

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS ESTABLISHING ARTICLE VIII (REPORTING REQUIREMENTS FOR OWNERS OF SINGLE FAMILY RESIDENTIAL RENTAL PROPERTY) OF CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS) OF THE CITY OF FRISCO CODE OF ORDINANCES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("City" or "Frisco") to protect the health, safety and general welfare of the citizens by establishing minimum reporting requirements for the owners of single family residential rental property;

**WHEREAS**, the City Council has investigated and determined that there are owners of single family residential rental structures within the City that do not provide adequate information on how to contact them; and

**WHEREAS**, the City Council has investigated and determined that there is a high percentage of owners of single family residential rental structures that do not reside locally or reside out of state; and

**WHEREAS**, the City Council has investigated and determined that some absentee owners of single family residential rental properties do not have firsthand knowledge of the condition of their properties; and

**WHEREAS**, the City Council desires that this Ordinance will prevent the growth of unmaintained properties and will preserve and enhance residential neighborhoods and property values; and

**WHEREAS**, the City Council seeks to protect property values within the City limits; and

**WHEREAS**, pursuant to the laws of the State of Texas, including Texas Local Government Code Section 51.001, the City Council has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

**WHEREAS**, § 92.208, Texas Property Code, allows a municipality to adopt an ordinance that conforms to the provisions of Chapter 92, Subchapter E, Texas Property Code, related to the disclosure of ownership and management of a dwelling by a landlord, and may contain additional enforcement provisions; and

**WHEREAS**, the City Council has investigated and determined that to protect the health, safety and general welfare of the citizens of Frisco, it would be advantageous and beneficial to create sustainability and maintain property values by establishing requirements for the regulation of

disclosure of ownership and management of a single family residential rental dwelling by a landlord in accordance with Chapter 92, Subchapter E, Texas Property Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Chapter 18 (Buildings and Building Regulations) of Frisco's Code of Ordinances by adding Article VIII (Reporting requirements for owners of single family residential rental property). Chapter 18 (Buildings and Building Regulations) of Frisco's Code of Ordinances by adding Article VIII (Reporting requirements for owners of single family residential rental property) is hereby amended to read as follows:

**"Article VIII. Reporting requirements for owners of single family residential rental dwelling.**

**Sec. 18-460. Purpose.**

This Ordinance is adopted so that the City Council may promote the public health, safety, and general welfare within the City by providing neighborhood sustainability and preserving property values. Having current and reliable information about the owner of single family rental properties will allow the City to provide those owners with timely information on the condition of the property. By requiring the registration of single family rental dwelling owners, the City Council seeks to protect property values and prevent property damage within the City limits.

**Sec. 18-461. Definitions.**

As used in this Ordinance, the following terms shall be defined as follows:

*Administrator.* The department(s) or division(s) of the City designated by the City Manager to administer and/or enforce the provisions of this Ordinance and any person or persons designated by such a department or division to represent the department or division for said purpose.

*City.* The City of Frisco, Texas, and all areas within its corporate limits.

*City Council.* The City Council of the City of Frisco, Texas.

*Landlord.* A dwelling owner, lessor, or sublessor of a dwelling, but does not include a manager or agent of the landlord unless the manager or agent purports to be the owner, lessor, or sublessor in an oral or written lease.

*Owner.* Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of such person if ordered to take possession of real property by a court.

*Property Manager.* The owner or the person appointed or hired by the owner to be responsible for the daily operation of the single-family residential dwelling.

*Single-family residential rental dwelling.* A dwelling designed and constructed for occupancy by one family and having no physical connection to a building located on any other separate lot or tract.

*Tenant.* A person who is authorized by a lease to occupy a dwelling to the exclusion of others, and who is obligated under the lease to pay rent.

**Sec. 18-462. Required disclosure of ownership and management.**

A landlord shall disclose to a tenant, or to any government official or employee acting in an official capacity, according to this section:

**(a) Owner.**

- (1) The name, current home or business street address, and current phone number of the holder of record title, according to the deed records in the county clerk's office is required.
- (2) The email address of the holder of record title, according to the deed records in the county clerk's office is optional.

For the purposes of this section, an owner may disclose either an actual name or names or an assumed name if an assumed name certificate has been recorded with the county clerk.

- (b) Property Manager.** If an entity located off-site from the dwelling is primarily responsible for managing the dwelling, the name, street address and phone number of the property manager is required. A current email address is optional.

**Sec. 18-463. Method of disclosure.**

**(a) Disclosure to a tenant under this section must be made by:**

- (1) Giving the information in writing to the tenant on or before the seventh day after the day the landlord receives the tenant's request for the information;
- (2) Continuously posting the information in a conspicuous place in the dwelling or the office of the on-site manager or on the outside of the entry door to the office of the on-site manager on or before the seventh day after the date the landlord receives the tenant's request for the information; or
- (3) Including the information in a copy of the tenant's lease or in written rules given to the tenant before the tenant requests the information.

- (b) Disclosure of information to a government official or employee must be made by giving the information in writing on a form approved by the City on or before the seventh day after the date the landlord receives the request from the official or employee for the information.**

**Sec. 18-463. Registration application**

- (a) Residential rental dwelling registration information shall be made in writing on the form provided by the Administrator. Registration information is required for each single family residential rental dwelling.
- (b) A correction to the information may be made by any of the methods authorized for providing the information.
- (c) An application shall be made each time there is a change in ownership of a residential rental dwellings. For purposes of this section, a "change in ownership of a single family residential rental dwelling" occurs when more than fifty percent (50%) of the equity interest of a residential rental dwelling is owned by a person or persons other than the person or persons listed on the last residential rental dwelling registration application.

**Sec. 18-464. Fees**

There shall be no fees associated with registering a single family residential rental dwelling.

**Sec. 18-465. Failure to provide ownership information**

- (a) A landlord is in violation of this section if after the tenant or government official or employee makes a request for information under Section 18-462, the landlord does not provide the information on or before the seventh (7<sup>th</sup>) day after the information is requested;
- (b) If the tenant's lease is in writing, the lease may require the tenant's initial request for information to be written. A request by a government official or employee for information shall be in writing. For purposes of this section, "written request" occurs when the notice is hand delivered or three (3) days after the request is placed in regular United States Post Office mail to the name of the holder of record title according to the deed records in the county clerk's office.

**Sec. 18-466. Requirement to provide updated information.**

Upon request, a landlord shall provide updated information on required registration information on or before the seventh (7<sup>th</sup>) day after the information was requested.

**Sec. 18-467. Providing false information.**

A landlord acts in bad faith and is in violation of this chapter if the landlord gives an incorrect name, address, or phone number under Section 18-461.

**Sec. 18-468. Remedies.**

For violation of this Section, the City may pursue all remedies available to it pursuant to §92.205, Texas Property Code, as amended.

**Sec. 18-470. Affirmative Defense.**

It is an affirmative defense to the provisions of this ordinance if the tenant owes rent on the date the tenant gives a notice to the landlord required by either of those sections. Rent delinquency is not a defense for a violation of Section 18-468.

**Sec. 18-471. Penalty.**

Any person, firm, corporation or business entity violating this Ordinance or portion thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding five hundred dollars and no/100 (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penalty provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies to it pursuant to local, State, and Federal law."

**SECTION 3: Savings/Repealing Clause.** All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portion of conflicting Ordinances shall remain in full force and effect.

**SECTION 4: Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid in a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Frisco hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 5: Effective Date.** This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS** on this 15th day of DECEMBER, 2009.



*Maher Maso*

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Maher Maso, Mayor

**ATTESTED AND CORRECTLY  
RECORDED**

*Jenny Page*  
\_\_\_\_\_  
Jenny Page, City Secretary

**APPROVED AS TO FORM:**

*Courtney A. Kuykendall*  
\_\_\_\_\_  
Abernathy, Roeder, Boyd & Joplin, PC  
Courtney A. Kuykendall, City Attorneys

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