





## MEMORANDUM

TO: Mayor and City Council Members

FROM: José G. Roig, Director, Austin Code Department   
Rosie Truelove, Director, Housing and Planning Department 

DATE: April 14, 2021

SUBJECT: Update to Resolution 20210325-112 regarding 2021 Winter Storm Uri

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The purpose of this memorandum is to provide an update to Mayor and City Council related to [Resolution No. 20210325-112](#), which directs the City Manager to develop tools and resources to address health and safety violations that are a result of 2021 Winter Storm Uri, to identify funding and resources to support tenant assistance for vulnerable populations living in multi-family units experiencing hazardous living conditions as a result of disasters, and to support tenant rights. In response to the request to provide a preliminary report detailing actions taken by the City to protect renters' health and safety from the effects of Winter Storm Uri, the Austin Code Department (ACD), working in collaboration with other City departments, has compiled the following summary.

### **Austin Code Department**

Initial Emergency Response - Due to the severe impact of Winter Storm Uri, on February 15, 2021, the City Manager announced that the City of Austin would suspend normal operations and that only essential public safety employees and those responding to the winter weather emergency would conduct business. In turn, ACD temporarily halted its business operations, including routine code inspections, from February 16 through February 19, 2021. Additionally, beginning on February 15, 2021, ACD mobilized an initial emergency response team of field personnel to remain on standby, ready to address any urgent complaints reported to Austin 3-1-1 during this timeframe that would require immediate attention. Such conditions would include dangerous structural conditions and imminent life and safety threats caused by the more severe effects of the storm.

ACD Emergency Response Phase 1 - As the storm subsided, ACD mobilized Phase 1 of its strategic emergency response effort. On February 20, 2021, the department issued a communication with specific instructions to field operations staff focused on 1) addressing the backlog of 3-1-1 complaints received related to Winter Storm Uri; and 2) supporting the Emergency Operations Center (EOC) request for inspections to determine locations in the city that were without water service and to support the water distribution effort.

Beginning February 22, 2021, ACD partnered with the Austin Water Utility to respond to calls for inspections at locations citywide that had reported no water service. Inspections were prioritized for rental properties enrolled in the City's Repeat Offender Program (ROP) to quickly assess living conditions and protect Austin's vulnerable tenant populations. Once water service across the city was restored, ACD continued to respond to complaints concerning water quality issues, as well as no availability to hot water and/or no gas service. ACD organized the following efforts to support the department's mission and response to the community:

- ACD communicated with Development Services Department (DSD) Building Official to determine emergency repair and permitting protocols moving forward, consider any fees that may be required, and coordinate timelines for obtaining emergency permits. The following resource link was provided to property owners: [Texas Occupations Code - Title 8. Regulation of Environmental and Industrial Trades - 1301. Plumbers](#)
- ACD Operations assembled a targeted response team to respond over the weekend of February 20 through February 21, 2021. This team was in addition to the standard Extended Hours and Short-Term Rental weekend response teams. The purpose of the team was to answer the backlog of 3-1-1 calls related to Winter Storm Uri on a priority basis. ACD worked quickly to communicate with department and City staff to keep them informed of key information during and after the storm.
- Beginning Tuesday, February 23, 2021, ACD re-assigned 10 inspectors, in addition to support staff, to temporarily assist with the area emergency water distribution effort. This effort was based at the Travis County Exposition Center and its mission was to deliver water to ten (10) different emergency distribution centers across the city to provide water to the community.
- ACD communicated with Austin 3-1-1 intake staff to create a standardized response to code complaints received for Winter Storm Uri damages. The messaging developed was consistent with City-wide messaging and clearly defined ACD's responsibilities.
- ACD IT established a unique identifier (IWC2021) for the inclement weather conditions to be utilized in the department's case management database to track and report cases associated with Winter Storm Uri. This action was completed as of February 21, 2021.
- ACD's Community Engagement and Outreach (CEO) team quickly developed standardized messaging that was uploaded to the ACD website and provided to ACD Code Connect Line and code inspectors to communicate news and resources about the storm to the public. A Cold Weather Informational Flyer (available in both English and Spanish) was created as a resource for staff to distribute. The team collaborated with PIO teams from multiple City departments to funnel news and resources to a single, public facing website ([ATXrepairs](#)). This site features helpful information about contractors, repairs, permit assistance, code updates and more. The team also provided messaging to the City's Homeland Security and Emergency Management (HSEM) team.

ACD Emergency Response Phase 2 - Beginning Monday, February 22, 2021, ACD entered Phase 2 of its emergency response effort, which consisted of conducting initial inspections of interior units reported through the Austin 3-1-1 system. At this time, normal operating hours and inspections resumed on a priority basis and inspectors were provided specific procedures to be utilized in responding to Winter Storm Uri complaints to maintain a consistent response and in consideration of the challenges faced by homeowners and property managers in correcting the problems. After consulting with the DSD Building Official both departments agreed to delay timelines due to the extraordinary circumstances surrounding the storm. This included logistical factors and the high demand and scarcity of resources-- equipment, parts, and skilled labor which were not readily available within a normal timeframe. Notices of Violation (NOVs) were delayed pending a decrease in the challenges faced by property owners regarding the availability of contractors and supplies needed to perform repairs. Initial inspections were performed to quickly verify the resource needs (water) and assess the level of conditions requiring attention. These findings were documented by code inspectors who in turn requested affected landlords submit an Action Plan for repairs within 48 hours. Action Plans were to include repair plans, alternative accommodations for the tenants, and any resources that would be provided to tenants such as food, vouchers, or water. Key procedures outlined for inspectors to follow for Winter Storm Uri complaints include those listed below:

- Respond to Priority 2 (non-imminent/dangerous conditions) and COVID-19 cases as the top priorities.
- Respond and inspect properties in accordance with the department's ACD-103 Case Management Standards policy.
- Temporarily delay the issuance of an NOV, if an acceptable Action Plan was received from the landlord within 48 hours.
- Advise owners to contact DSD with any questions pertaining to permitting requirements for repairs, and provide the following link: <http://austintexas.gov/page/emergency-repairs>
- For **tenant-occupied** properties, tenants were advised to reach out to their landlord to request a service repair order. Cases were not to be closed until it was determined that the landlord had followed up with DSD regarding any necessary permits and the inspector had been notified. If these requirements were completed, the case could be closed.
- For complaints about accumulations of brush, trees, flooded materials placed at the curb line or other similar complaints, compliance timelines were dependent upon Austin Resource Recovery's ability to conduct additional brush and bulk pick-ups.

In total, the department answered 773 complaints related to Winter Storm Uri. As of this date, there are 157 active cases remaining with violations. A total of 272 NOVs have been issued to property owners, with 506 complaints received thru Austin 3-1-1, and 267 cases that were self-initiated by ACD inspectors based on proactive inspections.

Habitability Determination – The Code Official may make an initial determination that a structure is substandard or dangerous because the structure does not comply with the City’s Property Maintenance Code and other related technical codes. The Building Official is also authorized to determine that a structure is not structurally sound when the structure fails to comply with the Building Code, Existing Building Code, or Residential Code. After a hearing that complies with state law, the Building and Standards Commission (BSC) can decide that sufficient evidence exists that a structure is not habitable and needs to be vacated.

Tenant Advocacy Program – To provide support for Austin’s tenant population, the City has entered a contract with Texas Rio Grande Legal Aid, whose partners include Building and Strengthening Tenant Action (BASTA), a local non-profit tenants’ rights project to help Austin renters work with landlords and neighbors to improve conditions in the tenants’ homes and communities. This contract is funded through an ACD \$460,000 annual budget allocation and provided to APH for disbursement. In FY21, ACD budgeted \$250,000 for its Temporary Tenant Relocation Fund, specifically designated to temporarily assist tenants who may need to be relocated due to necessary ACD enforcement action ordered by the BSC against property owners of extremely uninhabitable or dangerous residential units. The funds are expended by the department as needed, however, to date no expenditures have been drawn from this budget. The Housing and Planning Department addresses additional resources for emergency tenant relocation below.

### **Housing and Planning Department**

Emergency Home Repair - In response to Winter Storm Uri, the Housing and Planning Department (HPD) launched an Emergency Home Repair program to assist low-income homeowners repair damages as a result of the February 2021 storm. Launched on March 1, 2021, the program provides up to \$10,000 in repairs or modifications. The funding for the program comes from multiple sources, including Austin Water Utility, General Obligation Bonds, and private philanthropy. HPD is working with seven nonprofit partners through the Austin Home Repair Coalition to complete the repairs. As of April 6, 2021, HPD has received nearly 300 applications for services. Nearly 200 applicants have already been connected to nonprofit partners to complete the repairs. Nearly 20% of applicant households reside in the 78702 zip code. Approximately one-third of applicants identify as Hispanic or Latinx and nearly 20% of applicants identify as African American or Black. Eligible households are limited to 80% of the Median Family Income (MFI) and below.

Financial Assistance Program/Short Term Housing - In response to Winter Storm Uri, HPD contracted with nonprofit El Buen Samaritano (El Buen) to provide financial assistance for low- and moderate-income tenants in Austin who have been disproportionately impacted by the storm events. El Buen is providing pre-paid debit or credit cards to 900 households. El Buen is coordinating with approximately 20 nonprofit partners to distribute \$900,000 in assistance to families to address their short-term housing needs. This assistance will be directed to households with family incomes at or below 80% of the Median Family Income (MFI). Additionally, households must have experienced a significant short-term housing need related to the impacts of Winter Storm Uri, such as lack of water, gas, or electricity for more than seven days or damage to housing that made it uninhabitable. Funding for the emergency

assistance program is the Housing Trust Fund, specifically redirected from its planned programming in order to address this emergency need. It is important to note that the department does not currently have a locally funded program or emergency fund that can be used to infuse immediate resources to address unanticipated emergencies. Thus, the department must decide what program area from which to redirect dollars in order to address the emergencies brought on by oftentimes unforeseen natural or man-made disasters. HPD replicated a model by which a nonprofit partner was identified to deploy financial assistance with funding made available by the City of Austin. This partnership model was identified because it has been used in prior recovery and relief efforts by the City with the RISE and Bridge programs. It is a model that allows the City to rapidly respond to the needs of community members. Immediately after the storm, El Buen began deploying a similar cash assistance program with private philanthropic support.

Emergency Relocation /Short Term Housing - The City of Austin has responded to emergency relocation as a result of natural disasters, such as the Onion Creek floods, as well as unsafe building conditions. HPD works collaboratively with its partners in Austin Public Health (APH) and the Office of Real Estate Services (ORES) to provide relocation services. Typically, APH provides case management services through its Crisis Intervention Team. ORES provides relocation specialists to assist with permanent relocation. In the past, HPD has provided funding for temporary housing through the Housing Trust Fund. An important aspect of relocation assistance or short-term housing financial assistance has been the triaged efforts of all three departments, working in collaboration with community nonprofits in order to identify housing options, often for families who may have multiple housing barriers. In these circumstances, other resources are required, which include housing navigators specialized in identifying housing options through established relationships with landlords. In all relocation or short-term housing assistance, it is a combined redirection of existing constrained resources, to include staff from City departments and nonprofits that can create challenges to respond to emergencies with agility and efficiency. There are multiple factors to consider when the City is asked to provide relocation assistance. These include the circumstances triggering the need, existing resources that can be easily redirected or deployed, and whether there are additional resources that can be provided through other funds or programs.

Tenant Stabilization Services/Contracts - HPD has allocated approximately \$32.4 million in tenant stabilization programs for the current fiscal year to address legal resources and funding for community-based legal services, tenants' rights clinics, and education and support around tenant rights. For most of these contracts, funding requirements dictate that program funds support households impacted by COVID-19. Persons impacted by Winter Storm Uri are eligible to apply for these funds, however, eligibility is based demonstrated financial impact by COVID-19, not Winter Storm Uri. A separate chart has been attached that indicates the Program Name, Program Purpose, Budget Allocation, Funding Source, and Vendor(s).

## **Next Steps**

ACD Emergency Response Phase 3: Legal Escalation - Once an NOV compliance timeframe has expired and a property owner has failed to make progress toward compliance, ACD may escalate non-compliant cases through the following quasi-judicial avenues for legal enforcement:

1. Administrative hearing process under City Code Chapter 2-13 (Administrative Adjudication of Violations)
2. Building and Standards Commission (BSC)
3. Municipal Court

Both the type and severity of the violation play a role in determining which route is appropriate for each case. ACD has the authority to escalate non-compliant cases to Municipal Court as an enforcement tool, by filing a Probable Cause Affidavit (PCA) with the court. However, because Municipal Court is currently not requiring defendants to attend virtual hearings and has not opened its operations to in-person hearings as of yet, this avenue would not provide any immediate consequence to a violator. If necessary and to address the remaining noncompliant cases resulting from Winter Storm Uri, ACD will request a Special Called BSC meeting to occur in late May 2021. ACD will also establish a follow-up report to be presented to the BSC, to be continued monthly until all Winter Storm Uri cases achieve compliance.

ACD Online Dashboard - Currently, there is an internal ACD dashboard that draws data from the department's case management database for tracking and documentation of Winter Storm Uri cases. This database will be integrated with the open data portal to be made available online for public access. Changes pending to the 3-1-1 dashboard will be addressed by Austin Energy in their sub-response below.

Austin 3-1-1 Online Dashboard and Call Hotline Improvements - ACD is in communication with Austin Energy and is set to meet with staff in April 2021 to discuss the necessary changes to be implemented to expand the Austin 3-1-1 online dashboard and call hotline capabilities. Recommendations and progress for this task will be revisited in our final report to Council due in June 2021.

Budgetary Needs – ACD will address the budgetary needs for all improvements in our final report due on June 2021. This will include any staffing and resource needs to be requested for Council approval.

In closing, Austin Code and the cooperating departments on this response greatly appreciate the work being done by Mayor and Council on behalf of Austin residents and tenants and we thank you for partnering with us to help keep our communities safe and livable. We appreciate the opportunity to share with you our emergency response to the community and collaboration with other entities, as we work together to address the impact of Winter Storm Uri. A comprehensive follow-up report will be issued in June 2021. In the meantime, please let us know if you have any follow up questions.

Attachment (1)

Cc: Spencer Cronk, City Manager  
CMO Executive Staff

Department Directors