



## MEMORANDUM

**TO:** Low Income Consumer Advisory Task Force (LICATF)  
**FROM:** Denise Kuehn, Director of Energy Efficiency Services  
**DATE:** July 17, 2015  
**SUBJECT:** ECAD Questions by Member: Lanetta Cooper from June 19th, 2015 Meeting

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The following information is in response to questions that member Lanetta Cooper requested regarding Austin City Code Chapter 6-7, Energy Conservation Audit and Disclosure (ECAD) Ordinance (No. 200110421-02) Amended April 21, 2011.

**Question 1: Who enforces ECAD? (What department and what City offices?)**

**Staff Response:** Austin Energy is committed to implementation and Austin Municipal Courts handles a complaint-driven process when citizen complaints are filed.

**Question 2: How many full-time employees are dedicated to enforcement?**

**Staff Response:** The Austin City Code defines enforcement as a complaint-driven process that capitalizes existing resources and procedures. As such, no dedicated City personnel are required to accomplish enforcement.

Austin Energy's (AE) Customer Energy Solutions division (including: Energy Efficiency Services, Data Analytics & Business Intelligence, Green Building, Key Account Management), AE's Corporate Communication and Marketing Communications divisions, Austin Water Conservation division and City of Austin's Office of Sustainability personnel resources are committed at different levels of support with implementation and community education campaigns of the Austin City Code.

**Question 3: How many multifamily rental units as defined by ECAD exist in Austin and how many of those have been verified to the in full compliance with ECAD?**

**Staff Response:** Preliminary ECAD 2014 Multifamily Market Statistics.

Fiscal Year	Apartment Properties Within the Austin City Limits	Apartment Properties Exempt from Ordinance	Apartment Properties Not Exempt from Ordinance	Apartment Properties Audited	Non Exempt Properties Audited
FY 2014	1,369	368	1,001	850	85%

**Question 4: How many single-family homes, duplexes, triplexes, fourplexes, and condo's are rented in Austin?**

**Staff Response:** Austin Energy is not responsible for collecting housing data. It is the responsibility of the City Demographer. The City Demographer has provided the attached TENURE BY UNITS IN STRUCTURE, Universe: Occupied housing units, 2013 American Community Survey 1-Year Estimate. The provided American Community Survey includes housing unit estimates, for both owner-occupied and renter-occupied. It is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns, and estimates of housing units for states and counties.

**Question 5: How many enforcement actions have been taken?**

**Staff Response:** Currently, no legal actions have been taken through the Austin Municipal Court processes.

**Question 6: What does AE do, if anything in relation to enforce the ECAD ordinance?**

**Staff Response:** AE's commitment is to implement the ECAD ordinance initiative to assist multifamily and commercial real estate business markets by educating property owners on the importance of property-wide energy audits, administering single-family and multifamily audit programs, assisting with energy performance benchmarking their commercial buildings, and presenting ways to make their buildings more energy efficient. To date, AE has achieved 441.1 MW of the 900 MW demand savings goal.

In charge of executing this initiative since the Austin City Code was approved, the 2014 preliminary results shows AE has achieved over 60% compliance rates for residential and commercial, with over 85% multifamily properties. Also, the existing ECAD datasets for all property types are available to the public on the City of Austin's Data portal. In 2014, AE has begun to capitalize on energy audit results to energy savings goals by expanding formal marketing and outreach campaigns into the Austin market place. Additional

background information may be found on the following website:  
[www.austinenergy.com/go/ecad](http://www.austinenergy.com/go/ecad)

**Question 7: Is there a complaint process setup to enforce ECAD ordinance: complaint form, hearing procedure, appeal procedure, what notice to LLS and public of this procedure?**

**Staff Response:** The Austin City Code defines enforcement as a complaint-driven process. The record owner of the property is presumed to be responsible for a violation of this Austin City Code that occurs at a facility on the property. Non-compliance with ECAD is a Class C misdemeanor with fines from \$500 to \$2,000. A public citizen may file violations with the City of Austin Municipal Courts for review and action.

The attached [City of Austin Municipal Court Violation Complaint form](#) is available publicly on Austin Energy website.

Austin Energy's Customer Energy Solutions is committed to promoting and educating the public on ECAD. For example, staff is involved in community public and industry outreach events, as well as digital, radio, and print advertising. In addition, during the fiscal year 2014 (October 1, 2013 – September 31, 2014) staff took 2,011 phone calls and 3,693 emails regarding ECAD. During each phone call and email, staff was able to educate and explain the various details of ECAD, including enforcement.

**Attachments:**

- [TENURE BY UNITS IN STRUCTURE](#)
- [City of Austin Municipal Court Violation Complaint form](#)



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TENURE BY UNITS IN STRUCTURE

Universe: Occupied housing units  
2013 American Community Survey 1-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Austin city, Texas	
	Estimate	Margin of Error
Total:	349,200	+/-5,054
Owner-occupied housing units:	157,643	+/-4,175
1, detached	137,315	+/-4,271
1, attached	8,097	+/-1,635
2	1,749	+/-729
3 or 4	1,080	+/-542
5 to 9	255	+/-200
10 to 19	1,487	+/-598
20 to 49	1,397	+/-542
50 or more	2,456	+/-695
Mobile home	3,728	+/-1,068
Boat, RV, van, etc.	79	+/-100
Renter-occupied housing units:	191,557	+/-5,874
1, detached	33,990	+/-3,301
1, attached	7,049	+/-1,313
2	13,841	+/-2,099
3 or 4	14,197	+/-2,152
5 to 9	19,962	+/-2,690
10 to 19	33,500	+/-2,670
20 to 49	27,283	+/-2,636
50 or more	39,815	+/-3,157
Mobile home	1,774	+/-661
Boat, RV, van, etc.	146	+/-180

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

In data year 2013, there were a series of changes to data collection operations that could have affected some estimates. These changes include the addition of Internet as a mode of data collection, the end of the content portion of Failed Edit Follow-Up interviewing, and the loss of one monthly panel due to the Federal Government shut down in October 2013. For more information, see: User Notes

While the 2013 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal

cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2013 American Community Survey

#### Explanation of Symbols:

1. An '\*\*\*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '\*\*\*\*' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '\*\*\*\*\*' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

## REQUIREMENTS WHEN FILING COMPLAINT

1. The complainant (person making the complaint) must, in good faith, make full, fair and honest disclosure of all facts and circumstances known to him/her at the time the complaint is made. The facts, as presented, must be in the form of an affidavit and signed under oath. Said affidavit will form the basis of any further investigation and the charging instrument.
2. The complainant must appear in court to testify against the defendant if the charges are contested (the accused pleads not guilty and a trial is held).
3. If the defendant is found guilty, the maximum sentence that may be assessed in Municipal Court is a fine plus court costs and fees (no jail time). The defendant may appeal the case to a higher court.
4. The defendant may file a counter-complaint if the complainant has also been involved in some illegal activity. Please be advised that any statement made at this time or in the future to a prosecutor or other city investigative person may be used against you should the counter-complaint go forward to trial. Please be advised that when speaking to the prosecutor, that the prosecutor represents the state and no attorney-client relationship is established by any communications with regard to the application for complaint or any matters related thereto.
5. Once a case is filed, only a Municipal Court Judge, upon recommendation of a prosecutor, has the authority to dismiss the case.
6. The prosecutor reserves the right to subpoena the presence of the citizen-complainant and enforce the subpoena by ordering a peace officer to bring the citizen-complainant to court.

I have read and agree to the above requirements.

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COMPLAINANT'S SIGNATURE  
(Person making the complaint)

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DATE



**Information about you:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Work Number: \_\_\_\_\_  
Email Address (if any): \_\_\_\_\_

**Witness Information (if any):**

Name of Witness: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Work Number: \_\_\_\_\_  
Name of Witness: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Work Number: \_\_\_\_\_  
Name of Witness: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Work Number: \_\_\_\_\_

**Vehicle Information (if applicable):**

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Body Style: \_\_\_\_\_ Color: \_\_\_\_\_  
State of Registration: \_\_\_\_\_ License Plate Number: \_\_\_\_\_ Special Features: \_\_\_\_\_

I swear that the statements made herein are within my personal knowledge and are true and correct.

\_\_\_\_\_  
Printed Name of Person Making Complaint      Signature of Person Making Complaint      Date

Sworn to me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Deputy Court Clerk OR  
Notary Public for the State of Texas      My Commission Expires: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

Reviewed by: \_\_\_\_\_ (Prosecutor/Investigator)  
File Charge:     Yes     No  
Charged Offense/Offense Number: \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. I hereby acknowledge that I have examined the foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the individual accused therein.

\_\_\_\_\_  
Magistrate, Municipal Court, Austin, Texas