



## MEMORANDUM

TO: Mayor and City Council

FROM: Rey Arellano, Assistant City Manager

DATE: August 11, 2016

SUBJECT: Review of Austin Code Department Enforcement and Compliance Functions

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The purpose of this memorandum is to report on the review of Austin Code Department enforcement and compliance functions per Resolution No. 20160616-025, which the City Council passed on June 16, 2016. The resolution directed the City Manager to examine whether efficiencies, improved customer service, or monetary savings could result from consolidating or shifting some of the City's code compliance and enforcement functions and to provide a list of services provided by the departments involved. Council asked for a report no later than August 4, 2016 so that information from the report can be part of the fiscal year 2016-2017 Budget discussions.

### Summary

Staff from the Austin Code Department (ACD) and Development Service Department (DSD) conducted a review and comparison of program, services and responsibilities. The review indicated that the primary mission of each department is unique, and as such, areas of duplication and cost savings were limited. However, opportunities for improvements are available.

This memo identifies three changes that will improve communications and sharing of knowledge and information between the two departments. These changes will be implemented by October 2016:

- Conduct selected inter-departmental training sessions
- Establish a formal Inter-Departmental Working Group
- Conduct monthly inter-departmental operational meetings

The review also identified two recommendations that will require further analysis:

- Rest Break Ordinance Enforcement
- Work without Permit or with an Expired Permit Enforcement

Further analysis by both departments is required to identify fiscal and operational opportunities and to fully identify the impact of a change in delivery of these services to the community. In addition, a portion of the Clean Community Fee pays for ACD enforcement. Changing how these programs are administered may result in reallocation of costs to a different funding source. Staff intends to complete this analysis in time for the development of the FY 2018 budget.

As requested in the resolution, a list of services provided by the DSD and ACD is provided as Attachments 1 and 2.

## Background

Under the direction of the City Manager's Office, ACD and DSD initiated the review process by identifying the appropriate staff to represent each department on the review team. The review team gathered all pertinent existing data and information including department mission and vision statements, organizational charts, FY2016 budget documents, and staff job descriptions.

The department representatives on the team independently developed a list of services that each department provides, then collectively identified similar services for further review. The team evaluated the number of potentially redundant or overlapping services and identified potential candidates for efficiencies or customer service improvements. The team also looked for opportunities to improve communication between the departments and to coordinate the training functions provided by the departments covering similar subjects. Each department representative sought and received feedback from their departments on the final recommendations. A final list of recommendations as described in this memorandum was reviewed and approved by the Assistant City Managers overseeing both departments as well as the City Manager.

While the two departments are involved in the building and construction of commercial and residential structures and provide similar services such as inspections and permitting, their roles in the processes are different.

The services that DSD provides generally occur at the front end of the development and construction process. This includes the initial points of contact and customer interaction to provide direction and to ensure the municipal code is being followed through review and inspection periods.

ACD on the other hand works with customers after a structure has been constructed, usually in the enforcement of the code through investigations. ACD also works with other matters that are not related to development; for example, ACD participates on the Public Assembly Code Enforcement (PACE) team during special events and enforces codes related to waste haulers, short term rentals, mobile home park programs, and billboard registrations.

## Recommendations that will be implemented immediately

### Conduct selected inter-departmental training

While some coordination between ACD and DSD regarding training is conducted currently, ACD and DSD will take further steps to integrate the trainings that occur in both departments. Towards this integration, on June 13, 2016, ACD and DSD entered into a Coalition Agreement to train ACD Code Officers with DSD staff on the following DSD operational functions:

1. Electronic Plan Review and Project Dox including timeline requirements.
2. Performance standard requirements of the Land Development Code and all associated Criteria Manuals.
3. Training on development related activities.
4. Training on reviews, permitting and building inspections and how to access related information in the AMANDA system.

Integrated training will commence October 2016 with International Property Maintenance Code (IPMC) Study Group.

### Establish a formal Inter-Departmental Working Group (IDWG)

Interactions between ACD, DSD, and other departments' front-line and management staff currently occur on an ad-hoc basis and generally involve specific cases. In order to better address these situations in a comprehensive manner, ACD and DSD propose to establish an Inter-Department Working Group to meet regularly to discuss these issues in a formal, structured process.

A recent pilot conducted by ACD was found to be successful in addressing specific cases requiring an integrated approach by several city departments to address emergency needs. ACD and DSD staff will establish an IDWG to improve services provided to the community. Meetings are currently held regularly with the ACD, DSD, and the Planning and Zoning Department. These meetings will be expanded to include other departments by October 2016.

### Conduct monthly inter-departmental operational meetings

In order to discuss broader community needs and coordinate existing and new programs and associated budget requirements to address those needs, ACD and DSD will establish a formal, regular meeting for department executive level staff. The departments will include ACD and DSD and the Planning and Zoning, Neighborhood Housing and Community Development, and

Health and Human Services Departments, as well as the Fire Marshal's office. The first of these meetings will occur by October 2016.

## Recommendations that require further analysis

### Rest Break Ordinance Enforcement

Per Resolution 20100729-047, The City of Austin requires that employers provide employees at commercial construction sites rest breaks of not less than 10 minutes for every four hours worked. The signage advising employees of this right is provided by DSD and employers must post it in a visible location.

Currently, ACD Officers conduct enforcement of this ordinance. This is primarily a pro-active activity in which ACD Officers visit construction sites, ensure that the signage is posted, and talk with employees about their rest breaks.

Currently, DSD inspectors visit construction sites to complete inspections for construction-related permits. It is proposed that DSD inspectors also check for the required signage. Should the inspector find a violation, notice will be given to ACD who will conduct enforcement.

The proposed change should increase the number of construction sites inspected for compliance and focus ACD Officer on enforcement activities.

### Work without Permit/Expired Permits

Most construction activity requires a construction-related permit such as a building, plumbing, or electrical permit. When a commercial or residential property owner undertakes any construction activity, they should consult with DSD who will determine which construction-related permits are necessary and then issue those permits. In some cases, mostly residential, a property owner may be unaware that a permit is required and begins construction without the appropriate permits.

ACD is responsible for determining whether a construction site has obtained all the required permits that DSD has assigned as necessary and verifying that any permits that have been obtained are still valid. This enforcement is both complaint-driven and done on a proactive basis.

When an ACD Code Officer determines that the necessary permits have not been obtained or have expired, they issue a Notice of Violation. Because ACD does not issue permits, customers are referred to DSD for further assistance. It is then the responsibility of the property owner to consult with DSD and obtain the required permits. The Notice of Violation is cleared once the permits have been obtained.

ACD and DSD propose to evaluate how this enforcement is conducted. Since ACD does not issue permits, the amount of customer service and guidance that they can provide is limited. Having

DSD inspect and enforce these types of violations would increase customer service by reducing the number of interactions with multiple departments to correct the violation. DSD should also investigate the issuance of Stop Work Orders as was the practice in previous years. This would also ensure consistency in information provided to the citizen.

This recommendation requires further study and coordination between the two departments to identify opportunities for cost savings and any possible impacts to funding sources. ACD, DSD and the Law Department will establish a process to document and share building permit related violations. As an interim step, ACD will assign a staff member to the Development Assistance Center on a rotating basis to provide customer information and to more closely interface with DSD staff.

cc: Marc A. Ott, City Manager  
Sue Edwards, Assistant City Manager  
Carl Smart, Austin Code Director  
Rodney Gonzales, Development Services Director

Attachments:

1. Austin Code Department Operations Overview
2. Development Services Department Operations Overview

# Austin Code Department Operations Overview

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## **ACD Operations Overview**

The purpose of the Case Investigation Divisions is to provide investigations and inspections of residential and commercial properties to ensure compliance with city codes to protect the health, safety, and welfare of the Austin community.

### **Services provided by the Neighborhood Investigations Teams include the following:**

- Substandard and Dangerous Structures-A home or building that is unsafe and/or threatens the safety of those around it. This can include heating and plumbing issues, lack of weatherproofing, potential structure failure, exposed electrical wiring, heavy fire damage and abandoned, open structures.
- Board and secure open and accessible structures.
- Land use, zoning and prohibited uses.
- Work Without Permit
  - In progress without the required permits.
  - Complete work without having gotten the required permits.
  - Permits that have expired without required inspections.
- Disaster response initial damage assessments-Assess flood damaged properties in accordance with City and FEMA standards.
- Unsanitary Conditions-The interior of a structure or home should be free of bugs infestations, excessive garbage, broken utilities and standing or leaking water.
- Transient camp clearing and clean-up-Work with APD and City contractors to clear and clean transient camps.
- High Weeds and Grass – Grass and weeds must be less than 12 inches tall.
- Trash and Debris-Excessive trash, brush and debris should not gather on yards or driveways.
- Education on city codes and ordinances through presentations at neighborhood association meetings, National Night Out block parties, and other special events.
- Public Assembly Code Enforcement (PACE) team during special events.
- Deer Feeding
- Wildlife Habitat
- Illegal Dumping Investigations
- Carts at Curb-Trash and recycling carts left at the curb.
- Short Term Rental Enforcement

**Services provided by the Commercial Investigations Team include the following:**

- Dangerous and Substandard Buildings-Buildings should be maintained according to IPMC, IBC, IRC, IFC, and be structurally safe. Including:
  - Plumbing
  - Electrical
  - Mechanical
  - Fire Safety
- After hours emergency response to assess dangerous conditions/damaged buildings.
- Disaster response initial damage assessments-Assess flood damaged properties in accordance with City and FEMA standards
- Board and secure open and accessible structures
- Land use, zoning and prohibited uses.
- Work Without Permit
- In progress without the required permits.
- Complete work without having gotten the required permits.
- Permits that have expired without required inspections.
- Public Assembly Code Enforcement (PACE) team during special events.
- Universal Recycling Ordinance
- Rest Break Ordinance
- Construction Recycling (C and D Ordinance)
- Concrete pours

**Services provided by the Multi-family Investigations Team include the following:**

- Dangerous and Substandard Multi-family Buildings-Buildings should be maintained according to IPMC, IBC, IRC, IFC, and be structurally safe. Including:
  - Plumbing
  - Electrical
  - Mechanical
  - Fire Safety
- After hours emergency response to assess dangerous conditions/damaged multi-family buildings.
- Board and secure open and accessible structures
- Land use, zoning and prohibited uses
- Work Without Permit
- In progress without the required permits
- Complete work without having gotten the required permits
- Permits that have expired without required inspections
- Public Assembly Code Enforcement (PACE) team during special events
- ROP – Repeat Offender Program

**Services provided by the Licensing and Registration Compliance Team includes the following:**

- Mobile Home Park Investigations
- Hotel/Motel Annual Inspection
- Billboard Enforcement
- Private Waste Hauler Enforcement
- Illegal Dumping
- Rooming and Boarding House Annual Inspections
- Bed and Breakfast Annual Inspections

**Services provided by the Public Information and Marketing Division include the following:**

The Public Information and Marketing team was established in January 2014. The team is responsible for leading departmental efforts related to: media relations, ACD branding and program identity, marketing, public awareness, community outreach, youth program, neighborhood engagement and education, internal and external communications.

Specifically, the team manages the Department's website, social media presence, volunteer program, and community outreach/case management program, Austin 3-1-1 and customer service single point of contact, emergency communications, emergency response and relocation point of contact for residents, coordination of internal and external stakeholders meetings and events.

**Services provided by the Administration and Planning Division include the following:**

**Operational Support**

- Administrative support for six teams of field officers
- Executive and management support
- Purchasing, inventory
- Repeat offender registration

**Committee and operating board support**

- Records management
- Database Training



- Public information requests
- Statistical report generation
- Billing and Liens management

## **Field Operations Training**

### *Austin Code Academy*

- Training for consistent interpretation for land use, building and property maintenance regulations, international residential codes, international building codes, and City of Austin zoning codes.
- Provides training for certification test preparation and continuing education requirements.
- Code Enforcement Officer – State of Texas Registration
- International Property Maintenance Code (IPMC) – International Code Council (ICC) certification
- International Zoning Code – International Code Council (ICC) certification
- Report Writing for Code Inspectors – International Code Council (ICC)
- CPR
- Defensive Driving
- Maintain an extensive library of resource and research materials
- Language immersion training

## **Safety, Materials Management and Fleet Services**

- Provides Code Officers and other departmental staff with the tools, equipment, safety training and support needed to work effectively and efficiently both in the field and in the office.
- Safety trainings and events are held monthly to help staff keep abreast of current safety best practices.
- Fleet Services ensures vehicles are maintained to quickly and safely respond to citizen complaints and to complete investigations and inspections in a timely manner.

## **Information Technology and Planning**

- Manages and provides support for all information systems utilized by the department.
- Researching special projects
- GIS support

- Support for electronic citations (e-citations)
- Integration of the AMANDA and 311 CSR systems

### **Services Provided by Legal Support Division:**

**Building and Standards Commission (BSC).** Support staff submits non-compliant substandard and dangerous building cases to the BSC to obtain compliance orders.

**Administrative Hearing.** Support staff submits non-compliant substandard and property nuisance cases for administrative fines.

**Municipal and District Court.** Support staff coordinates filing of citations and affidavits to initiate hearings and trials to compel compliance.

**Appeals Hearings.** Coordinate appeal hearings to the BSC and Department Director

### **Licensing:**

- Short Term Rental Licenses
- Mobile Home Park Licenses
- Hotel/Motel Annual Licenses
- Billboard Registrations
- Private Waste Hauler Licenses
- Rooming and Boarding House Licenses
- Bed and Breakfast Licenses

# Development Services Department Operations Overview

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**Development Assistance Center (DAC)** serves as the initial interface between the community and the Development Services Department (DSD). The DAC provides development consulting information and serves as the foundation for the customer preparing their land development application and City staff conducting the site review and inspection. Citizens may visit the DAC with questions and receive consulting information. The DAC also issues non-development related permits.

Services provided by the DAC include the following:

- After Hours Concrete Pouring Permit (Central Business District only)
- Board of Adjustment support
- BYOB Venue Permit - Applies to a commercial establishment that is not licensed or permitted by the TABC. Related to Chapter 4-11 of the City Code.
- Development process and regulation consulting
- Document Sales
- Electrical meter can sales
- Land Status Determination
- Mobile Retail Vending Permits
- Outdoor Music Venue Permits - For a commercial property where sound equipment is not fully enclosed by permanent, solid walls and a roof. Related to Chapter 9-2 of the City Code.
- Records Research Assistance
- Sign Permit - Required for a sign that is visible from the street right-of-way and is used for advertising. Related to Chapter 25-10 of the City Code.
- Site Plan Correction Requests
- Site Plan Exemption Requests
- Temporary Use Permit - Defined as the short-term use of a property not included in any existing site plan or certificate of occupancy. Related to Chapter 25-2-921 of the City Code.
- Temporary Event Sound Permits

- Utility consulting
- Water and Wastewater meter sales
- Zoning Verification

**Residential Plan Review** is responsible for reviewing plans for new construction, additions or interior remodeling of existing single-family, duplex or two family houses, and/or accessory buildings on one lot. Residential construction projects are reviewed for compliance with Chapter 25-2 of the Land Development Code, the 2012 International Residential Code, and Chapter 25-12, Technical Codes (local amendments).

- **Express Review.** Express permits enable walk-in customers to submit an application and receive a same-day permit provided there are no unresolved issues.
- **Certificate of Compliance Program.** Self-Certification for Certified Building Designers and Texas-licensed Architects is offered for certain qualifying projects.

**Land Use Review** is responsible for reviewing and permitting site plan and subdivision applications for compliance with Austin's development regulations.

**Commercial Plan Review** is responsible for reviewing and approving multi-family and commercial construction plans to ensure compliance with development regulations and building codes. The Commercial Plan Review Division reviews and approves commercial and multi-family plans for new construction, remodels, and revisions to approved permits, change of use and certificates of occupancy/compliance. The City follows the 2012 International Building Code and Building Technical Codes (Chapter 25-12). Reviewers include staff from the Fire Department, Austin Water Utility (Industrial Waste) and Austin/Travis County Health Department (food service businesses).

- **Quick Turn-Around (QTA).** Quick Turn-Around reviews and approvals apply to small interior commercial remodels, and are generally approved on the same day as presented.
- **Preliminary Plan Review Meeting Request.** These meetings allow the owner and/or owner's agent(s) to meet with staff to discuss preliminary design and/or construction issues.
- **Concurrent Reviews.** Provides a concurrent review of subdivision, site plan and commercial building plan applications.
- **Demolitions.** Partial demolition applications for commercial buildings go through the regular plan review submittal process with Commercial Plan Review. DSD works with

PAZ regarding complete demolition of an entire commercial building, which must be submitted to the Historic Preservation Office.

The **Service Center** is responsible for issuing building permits and trade permits (electrical, mechanical, plumbing and irrigation), registering licensed contractors, and permit payment services.

**Commercial Site and Subdivision Inspection.** Performs inspections of site work for commercial development in the right-of-way before building construction begins.

**Environmental Inspection.** Performs inspections on permitted site plans for temporary and permanent erosion controls, storm water controls, critical environmental features, protection of trees and natural areas, landscape installation, and compliance with site plan requirements.

**Building Inspection.** Building inspection is done in several phases of the building process. The division performs construction related inspections for residential and commercial structures. Upon final inspection, a Certificate of Occupancy will be issued.

**Community Tree Program/City Arborist and the Forestry Division.** Provide citizens' services that promote trees, plan the urban forest, and enforce the tree ordinances.

**Development GIS Viewer.** GIS tool featuring views to Development, Planning, Zoning, Drainage and Floodplain information.