



March 27, 2014

Below is a list of recommendations that Austin's Code Compliance department believes would assist the City in achieving better enforcement.

1. Lower occupancy from six to four - This was included in the revised [draft ordinance](#) that was approved by City Council on Thursday, March 20, 2014 (agenda item 62). The ordinance included:
 - a. Reducing occupancy in new construction from six to four.
 - b. The ordinance is effective until 2016.
 - c. The ordinance affects all single family and duplex properties within the boundary defined by [Chapter 25-2, Subchapter F, Article 1.2.1](#) of the Austin City Code.
 - d. Please see the attached diagram for information on the grandfathering provisions of the ordinance.
2. Better definition of:
 - a. Unrelated – This was included in the revised [draft ordinance](#) that was approved by City Council on Thursday, March 20, 2014 (agenda item 62). The definition states “UNRELATED means not connected by consanguinity, marriage, domestic partnership or adoption”.
 - b. Occupancy or occupy, similar to Fort Collin's definition of Occupancy found in their Land Use [Code 3.8.16 \(D\) \(3\)](#) :
 - i. *Occupancy or occupy* shall mean the use of a dwelling unit or any portion thereof for living and sleeping purposes by a person acting in any of the following capacities:
 - a) as an owner of the unit;
 - b) as a tenant under an express or implied lease or sublease of the unit or of any portion thereof; or
 - c) as a guest or invitee of the owner, property manager, lessee or sublessee of the unit, **if such guest or invitee stays overnight at the unit for a total of thirty (30) or more days within any twelve-month period of time.**



3. Coordinate calls between departments to better track noise, trash, parking, nuisance abatement and over occupancy. This may include recommending a collaborative tracking system that allows departments to see all activity that has occurred (or is occurring) on a property.
4. Use civil hearings as an alternative method of enforcement. A citation under this alternative method would function as an administrative violation. Code Compliance is currently pursuing City Council's approval to build an administrative hearing process that would handle these types of citations. At this time, all code compliance cases can be heard by either the Building and Standards Commission (BSC) or the Municipal Court. The department policy at this time is to send cases involving dangerous or substandard structures to BSC, and most other cases to Municipal Court. An administrative hearing process would allow the BSC to continue focusing on infractions pertaining to dangerous and substandard structures; would allow the Municipal Court to focus on more serious crime-related offenses; and would provide a more efficient and effective process for handling property code cases.
5. Broaden code violation types that trigger repeat offender registration to include zoning.
6. Amending [Chapter 15-6-17](#) of the City Code to require a trash receptacle be screened from public view, similar to the [Chapter 25-2-893\(B\)\(7\)](#) Accessory Uses for a Principle Residential Use.
7. Developing a tracking system for trash receptacles to allow code inspectors to better identify which property is in violation by leaving their receptacles at the curb. Austin Resource Recovery is currently working on a citywide initiative to place ID chips in each new trash receptacle that would allow a handheld scanner to identify which house the receptacle was given to. A recommendation by the working group might help expedite the process.

We will continue to discuss and search best practices or ideas which would assist in helping alleviate other common problems such as parking, noise, permitting review for new construction or remodeling, etc. However, we are not yet convinced that the IPMC is the best alternative for enforcement of the common violations we investigate.



CITY OF AUSTIN
CODE
COMPLIANCE

City Council 3/20/14, Item #62: Occupancy limit for unrelated individuals in single-family zoned property.

Proposed grandfathering provisions for different residential uses:

	Within Subchapter F Boundaries
<p>DUPLEX</p> <p>Number of unrelated individuals permitted:</p> <p>6/6 → JUNE 5, 2003 3/3 → TODAY</p>	<p>4 →</p>
<p>TWO-FAMILY RESIDENTIAL</p> <p>Number of unrelated individuals permitted:</p> <p>6/6 → NOV 18, 2004 4/2 → TODAY</p>	<p>4 →</p>
<p>OTHER (conservation single family residential, single family attached residential, single family residential, small lot single family, or short term rental use)</p> <p>Number of unrelated individuals permitted:</p> <p>6 → TODAY</p>	<p>4 →</p>