



**BUILDING AND STANDARDS COMMISSION  
MINUTES**

**SPECIAL CALLED MEETING**  
Date: July 30, 2013

The Building and Standards Commission ("BSC") convened for a special called meeting on July 30, 2013 at City Hall, Boards and Commission Room, Room 1101, 301 West 2<sup>nd</sup> Street, Austin, Texas.

**Commission Members in Attendance:**

Dr. Ethelynn Beebe, Chair; David Brown, Vice-Chair; Tim Hill, Stacy Kaplowitz, Charles Cloutman, Steven Alloway.

**Staff in Attendance:**

Carl Smart, Director, Code Compliance.

**1. CALL TO ORDER**

Chairperson Ethelynn Beebe called the Commission Meeting to order at 6:39 p.m.

**2. CITIZEN COMMUNICATION: GENERAL**

There was no citizen communication.

**3. PUBLIC HEARING ON CITY COUNCIL RESOLUTIONS 201-306-06-049 & 201-306-06-050**

Mr. Carl Smart led a presentation on these resolutions. On June 6, 2013, Austin City Council passed new approaches for stronger code enforcement on residential rental properties. City staff is working on proposed ordinances to take back to the Council within 90 days. Before going back to Council, BSC and Community Development Commission must review the proposed ordinances.

Resolution 201-306-06-049, from Councilmember Tovo, directs staff to develop an ordinance to create a repeat offenders program, with a rental registration element. BSC has been asked to consider the issue of repeat offenders and how that might impact orders issued and penalties that might be attached to those orders.

Resolution 201-306-06-050, from Councilmember Spelman, directs staff to create a one-year pilot program for rental registration in three target areas: north, central and south Austin. All three areas have high numbers of rental properties. Enhanced penalties for repeat offenders are a feature of both resolutions.

Focus group phase should be completed by August 1, draft ordinances with preliminary cost impact prepared by August 9, and ready to present to Community Development Commission and BSC on August 13 and give feedback to City Council by August 29 or September 5 with the proposed ordinances.

Commission members asked about fees, other areas of town to be included, APD's opinion, and start and top dates for pilot program.

**PUBLIC COMMENTS**

Mr. Stuart Harry Hersch spoke about the rental registration program Austin has had in place since 1977 and asked about alternatives. He suggested collecting registration fees from hotels, motels, boarding houses, bed & breakfasts and short-term rentals. He recommended that there be a two-day complaint-response to all property maintenance complaints, and reinstituting the 90/90 standard (that 90% of property maintenance complaints be compliant in 90 days) and encouraged a recidivist registry for habitual violators who have been sent orders and haven't complied twice in 24 months. A commission member asked for further explanation of the 90/90 rule.

Ms. Ruby Roja thanked the commission for their sensitivity to the needs of low-income members of the community. She mentioned the need for a relocation policy, especially after the Wood Ridge displacement. There should be a way to keep property owners accountable.

Mr. Randy Teich spoke in favor of the Tovo proposal because it offers a proactive means of getting problem properties inspected, evaluated and corrective action taken. The current reactive policy is not working. The proposal should include education for tenants.

Ms. Rachel Fischer, Austin Apartment Association, asked that careful consideration be given to next steps forward on any sort of policy. She expressed concern about the stated timeline. She spoke against the rental registration program, asking that single-family properties and duplexes be given equal treatment. Ms. Fischer asked that what constitutes a health & safety concern be clearly defined, perhaps using a matrix of offenses. The association supports Spelman's resolution, with the goal of reasonable fines with efficient compliance. A commission member asked Ms. Fischer about her thoughts on the scope of a rental registration program.

Mr. Jonathan Stilley spoke in favor of the Spelman resolution and against any rental registration.

Ms. Monica Guzmán spoke in support of Tovo's proposal, but recommended universal registration for all rental properties in the city. She wondered why a listing of tenant names was necessary since the property owners are responsible.

Ms. Lyn Galbraith, from the Restore Rundberg area, spoke in support of Tovo's plan. The area is 80% rental, a large segment of which are properties owners don't maintain. Ms. Galbraith asked for a comprehensive tracking system of repeat offenders for community members to access.

Ms. Eleanor Langsdorf, also from the Restore Rundberg area, supports Tovo's resolution. She asked for an effective enforcement process that fines bad actors and for inspections of properties that are more than 10 years old.

Ms. Martha Ward, in the North Loop area, spoke of her area's work on "stealth dorms," structures allowed to be built under current single-family code but are 6 bedroom/6 bath and more rooms/bathrooms in the garage apartment.

Mr. Brian McGiverin spoke about exterior vs. interior inspections of rental properties. Proactive inspections advocate in favor of internal inspections as well as external, with the frequency of inspections on the history of past violations.

Ms. Mary Ingle, resident of North University neighborhood, views rental registration as a tool, but not a complete solution. She supports a combination of both programs.

Mr. Mike Ebert supports both resolutions. He addressed "stealth dorms" in the Northfield and Ridgetop neighborhoods. In the Tovo resolution, a line calls on Code Compliance to identify conditions under which houses and duplexes would be brought into the rental registration program. Mr. Ebert recommended the focus be on bad actors with repeat violations.

Ms. Lisa Hinely, chair of North Lamar Neighborhood Contact Team, spoke against tenant registration and in favor of strong penalties and additional requirements for repeat offenders.

Mr. Kurt Cadena-Mitchell from Austin Interfaith introduced two people from his neighborhood and spoke of the importance of rental registration. Austin Interfaith supports both of the Council's resolutions. A commission member asked Mr. Cadena-Mitchell if he finds issues more likely to pop up in multifamily housing. Cadena-Mitchell says problems are seen throughout, so hopefully individual landlords, not just large complexes, are held accountable.

Ms. Emily Chenevert, director of Government Affairs at Austin Board of Realtors, supports increased penalties and fines for bad actors and further litigation of bad actors. The Austin Board of Realtors opposes rental registration programs due to doubts it will lead to better response.

Ms. Carol Biedrzycki from Austin Tenant's Council supports both resolutions from the councilmembers. Tovo's resolution has elements and procedures necessary to keep bad actors from thriving. A system of regular registration and regular inspections will provide a better opportunity to stop people from gaming the process. Ms. Biedrzycki asked for uniform enforcement for ordinances and violations and a faster, more efficient process. She expressed concerns for tenants displaced from an unsafe property. Commission member David Brown asked who would appoint a special prosecutor; Ms. Biedrzycki didn't have an answer. Commission member Charles Cloutman asked if the Austin Tenants Council had a proposal as far as a plan for displaced tenants. Ms. Biedrzycki said she'd be happy to work on a plan.

Ms. Stephanie Tran, a UT Law student, worked on a report on rental registration in a UT Community Development Clinic. During their research, they discovered that Austin is behind in terms of what other cities do and needs proactive and reactive measures to address problem properties. Rental registration is the best practice used throughout cities; it is effective and can be cheap/self-funding. It is also a preventive measure and would discourage deferred maintenance. A commission member asked if rental registration studied by UT included only multifamily properties in targeted areas. Ms. Tran said that most cities do rental registration for the entire city.

Ms. Melinda Schiera, North Austin Civic Association, supports both resolutions and spoke in favor of a repeat offender program through Code Compliance.

Mr. David Kirk, professor of Sociology at UT, said a pilot program will see if rental registration works. Fear of retaliation is a major factor in tenants' underreporting of code violations.

Mr. Ken Craig spoke in support of both resolutions and a move towards a rental registration program, as a complaint-driven process doesn't serve tenants or the city very well.

Mr. John Green, North Austin Civic Association, supports Tovo's resolution and aspects of Spelman's resolution.

Ms. Daniela Nuñez, secretary of the North Lamar contact team, supports improved tools for Code Compliance to hold problem properties accountable. She would like to see de-identified consumer complaints and code violations made public. The North Lamar contact team looks forward to giving further input to the proposed pilot program.

Mr. William Towne told of his personal situation in his complex in the Northwest Hills neighborhood and the many Code Compliance issues that have come up during his tenancy.

The public hearing concluded.

#### **4. FUTURE AGENDA ITEMS**

A commission member asked if there was an item to be added about language or a draft to recommend to the Council. Mr. Carl Smart answered that at the August retreat, staff will bring forward draft ordinances to match up with the Council's resolutions. The next regular meeting of the BSC will be Wednesday, August 28, where further discussion on those proposed ordinances could occur.

Commission chairperson Ethelynn Beebe asked if staff will consider the proposal from Mr. Stuart Harry Hersch. Mr. Carl Smart said staff has met with community leaders and will respond at the BSC retreat. Commission member David Brown asked about the timetable for the report. Mr. Carl Smart said the end of August is when city staff hopes to make recommendations to City Council.

A commission member asked that the reports mentioned during the public hearing be included in the staff's presentation at the retreat. Commission members discussed the times for the upcoming retreat.

#### **5. ADJOURNMENT**

A motion was made to adjourn the meeting, and it was seconded by Commission member Stacy Kaplowitz. The vote passed 6-0. Chairperson Ethelynn Beebe adjourned the Commission Meeting.