

§ 25-1-701 DEFINITIONS.

(6) MULTI-FAMILY REDEVELOPMENT means the demolition, partial demolition, redevelopment, rezoning, or change in use of a multi-family property [building], or any portion of a multi-family property [building], or a mobile home park.

§ 25-1-711 PURPOSE AND APPLICABILITY AND DEFINITIONS.

- (A) The requirements of this division seek to mitigate, through notification requirements and relocation assistance, the impacts of tenant displacement resulting from multi-family redevelopment and the demolition or change in use of multi-family buildings and mobile home parks. This division does not regulate or affect the landlord-tenant relationship.
- (B) Except where otherwise provided, the requirements of this division do not apply to any dwelling unit:
- (1) demolished or vacated because of damage caused by the tenant or by other events beyond the owner's control, including fire, civil commotion, malicious mischief, vandalism, tenant waste, natural disaster or other destruction;
 - (2) owned by a public housing agency;
 - (3) located inside the boundaries of an educational institution that is occupied by students, faculty, or staff of the institution;
 - (4) for which relocation assistance is required to be paid to the tenants under federal or state law; or
 - (5) that is operated as emergency or temporary shelter for homeless persons and owned or administered by a nonprofit organization or public agency.

(C) In this division,

- (1) **MULTI-FAMILY PROPERTY** means a property that includes at least five residential units; and
- (2) **UNPERMITTED WORK** means demolishing, altering, or repairing the interior or exterior of a residential unit without the appropriate permit from the building official.

Commented [LP1]: From Resolution: "Require that notification requirements apply to any multi-family property with five or more residential units."

Commented [LP2]: From Resolution: "Require compliance with the ordinance when the property owner conducts unpermitted work."

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§ 25-1-712 **TENANT NOTIFICATION REQUIRED.**

(A) The requirements of this section apply to:

(1) an application to:

- (a) ~~[(1)]~~ demolish, alter, or repair the interior or exterior of one or more residential units at a multi-family property [building] that would result in the displacement of tenants ~~[in a building with five or more occupied residential units]~~, including a demolition permit or a building permit;
- (b) ~~[(2)]~~ approve a site plan or change of use permit for an existing mobile home park; or
- (c) ~~[(3)]~~ rezone a property within the Mobile Home Residence (MH) District designation that contains an existing mobile home park; or

(2) unpermitted work at a multi-family property that results in displacement of one or more tenants.

(B) An applicant must provide tenant notification ~~[either]~~ prior to ~~[, or concurrent with,]~~ submittal of the application in accordance with the timelines established under this subsection.

(1) To demonstrate that required notification was provided prior to submittal of an application, the applicant must include a certified statement, on a form approved by the director, confirming that all tenants ~~[entitled to notice under Subsection (C)]~~ received notification required under this section within the following timeframes:

- (a) for a multi-family property [building], at least 120 days prior to the date application for a building permit or a demolition permit was submitted; or
- (b) for a mobile home park, at least 270 days prior to the date the application for a rezone, site plan, or change of use permit was submitted.

~~[(2) If notification is provided at the time an application is submitted, the application may be approved no earlier than:~~

Commented [LP3]: Amend Section 25-1-82 (D) to address the timing of notification.

Commented [LP4]: From Resolution: "Require compliance with the ordinance when the property owner conducts unpermitted work."

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- ~~(a) for a demolition or building permit, 120 days after all tenants of the multi-family building who are entitled to notice under Subsection (C) receive notification required under this section; or~~
- ~~(b) for a rezone, site plan, or change of use permit, at least 270 days after all tenants of the mobile home park entitled to notice under Subsection (C) received notification required under this section.]~~

Commented [LP5]: Recommend removing this text so that the notification is handled early and must be met before staff can process the application.

(C) The notification required by this section must be on a form approved by the director and must:

(1) be delivered:

(a) by the applicant or the applicant's representative, or by registered or certified mail, with return receipt requested;

(b) to all units:

(i) ~~[proposed for demolition]~~ in a multi-family ~~property~~ ~~[building]~~ under a permit application for which notice is required under Subsection (A)(1)~~(a)~~ of this section; or

(ii) located in a mobile home park included in a rezone, change of use, or site plan application for which notice is required under Subsections (A)~~(1)(b), (c)~~~~[2], (3)]~~ of this section; and

(2) include the following information, in English, Spanish, and such other language as may be required by the director:

(a) the applicant's name and contact information;

(b) a description of the development application for which notification is required under Subsection (A) of this section;

(c) a statement that the application may be approved on or after the 120th or 270th day, whichever applies, following receipt of the notice and may result in displacement of tenants;

(d) a description of any tenant relocation assistance that may be available under Section 25-1-714 (*Tenant Relocation Program*), including income eligibility requirements and forms for requesting assistance;

(e) information regarding applicable school district policies relating to district residency requirements;

Commented [LP6]: From Resolution: "Require notifications for tenants for alterations or repairs described in Section 25-1-712(A)."

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- (f) information regarding the requirements of state law for return of security deposits;
 - (g) information regarding the availability of fee waivers from Austin Energy for obtaining utility service at a new residence where relocation is required due to displacement;
 - (h) other information as may be required by the director, including programs and services to assistant displaced tenants; and
- (3) be on a form provided by the director, which shall be uniform for all applicants except that the director may require an additional language as provided under Paragraph (2).
- (D) If an applicant requests an extension of a [\[demolition\]](#) permit for which notification under this section is required, the applicant must provide re-notification to tenants consistent with the requirements for a new application.
- (E) An owner or operator a multi-family property must provide tenant notification prior to engaging in or allowing another to engage in unpermitted work at the multi-family property when the unpermitted work would result in one or more tenants being displaced.

Commented [LP7]: From Resolution: "Require compliance with the ordinance when the property owner conducts unpermitted work."

§ 25-1-713 ADDITIONAL NOTICE REQUIREMENTS.

- (A) At the time that notification is provided under Section 25-1-712 (*Tenant Notification Required*), the owner or operator of a multi-family [property \[building\]](#) or mobile home park must post one or more signs in accordance with this section.
- (B) The sign must be on a form approved by the director and must:
- (1) describe the application for which notification is required under Section 25-1-712 (*Tenant Notification*) and state that any new or existing tenants may be required to relocate from the property as a result of proposed demolition or redevelopment; and
 - (2) to the greatest extent feasible:
 - (a) for a mobile home park, be posted at the main entrance in a location visible to the public from the adjacent public right-of-way or private drive; or

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- (b) for a multi-family property ~~[building]~~, be posted at the front of the leasing office or other primary building entrance as determined by the director.
- (C) A sign required to be posted under this section must remain on the property until:
 - (1) for a multi-family property ~~[building]~~, the date that demolition, alteration, or repair activity begins; and
 - (2) for a mobile home park, the earlier of:
 - (a) the date that the property ceases to be used as a mobile home park; or
 - (b) if applicable, the date that the site plan approval or change of use permit expires.
- (D) If a landowner or a landowner's agent rents a unit to a new tenant following application for a permit requiring notice under Section 25-1-712 (*Tenant Notification Required*), the landowner or landowner's agent must provide the tenant with notification that includes the information required under Section 25-1-712(C) (*Tenant Notification Required*).

§ 25-1-714 TENANT RELOCATION PROGRAM.

- (A) The director shall adopt a tenant relocation program by administrative rule for the purpose of mitigating the impacts of tenant displacement resulting from multi-family redevelopment within the City of Austin.
- (B) The tenant relocation program must, at a minimum, include each of the elements described in this subsection.
 - (1) *Tenant Relocation Fee*. The program must include a methodology to be used by the director in recommending to the city council the amount of the fee required under Section 25-1-715 (*Tenant Relocation Assistance—Developer Funded*). The methodology shall include a nexus study that accounts for the impacts of displacement to tenant communities directly affected by multifamily redevelopment and to the community as a whole. The fee shall be consistently calculated and uniformly applied, but may vary based on number of units, bedrooms, and other objective criteria identified by the nexus study.
 - (2) *Eligibility for Tenant Relocation Assistance*. The program shall establish eligibility requirements that a tenant must meet in order to receive tenant

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relocation assistance under Section 25-1-715 (*Tenant Relocation Assistance—Developer Funded*) or Section 25-1-716 (*Tenant Relocation Assistance—City Funded*). At a minimum, the eligibility requirements must:

- (a) require that a tenant:
 - (i) have a household income at or below 70% of median family income or, for residents of a mobile home park, 80% of median family income; and
 - ~~(ii) reside at the property on the date that the initial notification required under Section 25-1-712(8) (*Tenant Notification Required*) is delivered; and~~
 - (ii) submit a claim form documenting income eligibility no later than the deadline established by the director; and
 - ~~(b) require that a tenant at a multi-family property reside at the property on the 119th day before the permit application was submitted; and~~
 - ~~(c) require that a tenant at a mobile home park reside at the property on the 269th day before the permit application was submitted; and~~
 - ~~(d) allow a tenant who resided at a multi-family property to be eligible if unpermitted work at the multi-family property caused the tenant to be displaced; and~~
 - (e) prohibit participation by tenants of multi-family redevelopment that is exempt from this division under Section 25-1-711 (*Exemptions*), except that the director may allow use of funds under Section 25-1-716 (*Tenant Relocation Assistance—City Funded*) to provide relocation assistance for tenant displacement resulting from fire, civil commotion, malicious mischief, vandalism, natural disaster, or other destruction beyond the control of the owner or tenant.
- (3) *Use of Tenant Relocation Assistance.* The program must specify the types of expenses for which tenant relocation assistance may be provided. Eligible expenses paid using funds collected under Section 25-1-715 (*Tenant Relocation Assistance—Developer Funded*) must be reasonably attributable to tenant displacement based on the nexus study required under Paragraph (C)(1).

Commented [LP8]: Connects this program to tenants who are displaced by unpermitted work.

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- (4) *Refund Procedures.* The program shall establish procedures by which an applicant who paid a tenant relocation fee under Section 25-1-715 (*Tenant Relocation Assistance—Developer Funded*) may request a refund of any fees not spent for an authorized purpose within ten years after approval of an application for which notification is required under Section 25-1-712 (*Tenant Notification Required*).
- (C) The director may include additional elements in the tenant relocation program, including but not limited to notification forms and other documents required under Section 25-1-712 (*Tenant Notification Required*) and Section 25-1-713 (*Additional Notice Requirements*).

§ 25-1-717 OFFENSES.

- (A) A person commits an offense if the person fails to deliver the notification required under Section 25-1-712 (*Tenant Notification Required*) ~~[and Section 25-1-713 (*Additional Notification Requirements*)]~~ to one or more units within a multi-family ~~property~~ ~~[building]~~ or mobile home park. A person commits a separate offense for each day the person fails to deliver required notification to an individual unit within a multi-family ~~property~~ ~~[building]~~ or mobile home park for which notification is required.

~~(B) A person commits an offense if the person fails to post the notification required under Section 25-1-713 (*Additional Notification Requirements*). A person commits a separate offense for each day the person fails to post the required notification.~~

Commented [LP9]: Separated out from Subsection (A).

- ~~(C)~~(B) Each offense is punishable by a fine not to exceed \$500 and requires proof of a culpable mental state.

§ 25-1-82 NON-SUBDIVISION APPLICATION REQUIREMENTS AND EXPIRATION.

This section does not apply to an application for preliminary plan, plat, or subdivision construction plan.

- (A) The responsible director may adopt rules establishing the requirements for an application, including timelines for completing staff review and deadlines by which an application must be updated to meet the requirements of this title and other applicable regulations. An application

expires unless it is approved on or before the deadline established by the director under this section.

- (B) The responsible director or building official may permit an applicant to omit required information from an application that the responsible director or building official determines is not material to a decision on the application. An applicant who disagrees with a determination under this subsection may appeal the decision to the city manager.
- (C) Except as otherwise provided in this section, the responsible director or building official may not accept an application unless the application is determined to be complete in accordance with this subsection.
- (1) the responsible director or building official shall accept an application as complete if the applicant has paid the required fee and provided the information required to be included in the application no later than the 45th day after the application is submitted.
 - (2) If an application is rejected as incomplete, the responsible director or building official shall provide the applicant a written explanation identifying the deficiencies and the information required to complete the application 10 working days after receipt of the application.
 - (3) An application expires if it is not complete on or before the 45th day after the application is submitted. An applicant may submit an update to provide additional information and to correct deficiencies at any time before the application expires.

(D) Applications Subject to Section 25-1-712 (Tenant Notification Required).

~~[In establishing application deadlines under Subsection (A) of this section, the director shall provide that no application for which notice is required under Section 25-1-712 (Tenant Notification Required) may be approved or posted for public hearing until after the required notification period.]~~

- (1) An application that is subject to Section 25-1-712 (Tenant Notification Required) is complete if the applicant has paid the required fee, provided the information required to be included, and complied with the notification requirements or the required number of days lapse.
- (2) If, at the time an application subject to this subsection is submitted, a multi-family property is unoccupied but was occupied within the previous 120 days, the application is not complete until the 121st day from the date the application is submitted.

Commented [LP10]: This change requires notification to occur before an application is submitted.

(3) If, at the time an application subject to this section is submitted, a mobile home park is unoccupied but was occupied within the previous 270 days, the application is not complete until the 271st day from the date the application is submitted.

Commented [LP11]: From Resolution: "Deter the displacement of residents before submitting an application."

The May 19th memo uses 180/300 days but I recommend tracking existing time frames to reduce confusion and to allow for consistency.