

City of San Antonio



Minutes Planning and Community Development Committee

2021 – 2023 Council Members

Dr. Adriana Rocha Garcia, Dist. 4
Phyllis Viagran, Dist. 3 | Teri Castillo, Dist. 5
John Courage, Dist. 9

Thursday, February 23, 2023

10:00 AM

Council Briefing Room

The Planning and Community Development Council Committee convened a regular meeting in City Hall beginning at 10:00 AM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Committee Members present:

Members Present: Dr. Adriana Rocha Garcia, *Chair*
Phyllis Viagran, *Member*
Teri Castillo, *Member*
John Courage, *Member*

Members Absent: None

Approval of Minutes

1. Approval of minutes from January 19, 2023 Planning and Community Development Committee

Councilmember Viagran moved to Approve the minutes of the January 19, 2023 Planning and Community Development meeting. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Viagran, Castillo

Absent: Courage

Public Comment

Kevin Lemelle, Cecilia Galvan, Deborah Watts, Sylvia Flores, Keisha Brown, James Hamilton, and Marco Acuna with the Texas Organizing Project (TOP) and Opportunity Home Resident Council President Jeff Hull spoke in support of Item 2 and the creation of a proactive apartment inspection program to help tenants receive swift repairs, improve living conditions and safety, but he opposed having an appeals process for landlords. TOP Members

also requested a Tenant's Bill of Rights to be passed immediately.

Crystal Moya, representing the San Antonio Apartment Association spoke in support of all recommendations of the Proactive Apartment Inspections Task Force.

Uel Trejo-Rivera recommended more equity and accessibility for persons especially for those that spoke other languages to be included in the Tenant's Rights Campaign.

Kayla Miranda spoke in support of the Tenant's Bill of Rights.

2. Briefing on the City's Fair Housing & Tenants' Rights Awareness Campaign [Lori Houston, Assistant City Manager; Veronica Garcia, Director, Neighborhood and Housing Services]

Assistant City Manager Lori Houston provided background, overview and the timeline of the Item and introduced Veronica Garcia, Director of the Department of Housing and Neighborhood Services and Deputy City Attorney Susan Guinn who presented the staff recommendations. Garcia stated that there would be a public information campaign on Fair Housing Laws and a system-wide Eviction and Foreclosure Prevention Education Program. The Fair Housing & Tenants' Rights awareness campaign included a Resolution, educational materials and an updated "Notice of Tenant's Rights" document.

Guinn presented the Tenant's Rights Resolution and noted that its purpose was to consolidate and affirm local, State, and Federal tenant protections. Guinn provided a timeline for the process which would conclude with consideration of the Resolution by the City Council in May or June 2023.

Assistant City Manager Houston stated that there would be a one page document which provided contact information and a City number to assist with follow up and added that the proposed Resolution would be reviewed by the Planning & Community Development Committee (PCDC) in April 2023.

Assistant City Manager Houston asked Guinn which statutes provided remedies for tenants related to retaliation, standards and the right of tenants to make repairs. Guinn responded that the United States Fair Housing Act and Chapter 92 of the Texas Property Code provided for these protections. Assistant City Manager Houston also noted that the Fair Housing Act provided protections for Veterans and Guinn added that there were also protections for Veterans in the Texas Local Government Code and against discrimination in general in the City's non-discrimination Ordinance, Property Code US and Texas Fair Housing Act and the Violence Against Women Act.

Chair Rocha Garcia supported the Item and noted that a one page information document would be very helpful. Chair Rocha Garcia provided statistics on rental rates and rates of families that were house burdened. She also suggested that improving housing equity could help reduce generational poverty. She thanked the community partners for their support and noted that PCDC would see the recommendations in April 2023 which was Fair Housing Month.

Councilmember Viagran stated that some homeowners wanted to get a Ring doorbell. Assistant City Manager Houston responded that the tenant needed to follow the complaint process outlined by law. Councilmember Viagran supported returning to the stakeholders so that they could discuss the resolution of these issues. Councilmember Viagran also recommended clear communication of the expectation with out-of-town landlords. City Attorney Andy Segovia stated that out-of-town landlords needed to follow local laws. Councilmember Viagran acknowledged that members of the public were frustrated but stated that it was important that stakeholder meetings were held so that it was developed properly with public input. Director Garcia stated that Code Compliance could help with outreach, as well as non-profits, and worked on developing the most accessible methods of communication.

Councilmember Courage stated that the Mayor had established a Housing Commission which was a step in the right direction, but there was still more work to be done. Councilmember Courage stated that when his office received complaints about apartment complexes, they helped coordinate a resolution but added that everyone deserved housing that was safe, functional, comfortable and affordable. Councilmember Courage recommended a clear, clean Tenant's Bill of Rights that was not simply a list of website links, but more interactive with phone numbers. Councilmember Courage agreed with an accelerated timeline but also thought there needed to be adequate time for public input.

Councilmember Castillo commented that San Antonio was a majority renter city and thanked the Chair for bringing the Item forward. She recalled being on a call during the pandemic with TOPS and City staff and added that this was an important step. Councilmember Castillo supported the language justice to include Spanish and other languages besides English. She asked where tenants who organized were protected. Assistant City Manager Houston stated that this was a component of the anti-retaliation protections and Segovia stated that they would make it clear. Assistant City Manager Houston stated that the Item would be brought back to PCDC in April 2023.

No action was required for Item 3.

Consent Agenda

- 5. Resolution of No Objection for Legacy-San An New Braunfels, LP's application for 2023 Non- Competitive 4% Housing Tax Credits (HTC) from the Texas Department of Housing and Community Affairs (TDHCA) for the development of a 180-unit affordable multi-family rental housing development named Legacy Senior Residences, located at 6219 S. New Braunfels Avenue in Council District 3 and acknowledgment that more than 20% of the total housing in the Census Tract is supported by HTC. [Lori Houston, Assistant City Manager; Veronica Garcia, Director, Neighborhood and Housing Services]**

Councilmember Viagran moved to Approve. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Viagran, Castillo, Courage
Absent: None

Briefing and Possible Action on

3. Briefing and possible action on the Proactive Apartment Inspections Task Force and development to proactively inspect multi-family residential properties for compliance with minimum health and safety housing standards. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]

Director of Development Services Mike Shannon presented background on the Item which resulted from recent incidents related to some non-compliant properties. Shannon reported that the two new Code Enforcement Officer positions included in the FY 2023 Budget had been hired and were dedicated to apartment inspections. Shannon thanked the attendees at the twelve stakeholder meetings and two community input meetings.

Shannon provided data on the most common violations and stated that the goal of the proposed policy was to incentivize good property management, hold apartment property owners accountable and to be more proactive. Shannon stated that the Ordinance would apply to apartment complexes with five or more units. He noted that apartment complexes that received three designated citations within a six-month period would be required to register with the City and be subject to monthly proactive inspections with an ability for the property to “graduate” if they were consistently compliant but also be placed on probation during that period with additional inspections if they did not meet the requirements of probation.

Shannon stated that property owners would receive notice both at the door of the property manager’s office and by email and outlined the appeal process for landlords with the burden of proof placed on the property owner. He noted that an administrative appeal would be brought before the Code Official and a formal appeal would be heard by a judge. Shannon stated that registered landlords would be required to pay a fee that would eventually be used to pay for the proposed six person Proactive Apartment Inspections Code Enforcement Team which would cost \$380,000 for the first year with an annual recurring cost of \$300,000.

Chair Rocha Garcia thanked staff and the stakeholders for their work and commented that the program had been in development since 2014 and suggested that this was a good compromise and important step in the right direction. Chair Rocha Garcia requested a check-in with the PCDC after the program had been implemented for about a year to see how it was working and to make further recommendations or tweaks to the program.

Councilmember Courage thanked all of the stakeholders for developing the program recommendation which could help ensure quality living at the 250,000 apartment units in San Antonio. Councilmember Courage outlined that the Task Force had 12 members with five representing renters, five representing property owners and the last two representing government which he felt was a diverse representation.

Councilmember Castillo thanked the department for their work and some of the members of the public who pointed out that quality, safe, clean housing was a public health issue. Councilmember Castillo requested clarification on the graduation program and how the Task Force came up with the proactive inspection percentage. Shannon stated that there were many issues taken into consideration but the recommendations were the best sampling to tell his office what was happening at a particular property. Councilmember Castillo asked if a new property owner inherited a

property on the list if the apartment were sold. Shannon stated that the violations went with the property and the new owner would be expected to provide a corrective action plan.

Councilmember Viagran thanked the Task Force for their work and looked forward to starting the program to get a full report as soon as possible so that renters could count on their homes being safe and comfortable during extreme weather.

Councilmember Courage clarified that if an individual lived in a property that had violations, the tenant needed to go to the property manager first and then call Code Compliance for an inspection. He noted that Code Compliance would then inspect and cite the property with a 10 day period for the landlord to fix it or be fined. Shannon stated that the fine was \$300 for a civil ticket or \$500 for a criminal ticket for the first offense and State law allowed up to \$2,000 fine. Councilmember Courage commented that this seemed like a long timeline for a resident to get a repair which could take months.

Councilmember Viagran moved to forward the Item to the full City Council for consideration. Councilmember Castillo seconded the motion. The motion carried by the following vote:

Aye: Rocha Garcia, Viagran, Castillo, Courage
Absent: None

4. Briefing relating to the REHABARAMA program which provides repair and maintenance projects for older and historic housing stock. [Lori Houston, Assistant City Manager; Shanon Miller, Director, Office of Historic Preservation]

Director of the Office of Historic Preservation Shanon Miller stated that the department had held four REHABARAMA events supporting 64 homes since the program's inception in 2017. Miller stated that FY2023 was the first time funding was available, as the program had been volunteer only in the past. She noted that with the \$500,000 Budget, the program would focus on West side homes built before 1960 and owned by persons at or below 80% Area Median Income (AMI) with a preference for those at 30% AMI or less. She added that under the program, contractors provided materials and volunteers and the community volunteered labor with a plan to expand the program and serve more homes.

Chair Rocha Garcia spoke in support of the program adding that it was important to improve historic homes owned by our low-income residents.

Councilmember Courage asked if CPS Energy would be a partner with the weatherization component of the program. Miller stated that partnerships were encouraged.

Councilmember Viagran wanted to ensure that the media was informed of the program as it was great news for our City.

No action was required for Item 4.

Adjournment

There being no further discussion, Chair Rocha Garcia adjourned the meeting at 11:55 a.m.

Approved

Adriana Rocha Garcia, Chair

Debbie Racca-Sittre, City Clerk