

**Issue: Residential Rental Registration Program
Austin Board of Realtors Position**

Presented by:

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The Austin Board of REALTORS® (ABoR) opposes a rental registration program because it is not an effective way to address the existing threats to health and safety from repeat code violators. With a vested interest in protecting property owners and tenants as well as maintaining the integrity of our profession, we advocate solutions that address real challenges to code enforcement: not enough staff to investigate complaints and conduct inspections in a timely manner, communication gaps between city service departments, and weak prosecution of repeat code violators. We recommend that the city focus resources and attention on those property owners who are not meeting code requirements.

Code enforcement staff has proven their ability to identify and contact property owners using data in existing city and county records and openly admits they often know who the “bad actors” are. Creating a rental registration database would only duplicate information in public records and place the burden of data collection on property owners and tenants. This is a misuse of city resources and disservice to both tenants and property owners who deserve real solutions that will work.

- Evidence that code enforcement is impeded by an inability to contact repeat violators is missing.
- The pilot program targets affordable housing and rental registration costs would be transferred to tenants who can afford it the least.
- A mandatory or random inspection program would be very costly and divert resources that could be otherwise be used to target problem properties.

Alternatives to Residential Rental Registration

ABoR advocates for the alternative solutions identified in the year-long rental registration stakeholder process that concluded in 2011. We support programs that target and penalize repeat code offenders and protect the rights of compliant property owners. Some of these alternative solutions are:

- Increase the performance measures of the Code Compliance Department to address the process and procedures associated with bringing violators into compliance.
- Require property owner information on utility applications if finding that information proves to be a problem for the city staff.
- Triage the needs of the city and dedicate more resources to those areas of great need through the implementation of “windshield inspections” in priority areas, as a means of proactive enforcement of the code.
- Impose utility backstop on vacant units in non-compliant structures to prevent the unit from becoming market ready and force the non-compliant owner to address outstanding violations.
- Investigate prosecution practices and increase fines for repeat code violations.
- Increase public awareness of JP authority to hear tenant/landlord cases and order repairs.
- Increase collaboration among city and county departments to utilize existing public records to obtain property owner contact information.
- Increase communication between city service departments to identify repeat code violators.
- Incentivize voluntary compliance and offer greater education on the Property Maintenance Code. Encouraging voluntary compliance is a best practice and helps reduce a “command and control” dynamic between property owners and the City.