



City of San Antonio

Agenda Memorandum

File Number:
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Agenda Item Number: {{item.number}}

Agenda Date: September 23, 2024

In Control: Planning and Community Development Committee

DEPARTMENT: Office of the City Attorney

DEPARTMENT HEAD: Andy Segovia

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Council Consideration Request by Councilmember Teri Castillo (District 5) on DART Cost Recovery

SUMMARY:

On March 9, 2024 a Council Consideration Request was submitted by Councilmember Teri Castillo (District 5) on DART Cost Recovery to 1) establish a comprehensive fee structure so that DART property owners can be held responsible for maintaining the safety of their property and surrounding neighborhood and 2) direct the collected fees to the COSA Relocation Assistance Fund. The CCR request is limited to DART properties and is not intended to, nor should it include low-income homeowner occupants with minor reoccurring violations who are unable to afford to bring their property up to code.

BACKGROUND INFORMATION:

DART investigates and inspects properties which have a minimum two-year documented code and/or criminal history. Residences DART-eligible properties often encounter safety concerns related to drug, gang, and/or other criminal activity. The City Attorney's Office coordinates with other City departments to conduct CART inspections including SAPD, Code Enforcement, Health, and DHS.

In fiscal year 2024, the DART team will perform approximately 53 inspections on both residential and commercial properties. Approximately 75% of these inspections will result in a compliance agreement with property owners to remediate and fix the identified issues. These agreements are reached in lieu of the City going to court and filing litigation declaring these properties nuisance properties and seeking remedies including fines, closure, and demolition.

ISSUE:

Fees must be reasonably related to costs associated with the program and cannot be directed to another program. Fees cannot be imposed without due process, for example, through a Court proceeding unless they are included in the compliance agreement with the owners/managers.

Fees can only be directed to the program imposing the fees.

The compliance agreement provides a mechanism of recouping costs of conducting inspections and holding owners accountable for the condition of their property.

FISCAL IMPACT:

The fiscal impact will need to be determined based on the scope of cost recovery, fees collected through a legal proceeding, the number of properties impacted, and the collectability of fees. The DART team can gather data over the next fiscal year and report on the amount of costs recovery and fees collected.

ALTERNATIVES:

Develop a general nuisance program similar to the Dallas nuisance ordinance in which a broader category of properties with issues such as code violations and some criminal history are inspected and monitored and fees imposed to cover the cost.

RECOMMENDATION:

Staff recommends the following:

- Include a cost recovery amount in each compliance agreement that will be related to the number of COSA resources used in the inspection.
- For properties that do not enter into compliance agreements or breach compliance agreements seek fees and fines through judicial process.
- Monitor the City of Dallas ordinance to evaluate effectiveness of a broader ordinance to cover additional properties.
- Cost recovery funds are eligible to be designated to the COSA Relocation Program. Fees/fines will go to General Fund.