

ORDINANCE NO. _____

1 **AN ORDINANCE AMENDING CITY CODE CHAPTER 4-14 RELATED TO FEE**
2 **DISCLOSURE REQUIREMENTS FOR RENTAL HOUSING; CREATING AN**
3 **OFFENSE; AND ESTABLISHING A PENALTY.**

4 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

5 **PART 1.** City Council adopts the findings attached as Exhibit A to this ordinance.

6 **PART 2.** City Code Chapter 4-14 (*Rental Property*) is amended to add a new Article 4 to
7 read:

8 ***ARTICLE 4. FEE DISCLOSURE.***

9 **§ 4-14-140 APPLICABILITY.**

10 This article applies to a person who ~~owns~~, leases, rents, or manages:

- 11 (1) five or more dwellings that are owned by one person and are used as a residence;
12 or
- 13 (2) spaces for mobile home or recreational vehicles that are owned by one person and
14 are used as a residence.

15 **§ 4-14-141 DEFINITIONS.**

16 (A) In this article,

- 17 (1) ACCOUNTABLE OFFICIAL means the City officer or employee designated by
18 the city manager to administer, implement, or enforce this article.
- 19 (2) DISCLOSURE means a written document that complies with Section 4-18-142
20 (*Disclosure Required*).
- 21 (3) HOUSING mean dwellings rented or leased for use as a residence or spaces for
22 mobile homes or recreational vehicles that are used as a residence.
- 23 (4) MANDATORY FEE means the monthly cost of ~~base~~ rent and any mandatory one-
24 time or recurring fixed fees.
- 25 (5) OPTIONAL FEE means a fee for goods, services, or amenities that the provider
26 offers but a tenant the customer is not required to accept.

27 (6) PROVIDER means a person who ~~owns~~, leases, rents, or manages housing ~~and~~
28 ~~includes the provider's agent~~.

29 (7) TOTAL FEES means mandatory fees, variable fees, and optional fees.

30 (8) VARIABLE FEES means fees ~~tenants customers~~ must pay that are based on use or
31 other factors not controlled by the provider. This includes utility fees.

32 (B) A fee described in this article does not include fees assessed for tenant-caused damage,
33 lease violations, or similar charges.

34 § 4-14-142 DISCLOSURE REQUIRED.

35 (A) A provider is required to disclose the total fees due at the earlier of:

36 (1) when the provider ~~or the provider's agent~~ gives the customer ~~information about the~~
37 ~~amount of rent a lease quote~~; or

38 (2) before the customer submits an application for housing.

39 (B) The disclosure must be in writing, include an itemized list of the total fees that will be
40 assessed during the term of the lease, and:

41 (1) the amount of mandatory fees and optional fees; and

42 (2) an estimate of the variable fees.

43 (C) The disclosure may be delivered to a customer electronically or by hand.

44 (D) The accountable official may establish a disclosure form by administrative rule as set
45 out in Chapter 1-2 (*Administrative Rules*).

46 § 4-14-143 ADVERTISEMENTS ~~AND LISTINGS~~.

47 (A) ~~In this section, ADVERTISEMENT means a notice that markets housing and is~~
48 ~~published in print or electronically on one or more websites.~~

49 (B) When an advertisement ~~or listing~~ includes any reference to the cost to rent housing, a
50 provider is required to disclose the cost of ~~base~~ rent and any recurring fixed fees that are
51 mandatory within the advertisement ~~or listing~~.

52 § 4-14-144 - § 4-14-148 RESERVED.

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§ 4-14-149 OFFENSE, PENALTY, PRESUMPTION, AND AFFIRMATIVE DEFENSE.

- (A) A provider who violates or allows another to violate this article commits a misdemeanor punishable as provided by Section 1-1-99 (*Offenses; General Penalty*).
- (B) A culpable mental state is not required and need not be proved.
- (C) A provider that uses the disclosure form established by the accountable official and accurately fills out the form is presumed to comply with Subsection (A) of Section 4-14-142 (*Disclosure Required*).
- (D) It is an affirmative defense to prosecution if the provider establishes that the advertisement or listing was displayed without the provider’s consent.

PART 3. Applicability.

- (A) This ordinance applies on and after October 1, 2026, to person who rents, leases, or manages 50 or more dwellings that are used as a residence.
- (B) This ordinance applies on and after January 1, 2027, to a person who rents, leases, or manages:
 - (1) less than 50 dwellings that are used as a residence or
 - (2) spaces for mobile home or recreational vehicles that are used as a residence.

PART 4. This ordinance takes effect on October 1, 2026.

PASSED AND APPROVED

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 _____, 2026 § _____
 Kirk Watson
 Mayor

APPROVED: _____ **ATTEST:** _____
 Deborah Thomas Erika Brady
 City Attorney City Clerk