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\_\_\_/\_\_\_/25

Item No. \_\_\_

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

## **ORDINANCE**

**APPROVING AMENDMENTS TO THE “PROACTIVE APARTMENT INSPECTION PROGRAM” TO INCLUDE DISCONNECTION OF WATER AS A WAY FOR AN APARTMENT COMPLEX TO GET A PROGRAM POINT AND FOR THE IMPOSITION OF A MUNICIPAL UTILITY SERVICE LIEN FOR CERTAIN DELINQUENT WATER AND WASTEWATER UTILITY BILLS; APPROVING AMENDMENTS TO CHAPTER 6 “BUILDINGS” AND CHAPTER 34 “WATER AND SEWERS” OF THE CITY CODE TO REFLECT THE SAME; AND DELEGATING AUTHORITY TO ADMINISTER AND IMPOSE THE MUNICIPAL UTILITY SERVICE LIEN TO THE SAN ANTONIO WATER SYSTEM (SAWS) BOARD OF TRUSTEES AND PRESIDENT/CEO.**

\* \* \* \* \*

**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 protecting residents of apartment complexes who have paid their rent, including utilities, from having water disconnected from their units due to the landlord’s failure to pay the complex’s water bill; and

**WHEREAS**, the City Council has recognized that under State law water is a required as a necessary utility for habitability; and

**WHEREAS**, the City Council has recognized that without water tenants may become displaced from their residence through no fault of their own; and

**WHEREAS**, the City Council has determined that while there are a substantial number of apartment complexes within the City limits that diligently and properly ensure that water is available to their tenants, that there also exists a substantial number of apartment complexes who do not, and who have had water disconnected or turned off on their properties;

**WHEREAS**, the San Antonio Water System (“SAWS”) operates a combined water and wastewater utility system on behalf of the City; and

**WHEREAS**, Texas Local Government Code § 552.0025 authorizes a municipality to impose a lien against an owner’s property, unless it is a homestead as protected by the Texas Constitution, for delinquent bills for municipal utility service to the property; and

**WHEREAS**, the SAWS Board of Trustees recommends the adoption of an ordinance amending Chapter 34 of the City Code of San Antonio, Texas (“City Code”) to authorize the imposition of

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municipal utility service liens and delegating authority to administer and impose the utility liens to the SAWS Board of Trustees and President/CEO; and

**WHEREAS**, the municipal utility service lien may not be imposed when the service is: (i) connected in a tenant's name after the property owner has given notice that the property is a rental property, (ii) service is connected in a tenant's name prior to the effective date of the ordinance imposing the lien, or (iii) the property is designated as a homestead; and

**WHEREAS**, the municipal utility service lien must be perfected by recording a notice of lien in the real property records of the county where the property is located containing a legal description of the property and the utility account number for the delinquent charges and may include penalties, interest and collections costs; and

**WHEREAS**, a properly recorded municipal utility service lien is superior to all liens except for a bona fide mortgage lien; and

**WHEREAS**, in the exercise of its governmental regulatory authority, the City Council has determined that the recommended changes to Chapter 6 and Chapter 34 of the City Code are reasonable and necessary and in the best interests of the community.

**NOW THEREFORE:**

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

**SECTION 1.** Chapter 6 "Buildings" of the City Code of San Antonio, Texas (City Code), and prior City Council Ordinances regarding same, are hereby amended to be consistent with this Ordinance and its attachments. Chapter 6 of the City Code is hereby amended by adding the language that is underlined (added) to the existing text as set forth in Exhibit A, which is attached hereto and incorporated herein for all purposes. All other provisions of Chapter 6 of the City Code shall remain unchanged and in full force and effect, unless expressly amended by this Ordinance.

**SECTION 2.** City Council hereby approves the imposition of a municipal utility service lien pursuant to and consistent with Texas Local Government Code § 552.0025. Authority to administer and impose municipal utility service liens is delegated to the SAWS' Board of Trustees and President/CEO.

**SECTION 3.** Chapter 34 "Water and Sewers" of the City Code of San Antonio, Texas (City Code), and prior City Council Ordinances regarding same, are hereby amended to be consistent with this Ordinance and its attachments. Chapter 34 of the City Code is hereby amended by adding the language that is underlined (added) to the existing text as set forth in Exhibit B, which is attached hereto and incorporated herein for all purposes. All other provisions of Chapter 34 of the City Code shall remain unchanged and in full force and effect, unless expressly amended by this Ordinance.

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**SECTION 4.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format, and number paragraphs to the existing Code.

**SECTION 5.** If any part, section, paragraph, sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid, or ineffective, the remainder of this Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

**SECTION 6.** The recitals set out above and all exhibits attached hereto are fully incorporated into this Ordinance.

**SECTION 7.** There is no financial impact because of the passage of this Ordinance.

**SECTION 8.** This Ordinance shall become effective immediately upon the passage by eight (8) votes of the City Council and if passed upon fewer than eight (8) votes after the tenth (10<sup>th</sup>) day after passage.

**PASSED AND APPROVED** this \_\_\_ of \_\_\_\_\_, 2025.

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debbie Racca-Sittre, City Clerk

\_\_\_\_\_  
Andrew Segovia, City Attorney