Out of Order:

HOUSTON'S DANGEROUS APARTMENT EPIDEMIC

University of Texas School of Law
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This report was prepared for the Sunnyside Community leaders and for Texas Low Income Housing Information Service. This report reflects the research and opinions of the individual authors only and does not present an official position of the University of Texas School of Law or the University of Texas.

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Executive Summary

Houston is a city of renters, with more than 420,000 rental housing units and the third highest number of occupied apartments in the country. Many of these apartments, however, are unsafe and deteriorating. Following decades of weak building standards and feeble code enforcement, Houston is now in the midst of a dangerous apartment epidemic.

The city's dangerous apartment epidemic is fueled by hundreds of substandard apartment complexes as well as large volumes of apartments with habitually high levels of violent crime. For example, at one apartment complex in Southeast Houston, 284 major crimes were recently reported in a single year—an average of one major crime every 1.3 days. As with several other areas of the City, this part of Houston is riddled with a heavy concentration of high crime apartment complexes, harming not only the tenants of those properties but the surrounding neighbors.

Houston's low-income African-American, Hispanic, and immigrant residents bear the brunt of these dangerous apartment conditions. Dangerous apartments disproportionately impact these residents' physical and mental health and, when unaddressed, have led to catastrophic outcomes for Houston's most vulnerable tenants, including the deaths of children and adults.

When Hurricane Harvey struck in August 2017, the flooding increased both the scale and severity of dangerous apartment conditions in Houston—and, in particular, amplified the city's severe deficit of safe and affordable rental housing options for poor tenants. Prior to Harvey, Houston was already the third worst city in the country when it came to the availability of affordable housing for extremely low-income households. Now, after Harvey, these tenants are even more likely to be trapped in unsafe housing, with no access to safer housing alternatives.

For decades, city leaders have been aware of Houston's dangerous apartment epidemic, and around ten years ago, the City deployed a number of new programs and policies to address apartment safety conditions. Despite these efforts, the City's record of addressing tenant safety is grim.

In our evaluation of the City's current apartment safety programs, we found the resources invested in apartment safety to be severely inadequate. On top of that, we found the implementation of the programs to be flawed, fractured, and improperly managed. For example, some specific findings from our research include:

- The City of Houston employs only 2 health inspectors for the entire city to enforce interior health code violations—such as bug and rodent infestations, mold, and sewage leaks—in Houston's 320,000 occupied apartment units.
- Twenty-eight percent of Houston's apartment complexes do not have an active Certificate of Occupancy.
- When the City of Houston conducts comprehensive inspections of apartments, it fails to inspect for code violations in the interiors of units. Even when tenants make repeated calls to the City for help, the City rarely inspects the interiors of units. For example, at one of the properties in our study, where tenants made 58 calls in less than four years to report code violations at their complex, not a single call resulted in an inspection by the City.
- In our in-depth examination of city code enforcement records at 10 apartment complexes in the Sunnyside area, we observed case after case where tenants' pleas for help to the City fell through the cracks, and where tenants were trapped in dangerous conditions that persisted for years.

In summary, the City of Houston is operating a largely dysfunctional system for addressing tenant safety that appears to have little or no oversight by city leaders.

Fortunately, there are many opportunities to improve Houston's programs for addressing dangerous apartments. With the right leadership and commitment, Houston can do much to avert future tragedies and improve housing conditions for thousands of the city's renters.

Findings

Finding 1: Houston's Responses to Tenant Reports of Dangerous Apartment Conditions are Grossly Inadequate

- The City rarely sends inspectors out to apartments to investigate tenants' reports of unsafe apartment conditions and closes cases without ensuring the issues were addressed.
- The City responds too slowly to tenants reporting unsafe apartment conditions.
- The City fails to follow up on tenant reports of safety issues when there is an ongoing landlord-tenant dispute or the caller is not a lease-holding tenant.
- Spanish-speaking tenants reporting safety issues face longer delays.

Finding 2: Houston's Apartment Inspection Programs Contain Five Core Defects

- Houston's proactive inspections of high risk apartments for unsafe building conditions are conducted too infrequently.
- Houston's proactive inspection programs exclude many multifamily rental properties, with the result that these properties receive little or no city oversight.
- Houston's Multi-Family Habitability Division does not inspect the interiors of units during its programmatic inspections and thus fails to identify and address major health and safety issues at apartments.
- The Multi-Family Habitability Division fails to adequately monitor and enforce code violations identified in programmatic inspections.
- Houston's distribution of inspection programs across different city departments is inefficient and uncoordinated.

Finding 3: Houston's Data Systems for Addressing Dangerous Apartment Conditions Are Dysfunctional and a Major Hurdle to Effective Code Enforcement

- The design of the City's data systems hinders the City from effectively identifying and monitoring dangerous apartments or those at risk of becoming dangerous.
- The City's apartment safety data is largely inaccessible to residents and community leaders.
- The City's records on apartment conditions contains major gaps and missing data.

Finding 4: Houston Operates a Fractured, Uncoordinated Approach to Apartment Safety

- Houston's departments overseeing apartment safety do not routinely communicate with each other regarding properties they are investigating for safety issues.
- The City's 311 Service Center frequently refers reports of apartment safety issues to the wrong department; when the reports are rerouted to the correct department, the issues often fall through the cracks.
- The City's fractured oversight over sewage issues at apartment complexes is especially problematic—reports of sewage overflows and leaks are routinely misrouted and dropped by the City.

Finding 5: Houston Rarely Brings Enforcement Actions Against Repeat Offenders Who Fail to Fix Dangerous Apartment Conditions

Finding 6: Houston Fails to Recover Costs Generated by Landlords Operating Problem Rental Properties,Passing the Cost Burden onto Taxpayers

Finding 7: Houston's Tenants Face Large Barriers in Securing Safe Rental Housing

Recommendations

Recommendation 1: Provide protections and resources for tenants to address dangerous apartments.

- 1.a. Create a tenant advocacy center for Houston's renters.
- 1.b. Create a comprehensive tenant relocation program and new funding sources to help tenants who are displaced from dangerous apartments.
- 1.c Adopt a Houston anti-retaliation ordinance to enhance protections for tenants who report dangerous housing conditions from landlord retaliation; support legal aid organizations to represent tenants who are retaliated against.
- 1.d Educate tenants of their rights regarding repairs and where to seek help.

Recommendation 2: Increase resident and community access to apartment safety information and engage the community to assist with tackling problem rental properties.

- 2.a. Inform tenants of the health and safety issues identified in programmatic inspections and with more information regarding the status of their code complaints.
- 2.b. Provide accessible information about apartment inspections online.
- 2.c. Create an initiative to engage and support neighborhood associations and civic groups in tackling problem properties.
- 2.d. Produce detailed and frequently updated online reports on problem properties.

Recommendation 3: Overhaul the City of Houston's databases for health and safety violations at apartments.

Recommendation 4: Reform the City of Houston's proactive apartment inspection and registration programs.

- 4.a. Consolidate the Fire Department's and MFHD's apartment inspection programs.
- 4.b. Consolidate the Police Department's and MFHD's apartment registration programs.
- 4.c. Develop a risk assessment profile for multifamily properties in Houston and conduct more frequent and comprehensive inspections of the city's highest-risk properties.
- 4.d. Share apartment inspection findings across all city departments and government programs responsible for monitoring the health and safety of apartment complexes.
- 4.e. Shorten the time that landlords have to respond to safety issues identified in a Multi-Family Rental Building inspection and require remediation plans.
- 4.f. Amend the City's Multi-Family Rental Building inspection ordinance and the Fire Department's apartment inspection program to cover properties with four or more rental units on the same tax parcel.

Recommendation 5: Consolidate city oversight and enforcement of health and safety issues at apartment complexes.

- 5.a. Consolidate city oversight over health and safety conditions at apartments into a new Apartment Safety Division reporting directly to the Mayor.
- 5.b. Merge the Police Department's F.A.S.T. Team functions as they pertain to apartments into the Department's Apartment Enforcement Unit.

Recommendation 6: Strengthen the City's enforcement of health and safety standards at apartment complexes, especially against repeat offenders.

- 6.a. Adopt detailed standard operating procedures and performance standards for re-

sponding to health and safety issues identified in 311 reports and programmatic inspections.

- 6.b. Conduct annual assessments and periodic audits of the City's apartment safety programs.
- 6.c. Inspect health and safety issues that tenants report to 311 and issue notices of violation when issues are confirmed in the inspections.
- 6.d. Improve the City's responsiveness to 311 calls for health and safety issues at apartments.
- 6.e. Expedite issuing notices of violations and bringing enforcement actions against apartment complex owners who do not address violations.
- 6.f. Create a repeat offender program for more concentrated and collaborative intervention by city departments at the most dangerous properties in the city.
- 6.g. Create a high impact landlord program.
- 6.h. Enforce the City's apartment registration and Certificate of Occupancy requirements.

Recommendation 7: Conduct an Audit of the Police Department's Apartment Enforcement Unit and F.A.S.T. Programs to Determine Opportunities for Improvement.

Recommendation 8: Adopt cost recovery policies for problem rental properties.

- 8.a. Adopt an annual fee for properties in a new repeat offender program.
- 8.b. Increase the inspection fee for the City's Multi-Family Rental Building inspection program.
- 8.c. Assess re-inspection fees in the Multi-Family Habitability Division.
- 8.d. Assess an annual registration fee for all apartment complexes in the City.

Recommendation 9: Strengthen the Houston Housing Authority's property standards for complexes renting to tenants with Housing Choice Vouchers.

- 9.a. Adopt stronger and more detailed property standards within the Houston Housing Authority to supplement the federal Housing Quality Standards, especially for exterior conditions.
- 9.b. Create a ban list within the Houston Housing Authority barring problem properties from participating in the Housing Choice Voucher program for new tenants.

Scope and Methodology

This report analyzes Houston's epidemic of dangerous apartments and the City of Houston's programs and policies for addressing these conditions, with a focus on apartments in the Sunnyside neighborhood and adjoining neighborhoods. While the bulk of our study was completed before Hurricane Harvey hit Texas, with the widespread housing damage caused by the storm in Houston, the issues raised in this report have become even more pressing to address.

The specific questions that guided our research for the report included:

- How does the City of Houston identify dangerous conditions at apartments and, once identified, ensure the dangerous conditions are remediated?
- How does the City respond to safety issues identified by tenants via 311 and through the City's inspections of apartments?
- How are the City's inspection and enforcement records for apartments organized and how accessible are they to city staff, tenants, and community leaders?
- Which neighborhoods are most heavily impacted by dangerous apartments?
- Does the City have systems in place to allow the City, tenants, and community leaders to track the identification, monitoring, and resolution of dangerous living conditions at apartment complexes, and what do those systems look like?
- How long does it take the City to bring a property into compliance once a safety issue has been identified, and how does the City go about bringing a property into compliance?
- What new programs and reforms to existing programs could improve safety conditions in apartments?

The report concludes by recommending a series of reforms to improve apartment conditions in Houston.

This report is based on extensive research over the past 16 months, including an in-depth review and analysis of city records for apartments and other government records we obtained via Public Information Act requests, along with prior research conducted by the authors. We focused in particular on a diverse set of ten multifamily properties in and near the Sunnyside neighborhood, at the request of Sunnyside community leaders (see Table 1).

The leaders selected these properties based on concerns from tenants and neighbors about crime or the physical upkeep of the properties, or both. These properties range in condition, the size and number of units, the existence and type of federal housing subsidies, and other factors.

For the ten properties, we researched how the City of Houston identifies, records, monitors, and enforces building safety issues by attempting to gather a comprehensive inventory of city code enforcement and crime remediation records for the past five years for each of the ten properties, and in some cases longer, depending on the city program. Part of this evaluation included tracking the life cycle of tenant complaints to the City—typically through Houston 311—about the ten apartments in our study, including an assessment of whether and how the City responded to each complaint. This analysis proved much more difficult than we anticipated, given the many city departments with oversight over apartment safety and poor recordkeeping practices of several departments.

Our research was informed by interviews with city staff and other stakeholders who provided critical insights into the operation and history of the city's different programs governing apartment safety. These local experts included: Jim Clark, Chief Inspector, Fire Marshall's Office, Houston Fire Department; Nguyen Ly, Indoor Air Quality Unit, Houston Health Department; Daisy James, Bureau Chief of Pollution Control and Prevention, Houston Health Department; Former Mayor Bill White, City of Houston; Naomi Macias, Bureau Chief of Consumer Health Services, Houston Health Department; Nancy Brewer, Director, Multi-Family Habitability Pro-

gram, Houston Public Works and Engineering Department; Andy Teas, Vice President, Public Affairs, Houston Apartment Association; Nirja Alyer, Section Chief, Neighborhood Services, Houston Legal Department; Sandra Eidson, Senior Assistant City Attorney, Houston Legal Department; Stephen Urteaga, Houston Housing and Community Development Department; Officer Thurston Johnson, Apartment Enforcement Unit, Houston Police Department; Sergeant Ralph Cole, Apartment Enforcement Unit, Houston Police Department; and Lieutenant Susan Wheeler, Differential Response Team, Houston Police Department. We also met with community leaders in Sunnyside and with tenants living at the properties we studied.

Acknowledgments

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We appreciate the assistance we received from the many different City of Houston employees who spoke to us about the City's programs impacting apartment safety.

Finally, we are grateful to Fernando Castillo, Administrator of the Entrepreneurship and Community Development Clinic, for his assistance with our numerous public information requests and organizing the thousands of pages of government documents we received, and to Kathryn Kalinowski, Program Coordinator at the University of Texas School of Law, for her assistance with the graphics in the report.

Table 1
Sunnyside-Area Apartments: Focus of Study

Property Name and Address	Recent or Current Government Subsidies	Year Built	HCAD Physical Condition[1] and City of Houston Habitability Inspection Findings[2]	# of Units
Bellfort Townhomes 4410 Bellfort Street 77051		1965	• Fair • Material risk to safety (2012 and 2017); no Certificate of Occupancy	24
Bellfort Pines 8300 Canyon Street 77051	Low Income Housing Tax Credits; State of Texas Housing Trust Fund; HHA Housing Choice Vouchers	2002	• Average/normal • Not a material risk to safety (2015)	248
Crystal Springs Apartments 5900 Selinsky Road 77048	HHA Housing Choice Vouchers	1974	• Fair • Material risk to safety (2012 and 2017)	191
JABR[3] 4305 Phlox & 4306 Mallow St 77033		1950	• Very poor • Not subject to Habitability inspections	8 +
Reed Parque Townhomes 2725 Reed Road 77051	Low Income Housing Tax Credits; CDBG-DR; HHA Housing Choice Vouchers	2000	• Average/normal • Not a material risk to safety (2013)	192
Scott Plaza Apartments 9703 Scott Street 77051	Low Income Housing Tax Credits; Project-Based Section 8	1970	• Average/normal • Not a material risk to safety (2015)	150
Simmons Gardens Apartments 10225 Scott Street 77051	Low Income Housing Tax Credits; HOME; HHA Housing Choice Vouchers	1997	• Average/normal • Material risk to safety (2015)	120
Sunflower Terrace 5050 Sunflower Street 77033	Project-Based Section 8; HOME	1970	• Average/normal • Inspection report missing (2014)	161
Tierwester Village 7812 Tierwester Street 77021	HHA Housing Choice Vouchers	1950	• Poor • Not subject to Habitability inspections	118
Wesley Square 7402 Calhoun Road 77033	Project-Based Section 8	1968	• Average/normal • Not a material risk to safety (2015)	252

Sources: Harris County Appraisal District (July 2017); City of Houston Multi-Family Habitability Division; Houston Housing Authority; Houston Housing and Community Development Department

Introduction

Houston suffers from an epidemic of older, dangerous apartments in a "downward spiral of disinvestment."[4] Many of these buildings are severely dilapidated with intolerable conditions ranging from sewage pouring into units to collapsing ceilings, failing structural supports, and electrical hazards. These substandard apartments serve as magnets for crime and jeopardize the physical and mental well-being of thousands of renters.

African-American and Hispanic renters in Houston bear the brunt of these hazardous conditions. Persons of color who rent have the largest need for affordable housing, but faced with an inadequate supply of safe, affordable housing options in the Houston metro area, they are more likely to end up trapped in dangerous housing conditions. The City of Houston has laws on the books to eliminate unsafe living conditions, but these laws are widely unenforced.

Substandard Apartments in Houston

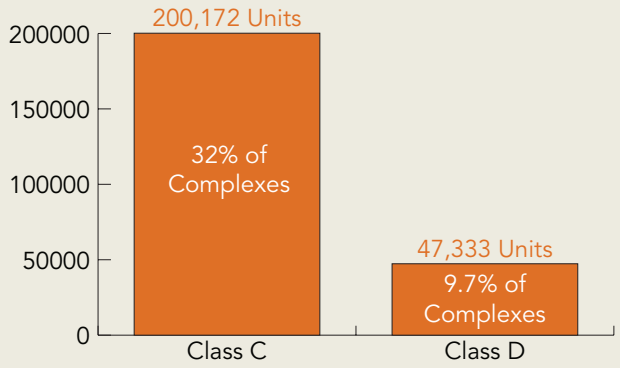
Houston is a city of renters, with 427,000 renter-occupied units—54.6 percent of the city's occupied housing stock.[5] A significant portion of this rental inventory was substandard even prior to Hurricane Harvey hitting Houston. As of 2017, prior to Harvey's devastation:

- Class D apartments—old properties in the poorest condition with lots of deferred maintenance—constituted 9.7 percent of all apartment complexes in the greater Houston area. These apartments contained 47,333 units housing potentially 100,000 tenants or more.[6]
- Class C apartments constituted another 32 percent of complexes, with 200,172 units.[7] Class C apartments are older properties with deferred maintenance issues that are at risk of deteriorating into Class D apartments without investments in major maintenance.
- 274 multifamily complexes in the city limits of Houston were in poor or unsound condition according to the appraisal district's tax records.[8]

The flooding from Hurricane Harvey intensified both the scale and severity of unsafe building conditions in Houston. According to one analysis, close to 43,000 apartment units in the Houston metro area were damaged by flooding from Harvey.[9] While a portion of these apartments will be

Figure 1

Class C and Class D Apartment Complexes in Greater Houston



Source: Transwestern, *Market Summary by Class, Houston, Texas* (June 2017)

fully repaired or torn down, experience from prior floods has proven that many units will not be adequately repaired. Tenant who live in these units face a range of safety issues, from mold and bug infestations to deterioration of structural supports and other safety issues.

The Impacts of Substandard Apartments

Many national studies have documented how substandard housing conditions impact tenants' physical and mental health.[10] Pest infestations, lead exposure, water leaks, and other poor housing conditions are associated with a wide range of injuries and illnesses—including chronic respiratory infections and lead poisoning.[11] Poor housing quality is also a strong predictor of emotional and behavioral problems in low-income children and adolescents.[12] When left unaddressed, substandard housing conditions in Houston have led to catastrophic outcomes for tenants, including death.[13]

Substandard Apartments' Impact on Tenant Health

- Children living in substandard housing are at higher risk for fire-related injuries and deaths.[14]
- Poor housing conditions, such as water leaks, poor ventilation, and pest infestations, are associated with higher rates of asthma in children.[15]
- An estimated four million emergency department visits each year in the United States are due to injuries in the home.[16] Substandard housing conditions such as exposed electrical wiring, missing smoke detectors, and unsafe staircases contribute to these visits.
- Lead poisoning in homes impacts approximately 535,000 children under the age of six in the United States. Children with lead poisoning are seven times more likely to drop out of school.[17]

In addition to substandard apartments' impacts on tenants, poor apartment conditions harm Houston's neighborhoods and economic well-being. Substandard apartments strain precious city resources by placing high demands on police, fire, code, and other city staff. Dangerous properties also suppress neighbors' property values, reducing property tax revenues.[18]

High Crime Apartments

Houston's dangerous apartment epidemic is fueled by a large volume of apartments with habitually high levels of violent crime. The Houston Police Department's Apartment Enforcement Unit tracks the crime levels at all Houston apartments, with the most dangerous properties designated "F.A.S.T.-eligible properties" and "Remedial Action properties." The Police Department bases these classifications on a formula that takes into account the volume and types of crime, the number of units, city averages, and other criteria. The formula includes Part 1 crimes, which is a category containing the most serious and dangerous crimes, including murder, rape, robbery, burglary, and aggravated assault.[19]

The Department's most recent list of F.A.S.T. and Remedial Action properties contains 138 apartment complexes, which house an estimated 55,255 residents.[20] Ranking near the top of the list, for example, is Alta Vista Apartments, an apartment complex in Southeast Houston where 284 Part 1 crimes were reported in a year—an average of one major crime reported every 1.3 days.[21]

Of the ten apartment complexes we studied in the Sunnyside area, four appear on the City's most recent F.A.S.T. list (see Table 2). Two of the ten complexes are not classified as multifamily properties by the City and are thus ineligible for the F.A.S.T. list.

Table 2 High Crime Apartments in Sunnyside Study	
Name of Apartment Complex	Ranking on the City-Wide F.A.S.T. List
Crystal Springs	#7
Sunflower Terrace	#95
Wesley Square	#121
JABR	#126

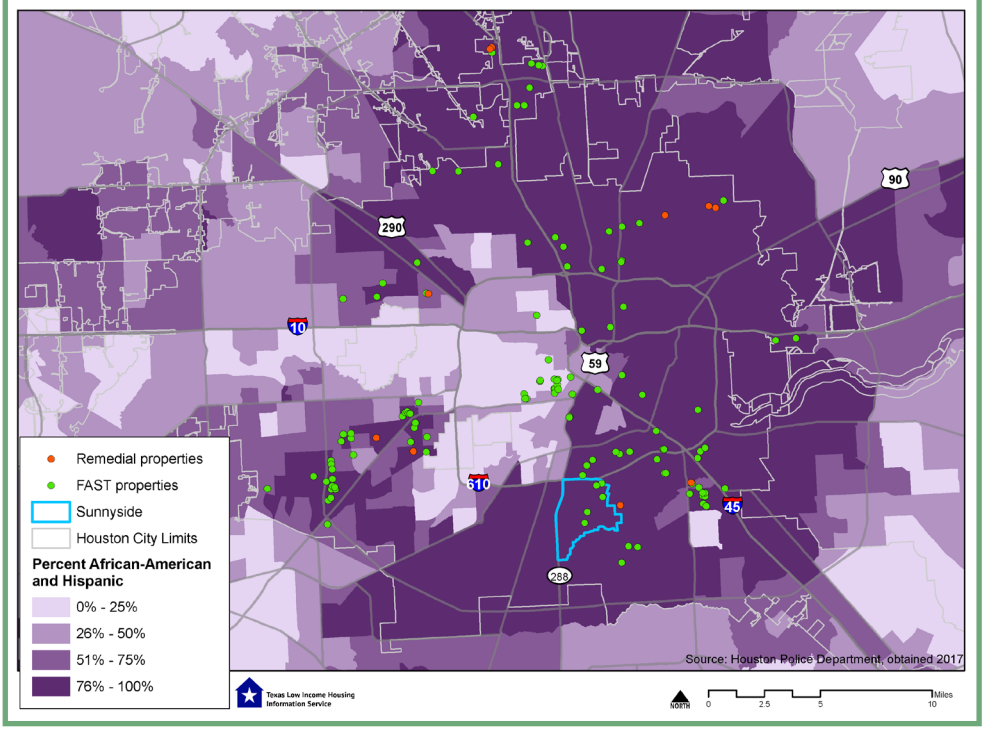
Source: Houston Police Department, Apartment Enforcement Unit, 2015-16 F.A.S.T. List

Sunflower Apartments has appeared on every F.A.S.T. list since at least 2008. Sunflower generated an average of 24 Part 1 crimes a year on the two most recent F.A.S.T. lists, an average rate of one major crime every month.[22]

When we visited tenants living at the Sunnyside-area apartments in our study, violent crime at their complex was often a top concern. One of the most moving visits we had was with a resident at Sunflower Apartments who had just gotten home from work with her three school-age children (one child proudly held her school's spelling bee trophy in hand). The resident shared how concerned she was for her children's safety from the recurring gun shots at the property. She told us that her deepest desire was to be able to move out of the property—to find a place she could afford where her children could play safely outside.

Another tenant at Sunflower with a young daughter reported that the property was "gang infested" and not safe for kids. A few months prior there had been a shoot-out in the interior courtyard of the complex. The tenant was hoping to move soon and had been searching hard for a place he could afford.

Figure 2: High Crime Apartments in Houston (2016)



The Racial Inequities of Houston's Dangerous Apartment Epidemic

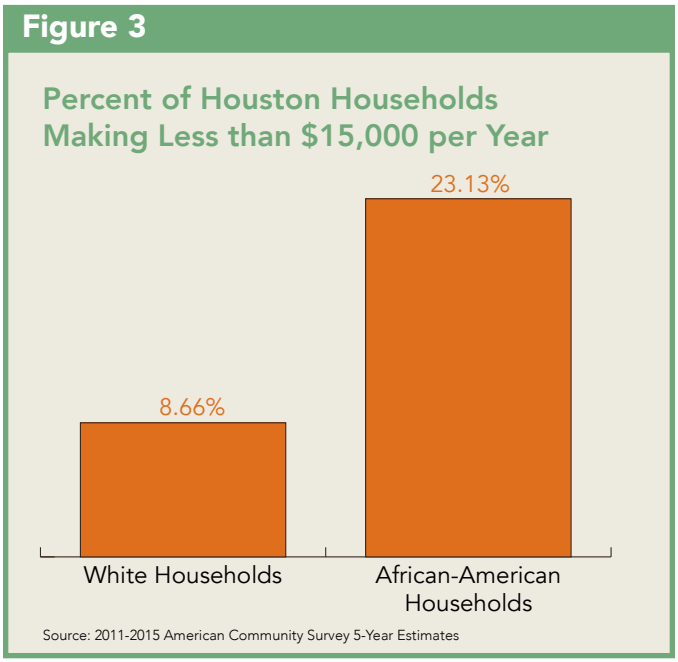
Houston's dangerous apartment epidemic hits Houston's African-American and Hispanic residents the hardest. With Houston's stark racial and ethnic income inequalities, African-American and Hispanic residents are much poorer than White residents and therefore much less likely than White residents to afford the cost of safe and decent housing. These disparities are the most pronounced for African-American households in Houston: Compared to 9 percent of White households, close to one out of four African-American households (46,908 households) in Houston make less than $15,000 a year.[23] At that income level, a family can afford a rent of $375 a month.

> "Houston is the third worst city in the country when it comes to the availability of housing that is affordable to extremely low-income households …: Only 18 affordable units are available for every 100 households in this income bracket."

Houston's inadequate supply of safe and affordable housing alternatives means that thousands of Houston renters—the vast majority of whom are African-American and Hispanic—have no housing alternatives available to them other than living in dangerous rental housing. Houston is the third worst city in the country when it comes to the availability of housing that is affordable to extremely low-income households (households making less than 30 percent of the median family income): Only 18 affordable units are available for every 100 households in this income bracket.[24]

Dangerous apartments in Houston are concentrated in neighborhoods with high percentages of African-American and Hispanic residents. As shown on the map in Figure 2, the vast majority of high crime apartments in Houston are clustered in neighborhoods with more than 75 percent African-American and Hispanic residents.[25] Apartments in poor physical condition are likewise concentrated predominantly in neighborhoods with high percentages of African-American and Hispanic residents, as shown in Figure 4 below, although not as concentrated as high-crime properties.

Figure 3



The next part of this report provides a historical backdrop to Houston's dangerous apartment epidemic. Part Two follows with an overview of Houston's numerous departments charged with overseeing apartment safety and programs for protecting tenants from dangerous living conditions. In Part Three, we analyze these programs and present an overall finding that, despite the City's

overhaul of its apartment safety programs nearly a decade ago, many aspects of these programs are flawed, improperly managed, and in need of reform. In Part Four, we lay out a series of reforms and other opportunities for addressing Houston's dangerous apartment epidemic to avert future tragedies and better protect the health and safety of Houston's tenants.

Figure 4: Multifamily Property Condition by Super Neighborhood (Pre-Harvey)

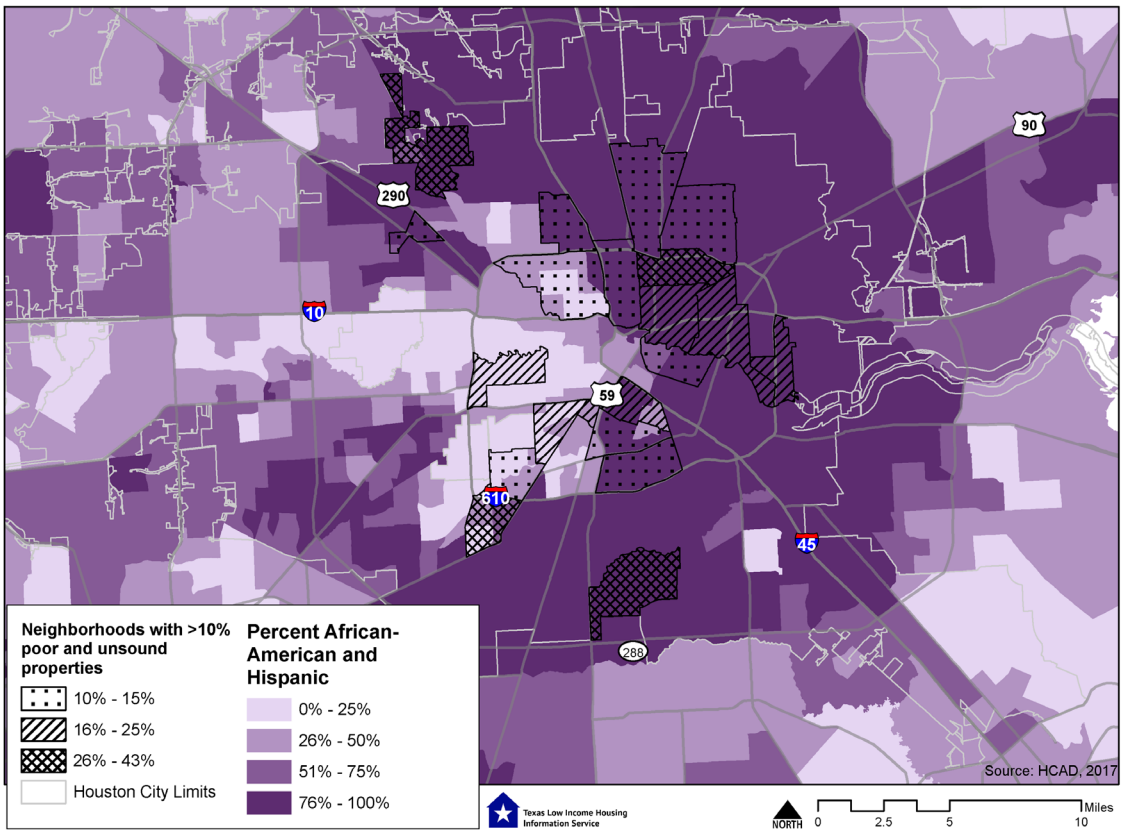


Table 3
Houston's Super Neighborhoods with the Heaviest Concentration of Apartments in Poor or Unsound Condition (Pre-Harvey)[26]

Super Neighborhood	% Properties in Poor or Unsound Condition	Neighborhood Demographics: % African-American and Hispanic
South Acres/Crestmont Park	38%	95%
Greater Inwood	37%	83%
Willow Meadows/Willowbend Area	23%	45%
Kashmere Gardens	17%	97%
University Place	16%	14%
Greater Third Ward	16%	79%

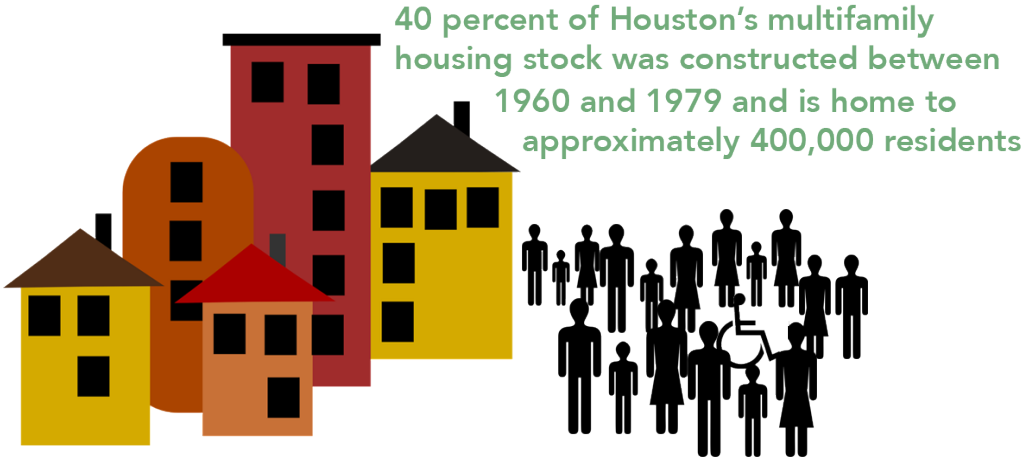
Sources: Texas Low Income Housing Information Service; Harris County Appraisal District (2017); City of Houston, *Super Neighborhoods: 2011-2015 Demographic Information*.

PART ONE: Background

Houston's Dangerous Apartment Legacy

Houston's Dangerous Apartment Legacy

Houston's dangerous apartment epidemic is a by-product of the City's multi-decade, laissez-faire approach to the regulation and enforcement of building code standards in apartment complexes. In the 1960s and 1970s, Houston went through an apartment construction boom, fueled by rapid job growth and demand for housing, easy access to financing, and lack of zoning. The apartment construction boom was coupled with weak building safety standards and weak compliance oversight by the City. As of 2014, 40 percent of Houston's multifamily housing stock (ten-plus units) was constructed between 1960 and 1979 under these weak safety standards. More than 20 percent of Houston residents—approximately 400,000 residents—live in these older apartments.[27]



In 1986, the City of Houston adopted heightened safety standards for multifamily and commercial buildings by adding a Life Safety Appendix to the Building Code. To ensure that older buildings built prior to 1986 met these safety standards, in 1991 the City required older apartment complexes with ten-plus units to obtain a life safety inspection and life safety certificate, with a deadline of January 1, 1992.

> "[A]pproximately 961 multifamily properties still do not have a Certificate of Occupancy on file with the City. Another 134 properties have inactive, expired, or missing certificates. In total, approximately 28 percent of Houston's multifamily properties do not have an active Certificate of Occupancy."

In the following years, noncompliance with these requirements was widespread. In 2008, 16 years after the City's deadline for meeting the heightened safety requirements, 64 percent of multifamily properties in the Sunnyside area had still not obtained a Certificate of Occupancy or a Life Safety Certificate establishing that the properties met the city's fire safety, structural, electrical, and plumbing standards.[28]

Noncompliance with the City's building codes remains widespread today. According to the City's data, approximately 961 multifamily properties still do not have a Certificate of Occupancy on file with the City. Another 134 properties have inactive, expired, or missing certificates. In total, approximately 28 percent of Houston's multifamily properties do not have an active Certificate of Occupancy.[29]

In 2007 and 2008, a series of tragic incidents at apartment complexes heightened public awareness of Houston's dangerous apartment epidemic and the epidemic's lethal impact. In 2007, two children were hospitalized after being shocked by an unsecured electrical transformer at Carter's

Grove Apartments. And in 2008, two children died after a stairwell at Westwood Fountain Apartments collapsed on them while they were playing hide-and-seek.

In the same year, a toddler at Vista Bonita Apartments died after accessing an algae-filled pool through an unsecured fence at the property—a property that had already been the subject of numerous unaddressed code complaints. In December 2008, a Houston Police officer was shot and killed at the Luxor Park apartment complex, the third homicide that year at the 828-unit complex riddled with high crime and deteriorated living conditions.

Carter's Grove Apartments residents must leave

ANNE MARIE KILDAY, Copyright 2007 Houston Chronicle Published 5:30 am, Tuesday, March 27, 2007

Apartments where officer died no stranger to violence

Area had 299 felonies since January 2007, including another shooting death

DANE SCHILLER , Copyright 2008 Houston Chronicle Published 6:30 am, Monday, December 8, 2008

Houston hires firm to investigate fatal stairway collapse

City hires firm to investigate fatal stairway collapse
Accident left 2 boys dead, another injured

MATT STILES, Copyright 2008 Houston Chronicle Published 5:30 am, Thursday, July 24, 2008

Errors let Houston complex where boy died delay repairs

Citations against complex were lost
Dozens of cases over apartments where toddler drowned got dismissed in '07

MATT STILES, Copyright 2008 Houston Chronicle Published 5:30 am, Thursday, October 30, 2008

These tragedies, along with the Houston Chronicle's extensive coverage reporting substandard conditions at dozens of complexes in the city, helped galvanize both the Texas Legislature and the City of Houston to take a more proactive approach towards apartment safety.[30] In 2009, the Texas Legislature passed a law requiring Houston to adopt minimum habitability standards and a mandatory inspection program for multifamily rental buildings, as well as make a "good faith effort" to help tenants displaced by apartments that were shut down because of code violations.[31] The state law, which applies only to Houston, requires that inspections of apartments be conducted under the direction of the city's building official, the fire chief, and the city's health authority.[32]

Even before the highly-publicized tragedies in 2008, Mayor Bill White prioritized addressing dangerous properties in his administration, utilizing both a carrot and stick approach. In 2006, his administration pushed forward an ordinance addressing high crime apartments, including the creation of the City's Apartment Enforcement Unit in the Police Department. By May 2008, the City had shut down 16 dangerous multifamily properties, by bringing enforcement actions against the most dangerous properties.[33]

During the White administration, the City brought on a team of 17 code inspectors to focus solely on multifamily code enforcement. Between 2006 and 2008, the City issued 2,300 citations to owners of 300 apartment buildings.[34] Meanwhile, the City of Houston contracted with a social services agency to provide housing vouchers and social services to relocate tenants displaced from the properties.

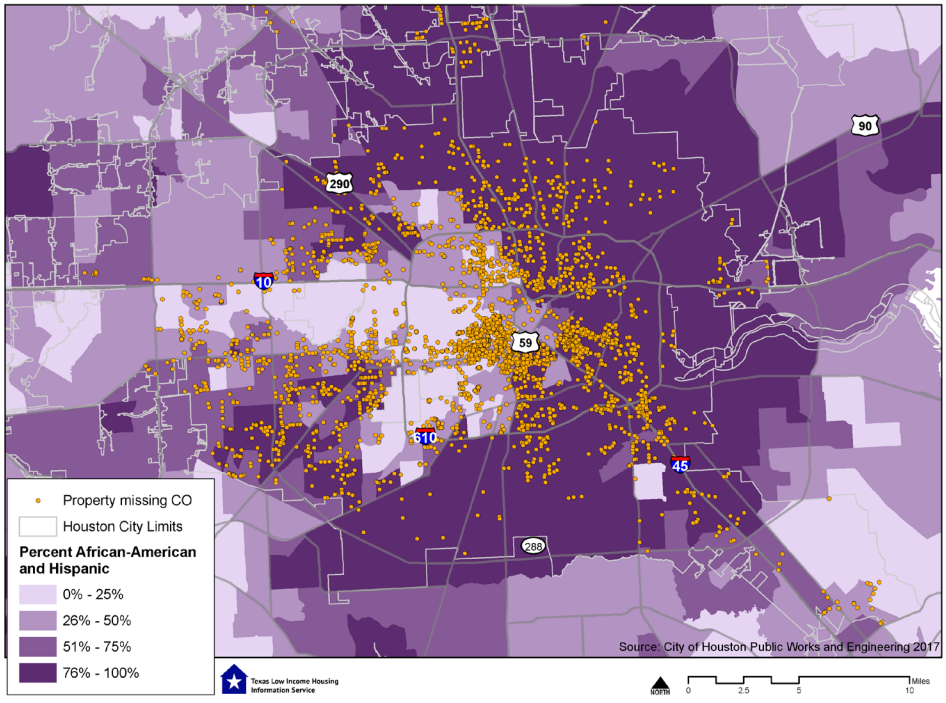
Many of the approaches that Mayor White's administration took addressed the often-intertwined issues of high crime and unsafe building conditions. For example, his administration created the Neighborhood Protection Corps as part of the Houston Police Department to take a multi-disci-

plinary approach towards prioritizing enforcement of high crime properties with the worst conditions, with cross training of police and code staff. For the highest crime properties, the city required the owners to fix up the units and reduce crime, or else the city would shut down the property via a nuisance abatement action. At least three properties were closed down under the nuisance abatement program.[35]

In 2009, the Houston City Council, responding to the new state legislative mandate, adopted the City's Multi-Family Habitability ordinance, which created a registration and inspection requirement for multifamily property owners (see Part Two for a further discussion of the program).[36] The City also created the Multi-Family Habitability Division, housed in the Public Works and Engineering Department, to oversee the registration and inspection programs.

These initiatives have led to improvements in addressing dangerous apartment conditions, including shutting down many of the worst multifamily properties in Houston. However, as discussed further in the Report, there are numerous flaws in the structure and implementation of the City's apartment safety programs. Dangerous living conditions in apartments still persist in the Sunnyside area and many other parts of Houston. These conditions will worsen—and more tragedies will occur—without reform.

Figure 5: Multifamily Properties Without a Certificate of Occupancy (July 2017)



A curbside visit to many of the Sunnyside-area multifamily properties showcases Houston's dangerous apartments epidemic. In our visits to the Sunnyside-area properties we studied, we quickly identified numerous unsafe conditions at several of the properties, from unsecured vacant buildings that were magnets for criminal activity, to missing window panes on upstairs windows and failing structural supports for porches (see pictures below). At least one of the properties does not have a Certificate of Occupancy, while the City's Multi-Family Habitability Division flagged three of the ten properties as a material risk to safety during the Division's most recent inspection of the

properties. The Police Department's Apartment Enforcement Unit has identified at least three of the properties as high crime properties.

In the following part, we provide an overview of the City of Houston's primary programs today for addressing dangerous apartments, along with the departments charged with implementing those programs.

Dangerous Conditions at Apartment Complexes in the Sunnyside Area

From top left clockwise: balcony railing at Jarmese Apartments, unsecured unit at Tierwester Village, sagging front porch roof at Bellfort Townhomes, and missing second-story window pane at Bellfort Townhomes

PART TWO: Overview

Houston's Programs for Addressing Dangerous Apartments

The City of Houston's Apartment Safety Programs

The City of Houston has dispersed its apartment safety programs across at least five city departments, as well as separate units within those departments, with overlapping and interrelated responsibilities. In addition, the Houston Housing Authority (HHA), whose board is appointed by the City's mayor, enforces safety requirements at public housing and private apartments housing tenants with HHA vouchers.

Figure 6: Houston's Apartment Safety Programs

Public Works and Engineering Department

The Multi-Family Habitability Division in the Houston Public Works and Engineering Department is responsible for enforcing the City's Multi-Family Habitability Code and ensuring that apartment buildings register with the City. More information on the Code and the registration program is below.

The Division also oversees the City's Multi-Family Rental Building (MFRB) Inspection Program, which focuses on issues pertaining to external structural, electrical, and plumbing defects at apartment buildings. The Division has a budget of close to $1.5 million. The Division's 10 inspectors perform proactive inspections through the MFRB Inspection Program as well as "reactive" inspections in response to reports of code violations from tenants through Houston 311 and other sources. More information on the inspection program is included below.

Health Department

The Houston Health Department has two separate bureaus within the Environmental Health Division that play a major role in the health and safety of apartment complexes:

- Bureau of Consumer Health Services

The Bureau is responsible for enforcing city codes related to pool safety and outdoor air and water quality, including air pollution, standing water, and external sewage overflows.

→ Indoor Air Quality Unit, Bureau of Pollution Control and Prevention

The Indoor Air Quality Unit is responsible for enforcing city codes related to indoor health issues at apartments and other buildings. The most common issues the Bureau enforces at apartment complexes include rat and insect infestations, indoor sewage overflows, and mold. Most of the Bureau's cases regarding health issues at apartment complexes arrive via tenant calls to Houston 311.

> "The Bureau has only two investigators in the entire city to enforce indoor health issues at apartment complexes."

Limited staff capacity at the Bureau is a major impediment to identifying and enforcing health code violations in apartments. The Bureau has only two investigators in the entire city to enforce indoor health issues at apartment complexes (for a long time the Bureau had only one investigator; it only recently added a second investigator).

Fire Department

The Houston Fire Department's Life Safety Bureau Apartment Team, which is part of the Fire Marshal's Office, is responsible for ensuring that apartment complexes comply with the City of Houston's fire safety laws. These laws govern a range of fire safety conditions at apartments including maintenance of smoke alarms, proper placement of fire extinguishers, and providing safe access out of an apartment in the event of a fire.

One of the Apartment Team's major responsibilities is conducting periodic inspections of apartments to identify city Fire Code violations. The Apartment Team, which also oversees fire safety at motels and hotels, has 14 inspectors.

The Team's goal is for each inspector to conduct 4 inspections of apartments per month (along with 4 inspections of motels and hotels per month), for a total of 672 apartment complexes a year—which comes out to each apartment complex being inspected about once every 6 years.[37] The Team is working to implement a new risk-based inspection program that will conduct more frequent inspections of properties deemed higher risk, based on 10 risk factors.[38]

Police Department

The Houston Police Department operates several crime prevention programs at apartment complexes, including programs that target health and safety code violations as well as other issues related to the physical condition of complexes.

→ Differential Response Teams

Differential Response Teams, or DRTs, are part of the Police Department's Special Operations Unit. Each police station in the city has a DRT, with each team ranging in size from 1 to 15 officers, depending on the size of the station. The DRTs utilize a community-based policing approach to address quality of life issues in communities, including the poor and unsafe physical condition of apartment complexes. DRTs are often involved in bringing code enforcement actions against apartment owners for multifamily habitability issues.

The DRTs receive their cases via referrals from the mayor's and council offices, Houston 311, police dispatch, and direct calls from residents. According to DRT officers, there is no formal protocol in place for when a multifamily habitability issue is referred to a DRT versus the Multi-Family Habitability Division at the Public Works and Engineering Department. The Police Department does not have any records of code enforcement actions brought by DRTs for the 10 Sunnyside-area properties we focused on in our research.

→ Apartment Enforcement Unit

The Police Department's Apartment Enforcement Unit has eight police officers who oversee implementation of a Houston ordinance governing excessive crime at apartments. The excessive crime ordinance, which was adopted in 2006, includes a requirement that all multifamily rental properties in the city with at least 10 units register with the Police Department.[39] Two officers with the Unit oversee the registration program.[40]

Table 4

Inspections at 10 Sunnyside-Area Properties by the Houston Fire Department's Life Safety Bureau (2008 to July 2017)

Apartment Complex	Date of Last Inspection	Pass or Fail	Types of Violations
Bellfort Pines	4/8/2014	Fail	Access control-gate plans; address numbers of buildings
Bellfort Townhomes	No inspection records	N/A	N/A
Crystal Springs	2/11/2016	Fail	Numerous issues including: no fire extinguishers, combustibles in vacant buildings, missing smoke detectors
JABR	Not considered multi-family so ineligible for inspection	N/A	N/A
Reed Parque Townhomes	8/25/08; inspection records unavailable	N/A	N/A
Tierwester Village Apartments	Not considered multi-family so ineligible for inspection	N/A	N/A
Scott Plaza Apartments	9/30/2014	Fail	Keybox and access gate permits, gas piping test needed, access-control gate plans
Simmons Gardens Apartments	6/20/17	Fail	Keybox and gate access permit
Sunflower Terrace Apartments	10/15/2012	Fail	Numerous issues including: not registered with MF-Habitability, missing CO, missing fire extinguishers, inadequate emergency access through security gate
Wesley Square	4/10/2014	Fail	Gas piping test, draft stops, copy of approved access-control gate plan

Source: Apartment Team, Life Safety Bureau, Houston Fire Department

A key function of the Apartment Enforcement Unit is operating the City's Remedial Action Program for apartments, utilizing national standards called Crime Prevention Through Environmental Design, or CPTED. According to the Unit's organizational chart, two police officers are assigned to the Remedial Action Program.[41]

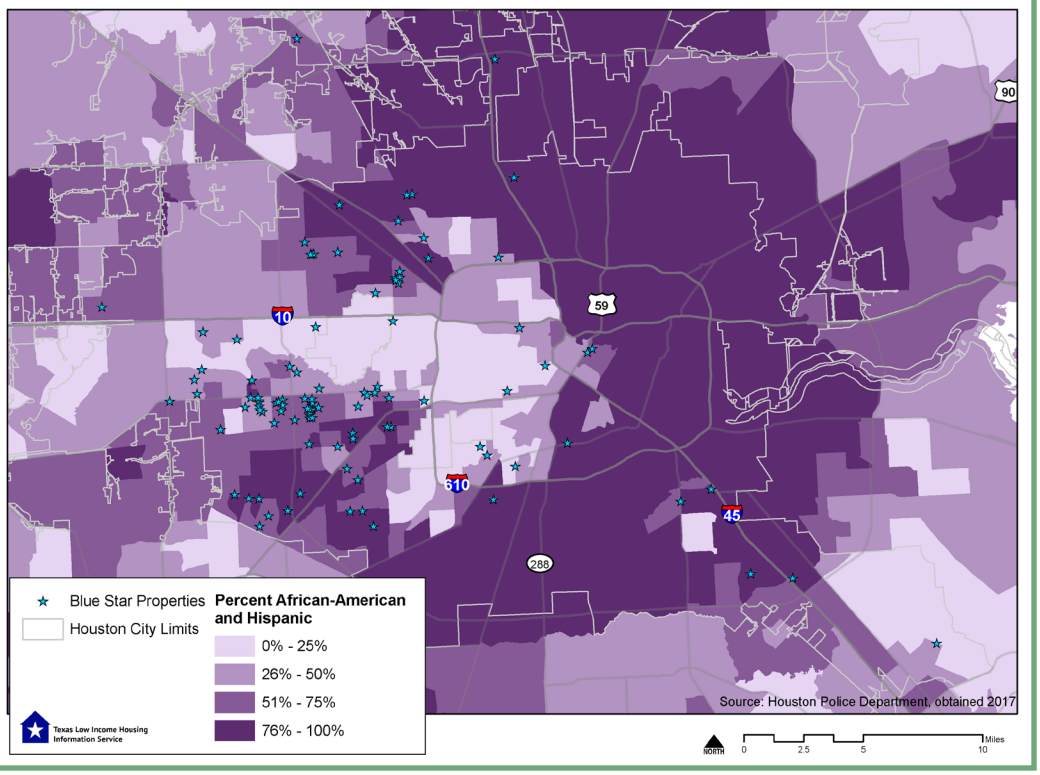
For the Remedial Action Program, approximately every two years the Apartment Enforcement Unit creates a list of high crime apartments in the city. The list is created following the requirements set forth in the city ordinance and a manual promulgated by the Department.

The high crime list is based on an annual crime risk threshold (CRT) score for each property and takes into account the types of crime, the occupancy levels, and other criteria. Apartment complexes with the highest levels of violent crime are placed either on a list of "Remedial Action" properties for the Apartment Enforcement Unit to investigate and monitor, or on a list of "F.A.S.T.-eligible properties," which are referred to the Police Department's F.A.S.T. Program in the Narcotics Unit (see below for further discussion of F.A.S.T.).

The Apartment Enforcement Unit conducts an inspection of all the properties on the Remedial Action list, applying CPTED standards and utilizing a standardized inspection form (see Appendix 1). After the inspection, the officers issue a report outlining the issues that a property owner needs to address to deter future criminal activity, including Multi-Family Habitability Code violations and other environmental issues such as adding security lighting and fixing security gates. The officers work with the property owner to create a remediation action plan, and the owner signs an agreement to follow the plan. The Apartment Enforcement Unit officers monitor and enforce compliance with the plan.

If the Apartment Enforcement Unit officers identify a multifamily habitability issue during an inspection, they sometimes issue citations, especially if the code violation is an emergency issue. They also work with the Public Works and Engineering Department on habitability issues, but according to the Unit's staff, the relationship is ad hoc. The Apartment Enforcement Unit reports that it often collaborates with DRT officers on remedial actions for high crime properties, including those not on the Remedial Action list.

Figure 7: Blue Star Apartments in Houston



The number of apartment complexes in the Unit's Remedial Action Program has plummeted in recent years. In 2011, there were 40 properties on the list, and in 2013 there were 46 properties on the list. On the most recent list, from 2016, there were only 10 properties on the list. Out of the 10 complexes we studied the Sunnyside area, Sunflower Terrace and Crystal Springs are the only apartment complexes that were in the Remedial Action Program between 2008 and 2017.

The Apartment Enforcement Unit also operates an apartment safety program called Blue Star, which is run in partnership with the Houston Apartment Association. An apartment complex is eligible to be designated as a Blue Star property after successfully completing an eight-hour training, addressing any deficiencies on the property identified in a CPTED inspection, and hosting a Safety Social for the residents. Approximately 100 apartment complexes in Houston are certified as Blue Star properties.[42] Three police officers are assigned to the Blue Star program.

The Houston Police Department's Blue Star properties are located predominantly in western Houston and in areas with a higher percentage of White residents (see Figure 7) in comparison to properties in the Department's Remedial Action Program and F.A.S.T. Program, which are located primarily in areas with very high concentrations of African-American and Hispanic residents (see Figure 2 in the Introduction).

→ Forfeiture Abatement Support Team (F.A.S.T.)

The Houston Police Department's F.A.S.T. Program, which is part of the Narcotics Unit, works in conjunction with the Houston Legal Department to address high crime properties, including apartment complexes, utilizing nuisance abatement tools. With nuisance abatement, the focus is on addressing what is driving high crime rates at a property and actions that a property owner can take to lower crime at the property. The most powerful enforcement tool available to F.A.S.T. is Chapter 125 of Texas Civil Practice and Remedies Code—the Texas nuisance abatement statute.

When a property is habitually involved in the criminal activities listed in Chapter 125 and the property owner refuses to cooperate with the Police Department to abate the criminal activity, Chapter 125 allows the Police Department to obtain a court order to shut down a property for a year.[43] The court can also appoint a receiver to manage the property. Crimes covered by Chapter 125 include murder, prostitution, gang activity, discharge of fire arms in public places, and robbery.

Usually the threat of a Chapter 125 lawsuit—and the property being shut down for a year—is sufficient to get an owner to cooperate with police to abate the criminal activity. The City rarely brings a Chapter 125 lawsuit against an apartment complex.

After the Police Department selects properties for the F.A.S.T. program, the officers conduct an inspection of each selected property and work closely with the property owner to address conditions identified in the inspection that could help lower the crime rates—if the property owner is willing to work with the officers. By focusing on the drivers of criminal activity at apartments, police officers in the F.A.S.T. program often end up focusing on code violations and the physical condition of apartment complexes.

Not every eligible property is selected by the Police Department for the F.A.S.T. Program's nuisance abatement activities. Houston's F.A.S.T. officers select properties based on available resources, using the list of F.A.S.T.-eligible properties generated bi-annually by the Apartment Enforcement Unit and an additional investigation by F.A.S.T. into the properties and crimes on the list. Houston's most recent F.A.S.T.-eligible list, from 2016, contains 128 apartment complexes. The Police Department did not complete any F.A.S.T. inspections (called property assessments) in 2016 or 2017.

Five of the ten Sunnyside-area properties in our study have appeared on one or more F.A.S.T.-eligible lists since 2010 (see Table 5). From 2008 to February 2017, the Police Department selected only two of these properties for the F.A.S.T. Program: Sunflower Terrace and Wesley Square. As of July 2017, the Houston Legal Department had not brought a Chapter 125 lawsuit against any of the six Sunnyside-area properties on the F.A.S.T.-eligible lists.

Table 5

Houston Police Department's Crime Prevention Programs at 10 Sunnyside-Area Apartment Complexes (2010-2016)

Name of Property	Was Property in Remedial Action Program?	Was Property in the F.A.S.T. Program?
Sunflower Terrace	**Yes**. 2012.	**Yes**. On the F.A.S.T.-eligible list in 2010-11 (#5), 2012-13 (#7), and 2015-16 (#95). Selected for the F.A.S.T. Program in 2008, 2010, and 2012.
Crystal Springs Apartments	**Yes**. 2011.	No. On the F.A.S.T.-eligible list in 2012-13 (#126), and 2015-16 (#7). Not selected for the F.A.S.T. Program.
Wesley Square	No.	**Yes**. On the F.A.S.T.-eligible list in 2012-13 (#24) and 2015-16 (#95). Selected for the F.A.S.T. Program in 2013.
JABR	No.	No. On the F.A.S.T.-eligible list in 2015-16 (#126). Not selected for the F.A.S.T. Program.
Scott Plaza	No.	No. On the F.A.S.T.-eligible list in 2010-11 (#69), 2012-13 (#23). Not selected for the F.A.S.T. Program.
Tierwester Village	No. Property not eligible for the Remedial Action Program because HPD does not consider the 118-unit property to be multifamily.	No. Not on the F.A.S.T.-eligible lists because HPD does not consider the 118-unit property to be multifamily.
Bellfort Pines	No.	No. Does not appear on the F.A.S.T.-eligible lists.
Simmons Gardens	No.	No. Does not appear on the F.A.S.T.-eligible lists.
Reed Parque	No.	No. Does not appear on the F.A.S.T.-eligible lists.
Bellfort Townhomes	No. Property not classified as multifamily by HPD even though the complex has 24 units in three side-by-side buildings under common ownership.	No. Property not classified as multifamily by HPD even though the complex has 24 units in three side-by-side buildings under common ownership.

Source: Apartment Enforcement Team & F.A.S.T. Unit, Houston Police Department

→ Major Offenders Division

The Police Department's Major Offenders Division oversees the investigation of several specialized areas—predominantly felony offenses—that fall outside the scope or expertise of other police divisions. The Division's scope over code violations at apartment complexes includes environmental crimes such as sewage spills, chemical spills, and illegal dumping.

Housing and Community Development Department

The Housing and Community Development Department (HCDD) conducts annual inspections of multifamily properties with eight or more units that have received federal or city funding through the Department. The apartments are inspected for compliance with one of two sets of housing standards, depending on when the City entered into a contract with the property owner: the federal government's Housing Quality Standards (for older contracts), or the City's more stringent "Minimum Property Standards" (for newer contracts). The Housing Quality Standards focus mainly on the interior conditions, while the Minimum Property Standards have added an extensive checklist of standards for the exterior premises.

After an inspection, HCDD sends a report to the owner identifying any issues that are not in compliance with the relevant standards. The owner is given 10 to 15 days to provide a plan for rectifying the issues.

HCDD also conducts inspections at the properties under its purview when it receives notices of safety issues from other city departments. However, the other departments have no official processes in place for systematically notifying HCDD of code complaints or violations at the properties.

HCDD does not have the authority to issue code citations to properties with substandard conditions. Instead, the Department enforces its property standards via the enforcement provisions in its land use restriction agreements (LURAs) with the property owners. According to HCDD staff, the Department has rarely had to respond in this manner because the properties are by and large cooperative in correcting code issues.

Of the 10 properties in our case study, two are currently subject to the annual inspections by HCDD as a result of having active LURAs with the City of Houston: Simmons Gardens Apartments and Sunflower Terrace Apartments. According to the Department's inspection records, both properties passed their most recent inspections.

Houston Housing Authority

The Houston Housing Authority (HHA) has oversight over the physical condition of close to 18,000 privately-owned rental units in Houston through the tenant-based Housing Choice Voucher Program. While the Houston Housing Authority is not part of the City of Houston, its governing board is appointed by the mayor of Houston.

The Housing Choice Voucher program, also known as the Section 8 voucher program, is a federal program that assists low-income households with the cost of housing in the private rental market. The average income of voucher holders in Houston is $12,400. Only four percent of voucher holders live in high opportunity areas of Houston—areas with access to strong schools, transportation, and jobs.[44]

Under federal law, a voucher cannot be used for a rental unit unless it meets federal Housing Quality Standards (HQS). Before a tenant can move into a rental unit, HHA inspects the unit to ensure it complies with HQS. For the inspection, HHA's inspectors utilize a checklist created by the U.S. Department of Housing and Urban Development, which is focused primarily on the interior of the tenant's unit, although the inspection also examines exterior conditions.

After a tenant moves into a unit, the Housing Authority conducts follow-up inspections of the unit at least every other year to ensure it continues to comply with HQS standards. HHA conducts special inspections of the property when the tenant, the landlord, or a third party identify a housing quality issue, and also conducts periodic quality control inspections. HHA's inspections are conducted independently from the City of Houston's various apartment inspection programs.

Table 6 Summary: City of Houston Departments Overseeing Enforcement of Apartment Safety Issues	
Name of City Department and Division	Key Roles Related to Apartment Safety
Fire Department, Fire Marshal Office, Bureau of Life Safety Apartment Team	Conducts periodic fire safety inspections and enforces fire code violations at apartment complexes.
Health Department, Bureau of Consumer Health Services	Enforces city ordinances governing pools and outdoor water quality at apartment complexes and other properties.
Health Department, Bureau of Pollution Control and Prevention	Enforces city ordinances governing mold, vermin, bedbugs, and indoor air and water quality at apartment complexes and other properties.
Housing and Community Development Department	Conducts periodic inspections and enforces habitability standards for apartments receiving local or federal funding through the City.
Legal Department	Investigates and brings Chapter 54 lawsuits for major and persistent code violations, along with nuisance abatement lawsuits against high crime apartment complexes; enforces code citations in Municipal Court.
Police Department, Apartment Enforcement Unit	Operates mandatory and voluntary crime remediation programs to lower and prevent crime at apartments by addressing the physical environment, including building code and habitability issues, following an inspection of the property. Operates a mandatory apartment registration program.
Police Department, Differential Response Team	Utilizes community-oriented and problem-oriented policing within neighborhoods to improve quality of life issues in the community, including through the enforcement of building code, health code, and fire code violations at apartments and other properties.
Police Department, Forfeiture Abatement Support Team	Operates a nuisance abatement program, in coordination with the City Attorney's office, to reduce crime at high crime apartment complexes and other properties; includes addressing building code and habitability issues that influence crime at a property.
Police Department, Major Offenders Unit	Oversees enforcement of city ordinances for major sewage spills, chemical spills, and illegal dumping at apartment complexes and other properties.
Public Works and Engineering Department, Multifamily Habitability Division	Operates a mandatory apartment registration program and conducts periodic external inspections of apartment complexes. Enforces city ordinances governing structural, plumbing, electrical, and other habitability standards at apartments.

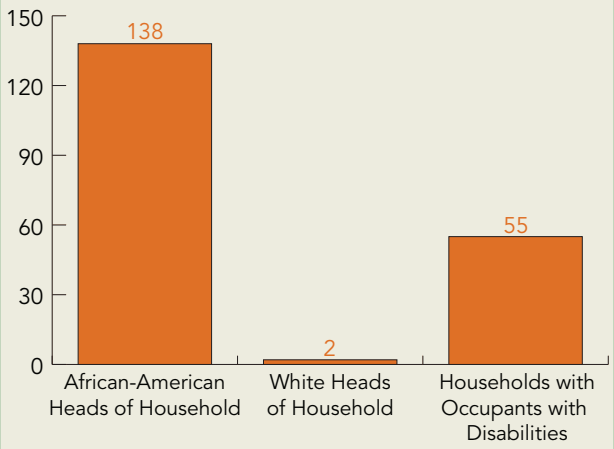
If a unit with a voucher fails an HQS inspection, the landlord has 30 days to make the repair, unless the damage was caused by the tenant or guest, and 24 hours for life threatening conditions. HHA has discretion to extend the time for compliance. If the issues are not corrected, federal law requires the Housing Authority to terminate its contract with the landlord or withhold the housing assistance paid to the landlord.

Of the 10 apartment complexes we studied in the Sunnyside area, five complexes rented a total of 140 units to tenants with HHA vouchers as of August 2016. These units and the external conditions of the complexes are thus subject to the federal Housing Quality Standards and inspections by the Housing Authority. Out of the 140 units, 138 of the heads of household were Black and two were White; 55 of the households had occupants with disabilities.

We took a closer examination of the Houston Housing Authority's inspection records for Crystal Springs Apartments from January 2015 to June 2016. The City's Multi-Family Habitability Division had identified the property as a material risk to safety during each of the Division's periodic inspections of the property, in 2012 and 2017. During that time period, tenants had also been making numerous reports of poor living conditions at the property to the City of Houston via 311 calls. We were interested in seeing whether the HHA was also identifying habitability issues and how the HHA was responding to the issues.

Figure 8

Demographics of Tenants with Vouchers at Ten Sunnyside-Area Compexes



Source: Houston Housing Authority

Table 7

Sunnyside-Area Apartments in Study with Tenant-Based Housing Choice Vouchers (August 2016)

Apartment complex	Total # vouchers at the property	% units with vouchers	Total # of persons living in voucher units (includes dependents)
Simmons Gardens	16	13%	16
Reed Parque	32	17%	88
Crystal Springs	13	7%	16
Tierwester Village	2	2%	3
Bellfort Pines	77	31%	166

Source: Houston Housing Authority

During 2015, HHA's inspection scores at Crystal Springs were mixed. While many units eventually passed inspection, many failed the initial or follow-up inspections. In some cases, external conditions that should impact the inspections of all properties resulted in a failed inspection for units, while other times they did not.

In January 2016 and again in February 2016, the Housing Authority conducted special inspections of 23 voucher units at Crystal Springs. The units failed both inspections for "general health and safety hazards and site and neighborhood conditions," including "unsecured vacant buildings."

In February 2016, the Housing Authority notified the landlord in writing that the Housing Authority was suspending the payments to the landlord for the units that failed inspection. The Housing Authority also informed the tenants that they needed to set up an appointment to secure a voucher for a new unit. As of August 2016, there were still 13 households with HHA vouchers listed as living at the property.

Case Illustration: Inspection History for Tenant "MF" with HHA Voucher at Crystal Springs Apartments

May 13, 2015: Unit fails inspection: "Building Exterior (roof damage), General Health and Safety/Evidence of Infestation (bed bugs throughout unit), General Health and Safety/Other Interior"

↓

June 8, 2015: Unit fails inspection: "Building Exterior (roof damage), General Health and Safety/Evidence of Infestation (bed bugs throughout unit), General Health and Safety/Other Interior"

↓

August 31, 2015: Unit passes inspection

↓

January 26, 2016: Unit fails special inspection: "General Health and Safety/Site and Neighborhood Conditions (unsecured vacant buildings with safety hazards)"

↓

February 19, 2016: Unit fails special inspection: "General Health and Safety/Site and Neighborhood Conditions (unsecured vacant buildings with safety hazards)"

↓

February 26, 2017: Letter sent to the landlord about the failed inspections and suspension of payments to the landlord

Houston's Multi-Family Habitability Code

The Houston City Council adopted the Multi-Family Habitability Code in 2009.[45] The Code contains three primary components aimed at ensuring the maintenance of minimum habitability standards at multifamily properties in Houston:

- mandatory registration of all multifamily properties;
- systematic exterior inspections of all multifamily properties on a rotating basis; and
- strengthened habitability standards for multifamily buildings.

Multifamily properties are defined in the ordinance as buildings with three or more units, not including units in condominium buildings, units operated by educational institutions, or units rented under certain state or federal government programs.[46] Owners are subject to fines from $500 to $2000 per day for each violation of the Multi-Family Habitability Code.

→ Multi-Family Rental Building Registration[47]

The registration component of the Multi-Family Habitability Code is overseen by the Multi-Family Habitability Division in the Public Works and Engineering Department and requires all multifamily buildings in the city to have registered with the Department by January 31, 2010.

When registering, an apartment owner is required to provide the following information: the property's physical address, the name and contact information for at least one owner of the property,

the property's appraisal district account number, the project number associated with the property's Certificate of Occupancy or Life Safety Certificate, and the number of units and buildings on the tract and a description of their uses. The ordinance requires the owner to post a copy of the completed registration form at the property. Building owners are responsible for updating their registration when ownership of the property changes hands. There is no fee for registering a property.

> "Of the estimated 4,000 to 5,000 multifamily rental properties in Houston, only around 2,500 were listed as registered in the City's database as of Fall 2016. The City of Houston has never issued a citation for a property failing to register."

Despite the mandatory nature of the registration program, non-compliance is widespread. Of the estimated 4,000 to 5,000 multifamily rental properties in Houston,[48] only around 2,500 were listed as registered in the City's database as of Fall 2016.[49] The City of Houston has never issued a citation for a property failing to register.

→ Multi-Family Rental Building Inspection Program[50]

The inspection component of the Multi-Family Habitability Code requires periodic inspections of all multifamily rental buildings in Houston to ensure compliance with the habitability standards in the Code. The Multi-Family Habitability Division conducts the Multi-Family Rental Building (MFRB) Program inspections pursuant to an inspection checklist (see Appendix 2). Only the exteriors of the properties are inspected, not the interior units.

The Code requires that the City provide at least 45-days notice to an apartment owner before conducting an MFRB inspection.[51] Each inspection is conducted with a team of two inspectors—an electrical inspector and a structural inspector. During the inspection process, the City also confirms whether the property has obtained a Certificate of Occupancy and Life Safety Certificate.

The Multi-Family Habitability Division started inspecting properties through the MFRB Program in 2010 and completed its first round of inspections in approximately five and half years. The Division is now on its second round of inspections. The Division expects it will take approximately five years to complete the second round of MFRB inspections.

The MFRB ordinance requires the City to inspect the apartment complexes in the order they appear on the City's "Multi-Family Rental Building List" (MFRB List). As required by the ordinance, the MFRB List is available on the City's website.[52]

The ordinance requires that the MFRB List enumerate the multifamily properties to be inspected in numerical order in accordance with the following priorities, with the oldest properties listed first within each group: (1) properties that are not registered; (2) properties without a Certificate of Occupancy or Life Safety Compliance Certificate, (3) properties that received one or more citations in 2009 for building code violations, and (4) all other multifamily complexes.[53] For subsequent rounds of inspections, the ordinance requires the city building official to re-inspect the buildings in the order they appear on the MFRB List.

The Multi-Family Habitability Division has completed its initial round of MFRB inspections at eight of the ten Sunnyside-area properties we studied, and a second-round inspection at one property (as of early 2017). Two of the properties we studied, JABR and Tierwester Village, are not covered by the MFRB Inspection Program. JABR does not qualify as a multifamily property under the Multi-Family Habitability Code since its units are contained in duplex buildings.[54] Tierwester Village's 116 rental units do not qualify since the units are located in single-family buildings.[55] Although Tierwester Village is not subject to the MFRB program, the Multi-Family Habitability Division completed an external inspection of the property in 2013.

The City charges properties a fee for each periodic inspection. The MFRB website lists the fee as $4 per unit with a maximum of $100 per property, along with an administrative fee of $10 per property. According to the City's 2017 fee schedule, these fees appear to have been adjusted for inflation.[56] According to the Multi-Family Habitability Division's staff, the fees collected do not come close to covering the City's costs of operating the inspection program.

Table 8

Multi-Family Rental Building Inspections of the 10 Sunnyside-Area Properties (2012 to February 2017)

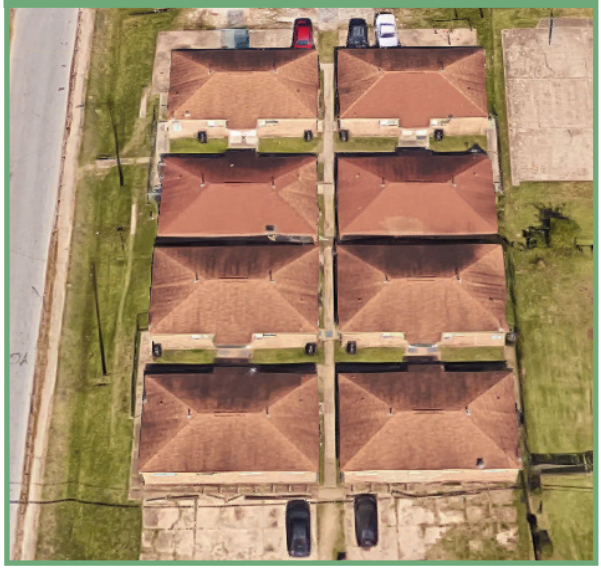
Apartment Complex	Inspection Date(s)	Material Risk to Safety of Health of Tenants?[57]	Types of Issues
Bellfort Pines	9/15/2015	No	None
Bellfort Townhomes	10/19/2012	Yes	No CO; missing permits; significant risk of structural failure, significant electrical hazard(s)
	1/23/2017	Yes	No CO, missing permits, significant risk of structural failure, significant electrical hazard(s)
Crystal Springs	1/12/2016	Yes	Missing permits; significant risk of structural failure, significant electrical hazard(s), and significant risk from plumbing violations
JABR*	None	N/A	N/A
Reed Parque Townhomes	11/20/2013	No	None
Scott Plaza	9/9/2015	No	None
Simmons Gardens	8/4/2015	Yes	Missing permits; significant risk of electrical hazard(s)
Sunflower Terrace	3/25/2014	Inspection Report missing	Structural and electrical hazards
Tierwester Village*	12/17/2013	Inspection Report unavailable[58]	Structural and electrical hazards
Wesley Square	12/12/2012	No	None

* Under the Multi-Family Habitability Code, these properties do not meet the definition of multifamily properties subject to MFRB Inspections.

Source: Houston Multi-Family Habitability Division; Public Works and Engineering Department

When the Division identifies a habitability issue in an inspection, the issue is logged in the City's ILMS permitting database, and the Division monitors the issue through the database. Before beginning repairs, an owner is required to obtain a separate building permit for each set of issues falling under a specific "building trade" (i.e., electrical, plumbing, structural). Once the permitted repairs are completed, the City's inspectors overseeing that trade are supposed to conduct a final inspection of the work to verify that the code issues have been addressed and that the work was completed in compliance with the City's codes.

JABR Apartments



→ Multi-Family Habitability Standards[59]

Houston's Multi-Family Habitability Code requires multifamily property owners to comply with the City's "habitability standards." The standards are scattered throughout many different sections of Houston's Code of Ordinances, with the core set of habitability standards contained in Sections 10-361 to 10-370 of Chapter 10. The standards consist of multiple pages of requirements relating to the health and safety of dwelling units in the city, including single family and multifamily buildings. In addition, the Multi-Family Habitability Code incorporates "all applicable provisions of the Fire Code" and the City's Life Safety Appendix, along with provisions relating to the numbering of buildings and the regulation of swimming pools and security devices. The Multi-Family Habitability Code does not specify which provisions of the Fire Code are applicable to multifamily buildings.

> "Houston's Multi-Family Habitability Code contains only 24 percent of the core public health protections recommended by the [National Center for Healthy Housing and American Public Health Association]."

Houston has not adopted the International Property Maintenance Code—a promulgated set of best practices governing the maintenance of buildings that has been adopted by many communities across the United States. In 2015, the National Center for Healthy Housing, with a grant from the U.S. Department of Housing and Urban Development, conducted an analysis comparing Houston's Multi-Family Habitability Code with the International Property Maintenance Code and National Healthy Housing Standards. The national standards were created by the Center in partnership with the American Public Health Association in 2014 to protect public health and reduce health disparities in homes. The analysis found that Houston's Multi-Family Habitability Code contains only 24 percent of the core public health protections recommended by the Center and Association and none of the "stretch" provisions of the national standards.[60]

311 Service Requests

Houston 311 is the City of Houston's main portal for responding to residents' reports of dangerous apartment conditions in their rental homes and communities. Calls for service related to dangerous apartment conditions also come in through the mayor's and city council's offices and through direct calls to city departments.

When someone calls Houston 311 to report a habitability issue at an apartment complex, 311 assigns the service request to a specific department, based on the nature of the issue. Most reports of habitability issues at apartment complexes are referred to specific units within the Public Works and Engineering Department or the Health Department. The Department that receives the service request is then tasked with investigating the issue, responding to the caller, and—when code violations are identified—providing enforcement resources to address the violations.

Additional Apartment Safety Programs

Privately-owned apartments complexes in Houston are subject to additional safety standards if they have received funding through certain federal affordable housing programs. For properties that have active Project-Based Section 8 contracts from the U.S. Department of Housing and Urban Department (HUD), federal law requires that the properties be "decent, safe, sanitary, and in good repair."[61] The federal regulations set forth more detailed requirements the properties must meet.[62] The Section 8 properties are subject to an annual physical inspection, which is conducted by an outside agency under contract with HUD.[63] Two of the Sunnyside-area properties we studied have active Project-Based Section 8 contracts.

Apartment complexes in the federal Low Income Housing Tax Credit (LIHTC) program are also subject to housing quality standards and annual inspections, which are conducted by the Texas Department of Housing and Community Affairs. Four of the ten Sunnyside-area properties we studied are in the LIHTC program and subject to these standards and inspections. See Appendix 3 for a list of all the Sunnyside-area properties in our study and the inspection programs covering them.

PART THREE: Findings

Summary of Findings

Our research identified the following key issues with the City of Houston's structure and implementation of its apartment safety programs:

1. Houston's responses to tenant reports of dangerous apartment conditions are grossly inadequate.
2. Houston's apartment inspection programs contain five core defects.
3. Houston's data systems for addressing dangerous apartment conditions are dysfunctional and a major hurdle to effective code enforcement.
4. Houston operates a fractured, uncoordinated approach to apartment safety.
5. Houston rarely brings enforcement actions against repeat offenders who fail to fix dangerous apartment conditions.
6. Houston fails to recover costs generated by landlords operating problem rental properties, passing the cost burden onto taxpayers.
7. Houston's tenants face large barriers in securing safe rental housing.

Finding 1: Houston's Responses to Tenant Reports of Dangerous Apartment Conditions Are Grossly Inadequate

Summary

One of the City's primary methods for identifying unsafe apartment conditions is through tenant calls to Houston 311, the City's non-emergency service number. In our research of the City's programs for responding to these calls in the ten Sunnyside-area properties we studied, we identified a number of serious flaws that reflect a fundamental failure by the City to respond to tenants' pleas for help and to take seriously the City's apartment safety standards. These flaws have resulted in tenants trapped for months living in hazardous conditions, despite numerous calls to the City for help. These flaws are part of a larger, dysfunctional system for addressing tenant safety—a system that appears to have had little or no oversight by city leaders.

Summary of Flaws with Houston's Responses to Tenants Reporting Unsafe Apartment Conditions

- The City rarely sends inspectors out to apartments to investigate tenants' reports of unsafe apartment conditions and closes cases without ensuring the issues were addressed.
- The City responds too slowly to tenants reporting unsafe apartment conditions.
- The City fails to follow up on tenant reports of safety issues when there is an ongoing landlord-tenant dispute or the caller is not a lease-holding tenant.
- Spanish-speaking tenants reporting safety issues face longer delays.

→ The City rarely sends inspectors out to apartments to investigate tenants' reports of health and safety issues and closes cases without ensuring the issues were addressed.

The vast majority of tenant calls to Houston 311 regarding health and safety issues at apartment complexes are referred to either the Multi-Family Habitability Division (MFHD) of the Public Works and Engineering (PWE) Department or the Environmental Health Division of the Health Department. Most tenant calls referred to the Health Department are handled by the Department's Bureau of Pollution Control and Prevention. As shown in Appendix 4, the explicit policy of both divisions is to resolve tenant reports of health and safety issues without sending inspectors.

The Multi-Family Habitability Division's policy is to first call the 311 complainant to verify the details. Only after reaching the tenant does the Division call the property manager about the problem. The Division automatically closes a case if the Division reaches the tenant's voicemail or is unable to leave a message. The Division will re-open the case only if the tenant calls back. The Division rarely makes additional attempts to reach the tenant, even when the caller identified a major safety issue. This practice violates the Division's stated policy, which is to close the case only if all parties agree that the problem has been corrected. These rapid case closures contribute to the City's systemic failure to identify and respond to safety issues at apartment complexes.

Examples of the Multi-Family Habitability Division Automatically Closing a Case After Reaching a Tenant's Voicemail or Busy Signal

- Tierwester Village: On October 25, 2014, a tenant called 311 to report: "her apartment is flooding due to a broken pipe, citizen has notified the landlord at 5:30 AM but still has office notified they were going to send someone A.S.A.P., no one has showed up…pls help the whole apartment is flooding." Three days later, on October 28, 2014, an agent with MHFD leaves a voicemail for the tenant and closes the case.
- Crystal Springs Apartments: On February 4, 2016, a tenant called 311 to report her roof caving in and water leaking from the roof and wall. On February 5, an agent with MFHD takes ownership of the case, leaves a voicemail for the tenant and closes the case.
- Bellfort Pines: On June 5, 2016, a tenant called 311 to report that her "kitchen is full of water up to the ankles. Water is flowing non-stop." The tenant also reported that she had called the apartment's answering service: "The answering service said that it is not an emergency. The water has been running non-stop since yesterday." On June 6, an agent from MFHD reached the caller's busy signal and closed the case with the note: "Agent Finished – Case Closed Unable to Contact."
- JABR: On October 20, 2014, a tenant called to report issues with broken plumbing lines, as well as mold in several rooms of the house. The plumbing problems in the restroom and kitchen had been going on since 2012; the tenant referred to a previous call about the same issues. On October 22, an agent from MFHD left a voicemail for the tenant and then closed the case.

The Bureau of Pollution Control—which is part of the Health Department and oversees vermin, mold, indoor sewage, and other indoor health issues at apartments—responds to 311 reports of apartment health issues by sending a letter to the landlord. The letter asks the landlord to provide a written response (see Appendix 5 for a sample letter). If the landlord provides a response saying the issue was addressed, the Bureau typically closes the case without any additional investigation or confirmation with the tenant as to whether the tenant's issue was resolved.

Case Illustration: Houston's Failure to Inspect Apartments After Tenants Report Serious Health and Safety Issues

From October 2012 to April 2016, tenants at Wesley Square Apartments made 58 calls to Houston 311 reporting health and safety issues at the complex that were referred to the Multi-Family Habitability Division. None of these calls resulted in an inspection by the Division. The calls included a report from a tenant on September 29, 2015, of a ceiling caving in. This case was closed two days later after an agent from the Division called the tenant, adding this note to the file: "Phone continues to ring. No voicemail picked up."

At the 10 properties we studied in the Sunnyside area, we found that the City rarely conducted inspections of health and safety issues raised by tenants in 311 complaints. The City rarely conducted inspections even when the issues presented an immediate endangerment to a tenant's health and safety, and even when numerous tenants made recurring reports regarding the same or similar

issues. As a result, systemic safety issues and code violations were often never addressed by the City. In the rare instances in which inspections were conducted, they usually occurred only after long delays and multiple tenant reports of major safety issues.

In contrast, the cities of Austin and Dallas respond to 311 calls relating to apartment safety issues by sending an investigator out to the property to investigate the issue. If a violation is confirmed, both cities issue a notice of violation.

We also identified many instances where the Health Department closed cases from 311 calls concerning health and safety issues at apartment complexes without ever confirming whether and how the issues were addressed.

Examples of the Health Department's Failure to Confirm Resolution of 311 Calls Regarding Health and Safety Issues at Apartments

- On November 9, 2015, a tenant at Tierwester Village Apartments called 311 reporting rain leaking into the tenant's unit and the ceiling caving in, along with mold. The case was referred to an agent with the Health Department on December 23, 2015. The next and last log on the case is dated January 8, 2016, with the entry: "Agent Finished—Case Closed Pending." There is no information in 311 or Department records about the issue being addressed. When we asked a supervisor if the problem was resolved, the supervisor said he could not identify what happened in this case and that the lack of information could be because "the City may have never gotten around to it."
- On December 22, 2015, a second tenant at Tierwester called 311 reporting rain leaking through a hole in the bathroom ceiling and mold in the tenant's unit from the rainwater. The next day, the call was assigned to an agent with the Health Department. The next and last log on the case is on February 20, 2016, with the entry: "Agent Finished—Case Closed Service Request Resolved." There is no information in the Department's files about whether and how the issue was addressed. A department supervisor told us he could not identify from the records whether the issue was ever resolved.

→ The City responds too slowly to tenants reporting unsafe apartment conditions.

The Multi-Family Habitability Division typically does not respond to 311 calls routed to the Division until three days after the report comes into 311. Even though the City reports that it responds more quickly to immediate health and life safety issues, we identified many instances of major health and safety issues—such as sewage leaks in units and ceilings caving in—where the City did not respond until three or more days after the 311 call came in.

The Bureau of Pollution Control's written standard operating procedure is to provide the landlord with 15 calendar days to respond to the issues listed in the letters it sends to landlords in response to 311 reports, except for "expedited matters." If the landlord does not respond in the designated time period, then an inspection "may be scheduled." The Bureau's staff told us that their policy is to give landlords 10 to 14 days to respond to issues involving sewage leaks as well as rodents, bed bugs, and mold. For "expedited" matters, an inspector is supposed to go out to the property to investigate the complaint and speak to both the tenant and management if possible. We identified many instances of major safety issues, especially sewage leaks, where long response times were common and an inspection was never conducted.

One driver of Houston's weak responses to 311 reports of safety issues is that the City does not have any standard operating procedures or work instructions for responding to specific types of tenant complaints, other than very general procedures and the procedures listed in the e-Form excerpted in Appendix 3. In contrast, both Austin and Dallas have policies dictating a quicker response time to more hazardous issues at apartments. See Table 9 for examples of Dallas's response times. The City of Dallas has created a detailed set of written procedures for how code inspectors respond to different categories of code complaints and when they should issue notices of violations and citations.[64]

Case Illustration: Long Delays in City Inspections of Sewage Issues at Tierwester Village

April 14, 2015: A tenant at Tierwester Village called 311 to report sewage backing up outside of the complex. The case is assigned to MFHD. Six days later, the Division responded with a note: "There is sewage at the parking lot. This has been going on since December that she knows of. Management said it is a City problem." The Division referred the case to the Health Department without inspecting the issue. On April 14, another tenant called 311 to report "raw sewage backing inside unit … need atten. asap please [sic]." This case is also assigned to MFHD, which calls the tenant back six days later, on April 20, 2015. After leaving a voicemail message, the agent closed the case stating "we are required to verify allegation—left voicemail to call me."

May 19, 2015: The first tenant called 311 again to report sewage: "[T]he sewage is still backing up inside and outside. Sewage and algae outside on the grounds … cannot walk out her front door without walking through it."

May 22, 2015: An agent from MFHD took ownership of the case, noted the case was mis-referred, and referred the case to the Health Department. The agent closed the case in the 311 database. On the same day, the Health Department called the property's maintenance office, which said someone was on the way to check the issue.

May 27, 2015: The Health Department finally conducted its first onsite visit to investigate the sewage issue. The Department confirmed the sewage overflow.

May 31, 2015: The Health Department closed the case and noted the sewage issues were resolved—more than six weeks after the tenant's first call to report the issue in April.

Table 9

Examples of City of Dallas Response Times for 311 Reports of Safety Issues at Multifamily Properties

Apartment Safety Issue	City Response Time	Landlord Time to Address Issue
A/C Inoperable	2 days	7 days
Heat Inoperative	3 days	7 days
Life Hazard	1 day	7 days
Open and Vacant Structure	3 days	30 days
Plumbing Violation (when not life hazard)	7 days	60 days
Electrical Violation (when not life hazard)	10 days	60 days

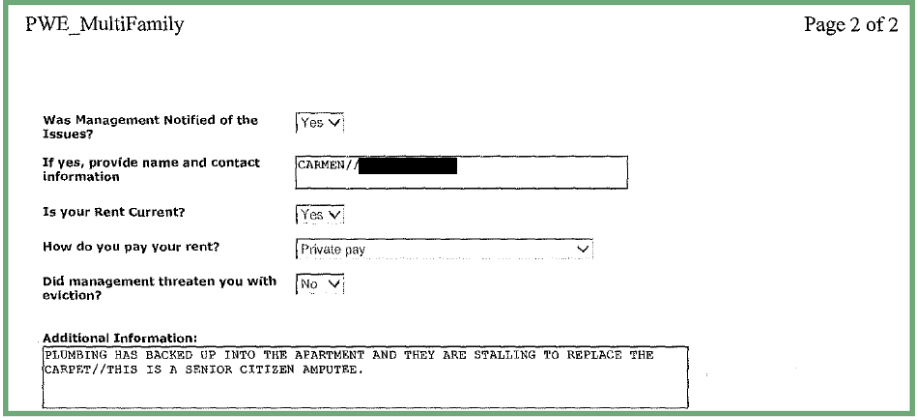
Source: City of Dallas, Neighborhood Code Compliance Work Instructions[65]

→ The City fails to follow up on tenant complaints of safety issues when there is an ongoing landlord-tenant dispute or the caller is not a lease-holding tenant.

In our investigation of the Sunnyside-area properties, we identified numerous instances where city staff would refuse to investigate an apartment safety issue if the caller making the report was not a lease-holding tenant or was attempting to make an anonymous complaint. For example, in one case a man called 311 to report bed bugs on behalf of his father, who had dementia. A city staffer with MFHD told the man that the Division had to speak to a leaseholder on the case to confirm the issue, even though the leaseholder (the father) was unable to communicate as a result of his dementia.

Tenants with on-going landlord disputes face additional barriers in obtaining assistance from the City to enforce major code violations at their apartments. We identified several instances where the Bureau of Pollution Control ceased investigating a tenant's report of safety issues when the landlord told the Bureau that an eviction lawsuit had been filed or there was an issue with unpaid rent. For calls referred to the Multi-Family Habitability Division, tenants are asked to confirm that they are current with their rent payments.

Figure 9: Excerpt from 311 Form for Cases Referred to the Multi-Family Habitability Division



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Was Management Notified of the Issues? Yes

If yes, provide name and contact information CARMEN//[redacted]

Is your Rent Current? Yes

How do you pay your rent? Private pay

Did management threaten you with eviction? No

Additional Information:

PLUMBING HAS BACKED UP INTO THE APARTMENT AND THEY ARE STALLING TO REPLACE THE CARPET//THIS IS A SENIOR CITIZEN AMPUTEE.

→ Spanish-speaking tenants reporting safety issues face longer delays.

We identified several cases in the 311 logs where Spanish-speaking tenants calling into 311 did not speak English and the caller's language was not logged into 311.[66] When the call was referred to MFHD or the Health Department for a response, the case had to be transferred to another agent, delaying the City's response to the tenant's report of serious safety issues. Although the delays we identified were typically not more than a day, any delay for major health violations such as raw sewage can take a heavy toll on a tenant and is problematic.

Example of City's Delays in Responding to Calls from Spanish-Speaking Tenants

On December 1, 2014, a tenant at Tierwester Village called 311 to report sewage backing into the tenant's apartment. The tenant reported making a call to management, but management had "done nothing" to fix the issue. The call was classified as a "Code Violation Report for Multi-Family Housing with 3 or more units" in the 311 system. Two days later, on December 3, 2014, an agent from MHFD took over the case. The Division's case notes state: "Called complainant. Spanish." The case is then transferred to another agent because the case "require[d] special attention." A new agent took over the case the following day on December 4—three days after the sewage issue was reported.

Finding 2: Houston's Apartment Inspection Programs Contain Five Core Defects

Summary

A well-run, proactive rental inspection program is one of the most important tools that cities can utilize to identify habitability issues in rental homes before they worsen, to encourage preventative maintenance, and to protect a city's most vulnerable tenants.[67] While the City of Houston has adopted several proactive inspection programs for apartments, there are several flaws with the structure and operation of these programs that hamper the City's ability to identify, strategically target, and remediate dangerous property conditions in the city. Our research identified five core defects in the City's structure and operation of its apartment inspection programs.

Summary of Defects in Houston's Apartment Inspection Programs

1. Houston's proactive inspections of high risk apartments for unsafe building conditions are conducted too infrequently.
2. Houston's proactive inspection programs exclude many multifamily rental properties, with the result that these properties receive little or no city oversight.
3. Houston's Multi-Family Habitability Division does not inspect the interiors of units during its programmatic inspections and thus fails to identify and address major health and safety issues at apartments.
4. The Multi-Family Habitability Division fails to adequately monitor and enforce code violations identified in programmatic inspections.
5. Houston's distribution of inspection programs across different city departments is inefficient and uncoordinated.

In addition to these defects, the City Auditor recently released a performance audit of the Fire Department's Life Safety Bureau. The audit identified several fundamental flaws with the operation of the Bureau's apartment inspection program.[68]

As a result of all these defects, tenants in Houston are subjected to on-going hazardous living conditions in their homes. Even when dangerous conditions and other serious compliance issues are identified in an inspection, many of the issues are not being remediated by the City, further endangering tenants' lives.

> "Houston's estimated 407,000 undocumented immigrants are particularly vulnerable to retaliation from landlords and thus even more unlikely to report safety issues."

The identification of dangerous apartment conditions in Houston remains primarily complaint-based and, even then, Houston fails to adequately inspect and otherwise follow up on complaints, as discussed above under finding one. Even in cities with well-run complaint-based code enforcement systems, studies have shown that complaint-based code enforcement systems fail to capture many properties with code violations, including those with serious and life-threatening conditions.[69] As we noted in an earlier report, many tenants will not report code issues for fear of retaliation from their landlord. Others will not report issues because they lack the technical expertise and training needed to identify many types of dangerous code issues, such as structural and fire code issues.[70]

Houston's estimated 407,000 undocumented immigrants[71] are particularly vulnerable to retaliation from landlords and thus even more unlikely to report safety issues. City staff noted that they have observed a recent drop in code violation reports from undocumented tenants, which they attributed to the recent changes in federal immigration policy.

→ Houston's proactive inspections of high risk apartments for unsafe building conditions are conducted too infrequently.

For properties that are deteriorating and chronic code offenders, the inspection cycles of the Multi-Family Habitability Division and the Life Safety Bureau are too long and out of alignment with national best practices. MFHD conducts inspections of apartment complexes approximately every five years, regardless of a property's risk for dangerous conditions.[72] Even when a property fails an inspection or has been the subject of multiple tenant complaints, it is not subject to a comprehensive inspection again until five years after the last inspection.

The Life Safety Bureau's Apartment Enforcement Unit has completed proactive inspections of only 10 percent of the city's apartment buildings over a two-year period.[73] The Unit is aiming to inspect all apartments for fire code violations on a six-year cycle.

"As a result of Houston's long inspection cycles, dangerous conditions at deteriorating apartments in Houston can remain unidentified for five-plus years."

As a result of Houston's long inspection cycles, dangerous conditions at deteriorating apartments in Houston can remain unidentified for five-plus years, jeopardizing the health and safety of tenants. In contrast, Houston's Housing and Community Development Department conducts annual inspections of properties that have active funding agreements with the City.

Other large cities, including Dallas, Boston, and Kansas City, have adopted a tiered inspection program, with non-compliant properties inspected more frequently than compliant properties.[74] The City of Dallas inspection ordinance requires inspections of all multifamily properties at least once every three years,[75] and the City is implementing a High Impact Landlord Program to inspect high-risk properties every year and medium-risk properties every two years. Dallas plans to engage in targeted, more aggressive enforcement actions against the highest risk properties. Kansas City's inspection cycle for apartments runs from two to four years, depending on the property's compliance record. The City of Fort Worth conducts inspections of multifamily buildings at least once every two years.[76] The City of Austin operates a Repeat Offender Program, where apartment complexes with multiples notices of violations or code citations are subject to frequent inspections.

Table 10
City Inspection Cycles for the Highest Risk Apartments

City	Number of Years Between Inspections
Houston	5-6 years
Dallas	3 years (1 year under new program being implemented)
Fort Worth	2 years
Kansas City	2 years

Houston's Life Safety Bureau reports that it is currently working on implementing a new risk-based inspection program under which the Bureau will inspect higher-risk properties more frequently based on a set of 10 risk factors. As of August 2017, the system was not yet automated, and the staff had not yet inputted the risk data for properties into the inspection database.

The Houston Multi-Family Habitability Division does not have a similar risk-based program for its Multi-Family Rental Building (MFRB) program and likely could not operate such a program without amendments to the City's 2009 Multi-Family Habitability ordinance, which restricts the creation of more frequent inspection cycles for problem properties. The ordinance does require the City to prioritize properties on its inspection list that have not registered or obtained a Certificate of Occupancy, as well as older properties. However, the Division's list for its second round of inspections does not meet these priorities.

→ Houston's proactive inspection programs exclude many multifamily rental properties, with the result that these properties receive little or no city oversight.

The Houston city departments that operate apartment inspection programs all work from different lists of apartments. Under Houston's Multi-Family Habitability ordinance, only multifamily rental properties with three or more units located in the same building are considered to be "multi-family" properties subject to registration and proactive inspections under the ordinance. The Fire Department's Life Safety Bureau appears to follow a similar classification for its periodic inspections of apartments but utilizes a different inspection list. These two Departments' classification of multifamily rental properties excludes properties with multiple units located in detached single-family or duplex buildings, even when the buildings are on the same tract of land and under common ownership.

Under this classification, 2 of the 10 properties we studied in Sunnyside are excluded from the Life Safety Bureau's and MFHD's inspection programs: (1) JABR, which consists of approximately 8 to 16 rental units housed in a complex of duplex buildings under common ownership; and (2) Tierwester Village, a complex of 116 rental units in single-family buildings under common ownership. The Life Safety Bureau's inspection list also excludes Bellfort Townhomes, even though that property should meet the Bureau's definition of a multifamily property.

Tierwester Village

The Police Department's Apartment Enforcement Unit excludes two of the properties we studied from its list of multifamily properties subject to the Unit's apartment registration and Remedial Action programs: Tierwester and Bellfort Townhomes. Unlike the MFHD's and Life Safety Bureau's lists, JABR is included on the Police Department's list. Coincidentally or not, three of the apartment complexes excluded from one or more of the City's inspection program—JABR, Tierwester, and Bellfort Townhomes—appear from windshield surveys to be three of the most substandard apartment communities in the Sunnyside area.

In addition to excluding properties with multiple rental units that do not meet the City's definition of "multi-family," the MFRB's and Life Safety Bureau's inspection lists appear to exclude hundreds of additional multifamily properties that are supposed to be covered by their programs, as discussed further below.

→ The Multi-Family Habitability Division does not inspect the interiors of units during its programmatic inspections and thus fails to identify and address major health and safety issues at apartments.

The Multi-Family Habitability Division's programmatic inspections examine only the exterior of apartment buildings—the interiors are excluded. As a result, the Division fails to identify many serious code violations. Plumbing issues in particular get ignored, according to staff.

In our analysis of the 10 Sunnyside-area apartment complexes, we observed multiple cases where

apartments passed the Division's programmatic inspections but tenants reported major health and safety issues in the interior premises. These interior issues included collapsing ceilings, lack of hot water, sewage issues, and rodent infestations inside the units. Additional health and safety issues were likely at the most troubled properties, given the propensity for many health and safety issues to go unreported by tenants, as discussed above.

Several Texas cities with proactive inspection programs cover unit interiors, including Austin, Dallas, and Arlington. Dallas inspects the interiors of at least 10 percent of units, with a minimum of three units, and a higher percentage of units at high-risk properties. In Arlington, the number of interior units inspected also depends on the risk level of the complex. At low-risk properties, only the exterior premises are inspected. At medium-risk properties, a portion of interior units are inspected, and at high-risk properties, all interior units are inspected.[77]

Examples of Health and Safety Issues Not Identified in the Multi-Family Habitability Division's Programmatic Inspections of Apartments

- On December 13, 2012, inspectors with MFHD performed a programmatic inspection of the exterior of Wesley Square Apartments. The complex passed inspection. In the year prior to the inspection, tenants had called 311 multiple times reporting rodent infestations, bed bugs, and a lack of hot water. In the four years after the programmatic inspection, more than 73 additional reports were made to 311 about serious health and safety issues at the property concerning the interior premises. These reports included: a ceiling caving in, bed bug infestation, rodents (including a report from a tenant who had to kill five mice a day), a tenant who had to be hospitalized because of mold, and a hole in a bathroom floor that was about to collapse.
- On September 15, 2015, MFHD performed a programmatic inspection of Bellfort Pines. Based on an examination of exterior issues, the inspectors identified no material risks to the physical safety or health of the building's tenants. In the three years prior to the inspection, tenants had called 311 to report numerous interior health and safety issues including mold (at least 10 times, with two tenants reporting headaches and other health issues resulting from the mold), water leaks, insect infestations, and sewage overflows. After the 2015 programmatic inspection, tenants continued to call 311 to report numerous interior code issues including mice infestations, electrical issues, and plumbing issues such as recurring plumbing leaks causing apartments to flood with ankle-deep water.

Table 11
Texas Cities: Interior Inspections Conducted During Programmatic Inspections of Apartments

City	Interior Inspection Conducted?
Arlington	Yes, at high risk properties.
Austin	Yes, at "repeat offender" properties.
Dallas	Yes, at all complexes, with a higher % at higher-risk properties.
Houston	No.

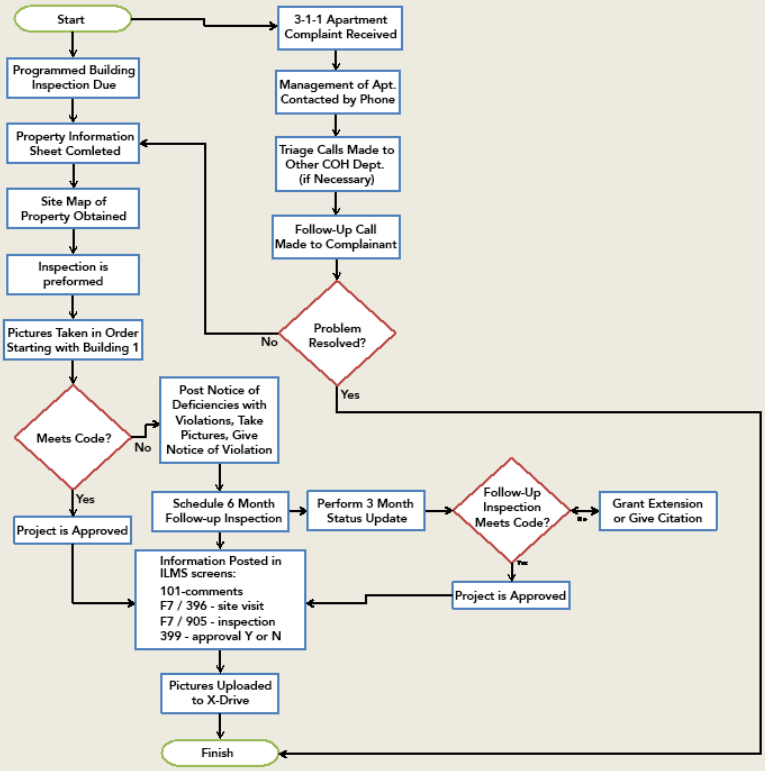
→ The Multi-Family Habitability Division fails to adequately monitor and remediate dangerous conditions identified in programmatic inspections.

After identifying safety issues during an MFRB inspection, the City's Multi-Family Habitability Division routinely waits many months before it ever follows up on the property to see whether the owner has remedied the issues or made a good faith effort to address the issues. According to the Division's standard operating procedure (SOP) for MFRB inspections (Figure 10), if safety issues are identified in the initial inspection, a follow-up visit to inspect whether the landlord addressed the safety issues is not scheduled until six months after the initial inspection. If the landlord has still not addressed the issue, the Division's SOP is to wait another three months to follow up. Only after nine months have passed from the failed inspection does the SOP provide for the City to issue a citation.

In contrast, the City of Fort Worth's procedure is require correction of the violations in 30 days.[78] The City of Dallas follows up in 30 days after a failed inspection and within 24 to 48 hours for immediate health hazards such as sewage overflows.[79]

Figure 10

Houston Multi-Family Habitability Division's Standard Operating Procedure for Multi-Family Rental Building Program Inspections



A related issue is the failure of Houston's MFHD to enforce the City's Certificate of Occupancy and Life Safety Certificate requirements. Even though inspecting for a Certificate and enforcing the City's Certificate requirements is part of the MFRB inspection program, **the Division's MFRB list still contains more than 1,000 multifamily properties in Houston—around 28 percent of Houston's multifamily housing stock—that do not have an active Certificate of Occupancy**.

As an example of the City's failure to enforce its Certificate of Occupancy requirements, in 2008 the City red tagged Bellfort Townhomes for not having a Certificate of Occupancy and gave the property 10 days to come into compliance. In both of the City's MFRB inspections of the property (in 2012 and 2017), the City issued notices again to the property owner for not having a Certificate of Occupancy. As of January 2017—close to nine years after being initially red tagged for not having a Certificate of Occupancy—Bellfort Townhomes had still not obtained the required Certificate.

Chronology of the City's Failure to Respond to Dangerous Living Conditions at Bellfort Townhomes

March 2008: The Public Works and Engineering (PWE) Department issued a red tag for the property's failure to obtain a Certificate of Occupancy (CO) and gave the property 10 days to come into compliance.

June 2008: PWE reports it was unable to reach the owner.

February-March 2009: PWE investigated the property and determined that it was occupied. In March 2009, the City made a site visit to locate the owner. The Department did not follow up again on the lack of a CO until October 2012.

October 2012: The Multi-Family Habitability Division in PWE conducted its first MFRB Inspection of Bellfort Townhomes and determined that the property was a "material risk to the physical safety or health of the building's tenants" and identified a continuing lack of a CO and Life Safety Certificate.

February 2013: PWE followed up with a visit to the property and posted a notice at the property for multiple code violations.

June 2013: PWE conducted its next follow-up visit to the property. A PWE inspector spoke with the owner, who said "he will call CJ within next two days and ask for extension." PWE records state: "if not done by then, this property is ready for citations." Three days later, PWE's records note: "Ready for Citations."

January 2014: The next contact that the Department had with the owner of Bellfort Townhomes was on January 14, 2014, when PWE told the owner to address the property's habitability issues to avoid citations. **The Division then ceased to monitor the property and did not follow up again until three years later**, in January 2017, when the property was scheduled for the Division's second round of MFRB inspections.

January 2014-December 2017: During this three-year period, tenants and nearby residents called 311 at least eight times to report sewage overflow issues at the property.

January 2017: PWE conducted its second MFRB inspection of the property. Many of the same issues identified in the first programmatic inspection in 2012 were identified in the second inspection. The City found the property to again pose a "material risk to the physical safety or health of the building's tenants." The property still did not have a CO or Life Safety Certificate. **As of March 2017, the City had not issued any citations for the code violations at this property.**

According to the head of Houston's Multi-Family Habitability Division, after the Division identified properties without a Certificate in the first round of inspections, the Division's practice was to close the property's inspection file as long as the owner submitted an application for a Certificate of Occupancy, even if the owner never successfully obtained the Certificate. The Division did not monitor the cases to ensure a Certificate was actually issued for the property.

> "[T]he Division's practice was to close the property's inspection file as long as the owner submitted an application for a Certificate of Occupancy, even if the owner never successfully obtained the Certificate."

Even more troubling are the cases where the City identifies material risks to tenants' safety in a programmatic inspection and then ceases to monitor and enforce the safety violations. In addition to failing to enforce Bellfort Townhome's failure to obtain a Certificate of Occupancy, as discussed above, the City also ceased to monitor major health and safety issues identified at the property. After flagging the property as posing a "material risk to the physical safety or health of the building's tenants," the City stopped monitoring the property for three years.

→ Houston's distribution of inspection programs across different city departments is inefficient and uncoordinated.

Houston's four city departments that conduct proactive inspections of apartments—PWE, Fire, Police, and Housing and Community Development (HCD)—run independent inspection programs with little or no inter-departmental coordination, despite the overlap of the inspections. The Housing Authority's inspections of complexes with tenant-based vouchers, and the HUD-funded inspections of project-based Section 8 properties, are likewise conducted independently from the City of Houston's inspections. After completing an inspection, the city departments do not routinely share the inspection results with each other, with the Housing Authority, or other federally-mandated inspection programs. See Appendix 4 for a list of all the inspections that each of the ten Sunnyside-area properties we studied are subject to.

This lack of coordination and information sharing hampers the City's ability to effectively identify and address the full scope of safety issues at apartment complexes and exposes tenants to dangerous conditions. The failure to coordinate and share information further reduces the capacity of the Housing Authority to identify dangerous properties that should be barred from accepting tenants with vouchers.

The uncoordinated operation of the inspection programs also results in large inefficiencies. For instance, with the exception of the Housing and Community Development Department, the city departments running apartment inspection programs spend considerable resources putting together and maintaining their own separate inventories of occupied multifamily properties in the city when they could be working from the same electronic database of apartments.

The PWE, Fire, and Police Departments end up with vastly different lists of multifamily properties, even after taking into account the different qualifications for properties covered by the inspection programs. For example, the Life Safety Bureau's Apartment Team in the Fire Department, which inspects the same type of multifamily rental properties as PWE's inspection program, has about 3,300 properties on its inspection list, out of 5,000 multifamily properties identified by a consultant for the Fire Department,[80] while the PWE's MFRB inspection list consists of 3,941 multifamily properties. This discrepancy extends to the 10 properties in the Sunnyside-area we studied: Properties that were included on some lists were not included on others.

The overlap in property conditions covered by the inspections results in additional inefficiencies, not only for the City but also the property owners. For example, the PWE, Fire, and HCD Departments all inspect for electrical issues, including the presence of open wiring, missing electrical panel covers, and other Electrical Code violations. As a result, a property owner could be subject to three different city department inspections in the same month for the same issues.

The City of Houston departments' failure to collaborate on apartment inspections is part of a larger, systemic issue of limited coordination among city departments overseeing apartment safety, addressed further below under Finding Four.

Table 12 Programmatic Apartment Inspection Programs in Houston		
Government Entity	Frequency of Routine Inspections	Scope of Inspection
Houston Public Works and Engineering Department: Multi-Family Habitability Division	Approximately every 5 years	Inspects external conditions at multifamily rental properties with three or more units. Inspection includes: 1. permit compliance including Certificate of Occupancy; 2. structural, electrical, mechanical issues.
Houston Fire Department: Fire Marshal Office's Life Safety Bureau Apartment Team	Approximately every 6 years	Inspects external and internal conditions at multifamily rental properties with three or more units. Inspection covers: Fire Code and permit compliance.
Houston Housing and Community Development Department	Annually	Inspects external and internal conditions at multifamily rental properties that received funding through the City with active funding contracts. Inspects for Housing Quality Standards (for older contracts) or Minimum Property Standards (for more recent contracts).
Houston Police Department: Apartment Enforcement Unit	Following inclusion of the property on the Remedial-Action list	Inspects external conditions at multifamily properties with 10 or more units using Crime Prevention through Environmental Design standards.
Houston Housing Authority	At tenant move-in and biannually, along with special inspections when issues identified	Inspects units with Tenant-Based Housing Choice vouchers for Federal Housing Quality Standards. Inspects internal conditions and limited external conditions.
Texas Department of Housing and Community Affairs: Federal Low-Income Housing Tax Credit Program	Annually and before tenant move-in	Inspects internal and external conditions at multifamily properties with federal Low-Income Housing Tax Credits for Uniform Physical Condition Standards.
U.S. Department of Housing and Community Development: Project-Based Section 8 Program Contractor	Annually	Inspects internal and exterior conditions at multifamily properties with Project-Based Section 8 subsidies for federal Housing Quality Standards.

Finding 3: Houston's Data Systems for Addressing Dangerous Apartment Conditions Are Dysfunctional and a Major Hurdle to Effective Code Enforcement

Summary

A core component of any effective city program for addressing dangerous apartments is a good data system for identifying and monitoring unsafe apartment conditions. Drawing from national best practices, a data system should allow a city to quickly assess which properties are the most dangerous or at risk of becoming dangerous by pooling basic information about property conditions, including code violations, zoning, utility shut-offs, fire reports, and police reports, thus enabling the city to be strategic in how it deploys its enforcement resources.[81]

A data system should help a city identify areas where problem properties are concentrated, thus enabling the city to identify neighborhoods at risk of larger-scale decline and disinvestment. For neighborhoods that are already suffering from broad-scale disinvestment, a data system should help a city incorporate code enforcement work into community revitalization strategies.[82] Finally, a data system should allow for the sharing of information across government departments and with other stakeholders to facilitate collaborative efforts to target and remediate the worst code violators.[83]

The City of Houston's data systems for addressing dangerous apartment conditions fail to effectively incorporate any of these components. Over the course of our research, we repeatedly heard from city staff that defects with the city's data systems are a major hurdle to creating a more effective and efficient code enforcement program and for tackling the city's dangerous apartment epidemic. These defects also thwart the ability of city leaders to provide oversight and quality controls for the city's many different departments and programs targeting unsafe apartment conditions.

Summary of Flaws with Houston' Data Systems for Addressing Dangerous Apartment Conditions

1. The design of the City's data systems hinders the City from effectively identifying and monitoring dangerous apartments or those at risk of becoming dangerous.
2. The City's apartment safety data is largely inaccessible to residents and community leaders.
3. The City's records on apartment conditions contains major gaps and missing data.

→ The design of the City's data systems hinders the City from effectively identifying and monitoring dangerous apartments or those at risk of becoming dangerous

Many of the City's key databases for tracking apartment issues are inaccessible to staff in other departments, even when those staff are responsible for apartment safety issues at the same properties. For example, the city staff in the Public Works and Engineering Department are unable to access the Police Department's and the Health Department's databases regarding building safety issues identified at apartment complexes.

This siloed manner of keeping data hampers the identification of problem properties as well as the coordination of code enforcement work across departments. The City of Houston also fails to collect and pool other relevant public data about apartments—such as water utility and property delinquency records—that could further help the City identify properties at high risk of further deterioration.

A major impediment to identifying high risk apartment complexes is Houston's reliance on the ILMS database for its apartment inspection and code enforcement programs. Both the PWE Department and Fire Department rely heavily on this permitting database to run their inspection and enforcement programs at apartments, but this database is very ill-suited for these code functions.

For example, the ILMS database does not allow the departments to routinely run reports listing properties with outstanding notices of violations, the number and types of violations at a property in a year, and the status of citations issued—all information that would help the City with code enforcement and the identification of at risk properties.

→ The City's apartment safety data is largely inaccessible to residents and community leaders.

The siloed structure and design of the City's data systems make it very difficult for residents and community leaders to identify and monitor safety issues at apartments in their communities. We confronted this issue head on when we attempted to gather what happened to tenant reports of code violations at the 10 multifamily properties in the Sunnyside area, as well as code issues identified at these properties in the City's comprehensive inspections. In our examination of the City's records, we found it very difficult and often impossible to determine whether code violations identified in a city inspection or by a tenant were ever resolved.

We began this research project thinking that the data collection component would be a fairly straightforward task. We were wrong. To collect and decipher the records we obtained on just 10 properties ended up taking our research team more than 100 hours over 10 months, more than 12 public information requests, more than $700 in public information fees to the city, and well over five dozen phone calls and emails with city staff.

JABR

Tierwester Village

→ The City's records on apartment conditions contain major gaps and missing data.

As we attempted to put together the code enforcement history at the 10 multifamily properties in Sunnyside, we routinely came across major gaps in the records. The Fire Department's inspection recordkeeping system has been especially in shambles, as identified by the City Auditor earlier this year and discussed above. In our attempt to gather the Fire Department's inspection records for the 10 Sunnyside-area properties in our study, the Department could locate very few of the reports electronically. After digging around for the reports on desks and in hard files, the Department was ultimately able to locate more of the reports but could never locate inspection records for two of the eight properties covered by the Department's apartment inspection program. The Police Department's F.A.S.T. program was likewise initially unable to locate its records for two of the Sunnyside-area properties that F.A.S.T. investigated. Most of these records were never recorded electronically.

Our examination of the Health Department's records for responding to apartment habitability issues raised in 311 calls revealed a similar issue with incomplete records. Many of the cases were closed without any explanation of whether and how the code issues raised were resolved. When we asked staff to help us understand what happened in these cases, the staff admitted the records were incomplete and told us they did not know whether the code issues were ever resolved.

We likewise confronted incomplete data in our review of the PWE Department records for the 10 Sunnyside-area properties. The issues we identified included the failure to record information on citations issued for code violations and missing inspection checklists. A more detailed overview of defects with the three departments' recordkeeping systems for tracking the identification and enforcement of apartment safety issues is included in Appendix 6.

Finding 4: Houston Operates a Fractured, Uncoordinated Approach to Apartment Safety

Summary

The City of Houston's oversight over apartment safety is distributed across more than four city departments, along with separate units within those departments, which work largely in silos. This fractured and uncoordinated approach towards apartment safety contributes to the City's failure to adequately identify, monitor, and remediate dangerous apartment conditions and jeopardizes the health and safety of tenants.

Summary of Houston's Fractured, Uncoordinated Approach to Apartment Safety

1. Houston's departments overseeing apartment safety do not routinely communicate with each other regarding properties they are investigating for safety issues.
2. The City's 311 Service Center frequently refers reports of apartment safety issues to the wrong department; when the reports are rerouted to the correct department, the issues often fall through the cracks.
3. The City's fractured oversight over sewage issues at apartment complexes is especially problematic—reports of sewage overflows and leaks are routinely misrouted and dropped by the City.

To address the City's historical lack of coordination on apartment safety issues, the Housing and Community Development Department is leading a new inter-departmental team that meets monthly to coordinate enforcement efforts at the most dangerous multifamily properties in the city, focusing on a set of 10 to 12 properties. The creation of this team is a great step in the right direction. In 2010, the Houston Legal Department led a similar initiative called the "Dirty Dozen" program, which focused on the 12 most dangerous apartment complexes and was considered to have been effective by city leaders in eliminating the dangerous conditions at those complexes.

While the City's new inter-departmental team is an important step forward to facilitate collaboration and communication across departments regarding the selected properties, the City's efforts regarding the many other dangerous properties in the city remain problematic. The City's fractured inspection programs are discussed more specifically in Finding Two.

→ Houston departments overseeing apartment safety do not regularly communicate with each other regarding properties they are investigating for safety issues.

The City of Houston has no protocols in place for ensuring regular communications between departments investigating safety issues at the same apartment complex, apart from the City's new inter-departmental team focusing on 10 to 12 apartment complexes. For example, when the Bureau of Pollution Control in the Health Department receives a report of sewage or mold inside apartment units, the Bureau's personnel typically do not know whether the Multi-Family Habitability Division is investigating related issues at the same complex.

Similarly, when the Police Department's Differential Response Team is issuing a code citation for a dangerous apartment condition, the Police Department does not routinely communicate with the Public Works and Engineering Department or Health Department to see if those departments are planning to bring enforcement actions against the same complex for the same or similar issues. According to the Police Department staff, the communication and coordination that does exist is ad hoc. As discussed above, the problems arising from this lack of communication are compounded by the fact that the Police, PWE, and Health Departments are unable to access each other's databases to look up the status of their code investigations and enforcement work.

The lack of communication presents a big problem for tenants when they call 311 for apartment safety issues spanning the jurisdiction of more than one city department. In our study of the City's

code enforcement records for the ten Sunnyside-area properties, we came across many instances where the Health Department received a 311 referral for multiple code issues, but then never communicated with the MFHD about the issues falling under MFHD's jurisdiction (and vice versa). As a result, the safety issues that were not referred went unaddressed by the City.

→ The City's 311 Service Center frequently refers reports of apartment safety issues to the wrong department; when the reports are rerouted to the correct department, the issues often fall through the cracks.

As a related issue, we identified numerous cases where Houston's 311 Service Center referred tenant reports of safety issues to the wrong department. When the issues were rerouted to the correct department, the issues were often never addressed or there were long delays in the City responding to the issue.

Examples of Mis-Referrals to Departments, Long Delays, and Dropped Cases

- On April 14, 2015, a caller from Tierwester Village reported to 311 sewage backing up outside the complex. The case was assigned to MFHD. Six days later, the Division referred the case to the Health Department. On April 14, a second tenant from the same complex called 311 to report "raw sewage backing inside unit…need atten. asap please [sic]." This case was also assigned to MFHD, which called the tenant back six days later, on April 20, 2015. The second tenant's complaint was not referred to the Health Department. On May 19, the first tenant called 311 again to report sewage: "the sewage is still backing up inside and outside. Sewage and algae outside on the grounds...cannot walk out her front door without walking through it." On May 22, an agent from the Multi-Family Habitability Division took ownership of the case, noted the case was mis-referred, and referred the case to the Health Department and closed the case in the 311 database. The case was subsequently closed on May 31, 2015, more than six weeks after the tenant's first call to report the issue on April 14, 2015.
- On March 28, 2014, a tenant at Wesley Square called 311 to report "bed bugs, roaches, mold in bathroom, ceiling is falling down, walls have cracks, stove is not working." She also noted that she was living with her prematurely born baby. The case was assigned to MFHD. Three days later, on April 1, 2014, an agent from the Division called the tenant to confirm the report. The agent noted the concerns and then referred the case to the Health Department. The Health Department responded by sending a letter to the landlord with a notice of alleged violations. The landlord responded with letters detailing bedbug treatments, checks for leaks and repair of ceiling, as well as checks for mice and mold. Five months later, on August 29, 2014, the same tenant called 311 to report mold and insects in her unit. The case was assigned to an agent from MFHD, who called the tenant three days later, on September 2, 2014, to confirm the report and then again referred the case to the Health Department and closed the case. The Health Department does not have any further records on what happened with this case.

→ The City's fractured oversight over sewage issues at apartment complexes is especially problematic, with reports of sewage overflows and leaks routinely misrouted and dropped by the City.

The three main city departments and divisions in charge of overseeing sewage issues in Houston are the Health Department, the PWE Department's Public Utilities Division, and the Multi-Family Habitability Division. In our review of 311 records at the 10 Sunnyside-area properties, we identified many cases where a sewage issue was misrouted to the wrong department and then the City dropped the case without ensuring the issue was addressed. Several examples of these cases are covered earlier in the report. The City's dropping of sewage-related cases reported by tenants was especially common with 311 reports that were referred initially to the Public Utilities Division, which handles sewage blockages and leaks in the City's side of the wastewater line. The MFHD and Health Department handle sewage blockages and leaks on the landlord's portion of the wastewater line.

Examples of Multiple Safety Issues Reported to 311 with No Communications Between Departments and Unaddressed Safety Issues

- On March 10, 2016, a tenant with a newborn baby at Tierwester Village Apartments called 311 to report rats, electrical and plumbing issues, water overflow when it rains, sewage backing up, and a gas pipe leak. Houston 311 referred all the issues over to the Health Department, which sent a form letter to both the management and the tenant on the same day giving management 11 days to respond or abate the violations. No additional follow-up work was conducted by the Health Department staff, and the Health Department never communicated with MFHD about the issues under MFHD's purview (including the plumbing and electrical issues). The case was closed by the Health Department on May 16, 2016, without documentation of any of the safety issues being addressed.
- On August 16, 2016, a tenant from Wesley Square Apartments called 311 to report multiple safety issues, including no air conditioning for three months, a bedbug problem for 7 to 8 months, and a window that fell down that the tenant subsequently glued back on. The 311 call log further notes: "this is the 3rd time citizen calls about these issues she says she has health problems that this is urgent." Houston 311 referred all the issues to MFHD. The Division staff called the complainant back and found out the air conditioning was working and then closed case. The bed bug issues, which fall under the purview of the Health Department, were never referred to the Health Department and left unaddressed by the City.
- On June 27, 2016, a tenant at Crystal Springs Apartments called 311 to report "no locks on doors, mold, standing water in bathroom, unable to contact management, floors in bathroom rotted, windows not secured, no air conditioner." The case was referred to the Health Department, which sent a letter to the property manager on June 28th noting the issues. The manager responded on July 1, 2016, writing: "Failure to appear in office, new owners requests [sic], they broke the meter box to lights. Was willing to work it out with them no show in office and non-payment since December." The Health Department agent noted the response and closed the case with the entry "Case Closed Service Request Resolved." There are no further entries in the 311 log, and no record of the Health Department communicating with the Multi-Family Habitability Division about the issues under the Division's purview (including the broken locks and non-working a.c.).

Examples of Mis-Referrals of Sewage Issues and the City's Failure to Remediate Sewage Issues at Crystal Springs Apartments

- On March 13, 2013, a tenant from Crystal Springs called 311 to report a "sewer stoppage overflow" involving her bathtub drain. The case was assigned to Public Utilities, who contacted the tenant the same day and found the "main line clear." The agent classified the issue as a "private problem." There is no indication that MFHD or the Health Department were notified of the issue.
- On July 22, 2014, a tenant from Crystal Springs called to report a "sewer stoppage overflow." Public Utilities was assigned the case, and on the same day an investigator from Public Utilities determined that the main line was clear and that the overflow was a "private problem // service line still stopped up on private side // private sanitary sewer overflow." There is no indication in the records that MFHD or the Health Department were ever notified of the issue or investigation.
- On January 30, 2015, a tenant from Crystal Springs Apartments called 311 to report a sewage backup. Three days later, on February 2, a MFHD staffer took ownership of the case. On February 3, the staffer notes that the case had been mis-assigned and needed to be re-referred to the Public Utilities Division. On the same day, February 3, an agent from Public Utilities inspected the leak and reported that the sewage leak was a "private leak." The agent then closes the case without ever re-referring the case to MFHD or the Health Department.

Finding 5: Houston Rarely Brings Enforcement Actions Against Repeat Offenders Who Fail to Fix Dangerous Apartment Conditions

In our investigation of the 10 Sunnyside-area properties, we found that the City of Houston rarely brings enforcement actions against apartment owners who repeatedly violate the city's health and safety codes and fail to fix dangerous building conditions. Under national best practices, when major safety issues are identified, there should be a process for swiftly addressing the dangerous conditions and imposing appropriate sanctions against these properties when compliance does not occur. According to one prominent expert on problem properties: "[W]hatever the regulation, there must be sanctions, which are typically in the form of financial penalties or fines. If a landlord, after being given adequate notice and time to comply, fails to comply with a legitimate and reasonable requirement, the regulation becomes meaningless."[84]

When a city neglects to issue sanctions against landlords, the city is enabling landlords to "milk" their rental properties, a simple economic calculation that some landlords make to "reduc[e] maintenance and repairs of rental properties to a minimal level—just enough to keep the building operational and profitable."[85] Milking eventually leads to the "deterioration of the housing stock, surrounding property values, and neighborhood quality."[86]

The City of Houston's response to the health and safety issues at Bellfort Townhomes, discussed above under Finding 2, is emblematic of the City's failure to bring enforcement actions against recalcitrant owners. In that case, despite the owner's failure over the course of nine years to respond to the City's notices to obtain a Certificate of Occupancy and the failure over the course of four-plus years to address the major health and safety issues identified in city inspections, the City never issued any fines or citations against the owner. At Tierwester Village, illustrated below and in more detail in Appendix 7, the City also repeatedly identified the property as a dangerous property and yet never took any enforcement actions against the owner.

Case Illustration: Lack of Code Enforcement Actions at Tierwester Village

2001-03: The City of Houston first identified dangerous living conditions at Tierwester Village as far back as 2001 when the PWE Department identified the property as a "dangerous building." An entry in the City's ILMS database from 2003 noted "multiple housing code violations" at the property.

2013: On December 11, 2013, PWE inspectors, responding to complaints, conducted a "drive by" inspection of the property and subsequently issued a notice of violation to the owner for numerous safety issues in the 105 occupied buildings, including inadequate structural support of buildings and widespread electrical issues. The notice gave the owner 180 days to correct the violations.

2014-17: According to PWE Department records, the owner began to obtain permits for the repair work at the property about nine months later, but the work was never completed and the property continued to have major safety issues. Between 2014 and 2017, tenants made multiple reports through 311 about serious health and safety issues at the property. The highest number of reports occurred in 2015, including reports of sewage overflows taking six weeks to address.

As of June 2017, the City had not issued any citations against this property. The MFHD admits that this property "fell through the cracks" and that many of the safety issues were never addressed. In our drive-by of the property in 2017, we identified numerous unsecured vacant buildings along with widespread deteriorating building conditions.

Finding 6: Houston Fails to Recover Costs Generated by Landlords Operating Problem Rental Properties, Passing the Cost Burden onto Taxpayers

Very few of the enforcement costs generated by problem rental properties in Houston are paid for by the owners. When code staff conducts follow-up calls or visits to an apartment complex to check the status of unaddressed code violations, the owners do not pay anything to offset the time and resources expended by the City. In the cases we reviewed, the City of Houston also rarely issues fines or citations against recalcitrant apartment owners operating dangerous properties.

The City does not charge a fee for its Multi-Family Habitability registration program, and the fee for the City's Multi-Family Rental Building inspection program does not come close to covering the City's costs of operating the registration and inspection program. While the Houston Fire Department charges a re-inspection fee for properties that fail their initial inspection, Houston's Multi-Family Habitability Division does not. Without cost recovery programs in place, Houston's code enforcement programs impose a strain on city resources and, ultimately, taxpayers.

Other cities have addressed the strain of problem properties on city resources by moving towards a full cost recovery model for code enforcement. With a cost recovery program, if a code violation is corrected by the first re-inspection, any fees can be waived, but otherwise, the owner is held responsible for paying the full costs of the inspection and all re-inspections until the code issue is addressed. Through its cost recovery program, the City of New Orleans collected $2.1 million in code enforcement fines and fees for 2014.[87]

The City of Dallas charges multifamily rental properties an annual registration fee of $6 per unit, whether occupied or unoccupied, which includes the fee for the initial inspection. When a property fails the inspection, Dallas charges an additional $20 for each separate structure re-inspected and $46 for each unit re-inspected. Dallas also charges $87 per unit for the failure to display the Certificate of Occupancy or any other required notices, licenses, and permits.[88]

Table 13
Texas Cities' Apartment Registration Fees

Austin	$254 (Repeat Offender properties)
Dallas	$6/unit
Fort Worth	$25 + $10 for each additional unit
Houston	**$0**

Properties in the City of Austin's inspection program, which only covers "repeat offenders," pay $254 to register in the program. The City of Fort Worth charges an annual registration fee of $25 for the first rental unit and $10 for each additional unit. Fort Worth also charges a re-inspection fee when the property fails the initial inspection.

Many other cities across the United States have adopted a re-inspection fee for any follow-up inspections that have to be conducted until a code violation is fixed. For example, Minneapolis charges a $100 re-inspection fee. If the fee is not paid within 30 days, the owner is charged an additional fee of 50 percent.[89] For Chula Vista's cost recovery program, the City tracked time spent on each code case, as well as costs associated with enforcement, including vehicle costs, administrative support, and other back office costs. The City found that a fair estimate of the cost to inspect and enforce code violations was $125 for every hour of the code officer's time spent on the case. After a violation is found, the City sends the owner a bill. If a property comes into compliance within the time period on the notice of violation, the charge is waived.

Table 14 City Re-Inspection Fees for Code Violations	
City	Re-Inspection Fee Charged
Chula Vista, CA	$125/hour
Dallas	$20/structure and $46/unit
Houston	**None**
Madison	$75
Minneapolis	$100 + 50% additional fee for late payments
Sacramento	$127
San Diego	$288
St. Paul	$75; $150 for each additional re-inspection
Tucson	$75

Finding 7: Houston's Tenants Face Large Barriers in Securing Safe Rental Housing

In addition to the difficulties that tenants face in seeking relief from dangerous housing conditions through Houston 311, as discussed in the findings above, low-income tenants face a number of additional barriers in securing safe housing in Houston. These barriers include: (1) the lack of resources and support to address dangerous conditions; and (2) the risk of displacement and homelessness.

→ Houston's tenants lack resources and support to address dangerous housing conditions.

Houston currently has no nonprofit in the city dedicated to helping tenants address dangerous conditions and other repair issues in their apartments—despite the fact that 54 percent of Houston's housing stock is occupied by renters, with 427,000 renter-occupied units. As a result, tenants in Houston are left largely on their own to navigate Texas's complicated repair statutes and advocate for their interests at City Hall.

Austin and Dallas both have robust nonprofit organizations to help tenants improve their rental housing conditions. The Austin Tenant's Council (ATC) helps tenants through a number of programs such as a hotline to answer tenant's questions about their legal rights and assisting tenants with writing letters to trigger certain Texas legal rights regarding repairs. ATC also offers a robust mediation service to support tenants and landlords with mediating disputes and avoiding court.

The Texas Tenants Union, which was created in Dallas more than 40 years ago to assist tenants with protecting their rights and improving their housing conditions, offers many similar services for North Texas tenants. These services include weekly tenants' rights workshops, educational materials, and counseling on landlord-tenant issues.

→ Tenants living in dangerous apartments are vulnerable to displacement.

One issue that any code enforcement program needs to address is the vulnerability of tenants to displacement when dangerous apartment issues are addressed. Displacement can occur as a result of landlord retaliation, rising rents, or a property closing down.

Tenants are highly vulnerable in Texas to retaliation from landlords for speaking out about repair issues and dangerous conditions. When retaliation occurs, the consequences for tenants can be severe, including evictions from their homes and the inability to secure alternative housing because of their new eviction record. The risk of retaliation alone prevents many tenants from seeking re-

pairs and other relief from their dangerous housing conditions. Undocumented immigrant populations are especially vulnerable to retaliation and fearful of reporting safety issues.

Texas's current retaliation protections, encoded in state statute, are weak and provide inadequate protections for tenants. Tenants in Texas face an especially heightened burden in proving retaliation since landlords do not have to establish good cause when they choose to not renew a lease. Tenant advocates report that it is extremely difficult to establish retaliation in lease non-renewal cases.

Tenants are also vulnerable to displacement from code enforcement actions, which can lead to a property closing down. Without robust relocation assistance and provision of alternative housing, vulnerable tenants who are displaced can quickly be pushed into homelessness. The most vulnerable groups of tenants include families in poverty, persons with criminal histories and eviction records, and individuals with mobility impairments and other disabilities. Even when vulnerable tenants can get into safe housing they can afford, they usually cannot afford the transition costs, which can total $1,500 or more per household, including the costs of apartment applications, utility transfers, moving truck rental, first month's rent, and a new security deposit.[90]

When Houston tenants live in a dangerous housing apartment complex, it is typically their housing of last resort—there are no safer housing options they can afford. Houston suffers from a severe deficit of housing alternatives that are safe and affordable housing for extremely low-income tenants, with only 18 affordable units are available for every 100 households. This deficit only worsened after Hurricane Harvey hit Houston. As a result of these issues, it is critical that any code enforcement program for rental housing in Houston be coupled with comprehensive tenant relocation and affordable housing programs to provide broad support and resources for tenants attempting to transition to safer housing.

PART FOUR: Recommendations

Strategies to Address Houston's Dangerous Apartment Epidemic

Strategies to Address Houston's Dangerous Apartment Epidemic

Recommendation 1: Provide protections and resources for tenants to address dangerous apartments.

The City of Houston should provide its tenants with greater protections against retaliation and displacement from their apartments when they speak out about dangerous conditions in their homes. Tenants also need resources to help them navigate Texas's complex laws governing landlord repairs and to relocate to safer affordable housing.

Recommendations for Providing Protections and Resources for Tenants to Address Dangerous Apartments

- Create a tenant advocacy center for Houston's renters.
- Create a comprehensive tenant relocation program and new funding sources to help tenants who are displaced from dangerous apartments.
- Adopt a Houston anti-retaliation ordinance to enhance protections for tenants who report dangerous housing conditions from landlord retaliation; support legal aid organizations to represent tenants who are retaliated against.
- Educate tenants of their rights regarding repairs and where to seek help.

Specific recommendations for providing protections and resources for tenants include:

1.a. Create a tenant advocacy center for Houston's renters. A center would provide critically-needed services to help low-income tenants understand and enforce their rights, obtain repairs, and improve their housing conditions, as well as advocate for their interests at City Hall. Seed money from local foundations and other funders could help quickly launch a nonprofit tenant advocacy center in Houston. Centers in Dallas and Austin could serve as models.

1.b. Create a comprehensive tenant relocation program and new funding sources to help tenants who are displaced from dangerous apartments. A tenant relocation program should include procedures to assist tenants with securing safe, alternative housing when their apartments have to be closed down because of dangerous housing conditions. A tenant counselor should be brought on to help the most vulnerable tenants navigate the rental market. Displaced tenants also need financial help to cover moving costs, application fees, first month's rent, and security deposits, and often need help with emergency temporary housing. State law requires cities to provide tenants with relocation assistance when they are displaced as a direct result of code enforcement.[91]

We recommend that Houston utilize all available means to assess dangerous property owners for the City's costs in providing relocation assistance, including the following: (1) a new ordinance allowing impact fees to be assessed against landlords who dislocate tenants as a result of dangerous conditions, (2) a new ordinance allowing assessment of registration fees through a repeat offender program, and (3) utilization of cost recovery mechanisms under existing state statutes, including the liens allowed under Section 214.001(n) of the Local Government Code. Houston also needs to adopt an emergency operational plan for properties that have to be vacated immediately because of life safety issues, setting forth how different city departments and resources will be deployed quickly to assist the tenants with securing temporary housing assistance.[92]

1.c Adopt a Houston anti-retaliation ordinance to enhance protections for tenants who report dangerous housing conditions from landlord retaliation; support legal aid organizations to represent tenants who are retaliated against. A local anti-retaliation ordinance for

tenants should strengthen and supplement existing state laws protections and include the following: (1) enhanced penalties to deter retaliation, (2) longer protections from retaliation beyond the six-month period in state law, and (3) clearly enumerated coverage for landlords' decisions to not renew leases and notices to vacate. Dallas and other cities around the country have adopted retaliation ordinances to protect tenants.[93] Whenever Houston sends written notices to landlords in response to tenants reporting code violations, the City should include bold notices about local and state prohibitions against retaliation. In addition, legal aid organizations and pro bono programs need more funding so they can represent tenants who are retaliated against.

1.d Educate tenants of their rights regarding repairs and where to seek help. Houston should adopt a large-scale tenant education campaign and provide mechanisms for institutionalizing on-going education of tenants' rights concerning repairs and where to seek help when their landlords refuse to address dangerous conditions. One way to ensure on-going education of tenants is to require landlords (at least repeat offender landlords) to provide tenants with a bill of rights, in each tenant's primary language, at the time they sign their lease.

Recommendation 2: Increase resident and community access to apartment safety information and engage the community to assist with tackling problem rental properties.

The City of Houston should provide information about apartment safety conditions and the status of the City's enforcement actions to tenants and other community members. The City should also engage neighborhood associations and civic groups to help the City identify and address dangerous apartment properties, including properties that are hot spots for criminal activity and in deteriorating condition.

Specific recommendations for increasing resident and community access to apartment safety information and engaging the community to assist with tackling problem rental properties include:

Recommendations for Increasing Resident and Community Access to Apartment Safety Information and Engaging the Community to Assist with Tackling Problem Rental Properties

- Inform tenants of the health and safety issues identified in programmatic inspections and with more information regarding the status of their code complaints.
- Provide accessible information about apartment inspections online.
- Create an initiative to engage and support neighborhood associations and civic groups in tackling problem properties.
- Produce detailed and frequently-updated online reports on problem properties.

2.a. Inform tenants of the health and safety issues identified in programmatic inspections and with more information regarding the status of their code complaints. The City should notify tenants directly when their apartments fail a programmatic inspection. Houston 311's "Track My Service" feature should be updated to provide tenants with the ability to track the status of their code complaints in terms of whether the reported issue was resolved and how—instead of just the open/closed status of the case.

2.b. Provide accessible information about apartment inspections online. The City should revamp the Multi-Family Rental Building inspection program to provide each apartment complex with an inspection score and then post the scores online, together with a copy of the inspection report and the status of the code violations. This information should be coupled with the Police Department's Apartment Enforcement Unit crime scores for properties. This would allow prospective tenants as well as agencies housing tenants, such as the Houston Housing

Authority, to identify which properties have major health and safety issues. Fort Worth provides online access to rental inspection scores for each apartment complex in the city.[94]

2.c. Create an initiative to engage and support neighborhood associations and civic groups in tackling problem properties. Community members usually know best which apartment complexes in their neighborhoods are deteriorating and generating dangerous ripple effects—and the community can play a key role in holding negligent rental property owners accountable. We recommend that the City and local foundations support the creation and on-going operation in distressed communities of active civic groups to: (1) help the City identify problem properties, (2) hold meetings with the owners of problem properties and mediate issues, (3) incorporate the voices of renters, including renters at the affected properties, and (4) when deemed appropriate by members, lead protests and bring private nuisance actions against property owners that refuse to take proactive steps to address dangerous conditions.

2.d. Produce detailed and frequently-updated online reports on problem properties. The City should produce a quarterly, online report for all problem apartment complexes in the City—complexes that failed programmatic inspections for major health and safety issues or have recurring code violations over a certain threshold. A new city database for apartment issues (recommended below) would facilitate the efficient creation of these reports.

The reports should be posted on the City's website and include information on notices of violations issued, any citations or other enforcement actions taken against the property, and whether the violations have been addressed or are still outstanding. These reports will allow city departments, the City Council, impacted tenants and neighbors, and the general public to monitor the City's actions in regards to particular problem properties as well as assess the overall effectiveness of the City's apartment safety programs, adding much needed accountability.

Recommendation 3: Overhaul the City of Houston's databases for health and safety violations at apartments.

We recommend the City of Houston adopt a new property information system that consolidates all city departments' data regarding health and safety conditions at multifamily rental properties. The new property information system should include the following features:

- Allow the City and the public to easily identify repeat offender properties, properties with outstanding code violations, and the outcome of city enforcement efforts.
- Allow for interdepartmental monitoring of safety violations and enforcement actions at apartment complexes.
- Searchable by a range of criteria, including the type of property; the name of the owner and property manager; the number of complaints, warnings, and citations; the types of violations (with coding for more dangerous conditions); length of time for outstanding violations; and the current compliance status.
- GIS-compatible to allow for mapping of the data and identification of "hot spots" of problem properties where larger-scale intervention might be needed.
- Interface with other databases such as those maintained by Municipal Court and show the status of citations issued for code violations and the amount of the fine paid, if any.
- Allow the City and public to assess the effectiveness of the City's apartment safety programs in meeting performance standards and specific objectives.[95]

At a minimum, the Multi-Family Habitability Division and Fire Department should have a new database to maintain a consolidated list of all apartment complexes in the City and to operate their inspection and enforcement programs. MFHD currently maintains its inspection list and inspection status for 4,000-plus apartments utilizing an Excel spreadsheet.

Recommendation 4: Reform the City of Houston's proactive apartment inspection and registration programs.

Recommendations for Reforming the City of Houston's Proactive Apartment Inspection and Registration Programs

- Consolidate the Fire Department's and MFHD's apartment inspection programs.
- Consolidate the Police Department's and MFHD's apartment registration programs.
- Develop a risk assessment profile for multifamily properties in Houston and conduct more frequent and comprehensive inspections of the city's highest-risk properties.
- Share apartment inspection findings across all city departments and government programs responsible for monitoring the health and safety of apartment complexes.
- Shorten the time that landlords have to respond to safety issues identified in a Multi-Family Rental Building inspection and require remediation plans.
- Amend the City's Multi-Family Rental Building inspection ordinance and the Fire Department's apartment inspection program to cover properties with four or more rental units on the same tax parcel.

We recommend that Houston overhaul its proactive apartment inspection and registration programs with the following changes:

4.a. Consolidate the Fire Department's and MFHD's apartment inspection programs. The Fire Department's and MFHD's apartment inspection programs overlap in several respects and operate on a similar cycle. Consolidating these programs would make them much more efficient and lower the burden on property owners. A consolidation would also increase the effectiveness of these programs, since a property with major Multi-Family Habitability violations will likely have Fire Code violations as well. The identification of these issues simultaneously will allow the City to develop a more comprehensive response and unified enforcement strategy to address the health and safety issues at the property.

4.b. Consolidate the Police Department's and MFHD's apartment registration programs. The consolidation would increase government efficiencies by reducing staff time in collecting and inputting registration information as well as enforcing noncompliance. The MFHD's registration program currently has widespread non-compliance and lacks resources to enforce the registration requirement, while the Police Department has two officers assigned to its registration program. The consolidation of these programs would also reduce the burden on property owners, who would have to complete and update only one registration form versus two for each property.

4.c. Develop a risk assessment profile for multifamily properties in Houston and conduct more frequent and comprehensive inspections of the city's highest-risk properties. As discussed in the findings, the MFHD's current system of inspecting all properties on the same cycle, regardless of their likelihood of having safety issues, is problematic. Similar to other cities, including Dallas, the Houston Fire Department's Life Safety Bureau is implementing a new risk-based inspection program under which the Bureau plans to inspect apartments with the highest risk of safety issues more frequently based on a set of 10 risk factors.

We recommend that the MFHD adopt a similar program, by inspecting the highest risk properties at least once a year—and also more comprehensively by inspecting the interiors of the units in addition to the exterior conditions. Medium-risk properties should be inspected every two to three years with a percentage of the interior units inspected. For the lowest risk properties, the Division should continue conducting the inspections every five years and limiting the inspections to the exterior premises.

4.d. Share apartment inspection findings across all city departments and government programs responsible for monitoring the health and safety of apartment complexes. The City of Houston should require all city departments conducting comprehensive apartment inspections to share their inspection findings with all other departments overseeing the health and safety of apartments. Ideally this would be completed through a shared inspection database. Inspections covered should include the Police Department's Remedial Action and F.A.S.T. inspections, the MFHD's Multi-Family Rental Building Inspections, the Fire Department's Life Safety inspections, and the Housing and Community Development Department's inspections.

In addition, the City should enter into inter-local agreements with other government agencies and contractors monitoring the health and safety of privately-owned apartment complexes in Houston to regularly exchange inspection information. These other agencies include the Houston Housing Authority, the Texas Department of Housing and Community Affairs, and HUD's Project-Based Section 8 inspection contractor.

4.e. Shorten the time that landlords have to respond to safety issues identified in a Multi-Family Rental Building inspection and require remediation plans. When an apartment complex fails a MFRB inspection, the MFHD should require the owner to submit a remediation plan within 10 days detailing how the owner will address the issues and showing that the landlord is making good faith progress towards the repairs. We recommend a follow-up inspection of the property within 30 days of the initial inspection (instead of the current 6-month policy) to further ensure the landlord is making progress on the repairs. The City should swiftly issue citations and assess re-inspection fees against landlords who fail to make adequate progress towards correcting the safety issues.

4.f. Amend the City's Multi-Family Rental Building inspection ordinance and the Fire Department's apartment inspection program to cover properties with four or more rental units on the same tax parcel. These changes would ensure that properties similar to Tierwester Village—where 116 units are located in single-family or duplex buildings on the same parcel—are subject to routine inspections for major health and safety issues.

Recommendation 5: Consolidate city oversight and enforcement of health and safety issues at apartment complexes.

Recommendations for Consolidating City Oversight and Enforcement of Health and Safety Issues at Apartment Complexes

- Consolidate city oversight over health and safety conditions at apartments into a new Apartment Safety Division reporting directly to the Mayor.
- Merge the Police Department's F.A.S.T. Team functions as they pertain to apartments into the Department's Apartment Enforcement Unit.

Specific recommendations for consolidating city oversight and enforcement of health and safety issues at apartment complexes include:

5.a. Consolidate city oversight over health and safety conditions at apartments into a new Apartment Safety Division reporting directly to the Mayor. The consolidation should include the Fire Department's oversight of Fire Code issues at apartments, the PWE Department's Multi-Family Habitability Division functions, and the Health Department's Environmental Division functions as they pertain to enforcing health and safety conditions at apartments. At a minimum, the City should consolidate the apartment-related health and safety functions of the Multi-Family Habitability Division in the PWE Department and the Environmental Division in the Health Department. These consolidations will improve the efficiency and effectiveness of the City's apartment safety programs.

5.b. Merge the Police Department's F.A.S.T. Team functions as they pertain to apartments

into the Department's Apartment Enforcement Unit. The Apartment Enforcement Unit should have oversight over the full breadth of nuisance abatement issues at high crime apartments, instead of the current split of these functions across two units. The City should also ensure stronger collaboration among the Police Department's numerous apartment safety programs and the safety programs run by other departments.

Recommendation 6: Strengthen the City's enforcement of health and safety standards at apartment complexes, especially against repeat offenders.

Recommendations for Strengthening the City's Enforcement of Health and Safety Standards at Apartment Complexes, Especially Against Repeat Offenders

- Adopt detailed standard operating procedures and performance standards for responding to health and safety issues identified in 311 reports and programmatic inspections.
- Conduct annual assessments and periodic audits of the City's apartment safety programs.
- Inspect health and safety issues that tenants report to 311 and issue notices of violation when issues are confirmed in the inspections.
- Improve the City's responsiveness to 311 calls for health and safety issues at apartments.
- Expedite issuing notices of violations and bringing enforcement actions against apartment complex owners who do not address violations.
- Create a repeat offender program for more concentrated and collaborative intervention by city departments at the most dangerous properties in the city.
- Create a high impact landlord program.
- Enforce the City's apartment registration and Certificate of Occupancy requirements.

Specific recommendations for strengthening the City's enforcement of health and safety standards at apartment complexes, especially against repeat offenders, include:

6.a. Adopt detailed standard operating procedures and performance standards for responding to health and safety issues identified in 311 reports and programmatic inspections. The performance standards should be broken out by different types of issues and include: (1) city response times to the range of health and safety issues raised in 311 calls; (2) the number of days to bring a property into compliance; and (3) the timing for bringing different types of enforcement actions.

6.b. Conduct annual assessments and periodic audits of the City's apartment safety programs. The adoption of standard operating procedures and performance standards will lay the framework for these assessments, and together, bring much needed accountability to the operation of the City's numerous apartment safety programs.

6.c. Inspect health and safety issues that tenants report to 311 and issue notices of violation when issues are confirmed in the inspections. The City's standard operating procedures should require code officers in the Health Department and MFHD to swiftly conduct on-site inspections when residents report health and safety violations to the City. The onsite inspections will allow the City to determine the appropriate response to any confirmed code violations and to document the conditions in case an enforcement action needs to brought. In an on-site inspection, an inspector will also be able to identify other potentially dangerous conditions in a unit or the exterior premises.

6.d. Improve the City's responsiveness to 311 calls for health and safety issues at apartments. In our first finding in Part Three, we identified a number of additional flaws with how the City responds to tenants' 311 calls for health and safety issues. These flaws should be fixed. For example, the City staff should make multiple attempts to reach a 311 caller and then attempt to reach the tenant onsite instead of closing cases when a tenant cannot be reached, especially for major health and safety issues reported. Written standard operating procedures should bar code enforcement officials from discriminating against tenants who are late on rent or involved in a landlord-tenant dispute. Likewise, the City's written procedures should bar city staff from refusing to accept a report for apartment safety issues when the caller is not the leaseholder. The City should also improve its response times for responding to tenant calls.

6.e. Expedite issuing notices of violations and bringing enforcement actions against apartment complex owners who do not address violations. The City should issue a notice of violation as soon as it confirms a violation and then ensure that the owners are held to the deadlines listed in notices of violations, unless there is a compelling reason for an extension. The City should swiftly follow up with graduated civil fines or criminal citations for apartment complex owners who fail to comply with the notices of violations. For more egregious and habitual code violators, the City should utilize Chapter 54 lawsuits more often, which allow for injunctive relief in addition to penalties.

6.f. Create a repeat offender program for more concentrated and collaborative intervention by city departments at the most dangerous properties in the city. We recommend the City expand the new initiative led by the Housing and Community Development Department that is bringing city departments together to target ten to twelve problem apartment complexes in the City. This important initiative should be expanded into a more formalized repeat offender program serving a larger number of properties, with staff from the different departments permanently assigned to collaborate on interventions and enforcement actions.

6.g. Create a high impact landlord program. Related to a repeat offender program, we recommend that the City of Houston adopt a program similar to Dallas's new High Impact Landlord Program to identify high-volume owners of problem apartment complexes in the city—landlords who own multiple problem properties— and then target them for more comprehensive inspections and enforcement actions.

6.h. Enforce the City's apartment registration and Certificate of Occupancy requirements. The Multi-Family Habitability Division should bring swift and aggressive enforcement actions against apartment complexes that have not registered as required under city ordinance or that have failed to obtain a Certificate of Occupancy. Dallas charges $87 per unit for the failure to display the Certificate of Occupancy or any other required notices, licenses, and permits.

Recommendation 7: Conduct an Audit of the Police Department's Apartment Enforcement Unit and F.A.S.T. Programs to Determine Opportunities for Improvement.

We recommend the City Auditor conduct an audit of the Police Department's Apartment Enforcement Unit and the F.A.S.T. program (as it pertains to apartment complexes) to assess how these programs could be improved to: (1) serve more apartments on the Department's F.A.S.T-eligible lists; and (2) become more effective at reducing crime at the properties. We recommend the Audit also include an evaluation of why so many of the Apartment Enforcement Unit's Blue Star complexes are in western Houston versus eastern Houston and what could be done to expand the program further into underserved areas.

Recommendation 8: Adopt cost recovery policies for problem rental properties.

The City of Houston should adopt policies to fully recover from landlords the City's costs for enforcing code violations at apartment complexes, especially repeat offender rental properties with recurring violations. As discussed in the findings, problem properties impose a strain on precious city resources. A cost recovery program in Houston would transfer the burden of code enforcement from taxpayers to problem property owners and free up resources for Houston to expand and improve its apartment safety programs.

Recommendations for Adopting Cost Recovery Policies for Problem Rental Properties

- Adopt an annual fee for properties in a new repeat offender program.
- Increase the inspection fee for the City's Multi-Family Rental Building inspection program.
- Assess re-inspection fees in the Multi-Family Habitability Division.
- Assess an annual registration fee for all apartment complexes in the City.

Specific cost recovery policies for Houston to consider include:

8.a. Adopt an annual fee for properties in a new repeat offender program. As recommended above, Houston should create a repeat offender program for properties with recurring code violations above a certain threshold. The City should charge an annual registration fee for these properties that covers the City's heightened time and resources in addressing safety issues at these problem properties. Properties in the City of Austin's repeat offender program pay a $254 annual fee, although this fee does not fully cover the City's resources spent on the program.

8.b. Increase the inspection fee for the City's Multi-Family Rental Building inspection program. The inspection fee should cover the City's full costs of operating the inspection program.

8.c. Assess re-inspection fees in the Multi-Family Habitability Division. Apartment complexes that fail a programmatic inspection or do not correct unsafe building violations within the time limit in a notice of violation should pay a fee whenever city staff has to come out and re-inspect the property. The Houston Fire Department charges re-inspection fees but the Multi-Family Habitability Division does not. When a property fails an inspection, Dallas charges an additional $20 fee for each separate structure re-inspected and $46 fee for each unit re-inspected. San Diego charges a $288 re-inspection fee.

8.d. Assess an annual registration fee for all apartment complexes in the City. We recommend that the City of Houston adopt an annual fee for the City's Multi-Family Rental Building Registration program, graduated based on the number of units at the property. The City currently does not charge a fee for its registration program. As discussed above in the findings, the City of Dallas charges multifamily rental properties an annual registration fee of $6 per unit, whether occupied or unoccupied, which includes the fee for the initial inspection. The City of Fort Worth charges an annual registration fee of $25 for the first rental unit and $10 for each additional unit.

Recommendation 9: Strengthen the Houston Housing Authority's property standards for complexes renting to tenants with Housing Choice Vouchers.

Recommendations for Strengthening the Houston Housing Authority's Property Standards for Complexes Renting to Tenants with Housing Choice Vouchers

- Adopt stronger and more detailed property standards within the Houston Housing Authority to supplement the federal Housing Quality Standards, especially for exterior conditions.
- Create a ban list within the Houston Housing Authority barring problem properties from participating in the Housing Choice Voucher program for new tenants.

Specific recommendations for consolidating city oversight and enforcement of health and safety issues at apartment complexes include:

9.a. Adopt stronger and more detailed property standards within the Houston Housing Authority to supplement the federal Housing Quality Standards, especially for exterior conditions. The Minimum Property Standards adopted by Houston's Housing and Community Development Department are a good model for the Housing Authority to work from. The standards should incorporate consideration of whether the property is a high crime property, including whether the property is on the Police Department's Remedial Action or F.A.S.T.-eligible list.

9.b. Create a ban list within the Houston Housing Authority barring problem properties from participating in the Housing Choice Voucher program for new tenants. This ban should apply to properties that: (1) failed the City's most recent MFRB inspection and have failed to correct violations; (2) do not have a Certificate of Occupancy; (3) are habitual code violators; or (4) are high up on the Police Department's F.A.S.T.-eligible list. The Housing Authority should provide a mechanism for properties to get off the ban list if the City certifies that the property has come into compliance with health and safety codes. We recommend the Housing Authority create an online portal with the ban list for its clients.

APPENDICES

Appendix 1: Completed Inspection Form Utilized by the Houston Police Department Apartment Enforcement Unit

HOUSTON POLICE DEPARTMENT

Crime Prevention Through Environmental Design (CPTED) Survey

Survey Type	
CPTED Unit	✓
Remedial Property	
FAST	
Blue Star	

PROPERTY NAME Crystal Springs ADDRESS 5500 Selinsky

PHONE ______ FAX ______ DIVISION ______ BEAT ______

Reviewed with ______ Officer T.G. Johnson

Number of Units on the property 191 | Number of Occupied Units 141 | Number of Vacant Units 50

Note: During the course of this survey, if violations are observed that are an immediate threat to the safety and of citizens, officers are advised to take appropriate action. Please make notation of action taken in the notes section at the end of this survey.

Management	N/A	YES	NO	COMMENTS
1. Does the management live on property?		X		
2. Does the property screen tenants?		X		Evic Data / Narcotics
3. Does this include criminal history checks of all occupants over 18?		X		
4. Does the property check the occupant if he has lived in another state		X		
for a criminal history in the other state?			X	She does rent with felony for certain crimes
5. Does the property rent to convicted felons?			X	
6. If they do not rent to convicted felons is this stated in the application?			X	
7. Is rental criteria posted? Or provided prior to application?		X		
8. Is the application filled out on site?		X		
9. What do they evict residents for?		X		
10. How many evictions are due to criminal activity				
11. Are a majority of evictions for non payment of rent?		X		
12. Do they evict people for causing or permitting criminal activity?		X		
13. Does the property regularly conduct lighting surveys?				
14. Does the property check vacancies, how often?		X		
15 Does the property have a good faith file?				
16. Does the property attend PIP or HPD sponsored events?			X	Does not go
17. Does the management have a newsletter?				

Trespassers	N/A	YES	NO	COMMENTS
1. Does property have trespass signs at all reasonable entrances?				
2. Does the property have trespass signs at all exits ?				
3. Does property have affidavit on file?			X	
4. Does property maintain a trespasser warning file?			X	
6.. Does the affidavit contain all property addresses ?				
7. Does file contain date, time, incident number, and witness info?				

Need Trespass Affidavit

Exterior	N/A	YES	NO	COMMENTS
1. Is apartment address and property name visible?			X	Need to be more visible and lit
2. Does the property have directory or map?			X	
3. Is map illuminated for night?				
4. Does each building have building apt numbers visible from drives?		X	X	Bldg [illegible] - need
5. Are individual apartments numbered in contrasting color?				
6. Are there too many entrances to property?				
7. If community is gated, are entry systems changed frequently?				
8. Is there an operational 911 box?				
9. Have the gates been approved by HFD?				
10. Is the exit gate staying open, allowing unwanted guest access?			X	Blocked fence by w/s [illegible]
11. Are pedestrian access gates maintained?				
12. Are perimeter fences maintained, legal, of appropriate height?				
13. Is signage on property adequate, does it direct visitors or residents?				
14. Are house rules posted?				

Laundry Areas	N/A	YES	NO	COMMENTS
1. Is the laundry room well lit?				
2. Is there trash, or dust in laundry room?				
3. Does the laundry have doors that lock from inside?				
4. Do you regulate hours of operation?				
5. Does the laundry room door have a window?				
6. Is the laundry room visible from apartments, or office?				
7. Is there a fire extinguisher in the laundry facility?				
8. Is landscaping overgrown or does it offer concealment?				

Mailboxes	N/A	YES	NO	COMMENTS
1. Are the mailboxes located near busiest common area of property?		X		
2. Is outgoing mail accessible only to postal employees?		✓		
3. Is mail delivery area well lit?		/		
4. Do you have a trash receptacle and a place to sit near mailboxes?		X		
5. Are there any obstructions or landscaping which make area unsafe?			X	
6. Are there entrapment zones in the mail room?			X	

Maintenance Areas	N/A	YES	NO	COMMENTS
1. Are doors secure, solid with working locks?				
2. Are hazardous chemicals secured in a safe manner?				
3. Are tools inventoried with serial numbers or etched with apts. name?				
4. Is area well lit?				
5. Is area clean, no building materials on ground?				

Apartment Units

Apartments - Doors	N/A	YES	NO	COMMENTS
1. Are apartment doors clean and well maintained?				
2. Do all doors have functioning peepholes?				
3. Are all doors solid core?				
4. Do all doors have single cylinder dead bolts?				
5. Are the deadbolts 40" from glass?				
6. Do they have a 1 inch throw?				
7. Are door frames in good condition?				
8. Do doors securely fit in place?				
9. Are all strike plates secured with 2 to 3 inch screws?				
10. If hinge pins are on outside are they non-removable? Pinned?				
11. Are all locks changed or rekeyed when a resident moves?				
12. Are computerized card keys erased after resident moves?				
13. Do sliding glass doors have pin locks and / or a bar device?				

Windows	N/A	YES	NO	COMMENTS
1. Do all casement windows close tightly?				
2. Have casement windows been pinned or locked through handle?				
3. Do sliding windows fit securely in tracks?				
4. Do all sliding windows have anti-slide and lift locks?				
5. Can open windows be secured?				
6. Do curtains or blinds fully cover the window?				
7. Is window glass broken and not repaired?				

Officer Notes:

No trash receptacal / trash bag
no fire extinguisher
cylender bolt lock
cable box without face plate building #7
no face plate on cable box 13
graffiti on building 14
Apt #106 snack shop
Building 3 trash can in cooper Road side
(6) - said he has no air / no
no site map.
build #2
- [illegible] door.

Appendix 2: Houston Multi-Family Habitability Rental Inspection Program Form (Excerpt)

HOUSTON MULTI-FAMILY HABITABILITY INSPECTION

Inspection Date/Time: 1-12-16 / 8:30 AM
Inspector: HOE / HOS
Building Address: 5900 SELINSKY
Houston, Texas, 77048 (zip code).
Units: 191 % Occupied 40 % # of Buildings 25

Part A: Permit Compliance:

	YES	NO	N/A
*Occupancy Permit (110.1 Building Code)	☒	☐	
*If No Occupancy Permit – Red Tag Posted	☐	☒	
Sign Permit (4607 Sign Code)	☐	☒	
Pool Permit (43-21A City Code)	☐	☒	
Combustible Waste Storage Permit (105.6 Fire Code)	☐	☒	
Backflow Certification Test (Sec. 603.3 Plumbing Code)	☐	☒	
Boiler permit (123.0 Mech Code)	☐	☒	
Proof of Gas Test (1201.1 Plumbing Code)	☐	☒	☐

Part B: Habitability (Summary)
"Material risk to the physical safety or health of the building's tenants"

	YES*	NO	N/A
Significant risk of structural failure(s)?	☒	☐	
Significant electrical hazard(s)?	☒	☐	
Significant risk from plumbing violations?	☒	☐	
Significant risk from mechanical violations?	☐	☒	
Significant swimming pool violations	☐	☒	☐

For each "YES" box checked above, check the specific condition in the sections below (or provide detail for "other" violations) and state the fact(s) that caused you to check "YES."

	*Structural:	YES	NO	N/A
1.	Maintain floors, supporting walls, stairways, ceilings, and all supporting structural members not in a safe and sound condition. (Ch. 10, Sec. 10-363(c)(2),10-363(c)(5), 10-363(c)(6)).	☐	☒	☐
2.	Chimney flue or vent attachment, leaning or pieces missing, major roof leaks, reasonably likely to constitute a health or safety hazard. (Ch. 10, Sec. 10-363(c)(8)).	☒	☐	☐
3.	Provide and maintain stairs (inside and outside), risers, railings, balconies and handrails for stairways, ramps, balconies, and porches more than 30 inches above grade not structurally sound/properly supported, missing slats/posts, improperly attached (Ch. 10, Sec. 10-363(c)(3), 10-363(c)(6), 10-363(c)(9)).	☒	☐	☐
4.	Broken/missing windows and/or unsecured abandoned units (Ch. 10, Sec. 10-363(b)(4))	☒	☐	☐
5.	Exterior siding and trim are not in reasonably good condition and allow exposure of substructure to elements. (Ch. 10, Sec. 10-363(c)(1), Sec. 10-363(c)(4), Sec. 10-363(b)(3))	☒	☐	☐
6.	Site map, building signage, end of building numbering not present (Ch. 10, Sec. 10-213, Sec. 10-213.1)	☐	☒	☐
7.	Other	☐	☒	☐
	Comments:			

Appendix 3: Excerpts from Houston's 311 e-Form—Department Procedures for Responding to 311 Calls

Excerpts from Houston's 311 e-Form: Department Procedures for Responding to 311 Calls	
City Department	"Procedure to Expect"
Multi-Family Habitability Division (Public Works and Engineering Department)	"Multi-Family Habitability does NOT send an inspector to the Request Address. First, Habitability will CALL the Customer to verify details of the complaint. Second, Habitability will CALL the Property Manager to request repairs and correct the problem. After the Customer, Property Manager and Habitability agree the problem is corrected, Habitability will Close the Case. Habitability's goal is to resolve the problem without sending an inspector."
Environmental Health Division (Health Department)	"Environmental Health does not automatically send an inspector to the violation address. Within three (3) days, the department will send a written notice of the allegations to the property owner or manager to correct the alleged violations. If the property owner or manager corrects the violations and provides a written response, the case will be closed. If no response is received, a site inspection may be scheduled."

Appendix 4: Programmatic Inspections of the 10 Sunnyside-Area Properties

Programmatic Inspections of the 10 Sunnyside-Area Properties	
Property Name	Type of Routine Government Inspection
Bellfort Townhomes	1. Multi-Family Habitability Division: Multi-Family Rental Building Inspection
Bellfort Pines	1. Multi-Family Habitability Division: Multi-Family Rental Building Inspection 2. Fire Department, Bureau of Life Safety 3. Housing Authority (for units with Housing Choice Vouchers) 4. Texas Department of Housing and Community Affairs (Low Income Housing Tax Credit Program)
Crystal Springs Apartments	1. Multi-Family Habitability Division: Multi-Family Rental Building Inspection 2. Fire Department, Bureau of Life Safety 3. Housing Authority (for units with Housing Choice Vouchers)
JABR	None
Reed Parque Townhomes	1. Multi-Family Habitability Division: Multi-Family Rental Building Inspection 2. Fire Department, Bureau of Life Safety 3. Housing Authority (for units with Housing Choice Vouchers) 4. Texas Department of Housing and Community Affairs (Low Income Housing Tax Credit Program)
Scott Plaza Apartments	1. Multi-Family Habitability Division: Multi-Family Rental Building Inspection 2. Fire Department, Bureau of Life Safety 3. Housing Authority (for units with Housing Choice Vouchers) 4. Texas Department of Housing and Community Affairs (Low Income Housing Tax Credit Program)
Simmons Gardens Apartments	1. Multi-Family Habitability Division: Multi-Family Rental Building Inspection 2. Fire Department, Bureau of Life Safety 3. Housing Authority (for units with Housing Choice Vouchers) 4. Housing and Community Development Department 5. Texas Department of Housing and Community Affairs (Low Income Housing Tax Credit Program)
Sunflower Terrace	1. Multi-Family Habitability Division: Multi-Family Rental Building Inspection 2. Fire Department, Bureau of Life Safety 3. Housing Authority (for units with Housing Choice Vouchers) 4. Housing and Community Development Department 5. HUD contractor (Project-Based Section 8 inspection standards).
Tierwester Village	1. Houston Housing Authority (for units with Housing Choice Vouchers)
Wesley Square	1. Multi-Family Habitability Division: Multi-Family Rental Building Inspection 2. Fire Department, Bureau of Life Safety 3. Housing Authority (for units with Housing Choice Vouchers) 4. HUD contractor (Project-Based Section 8 inspection standards).

Appendix 5: Sample Letter to Landlord from the Bureau of Pollution Control and Prevention

CITY OF HOUSTON
Health and Human Services Department

Sylvester Turner
Mayor
Stephen L. Williams, M.Ed., MPA
Director
Health and Human Services Department
7411 Park Place Blvd., Suite 200
Houston, Texas 77087-4441

Bureau of Pollution Control and Prevention
7411 Park Place Boulevard, Suite 200
Houston, Texas 77087
Fax: 832-393-5724 or e-mail your response to: indoorair.hhs@houstontx.gov

NOTICE OF ALLEGED VIOLATIONS

Service Request Number: 2098666

Our office has received a complaint on **03/11/2016** about the location listed below:

7812 TIERWESTER	[redacted]	**Houston**	**77021**
(Street)	(Unit Number)	(City)	(Zip)

The complainant ([redacted]) alleges there is a code violation as described below:
RATS INFESTATION, PLUGS ARE NOT WORKING INSIDE THE UNIT, THE RAIN WATER OVERFLOW AND THE SEWAGE BACKUP AND A GAS LEAK FROM THE PIPE.

Response from management, association, owner or owner's agent:
*Note: include all applicable work orders, invoices, pest control reports, eviction notices and any other supporting documentations.

By your signature, you certify the violation(s) were abated.

Name _____ Signature _____ Date _____

You are hereby notified that the above violation(s) must be abated by: 03/22/2016.

PENALTIES

City of Houston Code of Ordinance 10-363(a): Each property shall be maintained by its owner in a safe and sanitary condition and in compliance with minimum standards. A person violating a provision of this article shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than $200.00 nor more than $2,000.00. Each day of a continuing violation is a separate offense. Failure to respond to this notice will result in an inspection, the issuance of a criminal citation and or the abatement of the violation by the city at the owner's expense.

For questions, e-mail: indoorair.hhs@houstontx.gov and include the above service request number.

Appendix 6: Overview of Defects with City Records for Apartment Safety Issues

→ Public Works & Engineering Department Records

The Multi-Family Habitability Division within the PWE Department tracks information on 311 complaints referred to the Division via the City's 311 database, called LAGAN, up until the point that the Division conducts an inspection of the property or initiates an enforcement action. At that point, the Division switches over to the City's ILMS database for logging and tracking information on the inspections and for monitoring any enforcement actions taken in response to the inspection findings. The Division also utilizes the City's ILMS database for inputting information from the Division's MFRB inspections and for monitoring enforcement actions taken in response to those inspection findings.

The ILMS, which was set up to manage the City's permitting and inspection functions in one location, is ill equipped for the management and oversight of the Department's multifamily habitability enforcement and inspection functions. These defects result in major inefficiencies. For example, PWE staff told us it would cost close to $500 in staff coding time to run one report on multifamily properties that have not obtained a Certificate of Occupancy or Life Safety Certificate.

Because of the deficiencies with ILMS, the Multi-Family Habitability Division is managing its list of around 4,000 multifamily properties that are subject to MFRB inspections via an Excel spreadsheet. The Division manually enters on the spreadsheet the dates inspections are conducted, information on Certificates of Occupancy, properties that have been demolished, and newly constructed properties.

Another issue we confronted is the difficulty in using the ILMS database to track the trajectory of habitability issues and code violations at an apartment complex. To put together PWE's code violation history at the 10 Sunnyside-area properties we studied, we had to sort through data from three different PWE reports ("Project Comments," "Situs Comments," and "Street Segment Summary Sheet"), along with the completed inspection checklists for the properties (which were sometimes missing from the files), along with 311 records.

Example of Records from the Public Works and Engineering Department for Tierwester Village

Public Works & Engineering
Building Inspections
Situs Comments

Situs: 7812 TIERWESTER ST 324 77021

Comment Date	Comments	Init	Dept	Deparment Name
01/22/98	OPEN SEWER LEFT RED STICKER	203	420	PLUMBING INS

Situs: 7812 TIERWESTER ST 77021

Comment Date	Comments	Init	Dept	Deparment Name
01/26/98	INVEST-216- SITUATION RESOLVED	MBY	420	PLUMBING INS
06/22/06	PLEASE RELEASE AS 7812 TIERWESTER #212 BY 221	MS	420	PLUMBING INS
05/20/15	POSTED OFFICIAL NOTICE	285	400	OCCUPANCY IN
05/06/16	NO DANGEROUS BUILDING HOLD/NEIGHBORHOOD PROTECTION	VLF	430	STRUCTURAL I

Situs: 7812 TIERWESTER ST HABIT 77021

Comment Date	Comments	Init	Dept	Deparment Name
12/11/13	INSPECTION OF ALL BUILDINGS PER HOB WITH HOL.	HOF	435	HABITABILITY
12/11/13	THIS PROPERTY INCLUDES ADDRESSES ON BACON STREET	HOF	435	HABITABILITY
12/11/13	AND TIERWESTER STREET. THE ADDRESSES ARE AS	HOF	435	HABITABILITY

Report ID : to0005ap
Run Date : 12/12/16 Time : 11:30 Page 2 of 2

It took us several months to sort through these records, and even after all that time, we found it very difficult and often impossible to track whether and when identified code issues were addressed. Notably, even the staff in charge of inspections do not understand the coded language used to record inspection information within the database. We also found multiples instances where citation information and other enforcement actions taken by the PWE Department were not recorded in ILMS or the 311 database.

→ Health Department Records

The Health Department's Indoor Air Quality Unit in the Bureau of Pollution Control—which oversees issues at apartments relating to interior health such as rodents, bug infestations, and sewage—maintains its records for code enforcement cases through the City's 311 LAGAN database. The records we reviewed for calls referred to the Bureau were riddled with problematic information, with the majority of 311 cases closed without any explanation from the Bureau as to whether and how the code issue was resolved. We spoke to a supervisor in the Unit who was also unable to identify from the Unit's records whether and how code issues were resolved.

The Health Department's Bureau of Consumer Health Services—which oversees issues at apartments related to pool safety and outdoor air and water quality, including air pollution, standing water, and external sewage overflows—does not maintain its records for inspections and enforcement of code violations through 311 but instead maintains these records through the Health Department's database, which is inaccessible to other Departments. The Health Department also does not have access to the PWE Department's database and is thus unable to identify whether PWE is working on similar code issues at the same property unless the departments contact each other about a property, which staff reported does not happen routinely.

→ Fire Department Records

The Fire Department uses the City's ILMS database for tracking the Fire Department's inspections of buildings and responses to complaints relating to violations of the Fire Code. The Chief Inspector of the Life Safety Bureau's Apartment Team reported that ILMS is a very antiquated system for the Department's inspection program and creates inefficiencies for the Department.[96] He added that the database's deficiencies make it difficult and unnecessarily time consuming to identify fire code issues at a property and whether fire code violations identified in inspections were ever addressed.

The Fire Department is unable to run routine reports from the database to identify problem properties, such as a report listing apartment complexes with outstanding life safety violations from an inspection. The only way the Department can determine the outstanding violations is to pull a PDF of the inspection report from the database (if the report was ever scanned into the database) and check whether the inspector signed off on the inspection being completed.

For this research project, we requested all of the Fire Department's inspection records for the 10 Sunnyside-area properties in our study. Initially, the Department could locate inspection reports since 2012 for only four of the 10 properties, but the chief inspector for the Apartment Team was eventually able to track down hard copies of the inspection reports for two more properties. Information from these inspections was never logged in ILMS.[97]

Our findings regarding poor recordkeeping with the Life Safety Bureau's inspection program are in line with the 2017 audit by the City Auditor, which found major defects in the Fire Department's recordkeeping, with a specific finding that records were "incomplete/insufficient, unavailable, or non-existent."[98] The Auditor founds that the Bureau had no information on inspections conducted at 512 properties.[99]

Appendix 7: Chronology of the City of Houston's Responses to Dangerous Living Conditions—Tierwester Village

The City of Houston first identified dangerous living conditions at Tierwester Village as far back as 2001, when the PWE Department identified the property as a "dangerous building." An entry in the City's ILMS database from 2003 also notes "multiple housing code violations" at the property.

The Multifamily Habitability Division conducted a "drive by" inspection of the property on December 11, 2013. The inspectors noted that "all existing buildings will require structural and all but two have foundation issues…. All occupied units will require structural permits and ten units have foundation issues."

The Division then sent a letter to the owner on December 17, 2013, with a report and notices of violations for numerous safety issues identified in the inspection including inadequate structural support of buildings, missing electrical panel covers and other electrical hazards, rotten and missing siding, and trim infiltration. The inspectors' report notes: "seal holes in building exterior. All 105 existing occupied buildings." There is also a note to "repair foundation as required to adequately support building and provide letter from structural engineer declaring structural integrity of foundation." The letter states "all work required by this report and all final inspections shall be completed within 180 days of the 'date inspected' shown above."

According to the PWE Department records, the building owner began to obtain permits for the repair work at the property about nine months later, but the work was never completed and the property continues to have major safety issues. An entry in the PWE Department database from November 13, 2014, indicates that a plumbing inspection was scheduled but "Locked, no answer at door or not access to job, cancelled, contr. Request Bryan. No test." From November 17, 2014: "No test. No access." From November 19, 2014: "Pay reinspection fee. Gas test is too low." There are similar entries from 2015, where the inspectors attempted to access the property but were unable to. An entry from March 18, 2016, three years after the initial inspection, noted that "Investigation fee required, 2 persons doing electrical work without license or permit rewiring house."

In the meantime, between 2013 and 2017, there are 10 reports made through 311 about serious safety issues at the property, including leaking and collapsing ceilings, rats, electrical issues, gas pipe leaks, mold, broken pipes, flooding, sewage overflows, and holes in walls. The highest number of reports occurred in 2015.

As of July 2017, the City had not issued any citations against this property, and the Multi-Family Habitability Division admits that this property "fell through the cracks" and that many of the safety issues were never addressed. In a drive-by of the property that we conducted in 2017, we were especially struck by the unsecured vacant buildings on the property along with the widespread deteriorating building conditions.

ENDNOTES

1 The year built and property condition is from the Harris County Appraisal District.
2 The habitability inspection summary is from the Houston Multi-Family Habitability Division's external inspections of apartments in Houston via the City's Multi-Family Rental Building (MFRB) inspection program. As discussed later in the Report, not all apartments fall under the scope of the MFRB inspections. In our study of the 10 Sunnyside-area properties, this was the case for JABR and Tierwester Village.
3 City records refer to this property as "JABR Apartments." We could not find other references to the name of this property and could not find a name posted at the complex.
4 Susan Rogers, *The [Beautiful] Projects: Contradiction and Complexity*, 94 OffCite Magazine (2014), http://offcite.org/wp-content/uploads/sites/3/2014/07/Cite_94_Beautiful_Projects_Rogers.pdf.
5 U.S. Census Bureau, 2010 Census. Summary File 1, Tables H3, H4, H5, and HCT1.
6 Transwestern, *Market Summary by Class, Houston, Texas* (June 2017) (on file with authors).
7 *Id.*
8 Harris County Appraisal District, 2017 data on multifamily property condition in the city of Houston (on file with authors).
9 Greg Willett, *As Many as 43,000 Apartments Appear Off Line in Metro Houston*, RealPage Inc. (Sept. 29, 2017), https://www.realpage.com/mpf-research/many-as-43000-apartments-appear-off-line-metro-houston/.
10 *See, e.g.*, James Krieger & Donna L. Higgins, *Housing and Health: Time Again for Public Health Action*, 92(5) Am. J. of Pub. Health 758-68 (2002), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447157/; Samiya A. Bashir, *Home is Where the Harm is: Inadequate Housing as a Public Health Crisis*, 92(5) Am. J. Public Health 733-38 (2002); Ernie Hood, *Dwelling Disparities: How Poor Housing Leads to Poor Health* 113(5) Environmental Health Perspectives, A310-A317 (2005).
11 Tracey Ross et al., Creating Safe and Healthy Living Environments for Low-Income Families, 3 (2016), https://cdn.americanprogress.org/wp-content/uploads/2016/07/14065816/SafeAndHealthyHomes-report.pdf; *see also*, Krieger & Higgins, *supra* note 10.
12 Rebekah Levine Coley et al., Poor Quality Housing is Tied to Children's Emotional Behavioral Problems 2 (2013), https://www.macfound.org/media/files/HHM_-_Poor_Quality_Housing_Is_Tied_to_Childrens_Emotional_and_Behavioral_Problems.pdf.
13 *See, e.g.*, Matt Stiles et al., *Mayor Calls for Probe After Fatal Houston Apartment Collapse*, Houston Chronicle (July 16, 2008), http://www.chron.com/news/houston-texas/article/Mayor-calls-for-probe-after-fatal-Houston-1668403.php; Matt Stiles, *Many warnings ignored at complex where child drowned*, Houston Chronicle (Oct. 29, 2008), http://www.chron.com/news/houston-texas/article/Many-warnings-ignored-at-complex-where-child-1781451.php.
14 The Texas State Child Fatality Review Team Committee, Position Statement: Fire and Burn Safety for Children 1 (2010), https://www.dshs.texas.gov/mch/pdf/SCFRT_Fire_Burn_Position_Statement_Final.doc.
15 Christina M. Pacheco et al., *Homes of Low-Income Minority Families with Asthmatic Children Have Increased Condition Issues*, 35(6) Allergy & Asthma Proceedings 467-74 (2014), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4210655/; *see also*, Robert Wood Johnson Found., *Where We Live Matters for Our Health: The Links Between Housing and Health*, 2 Housing and Health 2 (2008), http://www.commissiononhealth.org/PDF/e6244e9e-f630-4285-9ad7-16016dd7e493/Issue%20Brief%202%20Sept%2008%20-%20Housing%20and%20Health.pdf; Alan Mallach, Bringing Buildings Back 8-9 (2006).
16 Robert Wood Johnson Found., *supra* note 15.
17 Ross et al., *supra* note 11.
18 Editorial Board, Houston Chronicle, *Protecting Renters: City Ordinance Targets Dangerous*, (Nov. 11, 2009), http://www.chron.com/opinion/editorials/article/Protecting-renters-City-ordinance-targets-1721077.php?plckFindCommentKey=CommentKey:9d6f9f16-d358-46f1-afc9-8697f860f4fd.
19 Part 1 and Part 2 crimes are a categorization of crimes created by the FBI, which local law enforcement agencies use to classify crimes based on the level of severity. The most serious offenses, which include murder, rape, and aggravated assault, are labeled as Part 1 crimes. For a list of Part 1 and Part 2 crimes, visit the FBI webpage on Uniform Crime Reporting, at https://ucr.fbi.gov/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/offense-definitions.
20 Excel spreadsheet obtained from the Houston Police Department listing F.A.S.T. and Remedial properties, and a breakdown of crime data for May 1, 2015, to April 20, 2016 (on file with authors).
21 *Id.*
22 Calculated from Excel spreadsheets obtained from the Houston Police Department listing F.A.S.T. and Remedial properties and a breakdown of crime data for May 1, 2015 to April 20, 2016; May 1, 2012 to April 30, 2013; May 1, 2010 to April 30, 2011; May 1, 2008 to May 30, 2009 (on file with authors).
23 2011-2015 American Community Survey 5-Year Estimates. B19001B: HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2015 INFLATION-ADJUSTED DOLLARS) (Black or African-American alone householder, White alone householder, Hispanic/Latino Householder) - Universe: Households with a householder who is Black or African-American alone.
24 Andrew Aurand et al., The National Low Income Housing Coalition 9, Table 1, The Gap A Shortage of Affordable Homes (2017), http://nlihc.org/sites/default/files/Gap-Report_2017.pdf (last visited Nov. 22, 2017).
25 The properties depicted on the map are properties designated by the Houston Police Department as F.A.S.T.-eligible and Remedial Action properties pursuant to the City's Apartment Enforcement Security ordinance, discussed in future detail in the report in Part Two.
26 The information on properties in poor or unsound condition is from the Harris County Appraisal District from July 2017. The demographic information for Houston's Super Neighborhoods is from the City of Houston's website for Super Neighborhoods and utilizes 2012 U.S. Census data. http://www.houstontx.gov/planning/Demographics/super_neighborhoods.html.
27 Rogers, *supra* note 4.
28 The percentage of properties that did not have a Certificate of Occupancy or Life Safety Certificate in the zip codes 77051, 77021, and 77033 is a conservative estimate drawn from a summary of Multifamily Habitability inspection reports we obtained from the Houston Public Works and Engineering Department. The estimate consists of properties where the Department's inspection summaries stated that the property did not have either of the two required certificates in the initial round of inspections, divided by all multifamily properties on the Department's inspection list for those zip codes. For inspection summaries that did not indicate whether the property had a Certificate of Occupancy or Life Safety Certificate, we assumed the property had the certificate. *See also*, Matt Stiles, *Many Houston Apartments Lack Basic Safety Certificates*, Houston Chronicle (July 21, 2008), http://www.chron.com/news/houston-texas/article/Many-Houston-apartments-lack-basic-safety-1638847.php.
29 These numbers are calculated from the Houston Multi-Family Habitability Division's inspection list, which the Division provided to us on July 13, 2017 (on file with authors). The Division told us that this list includes all multifamily properties that the Division has identified in the City for the Multi-Family Rental Building Inspection program except for recently-constructed properties. The staff is working to add this newer category of properties to the list. The estimates are calculated from the Division's inspection list and is a conservative estimate. The estimates do not include the 625 properties on the Division's list with a blank for Certificate of Occupancy information, nor do they include the 288 properties marked for deletion from the list (such as for demolished or vacant properties). The total number of multifamily properties on the list subject to inspections comes out to 3,941 properties after removing the properties

marked for deletion.
30 Matt Stiles, *Houston Apartment Inspection Bill on Track*, Houston Chronicle (May 27, 2009), http://www.chron.com/news/houston-texas/article/Houston-apartment-inspection-bill-on-track-1728649.php.
31 H.B. 1819, 81st Reg. Sess. (Tex. 2009).
32 *Id.*
33 Matt Stiles et al., *Battling Blight*, Houston Chronicle (May 11, 2008).
34 Interview with Bill White, Former Mayor, City of Houston, (May 25, 2017).
35 *Id.*
36 Houston, Tex., Ordinance 2009-1043 (Nov. 4, 2009). http://www.houstonmultifamily.org/Documents/Ordinance2009-1043.pdf.
37 Phone call with Jim Clark, Senior Inspector, Apartment Inspection Program, Houston Fire Department (July 13, 2017).
38 *Id.*
39 Houston, Tex., Code of Ordinances, § 28-283(b) (2017).
40 Houston Police Department, Organizational Chart for the Houston Apartment Enforcement Unit, http://www.houstontx.gov/police/multi_family/directory.htm (last checked Nov. 14, 2017).
41 *Id.*
42 Information on the Blue Star program is available on the Apartment Enforcement Unit's website, http://www.houstontx.gov/police/multi_family/.
43 Texas Attorney General, Nuisance Abatement 2 (15th ed. 2011), https://www.texasattorneygeneral.gov/files/cj/nuisance_abatement.pdf (last visited Nov. 22, 2017).
44 Rebecca Elliott & Keri Blakinger, *Odds are Long for Housing Vouchers*, Houston Chronicle, Sept. 23, 2016, http://www.houstonchronicle.com/news/houston-texas/houston/article/Odds-are-long-for-housing-vouchers-9243176.php?t=8b090e733f438d9cbb&cmpid=twitter-premium (last visited Nov. 22, 2017).
45 Houston, Tex., Code of Ordinances, §§ 10-154 to 10-159 (2017).
46 *Id.* at §§ 10-152.
47 *Id.* at §§ 10-154.
48 The Multi-Family Habitability Division's inspection list consists of 3,941 multifamily properties (not including properties marked for deletion by the Division), although the Division told us it was in the process of updating its list to include newly-built multifamily properties. An audit of the Fire Department's Life Safety Bureau identified more than 5,000 multifamily properties in Houston. Chris B. Brown & Courtney E. Smith, Houston Fire Department Life Safety Bureau Performance Audit 39 (2017), https://www.houstontx.gov/controller/audit/reports/2017-10.pdf.
49 Public Information Act response from Mark Green, City of Houston Public Works and Engineering Department, to Charlie Duncan, Fair Housing Planner, Texas Low Income Housing Service (Nov. 3, 2016).
50 Houston, Tex., Code of Ordinances, § 10-157 (2017).
51 *Id.* at § 10-157(c).
52 City of Houston, *Multi-Family Rental Building List* (Dec. 31, 2016), http://www.houstonmultifamily.org/Documents/HabitabilityList2016.pdf.
53 Houston, Tex., Ordinance 2009-1043 (Nov. 4, 2009), §§ 5 and 7.
54 The duplex buildings are located on the same tax parcel and under common ownership.
55 Even though the units are not attached, at least 87 of the units are on the same tax parcel and all are under common ownership.
56 City of Houston, City Fee Schedule (September 2017), http://cohweb.houstontx.gov/FIN_FeeSchedule/default.aspx.
57 The City's Multi-FamilyHabitability Division classifies a property as a "[m]aterial risk to the physical safety or health of the building's tenants" if the City inspector identified one or more of the following issues during a habitability inspection: (1) significant risk of structural failure, (2) significant electrical hazards, (3) significant risk from plumbing violations, (4) significant risk from mechanical violations, or (5) significant swimming pool violations. See Appendix 2 for an excerpt from an inspection report.
58 The Division conducted an inspection of Tierwester in 2013, but it is unclear from the records whether this was a MFRB inspection since the Division has not classified the property as multifamily and could not locate an inspection report from the inspection.
59 Houston, Tex., Code of Ordinances, § 10-155 (2017).
60 Tom Nelter, Healthy Housing Solutions Inc., Comparison of Houston, Texas Multi-Family Housing Code to the National Healthy Housing Standard and the International Property Maintenance Code 1 (2015), http://www.nchh.org/Portals/0/Contents/Code-Comparison_NHHS-and-IPMC-to-TX-Houston_2015.02.27.pdf; *see generally*, National Center for Healthy Housing, National Healthy Housing Standard (2014), http://www.nchh.org/Portals/0/Contents/NHHS_Full_Doc.pdf.
61 24 C.F.R. § 5.703 (2017).
62 *Id.*
63 *Id.*
64 City of Dallas, Neighborhood Code Compliance Work Instructions, http://www.4eval.com/Dallas/CCS/Procedures/CodeComplianceWorkInstructions.htm (last visited Oct. 19, 2017).
65 Available at http://www.4eval.com/Dallas/CCS/Procedures/CodeComplianceWorkInstructions.htm.
66 We did not see any instances in the code cases we reviewed from the Sunnyside area where a tenant reported speaking a language other than English or Spanish. As a result, we were unable to identify how the City responds to calls from tenants who do not speak either English or Spanish.
67 Change Lab Solutions, A Guide to Proactive Rental Inspection Programs 5-6 (2014), http://www.changelabsolutions.org/sites/default/files/Proactive-Rental-Inspection-Programs_Guide_FINAL_20140204.pdf.
68 Brown & Smith, *supra* note 48. The audit report included the following findings: (1) the Bureau's inspections of apartment complexes were performed inconsistently, with inspectors using different procedures and three different versions of inspection checklists; (2) inspectors often failed to keep a record of the inspections; and (3) in many instances, the Department provided apartment owners with self-inspection checklists rather than the Department conducting the inspections. Other audit findings related to apartment safety included: (1) the Bureau failed to utilize current Fire Code requirements in its inspections; (2) the Fire Department failed to conduct comprehensive plan reviews or inspections before the issuance of a Certificates of Occupancy to ensure that complexes met required fire prevention standards; (3) the Life Safety Bureau and other divisions within the Fire Department failed to coordinate their fire prevention functions; and (5) the Bureau lacked quality controls.
69 Heather K. Way et al., An Analysis of Rental Property Registration in Austin, Appendix 1 (2013), https://www.utexas.edu/law/clinics/community/An%20Analysis%20of%20 Rental%20Property%20Registration%20in%20Austin.pdf.
70 *Id.* at 2.
71 Center for Public Priorities, Fact sheet: Immigrants in Houston (2016), http://forabettertexas.org/images/EO_2016_Factsheet_Immigrants_HOU.pdf.
72 The Houston Public Works and Engineering Department is restricted by city ordinance from conducting comprehensive inspections more frequently than once every four years unless the property received a notice of violation or a citation for a Building Code or Multi-Family Habitability Code violation. Houston, Tex., Ordinance 2009-1043, Section 9 (Nov. 4, 2009).
73 Brown & Smith, *supra* note 48, at 46.
74 Change Lab Solutions, *supra* note 67, at 11.
75 Dallas, Tex., Code of Ordinances, § 27-42(a) (2017).
76 Fort Worth, Tex., Code of Ordinances, § 7-403(c) (2017).
77 City of Arlington, Multi-Family Residential Inspection Scores,

http://www.arlington-tx.gov/codecompliance/multi-family-residential-inspection-scores/.
78 Fort Worth, Tex., Code of Ordinances, § 7-403(e) (2017).
79 E-mail from Robert Curry, Manager, Code Compliance, City of Dallas, to Heather Way, Clinical Professor, Entrepreneurship and Community Development Clinic (Nov. 13, 2017) (on file with authors).
80 Brown & Smith, *supra* note 48.
81 *See generally*, The Vacant Property Research Network, Data-Driven Systems Model Practices & Policies for Strategic Code Enforcement (2016) http://vacantpropertyresearch.com/wp-content/uploads/2016/09/20160609_Data-Systems_FINAL-1.pdf.
82 *Id.*
83 *Id.*
84 Alan Mallach, Meeting the Challenge of Distressed Property Investments in America's Neighborhoods 63 (2010), http://www.instituteccd.org/uploads/iccd/documents/102010_distressed_property_investors.pdf.
85 Silvana Hackett et al., *Rental Licensing to Achieve Compliance* 6, Center for Urban and Regional Affairs, Univ. of Minn. (2012), http://wwwcityofroseville.com/DocumentCenter/View/11028.
86 *Id.*
87 Heather K. Way et al., Community Dev. and Entrepreneurship Clinic, Univ. of Tex. School of Law, An Analysis of Austin's 2-5-2 Repeat Offender Program and Efforts to Address Dangerous Rental Properties (2015), https://law.utexas.edu/wp-content/uploads/sites/11/2015/07/2015-06-ECDC-ROPReportJune30.pdf.
88 Dallas, Tex., Code of Ordinances, § 27-42 (2017).
89 Way et al., *supra* note 87.
90 For an analysis of tenant displacement costs and other related issues in Austin, see Heather K. Way et al., Community Dev. Clinic, Univ. of Tex. School of Law, Tenant Displacement in Austin (2012), https://law.utexas.edu/wp-content/uploads/sites/11/2015/07/2012-08-ECDC-TENANT_DISPLACEMENT_IN_AUSTIN.pdf.
91 Tex. Local Govt Code, § 21.046 (2017). The payments must be compatible with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, and a city must adopt rules for the administration of the relocation program. *Id.* at 21.046(a).
92 The City of Austin created an Emergency Tenant Response Plan following the emergency closure of an apartment where a balcony collapsed, displacing dozens of tenants. City of Austin, Code Compliance Department, *Emergency Tenant Response Plan*, available at http://www.austintexas.gov/edims/document.cfm?id=212117.
93 Dallas, Tex., Code of Ordinances, § 27-5.2 (2017).
94 City of Fort Worth, Rental Inspection Scores, http://apps.fortworthtexas.gov/rental_inspection/rental_inspection.aspx
95 For an additional discussion on what cities should be doing to assess their apartment safety programs and how they can improve, see Change Lab Solutions, Up to Code: Code Enforcement Strategies for Healthy Housing 25-27, http://www.changelabsolutions.org/sites/default/files/Up-tp-Code_Enforcement_Guide_FINAL-20150527.pdf.
96 Phone call with Jim Clark, Senior Inspector, Apartment Inspection Program, Houston Fire Department (July 13, 2017).
97 The Fire Department had no inspection records for four of the properties: (1) two of the properties are not subject to inspections under the Department's definition of multifamily; (2) the inspection records were missing for one property; and (3) the Fire Department never conducted an inspection of one property (Bellfort Townhomes).
98 Brown & Smith, *supra* note 48, at 32-34.
99 *Id.* at 39.

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