

Multi-Family Code Enforcement Issues for City Attorneys

Texas City Attorneys Association
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Brenda N. McDonald - Deputy City Attorney/TOD Administrator, City of Irving
Michele I. Ritter - Assistant City Attorney, City of Irving

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Multi-Family

Goal

Eliminate substandard housing



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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 multi-family properties and crime
 - Over 7,000 offenses in 2007



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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



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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



... owner, resident manager, and the property 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

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License



- 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 △



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Recorded Notice

- One page notice filed with Dallas County on every multi-family 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.

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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.

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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
- Orders go to the property, but civil penalties can also be a personal liability of the property owner



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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



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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.



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