

EXISTING CODE FOR AMNESTY CERTIFICATE OF OCCUPANCY

§ 25-1-365 EXEMPTION FROM COMPLIANCE.

(A) This section applies to an existing use or occupancy for which a certificate of occupancy was not issued if:

- (1) the structure in which the use or occupancy occurs existed before March 1, 1986;
- (2) the use or occupancy was established before March 1, 1986;
- (3) the use or occupancy was not subject to an enforcement action on January 1, 1988;
- (4) the use is a permitted use or is a nonconforming use; and
- (5) the use is not an adult-oriented business use.

(B) The building official shall issue a certificate of occupancy for a use or occupancy described in Subsection (A) if the building official determines that continuing the existing use or occupancy is not a hazard to life, health, or the public safety.

(C) The building official shall issue a certificate of occupancy under Subsection (B) notwithstanding the noncompliance of an existing use or occupancy or of a building in which the use or occupancy occurs with applicable technical code requirements or site development regulations.

Source: Section 13-1-732(f); Ord. 990225-70; Ord. 031211-11.

CODE AMENDMENTS FOR PROPERTY MAINTENANCE 4/9/14

Here are three code amendments I am asking the Building and Standards Commission, the Building and Fire Code Board of Appeals, the Planning Commission and the City Council to consider to promote the goal of compliance with the 2012 International Property Maintenance Code adopted by the City Council in 2013 with local amendments. I am asking for public hearings at the respective boards as applicable as well as the required Affordability Impact Statement enumerated in the S.M.A.R.T. Housing Ordinance.

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COMPOSITION OF BUILDING AND STANDARDS COMMISSION

1 registered architect or engineer; one lender; 1 home builder; 1 licensed real estate broker; 1 social worker; 1 low-income tenant; one property owner who owns and or manages 50 or more dwelling units; and 4 members at large.

RATIONALE: This 11 person BSC is drawn from the standards in Ordinance 770421-B; creates a transition to a 10-1 Council; and allows for the creation of two panels as outlined in resolution 21031003-100.

ANNUAL PERMIT

In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing, or building installation, the building official shall issue an annual permit upon application therefor to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to such records at all times, or such records shall be filed with the building official as designated.

RATIONALE: The annual permit language is drawn from the adopted 2012 International Existing Building Code, and creates a simplified permit process that encourages repairs prior to or subsequent to complaints. Local amendments adopting the 2012 IEBC currently delete this provision.

AMENSTY CERTIFICATION OF OCCUPANCY

25-1-365 EXEMPTION FROM COMPLIANCE

- (A) This section applies to an existing use or occupancy for which a certificate of occupancy was not issued if: 1. The structure in which the use or occupancy existed for at least 2 years; 2. The use is a permitted use or a non-conforming use. 3. The use is not an adult-oriented business.
- (B) The building official shall issue a certificate of occupancy for a use or occupancy described in Subsection (A) if the building official determines that continuing the existing use or occupancy is not a violation of the adopted Property Maintenance Code.
- (C) The building official shall issue a certificate a certificate of occupancy under Subsection (B) notwithstanding the non-compliance of an existing use or occupancy or of a building in which the use or occupancy occurs with applicable technical code requirements or site development regulations.

RATIONALE: The amnesty certificate of occupancy language is drawn from the original 13-1 amnesty certificate of occupancy provisions adopted in anticipation of the adoption of the Land Development Code in 1988. The goal was to increase compliance with adopted property maintenance code provisions (in 1988 these were the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings, and the Uniform Code for Building Conservation) while reducing owner compliance costs and City of Austin code enforcement costs. The amnesty certificate of occupancy provision allowed for issuance of a building permit for uses that were allowed in the zoning district in which they existed if the use had existed for two (2) years and all property maintenance repairs were performed and required inspections passed. This code provision eventually led to a budget standard of 90% compliance of substandard/dangerous building complaints within 90 days with a staff of six (6) housing inspectors and three (3) zoning inspectors. There is no longer a 90/90 standard, and the 2013-2014 Code Compliance Department budget request was for 117 full-time equivalent employees. Improving compliance cycle time can increase community satisfaction with complaints related to property maintenance, and reducing budget costs associated with code compliance can increase affordability in Austin for homeowners, renters, and businesses.