

ORDINANCE NO. 19998-12-2011

AN ORDINANCE AMENDING ARTICLE IX, "REGISTRATION AND INSPECTION FOR MULTI-FAMILY DWELLING COMPLEXES" OF CHAPTER 7 "BUILDINGS" OF THE CODE OF THE CITY OF FORT WORTH TO CHANGE THE TITLE; TO ADD DEFINITIONS; TO ADD REQUIREMENTS RELATED TO A CERTIFICATE OF OCCUPANCY; TO ALLOW THE CITY COUNCIL TO SET THE FEES AND TO PROVIDE FOR PERIODIC INSPECTION AND RESINSPECTION FEES; TO REQUIRE INSPECTIONS BY THE LANDLORD AND TENANT; TO ADD LANGAUGE REGARDING THE PROBATIONARY STATUS, SUSPENSION OR REVOCATION OF REGISTRATION AND PROVIDING FOR AN APPEAL; TO ADD A REQUIREMENT TO ATTEND A CRIME FREE MULTI-HOUSING COURSE AND TO INCLUDE CRIME FREE PROVISIONS IN EACH LEASE; TO PROVIDE FOR CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN INSPECTIONS; TO REQUIRE THE REGISTRATION OF PETS; TO REQUIRE RECYCLING; TO REQUIRE THE TENANT TO PROVIDE PROOF OF AN ACTIVE ELECTRIC SERVICE ACCOUNT TO THE LANDLORD AND REQUIRING THE LANDLORD PROVIDE A TAMPER PROOF METER BOX; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a significant percentage of the population of the City of Fort Worth resides in multi-family dwelling complexes; and

WHEREAS, several public meetings were presented jointly by the Code Compliance Department and the Fort Worth Police Department over a eleven month period in an effort to gather public input regarding amendments to the current Rental Registration Program; and

WHEREAS, the Crime Free Multi-housing Program was implemented in the City of Fort Worth due to documented increases in violent and property crimes in multi-family communities which caused high levels of calls for service by police; and

WHEREAS, the Crime Free Multi-housing Program has impacted crime and improved quality of life in many multi-family communities using Crime Prevention through Environmental Design (CPTED), which involved improving external lighting conditions, enhancing locking devices, and minimizing visual obstructions on multi-family housing properties; and

WHEREAS, the Crime Free Multi-housing program has facilitated greater cooperation between apartment management companies and the police department resulting in a greater exchange of information that has created safer multi-family communities; and

WHEREAS, a significant percentage of the population resides in multi-family dwelling complexes with pets and creates a greater number of animals living in close proximity to humans and other animals thereby creating the necessity to have all animals licensed and vaccinated to prevent the spread of disease and allow easier return of lost pets, specifically dogs and cats; and

WHEREAS, publishing the current and previous inspection scores of multi-family dwelling complexes would promote better upkeep and maintenance of properties for marketing to new and future residents; and

WHEREAS, an increased number of residents of multi family dwelling complexes have shown an interest in recycling and the reduction of waste away from landfills which not only helps to extend the life of the landfill but also to reduce pollution and cost of removal; and

WHEREAS, a significant increase of occurrences of property damage and personal injury or death have been caused by utility tampering and landlords not being required to be shown proof of utility service prior to tenant move in or provide routine monitoring; and

WHEREAS, theft of electricity and utility tampering create serious safety problems at many apartment complexes in the City of Fort Worth; and

WHEREAS, it is the desire of the City Council that residents of multi family dwelling complexes live in a safe, crime free environment.

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

SECTION 1.

Article IX, "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7 "Buildings" is amended to change the title of the Article and Division 3 to read as follows:

ARTICLE IX. – STANDARDS, REGISTRATION, AND INSPECTION REQUIREMENTS FOR MULTI-FAMILY DWELLING COMPLEXES.

DIVISION 1. – GENERAL PROVISIONS

DIVISION 2. – REGISTRATION AND INSPECTIONS

DIVISION 3. - MULTI-FAMILY HOUSING STANDARDS

DIVISION 4. - ENFORCMENT

SECTION 2.

Section 7-394, "Definitions" of Division 1. "General Provisions" of Article IX, "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings", of the Code of Ordinances of Fort Worth, Texas is hereby amended to add a definition for the

“Chief of Police”, to delete the definition of the “Code Compliance Director”; to add a definition of a “Crime Free Lease Addendum” to clarify the definition of “Director”, to add a definition of “lease” and to add a definition of “Unit”, to read as follows:

Sec. 7-394. - Definitions.

Chief of Police means the Chief of the Police Department or the Chief’s duly authorized representative.

Crime Free Lease Addendum means a form to be made a part of a Lease agreement between a Landlord and a resident in which the resident agrees and acknowledges the resident’s legal obligation to refrain from committing or permitting the commission of certain enumerated criminal acts or categories of criminal acts on the leased premises.

Director means the Director of the Code Compliance Department and the Director's authorized representatives.

Lease means a contract or rental agreement granting use or occupation of property at a Multi-Family Dwelling Complex during a specified period, subject to various terms and conditions, in exchange for a specified rent.

Unit means a dwelling unit as defined by the Minimum Building Standards Code.

SECTION 3.

Section 7-400, “Certificate of Occupancy” of Division 2, “Registration and Inspections” of Article IX, “Registration and Inspection of Multi-Family Dwelling Complexes” of Chapter 7, “Buildings” of the Code of Ordinances of Fort Worth, Texas is hereby amended to read as follows:

Sec. 7-400. - Certificate of occupancy.

(a) No Multi-Family Dwelling Complex shall be used or occupied, and no change in the existing occupancy classification as defined by Section 111 of the International Building Code or ownership of a Multi-Family Dwelling Complex, or any portion thereof, shall be made until the Landlord has obtained a certificate of occupancy.

(b) Change of ownership or any event causing a certificate of occupancy to be revoked. Within thirty (30) days after the change of ownership of a Multi-Family Dwelling Complex or the revocation of the certificate of occupancy of the complex, the Landlord must obtain a new certificate of occupancy in order to continue operating. The complex, including all occupied and all vacant dwelling units, shall be subject to a complete ordinance inspection by the building official and the Director before a new certificate of occupancy will be issued. If a certificate of occupancy is not obtained for all buildings in the complex within

thirty (30) days, the complex shall be vacated until such time as a certificate of occupancy is issued.

(c) Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Minimum Building Standards Code, this article, or of other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of the Building Code and other applicable ordinances shall not be valid. Changes in the character or use of a building shall not be made except as provided in the Building Code.

(d) The certificate of occupancy for all Multi-Family Dwelling Complexes shall be posted in a conspicuous place on the premises of the complex, and shall not be removed except by the building official.

(e) A Landlord commits an offense if the Landlord knowingly operates a Multi-Family Dwelling Complex in violation of this section.

(f) If the building official determines that the complex fails the ordinance inspection, all vacant Units within the complex shall be posted for non-occupancy, and the Landlord shall not allow the occupancy of such Units until the complex passes final inspection and is issued a certificate of occupancy.

(g) The Director may grant an extension if the Landlord can demonstrate that no condition constituting an immediate fire or safety hazard exists and that the owner is working toward obtaining a certificate of occupancy in a timely fashion. A request for an extension of time must be made in writing to the Director. The Director must respond within ten (10) days of receiving the request for an extension. Should the request be denied the landlord may within ten (10) days file an appeal to the Fort Worth Appeal's Board.

SECTION 4.

Section 7-401, "Registration Required" of Division 2, "Registration and Inspections" of Article IX, "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings" of the Code of Ordinances of Fort Worth, Texas is hereby amended to delete the words "code compliance" to read as follows:

Sec. 7-401. - Registration Required.

(a) The Landlord of a Multi-Family Dwelling Complex shall annually register the complex with the Director.

(c) A registration is valid for one year from the date the completed registration form is filed in the office of the Director, and payment of the registration fee has been made, unless the ownership of the complex changes.

(d) If a change of ownership of the complex occurs during the period that a registration is otherwise valid, the Landlord of the complex shall have thirty (30) days from the date the change of ownership occurred to file a new registration

with the Director, and pay a new registration fee.

(e) The registration shall be on a form prescribed by the Director, and shall at a minimum contain the following information about the complex:

- (1) The trade name, physical address, and business address;
- (2) The names, addresses, and telephone numbers of the owner, property manager, resident manager, registered agent, and all federal, state, and local funding agencies; and the type of business entity which owns the complex;
- (3) The names and physical addresses of designated employees or authorized representatives who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any twenty-four-hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard, and violent crime. A post office box shall not suffice for the address requirements of this subsection;

...

(11) If any change in the information required by this section occurs, the owner shall notify the Director within thirty (30) days of the change, in a manner prescribed by the Director.

SECTION 5.

Section 7-402, "Fees" of Division 2, "Registration and Inspections" of Article IX, "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings" of the Code of Ordinances of Fort Worth, Texas is hereby amended by amending subsection (b) in its entirety to read as follows:

Sec. 7-402. - Fees.

- (a) The Landlord of a Multi-Family Dwelling Complex shall pay the city fees to offset the city's cost of administration, registration and inspection.
- (b) Fees shall be in accordance with a schedule approved by the City Council to include:
 - (1) A registration fee based upon the number of housing Units which shall be:
 - (i) Submitted annually with the registration form required by section 7-401 above, and
 - (ii) Submitted with a new registration upon a change of ownership of the complex

- (2) A re-inspection fee shall be assessed for each follow up inspection.
 - (3) An administrative fee for a complex on probationary status or suspension or revocation which shall be assessed on a monthly basis, however no separate fee shall be charged for re-inspections as long as the complex remains in probationary status or suspension.
- (c) The fee requirements described above shall not include a dwelling unit on a college, university, or seminary occupied by a student or a student and the student's family and in which the dwelling unit is owned by the respective college, university, or seminary.

SECTION 6.

Section 7-403, "Inspection by Director" of Division 2, "Registration and Inspections" of Article IX, "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings" of the Code of Ordinances of Fort Worth, Texas is hereby amended in its entirety to read as follows:

Sec. 7-403. - Inspection by Director.

- (a) The Director may conduct:
- (1) Inspections for issuance of certificate of occupancy in conjunction with the development department;
 - (2) Inspections based on indications of Code violations, including complaints filed with the Director;
 - (3) Periodic inspections; and
 - (4) Follow-up inspections.
- (b) The following areas of a Multi-Family Dwelling Complex shall be subject to inspection by the Director:
- (1) All building exteriors;
 - (2) All exterior and interior public areas;
 - (3) Vacant dwelling units;
 - (4) Occupied dwelling units upon the consent of the tenant or when subject to a valid warrant issued by the court.
- (c) The Director may inspect portions of a Multi-Family Dwelling Complex as frequently as the Director deems necessary. The Director shall schedule periodic inspections no less frequently than once every two (2) years.
- (d) The Landlord of a Multi-Family Dwelling Complex shall make all exteriors, all

exterior and interior public areas, and all vacant dwelling units of the complex available to the Director for inspections at all reasonable times.

(e) A Multi-Family Dwelling Complex fails inspection if it does not score at least one hundred (100) points, out of a possible one hundred twenty-five (125) points, according to the periodic inspection report scale as promulgated by the Director. The Landlord of a Multi-Family Dwelling Complex that fails the periodic inspection as provided for in section 7-403 shall correct all violations identified in the periodic inspection report within thirty (30) days unless a longer period of time or an extension has been granted by the Director

(f) The Director is authorized to make follow-up inspections of a Multi-Family Dwelling Complex to inspect all areas included in the periodic inspection as well as occupied dwelling units, in such frequency and scope as the Director deems necessary to determine compliance with this article and with the Minimum Building Standards Code.

(g) The Landlord of a Multi-Family Dwelling Complex must correct all violations identified in an inspection report.

(h) In addition to the other authority granted by this section, the Director is authorized to inspect a Multi-Family Dwelling Complex with greater frequency than provided above if the Director has cause to believe that the complex is not in compliance with the Minimum Building Standards Code or this article.

(i) In addition to other authority granted by this section, the Director has all rights and authority granted by Article 18.05 of the Texas Code of Criminal Procedure. Inspections shall comply with all federal, state, and local laws, regulations, and ordinances.

(j) When considering a violation created by a tenant the Director may consider the timeliness of the Landlord's response to the violation, actions taken by the Landlord to address a tenant's activities that may have caused the condition that was a violation, and actions taken by the Landlord to prevent or reduce similar violations in the future.

(k) The Director is authorized to publish the results of inspections.

SECTION 7.

Section 7-404, "Landlord/tenant Inspections" of Division 2, "Registration and Inspections" of Article IX, "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings" of the Code of Ordinances of Fort Worth, Texas is hereby amended to read as follows:

Sec. 7-404. - Landlord/tenant inspections.

(a) The Landlord of a Multi-Family Dwelling Complex shall inspect each dwelling unit prior to leasing and shall comply with the following:

(1) The inspection of a dwelling unit shall be conducted by the Landlord and the Unit's tenant:

- a. A minimum of once annually; and
 - b. When the occupancy of the Unit changes;
- (2) The Landlord shall sign each inspection report, and shall require a tenant to sign the report for the tenant's dwelling unit. If the tenant disagrees with any notation made by the Landlord on the report, the Landlord shall permit the tenant to make written comments on the report prior to signing it. The tenant shall also note any discrepancies they have identified with the Unit upon move in and the Landlord shall initial those noted items. The Landlord shall provide the tenant with a copy of the report after it is signed.
 - (3) The Director shall determine which standards established by the Minimum Building Standards Code shall be covered by the inspection.
 - (4) The failure of a Landlord to make inspections as required by this subsection, to maintain records of the inspections, and to permit inspection of those records pursuant to subsection (b) shall cause the complex to fail inspection.
- (b) A Landlord shall maintain reports of the inspections conducted pursuant to subsection (a) for all dwelling units within the Multi-Family Dwelling Complex.
 - (1) The reports shall either be on a form provided by the Director or on a form that complies with the requirements of the Director.
 - (2) A report shall include places for marking whether the dwelling unit complies with the standards set by the Director to be included within the scope of the inspection, and shall include the names of all persons occupying the dwelling unit (other than overnight guests).
 - (3) A report shall also include:
 - a. The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any twenty-four-hour period. The telephone number may be for an answering service that has the capability to contact the designated employee immediately. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes, or violent crime; and
 - (c) The Director shall develop and maintain a rental handbook and shall provide each Multi-Family Dwelling Complex with a copy of the handbook upon registration.
 - (1) The handbook shall be entitled, "The Fort Worth Rental Handbook".
 - (2) The handbook shall include:

- a. Grounds for eviction of a tenant;
 - b. Who may issue and who may deliver an eviction notice;
 - c. A tenant's rights to challenge an eviction notice;
 - d. The name and phone number of any agencies a tenant may contact for information or assistance to challenge an eviction notice;
 - e. The telephone number of the code compliance department.
- (3) A Landlord shall duplicate the handbook and shall provide a copy to each tenant, either at the time the tenant signs the Lease or at the time the Landlord conducts an inspection of the tenant's dwelling unit as provided by this section.
- (4) A Landlord may provide a tenant with an alternative publication upon prior written approval issued to the Landlord by the Director.
- (d) A Landlord commits an offense if the Landlord knowingly violates this section.

SECTION 8.

Division 2, "Registration and Inspections" of Article IX, "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings" of the Code of Ordinances of Fort Worth, Texas is hereby amended to add a new section, Section 7-405, "Probationary Status, Suspension, and Revocation of Registration" to read as follows:

Sec. 7- 405. Probationary status, suspension, and revocation of registration.

(a) Probationary status.

In addition to any other authority granted by this section or any other provision of the Code of the City of Fort Worth, the Director may place the registration of a Multi-Family Dwelling Complex on a probationary status if:

- (i) A Landlord fails to correct a violation of the city code or applicable state statute within the time specified in a notice of violation, or
- (ii) Any inspection reveals a repeat violation of the same provision of the city code or applicable state statute which had been identified within the preceding twelve (12) month period.

The duration of the probationary status shall begin upon the mailing of a notice by the Director of the initiation of the probationary status and shall continue until both of the following conditions have been met:

(i) All previously identified code violations at the complex have been corrected by the Landlord and noted and approved by the Director, and

(ii) No additional code or statutory violations are identified at the complex for ninety (90) days after correction of the last violations as approved by the Director.

The Director shall impose a monthly administrative fee on the Landlord for as long as the complex remains on probationary status.

(b) Suspension of registration.

In addition to other authority granted by this section or any other provision of the Code of the City of Fort Worth, if a complex fails to complete its probationary status within 180 days, the Director may place the registration of such complex on suspended status. While under suspension, no unoccupied Unit in the complex may be occupied and no occupied Unit shall be occupied by new tenants until the complex has been in full compliance with the City Code and all applicable laws for a minimum of 30 days. The registration shall remain suspended until the complex has been in full compliance with the city code and all applicable laws for a minimum of 180 days.

If a complex has been on a suspended status at a previous time within the previous thirty-six (36) months, no Unit in the complex may be occupied by new tenants until it has been in full compliance for 90 days. The complex shall remain on suspension until it has been in full compliance with the city code and all applicable laws for 180 consecutive days.

The Director shall impose a monthly administrative fee on the Landlord for as long as the complex remains on suspension status.

(c) Revocation of registration.

In addition to other authority granted by this section or any other provision of the Code of the City of Fort Worth, the Director may revoke the registration of a Multi-Family Dwelling Complex if:

(i) The complex is found to have one or more violations that constitute a danger to the health or safety of its tenants or the public at large and the Landlord fails to correct such violation(s) within the time specified in a notice of violation, or

(ii) The complex has more than one fire, life and/or safety violation during any twelve (12) month period.

A complex whose registration has been revoked may not do business until such registration has been reinstated. A complex whose registration has been revoked

must be vacated within thirty (30) days of such revocation. A Landlord commits an offense each day or portion of a day the complex continues to offer a Unit for rent while its registration is revoked and each day any Unit remains occupied after the expiration of thirty (30) days from the date of revocation.

(d) Appeal of probationary status, suspension, or revocation of registration.

A Landlord may appeal the probationary status, suspension, or revocation of registration to the Appeals Board by filing a written request for appeal not later than 5:00 p.m. on the fifth business day following the date of notice. The appeal shall be heard by the Fort Worth Appeals Board. The appeal shall be by trial de novo and the Director shall bear the burden of proving by a preponderance of the evidence that, on the date of revocation, that the complex had one or more code violations that constituted a danger to the health and safety of its tenants or the public at large and the Landlord had failed to correct such violation(s) within a reasonable time after receiving written notice of such violations. The decision of the Fort Worth Appeals Board can be appealed to a civil district court of Tarrant County which shall be by trial de novo. The requirement that the complex be vacated shall be suspended during the pendency of the appeal and for fifteen (15) days after the decision of the Appeals Board.

Secs. 7-406—7-410. - Reserved.

SECTION 9.

Division 3, “Crime Prevention Standards”, of Article IX, “Registration and Inspection of Multi-Family Dwelling Complexes” of Chapter 7, “Buildings” of the Code of Ordinances of Fort Worth, Texas is hereby amended to change the title of the Division to read as follows:

DIVISION 3. - MINIMUM STANDARDS FOR MULTI-FAMILY DWELLING COMPLEXES

Sec. 7-410. - Crime prevention standards.

Sec. 7-411. - Building, Common Area, and Operational Standards for Multi-Family Dwelling Complexes.

Secs. 7-412 - 7-415. - Reserved.

SECTION 10.

Section 7-410, “Crime Prevention Standards” of Division 3, “Crime Prevention Standards”, of Article IX, “Registration and Inspection of Multi-Family Dwelling Complexes” of Chapter 7, “Buildings” of the Code of Ordinances of Fort Worth, Texas is hereby amended to add language and renumber to read as follows:

Sec. 7-410. - Crime prevention standards.

The Landlord of a Multi-Family Dwelling Complex shall provide the following

crime prevention measures:

(1) *Signs for emergencies and code violations.* A Landlord of a Multi-Family Dwelling Complex shall post and maintain signs on the premises of the complex which include the following:

a. *Emergency numbers.* The names of designated employees or other authorized persons who shall be assigned to respond to emergency conditions, and a telephone number where said employees can be contacted during any twenty-four (24) hour period. Emergency conditions shall include fire, natural disaster, flood, collapse hazard, burst pipes, or violent crime.

b. *Notice for reporting code violations.* A sign for reporting code violations to the city in a form approved by the Director.

(2) *Sign requirements:* The sign required by this section shall be a minimum of twelve (12) inches by twenty-four (24) inches. Sign facings shall be fabricated out of weather-proof material. The signs shall have a white background, with letters and numbers in a contrasting color. At each Multi-Family Dwelling Complex there shall be at least one (1) sign posted, and an additional sign for each fifty (50) dwelling units in excess of fifty (50). The signs shall be prominently displayed in exterior, publicly accessible areas of the complex. If the complex has an on-site management office, one (1) sign shall be on the exterior of the office.

(3) *Lighting:*

a. Exterior illumination shall be provided at appropriate points adjacent to all building entrances, including individual dwelling units. Lighting shall be sufficient to illuminate areas where hazards may reasonably exist, and shall be operable between a half hour before sunset and a half hour after sunrise.

b. Control mechanisms for such illumination shall be activated and deactivated by a photo cell or seasonally-adjusted timer switch, not operable by individual tenants of the complex except at individual dwelling units.

c. A Landlord shall repair all inoperable exterior lighting fixtures within a reasonable period of time after being notified that the fixture is not working. In no instance shall a reasonable period of time be deemed to mean more than seven (7) days.

(4) *Vacant buildings:*

a. All openings in vacant buildings and dwellings shall be closed and secured from unlawful entry by the installation and maintenance of appropriate locking devices and intact doors and windows which are proportioned to securely and completely fit the openings.

b. Alternatively, with the approval of the Director openings may be temporarily secured by means of the installation of proportioned wood materials in good condition. The surfaces of such materials exposed to the weather shall be protected with the application of exterior grade paint, or a similar weather resistant finish, which blends with the background color of the building.

(5) *Security gate access:*

a. A Landlord of a Multi-Family Dwelling Complex which has unstaffed security gates which restrict vehicle access onto the premises shall provide the chief of police with master codes to the gates so that police vehicles and personnel and ambulance and ambulance personnel are allowed unrestricted entry onto the premises when responding to emergencies and calls for service and routine patrols.

b. Prior to changing the master codes, the Landlord shall notify the chief of police of the new codes.

c. All security gates shall be equipped with a manual override to be used in the event of a power outage or system failure. The Landlord shall notify the chief of police of the location of the override.

d. Access through such security gates by fire trucks and fire personnel shall be provided as required by the Fire Code.

1. Fire lanes shall be maintained in good condition with clearly visible markings.

2. Fire lanes shall be marked by a four (4) inch red line with "No Parking—Fire Lane" stenciled with white paint every twenty-five (25) feet.

3. Fire lanes shall be signed with approved traffic signs twelve (12) inches wide and eighteen (18) inches tall which state, "No Parking—Fire Lane". A sign stating "Tow-Away Zone", produced on a white background with red lettering shall accompany each of these. Signs shall be mounted so that the bottom of the sign is six (6) feet six (6) inches from the grade.

4. Fire lanes shall be kept clear of obstructions such as motor vehicles, solid waste collection bins, equipment or other similar items.

(6) *Graffiti abatement.* A Landlord shall remove graffiti from the Landlord's Multi-Family Dwelling Complex as required by appendix B of the City Code.

(7) *Occupancy limits.* A Landlord shall not permit a dwelling Unit within the complex to be occupied other than by a family, as that term is defined within

this code, and shall not permit the number of persons occupying a dwelling unit to exceed the occupancy load of the Unit based on the standards set in the Minimum Building Standards Code.

- (8) *Tenant responsibility.* Even the best security plans, devices and systems cannot completely prevent crime. The best safety measures a tenant of a Multi-Family Dwelling Complex can utilize are those performed out of common sense and habit. Such measures include locking doors and windows, not opening doors to strangers, and promptly reporting malfunctioning security devices and exterior lighting to the Landlord.
- (9) The Landlord of each Multi-Family Dwelling Complex consisting of eight (8) or more Units shall ensure that, within six months of hire, each on-site manager and each employee authorized to show an apartment or execute a Lease with prospective tenants attends an eight hour training course which is approved by the chief of police on the subject of crime free multi-housing. Each calendar year the Landlord or at least one employee for the complex shall attend a refresher training course. This provision shall become effective January 1, 2014.
- (10) The Landlord at a Multi-Family Dwelling Complex consisting of three (3) or more Units shall require the prospective tenant to execute a Lease. The Lease shall include one of the following provisions for each new Lease or Lease renewal for a Unit which is executed after January 1, 2012:
 - (a) A standardized Lease promulgated by the Texas Apartment Association containing a prohibition of criminal conduct on or about the premises;
 - (b) A standardized Lease promulgated by the Texas Association of Realtors containing a prohibition of criminal conduct on or about the premises;
 - (c) A Lease with an equivalent provision to (a) or (b) containing a prohibition of criminal conduct on or about the premises; or
 - (d) A Crime Free Lease Addendum to read as follows:

In consideration of the execution or renewal of a Lease of the dwelling unit identified in the Lease, Owner and Resident agree as follows:

1. Resident shall not engage in any activity on or near the dwelling unit premises that would subject the resident to a penalty of a Class C misdemeanor that involves possession of drug paraphernalia, assault or disorderly conduct; Texas Penal Code Class A or B misdemeanors; Texas Penal Code Felony or Texas Health and Safety Code violation or engage in any hazardous conduct that otherwise jeopardizes the health, safety and welfare of

the Landlord, his agent or other tenant or involving imminent or actual serious property damage. Nothing in this provision shall be construed as requiring or encouraging the eviction or termination of a Lease of a victim of domestic violence.

2. Resident shall not permit any household member or guest to engage in any activity on or near the dwelling unit premises that would subject the resident to a penalty of a Class C misdemeanor that involves possession of drug paraphernalia, assault or disorderly conduct; Texas Penal Code Class A or B misdemeanors; Texas Penal Code Felony or Texas Health and Safety Code violation or engage in any hazardous conduct that otherwise jeopardizes the health, safety and welfare of the Landlord, his agent or other tenant or involving imminent or actual serious property damage. Nothing in this provision shall be construed as requiring or encouraging the eviction or termination of a Lease of a victim of domestic violence.

VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF THE TENANCY. A single violation of any provisions of this addendum shall be deemed a serious violation and a material non-compliance with the terms of this Lease. It is understood that a single violation shall be good cause for the immediate termination of the Lease. Unless otherwise provided by law, proof of a violation of law prohibited by this addendum shall not require a criminal conviction, but shall be by a preponderance of the evidence.

In case of conflict between the provisions of this addendum and any other provisions of the Lease, the provisions of the addendum shall govern.

This LEASE ADDENDUM is incorporated into the Lease executed or renewed this day between Owner and Resident.

(11) Each Multi-Family Dwelling Complex consisting of eight (8) or more Units shall be subject to a Crime Prevention through Environmental Design (CPTED) inspection conducted by the chief of police who shall advise the Landlord of the findings.

(12) A Landlord commits an offense if the Landlord knowingly violates any provision of this section or fails to comply with any provision of this section.

SECTION 10.

Division 3, "Multi-Family Housing Standards", of Article IX, "Registration and

Inspection of Multi-Family Dwelling Complexes” of Chapter 7, “Buildings” of the Code of Ordinances of Fort Worth, Texas is hereby amended to add a new section, Section 7-411, “Building, Common Area, and Operational Standards for Multi-Family Dwelling Complexes” to read as follows:

Sec. 7-411. - Building, Common Area, and Operational Standards for Multi-Family Dwelling Complexes.

(a) Requirements generally. It is a violation of the City Code for a Landlord to fail to comply with any of the requirements required by Chapter 7 of the City Code, including but not limited to the requirements imposed by Article IV that are specific to Multi-Family Dwelling Complexes.

(b) Pet requirements.

(1) The Landlord of a Multi-Family Dwelling Complex in which tenants or guests are allowed to own, keep, or harbor cats, dogs, miniature swine, or any animal subject to a separate municipal or state registration requirement must provide each tenant, at the time of leasing and upon each renewal of a Lease, with a form to register the pet with the city. The form shall be as promulgated by the Director. The Landlord must advise the tenant to complete and return the form to the Landlord within fourteen (14) days of the date that the tenant first occupies the premises. The Landlord must forward the form to the Director within thirty (30) days of the date the tenant first occupies the premises.

(2) Nothing in the pet requirements is intended nor shall be construed as requiring or encouraging a Landlord to restrict service animals or impairing the right of a tenant, resident, or guest to keep a service animal consistent with the Americans with Disability Act.

(c) Recycling.

(1) Requirement to submit a recycling plan. The Landlord of each Multi-Family Dwelling Complex with eight or more Units must submit a recycling plan in accordance with the following provisions:

(i) The plan must describe the materials to be recycled, the method of collection and storage of recyclables, and the frequency of pick-ups by an approved waste hauler. The plan shall also include a diagram of the property showing the location(s) where containers for the collection of recyclable materials will be placed.

(ii) For each Multi-Family Dwelling Complex with eight or more Units which is in operation on or prior to October 31, 2013 the recycling plan must be submitted no later than January 1, 2014.

(iii) For each Multi-Family Dwelling Complex with eight or more Units which comes into operation after November 1, 2013 the recycling plan must be submitted no later than sixty (60) days after a certificate of occupancy is issued for the complex.

(2) Implementation of a recycling plan.

(i) The Landlord of each Multi-Family Dwelling Complex with eight or more Units must implement the approved recycling plan within thirty (30) days of approval of the plan by the Director. It shall be a violation for a Landlord to fail to implement or comply with the specifications of the approved recycling plan for the complex.

(ii) A waiver of the requirement to implement a recycling plan may be granted at the discretion of the Director if the Landlord can demonstrate that implementation of a recycling plan is impossible or impractical or if the Landlord can demonstrate that none of the tenants at the complex wish to participate in recycling.

(d) Electric service.

(1) At a Multi-Family Dwelling Complex consisting of eight (8) or more Units on a property with one county appraisal district account number:

(i) A tenant must provide to the Landlord, within thirty days of the earlier of executing a Lease or taking occupancy of a rental Unit, documentation of a current account to provide electric service to the tenant's Unit, excepting however when electric service is provided by the Landlord.

(ii) The Landlord must maintain a copy of the documentation of the tenant having opened an account for electric service on file and available for inspection by the Director during normal business hours.

(iii) A Landlord has a duty to regularly conduct visual inspections of the above ground electrical feed and meters at the complex to detect tampering or vandalism. Any tampering or vandalism must be reported to both the utility provider and to the Director as soon as practicable but no later than twenty-four hours after detection. If an inspection by the city reveals two (2) or more instances in which the electrical feed or meters have been tampered with or vandalized within a twelve month period, or any single instance in which five (5) or more meters have been tampered with or vandalized, and such vandalism or tampering was not reported to the electric provider and the Director, the Landlord shall be presumed to have failed to report as required herein and additionally the Landlord must thereafter securely lock or enclose the meters, in compliance with all applicable building standards, so as to effectively prevent future vandalism or tampering.

SECTION 11.

Section 7-416 of Division 4. "Enforcement", Article IX, "Registration and Inspection of Multi-Family Dwelling Complexes" of Chapter 7, "Buildings" of the Code of Ordinances of Fort Worth, Texas is hereby amended to add language regarding the failure to act is a violation of the Article to read as follows:

Sec. 7-416. - Criminal enforcement.

A violation of this article is a misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000.00). Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense. The failure to

perform an act required by this Article is a violation of this Article.

SECTION 12.

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 13.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 14.

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

SECTION 15.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 16.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 17.

This ordinance shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: *Arthur H. Burlew*
Assistant City Attorney

Adopted: 12 / 6 / 11

Effective: _____

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 12/6/2011 - Ordinance No. 19998-12-2011

DATE: Tuesday, December 06, 2011

REFERENCE NO.: G-17460

LOG NAME: 23CRIME FREE MULTI-HOUSING FINAL

SUBJECT:

Adopt Ordinance Amending Chapter 7 Buildings of the City Code to Add Additional Registration, Inspection and Enforcement Requirements for Multifamily Properties with Three or More Units (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 7 Buildings City Code to add additional registration, inspection and enforcement requirements for multi-family properties with three or more units.

DISCUSSION:

City Staff proposes to amend Chapter 7 Buildings City Code to require participation in the Police Department's Crime Free Multi-Housing program. This will enable the Code Compliance Department to identify and abate Texas state law and Fort Worth City code violations for the health, safety, and welfare of tenants, adjoining property owners and the general public.

A series of nine public meetings were held in 2010 to gather input on crime free multi-housing and rental registration enhancements. The proposed ordinance is a combination of ideas and comments from the public review process, industry and City Staff.

A summary of the proposed amendments are listed below.

Section 7-394 is amended to edit the definition for Director and add definitions for Chief of Police, Crime Free Lease Addendum and Unit.

Section 7-400 is amended to include regulations on revoked certificates of occupancy and an extension clause.

Section 7-401 is amended to delete the words Code Compliance.

Section 7-402 is amended to bring all sub-sections regarding fees under one section and assess fees according to a schedule approved by the City Council.

Section 7-403 is amended to bring all sub-sections regarding Code Compliance inspection requirements under one section.

Section 7-404 is amended to require the landlord to inspect each dwelling unit prior to leasing, allows the tenant to note discrepancies on the inspection form and allows owners to utilize an answering service as the phone number for emergencies.

Section 7-405 is amended to add a new section to allow the annual registration to be placed on probation, suspension or revoked due to uncorrected or major code violations.

Section 7-410 is amended to require managers and other employees to attend crime free multi-housing training and require leases to include a prohibition of criminal conduct on or about the property or the Crime Free Lease Addendum.

Section 7-411 is amended to add a new section requiring a pet form, recycling, confirmation of electric service and securely locked meters if unreported tampering or vandalism occurs.

Section 7-416 is amended to include the failure to perform an act required by this Article is a violation of this Article.

The attached ordinance will be effective upon adoption and publication.

FISCAL INFORMATION / CERTIFICATION:

The Financial Management Services Director certifies that this action will have no material effect on City funds.

FUND CENTERS:

TO Fund/Account/Centers

FROM Fund/Account/Centers

CERTIFICATIONS:

Submitted for City Manager's Office by:

Charles Daniels (6199)

Originating Department Head:

Brandon Bennett (6345)

Additional Information Contact:

Scott Hanlan (7204)
