OVER-OCCUPANCY WORKSHEET				
Item		Responsibility/Action	Sequencing	Duration Until Implementation
Code Compliance				
1. Code Compliance interventions often result in "short term" compliance.	1. Every confirmed violation must result in a Notice of Violation being sent to the property owner. 2. Advertise and implement escalating schedule of fines for repeat offenses. 3. Investigator must call or e-mail complainant with conclusion of the case.			
2. Clarify the divisions of responsibility between APD and Code Compliance and encourage departments without jurisdiction to refer cases to another department with jurisdiction. In addition, coordinate communication and cross-documentation between City departments to better track nuisances such as noise, trash, parking, and over-occupancy. This may include recommending a collaborative tracking system that allows departments to see all activity that has occurred (or is occurring) on a property. Such data should be available to the public.				
3. Recommend/request that City Council do an investigation of Code Compliance (leverage investigative powers).	1. Request that Code Compliance explain their inability to enforce existing code.			
4. Improve enforcement of Property Maintenance Code by adopting annual performance measures related to maximum compliance cycle times rather than average cycle time from initial complaint to actual compliance as part of the City budget adopted for FY 2014-2015.				
5. Does the City have the resources and the motivation to enforce the regulations that exist today? Amending the City Code won't ensure adequate resources or motivation to enforce.	1. There appears to be disagreement regarding the level of effort being made today due, in part, to the lack of transparency regarding current enforcement activities. The City of San Antonio posts on-line all reported code violations for each address in the city. San Antonio's web site also tracks when the complaint is investigated but does not report the resolution. Such public reporting system should be adopted in Austin			

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	so that the public an monitor trouble spots and the performance of the Code Compliance department.			
6. Code Compliance does not have the tools to address property owners reluctant to comply.	1. Expand the Repeat Offender program to include citations characteristic of high occupancy properties. 2. Institute civil hearings for certain offenses. 3. Decriminalize offenses.			
7. Tighten Code regulations (permitting, building, property maintenance, other) for all rental properties that currently are allowed to be occupied with no sanitary or safety requirements for rental to multiple adults. Adhere to restrictions for new additions to homes currently in place via City Council action.				
8. Provide processes for Code Enforcement (via Code Enforcemenjt, APD, Watershed,, other) in a timely manner with violation penalties that can provide some measure of deterrence to property owners and/or landlords and rental residents via regulations and real, timely consequences for violations so paying a fine cannot routinely be included by the property owner as a cost of doing business. This would include a notification system that includes property owner and renter.				
Development/Permitting				
1. Raise cost of demolition permits but create a waiver program (based on income and number of permits applied for).				
2. Require a certain LEED certification requirement for SF developments that hit a certain threshold of square footage/bedrooms. This would raise the bar for the quality of HOUs that are being built plus create more economic barriers for developers that are just looking to turn a profit.				
3. Require developers to build a certain percentage of MF housing in a given neighborhood for any number				

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	of HOUs they construct (modeled on the Downtown Affordability and Density Program/allowances.				
4.	All recipients of new single-family, duplex, and two-family permits and certificates of occupancy will be informed of maximum occupancy limits for unrelated and related adults based on the date of permit application and number and size of bedrooms.				
5.	Lack of/inadequate definitions make current code provisions unenforceable.	1. Define bedroom. 2. Define sleeping room. 3. Define occupancy or occupy. 4. Specify level of consanguinity			
6.	High occupancy structures are not identified at the permitting level.	1. All plans must be stamped with allowable occupancy and number of bedrooms. 2. Sites with more than 4 bedrooms will be informed at Permitting about occupancy laws and associated fines. 3. Structures with design elements characteristic of "stealth dorms" will be required to register in Rental Registration program if used as a rental. This requirement must be filed with the County Clerk. 4. Increase parking requirements based on number of potential sleeping rooms/bedrooms.			
7.	Stop construction of current types of primarily student houses within residential neighborhoods including the tear downs/ scraping process beyond the current 2 year time limit.				
Zoning					
1.	Create a new zoning category for duplexes: Multi-family Lite (MF-L). Add greater lot size square footage requirement for duplexes to 8,000 sq. ft. for all new duplexes. MF-L designation for duplexes may eliminate some misuses of SF zoned properties.				
2.	Stealth dorm style housing currently being built in neighborhoods across the city provides evidence that current SF-3 base zoning is ineffective in protecting				

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neighborhood character. SF-3 base zoning is too broadly applied in many neighborhood areas because it allows incompatible stealth dorm types of duplexes and two-family residential uses. Regulating the built <u>forms</u> of housing within these zones could allow density while maintaining the character of the community by regulating the built form. New development would adhere to <u>form and design</u> standards to encourage development that harmoniously transitions into the current neighborhood.				
Number of Bedrooms/Bathrooms				
1. Limit the number of bedrooms a house can have by limiting the percentage of square footage of bedrooms to other rooms. So many stealth dorms have tiny kitchens and living areas with many bedrooms. They often turn garages into the living spaces or more bedrooms, while getting credit for parking spaces in the garage.				
Over-occupancy Ordinance				
1. Require "bad actors" to lose their grandfathered status of allowing six unrelated individuals.				
2. "Bad Actor" amendment: make sure there is fair warning for property owners who are in danger of losing the grandfathered occupancy limit. Provide opportunities to regain high occupancy (for those who have been reduced to 4).				
3. Sunset for the Over-occupancy Ordinance reduction (as outlined in the recent ordinance), and , instead, require neighborhoods with a Neighborhood Plan to <u>opt-in</u> to an occupancy reduction.	1. For those that opt-in, require certain "in-fill" tools to be in place (small lot amnesty, cottage home, secondary apartment, etc.).			
4. Continue newly adopted regulations (City Council) beyond the current 2 year time limit and consider expanding the neighborhoods included in the Urban				

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Core.				
5. The definition of "unrelated" be in alignment with the definition provided in the City Code provision governing Financial Disclosure (2-7-72b-E-4): spouse, children, parents, grandchildren, grandparents, brothers, sisters, uncles, aunts, nephews, nieces, first cousins, children-in-law, parents-in-law, grandchildren-in-law, grandparents-in-law, brothers-in-law, sisters-in-law, aunts-in-law, uncles-in-law, nephews-in-law, nieces-in-law, first cousins-in-law. The definition of "unrelated" be expanded to include similar categories for domestic partners and to allow second and third cousins to be considered related.				
6. Limit occupancy to 4, period. Submit documentation regarding familial status for a potential waiver of occupancy limit.				
7. Existing high occupancy structures draining Code Compliance resources and negatively affecting quality of life.	1. All existing high occupancy properties must register in the Rental Registration program (sites with more than 4 unrelated individuals). 2. Reduce occupancy to current levels for "grandfathered" structures unable to sustain higher levels of occupancy evidences by Code violations. 3. In single-family uses, prohibit renting by the "bedroom." All occupants should be on one lease.			
Health and Safety				
1. Require that existing stealth dorms include certain safety requirements that apply to multi-family (fire extinguishers, smoke detectors, etc.).				
Rental Limitations				
1. Prohibit renting by the bedroom in single-family districts. 2. Limit number of unrelated adults renting a property to available (without new construction) bedrooms to correct the current practice of sleeping arrangements				

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	in kitchens, dining rooms, living rooms, garages and outbuildings enabling over population of unrelated adults in rented properties.			
3.	Require single-family, duplex, and two-family homes with 5 or 6 unrelated occupants that do NOT have leases with language addressing overcrowding and nuisances to be licensed as "Lodging Houses" with all of the license suspension/ license revocation/occupancy reduction/ Building and Standards Commission penalties that currently govern housing that is required to be licensed by the adopted Property Maintenance Code.			
4.	Insert broad-range information into residential lease stating that tenant will adhere to Austin Code. If the landlord is reasonable, he/she has a method to enforce the lease in line with Austin Code. Or, if the landlord willingly leased to 6 unrelated people or such, then the tenant has some kind of recourse with the landlord.			
Student Housing				
1.	Hold UT accountable for more student housing. City Council to approach the Board of Regents about expanding student housing. Draft a Memorandum of Cooperation (or Joint Agreement) that addresses student housing on campus.			
Education				
1.	Austin to implement an education plan similar to San Marcos and Fort Collins.			
Nuisances				
1.	Parking violation language, trash collection language, noise and overcrowding language be included in the nuisance provision of the adopted Property Maintenance Code so as to create accountability for all occupants of single-family homes, and that tenants			

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and owners receive notices of violation and to allow habitual violators to govern these "recidivists."				
2. Using the bad acts of tenants for revoking entitlements (grandfathering) of a property owner is legally flawed.	1. Tenants are, by definition, not an agent of the property owner. It is a fundamental tenet of American law that a person cannot be held responsible for the acts of another person. There are very limited situations in which the actions of a tenant are imputed, to some degree, onto the property where the activities occur. Crack houses and houses of prostitution are the primary examples. The complaints about trash receptacles, noise and parking are nuisances; not felonies.			
Trash				
1. Identify which receptacles belong to which properties (e.g., assign numbers, implant with ID chips). If trash bin is still out during third day after trash day, then Code Compliance can take a date stamped photo of the bin. Safe days are trash day and the following 2 days; the full day before trash day is a safe day as well. That makes 4 safe days per week including trash day. The goal is to get habitual offenders that simply never bring in their trash, not people out of town, etc..				
2. Austin Energy is responsible for billing for trash bins and may have the mechanism in place to send out a $25.00 fine with the bill (and maybe a photo). This goes directly to the renter. (Maybe Code Compliance needs to initiate web postings associated with addresses that landlords and neighbors can check in on.)				
3. Amend Chapter 15-6-17 of the City Code to require trash receptacles be screened from public view, similar to Chapter 25-2-893(B)(7) Accessory Uses for a Principle Residential Use.				

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Parking				
1. Parking for new single-family and duplex housing be expanded to require one space per bedroom when the number of bedrooms exceeds 3 bedrooms and/or the number of bathrooms exceeds 3 bathrooms on the site and/or the number of bedrooms and other habitable rooms (excluding the code required living room, kitchen and dining room) over 69 square feet exceeds 3 rooms.				
2. Number of bathrooms triggers more parking requirements. Add proactive language to Code regarding number of bathrooms (5) triggering more parking: if the SF zoned property has more than 5 full bathrooms (2 half bathrooms = 1 full bathroom), then additional parking is required for each full bathroom.				
3. Proactive parking requirements for SF zone property: add language to the Code about parking requirements on SF zoned properties. Additional designation of side yards, rear and front yard parking requirements can help reduce the occurrence of an "over-built" structure, particularly for duplexes which currently require 3 parking spaces. If the parking spaces required in the side yards, rear and front yards were reduced to a maximum of 2 spaces only per specified side, street side, front, and rear yard, then there would be a more thoughtful approach to the dwelling unit (maxim: "If you can't park it, you can't build it").				
4. Add language specifically for the location of front yard parking. If there are front yard parking spaces, they may NOT be located in front of the principal structure.				
5. Austin currently has no maximum parking limit. We do have rules about not parking on grass and there is				

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	also the 50% front yard rule in certain Neighborhood Plans. Maybe Code Compliance can issue parking tickets? Or work with the group that issues parking tickets.			
6.	There has been a lot of discussion about Code Compliance needing more tools to enforce the existing City Code. Article 3 of Chapter 12-5 of the City Code establishes administrative adjudication for parking violations. These administrative procedures are authorized by Chapter 682 of the Texas Transportation Code. Can the administrative adjudication of parking violations procedures found in Chapter 12-5 be expanded to include trash receptacle and noise?			
Other Comments				
1.	Affidavits and rental registration seem cumbersome and complicated and not worth the trouble.			
2.	There are ample transit corridors and multi-family locations where multi-family housing can be constructed enabling public transportation for student populations eliminating the financial incentives of the current practices of destroying or permanently damaging core residential neighborhoods via changing blocks in residential neighborhoods from family homes to rooming homes.			