



Repeat Offender Program (ROP)

Update and Response to UT Law Report



August 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**



History

Repeat Offender Ordinance 20130926-012

2013

- June 6 Rental Registration Resolution 20130606-049
- June 6 Repeat Offender Program Resolution 20130606-050
- 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 violations within **24 consecutive months** are required to register with the City of Austin Repeat Offender Program.



Single-Family Property



Multi-Family Property

Overview

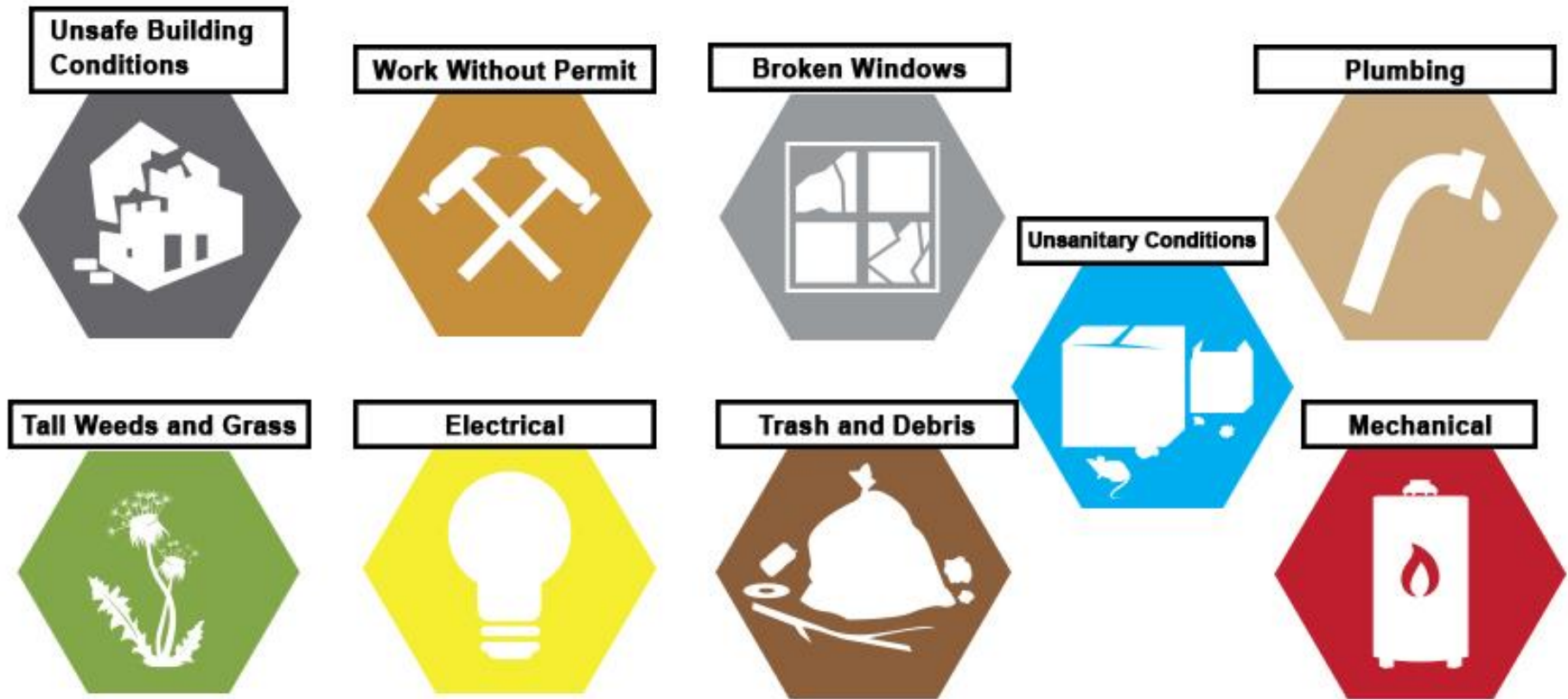
Ordinance Requirements

- 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.

Overview

What types of conditions are considered a violation?

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



How We Do It

Multi-Family and Commercial Inspections Unit

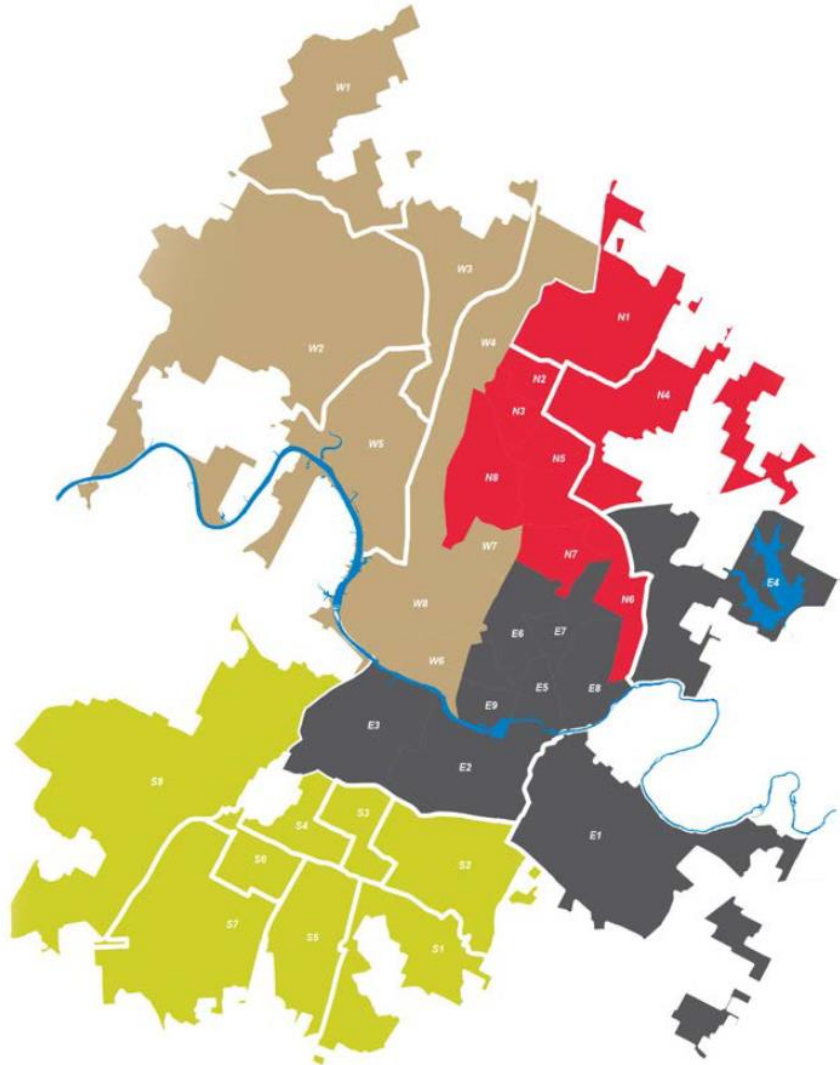
15 FTEs total

1-Division Manager

1-Asst. Division Manager

5-Commercial Code Officers

8-Multi-Family Code Officers



How We Do It

Multi-Family and Commercial Inspections Unit

Programs (as Directed by Ordinance)

Multi-Family Inspection Team

Repeat Offender Program

Rest Break

Universal Recycling

Single Use Bag

Gender Neutral Restroom Signage

Interdepartmental Functions

Public, Assembly Code Enforcement (PACE)

Emergency Response

Support, Abatement, Forfeiture and Enforcement (SAFE)

Neighborhood Enhancement Team (NET)

Oct. 2014 to Aug. 2015 workload snapshot

Complaint Calls	6024
Inspections Performed	8093
Open Cases	722
Enforcement Actions	
NOVs sent	1208
Citations Issued	31
Admin Hearing Issued	39
Stop Work Orders	19
Cases referred to BSC	23

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.

Process

Addressing Dangerous Conditions : Temporary Emergency Building Permits

This applies to imminent public health conditions that threaten life and safety.

If ACD discovers dangerous structural conditions at a property

- A warning citation is issued
 - the dangerous condition must be remedied within 24 hours
- The owner or contractor may start immediate repairs to remedy the dangerous condition.
 - The owner or contractor is required to obtain emergency repair building permit for work performed within 24 hours.
- ACD notifies DSD of the conditions at the property and that emergency repairs have commenced.
- Once the temporary repairs have been completed and the emergency remedied, the owner or contractor is required to obtain engineer's report and all required building/ trades permits.
- ACD issues a notice of violation for structural conditions.

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

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



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

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Current Status

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SEARCH BY PROPERTY/PROJECT NAME/TYPES/DATES

Number Prefix Street

Please enter at least the first 3 letters of the street name above. Other fields are optional.

Project Name:

Permit/Case Type:

Sub Type:

Work Type:

Start Date:

Note: Dates should be in MM/DD/YYYY format. By default, the date range is 1 year.

Note: Project Name should be at least 3 characters long.

Current Status

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

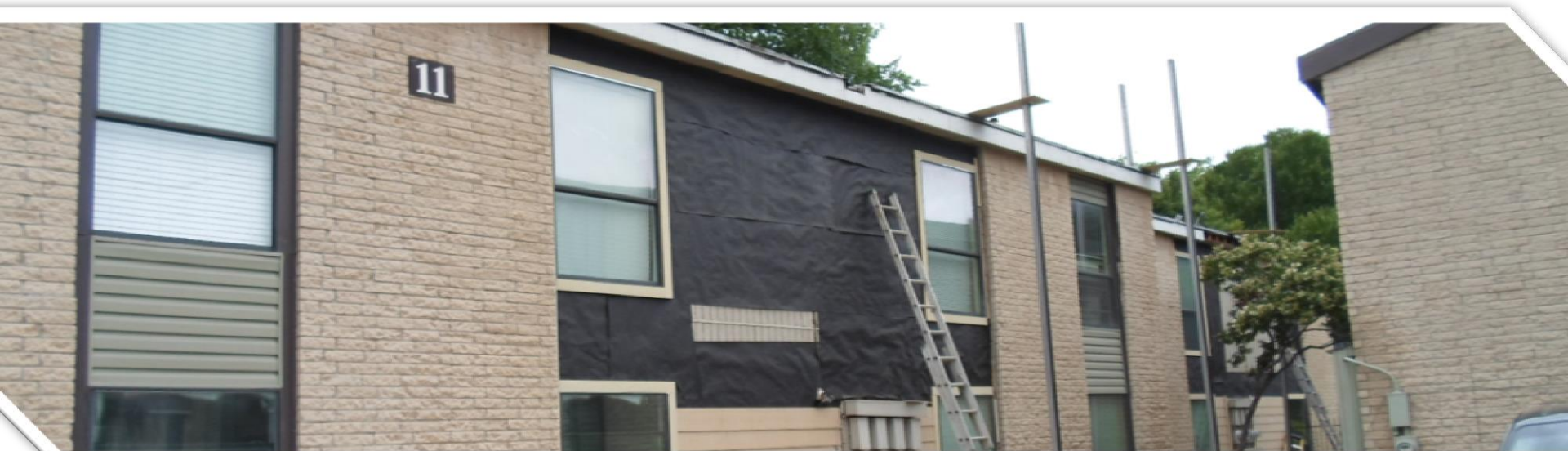
11 Periodic Property Inspections

230 buildings

340 units inspected

1 Comprehensive Inspection

20 Buildings



Current Status

Periodic Inspection: March 30, 2015

Solaris Apartments

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

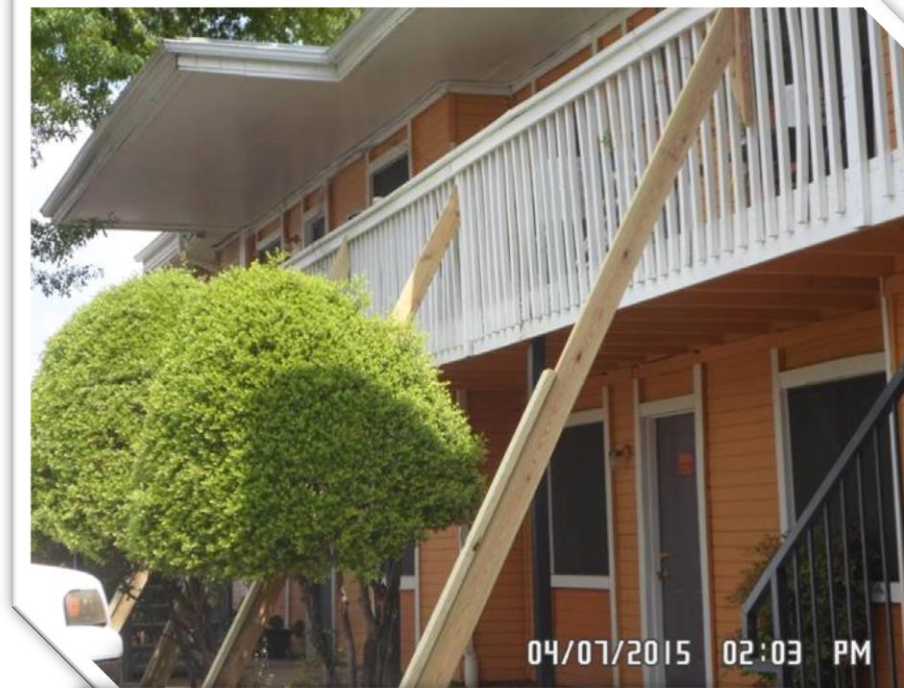
Before

Inspections

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

Findings

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



After



Current Status

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**

Before



After



Current Status

Periodic Inspection: April 16, 2015

Oak Hollow Apartments

7201 Wood Hollow Dr.

Before



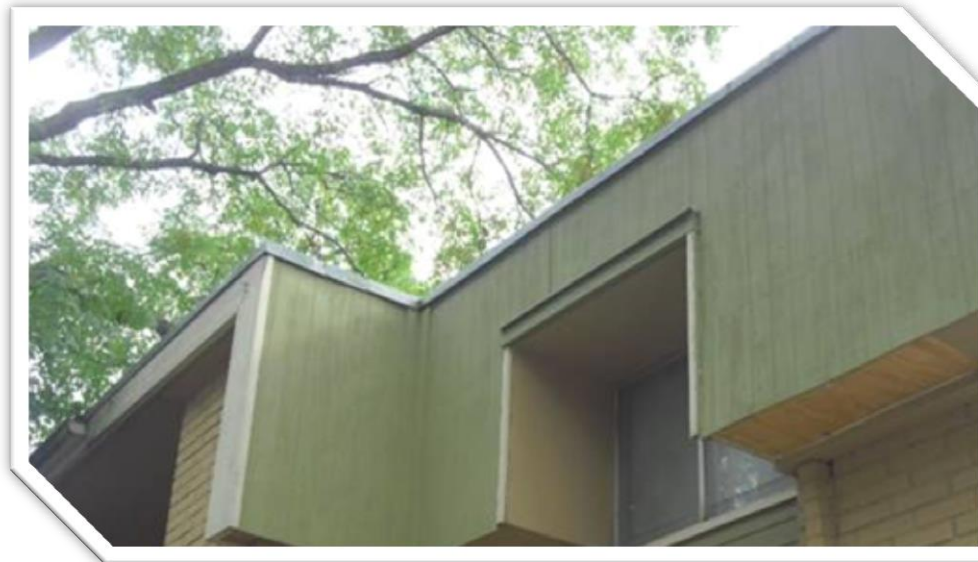
Inspections

- Exterior, 40 Buildings
- Interior, 33 occupied and vacant units

Findings

- Exterior Violations Found: 198
- Interior Violations Found: 53
- Total Violations Found **251**

After



Current Status

Periodic Inspection: April 28, 2015

Wickersham Green Apartments

2314 Wickersham Ln

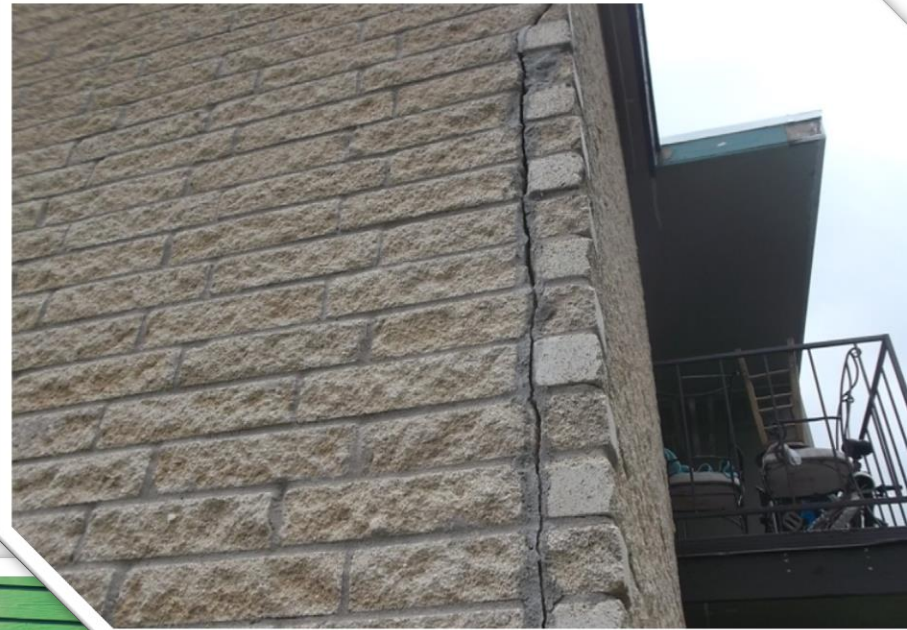
Exterior inspections (buildings)

- 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**

Before



After



Current Status

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**

Before



After



Current Status

Comprehensive Inspection
Periodic Inspection: Sept. 2015

Cross Creek Apts.

1124 Rutland Drive

Before

Inspections (buildings)

- Exterior, 20 buildings

Findings

- 4 buildings dangerous

After



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

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

Analysis

SWOT

Opportunities

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

SWOT

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

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	<ul style="list-style-type: none">• 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

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

Response

Enforcement against ROP Properties (1-4)

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

Response

Enforcement against ROP Properties (5-8)

UT	CODE
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 policies 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.
- 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.

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 expert 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 by using in house inspectors who are familiar with both maintenance and building requirements
- Create a partnership with the Neighborhood Housing and Community Development Department to implement a Good Landlord program.

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)

Recommendations

Fiscal Impact

Title	FTE	Cost
Inspector C	4	\$557,338
Assistant Division Manager	1	\$162,464
Investigator	1	\$147,384
Total	6	\$867,186

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.
- Coordinate with Neighborhood Housing and Community Development to create a Good Landlord program
- Coordinate with Development Services Department to create a specialized unit of inspectors



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

