

City Council 9\_27\_13 Rental Registration, Recidivists, and Code Compliance

Late Backup

Items 11,12,144 and 145

My name is Stuart Harry Hersh, and like most in Austin, I rent. The material I have entered into the public hearing process has not been included in the backup you have received. It links what you could do through ordinance and budget amendments to gain property maintenance compliance and preserve housing affordability. So ask you take up Items 11 and 12 and 144 and 145 together.

I provided City staff and the Building and Standards Commission at the July 30, 2013 Special Called meeting that included a 11/24/1998 memo to Toby Futrell documenting the City disinvestment in Code Enforcement in the context of a recent balcony collapse. I am attaching this document that shows that we had 6 inspectors for substandard housing and 3 inspectors for zoning/land use when I was supervising both code enforcement and permit inspections.

But the City Council did not receive the complaints about the time to gain compliance with substandard rental conditions 15 years ago because as limited as we were we chose to use tools that still could be used today with no code changes and reduced budget resources:

1. 90/90 Standard – Every inspector who has cited a housing/property maintenance code violation either gains compliance or significant repair activity towards compliance 90 days after citation or the case is placed on the next Building and Standards Commission order and penalty.
2. Code staff recommends the necessary time to secure required permits and inspections to the BSC.
3. Code staff recommends \$1,000 per building per day penalties for non-compliance with a BSC order on rental housing.
4. When \$30,000 in penalties accumulates, Code staff and Law seek collections in District Court.
5. Rental property owners who want to preserve housing affordability as part of their repair activity have access to sufficient from the Neighborhood Housing Department.

Please consider these solutions rather than the Title 4 amendments before you. I have also attached some language for annual repair permits that has been available from the International Existing Building Code since 2006 but has never been recommended to you. Finally, I offer an amnesty code amendment that was made available to properties when the Land Development Code was adopted in 1988, but is not available to any properties that were built or changed uses in the last 25 years.

Please don't amend Title 4. Please adopt the International Property Maintenance Code on first reading only, and let's follow the direction that my best former bosses at the City used to give me: KISS, Keep It Simple Stuart.

Stuart Harry Hersh, 1307 Kinney Avenue #117, Austin, TX 78704 [REDACTED]

512-587-5093

**TOBY:**

I promised you some information on the issue of lack of resources devoted to code enforcement, and how this may be creating concern for neighborhoods about impervious cover violations associated with Smart Growth.

For historical background, I have attached copies of the 1997 Vulnerability Assessment, the 1991 Summary of Implications of the Balcony collapse case, and pages from the Department's 1986 Internal Audit Report. These reports demonstrate that possible solutions to this problem have been offered, but resource allocation has gone to areas other than permit inspection and code enforcement.

Earlier this year I shared with Alice and others the following chart prepared prior to the mid-year adjustment which added three zoning inspectors and one housing inspector (I have a call in to Melanie Miller at the Budget Office to confirm the numbers).

| Inspection Category | 1985 FTEs | 1998 FTEs |
|---------------------|-----------|-----------|
| Building            | 9         | 5         |
| Electrical          | 14        | 9         |
| Plumbing            | 9         | 5         |
| Mechanical          | 7         | 4         |
| Energy              | 6         | 0         |
| Housing             | 11        | 6         |
| Zoning              | 14        | 3         |
| Residential         | 22        | 15        |
| <b>TOTAL</b>        | <b>92</b> | <b>47</b> |

The total number of pending permits was 3, 291.

The total number of inactive permits was 54, 625.

The total number of active permits issued prior to 1997 was 51, 099.

This means that there were more than 100, 000 projects undertaken since 1980 when the building permit computer system was created which did not receive all required final inspections. The level of compliance with community standards for land use and building construction is unknown. These numbers are likely to increase as we issued 40, 583 total permits in the past fiscal year.

Three new zoning were hired following the mid-year budget adjustment, as was one new housing inspectors. Requirements for vacancy savings cause other inspection positions to to remain vacant, even in years when revenue exceeds projections.

Infill could result in even more permits and projects which hook-up to City of Austin utilities without required inspections and without compliance with community standards. This could be the reason that the Dawson Neighborhood Plan calls on the neighborhood to identify the land use violations and the Development Review and Inspection Department to respond to these complaints. When projects are not do not receive all required inspections, more impervious cover may be added than was approved on the plans approved. This can contribute to drainage problems and contentious hearings before the Board of Adjustment on impervious Cover variance issues.

A handwritten signature in black ink, appearing to be 'S. A.' or similar, with a large loop on the left and a horizontal stroke across the middle.

11/24/98