

Municipal Court & Building Standards Commission

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Purpose

- **Review current** Building Standards Commission process
- **Discuss proposed** Municipal Court process
- **Staff recommendations**

Building Standards Commission

- Established in March 1999
- Nine citizen volunteers (1 per Council District and 1 at large)
- **Meet once a month**, excluding November (11 meetings)
- Issues orders and civil penalties
 - Hazardous structures
 - Substandard structures
 - Nuisance abatements
- **Operates in an environment of perpetual case backlog**
 - 260 hazardous structures
 - 592 substandard structures

Building Standards Commission

Cases Heard in FY2018

- 132 Structures
 - 116 Hazardous
 - 16 Substandard
- 46 Amendments
 - 27 Structures
 - 19 Nuisance Abatements
- 58 Nuisance Abatements
 - 51 Residential
 - 7 Commercial
- Civil Penalties
 - \$116,185

Building Standards Commission Staffing

- 9 Citizen Volunteers
- 1 Assistant Director - Ex-officio Member
- 2 Attorneys - Commission and Staff
- 2 Superintendents - Buildings and Nuisance Abatement
- 2 Supervisors - Buildings and Nuisance Abatement
- 2 Senior Officers - Testify about warrants
- Multiple Code Officers - Testify about properties
- Executive Secretary
- 2 Title Investigators - Testify on title work and assist with meeting operations

Commission Differences

- **Most actions heard at Boards/Commissions are owner initiated**
 - Burden is on the owners
- **Actions at the Building Standards Commission (BSC) is City initiated**
 - Burden is on the City
 - Title Investigations
 - Notices to Appear
 - Search Warrants
 - Testimony
- Other Boards/Commissions last a few hours while the **BSC lasts 7-10 hours**

Building Standards Commission Options

- **Add additional monthly meeting for the existing Commission**
 - Volunteers dedicate two full days per month
 - Difficulty finding and retaining volunteers
 - Possible quorum issues
 - **Very costly: additional/extensive staff time required**
- **Add second Building Standards Commission**
 - Council already has difficulty finding volunteers for this Commission
 - **Very costly: additional/extensive staff time required**
- **Use the Municipal Court to supplement the Commission**
 - **Reduced staff time/Less labor intensive** - Prevents additional work load for Municipal Court
 - **Judge can issue an order or civil penalties without the owner present after proper notice of the hearing**

Municipal Court Process

- **Authority derived from Texas Local Government Code, Chapters 54 and 214**
- **Same authority as the Building Standards Commission (BSC)**
- **Same due process for residents**
- **Case heard by a Judge** instead of the Commission
- **Officers would schedule BSC cases instead of issuing citations** (initially)
- **Use of existing Court and resources reduces costs**
- **Chapter 54 of the Local Government Code lawsuits, which is a civil action seeking injunctive relief and civil penalty for various code related violations**, would be heard by Municipal Court instead of District Court or County Courts at Law

Concurrent Processes

- **Continue with the Building Standards Commission**
 - Average 17 cases per month
 - **Hazardous structures** – demolition orders
 - **Administrative civil penalties** – one time nuisance abatements
- **Add Municipal Court**
 - Average 15 cases per month
 - Substandard structures – repair orders
 - Seek civil penalties for non-compliance
 - Chapter 54 of the Local Government Code – civil action requesting injunctive relief and civil penalties for repeat/serious offenders

Staff Recommendations

Bring draft ordinance back to City Council in March for approval:

- Handle building standards cases in both the Municipal Court and the Building Standards Commission
- Allow Chapter 54 lawsuits to be conducted through Municipal Court instead of District Court and County Courts at Law
- Basic ordinance clean-up to eliminate, add and revise certain terms and definitions in accordance with State Law

Questions?

