



## BUILDING AND STANDARDS COMMISSION



**AUSTIN**CODE  
DEPARTMENT

Annual Retreat  
November 2019

# Objectives

November 6, 2019

- ☐ Approval of 2020 BSC meeting schedule
- ☐ Discuss Commission jurisdiction, procedures, authority, obligations and appeals
- ☐ Stay informed about the permitting process and timeframes
- ☐ Learn about the roles and responsibilities of the Case Review & Escalation Division (CRED)





# Objectives *(Continued)*

November 6, 2019

- ☐ Understand the life of a case from cradle to grave
- ☐ Overview of Texas Open Meetings Act & City's lobbying ordinance
- ☐ Review the success of the aged BSC cases initiative
- ☐ Cover the four types of appeals that can be heard
- ☐ Review Repeat Offender Program suspension and revocation process
- ☐ Cover the BSC case processing expense



# Brandon Carr

Assistant City Attorney  
Jurisdiction/Procedures/Authority



# Building and Standards Commission Jurisdiction, Authority, Obligations, Procedures, and Appeals

Law Department Presentation

Brandon W. Carr

November 6, 2019

Building and Standards Commission Retreat



# Commission Jurisdiction

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- State law: Chapters 54 and 214 of the Local Government Code.
  - 214.001(a) A municipality may, by ordinance, require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:
    - (1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
    - (2) regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
    - (3) boarded up, fenced, or otherwise secured in any manner if:
      - (A) the building constitutes a danger to the public even though secured from entry; or
      - (B) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by Subdivision (2).

# Commission Jurisdiction

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- Local law: City Code Chapters 25-12, Article 9 and Chapter 4-14.
- **901.2 Duties:**
  - The Commission shall hear and decide cases concerning alleged violations of this code and appeals as required by this code and City Code.
  - The Commission shall issue orders regarding the cases, as appropriate.
  - The Commission shall hear evidence from each party that attends a hearing.
  - Each order that requires removing or relocating an occupant or repairing, securing, or demolishing a structure must include a time period for compliance.

# Commission Jurisdiction

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- 2015 International Property Maintenance Code and local amendments
- Decide appeals related to:
  - emergency board and secures
  - notices of violation (based on Property Maintenance Code provisions)
  - license suspensions and denials
  - Repeat Offender Program (ROP)



# Commission Authority

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- Declare a structure substandard or dangerous (hazardous)
- Order, within a fixed period, action necessary to:
  - secure a structure;
  - repair a structure;
  - vacate a structure;
  - relocate tenants;
  - remove persons or property;
  - demolish or remove any substandard building, condition, or structure on private property

# Commission Authority

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- Determine the amount and duration of the civil penalty the municipality may recover.
  - Staff must establish that the property owner/representative was notified of the City Code requirement and after receiving notice, the property owner/representative failed to comply with the requirements.
  - State limits on civil penalties
    - Non-homesteaded property: \$1,000 per day for each violation.
    - Homesteaded property: \$10 per day for each violation.
- Order any peace officer of the state to enforce and carry out the lawful orders or directives of the Commission.
- Consider and recommend amendments to the City's housing and building regulations and ordinances.

# Commission Obligations: state law

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- All meetings are open to the public.
- Commission keeps minutes, which are public records.
- At least 6 commissioners must approve changes to hearing procedures
- Meetings held at call of Chairperson.
- Specific state law notice requirements.
- 6 commissioners must be present to conduct a meeting and to take affirmative action.



# Commission Obligations: city code

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- Comply with requirements in Chapters 54 and 214.
- Comply with requirements in Austin City Code Chapter 2-1 (*City Boards*).
- Comply with Texas Open Meetings Act.
- If the Commission wishes to continue its meeting past 10:00 pm, at least 6 commissioners must agree.
- Fire Marshal and the Health Authority are ex officio members of the Commission.

# Commission Procedures: Pre-Hearing Notice

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A Notice of Hearing is required for hearings conducted under Chapters 54 and 214 of the Local Government Code.

WHO	Record owners, each holder of a recorded lien against the property, mortgagee, and unknown owners
HOW	Delivery (personal, CMRRR, or USPS with signature confirmation) Posting on the property Published in the newspaper
WHEN	At least 10 days before the hearing
REQUIRED INFORMATION	Date Time Place of hearing Statement that the property representative will be required, at the hearing, to submit proof of: (1) the scope of any work that may be required to comply with the City Code and (2) the time it will take to reasonably perform the work.

# Commission Procedures: hearings

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- All hearings are recorded.
- Each party presents testimony and evidence (5 min/side) and may cross examine the other party (5 mins/side).
- Interested Parties: Witnesses not affiliated with a specific party (ex: neighbors) may testify.
- Property owner gets a 3 minute rebuttal.
- Commission may permit City staff to present a rebuttal after the property owner concludes.
- Chair will admit exhibits and close the evidence.



# Evidence Required for Repair Orders

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Time to Repair	1-29 days	30 days	31-90 days	91 plus days
Standard	Commission must find it is reasonable to give less than 30 days to comply. <b>RARE.</b>	Default	Based on proof provided by property representative	Based on proof provided by property representative
Property Representative's Burden			<ul style="list-style-type: none"> <li>Proves that the work cannot be reasonably performed within 30 days.</li> </ul>	<ul style="list-style-type: none"> <li>Proves scope &amp; complexity of required work cannot be reasonably be completed within 90 days → Must provide evidence of repair plan, time schedule for the work, formal breakdown of costs (inc. supplies and labor) and proof of funding source.</li> </ul>
Order Requirements			<ul style="list-style-type: none"> <li>Must establish specific time schedules for commencement &amp; performance of the work</li> <li>Must require the property be reasonably secured from unauthorized entry</li> </ul>	<ul style="list-style-type: none"> <li>Must require regular reporting to show compliance with the established schedule/plan → Does not require reports to be made "in person."</li> </ul>

# Additional Information about Evidence

16

- Evidence and arguments related to cases on your agenda should only be submitted through the Coordinator or to the Commission at a regular or special called meeting of the Commission.
  - No ex parte communications
- The rules of evidence used in nonjury civil trials applies.
  - Exception: if the evidence is necessary to ascertain facts not reasonably susceptible of proof under those rules, not precluded by law, and the type a reasonably prudent person relies upon.

# Conflicts of Interest

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- City Code 2-1-24
- At each meeting you must sign the attendance sheet and indicate:
  - You have no conflict of interest; or
  - The agenda item number for which you have a conflict of interest
- Consequences:
  - You will be counted as absent from the meeting (unexcused absence)
  - Any votes cast by you will not be counted
  - You may be subject to an ethics complaint



# Procedure to Continue a case

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- Commission can defer action on a case if additional evidence is needed or alternative solutions need further study.
  - Must state the date the hearing will resume and the issues the Commission will consider.
  - If the Commission defers action to seek additional evidence, the Chair should state the evidence will only be reopened to consider the new evidence and issues identified by the Commission.

# Returning Cases

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- Now called: “Continued Case(s) Pending Commission Action”
- Commission has same authority as new cases to issue orders to vacate, relocate occupants, repair, demolish, or secure the premises, as well as modify a civil penalty.
- Cases brought back by the Coordinator:
  - The Code Official recommends changes to the Commission’s prior order
- Cases brought back at the request of the Commission.
  - Property representative asks the Commission to bring the back the case during citizens communications
  - Continued cases

# Agreed Orders

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- Prior to a hearing, a property owner/representative may agree to staff's recommended order.
- If the property owner signs the order, the Coordinator will present the case and request the Commission admit exhibits and take staff testimony.
  - The Coordinator will indicate it is an agreed order.
  - In the event there is an appeal by a lienholder or unknown owner, the City will rely on the exhibits and testimony provided at the hearing.



# Post-Hearing Procedures

21

- Within 10 days after the hearing, the Commission's order will be:
  - Mailed to the representatives of the property.
  - Filed in the county deed records and City Clerk's office
  - Published in the AAS (abbreviated copy of the order - address, date of hearing, brief statement about the results of the order, and instructions to get a full copy of order)
- If the order is not appealed within 30 days after it's mailed, it is final and binding.
- Staff will monitor the case for compliance and/or further deterioration
  - Failure to comply with a BSC order is misdemeanor punishable at municipal court
- Code Official may be required to offset civil penalties for historic properties and residential structures with less than three dwelling units once compliance is met.

# Judicial Review of an order

22

- The property owner/representative may appeal a Commission order to district court.
- The appeal deadline is 30 days from the date the order is mailed.
- Appeal must state that the decision is illegal and the reason the order is illegal.
- Judge can reverse, modify, or affirm based on the same evidence and testimony provided to the Commission

# Appeal Procedures

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- Notice of Violations
  - Filed by property owner/representative or person affected by a Notice of Violation
  - Individual that appeals has the burden to establish standing with clear and convincing evidence.
    - If the Commission finds that the appellant lacks standing to challenge the Notice of Violation, the Commission dismisses the appeal.
  - An appeal requesting additional time to comply with a Notice of Violation due to financial inability or other extenuating circumstance is not a proper basis for an appeal.

# Appeal Procedures

24

- Emergency Board and Secure Appeals:
  - Deadline to appeal is 30 days from the date the structure is secure
  - Hearing is for any matter relating the City's action to secure the building
- License Appeals:
  - A licensee/applicant can appeal the Code Official's decision to suspend, revoke, or deny the license to the Commission.
  - Suspension/Revocation/Denial of license for: boarding house, hotel, rooming house, short-term rental, or bed and breakfast
  - Suspension or revocation of ROP registration



# Jennifer Verhulst

Chief Plans Examiner  
Permit requirements



The background of the slide is a blurred photograph of a desk. It features several stacks of papers, a dark-colored mug, and a pen. The lighting is soft, creating a professional and focused atmosphere.

# **Case Review & Escalation Division**

**Robert Moore**

**Code Division Manager**



# AUSTINCODE DEPARTMENT

**Director**  
Cora D. Wright

**Assistant Director**  
Angela Means

## Case Review & Escalation Division

**Division Manager**  
Robert Moore

## LAW DEPARTMENT

**Assistant City Attorney**  
Brandon Carr

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### Municipal Court

**Code Review Analyst**  
Sonja Prevo

### Administrative Hearing Program

**Code Review Analyst**  
Doug Jansky

**Program Specialist(s)**  
Kristen Tran  
Perry Harper  
Kelly Craig

### Building & Standards Commission

**Code Review Analyst**  
Melanie Alley

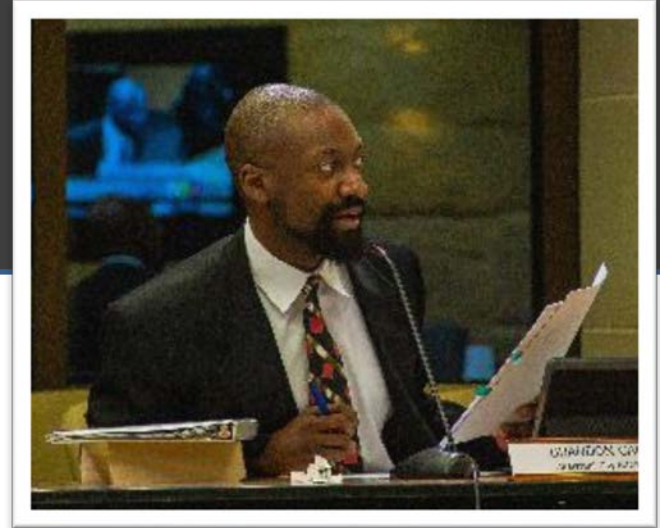
**Program Specialist(s)**  
James Candelas  
Merlinda Coleman

**Investigator**  
Marlayna Wright

**Code Inspector C**  
Farah Presley

# Assistant City Attorney

- Serves as legal council to the Austin Code Department.
- Advises the BSC during hearings.
- Ensures that the TOMA/Statutory guidelines/ City ordinances/ Rules and Regulations/ Robert's Rules are followed.
- Works with CRED Team / BSC liaisons to ensure that cases brought to the BSC meet all required rules and regulations.





# Division Manager

- Oversees CRED programs
- Managerial support team members
- Acts as liaison between ACD Executive Team, Law Department, City Executives and CRED staff
- Pre-BSC meetings
- BSC meetings
- Legal consultation meeting
- Review appeals and agendas



# Code Review Analyst - BSC



- Coordinator/liaison between ACD and BSC
- Quality control & review of cases and appeals
- Case exhibits and relevant material
- Agendas and minutes
- Communication with ACD staff pre BSC
- Legal documents such as notices
- Deadlines & legal requirements
- Communicates with owners & third parties
- Penalty offsets
- Documentation
- Prepares for district court and appeal cases
- Public info and budget requests



# Program Specialist

Provides ongoing support to Code Review Analyst in facilitation of the BSC meetings:

- Research in case management database
- Drafts notices/orders
- Order releases
- Mailouts and posting materials
- Meeting materials
- Ensures quorum
- Records orders/releases with Travis County Deed Records and City Clerk
- Database/spreadsheet update on outcome
- Hard and soft case files
- Communication on liens and penalties owed



# Investigator

## BSC



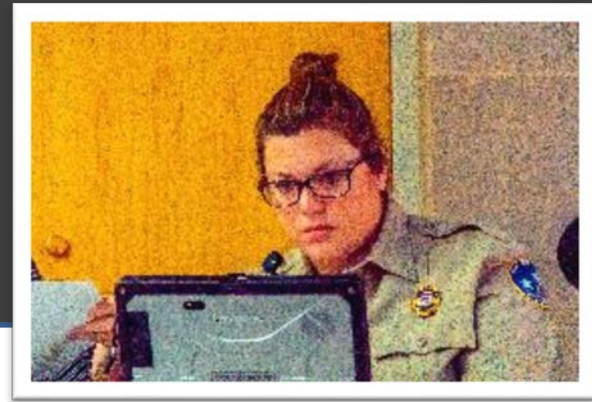
- Presents cases at BSC
- Monitors all cases with a BSC Order; CRED Inspector, ROP and aged BSC cases
- Communicates with owner(s)/owner(s) representatives, complainants and neighbors
- Serves as a Spock for City Law (non-compliant BSC cases submitted to City Law for further enforcement action
- Mails out all BSC Failure to Comply letters to owner(s)/interested parties, for non-compliance of the BSC Order
- Oversees demolition program
- Assists ROP Inspector and CRED Inspector with submittals to City Law
- Posts properties with BSC notices (*NOH, NOAH, NOO, BSC FTC*)
- Trainer at Austin Code Department academy



**AUSTIN**CODE  
DEPARTMENT



# Inspector BSC



- Attends all Pre-BSC and BSC meetings
- After a BSC hearing (*and an Order is issued*) communication with owner(s) about next steps
- Monthly communication with owner(s)/interested parties about compliance with the BSC Order
- Communication with CRED Investigator; BSC FTC Letters, Demolition initiated, City Law
- Posts properties with BSC notices (*NOH, NOAH, NOO, BSC FTC*)
- Monitors new BSC cases for compliance of order.
- Submits BSC non-compliant cases to City Law when needed
- Communicates with owner(s)/owner(s) representatives, complainants and neighbors



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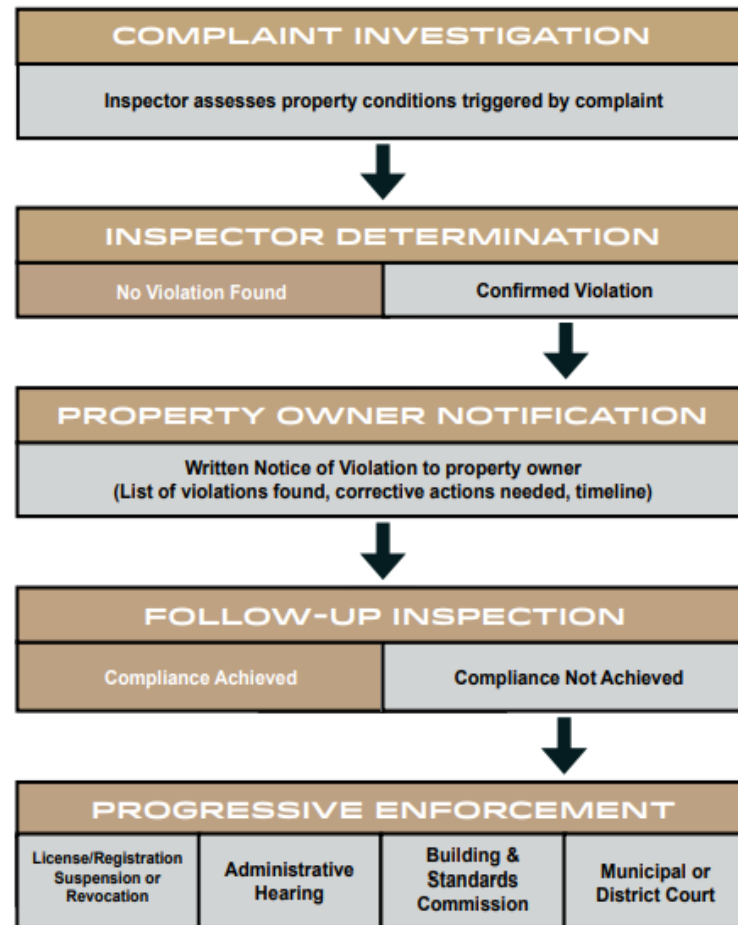
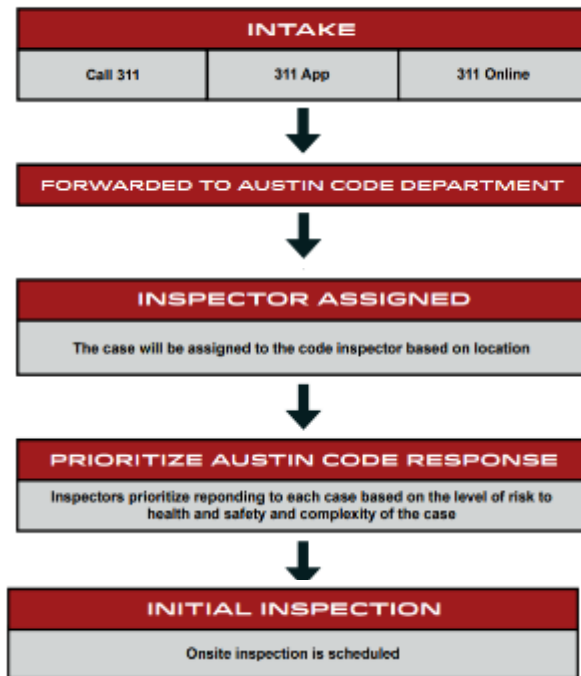
# **Life of a Case**

## **Case Review & Escalation**

### **Division**

## Our Process:

*Educate, Collaborate, and Enforce*



# Case Progression

## and Common Violations



### Field

- ☐ Receives complaint and performs inspection
- ☐ Sends Notice of Violation to owner(s)
- ☐ Field Inspector performs a Follow up inspection verifying compliance (Other avenues of enforcement could be attempted before going to BSC)
- ☐ If structural conditions persist (no compliance from owner) Field Inspector prepares case for BSC
- ☐ (photos before/photos after/posting photos/case history/tcad/maps/NOV/Historical Email/
- ☐ Case is reviewed in a pre-meeting with BSC Coordinator and Field Inspector and again at a mock Pre-BSC setting
- ☐ Field Inspector presents case at the Building and Standards Commission; if order is given...

### Case Review & Escalations Division

- ☐ Once a case receives a BSC Order (except ROP) the case is monitored monthly for compliance of BSC Order
- ☐ The CRED Inspector stays in communication with owner providing communication for compliance of order; monitoring property for further concerns/city code violations
- ☐ Failure to comply with BSC Order letter mailed and posted
- ☐ Submission to City Law for further enforcement action due to non-compliance of the BSC Order
- ☐ City Law Options: District Court (Demo/Repair), judgements, injunction, criminal charge





# Identifying The IPMC

**IPMC** - International Property Maintenance Code.

book of codes used to create a certain standard for existing buildings that will need maintenance while aging.

**1998** – First Edition Published.

**2010** – City of Austin Adopted the 2009 IPMC Edition Replacing the Housing Code.

**2015**- Current Edition Being Enforced.



# 1. No Hot Water

## Section 505.4 Water Heating Facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of **110 degrees Fahrenheit.**



## 2. AC Not Cooling

### Section 603.1 Mechanical Appliances.

**All mechanical appliances**, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.





### 3. Heater Not Heating

#### Section 602.2 Residential Occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms.



## 4. Inoperable or Missing Smoke Alarms

### Section 704.2 Smoke Alarms.

Single- or multiple-station **smoke alarms shall be installed and maintained** in Group R or I-1 occupancies, regardless of occupant load at all of the following locations:

1. On the **ceiling or wall outside of each separate sleeping area** in the immediate vicinity of bedrooms.
2. **In each room used for sleeping purposes.**
3. **In each story within a dwelling unit, including basements and cellars** but not including crawl spaces and uninhabitable attics.





## 5. Bedbug/Roach/Rodent Infestation

### Section 309.1 Infestation.

All structures shall be kept free from insect and rodent infestation.

All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.



*Bed Bugs*



*Fleas/Ticks*



*Rodents*



*Roaches*



*Spiders*



*Termites*

## 6. Damaged Interior Wall

### Section 305.3 Interior Surfaces.

**All interior surfaces**, including windows and doors, **shall be maintained in good, clean and sanitary condition**. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other **defective surface conditions** shall be corrected.





## AGENDA

The Building and Fire Safety Commission (Commission) will present a closed session under Chapter 107 of the Texas Government Code to receive advice from the members of the Commission regarding the proposed agenda. Following the meeting, the Commission will return to the open session.

### Building and Fire Safety Commission

- |                               |                |                  |
|-------------------------------|----------------|------------------|
| Scotty Mangum, Chair          | Wade Thompson  | Safe Communities |
| Andrea Frimberger, Vice Chair | Patricia Ayala | Edgar Torres     |
| Nathaniel Staudan             | Timothy Howell | James Brown      |
| John Green                    |                |                  |

# 7. Trip Hazards

## Section 305.4 Stairs and Walking Surfaces.

Every stair, ramp, landing, balcony, porch, deck or other **walking surface** shall be maintained in sound condition and good repair.



## 8. Damaged Window

**Section 304.13 Window, Skylight and Door Frames.**

**Every window**, skylight, door and frame shall be kept in **sound condition, good repair** and weather tight.

### **304.13.1 Glazing.**

All glazing materials shall be maintained free from **cracks and holes**.



## 9. Ceiling Leak

### Section 304.7 Roofs and Drainage.

The roof and flashing shall be sound, tight and **not have defects that admit rain**. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or **interior** portion of the structure.



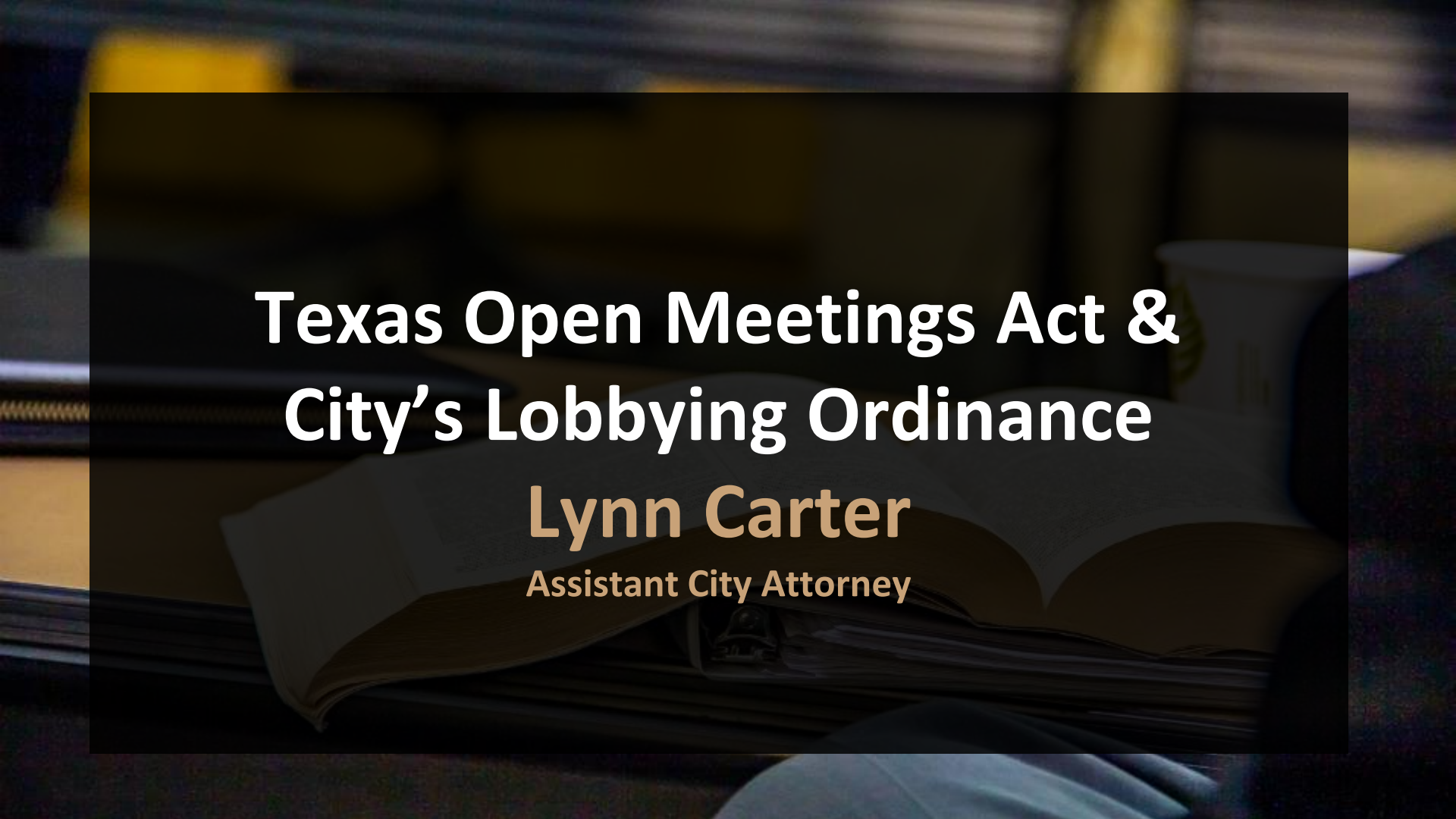


## 10. Electrical Outlets Not Working

### Section 604.3 Electrical System Hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, **insufficient receptacle** and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the **defects to be corrected** to eliminate the hazard.



The background of the slide is a dark, blurred image of a stack of books and papers. The books are stacked horizontally, and some papers are visible on top of them. The lighting is dim, creating a professional and academic atmosphere.

# Texas Open Meetings Act & City's Lobbying Ordinance

**Lynn Carter**

Assistant City Attorney



# Building & Standards Commission

## Texas Open Meetings Act

November 6, 2019



# Open Meetings

## **All boards and task forces are subject to the Texas Open Meetings Act (TOMA)**

- Sovereign Boards: City boards with the power to make binding (though appealable) decisions are subject to TOMA by state law (Tex. Gov't Code § 551.143)
- Non-Sovereign Boards: City boards that are purely advisory are subject to TOMA per City Code ( § 2-1-3(D))



IT SAYS...



Open



Posted



Recorded





# TOMA - requirements

Meeting notice (agenda) be posted...

- 72 hour notice
- Must include what will be discussed
- Comments made under the agenda's "citizen communication" item cannot be discussed



# Other TOMA Requirements

Discussions of business by a quorum or more must occur in public

- Exchanges by email and social media can constitute an inappropriate discussion of official business
- Staff may provide administrative information to officials by bcc to prevent discussion
- Official business does not include ceremonies or social events





**meet·ing** /mēdiNG/  
*noun*

a verbal exchange among a quorum about business before the body



# Open Meetings

The Texas Open Meetings Act also requires that:

- Discussions of official business by a quorum or more occur in public
  - Exchanges by email and social media can constitute an inappropriate discussion of official business
  - Working groups must be made up of less than a quorum of the body



A group of six people, three men and three women, are sitting in a white inflatable raft. They are all wearing white life jackets. The raft is on a body of water, and the background is a light blue sky. The text "DO WE HAVE A QUORUM?" is overlaid in the center of the image.

DO WE HAVE A QUORUM?







**quo-rum** /'kwôrəm/  
*noun*

a simple majority of members



# CLOSED MEETING EXCEPTIONS



**551.071**  
CONSULTATION WITH ATTORNEY



# Open Meetings Act Legislation

- **SB 1640 (86RS)** – renews the prohibition against a **walking quorum** after TX Court of Criminal Appeals in *State v. Doyal* held the prior version unconstitutional
  - Requires **knowing conduct**
    - the official **knew at the time that the communication** or series of communications would **result** in a **quorum**
    - and that the communication(s) would constitute a **deliberation** by the quorum





# Deliberation

- a verbal exchange during a meeting
- between a quorum of a governmental body, or between a quorum and another person
- that concerns an issue within the jurisdiction of the governmental body or any public business



# TOMA Legislation (86<sup>th</sup> Regular Session)

## HB 2840 amended Gov't Code §551.007

- Council, sovereign & quasi-judicial boards (like this board), other specialty boards (and per City Code § 2-1-3(D), all city boards)
- Must allow as many members of the public who wish to speak on an agenda item to speak before or during the gov't body's consideration of the item.



## HB 2840 (*continued*)

- Allows reasonable rules such as time limits
- A speaker who uses a translator must be given twice the amount of time as other speakers.
- Must allow criticism of the body, its policies, procedures, programs, services, acts, or omissions



## CIVIL & CRIMINAL PENALTIES





## Resources:

**Ethics Helpline:** 512/974-2180 or

**Email Us:** [ethicscompliance@austintexas.gov](mailto:ethicscompliance@austintexas.gov)

## **Texas OAG:**

<https://www.texasattorneygeneral.gov/open-government/open-meetings-act-training>

Thank you for your service!  
Questions?





# Aged BSC Case Initiative

**Robert Moore**

Code Division Manager

# Aged BSC Case Initiative Success

## 2012 and Older BSC Orders

- **65 cases** were identified with active BSC orders
- **38 cases** were closed due to the properties being in compliance with the order
- **7 cases** were submitted to City Law for further escalation due to non-compliance with the BSC order
- **20 cases** are currently in compliance but owe penalties that have been deemed uncollectable



# Aged BSC Case Initiative Success *(Continued)*

## 2013-2017 BSC Orders

- Identified **45 cases** with active BSC orders
- **35** of which have been closed due to compliance with the order Leaving **10 active cases** that are currently being processed for City Law

FY 2018 **58 cases** received orders and **48 of those cases** are now in compliance

FY 2019 **45 cases** received orders and **18 of those cases** are now in compliance



A person in a police uniform is seated at a desk, viewed from the side. On the desk is a laptop displaying a website, a microphone on a stand, and a white coffee cup. The scene is dimly lit, with light coming from the laptop screen and the background.

# Appeals

**Robert Moore**

Code Division Manager

# Appeals Heard By BSC

## IPMC Notice of Violation (NOV) Appeals

- **20 days** after notice is mailed
- Action being appealed
- Supporting facts
- Relief sought
- Why it should be reversed

*\*Request for additional time due to financial inability or other extenuating circumstances is not a proper basis for appeal*

## Emergency Closure Appeal (Board & Secure)

- **30 days** after the building was secured
- Appeal will be scheduled on next available agenda

# Appeals Heard By BSC


## Short Term Rental (STR) and Lodging Suspension or Denial of License

- **20 days** from the date the license was denied or suspended or NOV was received
- Identify each alleged point of error
- Supporting facts
- Reasons for reversal
- Must be sworn

## ROP Renewal or Suspension/Revocation Registration Appeals

- **10 days** after the notice is mailed
- Supporting facts and reasons for reversal



The background image shows a blurred office desk. On the left, a person's arm and shoulder are visible. In the center, there's a desk lamp and a white coffee cup. To the right, a laptop and a tablet are open, displaying some content. The overall scene is dimly lit, suggesting an indoor office environment.

# Repeat Offender Program

**Daniel Word**

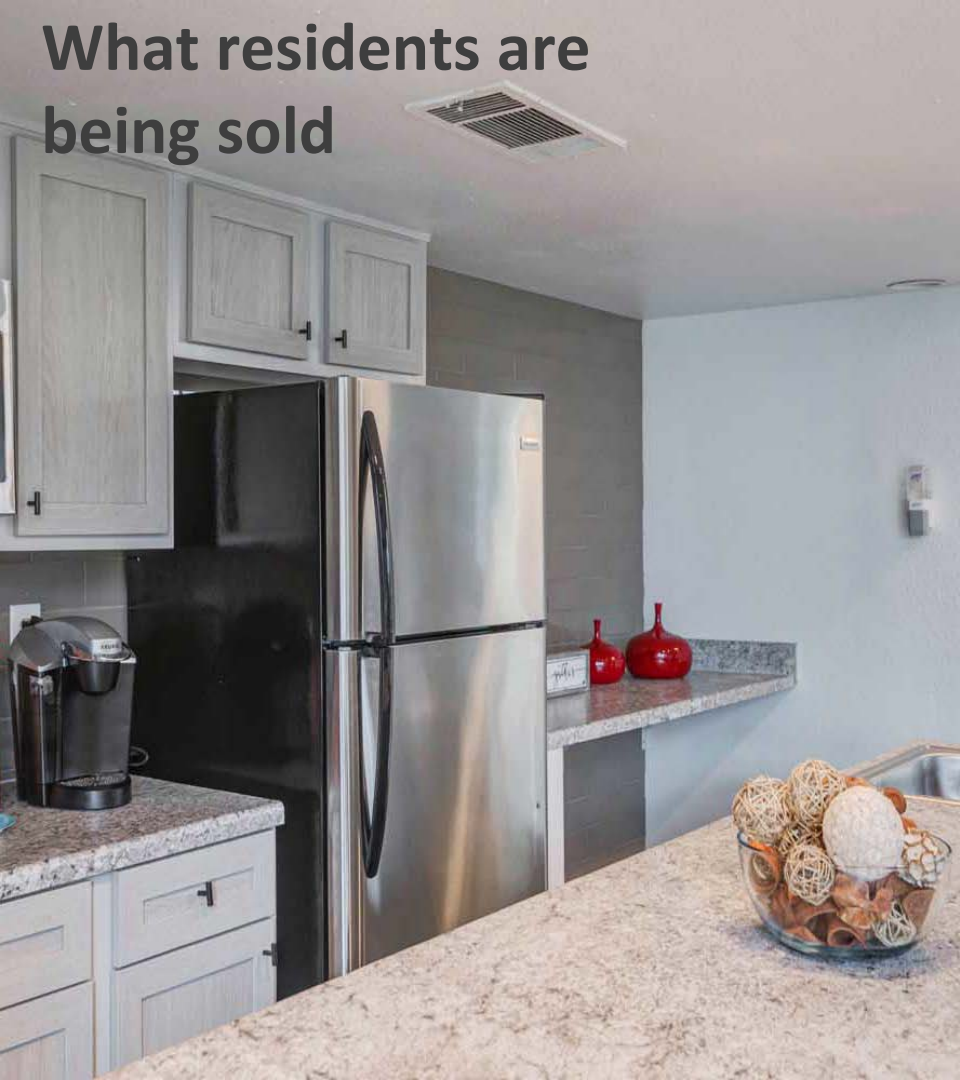
Code Division Manager





**kxan** **PROGRESS REPORT ON WOOD RIDGE APARTMENTS**  
10:10 92 **WALKWAY COLLAPSED IN MAY**

What residents are  
being sold



What residents actually get



What conditions are some Austin tenants experiencing?







**Why it  
matters**

**2013** ROP began.

**73** Properties currently participating in ROP.

**5** Conditions that trigger suspension and revocation

**1,200** Average rent for a 1-bedroom apartment in Austin.





What  
exactly does  
it mean to  
suspend and  
revoke?





**What do we  
hope to  
accomplish?**



# Anticipated challenges





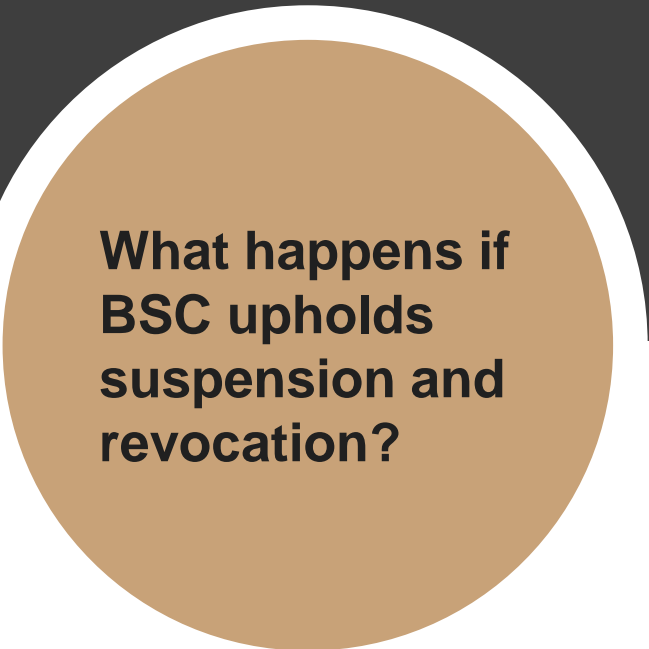
# YOUR ROLE

**CODE OFFICIAL  
RECEIVES S&R  
APPEAL**

must be done within  
10 days of notification

**APPEAL  
PRESENTED TO  
BSC**

**BSC MAY GRANT  
OR DENY THE  
APPEAL**



**What happens if  
BSC upholds  
suspension and  
revocation?**

**A suspension or revocation prohibits  
the registrant from renting vacant units  
to new tenants**

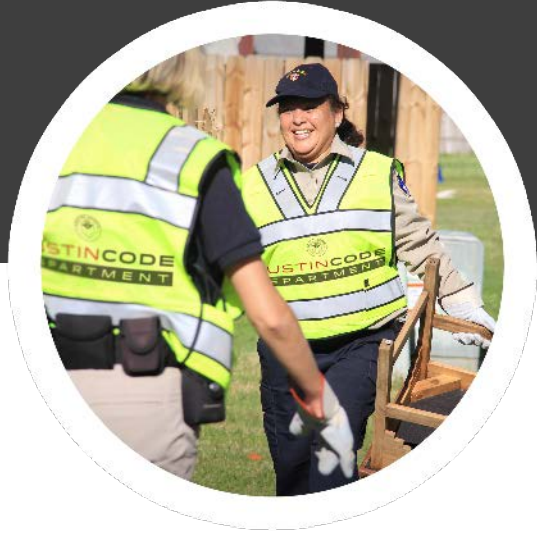
If a registrant fails to adhere to the prohibition, the Code Official may bring a request for an Order to Vacate to you, the Building and Standards Commission



## Final Appeal Process

**Can a decision  
to uphold a  
suspension or  
revocation be  
appealed?**

Like any BSC decision, the property owner has the right to appeal to District Court.



# THANK YOU

Any questions?



**AUSTIN CODE**  
DEPARTMENT



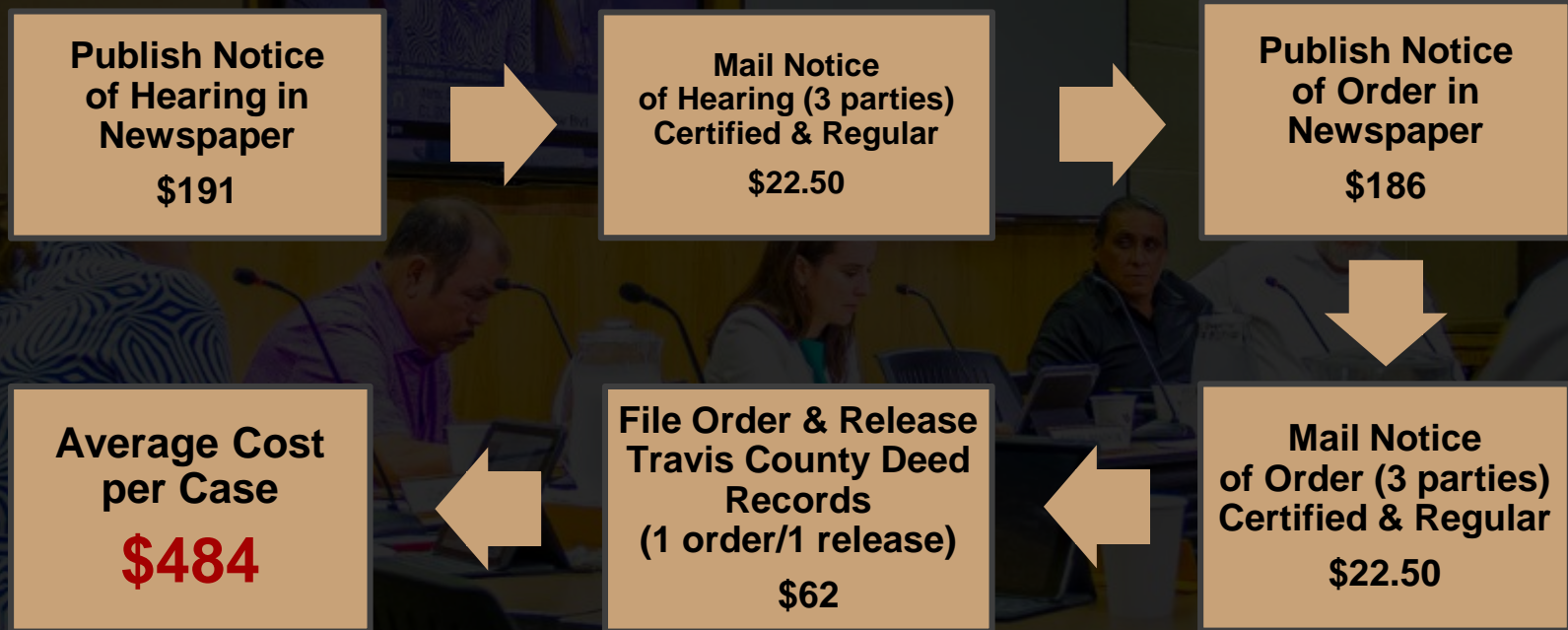
# BSC Processing

**Robert Moore**

Code Division Manager

# BSC Case Processing Expense

## Average Case Processing Cost for BSC Cases



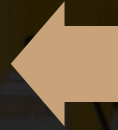
*Additional Costs: Interpretation Services/iPads/Fuel/Stationary*



# BSC Case Processing Expense

Monthly Case Review & Escalation Division Staff Time Devoted to BSC Cases

Approx.  
**\$16,400**  
Per Month



**575 Hours**  
City Staff Hours (CRED)

# *Questions?*

**MEET YOUR NEIGHBORHOOD CODE  
OFFICER AND LEARN HOW WE  
CAN WORK TOGETHER TO MAKE  
OUR COMMUNITY BETTER!**



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