



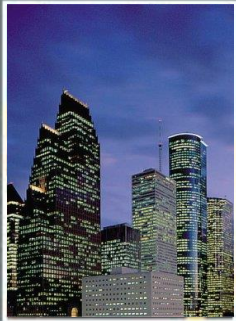
Finance Department

Presentation to the City of Houston Budget and Fiscal Affairs Committee

Recommended Revision to Code of Ordinances Chapter 1-11: Affidavit for Permits, Licenses, etc

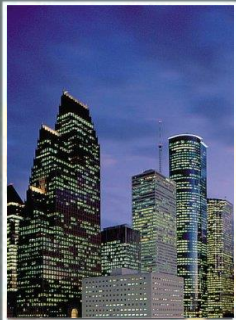
September 3, 2013

Kelly Dowe, Finance Director
Bruce Haupt, Deputy Assistant Director



Why Change Chapter 1-11?

- Notarized affidavit requirement is onerous and unnecessary
 - Adds non-value added paperwork and steps to the process for businesses
 - Adds to city administrative burden and leads to errors/rework
 - Affidavit is currently too long to effectively add to many applications
- Notarized affidavit requirement effectively prevents online permitting for businesses
- Revised ordinance changes requirement from Notarized Affidavit to an “Unsworn Declaration” per 2011 amendment to Texas Civil Practice and Remedies Code
- Revised ordinance leads to simpler permitting process for businesses, staff, and allows for online permitting
- Revised ordinance does not affect building permit, certificates of occupancy, and other specialized permit affidavits that have specific notarized affidavit requirements in separate areas of city ordinance



Current Ordinance:

Chapter 1-11: Affidavit for Permits, Licenses, etc

Sec. 1-11. – Application for permits, licenses, etc.

(a) A license, permit or certificate issued pursuant to this Code or any other code or ordinance of the city authorizing a person or persons to engage in a business, do anything, or for any other purpose whatsoever, shall not be issued unless the applicant for the permit, license, or certificate submits the following affidavit, acknowledging responsibility to comply with all deed restrictions and laws, regulations and ordinances, in connection with the requested permit, license, or certificate:

THE STATE OF TEXAS
Deed Restriction and Law Compliance Affidavit
COUNTY OF HARRIS

Before me the undersigned authority on this day personally appeared _____ (type or legibly print name of affiant) who being first duly sworn by me deposed and said:

I understand and agree that it is my responsibility to comply with all deed restrictions and city, state, and federal laws, regulations or ordinances concerning any activity authorized by the license, permit or certificate, requested in the application to which this affidavit appertains and concerning any land or place where such activities may be conducted.

I also understand and agree that the City of Houston, by issuing the license, permit or certificate for which I am applying, does not excuse or approve of any violation of deed restrictions, or of city, state or federal laws, regulations or ordinances and that the license, permit or certificate will be void in the event that it is issued in violation thereof.

I fully understand that if the permit, license or certificate for which I am applying is issued, the City of Houston or any other appropriate entity may institute legal proceedings against me if I violate any deed restriction, or any city, state or federal law, regulation or ordinance.

To the extent that this affidavit is made on behalf of a corporation or for the benefit of any persons other than myself I certify that I have fully advised them of the content of this affidavit and that I am duly authorized to execute the same as the act and deed of the applicant or persons.

To certify which, witness my hand and seal of office this _____ day of _____ / _____ / _____,

Notary public in and for
the State of Texas

My Commission expires: _____



Revised Ordinance

Sec. 1-11. – Application for permits, licenses, etc.

(a) A license, permit or certificate issued pursuant to any code or ordinance of the city shall not be issued unless the applicant submits with the application the following declaration, pursuant to Texas Civil Practice and Remedies Code section 132.001:

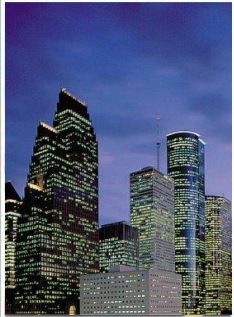
My name is _____ (first, middle, and last name), my date of birth is _____, and my address is _____ (street, city, state, zip code) and _____ (country).

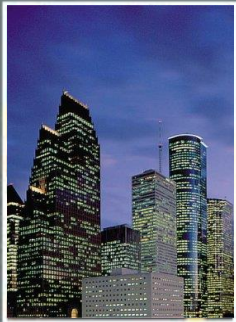
I have personal knowledge of the statements made in the application. None of the statements are misleading or false. I acknowledge that issuance of the license, permit or certificate does not excuse or approve any violation of city, state, or federal laws or regulations. To the extent that this declaration is made on behalf of a corporation or any other legal entity or persons, I certify that I have fully advised them of the contents of the application and this declaration and that I am authorized to execute this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, (month), _____, (year).

Declarant





Unsworn Declarations

- In 2011, the Texas Civil Practice and Remedies Code was amended to provide that unsworn declarations may be used in lieu of a sworn declaration, oath, or affidavit.
- Unsworn declarations are subscribed by the person making the declaration as true under penalty of perjury.
- A person commits perjury if, with intent to deceive and knowledge of the statement's meaning, makes a false unsworn declaration – a Class A misdemeanor.