

RESOLUTION NO.

WHEREAS, on July 3, 2009, the Council passed a resolution initiating a stakeholder process to develop a rental registration program; and

WHEREAS, the purpose of this program was to improve the safety and well-being of rental unit dwellers in every part of Austin, and that serious health and safety concerns in housing are increasingly problematic throughout our community; and

WHEREAS, a years-long stakeholder process ensued which did not result in a satisfactory plan to address the health and safety concerns that had been raised; and

WHEREAS, a smaller meeting was convened with stakeholders from all sides of the issue, and common ground was found about the problem and appropriate solutions; and

WHEREAS, stakeholders including staff agreed that a relatively small percentage of landlords were responsible for most health and safety code violations; and

WHEREAS, further meetings with staff did not result in action on the agreed-to solutions; and

WHEREAS, the public should know that in order to check on the status of code enforcement cases, they may search <https://www.austintexas.gov/AmcPublicInquiry/> for cases at Municipal Court, or look at <http://www.austintexas.gov/bsc> for cases at Buildings and Standards Commission; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is hereby directed to initiate a code amendment that allows for stiffer penalties for repeat violators of public health and safety codes and requires that prior convictions be considered substantial aggravating factors when considering penalties for public health and safety code violations in Municipal Court cases;

BE IT FURTHER RESOLVED:

The City Manager is hereby directed to initiate a code amendment to create a repeat offenders program so that after the second health and safety code citation within one year at a given rental property, the property will be required to register with the city, and will be subject to appropriate fees for registration that shall cover the cost of the program, as well as any inspections that the Director of Code Compliance deems necessary to ensure compliance with health and safety codes;

BE IT FURTHER RESOLVED:

That the City Council strongly encourages the Building and Standards Commission, within the context of its sovereign authority, to weigh heavily the history of citations at a property when considering penalties, and to consider taking up the issue of repeat offenders at their coming retreat; and

BE IT FURTHER RESOLVED:

That the City Council strongly encourages City prosecutors, even in advance of any Code amendments, as an integral part of their role in seeking justice, to weigh heavily the number and severity of prior citations in determining what financial penalties to seek for violations of public health

and safety codes, and to the extent consistent with justice, to restrict negotiation with repeat offenders and seek the maximum penalty allowable by law, in order to ensure the public health and safety of Austin residents.

ADOPTED: _____, 2013 **ATTEST:** _____

Jannette S. Goodall
City Clerk