

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:

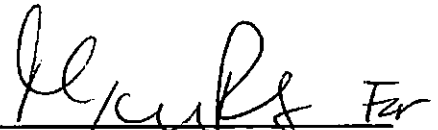
That the City Council strongly encourages the Building and Standards Commission, within the context of its sovereign authority, to weigh heavily the history of citations at a property when considering penalties, and to consider taking up the issue of repeat offenders at their coming retreat; and

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

RESOLUTION NO. 20130606-050

WHEREAS, the City is committed to ensuring that residential rental properties are safe and maintained in every area of our community; and

WHEREAS, with recent structural failures identified in multifamily residences that endangered public health and safety, better means are needed to ensure these property owners manage their properties responsibly to protect the community welfare; and

WHEREAS, existing policy has not sufficiently assured compliance with applicable standards because the current policy only allows inspections based on complaints, after conditions may have deteriorated significantly; and

WHEREAS, it is the intent to develop additional regulations for rental units located within the City that have received multiple building code citations in order to better protect the health, safety and welfare of the tenants who reside in these rental units and their surrounding neighborhoods; and

WHEREAS, in 2009 a similar resolution was adopted by Council creating a stakeholder process, but that process never resulted in a rental registry program; and

WHEREAS, the Planning Commission initiated a Stealth Dorm working group to address occupancy and other issues that have had particular impacts on several neighborhoods; and

WHEREAS, Rental Registration could also address safety, occupancy and other issues associated with Stealth Dorms; and

WHEREAS, the City of Austin has had to spend considerable resources on non-compliant multi-family complexes in the East Riverside/Oltorf Combined Neighborhood area (EROC); and

WHEREAS, the Austin Police Department was awarded a grant entitled "Restore Rundberg" to improve the quality of life, health, safety, education, and well-being of individuals living and working in the Rundberg neighborhood, and a rental registry will assist the Austin Police Department in partnering with property owners; and

WHEREAS, the Code Compliance Department is supportive of a rental registration program and believes the program is necessary to solve many code compliance issues with rental properties; and

WHEREAS, other cities including Pittsburgh, Pennsylvania, and Raleigh, North Carolina, as well as over twenty Texas cities including Houston, Dallas, College Station, Sugarland, Plano, Fort Worth, Garland, Arlington, Waco, Missouri City and Hurst have implemented successful residential rental property registration programs to ensure the safety of their residents; **NOW, THEREFORE,**

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

The City Manager is hereby directed to develop a one-year pilot registration program for any residential rental property in the areas of North Austin, Civic Association (NACA), "Restore Rundberg", East Riverside/Oltorf Combined Neighborhood (EROC), Central Austin Neighborhood Advisory Committee (CANPAC) Planning Areas, Hyde Park, Northfield and North Loop. Consistent with many registration programs elsewhere, the program should include names and contact information for

local property managers, periodic scheduled inspections, and a listing of tenant's names if feasible given privacy concerns. This program should require registration for multifamily rental properties and identify conditions under which registration for single family or duplex rental properties would be required. The City Manager is further directed to work with stakeholders in the course of developing the program and present an ordinance, including a plan for program evaluation, to Council within 90 days.

BE IT FURTHER RESOLVED:

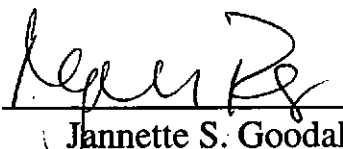
The City Manager is further directed to take the proposed ordinance to the Community Development Commission and the Building and Standards Commission for review before presenting to the City Council.

BE IT FURTHER RESOLVED:

The City Manager is further directed to initiate a code amendment that would allow for enhanced fines after the first conviction of a city code violation related to property maintenance.

ADOPTED: June 6, 2013

ATTEST:

 for
Jannette S. Goodall
City Clerk