



Legislation Text

File #: 18-0075, **Version:** 2

Ordinance No. 18-28 amending Sections 102 (Right of Entry), 105 (Appeal of Notice and Order; Hearing), 106 (Failure to Comply with Order to Abate) and 108 (Abatement; Emergency Order); creating Section 110 (Adoption of Rules and Regulations) of Article 5 (Public Health and Sanitation - Enforcement); and repealing Part 2 (Inspections and Enforcement) of Article 12 (Housing Code) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to enforcement of the Housing Code (Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Mitchel Hammes, Neighborhood Services Manager

Summary:

This ordinance is the one of three associated ordinances on the same topic.

Together, the proposed ordinances consolidate and clarify the enforcement remedies applicable to violations of the City's Housing Code, strengthen the remedies applicable to repeat and chronic repeat offenders for continued non-compliance with the City's minimum housing standards and focuses on providing improved living conditions and quality of life for tenants. The proposed ordinances also consolidate, clarify and streamline the procedures for the issuance of notice and orders for violations and the appellate process to review notice and orders as well as the assessment of re-inspection fees. By providing for a single level of administrative review, unhealthy and/or unsafe situations can be abated quickly and efficiently with a minimum level of delay while providing a necessary forum for review of enforcement actions.

This ordinance updates City Code to allow the Code Enforcement Administrator to apply for an inspection and abatement warrant in situations when an owner or occupant of a property refuses to permit entry for inspection purposes, as well as provisions to appeal emergency order and assessments of reinspection fees. The ordinance also provides for a "repeat offender" designation for owners of property who have been issued and failed to abate one or more Notice and Order to Abate a City Code violation two or more times in any six month period, or has been issued five or more Notice and Order to Abate City Code violations on separate days within a twelve month period, regardless of whether the owner abated the violations in compliance with the Notice and Order.

The ordinance also permits the Code Enforcement Administrator to assess inspection fees for the issuance of new Notice and Orders issued to repeat or chronic repeat offender, and adds provisions authorizing the Administrator to adopt written rules and regulations necessary for the proper enforcement of the provisions of Chapter 6, so long as those rules and regulations do not conflict or establish new standards for housing.

Previous Council Action:

N/A

Background:

The Neighborhood Services Division of the Planning and Community Development Department manages the City's code enforcement program. In recent years, it has become apparent that an extremely low number of residential rental properties within the City are accounting for a disproportionately high number of complaints stemming from alleged violations of minimum housing standards.

In many cases, code enforcement officers are told by tenants that the property managers have informed them that they will not address maintenance requests until City Code Enforcement is contacted. An analysis of housing complaint cases made to code enforcement between June 27, 2017 and October 21, 2017 show that eight residential rental property owners account for 48% of the total housing complaints received by Code Enforcement. There were a total of 541 housing complaints received, and 259 of those complaints were on properties owned by just eight property owners. Code Enforcement conducted 970 inspections on those 541 cases, and the same eight property owners account for 52% of the inspections conducted (501). This analysis seems to support an inference that a small number of property owners are disproportionately responsible for housing code violations throughout our city. Amending City Code in this manner strengthens the City's ability to compel property owners to promptly resolve or accommodate tenant's concerns regarding minimum housing standards.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

Standard notification is not utilized for legislative code changes, as the proposed application affects all City residents and property owners.

In February 2018, the ordinances were distributed to a group of interested stakeholders, including Homeward Pikes Peak, the Colorado Springs Housing Authority, Greccio Housing, the Apartment Association of Southern Colorado, El Paso County Public Health, the Council of Neighbors and Organizations, and other subject matter experts. Council staff received feedback from a number of stakeholders, and their feedback was considered in the presentation of the three associated ordinances.

Alternatives:

City Council could approve the ordinance as presented, modify the ordinances, or refer the matter back to the City staff for further consideration.

Proposed Motion:

Approve the ordinance as presented.

An ordinance amending provisions of City Code relating to enforcement of the housing code.