



BUILDING AND STANDARDS COMMISSION



CITY OF AUSTIN
Development
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

Annual Retreat

December 2023

Objectives

December 1, 2023

- ❑ Introduction of Executive Staff – **Robert Moore**
- ❑ Learn about the roles and responsibilities of the Case Review & Escalations Division (CRED). – **Robert Moore**
- ❑ Discuss Commission jurisdiction, procedures, authority, and obligations. – **Sonya Herrera**
- ❑ Understand permitting and how it relates to BSC cases. - **Todd Wilcox**
- ❑ Understand the life of a case from cradle to grave. -**Dan Armstrong**



Objectives (Continued)

December 1, 2023

- ❑ Review Repeat Offender Program (ROP) History, Policy, and Requirements. – **Matthew Noriega**
- ❑ Cover the four types of appeals that the commission can hear. - **Robert Moore**
- ❑ Cover the BSC case processing expense. – **Kyle Boisjoli & Robert Moore**



Development Services Department Executive Staff



**DSD Assistant Director
Daniel Word**



**DSD Assistant Director
Elaine Garrett**

Development Services Department Executive Staff



**DSD Assistant Director
Tracey Allen**



**DSD Director
José Roig**

Development Services Department



**DSD Building Official
Todd Wilcox**



**DSD Business Process Consultant Sr.
Kyle Boisjoli**

Development Services Department Division Manager



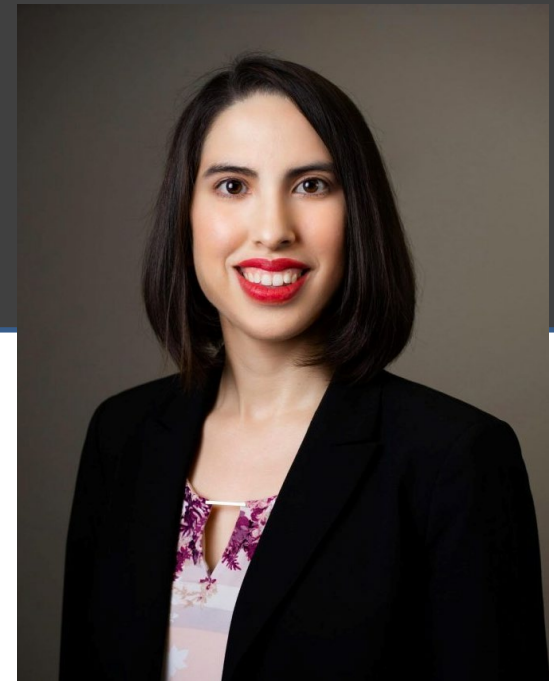
**DSD Division Manager
Matthew Noriega**



**DSD Division Manager
Daniel Armstrong**

Assistant City Attorney

Sonya Herrera



- Serves as legal council to the DSD Code Compliance 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.
- Attends Legal Consultation Meetings.

Division Manager

Robert Moore

- Oversees CRED program.
- Managerial support for team members.
- Serves as a liaison between DSDCC Executive Team, Law Department, Field staff and CRED staff.
- Attends Pre-BSC and BSC meetings.
- Legal consultation meeting Coordinator.
- Reviews appeals and agendas.



Supervisor

Marlayna Wright



- Attends all Pre-BSC and BSC meetings
- Oversees and monitors all cases with BSC Orders.
- Serves as a SPOC for City Law (non-compliant BSC cases submitted to City Law for further enforcement action.
- Ensures BSC Failure to Comply letters are sent to owner(s)/interested parties, for non-compliance of the BSC Order.
- SPOC for demolition program.
- Assists in training CRED programs to field staff for the Code Compliance Academy and support sessions.

Code Review Analyst – BSC

James Candelas

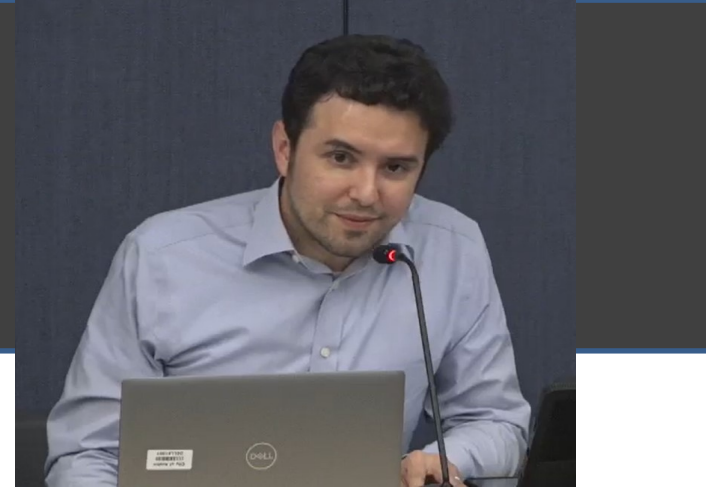
Melanie Alley



- Coordinator/ liaison between DSDCC and BSC.
- Quality control & review of submitted cases.
- Prepares case exhibits and relevant material.
- Pre BSC communication with DSDCC staff.
- Facilitates cases and presents recommended orders.
- Communicates with owners & third parties.
- Processes penalty offsets.
- Prepares legal documents, notices and agendas.

Code Review Analyst – BSC Cont.

James Eberwine

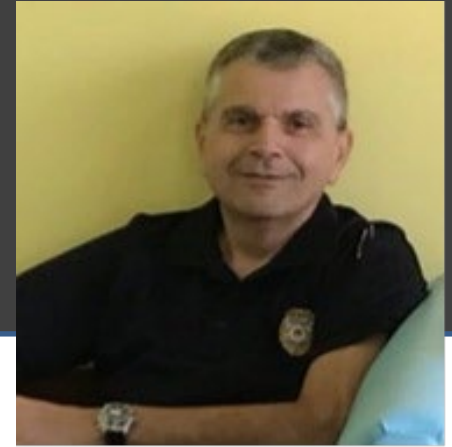


- Drafts notices/orders/order releases
- Ensures commissioner quorum and attendance.
- Holds case prioritization meetings for BSC selection.
- Records orders/releases with Travis County Deed Records and City Clerk
- Maintains the database and spreadsheet regarding orders.
- Collaborates with finance on liens and penalties owed.

Investigator

Farah Presley

John Baez



- Attends all Pre-BSC and BSC meetings.
- After a BSC hearing (and an Order is issued) communication with owner(s) about next steps.
- Monitors new BSC cases for compliance of order.
- Monthly communication with owner(s)/interested parties, complainants and neighbors about compliance with the BSC Order.
- Communicates with management about status and potential demolition status or City Law submittals.
- Posts properties with BSC notices (NOH, NOO, BSC FTC).
- Submits BSC non-compliant cases to City Law when needed.



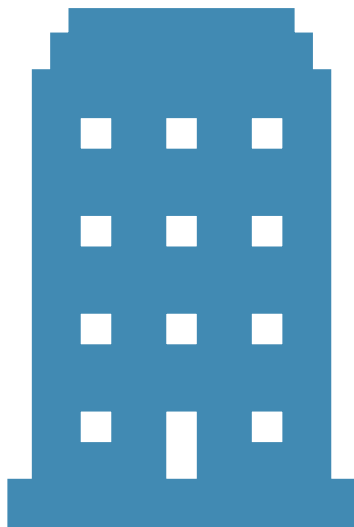
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Questions?



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Lunch



Building and Standards Commission

Jurisdiction, Authority, Obligations, and Procedures

Law Department Presentation

Sonya Herrera

December 1, 2023

Building and Standards Commission Retreat

Commission Jurisdiction

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

Local Law: City Code Chapters 25-12, Article 9 & Chapter 4-14.

901.2 Duties:

- ✓ Hear and decide cases concerning alleged violations of this code and appeals as required by this code and City Code.
- ✓ Issue orders regarding the cases, as appropriate.
- ✓ 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

2021 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

1. Declare a structure substandard or dangerous (hazardous)

2. 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

3. Determine the amount and duration of the civil penalty the municipality may recover.

- Establish two things:
 1. Property owner/representative was notified of the City Code requirement and the need to comply, and
 2. After receiving notice, the property owner/representative failed to comply with the requirements or committed an act in violation of City Code.
- State limits on civil penalties
 - Non-homesteaded property: \$1,000 per day for each violation.
 - Homesteaded property: \$10 per day for each violation.

Commission Authority

4. Order any peace officer of the state to enforce and carry out the lawful orders or directives of the Commission.

5. Consider and recommend amendments to the City's housing and building regulations and ordinances.

Commission Obligations: State Law

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: State Law

Comply with requirements in Chapters 54 and 214 of the Texas Local Government Code.

Comply with requirements in Austin City Code Chapter 2-1 (*City Boards*).

Comply with Texas Open Meetings Act in Chapter 551 of the Texas Government Code.

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 nonvoting members of the Commission.

Commission Procedures: Pre-Hearing Notice

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

- ▶ 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 to summarize their case.
- ▶ Chair may permit City staff to present a rebuttal after the property owner concludes.
- ▶ Chair will admit exhibits and close the evidence.
- ▶ The Commission may consult the parties about any objections to the final form of the order to be voted upon.

Evidence Required for Repair Orders

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. <u>RARE.</u>	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"> Proves that the work cannot be reasonably performed within 30 days. 	<ul style="list-style-type: none"> Proves scope & 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.
Order Requirements			<ul style="list-style-type: none"> Must establish specific time schedules for commencement & performance of the work Must require the property be reasonably secured from unauthorized entry 	<ul style="list-style-type: none"> Must require regular reporting to show compliance with the established schedule/plan → Does not require reports to be made "in person."

Additional Information about Evidence

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

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 of Non-compliance:

- 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

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

Now called: “Continued Case(s) Pending Commission Action”

- ▶ Commission has the 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 citizen communications
- ▶ Continued cases

Agreed Orders

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

- ▶ 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 is 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
- ▶ City Code Officials 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

- ❖ The property owner/representative may appeal a Commission order to district court.
- ❖ 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.



QUESTIONS



Development
SERVICES DEPARTMENT

Understanding the Development Process



Todd Wilcox, Building Official

Building Official

Code Official

Registered Code Enforcement Officer #4764

ICC Certified building official, property maintenance inspector, zoning inspector, and IAPMO commercial and residential plumbing inspector.
State of Texas registered code enforcement officer.

The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

IBC 2021 Section 104.1

The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

IPMC 2021 Section 105.1



Building Permit Application

Residential and Commercial Building Permit Web Form allows you to:

- Submit building permit applications, revisions, and updates.
- Upload large project files
- Tips and guidance along the way
- [Residential Intake Request Form \(jotform.com\)](#) / [Commercial Building Permit Web Form \(jotform.com\)](#)

Austin Build + Connect (AB+C) is the City's online portal that allows registered users to apply for permits, schedule inspections, pay fees, upload project attachments, and more. Trade contractors, general contractors, and homeowners acting as contractors must be registered.

If an owner wishes to meet with staff to discuss preliminary designs or construction issues, they can request a preliminary plan review meeting prior to applying.

- [Preliminary Plan Review Request Form \(austintexas.gov\)](#)



Plan Review

Review staff will review plans in the order they are received and based on the mandated review times. Once a review is complete, you will receive an approval notification or a Master Comment Report via email, which must be addressed by the owner or owner's agent before permit application approval.

- Expired Permits- All expired permits (building permits and trade permits (BP, MP, EP, PP) must be resolved.
- Applicant can schedule a complementary 20-30 min pre-resubmittal meeting with the reviewer to get clarification on rejection comments and feedback on how the applicant can address any issues.
- Paid Consultations- Applicant can schedule a Residential Plan Review appointment with the Reviewer to have a more in-depth look prior to a resubmittal. This is useful for projects that are more complex.



Permits

Once the final reviewer approves your application, the plans go back to our coordinating reviewer, who finalizes the process. This step can take one to two days after all reviews have been completed. Once the required permits have been created, customer will receive an email indicating that the permit(s) are pending activation.

➤ [Activating a Permit | AustinTexas.gov](#)

ABC Portal – Registered users can find details about their permits, submit some types of applications and get immediate assistance with our live chat.

➤ [Interactive Development Review Permitting and Inspection | AustinTexas.gov - The Official Website of the City of Austin](#)

Stand-alone Building or Trade Permit(s) may be issued for the construction of commercial, multi-family, and single-family residential properties if the complete scope of work for the project qualifies. Stand alone permits do not require review and are processed through the service center.

➤ [Apply for a Standalone Building Permit \(jotform.com\)](#)



Inspections

Development Services conducts required inspections during the development process, including building, environmental, site development, subdivision, sound enforcement, and utility cuts. The permit holder and owner-general contractor are responsible for ensuring the proper sequence of inspections.

After you activate your permits, you will coordinate each stage of construction with the appropriate inspections. Inspections are the final steps in the development and permitting process and ensure that everything is being built as approved and following public health and safety regulations.

- Inspections can be scheduled online via the AB+C Portal or phone.
- Depending on the scope of work, a final inspection may lead to issuing a Certificate of Occupancy which ensures a structure is safe for occupancy.

A wide-angle photograph of the Austin skyline, featuring various skyscrapers and modern buildings under a clear blue sky. The image is used as a background for the top half of the slide.

Resources

- [Development Services Department | AustinTexas.gov](#)
- Complementary consultations are available from Monday to Thursday 8am to 4pm and offered in virtual and in person format. <https://www.austintexas.gov/pdc-appointments#>
- The City of Austin Permitting and Development Center (PDC) offers appointments to help answer some of your development and permitting questions.
- [Austin Build + Connect](#) (AB+C)
- [Apply for a Standalone Building Permit \(jotform.com\)](#)
- [Land Development Code \(Title 25\)](#) Chapters 25-1 thru 25-11 contain development regulations within the City's planning and zoning jurisdiction. Chapter 25-12 contains the Building Technical Codes.
- Building Technical Codes [Building Technical Codes | AustinTexas.gov](#)



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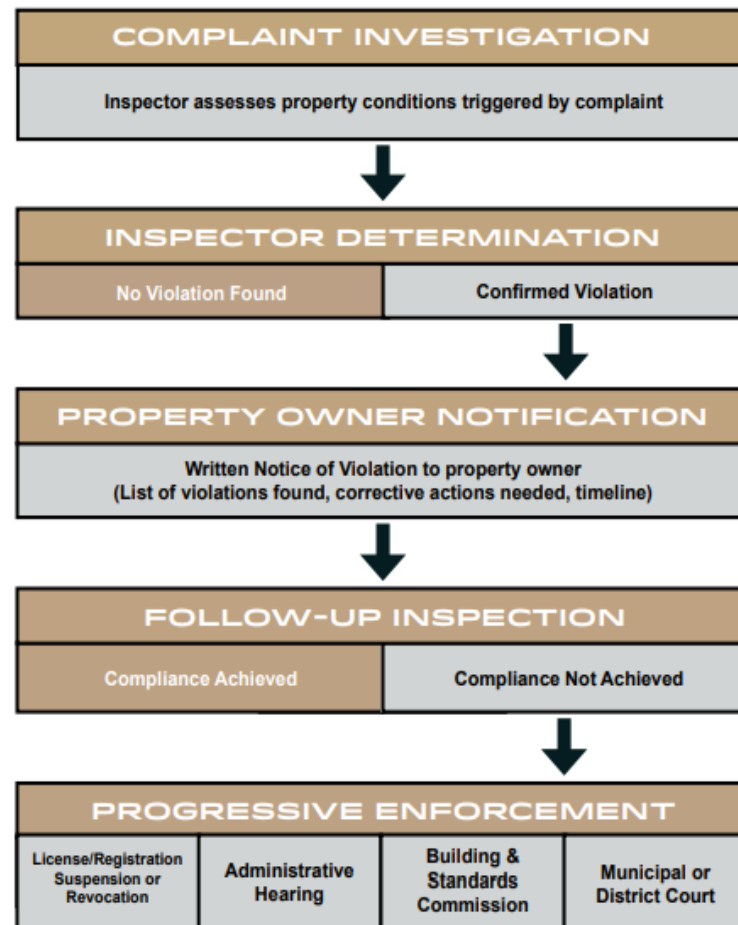
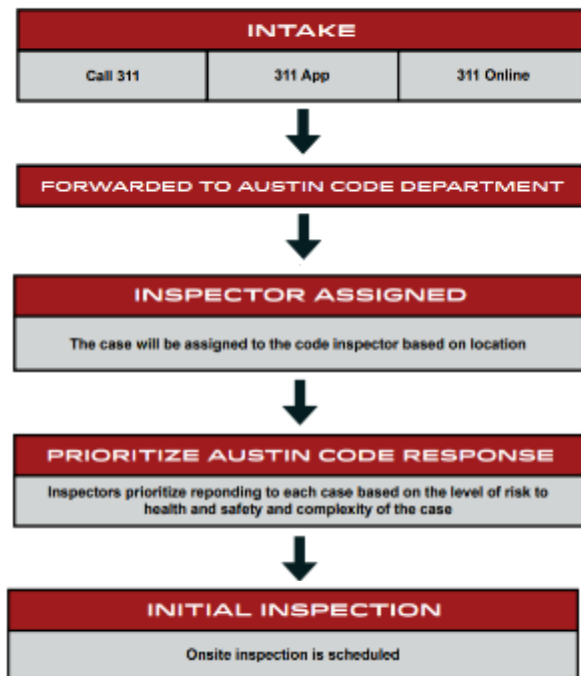
Questions?

Todd.Wilcox@austintexas.gov

[Development Services Department | AustinTexas.gov](https://www.austintexas.gov/development-services)

Our Process:

Educate, Collaborate, and Enforce



Case Progression for BSC (Specifically)



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), abstrace judgements, injunction, criminal charges, etc.



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Questions?

Daniel.Armstrong@austintexas.gov



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Building a Better and Safer Austin Together

**Building and Standards Commission (BSC) Retreat
Introduction to the Repeat Offender Properties (ROP)
Presented by Matthew Noriega
December 1st, 2023**

A background image of a city skyline with various skyscrapers under a clear blue sky. The image is partially obscured by a white semi-transparent banner at the top where the title is located.

Objectives

- Program History, Policy, & Overview
- Discuss Types of Violations
- Review Ordinance Requirements
- Registration:
 - Registration Requirements
 - Process & AMANDA OL Folder
- Periodic Inspections
- Suspension and Revocation Process

Why Repeat Offender Properties (ROP)?





History of the Repeat Offender Program

Repeat Offender §4-14-1

2013

- June 6: Rental Registration Resolution 49 & Repeat Offender Program Resolution 50
- Sept. 26: Repeat Offender Program Resolution 50 - Adopted
- Oct. 7: Repeat Offender Ordinance became effective
- 4 FTE approved by Council for Multi-Family Inspection Team
- Repeat Offender Program (ROP) developed

2014

- Jan. 2014 ROP Fully Implemented
- Nov. 2014 Amended by Council
 - Remove habitability, Added conditions
 - 12 to 24 months

2015

- Jan. 2015 Changes are implemented by Austin Code

A background image of a city skyline with various skyscrapers under a clear blue sky. The title 'Policy – ACD 134' is overlaid on a semi-transparent white banner across the top.

Policy – ACD 134

Purpose:

- Determine if a property meets Repeat Offender Program (ROP) registration requirements under the City of Austin Ordinance 20130926-012 and Ordinance 20141120-003.
- Provide quality customer service.
- Accurately manage assigned cases.
- Conduct duties in a safe and professional manner.
- Understand the Suspension and Revocation Process

Overview: Repeat Offender Program

All single-family and multi-family **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.



Single-Family Property

Property used for single family residential, single-family attached, and two-family residential (duplexes, garage apartments, townhomes, garden homes, etc.).



Multi-Family Property

Property used for three or more dwelling units, within one or more buildings (apartments, condos, etc.)

Violations

What types of conditions are considered a violation?

Unsafe Building Conditions



Work Without Permit



Broken Windows



Unsanitary Conditions



Plumbing



Tall Weeds and Grass



Electrical



Trash and Debris



Infestation



Mechanical



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

A background image of a city skyline with various skyscrapers under a clear blue sky. The title 'Ordinance Requirements' is centered over a semi-transparent white rectangular area.

Ordinance Requirements

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:

- 2** or more separate notices of violation are issued for the same property within a consecutive 24-month period and the owner of the property fails to correct the violations within the time frame required by the code official.
- 5** or more separate notices of violation issued on separate days for the same property within a 24-month period regardless of whether the violation was corrected or not.
- 2** or more citations are issued for the same property within 24 consecutive months.

Registration

Registration 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.

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 ROP team conducts periodic **inspections** of all registered properties.

Registration Requirements

§ 4-14-4

- The property owner has **14 days** to from the date of registration notice receipt to return completed rental registration application documents and pay the registration fee to ACD Finance.
- A property owner who is required to register may **appeal** the ROP registration requirement to the Code Official. The appeal must be submitted in writing within ten (10) days from the date the notice of registration is mailed.
- The property remains registered for a minimum of **two (2)** consecutive years and shall remain registered until the conditions of ROP 2-5-2 have not occurred for two (2) consecutive years.



Registration Requirements

§ 4-14-31

- If rental property completes a registration period and then becomes subject to this chapter again, the registration period will be for a minimum of **five years** and must remain registered.
- The registrant shall **pay an annual fee** to maintain the rental registration.
- **Display the registration** in a public area of an on-site management office or other similar public area of the property is required.



Inspections

§ 4-14-40

Inspection by Code Officials:

A. The code official may conduct:

- 1) Inspections based on indication of Code Violations, including complaints received by the City.
- 2) Periodic inspections.
- 3) Follow-up inspections.

B. The following areas of a **multi-family property** will be subject to inspection:

- 1) All building exteriors.
- 2) All exterior and interior common areas.
- 3) Vacant dwelling units.
- 4) Occupied dwelling units upon the consent of the tenant or when subject to valid administrative search warrant.



Inspections

§ 4-14-40

C. The following areas of a **single-family** property will be subject to inspection:

- 1) All building exteriors.
- 2) Vacant dwelling units with the owner's consent and
- 3) Occupied dwelling units upon the receipt of complaint by the tenant or when subject to valid administrative search



Refusal of Inspection:

E. A landlord or tenant of a rental property may refuse to consent to an inspection conducted by the code official. If consent is refused, the code official may seek an administrative search warrant authorized by Article 18 of the Texas Code of Criminal Procedure.

Inspections

§ 4-14-40

- A. May occur once a year.
- B. Code official will select the occupied dwelling units.
- C. Provide tenants with a written notice at least 2 days prior to inspection to include:
 - 1) The dwelling units that may be inspected.
 - 2) That an inspector intends to enter those identified units
 - 3) That the tenant has a right to see the code compliance inspector's identification before the inspector enters the dwelling unit
 - 4) Contact information for the Code Compliance Department
- D. Upon request of the code official, a registrant must provide proof that written notice was provided.



Periodic Inspections

§ 4-14-41

- During the periodic inspection, the inspector will document all violations. Each interior and exterior inspection performed will have its own case created.
- A Notice of violation will be sent to all violations from the periodic inspection and a 30-day compliance timeframe will be issued. Inspector will follow-up within 5 days of the expiration of the notice to determine if violations remain.
- Extensions may only be granted after reviewing the case per ACD 103.



Common Code Violations

10 Most common substandard conditions:

1. No Hot Water
2. A/C Not Cooling
3. Heater Not Heating
4. Non-Functional or Missing Smoke Alarm
5. Bedbug/Roach/Rodent Infestation
6. Damaged Interior Wall
7. Trip Hazards
8. Damaged Windows
9. Ceiling Leak
10. Electrical Outlet(s) Not Working
11. ***Disaster Situations***





Suspension and Revocation

The ordinance provides enforcement procedures to ensure the property is in compliance with the required maintenance. Citations, BSC and suspension/revocation process.

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

The suspension/revocation has been a very effective enforcement tool for gaining compliance at ROP properties.

Suspension and Revocation

Suspension - § 4-14-50

The code official may suspend rental registration for a rental property if the code official determines:

- (1) the property is declared substandard or dangerous by the Building and Standards Commission, the code official, or a court of competent jurisdiction;
- (2) the registrant fails to timely comply with a notice of violation;
- (3) the registrant fails to comply with a requirement of this Chapter;
- (4) the registrant fails to comply with other City permitting requirements; or
- (5) the registrant fails to pay its annual registration fee.

Revocation - § 4-14-51

The code official may immediately revoke a registration that has been suspended pursuant to Section 4-14-50 (*Suspension*) if the code official determines that the registrant is:

- (1) a condition that is dangerous or impairs habitability exists at the rental property during the suspension period; and
- (2) the registrant fails to take remedial action to correct the condition.

Even if the registration has not been suspended, the code official may immediately revoke a registration issued under this chapter if an order to vacate the rental property is issued by the Building and Standards Commission or a court of competent jurisdiction.

Procedures

An “Intent to Suspend Letter,” is sent to property owner providing 30 days to comply with the violations cited on the letter.

The Suspension letter notifies the owner that the property is suspended, and that the owner has 10 days to appeal.

Currently, there are 92 properties that participate in the Repeat Offender Program (ROP).

There are 2 properties that are currently suspended.



Building & Standards Commission Your Role

**CODE OFFICIAL RECEIVES
S&R APPEAL**
must be done within
10 days of notification

**BSC MAY GRANT OR
DENY THE APPEAL**

**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.

Vacant units are verified thru Austin Energy utilities. Units reflecting management company or owner's name indicates unit is vacant.

Inspectors will inspect units to assure they are vacant. Inspectors will conduct a follow-up in approximately 30 days to ensure unit remains vacant.

Inspectors will submit an updated request to Austin Energy, to verify if units remain in management or owner's name.

Municipal Court charges will be filed if units are confirmed to be occupied.

A background image of a city skyline with various skyscrapers under a clear blue sky. The image is partially obscured by a white rectangular box that serves as a backdrop for the title.

Summary

- Overview of the Repeat Offender Program (ROP) History
- Reviewed various types of violations and Ordinance Requirements
- Reviewed Registrations Process and Registration Requirements
- Reviewed Inspection processes
- Reviewed common violations
- Reviewed Suspension and Revocation Process



Development
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Questions?

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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

Appeals Heard By BSC Cont.

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.**

***Violation may seem miniscule, but it must be brought before the commission.**

Emergency Closure Appeal (Board & Secure)

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

BSC Case Processing Expense Estimate

- Utilize a conservative approach and assume that the typical cost of preparing a case falls within a consistent and predictable range Indirect costs (such as IT support, corporate COA support, other support services, and vehicle depreciation) were not included in the estimate.
- Cost of supplies and equipment were limited to postage (certified and standard) and newspaper posting fees. (**Excludes gasoline/iPads/Fuel/Stationary and other consumable items**).
- Labor costs only include staff from Development Services Department Code Compliance (does not include City Legal, Fire, or other partner agencies.)

Low Complexity Cost Per Case

\$3,528.50 (Direct)
\$5,465.08 (Indirect)

Medium Complexity Cost Per Case

\$4,677.15 (Direct)
\$7,682.01 (Indirect)

High Complexity Cost Per Case

\$7,062.35 (Direct)
\$12,337.40 (Indirect)

BSC Case Processing Expense Estimate Cont.

Factors Contributing to Complexity

- Number of Legally Interested Parties
 - Board and Secure Frequency
 - Property Abatement Frequency
 - Timeframe of Non-Compliance
 - Interpretation Services
-
- The funds from BSC penalties are deposited into the Development Services Department Code Compliance Fund. They are primarily used to reimburse the departments cost of operation in general. The net effect is to help reduce the revenue requirements we charge to end users to cover the cost of the Development Services Department.



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Questions?

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THANK YOU