

When originally enacted Ord. 21548-12-2014 amended sections 7-429 through 7-436. In order to avoid conflicting with previously existing material, and upon consultation with the Office of the City Secretary, the Code of the City of Fort Worth shows these sections renumbered as 7-429.1 through 7-429.8.

ORDINANCE NO. 21548-12-2014

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH (1986), CHAPTER 7 “BUILDINGS,” ARTICLE X, “REGISTRATION AND INSPECTION OF ONE-FAMILY DWELLING AND TWO-FAMILY DWELLINGS” TO MOVE SECTIONS 7-418 THROUGH 7-426 INTO DIVISION 1, “GENERALLY”; AND TO ADD DIVISION 2, “TCU RESIDENTIAL OVERLAY DISTRICT REGISTRATION OF ONE-FAMILY DWELLING AND TWO-FAMILY DWELLINGS”, SECTIONS 7.429 THROUGH 7.436 TO REQUIRE REGISTRATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth has many unique and distinctive residential neighborhoods which contribute significantly to the overall character and identity of the city; and

WHEREAS, as provided under Section 211.004(a) of the Texas Local Government Code, the City’s single family-residential use zoning districts are established upon legislative determination that zoning regulations promote “health and general welfare; lessen congestion in the streets; prevent the overcrowding of land and avoid undue concentration of population, are well expected to be somewhat permanent and are in conformance with the City’s Comprehensive Plan; and

WHEREAS, the Council of the City of Fort Worth notes that the Comprehensive Plan calls for maintaining the stability of the City’s neighborhoods by encouraging new, higher density, residential development along the City’s transit and commercial corridors; and

WHEREAS, stabilizing the City’s established neighborhoods is intended to preserve and strengthen the quality of life within and the sustainability of the City’s range of neighborhoods; protect public and private investments by ensuring the vitality and stability within the City’s range of neighborhoods; and enhance the character and desirability of and housing choice within the City as a whole; and

WHEREAS, within the City there are nine colleges and universities including Texas Christian University (“TCU”) which is the City’s largest university having as of Fall, 2014, 9,925 students enrolled; and

WHEREAS, TCU presently houses 48.3% of its student body on-campus, the remaining 5,865 students live off-campus, generally around the campus as depicted on Exhibit B.32, attached; and

WHEREAS, the City Council notes that the area surrounding the TCU campus is predominately one- and two-family, low density residential zoning; and

WHEREAS, the City Council is aware that with increasing frequency that one-family homes in the established neighborhoods surrounding TCU are purchased by real estate investors or parents of TCU students, for the purpose of providing housing for students; and

WHEREAS, owner-occupied residents have expressed concerns about problems associated with the high concentration of housing occupied by unrelated persons including students in established neighborhoods, including but not limited to overcrowding in structures containing four or more bedrooms and four or more bathrooms, excessive vehicular traffic, increased on-street and off-street demand for parking on residential streets, the transient character of unrelated tenants, lack of maintenance of structures and their grounds, noise and other nuisance conditions such as litter and parties; and

WHEREAS, the City Council recognizes the need to preserve, protect, and enhance the value of these areas and wished to provide a means of conserving the distinctive atmosphere or character of areas by protecting or enhancing the single family residential character through the establishment of a residential overlay district within the area surrounding TCU; and

WHEREAS, a TCU Overlay Mediation Group comprised of members from neighborhood associations, owner-investors, and Texas Christian University administrators and student leaders have recommended that the City adopt registration regulations related to the rental of one-family and two-family homes in the TCU Residential Overlay District to assure that the regulations in the newly established overlay will be enforced.

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

SECTION 1.

The Code of Ordinances of Fort Worth, Texas Chapter 7, "Buildings," Article X, "Registration and Inspection of One-Family and Two-Family Dwellings" is hereby amended to move Sections 7-418 through 7-426 into a new division, titled "Division 1. Generally" and add a new division, Division 2, "TCU Residential Overlay District Registration of One-Family and Two-Family Dwellings," comprised of Sections 7-429 through 7-436 which read as follows:

DIVISION 2. TCU RESIDENTIAL OVERLAY DISTRICT REGISTRATION OF ONE-FAMILY AND TWO-FAMILY DWELLINGS

Sec. 7-429. - Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meaning hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

Code compliance director means the director of the code compliance department, or the director's duly authorized representative.

Director means the code compliance director and the director's authorized representatives.

Dwelling unit. A building, or any portion thereof, containing a complete set of independent living facilities for occupancy and use by one family, including permanent provisions for living, sleeping, eating, sanitation and cooking within a kitchen for the exclusive use of the occupants whose intent is to inhabit the dwelling unit.

Owner means any person holding title to a one-family or two-family dwelling, according to the deed records in the county clerk's office of the county in which the property is situated, or the duly authorized agent of the person holding title to a one-family or two-family dwelling, according to the deed records in the county clerk's office of the county in which the property is situated.

Person means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

One-family dwelling unit means a dwelling designed exclusively for residential occupancy by not more than one (1) family, including a community-based residential home as defined by the Community Homes for Disabled Persons Location Act, Chapter 123.001, Texas Human Resources Code. One-family dwelling shall not include a two-family dwelling as defined by this section or a multi-family dwelling as defined by section 7-394 of Article IX.

Rental Property means any one-family or any portion of a two-family dwelling unit that is not owner occupied, whether or not rent is charged. Rental Property 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 does not (regardless of whether additional persons also reside in the home); properties used as vacation rentals or game day rentals, and properties where a property caretaker lives in the home but the owner does not.

Two-family dwelling unit means a dwelling designed exclusively for residential occupancy by two families, including a community-based residential home as defined by the Community Homes for Disabled Persons Location Act, Chapter 123.001, Texas Human Resources Code. Two-family dwelling shall not include a one-family dwelling as defined by this section or a multi-family dwelling as defined by section 7-394 of Article IX.

Sec. 7-430. - Purpose.

The purpose of this division is to establish a registration requirement for owners of rental properties in the TCU Residential Overlay District so that the City may expeditiously identify and contact the Owner, if local, or Owner's local contact person to obtain tenant information in the event of an emergency or when disproportionate number of city, state or federal violations have occurred on or in the property. It is not the intent of this division to determine the rights and liabilities of persons under agreements to which the City is not a party. This division shall not be construed to alter the terms of any lease or other agreement between the landlord and a tenant or others relating to the property that is the subject of this division; provided that no provision of any lease or other agreement shall be construed to excuse non-compliance with this division.

Sec. 7-431. - Applicability and administration.

(a) This division shall apply to all one-family dwellings and dwelling units of two-family dwellings, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses and used for Rental Property within the TCU Residential Overlay District, see this Code: Appendix A-"Zoning Regulations"; Chapter 9, "Definitions"-Appendix B "Maps"-Exhibit B.32.

(b) The code compliance director and the director's authorized representatives are authorized to administer and enforce the provisions of this division.

Sec. 7-432. - Registration required.

(a) An owner who rents, leases to, or allows another person to occupy a one-family dwelling unit or of a two-family dwelling unit within the TCU Residential Overlay District shall be required to register no later than March 31, 2015.

(b) A new registration is required upon any change in ownership of a one-family dwelling unit or of a two-family dwelling unit where it is leased, rented or another person is allowed to occupy the dwelling within the TCU Residential Overlay District within ten (10) days after the date of acquiring ownership.

Sec. 7-433. - Registration.

(a) An owner who rents, leases to, or allows another person to occupy a one-family dwelling unit or a two-family dwelling unit shall file with the city a written registration application, on the form provided for that purpose, and signed by the owner of the dwelling to be registered. A post office box shall not suffice for the address requirements of this section.

(b) The registration shall be on a form prescribed by the code compliance director, and shall at a minimum contain the following information:

(1) The names, addresses, e-mail addresses and telephone numbers of the owner, and resident manager; and the type of business entity which owns the property;

(2) The name, e-mail address and physical address of designated employees or authorized representatives of the owner who shall be assigned to respond to emergency conditions and a

telephone number where designated employees or authorized representatives can be contacted by the City during any twenty-four-hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard, and violent crime;

(3) If the owner does not live within fifty (50) miles of the TCU Residential Overlay District, then in addition to the information in (1) above, the same information shall be provided for a local contact, who does reside within fifty (50) miles of the TCU Residential Overlay District, that has the same authority to represent the owner in all matters relating to the one-family or two-family dwelling unit;

(4) If the property is owned by a corporation, limited liability company, partnership, limited partnership, trust or real estate investment trust, the name and address of any of the following:

- a. For a corporation, a corporate officer;
- b. For a partnership, a general partner;
- c. For a limited liability company, the managing or administrative member;
- d. For a limited partnership, a general partner;
- e. For a limited liability partnership, a general partner;
- f. For a limited liability limited partnership, a general partner;
- g. For a trust, a trustee;
- h. For a real estate investment trust, a general partner or an officer.
- i. For any other legal entity not named above, a duly authorized agent;

(5) Name, address, e-mail address and telephone number of the property manager; and

(6) Street address of the one-family dwelling unit or two-family dwelling unit;

(7) Total square feet of living area and number of bedrooms;

(8) Number of persons occupying the one-family dwelling unit or two-family dwelling unit;

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

Sec. 7-434. - Fees.

There shall be no fees associated with registering a one-family or two-family dwelling in the TCU Residential Overlay District.

Sec. 7-435. - Violations.

(a) It is a violation of this division to:

- (1) Fail to register as a rental property when required by subsections 7-432 and 7-433; or

- (2) Fail to present and/or provide documents requested pursuant to this division; or
- (3) Provide false information to the Code Compliance director under this division; or
- (4) Continue non-compliance with this division, following either an administrative or judicial finding of non-compliance, plea of guilty or a plea of no contest.

Sec. 7-436. –Enforcement.

The Code Compliance director or designee shall have the authority to investigate and issue citations for the violation of the provisions of this division. Owner or person authorized to represent the Owner in all matters relating to the one-family or two-family dwelling unit shall produce lease agreements requested by the Code Compliance director or designee in the course of the investigation. A violation of this article is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00). Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense.

SECTION 2.

Chapter 7, “Buildings,” Article X. “Registration and Inspection of One-Family and Two-Family Dwellings” of the Code of the City of Fort Worth, Texas (1986), as amended, is hereby amended to replace all references to “article” with “division.”

SECTION 3.

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth, Texas, 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 4.

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 and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

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 6.

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 Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 7.

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 the V.T.C.A. Local Government Code Subsection 52.013.

SECTION 8.

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

APPROVED AS TO FORM AND LEGALITY:

By: Melinda Ramos
Melinda Ramos, Assistant City Attorney

Mary Kayser
Mary Kayser, City Secretary

Adopted: December 2, 2014

Effective: December 8, 2014

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 12/2/2014 - Ordinance No. 21548-12-2014

DATE: Tuesday, December 02, 2014

REFERENCE NO.: G-18368

LOG NAME: 23TCU RESIDENTIAL OVERLAY DISTRICT 1 AND 2 FAMILY REGISTRATION

SUBJECT:

Adopt Ordinance Amending Chapter 7, Buildings, Article X, Registration and Inspection of One-Family and Two-Family Dwellings of the Code of the City of Fort Worth to Add Registration Requirements for One-Family and Two-Family Dwellings in the TCU Residential Overlay District (DISTRICTS 3 and 9)

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 7, Buildings, Article X, Registration and Inspection of One-Family and Two-Family Dwellings of the Code of the City of Fort Worth to add registration requirements for One-Family and Two-Family Dwellings in the TCU Residential Overlay District.

DISCUSSION:

In August 2014, the City Council informally endorsed the creation of a zoning overlay district to address occupancy by unrelated persons in "A" One Family zoning districts around the Texas Christian University (TCU) campus. In addition, the City Council endorsed the creation of a simple rental registration program for one- and two-family dwellings within the overlay district. In response to comments received at the October 8, 2014 Zoning Commission public hearing on the overlay district, the City Manager's Office convened a mediation group on TCU-area housing issues to resolve issues associated with the proposed overlay district, including occupancy and rental registration.

After much discussion, the mediation group voted on November 5, 2014 to recommend an ordinance that would reduce from five to three the number of unrelated persons who may reside in a dwelling within "A" One Family zoning districts near the TCU campus, subject to the zoning ordinance's grandfather clause. The group stipulated that this recommendation is subject to the resolution of outstanding issues relating to rental registration. On November 19, 2014 the mediation group voted to recommend a rental registration ordinance for one-and two-family dwellings within the overlay district, and to recommend that the City Council consider enacting a chronic nuisance ordinance, which would create a process by which property owners may be held accountable for certain nuisances that occur on their properties.

In accordance with the mediation group's recommendation, the rental registration ordinance amendment would include regulations that require property owners who rent or lease one-family and two-family dwellings within the TCU Residential Overlay District to register with the City no later than March 31, 2015, provide contact information for the property owner and any authorized representative, appoint a local contact if the property owner does not live 50 miles of the TCU campus, provide the number of tenants occupying the dwelling units, and update any information when it is changed. The ordinance will also provide that it is a violation if the property owner does not register or provide the information as required.

The December 2, 2014 City Council agenda will also include the zoning cases associated with the TCU Overlay District (ZC-14-137 and ZC-14-138) and a resolution to end the moratorium on single-family building permits within the overlay district.

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:**

Fernando Costa (6122)

Originating Department Head:

Brandon Bennett (6322)

Additional Information Contact:Shannon Elder (6326)
