

To: Bryan City Secretary
From: Councilmembers Owens and Southerland
Subject: Agenda Item Titled: Rental Registration

Please place the item below on the next Bryan City Council Regular Council Meeting Agenda for Dec 2017.

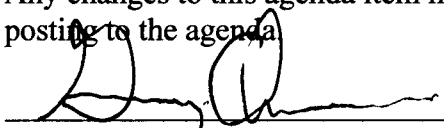
Discussion consideration and possible action to direct the city staff to

Use the current process and develop an ordinance like the one enforce in College Station, attachment A and have it ready for Council approval by the first meeting in Feb 2018.

An outline and key elements are list at enclosure B taken from the City of College Station's website, titled "Rental Registration License".


Presentations: Councilmember Owens.

Any changes to this agenda item must be approved in writing by both under signs prior to posting to the agenda



Greg Owens, Councilmember, District 3

Date: 12/4/17



Mike Southerland, Councilmember, District 4

Date: 12/4/17

Note: The Texas Attorney General Opinion Number DM-228 (1993) states no policy can preclude a councilmember from placing an item on the agenda for public discussion.

Enclosures:

- A. "Section 4.19, Rental Registration of Single Family and Duplex Units"
- B. "Rental Registration License"



EXHIBIT "A"

That Chapter 4, "Business Regulations," Section 4.19, "RENTAL REGISTRATION OF SINGLE-FAMILY AND DUPLEX DWELLING UNITS", of the Code of Ordinances of the Code of the City of College Station, Texas, is hereby amended as set out hereafter to read as follows:

"SECTION 19: RENTAL REGISTRATION OF SINGLE-FAMILY AND DUPLEX DWELLING UNITS

A. PURPOSE

The purpose of this Section is to establish a registration requirement for owners of Rental Properties 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 a disproportionate number of city, state or federal law violations have occurred on or in the property. It is not the intent of this section to determine the rights and liabilities of persons under agreements to which the City is not a party. This section shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this section; provided that no provision of any lease or other agreement shall be construed to excuse non-compliance with this section.

B. DEFINITIONS

- (1) Administrator: The City Manager or his designee
- (2) Rental Property: Any single-family or duplex 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.
- (3) Duplex Dwelling: As defined in Article 11, "Definitions" of the Unified Development Ordinance.
- (4) Single-Family Dwelling: As defined in Article 11, "Definitions" of the Unified Development Ordinance.

C. REGULATIONS

- (1) Each owner or real estate manager of Rental Property is required to annually register the property with the City on a form provided by the Administrator. A new registration is also required upon any change in the conditions listed below: The information required to register the Rental Property is as follows:
 - (a) Address of the Rental Property;
 - (b) Owner and contact information for the owner;

ATT: A

- (c) Type of rental property such as single-family or duplex;
 - (d) Local contact person with contact information, in the case of an absentee owner. The local contact person cannot be someone who is listed on the lease. Local contact must reside within thirty (30) miles of the College Station City Hall;
- (2) Tenant names, the contact information for all persons listed on the current lease(s), and all current lease(s) shall be presented to the Administrator for review upon request.
 - (3) Other information shall likewise be provided, as deemed necessary by the Administrator.
 - (4) A fee of Fifteen Dollars (\$15.00) shall be assessed at the time of any required registration.

D. ENFORCEMENT

The Administrator shall have the authority to issue citations for the violation of the provisions of this Section. An individual's signature on a copy of the citation given to him is acknowledgement of receipt of the same and a promise to contact the Administrator to either pay or arrange for the entry of a plea and a hearing, within ten (10) days of the date of the citation. Failure or refusal to sign shall be noted and a copy filed with the Administrator, as due and payable within ten (10) days, absent a timely appeal, the lack of signature notwithstanding.

E. PENALTIES

- (1) Administrative penalties for code violations may be imposed, in addition to the criminal prosecution authorized by Section 1-5 of this Code. The following criteria shall be considered:
 - (a) The extent to which the person has benefited from the violation;
 - (b) The degree of harm to the public health, safety, welfare and aesthetics as a result of the violation;
 - (c) The recidivism of the person, including previous compliance and enforcement action;
 - (d) Good faith efforts to remedy the violation;
 - (e) The duration of the violation after a notice and order of compliance was served.
- (2) The amount of the citation shall be as follows:

First	\$180 / \$200
Second	\$330 / \$350
Third and Subsequent	\$480 / \$500

- (3) Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

F. VIOLATIONS

- a. It is a violation of this section to:
 - (1) Fail to register a Rental Property when required by subsection 19C;
 - (2) Fail to present and/or provide documents requested pursuant to subsection 19C(2) or 19C(3);
 - (3) Provide false information to the Administrator under this Section; or
 - (4) Continue non-compliance with this Section, following either an administrative or judicial finding of non-compliance or plea of guilty.
- b. A plea of no contest shall be treated as a plea of guilty for purposes of this Section.

G. ADMINISTRATIVE ADJUDICATION OF VIOLATIONS

- (1) A person who receives an administrative citation or summons under Section 19E above is entitled to an administrative hearing.
- (2) The Administrator shall implement and enforce the provisions of this section, establishing necessary procedures consistent with this Section.
- (3) One (1) or more Hearing Officers shall be appointed by the Administrator to administratively adjudicate all violations for which an administrative citation or summons is issued.
- (4) A Hearing Officer shall have the authority to:
 - (a) Administer oaths;
 - (b) Accept admissions and hear and determine contests of violations under this Section, and
 - (c) Issue orders enforceable by the Municipal Court compelling the attendance of witnesses and the production of documents.
- (5) The administrative adjudication process is initiated by the issuance of an administrative citation or summons by a City Code Enforcement Officer or licensed Peace Officer. An administrative citation or summons serves as notice of administrative adjudication hearing under this section.
- (6) An administrative citation or summons shall include the following information:
 - (a) The nature, date, time and location of the alleged violation;
 - (b) A statement that a person charged with a civil offense under the City's Code of Ordinances is entitled to an administrative adjudication hearing to determine liability for the charged offense and that such right to a hearing shall be exercised by personally appearing at College Station Municipal Court within ten (10) days from the date of the citation.
 - (c) A notification that failure to answer the citation or to appear at the administrative adjudication hearing is considered an admission of liability for the violation and will result in the assessment of civil fines, costs and fees.

- (7) An administrative citation or summons may be served personally on the owner of the Rental Property or the owner's legal registered agent. The citation or summons may be served by personal service, regular and/or certified mail.
- (8) The original or a copy of the citation, including an electronic copy is a governmental record kept in the ordinary course of City business and is rebuttable proof of the facts it contains.
- (9) The original and all copies of any administrative citation or summons are prima facie evidence that it was issued and that service was made in accordance with this subsection."

Rental Registration License

[Print](#)
[E-mail](#)

To register online, users can access a secure site called eTRAKiT, which is accessible only through the City of College Station website: www.cstx.gov/rentalregistration. Complete the rental registration license form and pay the fee of \$15 per building. If you experience any issues while trying to submit a Rental Registration License online or need help setting up an eTRAKiT user account, please email rentalregistration@cstx.gov or call 979-764-6363.

FIRST TIME USERS - HOW TO USE eTRAKiT

For Property Owners registering their property with the Rental Registration License Program for the FIRST TIME, please do the following:

- In the black bar at the top of the eTRAKiT screen, change the "Registered User" pull-down to "Public," then click on "Setup An Account." Please note that you need to set up a PUBLIC account, not a Registered User account. Set up your account with username and password; you will receive email confirmation. Then go to eTRAKiT and log in to your Public account.
- On the Dashboard, go to Licenses, and Apply for New License.
- Follow the steps and enter all required information. "Type" is Rental Registration. "Licensee Name" is YOUR name or LLC. Continue through all screens. Under "Additional Information," hover over the "?" for a definition of each item.
- If you do not live in College Station, you are required by City Ordinance to have a local contact within 30 miles of College Station City Hall. If you do not provide a local contact when creating a license, we cannot approve and activate your rental license until you provide the required information.
- The license fee is \$15 per building. You may pay with Visa, MasterCard, or Discover.

RETURNING USERS

Rental Registration Licenses no longer need to be renewed every year.

- However, if you no longer own a property, or if your contact information or the local contact's information has changed, you are required to notify us in writing (email is ok) within 30 days of the change. You cannot edit this information in eTRAKiT. Please DO NOT create a new license for a property if you have an existing Rental Registration License and just need to change contact information - you will be charged \$15 for the new license.
- If you have acquired rental properties that are not yet registered, follow the steps above. Remember to change "Registered User" to "Public" and log in with your Username and Password. Please DO NOT create a new license for a property that you have already registered, and for which you already have a license.

FORMS
Rental Registration - Single Property
Rental Registration - Multiple Properties
Rental Registration Privacy Form
ONLINE REGISTRATION
eTRAKiT
DOWNLOADS
Ordinance (PDF)

Att: B

DEFINITIONS

Rental property means any single-family, townhome, duplex, tri-plex, four-plex, five-plex, or six-plex dwelling unit that is not owner-occupied, whether or not rent is charged. The term "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.

Owner Occupied is defined as the property's owner of record that utilizes the dwelling as the owner's primary residence. If family members live on the property, but the owner does not, the property is not owner-occupied and must be registered. Duplex, three-, four-, five-, and six-plex properties where the property owner lives in one of the units must be registered.

WHO IS RESPONSIBLE FOR REGISTERING?

The rental property owner is responsible for registering. Out-of-town owners must designate a local contact person responsible for the property. The local contact cannot be someone listed on the lease and must reside within 30 miles of College Station City Hall. ***Tenants are not required to register.***

ARE ALL RENTAL UNITS REQUIRED TO REGISTER?

Not quite. The ordinance requires registration licenses for single-family, townhome, duplex, three-plex, four-plex, five-plex, and six-plex rental properties. Condos and multi-family properties with more than six dwelling units per building are not required to be registered. Each residential dwelling unit must provide complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking, eating and sanitation.

I OWN A HOUSE WHERE FAMILY MEMBERS LIVE WHILE GOING TO SCHOOL AND THEY DON'T PAY RENT - DO I STILL HAVE TO REGISTER?

Yes. Even if family members live in a dwelling, but you do not, it needs to have a Rental Registration License. This applies whether or not rent is paid. It applies even if you visit every weekend and keep a toothbrush there, because it is not your primary residence.

I OWN A FIVE-BEDROOM HOUSE, AND MY TWO SONS LIVE THERE. CAN THEY HAVE THREE HOUSEMATES?

No. Per City Ordinance, no more than four persons are permitted to occupy a dwelling unit unless they are ALL related by blood, marriage, adoption, guardianship, or are members of a group home for persons with disabilities.

WHAT IF I HAVE A CHANGE OF TENANTS?

Property owners do not need to provide change of tenant information to the city, but current tenant information should be retained by the local contact person and made available when necessary.

WHO HAS ACCESS TO RENTAL REGISTRATION INFORMATION?

The database is maintained only for city use, but is considered public record if requested.

WHAT HAPPENS IF I DON'T REGISTER?

Violations of the city code are misdemeanors that carry fines up to \$500.

HOW IS THE ORDINANCE ENFORCED?

The city issues a written citation or summons request to Municipal Court for code violations. Violations include:

- Failure to register a non-owner occupied property
- Refusing to allow the review of required documents or information
- Providing false information

Each day a violation continues is a separate offense. If you receive a citation or summons to Municipal Court, you must contact the Court Administrator to pay the fine or arrange for a plea and hearing within 10 days of the citation/summons.

Citation Amounts	Offense Payment with 10 Days	Payment after 10 Days
First	\$180	\$200
Second	\$330	\$350
Third & Subsequent	\$480	\$500

CAN I APPEAL A CITATION?

Yes, you are entitled to due process, including an administrative hearing and the right to judicial appeal.

For more information regarding this ordinance requirement, please contact Community Services at rentalregistration@cstx.gov or 979.764.6363