance 10-7-24

ORDINANCE NO. _____

AN ORDINANCE AMENDING SUBPART B, “LAND DEVELOPMENT ORDINANCES,” CHAPTER 103, “BUILDINGS AND BUILDING REGULATIONS,” BY ADDING ARTICLE VII, “VOLUNTARY RESIDENTIAL RENTAL INSPECTION AND CERTIFICATION” ADOPTING A VOLUNTARY RENTAL INSPECTION PROGRAM; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Subpart B, “Land Development Ordinances” Chapter 103, “Buildings and Building Regulations,” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”** attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this _____ day of _____, 20__.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

That Subpart B, Chapter 103, “Buildings and Building Regulations,” Article VII, “Voluntary Residential Rental Inspection and Certification,” of the Code of Ordinances of the City of College Station, Texas, is hereby added to read as follows:

ARTICLE VII. VOLUNTARY RESIDENTIAL RENTAL INSPECTION AND CERTIFICATION.**Sec. 103-256. Definitions.**

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

Administrator means the City Manager or designee.

Building means a structure having a roof supported by columns or walls and built for the support, shelter, or enclosure of persons, chattel, or movable property of any kind and which is affixed to the land.

Checklist means a City developed standardized checklist and any addenda to clarify any checklist items used for the inspection. Any working guidance necessary or requested as clarification for checklist items are developed by the City’s Building Official. The checklist is subject to amendment from time to time, as determined by the City’s Building Official.

Dwelling unit means a residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, cooking, eating, and sanitation.

Inspector means a private third-party inspector possessing at least one of the following credentials:

- (a) American Association of Code Enforcement property maintenance or housing inspector certification;
- (b) International Code Council property maintenance and housing inspector certification;
- (c) International Code Council residential building code inspector;
- (d) State of Texas licensed home inspector; or
- (e) Other comparable credentials accepted by the Building Official.

Owner occupied is defined as the property's owner of record that utilizes the dwelling as the owner's primary residence.

Owner means the person or legal entity who is listed in public records as the owner of record of the residential rental property.

Residential Rental Property means any residential dwelling unit not owner occupied by the owner of record, whether or not rent is charged. The term “residential rental property” includes all

residential rental property and includes, but is not limited to, properties rented to students, families, or any other persons; properties in which a family member of the owner resides in the home, but the owner of record does not regardless of whether additional persons also reside in the home; and properties where a property caretaker lives in the home, but the owner does not.

Sec. 103-257. Purpose.

This article's purpose is establishing a voluntary residential rental inspection certification program to protect the health and safety of renters, encourage residential rental properties to be regularly maintained and reduce the potential blighting influences on neighborhoods.

Sec. 103-258 Voluntary Rental Inspection Certification

(a) Application. Residential Rental Property Owners may choose to apply for the voluntary residential Rental Inspection Program by submitting an application and providing an inspection report for each residential rental unit requested in the application. Residential Rental Properties that are inspected and meet the checklist requirements shall be issued a City inspection certificate indicating compliance with the Voluntary Rental Inspection Program.

(b) Inspection.

- (1)** The Inspector must provide a completed City inspection form based on the Checklist for each Residential Rental Property and any associated notes or corrections that were required for compliance.
- (2)** The inspection will not be considered complete until the Residential Rental Property is deemed compliant by the Inspector with all the Checklist items in compliance.

(c) Inspector Revocation. The Building Official has the authority to revoke approval of an Inspector if there is good cause to believe the inspections completed by the Inspector failed to identify violations or substandard conditions that existed and were discoverable at inspection time and not in compliance with the Checklist. The Building Official's decision to revoke approval of an Inspector may be appealed to the Administrator in writing within seven (7) days. An Inspector whose approval is revoked is prohibited from performing inspections for the purposes of this ordinance for two (2) years.

(d) Units Required to be Inspected. The number of units to be inspected areas follows:

Total Dwelling Units per Building	Number of Units to be Inspected for Certification	Inspection Timeframe
1 – 6	100%	Every 5 years
7 or more	20% (minimum of 4) Units must be randomly selected by the Inspector	20% every year to ensure 100% of dwelling units are inspected within a 5 year period.

(e) Certificate. An inspection certificate shall be issued on a City form and may be posted at the property upon approval and completion. The certificate is good for a two (2) years from the date of certification unless revoked.

(f) Certified Rental List. If all residential rental properties inspected under subsection (d) pass inspection, such residential rental properties shall, with owner consent, be placed on a list of certified “voluntarily inspection program” properties, maintained by the City and advertised on the City's website along with the owner’s contact information. Owners may advertise their inclusion on this list

(g) Certificate Revocation. Should any violations be found on the property following the issuance of the certificate, the Owner shall abate such violations within the timeframe provided by the City. If the violations are not abated within that timeframe, the City has the right to revoke the property’s certificate, remove the Owner from the list. If the certificate is revoked, the owner must remove any advertisement of their name from the list and reapply and meet all requirements of the program to be reinstated.