

RENTAL REGISTRATION & INSPECTION PROGRAM

CITY OF LEON VALLEY TEXAS

A Guide for Tenants and Landlords



Community Development Department
6400 El Verde Road
Leon Valley, TX 78238
210-684-1391 x226 or X 227
210-509-8288 fax



Dear Leon Valley Tenant and Landlords:

The goal of the Leon valley Renter's Registration and Inspection Ordinance is to preserve and improve rental properties in the City. It was adopted on July 7, 2009, in response to the need for an organized inspection program for new and aging residential rental units in order to upgrade rental units to meet city and state safety, health, fire and zoning codes and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the city. The City recognized that the most efficient system to provide for rental inspections is the creation of a program requiring the registration of all residential rental units within the city so that orderly inspection schedules can be made by city officials.



Landlords and tenants are encouraged to understand and abide by ordinance regulations and laws in the City of Leon Valley. Tenants should also know their rights and responsibilities in maintaining the property and home which they live in and in keeping their neighborhood a safe and attractive place to

The following packet contains all of the information needed to complete the City's registration and inspection.

Welcome to Leon Valley and thank you in advance for doing your part to help keep the Leon Valley community sustainable and beautiful!

Contact Information

For questions or concerns regarding renter's registration and/or inspections, contact the Community Development Department:

Phone: 210-684-1391 x226 OR x227

Fax: 210-509-8288

Website: www.leonvalleytexas.gov

In Person: Leon Valley City Hall
6400 El Verde Rd
Leon Valley, TX 78238
Monday-Thursday 7:30AM-5:30PM

Friday 7:30AM-11:30AM

Other Contact Information

Emergency Fire & Police 911
Non-Emergency Fire 210-684-3219
Non-Emergency Police 210-684-3215

Waste Management 1-800-800-5804
(Recycling & Garbage Collection)

Utility Billing 210-684-1391 x224

Code Enforcement 210-684-1391 x229

Animal Control 210-684-1391 x230

Rental Registration & Inspection (RRI) Program

The RRI Program has two-parts: 1) annual registration of every rental unit, and 2) inspection bi-annually or with every tenant change, whichever comes first.

REGISTRATION

- 1) From August 1st through September 15th of each fiscal year, the Community Development Department will mail invoices to each rental property owner listed in the database. It is the responsibility of property owners to register all of their rental units, whether or not prior notice was received.
- 2) The deadline for registration shall be October 1st of the same year.
- 3) The registration and initial inspection \$65. Property owners that fail to register by the deadline of October 1st must pay double per unit.

INSPECTION

- 1) An *Inspection Report* is required for each unit. All tenants/landlords must schedule a rental unit inspection prior to requesting water service. Water service may be applied for in person at City Hall.
- 2) The Utility Billing Department will direct all tenants/landlords to the Community Development Department to verify registration and/or to schedule an inspection. If the rental units are registered a copy of the registration form will be forwarded to the Utility Billing Department for processing of water services and connection. Registration is required to schedule an inspection and set up a billing account.
- 3) Old and new occupied rental units will be inspected with each tenant change or every other year, whichever comes first.
- 4) The fee for the *Inspection Report* must be paid by the tenant or property owner (as specified in the rental agreement), prior to each inspection.

The fees are as follows:

- a. Registration & Initial Inspection - \$65
- b. Follow-up Inspection – \$65

- 5) Water service will be connected prior to the inspection to allow verification of sufficient water supply and hot water as well as to check for leaks.
- 6) Upon completion of the inspection, the Building Inspector will provide the property owner and tenant with a list of corrections.
- 7) Re-inspections or follow-up inspections will not be made until all corrections are complete and applicable fees are paid.
- 8) Failure to comply with renter's registration and inspection guidelines could result in citations, fines and/or court visits.

What You Should Know – Before Renting

When looking for a home, use these tools to check for the following:

- ❖ Flashlight
- ❖ Light bulb
- ❖ Hair dryer
- ❖ Pen/pencil and notepad

ELECTRICAL

- ❖ Turn on each light switch to ensure they work
- ❖ If there is no bulb in the socket use the one you brought along
- ❖ Check every plug by plugging in your hair dryer
- ❖ Make a note of everything that does not work

PLUMBING

- ❖ Turn on the sink and tub faucets to see if they work or leak
- ❖ Flush toilets, be sure to check for leaks along the base of the toilet
- ❖ Be sure drains are operating properly
- ❖ Check the water heater

HEATING & AIR CONDITIONING

- ❖ Check heating and air conditioning – look for a clean filter and avoid highly musty smelling units
- ❖ Adjust the thermostat up and down to be sure it works

CEILINGS/WALLS/DOORS

- ❖ Look up – are there water stains and/or cracks
- ❖ Look behind doors and open and close them to be sure they work

SAFETY

- ❖ Check for smoke detectors
- ❖ Make sure doors close and lock properly

RODENTS/INSECTS

- ❖ Open cabinets and closets – shine in flashlight to check for roaches or rodents
- ❖ Look for droppings and mouse holes in cabinets and closets

What You Should Know – Before Renting Cont'

WINDOWS

- ❖ Check for screens and locks on each window
- ❖ Check to make sure the window is not blocked
- ❖ Press gently against windows to ensure they are securely in place not loose or broken

SUMMARY

- ❖ Think carefully of all of the things you saw while inspecting the house and consider all of your options – serious problems could affect your health and safety
- ❖ Give the landlord a list of corrections and ask for the repairs to be put in writing

Do's & Don'ts of Being a Tenant in Leon Valley

While a property owner is responsible for many maintenance items, the tenant needs to be aware of what they should and should not do as well.

Fire Safety

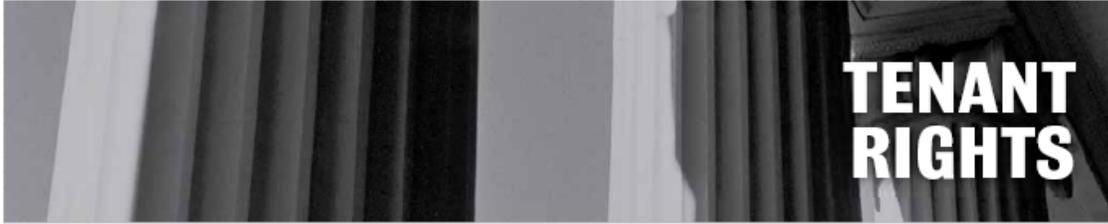
- ❖ Do NOT tamper with smoke detectors
- ❖ Do NOT have piles of trash on your property – this could be a fire hazard
- ❖ DO test your smoke detector regularly
- ❖ DO keep your property clear of obstructions that may catch fire or hinder your safety in fleeing a fire

Cleanliness

- ❖ DO keep your rental home or unit clean and sanitary – it keeps away rodents, insects and snakes. It also keeps your neighbors happy!
- ❖ DO keep your trash and garage in garbage carts and dumpsters. Take your trash out for collection day (night before or morning of collection).
- ❖ DO properly maintain your appliances, fixtures, and A/C unit.

Respect Your Neighbors

- ❖ DO mow your lawn regularly. Remember that grass and/or weeds that are 12-inches or higher is a violation of city ordinance.
- ❖ DO remember that excessive noise/construction noise is not allowed before 7am or after 6pm.
- ❖ DO look into Home Occupation regulations if you intend to operate a business from your home. There are storage, sign and other prohibitions you need to know about.
- ❖ DO NOT store appliances (i.e. refrigerators), trash, debris, rubbish, furniture, mattresses, etc... in the driveway, or front yard.
- ❖ DO NOT park your vehicle(s) on the sidewalk, on the grass or half on and off the curb/sidewalk.



Some landlords prefer oral agreements, but it is more common for them to require your signature on a written lease. Be sure to read the lease carefully before you sign it. If you want to change a part of the lease, discuss it with the landlord. If the landlord agrees, the two of you should decide how you want to word the change and then write it into the agreement. Both you and the landlord should then initial the change. For example, many standard leases prohibit pets, but your landlord may be willing to accept a pet if you put down extra money as security.

LANDLORD-TENANT

disputes are common and can become very emotional. You should know your legal rights and obligations. The relationship between Texas landlords and their tenants is governed by several statutes, particularly Chapter 92 of the Texas Property Code, and by various court rulings. However, the most important source of information about your relationship with your landlord is your rental agreement, whether it is written or oral.

YOUR RIGHT TO PEACE AND QUIET

Your rights as a tenant include the right to “quiet enjoyment” as it is called in the law. This means the landlord cannot evict you without cause or otherwise disturb your right to live in peace and quiet. If other tenants in your building are disturbing you, you should complain to the landlord. The landlord has a duty to see that you are protected

from other tenants’ wrongful behavior. Of course, you may not disturb other tenants either. Except under certain circumstances and subject to certain conditions, a landlord may not interrupt utilities to a tenant unless the interruption results from bona fide repairs, construction or emergency.

YOUR RIGHT TO HEALTH & SAFETY

You have a right to demand that the landlord repair any condition that materially affects your health and safety. Under Texas law, by renting you the property, the landlord guarantees that the unit will be a fit place to live. Under certain conditions, you and the landlord may have a written agreement that you will make needed repairs.

The landlord does not have a duty to pay for or make repairs if you or your guests cause an unsafe or unhealthy condition through negligence, carelessness, abuse or accident—unless the condition resulted from “normal wear and tear.” Also, the landlord must provide smoke detectors. You may not waive that provision, and you may not disconnect or disable the smoke detector.

YOUR RIGHT TO SECURITY

Although there are some specific exceptions, under Texas law a dwelling must be equipped with security devices such as window latches, keyed dead bolts on exterior doors, sliding door pin locks, sliding door handle latches or sliding door security bars and door viewers. These devices must be installed at the landlord’s expense. If such



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

From the Office of the Attorney General

http://www.oag.state.tx.us/AG_Publications/pdfs/tenant_rights.pdf

devices are missing or are defective, you have the right to request their installation or repair.

IF YOU HAVE PROBLEMS...

If the landlord won't make repairs needed to protect your health, safety or security and you follow the procedures required by law, you may be entitled to:

- End the lease;
- Have the problem repaired and deduct the cost of the repair from the rent or
- File suit to force the landlord to make the repairs.

You **MUST** Follow These Steps:

1. Send the landlord a dated letter by certified mail, return-receipt requested, or by registered mail, outlining the needed repairs. You may also deliver the letter in person. Keep a copy of the letter. Be sure that your rent is current when the notice is received.
2. Your landlord should make a diligent effort to repair the problem within a reasonable time after receipt of the notice. The law presumes seven days to be a reasonable time, but the landlord can rebut this presumption. If the landlord has not made a diligent effort to complete the repair within seven days and you did not have the first notice letter delivered to your landlord via certified mail, return receipt requested, or via registered mail, send a second notice letter regarding the needed repairs.
3. If the landlord still has not made diligent efforts to repair the problem within a reasonable time after receipt of the notice letter sent by certified mail, return receipt requested, or by registered mail, you may be entitled to terminate the lease, repair the problem and deduct the cost from your rent or get a court to order that the repairs be made. You should consult with an attorney before taking any of these actions.

Under Texas law, it is illegal for a landlord to retaliate against you for complaining in good faith about necessary repairs for a period of six months from the date you made such a complaint. Of course, you can always be evicted if you fail to pay your rent on time, threaten the safety of the landlord or intentionally damage the property. You do not have a right to withhold rent because the landlord fails to make repairs when the condition needing repair does

not materially affect your health and safety. If you try this method, the landlord may file suit against you.

RECOVERING YOUR DEPOSIT

Most landlords require you to pay a security deposit to cover any repairs needed when you move out or to cover your failure to pay the last month's rent. By law, landlords cannot refuse to return the deposit without a valid reason.

DEDUCTIONS FOR DAMAGES

Under Texas law, you must give the landlord a forwarding address and the landlord must return the deposit—less any amount deducted for damages—within 30 days. If the landlord withholds part or all of your deposit, he or she must give you an itemized list of deductions with a description of the damages.

NORMAL WEAR AND TEAR

The landlord may not charge you for normal wear and tear on the premises and may only charge for actual damage. For example, if the carpet simply becomes more worn because you and your guests walked on it for a year, the landlord may not charge you for a new carpet. If your water bed leaks and the carpet becomes mildewed as a result, you may be charged.

ADVANCE NOTICE REQUIREMENTS

You should check your rental agreement to see if it requires you to give the landlord advance notice that you are moving. Many leases require 30 days notice as a condition of returning your deposit. Also, you may be required to give notice to end your lease.

If you give your landlord your new address in writing and you do not receive your deposit or an explanation within 30 days of your departure, contact the landlord. If you cannot resolve the problem satisfactorily, call your lawyer. Also contact the Better Business Bureau or your local tenant's council about potential dispute resolution services. You can contact our office to file a complaint.

ADDITIONAL TENANT'S RIGHTS INFORMATION

If you would like to learn more about tenant's rights, the Public Information Department of the State Bar of Texas publishes a pamphlet containing a more detailed description of Texas law and tenant's rights. To obtain this pamphlet, you can contact the State Bar of Texas at (800) 204-2222 ext. 1800 (in Austin, call 427-1800) or by email at pamphlets@texasbar.com.

CONTACT INFORMATION

BY US MAIL

Office of the Attorney General
Consumer Protection Division/010
P. O. Box 12548
Austin, Texas 78711-2548

ON THE INTERNET

Web site: www.oag.state.tx.us

BY TELEPHONE

Main agency switchboard

(512) 463-2100

Consumer Protection Division

(800)621-0508

or Regional Offices

Austin.....(512) 463-2070
Dallas.....(214) 969-5310
El Paso.....(915) 834-5800
Houston.....(713) 223-5886
Lubbock.....(806) 747-5238
McAllen.....(956) 682-4547
San Antonio.....(210) 225-4191

PUBLIC INFORMATION & ASSISTANCE

(512) 463-2007

(800) 252-8011

REV 01/08

INSPECTOR'S CHECKLIST

1) Structure Exterior

- Foundation
- Walls
- Window screens
- Doors
- Roofs
- Stairways and Hand Rails
- Address Numbers
- Chimney
- Leaks

2) Structure Interior

- Floors
- Walls
- Windows
- Doors
- Ceilings
- Stairs and Handrails
- Leaks
- Bedroom – escape windows

3) Electrical

- Smoke Alarms
- Panels/Overcurrent protection
- Switches, Outlets and Fixtures
- Temporary wiring

4) HVAC

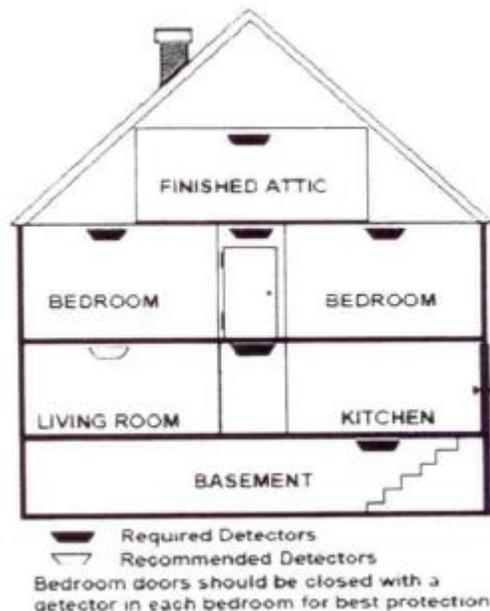
- Furnace (if applicable)
- Chimneys
- Ventilation
- Enclosures

5) Plumbing

- Required Fixtures
- Piping
- Cross Connection Control
- Water Heater
- Water supplies – DWV
- Leaks

6) Sanitation

7) Hazards/Code Violations



FREQUENTLY ASKED QUESTIONS (FAQ's)

Q1. When did the Renter's Registration and Inspection Program begin?

The proposed ordinance was taken to the Zoning Commission in Fall 2008. The City Council held a discussion of the ordinance in early summer and adopted Ordinances #09-031 and #09-032 on July 7, 2009.

Q2. Why did the City adopt a RRI Program?

To address the needs of an aging housing stock in Leon Valley as well as address complaints which are regularly received by the City regarding housing structures in disrepair.

Q3. Does this program apply to all rental properties?

Yes. This program applies to all single-family, two-family/duplex, multi-family, townhomes, manufactured homes and extended stay motels or hotels which are rental properties.

Q4. Do I have to register AND have my rental property inspected each year?

Yes, the property owner must register annually. Inspections are required bi-annually or with each tenant change, whichever is sooner.

Q5. Are there any exceptions?

Yes, newly constructed buildings are exempt for a period of ten (10) years from the date of Certificate of Occupancy or Final Inspection, unless a complaint is made thereof.

Q6. What happens if I fail to register my property?

Each violation of Ordinance #09-031 is punishable up to \$500, each day the violation occurs and each day can be determined a separate offense.

Q7. Do I have to schedule the inspection or is the inspection unannounced?

It is the responsibility of the property owner or property manager to schedule an inspection. Inspections can be requested by calling 210-684-1391 x226.

Q8. Who is responsible for paying the registration and inspection fee?

The City will require the property owner to pay the fees; however, payment will be accepted from anyone.

Q9. Will the Inspector inspect the interior of my rental property?

Yes. Page 11 of the Registration Packet contains the Inspector's Checklist.

FREQUENTLY ASKED QUESTIONS (FAQ's)

Q10. If I've retained a property management company, will the City contact me directly or will they contact my property management company?

Rental Registration Applications request a PRIMARY CONTACT NAME and PHONE NUMBER. It is up to the property owner on who should be the primary contact person regarding the property.

Q11. Do I have to get permit(s) for repairs to the property?

Only if the repairs are structural, electrical, plumbing/sewer, and mechanical/HVAC. For example the following would apply: foundation repairs, room additions/deletions, garage conversions, carports, sheds, air conditioner repairs, plumbing or sewer repairs, installation of a sprinkler system or pool, fence installation or repair. Please contact us at 210-684-1391 x226 if you are not sure if you need a permit.

Q12. Can demolition or construction begin without a permit?

No. It is important that no work begins until we have reviewed the plans and determined that they meet the necessary building codes.

Q13. I've owned a rental property in Leon Valley for years – AM I GRANDFATHERED and exempt from the new ordinance?

No. All rental properties are subject to these regulations.

Q14. Does someone have to be present during the inspection?

Yes. Our building inspectors will require the tenant, property owner or other representative to be present throughout the inspection.

Q15. What if I have Code Enforcement violations? Do they have to comply also?

Yes, code violations must comply with City regulations. This includes tall grass, junk, debris, junk vehicles, swimming pools, etc...



RENTAL REGISTRATION APPLICATION FORM

6400 El Verde Road.
Leon Valley, TX 78238
Office: 210-684-1391 ext.227 or 226
Email: c.garcia@leonvalleytexas.gov

Requirements:

- 1. Copy of a valid driver license

Fee: \$65 Registration & Initial Inspection

Date: _____

Permit # _____

Address of Rental Property: _____

Year Built: _____

Legal Description: Lot___ Block___, CB_____

Subdivision: _____

TYPE

- Single-Family Garden Hm Two-Family/Duplex Multi-Family Town Home Mobile Hm

PRIMARY CONTACT FOR PROPERTY: _____ **PHONE:** _____

Email Address: _____

TENANT INFORMATION

Name: _____ Phone: _____ Fax: _____ Cell: _____

Address: _____ City _____ State _____ Zip _____

Driver's License/State: _____ Email Address: _____

PROPERTY OWNER

Name: _____ Phone: _____ Fax: _____ Cell: _____

Address: _____ City _____ State _____ Zip _____

Driver's License/State: _____ Email Address: _____

PROPERTY MANAGER

Property Mgmt. Co: _____ Phone: _____ Fax: _____ Cell: _____

Address: _____ City _____ State _____ Zip _____

Agent Name: _____ Agent Signature: _____

PARTNERSHIP/ CORPORATION

Partnership/Corporation: _____ Phone: _____ Fax: _____

List the name, business address and phone number for each partner. Please use additional sheet if needed.

Partner/ Corporation Name: _____ Phone: _____ Fax: _____

Local Person In Charge: _____ Phone: _____

Address: _____ City _____ State _____ Zip _____

Print Name: _____ **Signature:** _____ **Date:** _____