Multi-Family Code Enforcement Issues for City Attorneys

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Multi-Family

Goal

Eliminate substandard housing



Irving Texas

- Population 210,102 persons
- 58% of housing stock is multi-family
- 503 multi-family properties
- Age
 - **37%** pre-1970
 - **55%** 1970-1990
 - 8% post 1990



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Irving Texas

- Direct connection between substandard multifamily properties and crime
 - Over 7,000 offenses in 2007



Multi-Family

- Pro-Active/Preventative Strategies
 - Certificate of Occupancy
 - Licensing
 - Inspection
 - Risk Rating
 - Recorded Notice



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Multi-Family

- Enforcement Strategies
 - Civil
 - Elevated Legal Process
 - Revocation of CO and License
 - Reinstatement
 - Building & Standards Commission
 - Chapter 54 Lawsuit
 - Criminal
 - Code Compliance Conference
 - Multiple Citations



Pro-Active/Preventative Strategies



Certificate of Occupancy

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued and the fire code official has approved a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

International Building Code Sect. 110.1 as adopted by the City of Irving

Initial authorization to occupy the building

License

It is unlawful for any person to own, operate, manage, or maintain a multiple-family dwelling complex in the city without a current and valid license having been issued for each multiple-family dwelling complex. Any person owning, operating, managing or maintaining a multiple-family dwelling complex at more than one location shall obtain a license for each separate location.

Sect. 8A-34(a) of the Code of Civil and Criminal Ordinances of the City of Irving

Issued annually

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Inspection



manager in making application for a license consent and agree to allow inspection, in whole or in part, as deemed necessary by a director or fire chief, at least twice a year of:

- Exterior structures and all common grounds
- Any dwelling units (occupied or unoccupied)
- Storage areas, swimming pools, athletic facilities, club rooms, equipment rooms and all other portions of the facility
- Anywhere upon receipt of a complaint

Sect. 8A-23 of the Code of Civil and Criminal Ordinances of the City of Irving

License

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- Requires:
 - one trade name;
 - name, address, telephone number of owner(s), manager, etc.;
 - registered agent;
 - license fee; and
 - if more than 50% ownership change or new general partner, new license within 30 days.

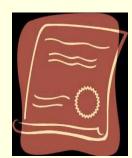
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Risk Rating

- Worked with Apartment Association of Greater Dallas to develop a Risk Rating Assessment process
- Annual quantitative rating from 1 4 assigned to a Multi-Family Dwelling Community based on several factors including: △
 - age;
 - property condition;
 - maintenance standards;
 - life safety systems; and
 - management practices
- Draft ordinance to eliminate Level 4s △

Recorded Notice

- One page notice filed with Dallas County on every multifamily property
 - Notice of Risk Rating on every property (not specific to the property)
 - Notice of minimum housing standards
- Puts potential buyers on notice



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Enforcement Strategies



Elevated Legal Process

- City Attorney's office meets with owner or person in control in an attempt to come to agreement
 - Abatement agreement △
 - Include copy of applicable ordinances
 - Letter if no appearance △
 - Include copy of applicable ordinances



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Elevated Legal Process

- City Council Resolution (Council involvement is important to communicate commitment to achieving compliance)
 - To sign and enforce the Abatement Agreement; or
 - To file a lawsuit under Chapter 54.

CO & License Revocation

- After failure of reinspection for an ordinance violation:
 - certificate of occupancy may be withdrawn; and
 - the license may be canceled for those units or structures in violation.
- All public utility companies may be notified that the certificate of occupancy withdrawn and request that all public utility services be discontinued.

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Reinstatement of CO & License

- Upon the occurrence of all the following:
 - compliance with the violation notice;
 - compliance with current code requirements governing:
 - fire protection systems; and
 - electrical systems; and
 - on request by the owner, landlord, or property manager.

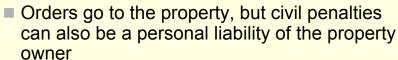
Building & Standards Commission

- Established pursuant to Texas Local Gov't Code Chapters 54 & 214
- Quasi-judicial
- Substantial evidence review in district court if Commission action is appealed

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Building & Standards Commission

- Commission can order owner to:
 - vacate:
 - secure;
 - repair;
 - demolish; and
 - assess civil penalties





Chapter 54 Lawsuit

■ Petition for Injunction △



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Chapter 54 Lawsuit

- Civil penalties
 - Up to \$1000 per day
 - Run from date Defendant was notified of ordinance provisions and committed acts in violation anyway
 - Personal debt
 - Enforceable by contempt



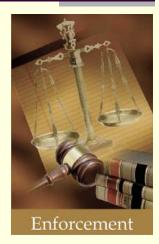
Code Compliance Conference

- Meeting between:
 - Code Enforcement Officer;
 - Prosecutor; and
 - Person(s) in control of property.
- Sign agreement for deadline to correct offenses and date for reinspection. △
- If not corrected upon reinspection, citation issued.

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Municipal Court

- Citation
- Complaint
- Pre-Trial
- Trial
- Potential personal fine of up to \$2000 per day



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Multi-Family Strategies

Result

Compliance with minimum housing standards.

