

AN ORDINANCE 2013 - 09 - 19 - 0651

AMENDING CHAPTER 6, "BUILDINGS" OF THE CITY CODE TO CREATE A NEW ARTICLE III ENTITLED "ABSENTEE PROPERTY OWNER REGISTRATION" TO REQUIRE ABSENTEE PROPERTY OWNERS TO REGISTER THEIR CONTACT INFORMATION WITH THE CITY; ESTABLISH PENALTIES FOR VIOLATIONS; AND PROVIDE FOR PUBLICATION.

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WHEREAS, the City Council of the City of San Antonio, Bexar county, Texas ("City Council"), has determined that the City of San Antonio ("City"), as part of its essential functions as a home rule city, has an interest in identifying absentee property owners of properties located within the city limits to include their contact information;

WHEREAS, the City Council has determined that property owners who reside outside of Bexar County have a high incidence of code violations on their properties;

WHEREAS, the City Council has determined that there is a high percentage of absentee property owners whose property within the City has deteriorated or been neglected to the extent that those properties have become a threat to the health and welfare of the immediate community;

WHEREAS, the City Council has determined that the contact information as provided in the local deed records for absentee property owners is often out-of-date, incorrect, or insufficient to contact the property owner in an immediate and expedient manner in an effort to address any of the above stated concerns which affect the quality of life, general welfare, and health and safety, of the City's citizens;

WHEREAS, the City Council has determined that in order to protect the health, safety and general welfare of the City's citizens, it is necessary to create and maintain an updated registry of contact information of absentee property owners who obtain multiple code violations and for these absentee property owners to designate an agent in Bexar County who shall act as agents for the absentee property owner for purposes of accepting legal service,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of San Antonio, Chapter 6 "Buildings" is hereby amended by adding a new Article I entitled "Absentee Property Owner Registration" to read as follows:

ARTICLE III. ABSENTEE PROPERTY OWNER REGISTRATION.

Sec. 6-36. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absentee Property Owner means the *owner*, as subsequently defined, who has legal possession of property within the city limits of the City of San Antonio and resides outside of Bexar County, Texas. Post Office Boxes will not be accepted as proof of residency within Bexar County, Texas.

Department means the Development Services Department.

Director means the director of the Development Services Department and the director's authorized representatives.

Dwelling unit means one or more habitable rooms, including an efficiency unit, which is intended to be occupied by one or more persons for living, sleeping, cooking, eating and sanitation purposes.

Efficiency unit means a dwelling unit with one habitable room that contains facilities used for combined sleeping, living, cooking, eating and sanitation purposes.

Existing building means a building constructed in compliance with all codes at the time of construction, or one for which a legal building permit has been issued prior to the effective date of this article.

One-family dwelling 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.

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

Person means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity; or their legal representatives, agents, or assigns.

Two-family dwelling 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.

Sec.6-37. Applicability and Administration.

(a) This article shall apply to all one-family dwellings and two-family dwellings, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses and which are owned by an absentee property owner, as defined herein.

(b) This article is activated by the issuance of two or more code violations within a 12-month period. Properties without code violations or with only one code violation per 12-month period are not affected by this article.

(c) The department director is authorized to administer and enforce the provisions of this article.

(d) This article shall not apply to any federal, state, or local governmental entities.

Sec.6-38. Registration required.

(a) Upon the issuance of two or more code violations within a twelve-month period of time absentee property owners shall register with the Department and provide the following information:

- a. The address and legal description of the property;
- b. The current name, physical address, mailing address, telephone number, and email information for any owner(s) with an ownership interest in the property.
- c. The contact information for a local manager of the properties and/or improvements located on said property, as applicable.

(b) Continued registration of the property by the absentee property owner is required for a period of two years after the latest code violation.

(c) Absentee property owners whose property does not have a code violation may voluntarily register their properties at any time but are not required to do so.

Sec.6-39. Registration fees.

Absentee property owners shall tender an annual registration fee of \$50.00 upon registering their property with the Department. Subsequent annual registration fees shall be due and postmarked no later than January 31st of each year.

Sec.6-40. Property manager or agent

Absentee property owners must designate a local manager, who resides in Bexar County, for said properties and include the relevant contact information for the designated manager upon registering the property with the Department. Property managers shall act as agents for the absentee property owner for purposes of accepting legal service, however the absentee property owner remains personally liable in criminal prosecutions for code violations.

Sec.6-41. Jurisdiction, enforcement and penalties.

- a. Failure to register with the Department after written notice to the absentee property owner, as is hereinafter specified, is a violation of this article. The absentee property owner shall have 45 days in which to register from the date that written notice is issued to the property owner. Written notice shall be issued to the absentee property owner by means of personal service, or by first class mail to their last known address according to Bexar County Appraisal District records and posting on the property.
- b. Absentee property owners shall provide written notice to the Department, including a copy of the deed, of a change in:
 - (1) ownership of the property;
 - (2) a change of contact information for either the owner or the designated manager.Written notice must be provided to the Department no later than 30 days after said changes have occurred.
- c. Violation of this ordinance is a class C misdemeanor.
 - (1) This is a strict liability offense in which no mental state is required.
 - (2) The fine for this offense may not exceed five hundred dollars (\$500.00).
- d. Administrative, civil, and criminal enforcement are alternative remedies which may be sought independently of each other. Criminal prosecution may occur regardless of pursuit of civil or administrative remedies and vice versa.

SECTION 2. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 3. No other provision of the City Code is amended hereby. All other provisions shall remain in effect.

SECTION 4. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 5. There shall be a review of this ordinance by City Council at the September 15, 2016 meeting. This ordinance shall expire if there is not a review by that date.

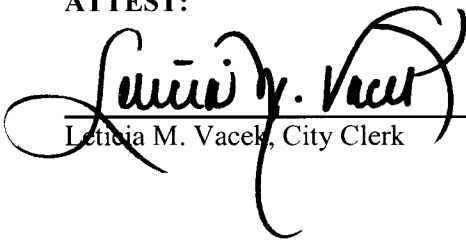
SECTION 6 . The publishers of the City Code of San Antonio, Texas are authorized to amend the code to reflect the changes adopted in this Ordinance, and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 7. This Ordinance shall be effective on the 1st day of January, 2014.

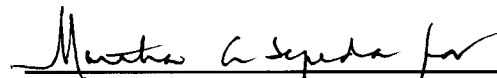
PASSED AND APPROVED this 19th day of September 2013.

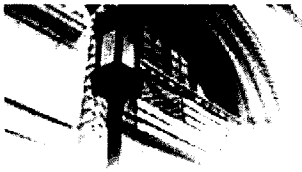

M A Y O R
Julián Castro

ATTEST:

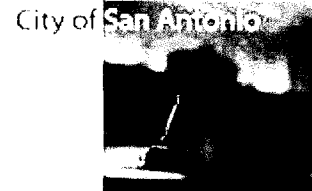

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Michael Bernard, City Attorney



Request to
COUNCIL



Agenda Voting Results - 13

Name:	13						
Date:	09/19/2013						
Time:	10:09:46 AM						
Vote Type:	Motion to Appr w Cond						
Description:	An Ordinance authorizing a new Absentee Property Owner Registration Program that will require absentee property owners of one- and two-family dwellings with multiple code violations to register with the City and to designate a local property manager; and providing for penalties. [David Ellison, Assistant City Manager, Roderick J. Sanchez, Development Services Director]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Elisa Chan	District 9		x			x	
Carlton Soules	District 10		x				x