



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Stephanie Hayden-Howard, Director, Austin Public Health *S.H. Howard*  
Greg Meszaros, Director, Austin Water *GM*

**DATE:** April 30, 2021

**SUBJECT:** Response to Resolution 20200729-087 - Assistance to Charitable Feeding Organizations (CFOs)

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On July 29, 2020, Council approved resolution 20200729-087, directing the City Manager to convene a collaborative working group to develop recommendations for potential amendments to the food enterprise permitting process and other City programs to reduce barriers faced by charitable feed organizations (CFOs) as they work to provide affordable healthy foods for our community's vulnerable and food insecure populations. On October 23, 2020, Austin Public Health provided an [update](#) to Council. This memorandum provides an overview of the work APH has completed, working collaboratively with Austin Water (AW) and the Law Department, in response to this resolution.

Initial steps taken by APH included conferring with the Office of Sustainability about Austin-Travis County CFO operations and the challenges to fulfilling their mission. Additionally, APH coordinated with Departments that have programs, regulations and fees impacting CFOs, including AW, Austin Fire, Development Services Department, and Austin Resource Recovery, to identify regulatory requirements that can be reduced without unduly compromising health and safety. Both APH and AW identified changes that would have positive impacts on CFOs, and these relief measures are proposed in Item #12 and Item #13 on the May 6, 2021 Council Agenda.

### CFO Relief Measures

To assist all CFOs, APH has designated a CFO ombudsman/liaison and developed a CFO webpage. The proposed Code amendments will amend Chapter 10-3 (Food and Food Handlers) to define "charitable feeding organization" as a food establishment that provides food without charge and that holds an IRS 501(c) tax exempted status. The proposed Ch. 10-3 amendments also establish four CFO categories based on food safety risk. The Code amendments will provide relief measures to each CFO category as follows.

- **Category 1 CFOs** are traditional food pantries that distribute only shelf stable foods and uncut produce. These CFOs are currently exempt from permitting and inspection requirements.
  - APH Recommendations:
    - Require registration as a Category 1 CFO and best management practices.
- **Category 2 CFOs** distribute and may portion commercially prepared and packaged time-temperature controlled for safety (TCS) foods.

- APH Recommendations:
  - Require registration as a Category 2 CFO and best management practices.
  - Exempt Category 2 CFOs from permitting requirements.
  - Conduct annual inspections, without implementing an inspection fee.
- AW Recommendations:
  - Exempt Category 2 CFOs from wastewater discharge permit and surcharge fees.
  - Amend Chapters 15-10 and 25-12 to exempt new Category 2 CFOs from the requirement to install grease traps.
  - Relax grease trap maintenance requirements for existing Category 2 CFOs on a case-by-case basis.
- **Category 3 CFOs** heat and/or portion commercially prepared foods that are TCS for same day service.
  - APH Recommendations:
    - Continue requiring food establishment permit, due to pathogen risk.
    - Exempt Category 3 CFOs from food establishment permit fee.
    - Amend Ch. 10-3 to reduce certain permitting requirements for Category 3 CFOs, such as multiple sinks, self-closing doors, and smooth ceiling tile surfaces.
    - Consider variances on a case-by-case basis.
  - AW Recommendations:
    - Relax grease trap maintenance requirements on a case-by-case basis, for Category 3 CFOs with an existing grease trap that processes minimal grease.
    - Exempt requirement for grease trap on a case by case basis, for new Category 3 CFOs.
    - Exempt Category 3 CFOs from wastewater discharge permit and surcharge fees.
- **Category 4 CFOs** are full-service charitable feeding food establishments, such as community kitchens.
  - APH Recommendations:
    - Continue requiring food establishment permit and compliance with the Texas Food Establishment Rules, due to significant pathogen risk.
    - Exempt Category 4 CFOs from food establishment permit fee.
    - Consider site-specific variances.
  - AW Recommendations:
    - Exempt Category 4 CFOs from wastewater discharge permit and surcharge fees.

### **Fiscal Impact**

This item will result in an estimated \$77,895 per year in unrealized revenue to APH and an estimated \$418,000 per year in unrealized water utility enterprise fund revenues to AW. In addition to fees waived, CFOs that receive a waiver of grease trap installation will save between \$1,500 and \$8,500. CFOs that received relaxed maintenance requirements will save \$750 to \$1,500 per year. APH and AW will not eliminate any service to CFOs based on waiver of fees.

### **Water and Wastewater Commission**

On April 7, 2021, the Water and Wastewater Commission recommended approval of the City Code amendments associated with implementing the Charitable Feeding Organization resolution.

### **Implementation Schedule**

APH can implement changes to CFOs immediately, and AW can implement changes for new CFOs immediately and for existing CFOs by September 30, 2021.

Please do not hesitate to contact either myself or Director Meszaros should you have any additional questions.

xc:     Spencer Cronk, City Manager  
          Nuria Rivera-Vandermyde, Deputy City Manager  
          Shannon Jones, Interim Assistant City Manager