

**RESOLUTION NO. 20130606-049**

**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:**

In drafting the repeat offenders program, the City Manager is hereby further directed to (1) include uncorrected notices of violation taken to the Building and Standards Commission and cases filed directly with Municipal Court by affidavit as equal to and in combination with citations to count towards the registration trigger; (2) develop a comprehensive plan for using existing tools, including utility cutoffs, referral of appropriate cases to the Justice of the Peace courts, and a checklist of dangerous conditions, to ensure that recurring health and safety violations are promptly abated; and (3) develop performance measures to ensure program effectiveness.

**BE IT FURTHER RESOLVED:**

The City Manager is hereby directed to bring the proposed ordinances to the City Council within ninety days and to take the proposed ordinances to the Community Development Commission and the Building and Standards Commission for review before presenting to the City Council. The City Manager is also directed to make a presentation to the City Council on the Code Compliance process.

**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:** June 6, 2013

**ATTEST:**

  
Jannette S. Goodall  
City Clerk