

AN ORDINANCE 2008-12-11-1160

AMENDING CHAPTER 16 "LICENSES AND BUSINESS REGULATIONS" OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY REPEALING ARTICLE IV ENTITLED "HOME IMPROVEMENT CONTRACTORS" AND ESTABLISHING A NEW ARTICLE IV ENTITLED "HOME IMPROVEMENT CONTRACTOR REGISTRATION"; AMENDING DUTIES AND TERMS OF OFFICE AND REQUIREMENTS FOR MEMBERSHIP ON THE BOARD OF APPEALS IN CHAPTERS 6 AND 11; AND ESTABLISHING PENALTIES AND PROVIDING FOR PUBLICATION.

* * * * *

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

SECTION 1. Chapter 16, Article IV entitled "Home Improvement Contractors," of the City Code of San Antonio, Texas, is repealed in its entirety.

SECTION 2. A new Chapter 16, Article IV entitled "Home Improvement Contractor Registration," is established in the City Code of San Antonio, Texas, as set forth below:

ARTICLE IV. HOME IMPROVEMENT CONTRACTOR REGISTRATION

DIVISION 1. GENERALLY.

Sec. 16-66. Definitions.

In the construction of this article, the following terms shall have the following meaning, unless the context clearly indicates otherwise:

Board shall mean the Building and Fire Codes Board of Appeals.

Department shall mean the Planning and Development Services Department.

Director shall mean the Director of Planning and Development Services or duly authorized designee.

Government Agency shall mean an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of the state.

Home Improvement Contractor shall mean a person or entity engaged in the business of making home improvements or who undertakes or offers to undertake or agrees to perform any home improvement, whether or not such person is registered pursuant to this article.

Home Improvement shall mean the repair, replacement, remodeling, alteration, conversion, or modernization, or addition to any existing building, or any portion thereof, not owned by a government agency, which is used or designed to be used as a private residence or dwelling place for not more than two (2) families, and shall include, but not by way of limitation, the construction, replacement or improvement of driveways, swimming pools, porches, garages, carports, fallout shelters, fences and other similar improvements. "Home improvement" shall not include:

- (1) The construction of a new private residence or dwelling place for not more than two (2) families, and the initial construction of improvements or additions to the same lot or lots provided such addition or improvement is commenced within one (1) year from the date of completion of construction of said new residence or dwelling place; nor
- (2) The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials.

Owner shall have the meaning provided in Chapter 1, Section 1-2. *Rules of construction* of the City Code and also include any homeowner, property owner, person authorized to procure services of a contractor, or any other person who orders, contracts for or purchases the home improvement services of a contractor, or the person entitled to the performance of the work of a contractor.

Registered Contractor shall mean a home improvement contractor, as defined above, who is registered in the City of San Antonio to do home improvement business.

Subcontractor shall mean one performing services under contract to a contractor.

"Working Days" shall mean days exclusive of federal, state, or local holidays and weekends unless otherwise stated.

DIVISION 2. REGISTRATION

Sec. 16-67. Registration required; penalties.

- (a) A home improvement contractor, prior to entering into a contract with the owner for any home improvement work requiring the issuance of building permits whether or not said person is required to register with the state must file an application for a certificate of registration with the City of San Antonio unless otherwise exempt under Sec. 16-68 below.
- (b) A state registered home builder shall be required to register with the City in accordance with Section 16-900 entitled "Local registration of state registered homebuilders" of the

City Code of San Antonio, Texas, and shall abide by the provisions stated herein in new Chapter 16, Article IV.

- (c) A violation of this article shall constitute a class "C" misdemeanor offense with a fine of not less than one dollar (\$1.00) and no more than five hundred dollars (\$500.00) per violation. Each day out of compliance with the registration requirements set above shall constitute a separate offense.

Sec. 16-68. Exemptions.

The following persons are exempt from the registration requirements of this article:

- (1) An individual who performs labor or services as an employee of a registered contractor or an individual who performs labor or services as an employee or subcontractor of a registered contractor who does not deal directly with the general public as a home improvement contractor;
- (2) A homeowner, tenant or an employee of a homeowner or tenant performing work on their own residence;
- (3) A plumber, electrician, or other skilled tradesman licensed under the laws of the State, this Code or other Ordinances of the city who is acting exclusively within the scope of the craft for which he or she is currently licensed;
- (4) A contractor performing home improvement work where the total amount to be paid does not exceed two hundred dollars (\$200.00);
- (5) A contractor performing home improvement work not requiring an application for building permit.

Sec. 16-69. Application Procedures.

- (a) An applicant for an original certificate of registration or renewal must submit an application to the Director on a form established by the Department.
- (b) Each applicant must fully disclose in the application whether the applicant has:
 - (1) Entered a plea of guilty or nolo contendere (no contest) to any felony charge or a misdemeanor involving moral turpitude;
 - (2) Been convicted of a felony or a misdemeanor involving moral turpitude and the time for appeal has elapsed or the conviction has been affirmed on appeal;
 - (3) Entered a plea of guilty or nolo contendere (no contest) or been convicted of a felony or misdemeanor arising out of a violation of the building code or local

amendments thereto in the state of Texas whether or not said violation involves moral turpitude;

- (4) Has lost or is suspended from home improvement privileges in any jurisdiction in Texas. Full disclosure includes an interest in or ownership of any entity engaged in the business of making home improvements that has lost or been suspended from home improvement privileges.
- (c) A failure to disclose under Sec. 16-69(b) shall be sufficient grounds to deny the application.
- (d) The Director or designee shall have the right to investigate and examine the qualifications and fitness of an applicant. Upon receipt of an application, the Director or designee may conduct a criminal background check on the applicant or any person responsible for the application. The Director or designee may obtain criminal history record information maintained by the Department of Public Safety, the Federal Bureau of Investigation, or any other local, state, or national government entity.
- (e) A person may not be issued a certificate of registration unless the person:
- (1) Is at least 18 years of age; and
 - (2) Is a United States citizen or a lawfully admitted alien; and
 - (3) The Director or designee is satisfied with the person's honesty, integrity, and trustworthiness based on information supplied and discovered in connection with the application.

Sec. 16-70. Director of Planning and Development Services powers and duties.

The Director or designee shall, in addition to the powers listed above, have the duty to keep all registration application records. Such records shall be open to the public for inspection during regular business hours. The Director shall further have the power and duty to adopt, amend, or repeal rules and regulations consistent with the provisions of this article as may be necessary for the proper administration and enforcement hereof.

A decision to grant or deny an application for registration shall be made within ten (10) working days after receiving the completed application. Incomplete applications shall not be considered.

Sec. 16-71. Appealing a Denial of Registration.

- (a) **Appeal to Board.** If either an original or renewal certificate of registration is denied, the Director shall furnish the applicant a written statement setting forth the grounds for the refusal within five (5) working days. Such statement shall be by certified mail, return receipt requested, to the mailing address provided in the application unless the applicant

is present to receive and acknowledge in writing receipt of such letter. The registered contractor or their representative shall then have fifteen (15) working days from receipt of notice to appeal the Director's decision. Such appeal shall be made by filing a written notice of appeal and paying applicable fees as set out in the fee schedule with the Director to the Building and Fire Codes Board of Appeals.

A hearing shall be set as soon as practical before the Building and Fire Codes Board of Appeals but in no event more than sixty (60) days. Notice of the hearing shall be mailed to the registered contractor by certified mail, return receipt requested, to the mailing address listed on the registration application. The notice shall not give less than fifteen (15) working days notice of the hearing. The standard for review shall be found in Section 16-69 and the Board's authority shall be limited to either upholding the Director's decision or overruling it. The Director's decision shall be final upon the expiration of the fifteen (15) working day period to appeal the Director's decision.

- (b) **Further Appeal.** A decision by the Board must be made within a reasonable time of the hearing but shall in no case be made in greater than ten (10) working days. The Board's decision, if not made at the hearing, shall be mailed to the appellant within 5 (five) working days' notice, return receipt requested. This decision may be appealed to the City Council within ten (10) working days by filing a written notice of appeal and paying the appeals fee with the city clerk. The decision of the Board shall be final upon the expiration of the ten (10) working day period. The appeal will be placed on the next available City Council agenda. A failure to hear the appeal within sixty (60) days affirms the decision of the Board.
- (c) Nothing in this section shall be interpreted as to deny a subsequent application at the expiration of one (1) year from denial of initial registration.

Sec. 16-72. Fees, Registration Period.

- (a) The application fee for contractor registration shall be seventy-five dollars (\$75.00) and said registration shall be valid for a period of one (1) year. The certificate holder shall be required to re-register every successive year and pay a fee of seventy-five dollars (\$75.00) to maintain the certification.
- (b) Appeals fees shall be \$75.00.
- (c) The application and registration fees and appeals fees shall be reflected in the fee schedule of the City of San Antonio, Texas.

Sec. 16-73. Certificate not assignable or transferable.

A certificate of registration issued pursuant to this article shall not be assignable or transferable.

Sec. 16-74. Violations under this Article.

The following list shall constitute a non-exclusive list of violations under this article. It is unlawful for any registered contractor to:

- (1) Display or cause a permit to be displayed or to have in one's possession any certificate of registration for doing any construction work, knowing it to be fictitious or to have been canceled, suspended or altered;
- (2) Lend or permit the use of any certificate of registration for doing any construction work to any person not entitled to it;
- (3) Display or to represent as one's own city certificate of registration for any construction work when the certificate of registration has not been lawfully issued to the person displaying it;
- (4) Use a false or fictitious name or address in any application for any registration or permit provided for in this chapter or any renewal or make a false statement or conceal a material fact or otherwise commit fraud in making any application;
- (5) Perform any home improvement contracting work for which a registration is required without having the registration or while the registration is suspended, expired or canceled;
- (6) Perform any construction work for which a permit is required without having the permit or after the permit has been canceled;
- (7) Fail or refuse to make the necessary repair or changes as provided in a written notice issued by the Planning and Development Services Department. A reasonable amount of time shall be granted in the written notice taking into consideration the work to be completed and the circumstances. A separate violation is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected;
- (8) Permit any construction work covered by this article to be performed by any person not properly licensed or registered, while in control of premises covered by this article;
- (9) Remove, break, change, destroy, tear, mutilate, cover or otherwise deface or injure any official notice or seal posted by the Planning and Development Services Department; or
- (10) Place or leave the property in such condition that it injures or endangers persons or property.

DIVISION 3. CANCELLATION AND SUSPENSION

Sec. 16-75. Cancellation and suspension of registration; Appeals.

- (a) A contractor's certificate of registration may be cancelled or suspended by the Director after a hearing before the Director if the registered contractor is convicted of any penal offense arising out of or related to the performance of a home improvement contract or the registered contractor suffers a judgment against them in a civil action predicated upon fraud in connection with the performance of a home improvement contract.
- (b) The Director may also administratively cancel or suspend a certificate of registration after a hearing before the Director for any one or more of the following reasons:
- (1) Conviction or entering a plea of guilty or nolo contendere (no contest) by the registered person or entity of a felony or misdemeanor involving moral turpitude;
 - (2) Conviction or entering a plea of guilty or nolo contendere (no contest) in connection with a violation of any adopted technical construction code or amendments thereto in the state of Texas;
 - (3) Making any false statement as to a material matter in an application for registration, renewal or hearing in connection with same;
 - (4) Failure to disclose required information under Sec. 16-69(b);
 - (5) Three (3) separate violations as detailed in Section 16-74 of this article, provided the violations occur within the registration period;
 - (6) Upon judicial determination of an abandonment or willful failure to perform any home improvement contract or project in or undertaken by a registered contractor; or willful deviation from or disregard of plans or specifications in any material respect;
 - (7) Upon judicial determination of substantial misrepresentation on the part of the contractor in the procurement of a home improvement contract;
 - (8) Upon judicial determination of fraud on the part of the contractor in the execution of or in the material alteration of any home improvement contract or mortgage, promissory note or other document relating to the contract;
 - (9) Upon judicial determination that the registered contractor prepared or accepted any mortgage, promissory note or other evidence of indebtedness pertaining to a home improvement transaction with knowledge that it recited a greater monetary obligation than the agreed consideration for the home improvement work;

- (10) The registered contractor directly or indirectly published any advertisement relating to home improvement which contains assertions, representations or statements which are false, deceptive or misleading;
 - (11) Failure of the registered contractor to notify the Director of any change in the ownership, management, or business name;
 - (12) Conducting a home improvement business in any name other than the one registered;
 - (13) Obtaining a building permit for an unregistered contractor or for one whose registration has been suspended, cancelled or denied.
- (c) The Director may take any of the following actions against the holder of the certificate of registration:
- (1) No Suspension
 - (2) Suspension for thirty (30) days
 - (3) Suspension for sixty (60) days
 - (4) Suspension for ninety (90) days
 - (5) Suspension for one hundred eighty (180) days
 - (6) Cancellation
- (d) The Director shall send the registered contractor a written notice of any administrative action to be taken against the registered contractor by certified mail, return receipt requested, at the last known mailing address. The notification shall give not less than ten (10) working days' notice of the hearing. The Director is authorized to conduct hearings for the purpose of making findings of fact to assist him in making his decision.
- (e) A written decision to cancel or suspend a certificate of registration shall be required and list the reasons for the Director's decision. This written decision shall be forwarded to the registered contractor by certified mail, return receipt requested to the registered contractor's last known address. This mailing may be waived provided that the registered contractor sign and acknowledge receipt of the written decision from the Director or designee. The registered contractor shall then have fifteen (15) working days from receipt of this notice to appeal the Director's decision to the Building and Fire Codes Board of Appeal. The decision of the Director shall be final after expiration of this time.
- (f) Board Appellate Process

- (1) A registered contractor shall have the right to appeal the Director's decision. An appeal is perfected upon the filing of an appeals application and payment of the fee as set out in the fee schedule to the Director. An appeal hearing shall be set as soon as practical before the Building and Fire Codes Board of Appeals.
- (2) The appeals application shall be on a form prescribed by the Director.
- (3) A perfected appeal tolls the Director's decision to suspend or cancel the registration until the Board renders its decision.
- (4) Notice of a hearing before the Board shall be mailed to the registered contractor by certified mail, return receipt requested, to the mailing address listed on the registration application. The notice shall not give less than ten (10) working days notice of the hearing.
- (5) The Director or designee shall present at such hearing facts bearing on the grounds for suspension or cancellation. The burden of proof in this instance shall be upon the Director or designee.
- (6) The standard of review shall be found in Sections 16-75(a) and (b) and the Board shall have the authority to take any of the actions listed in section 16-75(c) above in affirming, reversing, or modifying the Director's decision. However, evidence supporting a decision to cancel a certificate of registration shall leave little doubt of the correctness of the decision. Neither the Board nor the Director shall have any authority to suspend a registration for longer than one hundred and eighty (180) days.
- (7) A cancellation shall prevent the home improvement contractor from pulling new permits for a period of at least one (1) year. For purposes of this article, a cancellation of registration does not alleviate the registered contractor from performing current obligations or absolve them from liability under a home improvement contract. In performing currently permitted obligations while cancelled, the home improvement contractor shall not be subject to penalty for being unregistered. All other code provisions are applicable. Upon the expiration of a one (1) year period, a home improvement contractor may apply for a new certificate of registration. No provision of this Ordinance shall be interpreted to mean that a new certificate of registration will issue after a prior certificate of registration has been cancelled. A denied applicant for new certificate of registration is required to wait one (1) year before applying again. There shall be no limit on the number of times a denied applicant may reapply.
- (8) A suspension shall prevent the registered contractor from pulling new permits in the City for the suspension time period. A suspension of registration does not alleviate the registered contractor from performing currently permitted obligations under the home improvement contract. The home improvement contractor shall

not be subject to penalty for operating while suspended when performing currently permitted obligations. However, all other code provisions apply. The Board's decision to affirm or affirm as modified a suspension of registration means that the suspension time begins the following working day. This subsection applies whether the registered contractor is registered with the state of Texas or not.

(9) The registered contractor shall bear the burden to prove that the suspension period has expired. The Director or designee shall remove the encumbrance on the registration upon such a showing.

(10) This ordinance shall not act to deny a homeowner or other authorized party contracting with the registered contractor any other rights and remedies available at law or equity.

(g) Further Appeal

(1) A decision by the Board may be appealed to the City Council within ten (10) working days after the Board's decision by filing a written notice of appeal and paying a \$75.00 appeals fee with the city clerk. The decision of the Board shall be final upon the expiration of the ten (10) working day period without filing the appeal.

(2) A perfected appeal tolls the Board's decision to suspend or cancel until the City Council renders its decision. The appeal may be placed on the next available City Council agenda. A failure to hear the appeal within sixty (60) days shall affirm the decision of the Board.

SECTION 3. Chapter 6, Article XIII, Section 6-631 entitled "Local Amendments to the IRC" of the City Code of San Antonio, Texas, is hereby amended by adding to and deleting portions of a previously adopted local amendment to the IRC, as detailed below. Changes are delineated by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

Sec. 6-631. Local Amendments to the IRC.

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official and fire chief relative to the application and interpretation of the building code, fire code, and Chapter 16, Article IV "home improvement contractor registration" of the City Code of San Antonio, Texas, ~~and fire codes,~~ there shall be created a building and fire codes board of appeals consisting of eleven persons residing in the city. It is preferred that the ~~The~~ board ~~should~~ consist of two structural engineers, two architects, four builders, two lay persons and one person with expertise in fire prevention. The fire chief shall be an ex-officio member. The building official shall be an ex-officio member of and shall act as secretary to said board. The building official or fire chief shall not have a

vote upon any matter before the board. The board of appeals shall be appointed by the mayor and city council and shall hold office at their pleasure. The term of office shall not exceed two (2) years and shall be limited to three (3) consecutive two-year terms. All vacancies shall be filled for the unexpired portion of the term only. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with copies to the building official and fire chief. Each application to the board shall be accompanied by a filing fee as set forth in the fee schedule adopted by the City of San Antonio.

SECTION 4. Chapter 6, Article III, Section 6-37 entitled “Local Amendments to the IBC” of the City Code of San Antonio, Texas, is hereby amended by adding adding to and deleting portions of a previously adopted local amendment to the IBC, as detailed below. Changes are delineated by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

Sec. 6-37. Local Amendments to the IBC.

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official and fire chief relative to the application and interpretation of the building code, fire code, and Chapter 16, Article IV “home improvement contractor registration” of the City Code of San Antonio, Texas, ~~and fire codes,~~ there shall be created a building and fire codes board of appeals consisting of eleven persons residing in the city. It is preferred that the ~~The~~ board should consist of two structural engineers, two architects, four builders, two lay persons and one person with expertise in fire prevention. The fire chief shall be an ex-officio member. The building official shall be an ex-officio member of and shall act as secretary to said board. The building official or fire chief shall not have a vote upon any matter before the board. The board of appeals shall be appointed by the mayor and city council and shall hold office at their pleasure. The term of office shall not exceed two (2) years and shall be limited to three (3) consecutive two-year terms. All vacancies shall be filled for the unexpired portion of the term only. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with copies to the building official and fire chief. Each application to the board shall be accompanied by a filing fee as set forth in the fee schedule adopted by the City of San Antonio.

SECTION 5. Chapter 11, Article III, Section 11-40 entitled “Amendments made in the International Fire Code” of the City Code of San Antonio, Texas, is hereby amended by adding to and deleting portions of a previously adopted local amendment to the IFC, as detailed below. Changes are delineated by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

Section 11 -40. Amendments made in the International Fire Code.

108.1 Board of appeals established.

a. In order to hear and decide appeals of orders, decisions or determinations made by the building official and Fire Chief relative to the application and interpretation of the building code, fire code, and Chapter 16, Article IV “home improvement contractor registration” of the City Code of San Antonio, Texas, ~~and fire code~~; there shall be and is hereby created a building and fire code board of appeals consisting of eleven persons residing in the city. It is preferred that the board consist of two structural engineers, two architects, four builders, two laypersons and one person with expertise in fire prevention. The Fire Chief shall be an ex-officio member. The building official shall be an ex-officio member of and shall act as secretary to said board. The building official or Fire Chief shall not have a vote upon any matter before the board. The board of appeals shall be appointed by the mayor and City Council and shall hold office at their pleasure. The term of office shall not exceed two (2) years and shall be limited to three (3) consecutive two-year terms. All vacancies shall be filled for the unexpired portion of the term only. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with copies to the building official and Fire Chief. Each application to the board shall be accompanied by a filing fee as set forth in the fee schedule adopted by the City of San Antonio.

SECTION 6. Currently licensed San Antonio home improvement contractors shall be registered under this Ordinance at no additional charge. Upon expiration of current registration, all requirements to re-register under this Ordinance shall be applicable.

SECTION 7. To the extent there is a conflict with another Ordinance or provision of the City Code, this Ordinance shall supersede.

SECTION 8. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix of this Ordinance, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision of this Ordinance be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 9. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Revised Civil Statutes Annotated as amended Title 5, Chapter 551, Government Code.

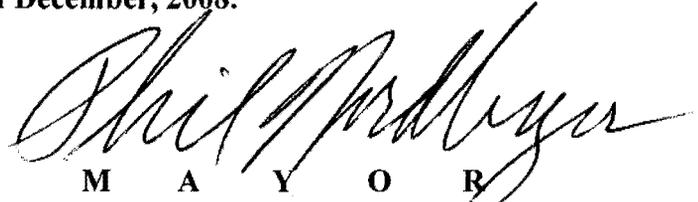
SECTION 10. No other provision of the City Code of San Antonio, Texas, is amended. All other provisions shall remain in effect.

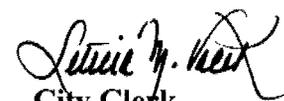
SECTION 11. The City Clerk is directed to publish notice of this Ordinance in accordance with Section 17 of the City Charter.

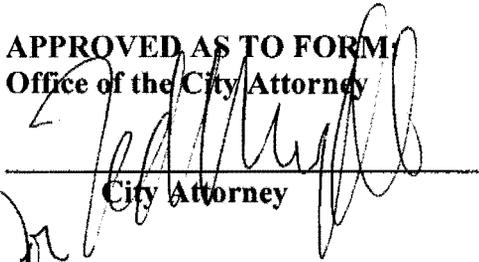
SECTION 12. The publishers of the City Code are authorized to amend the City Code to reflect the changes adopted herein.

SECTION 13. This Ordinance shall be effective on the 11th day of February, 2009.

PASSED AND APPROVED this 11th day of December, 2008.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM
Office of the City Attorney

City Attorney





Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 31

Name:	31
Date:	12/11/2008
Time:	06:03:59 PM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 16 of the City Code of San Antonio, Texas, by repealing Article IV entitled "Home Improvement Contractors" and establishing a new Article IV entitled "Home Improvement Contractor Registration"; amending Chapters 6 and 11 regarding duties, terms of office and membership requirements for the Board of Appeals; and establishing penalties and providing for publication. [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2	x					
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				x
Lourdes Galvan	District 5		x			x	
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10	x					



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 31
Council Meeting Date: 12/11/2008
RFCA Tracking No: R-4299

DEPARTMENT: Planning & Development
Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Home Improvement Contractor Registration

SUMMARY:

This is a request for ordinance to amend Chapter 16, "Licenses and Business Regulations" of the City Code of San Antonio, Texas, by repealing Article IV entitled "Home Improvement Contractors" and establishing a new Article IV entitled "Home Improvement Contractor Registration." This amendment changes "license" to "registration," establishes the registration process to include an annual registration fee of \$75.00, and changes the term of office for the Building and Fire Codes Board of Appeals.

BACKGROUND INFORMATION:

The proposed Home Improvement Contractor Registration provisions replace the current language of "license" with "registration." The term "license" implies the applicant has satisfactorily demonstrated minimum qualifications in the field for which the license was issued. This is typically accomplished through written examinations with minimum scores established for passing. Current regulations do not address requirements for examinations to be administered and could expose the City to undue liability if a citizen was led to believe the license was obtained through testing. The term "registration" is more accurate and emulates the process the Texas Residential Construction Commission (TRCC) follows in the registration of homebuilders. The proposed process to register a home builder is similar to the processes the department uses to register state licenses for plumbing and electrical contractors. This process will include an annual registration fee of \$75.00. Finally, the department proposes to limit the term of office for members on the Building and Fire Codes Board of Appeal to two consecutive two-year terms.

ISSUE:

This action is consistent with the City's policy to protect the health, safety, and welfare of the community while providing consistency in the development process.

ALTERNATIVES:

City Council denial of this request will require the department to continue enforcing use of a

Contractor's Home Improvement License. The potential liabilities associated with this classification may create further opportunities for future litigation against the City.

FISCAL IMPACT:

No impact to the City's general fund or Planning & Development Services' Special Revenue Fund is anticipated with this amendment.

RECOMMENDATION:

Staff recommends approval of the amendment to Chapter 16 regarding Home Improvement Contractor Registration.

ATTACHMENT(S):

File Description	File Name
Home Improvement Contractor's Ordinance	Ted Final Version 2008 -Home Improvement Contractors Ord.doc
Voting Results Ordinance/Supplement Documents	200812111160.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Roderick Sanchez Director Planning & Development Services

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager