

**RESOLUTION NO. 20171214-066**

**WHEREAS**, the City Auditor's Office audited the City's demolition permitting process and reported its findings in the 2017 Demolition Permits Audit (Audit); and

**WHEREAS**, the Audit recommends that the demolition permitting process be redesigned to more effectively meet the needs of the City and stakeholders and to more fully account for safety risks presented by demolitions; and

**WHEREAS**, the Audit recommended that stakeholder meetings be held and the demolition permitting process be redesigned based on the outcomes of those meetings; and

**WHEREAS**, staff concurred with the Audit's recommendations and intends to develop a proposal by June of 2018; and

**WHEREAS**, the number of demolitions in Austin is rising; and

**WHEREAS**, since 2010, approved demolition permits increased an average of 13% per year and numbered a little more than 800 in fiscal year 2016; and

**WHEREAS**, in fiscal years 2015 and 2016, the City approved approximately 1,700 demolition permits; and

**WHEREAS**, current City Code does not require residential demolitions to mitigate potential health hazards by limiting public exposure to asbestos, lead, and other potential toxins or dangerous situations; and

**WHEREAS**, State law requires that property owners of certain commercial and multi-family buildings test for asbestos before demolishing the structure; and

**WHEREAS**, State law does not require property owners of residential structures to test for asbestos before demolishing the structure; and

**WHEREAS**, the National Institutes of Health's National Cancer Institute identifies negative health hazards when an activity disturbs asbestos-containing material that releases asbestos fibers into the air, and a person inhales the fibers; and

**WHEREAS**, the U.S. Department of Health and Human Services, the U.S. Environmental Protection Agency, and the International Agency for Research on Cancer all classify asbestos as a known human carcinogen; and

**WHEREAS**, the International Agency for Research on Cancer has found that asbestos causes mesothelioma and cancers of the lung, larynx, and ovary, and that asbestos exposure can also increase the risk of asbestosis, an inflammatory condition that affects the lungs and can cause shortness of breath, coughing, and permanent lung damage; and

**WHEREAS**, the Audit concluded that "the City does not appear to consider whether lead may be present when reviewing demolition permit applications"; and

**WHEREAS**, the Audit also stated that "research by DSD [the City's Development Services Department] staff indicates that San Antonio, Dallas, and Houston also do not consider lead in their demolition processes;" and

**WHEREAS**, in 2016, the City's Development Services Department identified 64,500 single-family standing structures that were built before the 1978 Consumer Product Safety Commission's ban on lead-based residential paint and considered highly likely to contain lead-based paint; and

**WHEREAS**, the World Health Organization (WHO) states that lead is a cumulative toxicant that affects multiple body systems and is particularly harmful to young children and pregnant women; and

**WHEREAS**, young children are especially vulnerable to the toxic effects of lead and can suffer permanent adverse health effects, affecting development of the brain and nervous system; and

**WHEREAS**, lead also causes long-term harm in adults, including increased risk of high blood pressure and kidney damage, and the exposure of pregnant women to high levels of lead can cause miscarriage, stillbirth, premature birth and low birth weight; and

**WHEREAS**, no known level of lead exposure is considered safe, and lead exposure is preventable; and

**WHEREAS**, demolitions can create other safety hazards if, for example, electric service is not stopped and live electrical equipment is present, or if the City does not have an opportunity to protect its infrastructure in advance of a demolition; and

**WHEREAS**, reducing the amount of waste sent to landfills is a City goal and the City Code requires diversion of construction and demolition materials for construction projects that exceed 5,000 square feet; and

**WHEREAS**, the Audit found that the current demolition permitting process is not designed to ensure that the various involved departments, like Austin Energy, Austin Water, and other appropriate departments, can determine if current tasks and requirements are met because in some cases the process gives property owners the responsibility for contacting the departments and scheduling appropriate tasks; and

**WHEREAS**, cities such as San Antonio require a city license for demolition contractors; and

**WHEREAS**, staff indicated their intent to hold stakeholder meetings to discuss a revised demolition permitting process; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council initiates code amendments relating to lead and asbestos testing and abatement during the demolition process, licensing requirements for demolitions, and other requirements that reflect staff and stakeholder recommendations.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to return those amendments to Council no later than June 2018 for approval.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to develop a proposal to redesign the demolition permitting process based on the outcomes of the stakeholder meetings.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to conduct the planned stakeholder meetings and to develop a revised demolition permitting process that achieves the following goal as set out in the Audit:

“At a minimum, the new process should ensure that:

- Appropriate reviews take place prior to demolition activities;

- Appropriate safety measures are in place prior to demolition activities;  
and
- Adequate and appropriate notice is given to interested parties.”

The revised permitting process and timeline should be designed to incorporate staff review of the City’s requirements pertaining to asbestos and lead.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to calculate the fee increases necessary to support any additional staff resources that will be required to support the Audit recommendations and direction in this resolution.

**BE IT FURTHER RESOLVED:**

The City Manager is directed to come back to Council with any recommendations regarding fees prior to the Fiscal Year 2018-2019 budget process.

**BE IT FURTHER RESOLVED:**

Notwithstanding the foregoing, and without limitation, the City Manager is also requested to provide Council with the City Manager’s best advice and recommendations concerning a demolition permit process when the City Manager reports back to Council.

**ADOPTED:** December 14, 2017

**ATTEST:**   
Jannette S. Goodall  
City Clerk