

TOWN OF HOUSTON

Chapter 160 Residential Rental Properties License

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ARTICLE I. - PURPOSE.

This chapter is adopted to protect the health, safety and welfare of the Town residents and to prevent deterioration of the housing stock in the Town.

ARTICLE II. - DEFINITIONS.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

TOWN - The Town of Houston, Delaware.

CODE OFFICIAL - The Code Enforcement Official.

LANDLORD - A person and/or an authorized representative, heir, successor or assignee of a person who leases or otherwise permits another person to occupy a rental unit for money or other consideration.

PERSON - An individual, proprietorship, partnership, corporation, association, or other legal entity.

RENTAL UNIT - Any house, building, structure or portion thereof, which is occupied, rented or leased as the home or residence of one or more persons. "Rental unit" does not include motel, hotel or bed-and-breakfast rooms where paying guests stay on a temporary basis.

TENANT - A person who occupies a rental unit for which said person pays money or gives other consideration.

ARTICLE III. - RENTAL OPERATING LICENSE REQUIRED.

No landlord shall operate a rental unit in the Town unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year.

ARTICLE IV. - APPLICATION FOR RENTAL OPERATING LICENSE AND AGREEMENT TO COMPLY.

- A. Every landlord shall apply for a rental operating license and shall agree to comply with all provisions of this and any other applicable Town ordinance.
- B. The application shall be in the form provided by the Town and shall be accompanied by a check or money-order payable to The Town of Houston in the amount established in **Chapter 175 Fees**.
- C. It shall be unlawful for any person to operate any rental dwelling without obtaining a license from the Town of Houston in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be established in **Chapter 175 Fees** for each unit.
- D. In the event that the license fee set forth herein is not paid on the date due, then the licensee shall incur a penalty fee in the amount established in **Chapter 175 Fees** per month per unit until the license fee is paid.
- E. An owner whose license has been suspended shall pay a reinstatement fee as established in **Chapter 175 Fees**.

ARTICLE V. - CONTENTS OF APPLICATIONS.

Every landlord shall supply the following information to the Town as part of the annual application for a rental operating license and agreement to comply:

- A. The mailing and street address of the rental units.
- B. Name of responsible party leasing the unit and telephone number at time of application.
- C. The total number of persons living in the rental unit at time of application.
- D. Landlord's name, mailing address and telephone number.

ARTICLE VI. - REGULATIONS FOR ISSUANCE OF LICENSES.

- A. If violations are found that pose a health or safety risk to the tenants, the unit may be judged as unfit for occupancy by the Code Official.
- B. Expiration of permits. Each rental operating license shall expire on December 31 of the year in which it was issued. No prorating, rebate or refund shall be made because of nonuse of the permit.
- C. Timing for reapplication.
 - 1. Application to renew a rental operating license shall be made at least 60 days prior to the expiration date of the current license.
 - 2. When reapplication is made fewer than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the license.
- D. Every rental unit owned shall have a "caretaker" designated by the owner.
 - 1. The caretaker may be the property owner if residing within a twenty-five-mile radius of Houston, Delaware.
 - 2. The caretaker shall be an adult person(s) 18 years or older, specifically identified in writing by the owner on the rental license application (stating name, address and telephone numbers) and reside in such proximity to the Town as to allow him or her to meet with the Code Enforcement Official at the rental unit within 48 hours of receipt of notice from the Code Enforcement Official. The caretaker may also be a management company (corporation, LLC and/or partnership); however, the management company must assign a contact person.
 - 3. The caretaker shall be charged, by the owner, with responsibility and authority to deal with occupants of the premises on behalf of the owner, to make repairs to the rental unit, to maintain the premises and the common areas thereof, and to accept service of process on behalf of the owner.
 - 4. Once notified of a defective condition and unless circumstances are beyond the caretaker's control, the caretaker will be given an amount of time to make repairs as deemed reasonable by the Code Official.
 - 5. The owner shall notify the Town in writing of any changes in the name, address, and/or telephone number of the caretaker.
- E. No license shall be issued to any person or business unless all taxes, assessments, trash/recycle charges and any other fees due the Town are paid and in good standing.
- F. The owner is subject to penalties as defined in **ARTICLE IX** for failure to comply.

ARTICLE VII. - TRANSFERS.

Each license granted under this article shall be for the sole use and benefit of the person to whom it is issued and shall not be transferable. In case of the death of any individual licensee, his/her personal representative shall succeed to all rights thereunder until the expiration of the license.

ARTICLE VIII. - CRIMINALACTIVITY PROHIBITED.

Tenants of a rental dwelling, all members of the tenant's household, any guest or other person associated with the tenant shall not engage in criminal activity on the leased premises or within 500 feet of the lot on which the rental dwelling is situated. For the purposes of this article, "criminal activity" means any crime classified by applicable law as a felony or a class A misdemeanor in addition to the following offenses: noise violations, drug offenses, offensive touching, menacing, vehicular assault, sexual harassment, indecent exposure, graffiti, criminal mischief, trespassing, criminal trespassing, crime against a vulnerable adult, unlawfully dealing with a child, disorderly conduct, malicious interference with emergency communications, public intoxication, loitering, criminal nuisance, obstructing of public passage, lewdness, prostitution, patronizing a prostitute, unlawfully dealing with a dangerous weapon, or unlawfully dealing with a switchblade knife.

ARTICLE IX. - INSPECTIONS.

- A.** The Code Enforcement Official reserves the right to inspect property at any time to ensure compliance with all property maintenance (Chapter 400), zoning (Chapter 550) and other codes.
- B.** When such inspections are deemed necessary, the Code Enforcement Official will provide 48 hours' notice to the owner or caretaker. Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.
- C.** A rental unit shall be deemed to be not in substantial compliance if:
 - 1.** There are one or more violations that pose a serious and substantial threat to the health, safety or welfare of the occupants.
 - 2.** There are an extensive number of minor violations that, cumulatively, pose a significant threat to the health, safety, and welfare of the occupants.
- D.** When the Code Enforcement Official schedules an inspection, it is the responsibility of the property owner to make sure the structure/property is ready by the time the inspector arrives on site.
 - 1.** If an inspection needs to be cancelled or rescheduled, the Code Enforcement Official must be notified by 8:30 a.m. the day of the inspection.
 - 2.** If an inspector arrives on site and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee established in **Chapter 175 Fees** must be paid before the inspection can be rescheduled. This fee may be waived if the property is not ready for inspection due to circumstances beyond the control of the landlord/caretaker.
- E.** When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee established in **Chapter 175 Fees**, will be imposed per inspection.

ARTICLE X. - VIOLATIONS AND PENALTIES; ENFORCEMENT.

- A.** Penalty for violation.
 - 1.** Any property owner who shall violate any provisions of this chapter or who fails to comply with any notice or order issued by a Code Enforcement Official pursuant to the provisions of this chapter shall be guilty of violating the provisions of this chapter and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000. The minimum fine is not subject to suspension or reduction.
 - a)** Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.
- B.** Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as Town taxes or fees.

- C.** If any of the cited violations are not remedied, the Code Enforcement Official shall revoke the residential rental operating license.
- D.** The remedies contained within this section shall further not be exclusive, but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this section preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.