Repeat Offender Program (ROP)

Update and Response to UT Law Report

June 2015

Agenda

- **Update**
  - History
  - Overview of Program
  - How it works?
  - Current Status
  - Analysis

- **Response to UT Report**
  - Identification of problem properties
  - Monitoring of ROP properties
  - Enforcement against properties

- **Recommendations**
  - Ordinance amendments
  - Administrative changes
  - Resources needed
  - Fiscal impact

- **Next Steps**

- **Q&A | Discussion**

History

Repeat Offender Ordinance 20130926-012

2013
- June 6 Rental Registration Resolution 49
- June 6 Repeat Offender Program Resolution 50
- Sept. 26 2013 | 50 adopted
- Oct. 7 2013 | Repeat Offender Ordinance goes into effect
  - 4 FTE approved by Council for Multi-Family Inspection Team
  - FTE hired and trained
  - ROP developed

2014
- Jan. 2014 ROP Fully Implemented
- Nov. 2014 Amended by Council
  - Remove habitability
  - 12 to 24 months
  - Added conditions

2015
- Jan. 2015 Changes are implemented by Austin Code

Overview

Ordinance Requirements

All single-family and multi-family rental properties that have received numerous health and safety complaints within **24 consecutive months** are required to register with the City of Austin Repeat Offender Program.

Single-Family Property
Property used for single family residential, single-family attached, and two-family residential (duplexes, garage apartments, townhomes, garden homes, etc.).

Multi-Family Property
Property used for three or more dwelling units, within one or more buildings (apartments, condos, etc.)

Overview

Ordinance Requirements

A rental registration is required for multi-family and single-family rental properties (not occupied by the owner) if they have received the following within 24 consecutive months at the same property:

2 **or more separate notices of violation** that were not corrected within the time required.

5 or more separate notices of violation issued on separate days regardless of whether the violation was corrected or not.

2 **or more citations** within 24 consecutive months.

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Overview

What types of conditions are considered a violation?

Rental properties with multiple code violations are required to register with the repeat offender program.

Tall Weeds and Grass

Work Without Permit

Trash and Debris

Unsanitary Conditions

Plumbing

Unsafe Building Conditions

Broken Windows

How We Do It

Multi-Family and Commercial Inspections Unit

Division Manager
Todd Wilcox

Asst. Division Manager
Matthew Noriega

Commercial Code Officers
Robert Moore
Troy Collins
Stephen Oswalt
Mario Ruiz
Hilda Martinez

Multi-Family Code Officers
Carlos Longoria
Robert Ortiz
Jim Richerson
Brian Kelly
Marlayna Wright
Javier Martinez
Marco Ramos
Ron Russell

How We Do It

Multi-Family and Commercial Inspections Unit

This division responds to all commercial & multifamily complaints for the entire City including City owned properties.

Interdepartmental Functions
Public, Assembly Code Enforcement (PACE)
Emergency Response
Support, Abatement, Forfeiture and Enforcement (SAFE)
Neighborhood Enhancement Team (NET)

Programs (as Directed by Ordinance)
Rest Break
Universal Recycling
Single Use Bag
Gender Neutral Restroom Signage
Repeat Offender Program

October 2014 to August 1, 2015 workload
6024 Complaint calls
8093 Inspections Performed
722 Open Cases
1208 NOVs sent
31 Citations Issued
39 Admin Hearing Issued
19 Stop Work Orders
23 BSC Cases

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Process

IDENTIFY

- Code staff **identifies** and refers property to the ROP committee as a candidate for the Repeat Offender Program.

REVIEW

- The ROP committee **reviews** the property and determines whether the property meets the ordinance requirements.

REGISTER

- If eligible, the property is submitted to the Code Licensing and Registration Team. The property owner is required to **register** within 14 days or appeal to the Director of the Code Department.
  - Properties are automatically registered after 14 days
  - $100 application fee for each property

NOTIFY

- The public is **notified** of registered properties via online reporting tools and distribution methods such as: the Austin Code website, media, quarter reports and social media.

INSPECT

- The Code Multi-family team conducts periodic **inspections** of all registered properties.

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Current Status

Ordinance Requirements—Quarterly Reports

ACD provides updates and measures on a quarterly basis.

Required Measure	As of August 20
Number and percentage of rental properties registered	29 registered, 4 pending 100%
Number and percentage of rental properties that received a periodic inspection	11, 38%
Number and percentage of properties that received periodic inspection And violations were found	100%
Number and percentage of properties that timely complied with a Notice of Violation	PENDING
Number And percentage of properties that received periodic inspections and no violations were found	0

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Current Status

Ordinance Requirements—Online Reporting Tools

- **ACD Website**
  - ROP Webpage
    - Ordinance
    - List of Properties
    - Flyer and FAQ
    - Form
    - Interactive Map

  - AustinCode Case Tracker

- Permitting Site
  - ROP

Austin Code Department

REPEAT OFFENDER PROGRAM

All rental properties that have received numerous health and safety complaints within 24 consecutive months are required to register with the City of Austin Repeat Offender Program by City Council resolution (Ordinance No. 20130926-012). This ordinance requires inspections and other guidelines for rental properties falling under the "2-5-2" conditions.

"2-5-2" CONDITIONS:

A rental registration is required for multi-family and single-family rental properties (not occupied by the owner) if they have received the following within 24 consecutive months at the same property:

- Two or more separate notices of violation for conditions that are dangerous or impair habitability, and were not corrected within the time required.

- Five or more separate notices of violation for conditions that are dangerous or impair habitability which are issued on separate days regardless of whether the violation was corrected or not.

- Two or more citations for conditions that are dangerous or impair habitability within 24 consecutive months.

HOW TO REGISTER

Complete a Repeat Offender Application Form

RESOURCES

Flyer and FAQ

Repeat Offender Registration List

Repeat Offender Map

TOP CONTENT

- Vacation Rental Licensing
- Austin Code Online Resource
- Hauler for Hire Licensing
- Percent of STRs Issued by C Tract
- Garage Conversions

Request a Code Speaker

Repeat Offender Map

Search Complaints, Licenses and Permits

Current Status

Ordinance Requirements—Online Reporting Tools

- ACD Website
  - ROP Webpage
    - Interactive Map
    - List of Properties
    - Flyer and FAQ
    - Form
    - Ordinance
  - **AustinCode Case Tracker**

- **Permitting Site**
  - ROP

AUSTIN CODE CASE TRACKER

FIND OUT WHAT'S GOING ON WITH PROPERTIES IN AUSTIN

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Current Status

Ordinance Requirements—Online Reporting Tools

- ACD Website
  - ROP Webpage
    - Interactive Map
    - List of Properties
    - Flyer and FAQ
    - Form
    - Ordinance
  - AustinCode Case Tracker

- **Permitting Site**
  - ROP

SEARCH BY PROPERTY/PROJECT NAME/TYPES/DA

Number	Prefix	Street	
	--- ∨		--- ∨

Please enter at least the first 3 letters of the street name above. Other fie

Project Name:

Permit/Case Type: Operating License ∨

Sub Type: ∨

Work Type:

Start Date: Aug 21, 20

Note: Dates shou format. By
of the database, o longer th
Code, Project Na e date ran

- Bed and Breakfast
- Boarding House
- Hotel
- Mobile Home Park
- Motel
- Repeat Offender 2 Year
- Repeat Offender 5 Year
- Rooming House
- Short Term Rental Type 1
- Short Term Rental Type 1-A

Submit

DAR MEDIA CENTER LEGAL NOTIC

13

Current Status

Ordinance Requirements—Periodic Inspections, as of August 20
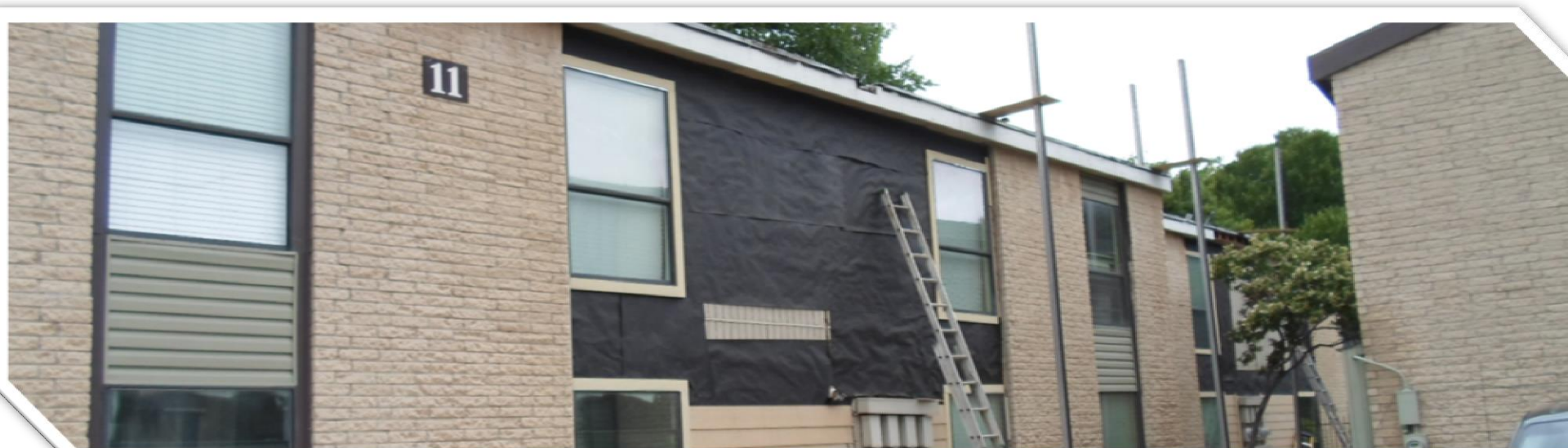
ACD *may* perform yearly inspections.

11 Periodic Property Inspections
230 buildings
XXX units inspected

1 Comprehensive Inspection
20 Buildings

Current Status

Periodic Inspection: March 30, 2015
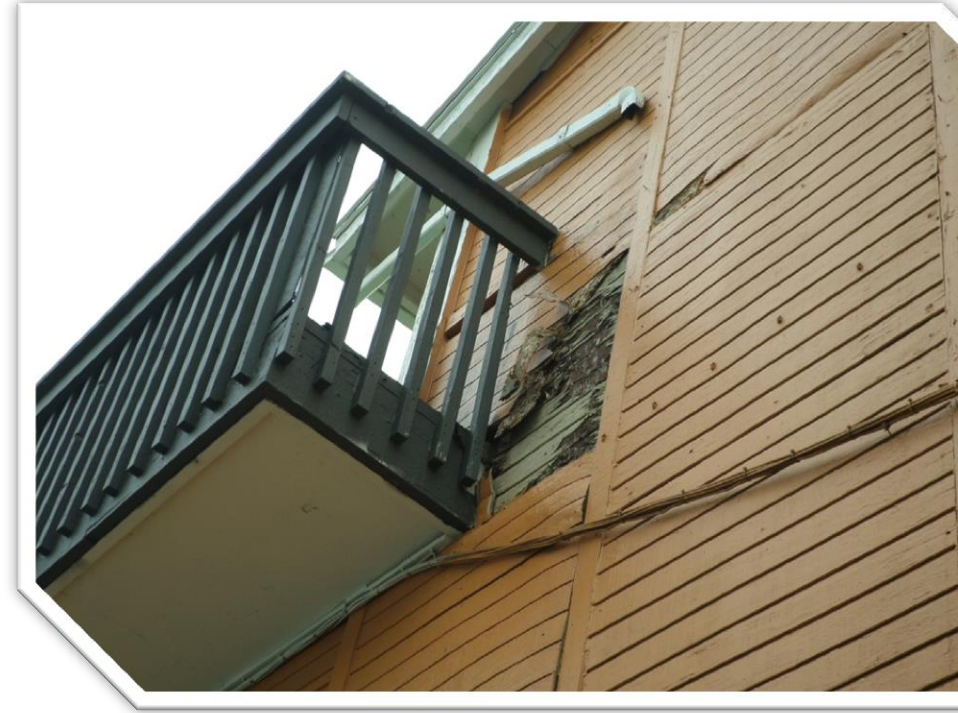
Solaris Apartments

1516 Burton Dr. (aka 1601 Royal Crest Dr.)

Inspections
- Exterior, 42 buildings
- Interior, 87 units
  - 56 occupied
  - 31 vacant

Findings
- Exterior Violations: 209
- Interior Violations: 108
- Total Violations: **317**

Insert Before & After photo

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Periodic Inspection: March 31, 2015

Coppertree Apartments

2425 Cromwell Circle

- Inspections
  - Exterior, 17 buildings
  - Interior, 24 vacant and occupied units
- Findings
  - Exterior Violations Found: 56
  - Interior Violations Found: 49
  - Total Violations Found: **105**

Insert Before & After photo

Current Status

Periodic Inspection: April 16, 2015

Oak Hollow Apartments

7201 Wood Hollow Dr.

- Inspections
  - Exterior, 40 Buildings
  - Interior, 33 occupied and vacant units
- Findings
  - Exterior Violations Found: 198
  - Interior Violations Found: 53
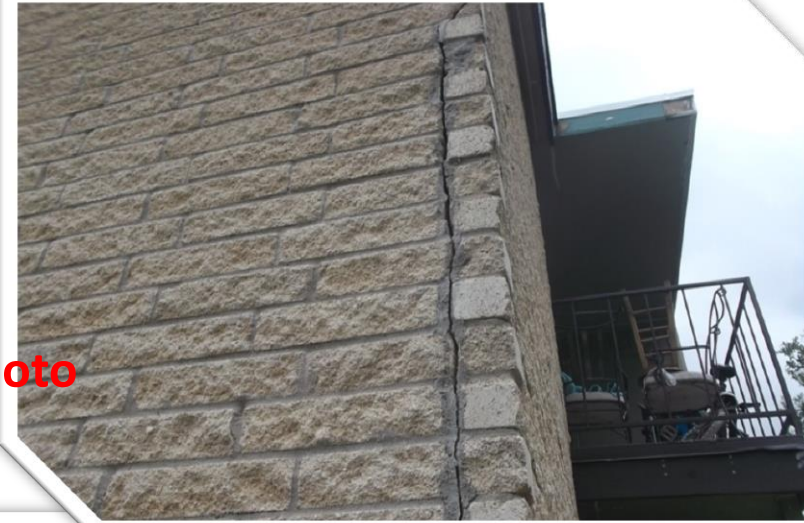 - Total Violations Found **251**

Insert Before & After photo

Periodic Inspection: April 28, 2015

Wickersham Green Apartments

Insert Before & After photo

2314 Wickersham Ln

- Exterior inspections (buildings)
  - Exterior,19 buildings
  - Interior, 77 Units
    - 15 occupied units
    - 62 vacant units
- Findings
  - Exterior Violations Found: 17
  - Interior Violations Found: 59
  - Total Violations Found: **76**

2015/04/28 01:03 PM

Periodic Inspection: May 6, 2015

Presidium Apts.

1901 Willow Creek Dr

- Exterior inspections (buildings)
  - Exterior, 15 buildings
  - Interior, 37 Units
    - 13 occupied units
    - 24 vacant units
- Findings
  - Exterior Violations Found: 114
  - Interior Violations Found: 75
  - Total Violations Found: **189**

Insert Before & After photo

Comprehensive Inspection: XXX
Periodic Inspection: Sept. 2015

Cross Creek Apts.

1124 Rutland Drive

- Inspections (buildings)
  - Exterior, 20 buildings
  - Interior, xx Units
- Findings
  - 4 buildings dangerous

Insert Before & After photo

SWOT

Strengths

- Although initial inspections are complaint based, periodic inspections become proactive for program participants
- Owner and Manager are held accountable
- Improve living conditions for rental community
- Reduces retaliation and tenant fears
- Improves neighborhood

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SWOT

Weaknesses

- Staff review process not automated
- Limited personnel
- Increased caseload
- AMANDA, case management system compatibility
- Required signs posted at properties lack quality and consistency

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Analysis

SWOT

Opportunities

- Expand the online reporting tool
- Amend ordinance to include:
    - Sign specifications
    - Registration fee based on number of units
    - Periodic inspection fee
- Incentives to get off of ROP
- Expand incrementally to full rental registration program
- Give ROP cases a higher priority at the Building and Standards Commission, Municipal Court, Administrative Hearing and District Court
- Record ROP notice of violation as an attachment to the Deed of Record
- Increase training for Code Officers specific to ROP
- Training for property owners/managers in the program
- Increased public education for tenants that live in ROP property
- Partner with industry stakeholders

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SWO**T**

Threats

- Potential impact to affordable housing

- Community expectations may be difficult to achieve

- Violations not corrected timely

- Program may be eliminated if desired outcomes are not met

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Response

Identification of Problem Properties

	UT	CODE
1	Conduct Immediate Comprehensive Inspections	ACD performs multiple inspections at ROP properties in addition to the periodic inspection.
2	Adopt Comprehensive Registration Program	Rental Registration resolution did not pass City Council
3	Identify owners with high volumes of problem properties	• Complaint driven • Selective enforcement
4	Proactively issue NOVs for publically visible dangerous code violations	ACD issues NOV's/citations based on conditions found at properties. These conditions can either be publicly seen or brought to our attention by a complaint
5	Conduct regular meetings with Neighborhood Associations	ACD attends more than 80 community events annually

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Response

Monitoring of ROP Properties

	UT	CODE
1	Increase public access to code violations	Online tools include: City of Austin Permit Database, Code Website and Austin Code Case Tracker
2	Revamp City of Austin Database	The AMANDA case management system is a city-wide database. Revamping this system will require a multi-departmental initiative and fiscal implications
3	Produce detailed quarterly Code reports	ACD provides updates and quarter reports based on measures required by the ordinance

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Response

Enforcement against ROP Properties

	UT	CODE
1	Enforce Notice of Violation and Building and Standard Commission Deadlines	ACD has processes in place that require follow-up's every 30 days. Workload is prioritized by life and safety conditions, and extensions are granted through the division manager, per department policy.
2	Hold ROP properties accountable for not registering	ACD has issued 5 citations and 15 warning citations for complexes that fail to register within the guidelines. Only structural violations can be presented to BSC. Failure to register is a land use violation.
3	Bring Chapter 54 actions against egregious code violators	ACD is working with the Law Dept. to enhance processes for bringing Chap 54 lawsuits against egregious violators
4	Assess potential issues with Austin Municipal Court	ACD is working to address the process with municipal court
5	Create a community prosecutor program	ACD uses the Administrative Hearing process to address violations at ROP properties
6	Develop specific performance goals for ROP properties and improve speed for responding to ROP cases	ACD currently utilizes existing SOPs and performance measures to enforce violations at ROP properties, excluding the number of properties registered.
7	Hire an independent auditor	ACD is working to determine the optimal method of evaluating internal processes to improve enforcement of ROP properties.
8	Adopt full-cost recovery polices for problem properties	ACD is reviewing cost analysis for implementing inspection fees and re-inspection fees with confirmed violations

Recommendations

Ordinance Amendments

- Amend ordinance to include mandatory specifications and content for signs posted signage at repeat offender properties.

- Modify requirements at residential properties to include:
  - 2 or more separate notices of violation that were not corrected within the timeframe.
  - 3 or more separate notices of violation issued on separate days regardless of whether the violation was corrected or not.
  - 2 or more citations within 24 consecutive months.

- Creating a partnership with the Neighborhood Housing and Community Development Department to implement a Good Landlord program.

- Amend ordinance to increase and/or apply fees to the following services:
  - Increase the registration fee based on the number of buildings located on the property.
  - Apply fees to periodic and follow-up inspections.
  - Apply an hourly fee for inspections that occur due to an emergency or incident that affects the immediate threat to life and safety on the property.

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Recommendations

Administrative Changes

- Implement changes that will register any property with 2 or more NOVs within a 24 month period.
    - use the appeal process to further review properties as needed.
- Review alternative permitting processes for properties with structural code violations
- Substandard permit process for code cases
- Create substandard permit (90 days) process for Code cases.
- Create shortened timeframe from 180 days for new construction permits
- In house inspection team to sign-off on substandard permits
- Should increase number of properties inspected
- Permit inspectors have expect understanding of building, electric, plumbing, and mechanical standards
- Lower performance measures for quicker initial response
- Help lower compliance time by having in house team to conduct permit sign-off inspections
- Increase customer service my using in house inspectors who are familiar with both maintenance and building requirements

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Recommendations

Resources Needed

- ACD is proposing the following additional resources needed, to meet the goals of City Council and improve the overall effectiveness of the program.
    - 1 ADM
    - 1 Investigator
    - 4 Inspectors
    - 1 Admin Specialist (currently proposed)
- Additionally, to reduce the time of final dispositions for structure maintenance cases and to improve the permit and inspection process, ACD is requesting the following:
    - 3 Inspectors (Trades)
        - Building
        - Electrical
        - Plumbing/Mechanical
    - Structural Engineer

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Recommendations

Fiscal Impact

Title	FTE	Cost
Inspector C	4	$557,338
Inspector C (specialized-BI, EI, MI)	3	$418,004
Assistant Division Manager	1	$162,464
Investigator	1	$147,384
Structural Engineer (Engineer C)	1	$188,364
Total	10	$1,473,555

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Next Steps

- Continue to work with stakeholders to address weaknesses identified in the SWOT analysis.

- Develop and implement a training program for property owners, managers and tenants.

- Work with the City of Austin Legal Department to expand enforcement options.

- Present to City Council on possible amendments to the ordinance.

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Questions

Visit us online: austintexas.gov/Code

"Together We Make the Community Better"

Call 3-1-1, if you see a problem in your neighborhood