

“CHAPTER 150: BUILDING REGULATIONS”

“Rental Housing”

Sec. 150.115 PURPOSE

The purpose of this subchapter is to establish minimum standards for the initial and continued occupancy of leased dwellings used for human habitation within the jurisdiction of the City. These standards shall apply to new and existing leased dwellings.

Sec. 150.116 RESPONSIBILITY OF OWNERS AND TENANTS

- (A) Tenants of a leased dwelling shall give the owner thereof access to any part of such dwelling or accessory structure and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of City ordinances or with any lawful order issued pursuant to the provisions of City ordinances.
- (B) Owners and tenants of a leased dwelling shall be responsible for maintaining a safe, continuous and unobstructed path of travel from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.
- (C) Owners of a leased dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling, accessory structures, and premises thereof.
- (D) Tenants of a leased dwelling shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling, accessory structures and premises thereof which they occupy and control.
- (E) Every leased dwelling shall be supplied with approved containers and covers for storage of refuse as required by City of Cleburne ordinances, and the tenant of such dwelling shall be responsible for the removal of refuse.
- (F) Every boarding house and rooming house shall be supplied with approved containers and covers for storage of refuse as required by City of Cleburne ordinances, and the owner of such boarding house or rooming house shall be responsible for the removal of refuse.
- (G) Tenants of a leased dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of the same.
- (H) The owner of a boarding house or rooming house shall be responsible for keeping all supplied plumbing fixtures therein in a clean and sanitary condition.
- (I) The owner shall reside in a boarding house and assume responsibility for the operation of the boarding house.
- (J) No tenant shall willfully destroy, deface, or impair any of the premises, facilities, structures or equipment, or any part of the leased/let property.

- (K) No owner or representative shall block, remove, shut off, or discontinue any water, sewer, equipment or utility, which is required by ordinance or law for any occupied leased dwelling, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.
- (L) State of Texas law governing the respective responsibilities of landlords and tenants under agreements for Rental Housing are enumerated in Texas Property Code, Chapter 91 and Chapter 92.

Sec. 150.117 MAINTENANCE OF LEASE/LET PROPERTIES

- (A) The City shall compile and maintain a list of dwellings leased or let for occupancy.
- (B) Leased/Let properties shall comply with federal, state, and local laws and ordinances and the most recently adopted version of the International Property Maintenance Code.
- (C) Complaints alleging a violation may be generated by the public, city staff members, or personnel from other agencies.
- (D) Upon receiving a complaint of an alleged violation, the Code Official shall cause the property to be inspected.
- (E) If the Code Official deems a leased/let property substandard, all repairs and/or abatement procedures shall comply with the provisions of the property maintenance subchapter of this chapter, Sections 150.140, et seq.

Sec. 150.118 NEGLIGENT PROPERTIES

- (A) Leased/let properties with three (3) or more documented violations of federal, state, or local laws and/or ordinances within a twelve (12) month period shall be deemed a Negligent Property and shall be registered in the Negligent Property Program (NPP). The City shall provide written notice to the owner of each property designated to participate in the NPP. The property owner may appeal the designation to the Building Standards Commission in the manner provided by Section 150.150.
- (B) Properties registered in the NPP shall pay an annual registration fee of one-hundred dollars (\$100) and shall be subject to an inspection schedule necessary to verify abatement of all documented violations and ensure continued compliance with federal, state, and local laws and ordinances.
- (C) When documented violations on a Negligent Property have been abated in accordance with applicable federal, state, and local laws and ordinances, a certificate of compliance shall be issued to the property owner.
- (D) Registration in the NPP shall be for a minimum period of twenty-four (24) months from the date the most recent certificate of compliance is issued.
- (E) If a property is registered in the NPP and is cited for one or more documented violations, the property shall remain on the NPP for a minimum of twenty-four (24) months from the date the most recent certificate of compliance is issued.

- (F) Properties must have no documented violations within a twenty-four month period to be removed from the NPP.
- (G) If a property registered in the NPP is sold, or ownership is otherwise transferred, and it remains as lease/let property, the new owner(s) may appeal to the Building and Standards Commission in the manner provided by Section 150.150 to have the property removed from the NPP registration list. The Building and Standards Commission shall have the authority to act upon such appeal.
- (H) In deciding whether to remove a property from the NPP, the Commission may consider, among other factors, whether violations currently exist on the property, the compliance history of the new owner(s) in the City or other jurisdictions, and the financial capability of the new owner(s) to correct documented violations and avoid future violations.

Sec. 150.119 OCCUPANCY REQUIREMENTS

- (A) No person shall let to another for occupancy or use as a human habitation, any temporary housing for more than thirty (30) consecutive days or more than forty-five (45) cumulative days in any calendar year.
- (B) In addition to the minimum area requirements of Table 404.5 of the International Property Maintenance Code, every dwelling unit shall contain not less than four hundred (400) square feet of habitable floor area for the first adult occupying the unit. An additional one hundred (100) square feet of habitable area shall be required for each additional adult occupying the unit. An additional fifty (50) square feet of habitable area shall be required for each child occupying the unit.
- (C) A kitchen shall have not less than sixty (60) square feet of floor area, at least four (4) square feet of sink area in one sink and at least ten (10) square feet of food prep area (countertop).
- (D) Cellars shall not be used for habitable spaces.
- (E) Basements shall not be used for habitable spaces unless:
 - 1. The floor and walls are substantially watertight; and
 - 2. The total window area, total openable window area and ceiling height are equal to those required for habitable spaces; and
 - 3. The required minimum window area of every habitable space is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or access way.

Sec. 150.120 FUEL GAS SYSTEM

- (A) New fuel gas systems shall comply with Chapter 24 of the most recently adopted version of the International Residential Code.
- (B) Existing fuel gas systems shall be pressure tested in accordance with Section G2417 of the most recently adopted version of the International Residential Code:
 - 1. at least once every five years; or
 - 2. whenever the fuel gas system is altered or repaired; or
 - 3. the Code Official has reason to believe the system is damaged or leaking.
- (C) Installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards which are required by City ordinances shall be maintained in compliance with the code edition under which they were installed. The owner shall be responsible for maintenance of fuel gas systems. To determine compliance with this provision, the Code Official shall have the authority to require a fuel gas system to be re-inspected.
- (D) Additions, alterations, renovations or repairs to fuel gas systems shall conform to that required for new systems without requiring the existing installation to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing fuel gas system to become unsafe, hazardous or overloaded. Minor additions, alterations, renovations and repairs to existing fuel gas systems shall meet the provisions for new systems, unless such work is done in the same manner and arrangement as was in the existing fuel gas system, is not hazardous and is approved.
- (E) Leased or let dwellings supplied with fuel gas shall have operational carbon monoxide detector(s) installed in the dwelling, sufficient to provide appropriate protection.

Sec. 150.121 ELECTRICAL SYSTEM

- (A) With the exception of the requirements listed in this Section, electrical systems and equipment lawfully in existence at the time of the adoption of this ordinance may have their use, maintenance and repair continued if the use, maintenance and repair is in accordance with the original design and no hazard to life, health or property has been created by the electrical system and equipment.
- (B) Any additions, alterations or repairs of electrical systems shall conform to Section 3401.4 of the currently adopted International Residential Code and be maintained in a state of good repair and in good working order.
- (C) Electrical systems for leased/let dwellings shall be grounded in accordance with Section E3607 of the currently adopted International Residential Code.
- (D) Connections at service heads shall be in accordance with Sections E3605.9.1 through E3605.9.7 of the currently adopted International Residential Code.

- (E) Tenants shall have ready access to all overcurrent devices protecting the conductors supplying that dwelling.
- (F) Fused neutrals are prohibited.
- (G) All fixtures, receptacles, equipment and wiring in leased/let dwellings and accessory structures shall be maintained in a state of good repair, safe, capable of being used. Electrical systems shall comply with the requirements of NFPA 73, Standard for Electrical Inspections for Existing Dwellings.
- (H) Every dwelling shall be equipped with smoke detectors installed in all sleeping areas. Smoke detectors shall be hard wired with battery backup.
- (I) No leased/let dwelling unit shall be crosswired unless the electric energy charges for that dwelling are paid for by the owner. If a complaint alleges a leased/let dwelling is crosswired, the Code Official shall cause the dwelling to be inspected. The Code Official may require certification from a licensed electrician attesting the leased/let dwelling is not crosswired.