

Late Backup

CITY COUNCIL 5/15/14 CRIMINAL ENFORCEMENT FINES

My name is Stuart Harry Hersh, and like most in Austin, I rent.

I am here to oppose the Criminal Enforcement Ordinance in its present form because my experience tells me that the fine for first conviction is too low. I ask that you amend 25-1-462-D-1 to read \$127.50 instead of \$1.00 for a first conviction.

I am resubmitting to you documents I submitted to City staff during the Rental Registration debate last year showing that more than 20 years ago the Senior Prosecutor at Municipal Court agreed that \$127.50 would be the minimum fine for our most common Land Development Code convictions. Since the cost to prosecute and convict are not less in 2014 than they were in 1993, my proposed amendment is more in alignment with the goal of encouraging voluntary compliance when possible and covering City staff costs when conviction in Municipal Court is the only available path to achieve code compliance.

The draft ordinance before you does not specifically address the International Property Maintenance Code, but the Recommendation for Council Action document for Item 58 does reference the IPMC. I am concerned that last October 3 you passed Resolution 20131003-100 (attached) directing City staff to bring back to you potential code changes concerning expanding the Building and Standards Commission and expediting permitting for those trying to comply with the IPMC. While the Building and Standards Commission made its recommendation on its possible expansion several months ago and I have offered code amendments for boards and commissions, there has not been an item on a draft Council agenda to conduct a public hearing at some date before you leave office and possibly approve code amendments related to the 10/3/13 Resolution.

I ask that you place on one of your future agendas setting public hearings and actions on code amendments related to Building and Standards Commission expansion and expedited permitting.

Stuart Harry Hersh stuart.hersh@att.net 512-587-5093



MEMORANDUM

TO: Stuart Hersh, C.B.O.; Manager of Inspections
Department of Planning and Development

FROM: Stewart Rojo, Senior Prosecutor

DATE: December 10, 1993

SUBJECT: Expanded Citation System

I have reviewed all of the materials submitted to this office developed for the Expanded Citation System. It is my belief that the procedures outlined in the materials are adequate to allow this office to successfully prosecute any code violations that may be filed at Municipal Court.

If I can be of any further help please do not hesitate to contact me.


Stewart Rojo
Senior Prosecutor

WARNING NOTIFICATION **NOTIFICACIÓN**

If you require further information or explanation of the violation being cited please contact the inspector issuing this warning notice at 499-2875. Inspectors are only available Monday through Friday, between 7:45 and 8:30 a.m.

Si requieres mas información o explicación de la violación, por favor de llamar al inspector pasando este aviso por 499-2875. Los inspectores estan en la oficina solamente desde la 7:30 a.m. - 8:30 a.m. Lunes ha Viernes.

Failure to correct the violation named herein prior to _____ will result in the issuance of a citation and the filing of a criminal complaint in the Municipal Court of the City of Austin.

FRACASO HA CORREGIR la violación descrito aquí por el _____ resultara en la citación de una queja criminal en la Corte Municipal de la Ciudad de Austin.

ONCE A COMPLAINT IS FILED you will receive a summons from the Municipal Court to appear at the Environmental Court Docket.

UNA VES QUE POSTAMOS UNA QUEJA na receviras una citación de la Corte Municipal para aparecer el le Corte Ambiente Registro.

IF YOU ARE CONVICTED of an offense cited below, a fine up to \$ 2,000 per offense may be assessed.
 SI TE ENCUENTRAN CULPABLE de una ofensa escrito abajo, una multa hasta \$ 2,000 es posible.

CODE SECTION	VIOLATION	MINIMUM FINE
13-2-302	Residential Accessory Use	\$ 252. ⁰⁰
6-9-26	Objectionable Matter	127. ⁰⁰
13-2-221	Vehicle Storage	127. ⁰⁰
13-7-67 (2.9.0)	Screening Provision	252. ⁰⁰
13-2-850	Sign Provisions	227. ⁰⁰
13-2-100	Historic Landmark Provisions	327. ⁰⁰
13-1-737	Contractor Inappropriately or not Licensed	327. ⁰⁰
13-1-735	No Permit	327. ⁰⁰
13-1-904 & -906	No Valid Certificate of Occupancy	327. ⁰⁰
CÓDIGO SECCIÓN	VIOLACIÓN	MÍNIMO MULTAS
13-1-737	Uso de Accesorio residencia	\$ 252. ⁰⁰
6-9-26	Basura	127. ⁰⁰
13-2-221	Almacenaje de Automóvil	127. ⁰⁰
13-7-67 (2.9.0)	Provisiones de cercas entre zonas distintos	252. ⁰⁰
13-2-850	Provisiones Señales	227. ⁰⁰
13-2-100	Provisiones de Señales Históricas	327. ⁰⁰
13-1-737	Contractor sin licencia o con licencia incorrecto	327. ⁰⁰
13-1-735	Trabajando sin permiso	327. ⁰⁰
13-1-904 & -906	Sin certificado de ocupancia válido	327. ⁰⁰

MAXIMUM FINE FOR THE AFOREMENTIONED VIOLATIONS IS \$ 2,000
MÁXIMO MULTA PARA ESTAS VIOLACIONES ES \$ 2,000

City of Austin
 Department of Planning and Development
 P.O. Box 1688
 Austin, Texas 78767
 Ciudad de Austin
 Departamento de Planeación y Desarrollo
 P.O. Box 1688
 Austin, Texas 78767

RESOLUTION NO. 20131003-100

WHEREAS, the City is committed to ensuring that all structures are safe and habitable;

WHEREAS, the City Council recently adopted the 2012 International Property Maintenance Code with local amendments at its September 26, 2013 meeting;

WHEREAS, structural failures at multi-family properties have increased putting rental unit dwellers at risk;

WHEREAS, the City Council recently adopted a "repeat offenders" program for rental properties with documented dangerous conditions or conditions that impact the quality of life for a tenant;

WHEREAS, state law authorizes the creation of a Building and Standards Commission ("BSC"), which is a quasi-judicial body that can issue orders to repair or demolish dangerous and/or substandard structures; and can assess civil penalties for failure to comply with its orders;

WHEREAS, it is the City Council's goal to have all rental properties with the highest number of active complaints of substandard and dangerous conditions based on the International Property Maintenance Code that remain unresolved 90 days after a Notice of Violation is issued be placed on the Building and Standards Commission agenda for possible order and penalty;

WHEREAS, it is the City Council's goal to have the remaining similarly situated rental properties placed on the Building and Standards Commission in the next 180 days for possible order and penalty;

WHEREAS, Code Compliance staff has not, during the past year, requested the Building and Standards Commission impose \$1,000 per building per day fines for properties that do not timely comply with Building and Standards Commission orders;

WHEREAS, state law mandates that the City comply with specific notice requirements prior to a case being heard by the BSC;

WHEREAS, the City currently utilizes the BSC to address dangerous and/or substandard conditions as described in the International Property Maintenance Code;

WHEREAS, it meets eleven times a year on the fourth Wednesday of each month (except for November);

WHEREAS, state law allows for a BSC to meet in panels, which would allow for more opportunities for commission meetings;

WHEREAS, increasing the size of the BSC and instituting a panel system will increase the City's opportunities to bring dangerous and/or substandard properties before the BSC;

WHEREAS, a streamlined process should be available for permits that authorize repairs based on substandard and dangerous conditions identified by Code Compliance to promote efficiency; and,

WHEREAS, in the past the City successfully utilized a streamlined process; **NOW, THEREFORE**,

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

The City Council initiates a Code amendment to increase the size of the BSC to 14 commission members for the purpose of creating two panels that will allow the BSC to meet, as panels, more than once a month, and directs the City Manager to process the Code amendment. The amendment should allow the Mayor to appoint two members and each council member to appoint two members.

BE IT FURTHER RESOLVED:

The City Council initiates a Code amendment for an expedited permit that authorizes repairs to alleviate substandard and dangerous conditions and directs the City Manager to process the code amendment.

BE IT FURTHER RESOLVED:

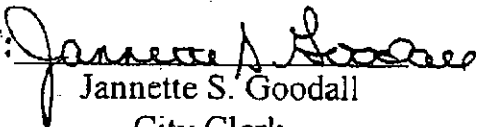
The City Council directs the City Manager to utilize the BSC to the fullest extent possible.

BE IT FURTHER RESOLVED:

The City Manager is directed to request that the Building and Standards Commission provide a recommendation about these proposed process changes in advance of the ordinances returning to Council.

ADOPTED: October 3, 2013

ATTEST:


Jannette S. Goodall
City Clerk