

City Council Discussion

Vacant Property Registration, Unsafe Buildings, and Nuisance Abatement

Why Are We Talking About This?

- Increased attention to properties that are vacant, abandoned, or not regularly occupied and their effects on neighbors and City services
- Such properties may raise safety and health concerns, contribute to neighborhood decline, and impact long-term community stability
- Council expressed interest in understanding what tools are available before determining whether additional regulation is appropriate
- This is an exploratory discussion only; no ordinances or actions are proposed at this time

What Do We Mean by Vacant or Abandoned?

- Properties not regularly occupied for an extended period of time.
- Structures that appear neglected, unsecured, or deteriorating
- Homes or buildings that are technically owned but functionally unused
- Emphasis on conditions and impacts, not ownership

What the City Has Already Explored

- Discussion and background work on Vacant Property Registration (VPR)
 - Goal of encouraging proactive maintenance and establishes responsible local contact
 - Strengths of VPR
 - Improves communication with property owners and creates awareness before conditions deteriorate
 - Administrative rather than punitive
 - Can reduce repeat complaints and emergency calls
 - Limitations of VPR
 - Does not directly resolve severe neglect
 - Relies on owner compliance
 - Less effective for long-term abandonment
 - May need complementary enforcement mechanisms

Complimentary Enforcement Mechanisms

- Graduated response:
 - 1) VPR for early awareness, communication and prevention. This is about knowing what is vacant, not penalizing it.
 - 2) Abandoned / unsafe building regulations (Local Government Code Chapter 214) to address the conditions, not the vacancy itself. This is where vacancy turns into a safety issue.
 - 3) Nuisance abatement through the courts (Civil Practice and Remedies Code Chapter 125) to resolve serious or chronic threats. This is the last resort after other efforts have failed.

Abandoned / Unsafe Building Regulations – Chapter 214, LGC

- Allows cities to address buildings that are unsafe, dilapidated, or abandoned
 - Focuses on building conditions, not vacancy alone
 - May include notice, hearings, and compliance timelines
 - Provides administrative enforcement framework
- What Chapter 214 Is Designed to Address
 - Structures unfit for habitation or use
 - Buildings that pose safety risks
 - Long-term neglect leading to structural deterioration
 - Situations short of immediate nuisance litigation

Chapter 214 Cont'd

- **Strengths**
 - Clear due-process structure
 - Predictable steps for owners and the City
 - Can require repair, securing, or removal
 - Bridges the gap between VPR and court action
- **Considerations and Trade-Offs**
 - Administrative workload (requires involvement with code enforcement/building official)
 - Staff capacity and expertise
 - Cost recovery challenges (budget reserve for casework)
 - Balancing enforcement with fairness
 - Community expectations
- The City has adopted the 2018 version of the International Property Maintenance Code, which we can use to enforce the powers granted to the City under Chapter 214.
 - The enforcement provisions and processes are outlined in Chapter 1, Part 2, of the IPMC.
 - Enforcement usually will start with warning letters from the Building Official / Code Enforcement, and if it escalates, it would go to municipal court to be handled by the court prosecutor.

Nuisance Abatement – Chapter 125, CPRC

- Addresses properties that rise to the level of a public nuisance
 - Requires filing a civil lawsuit
 - Court-ordered remedies may include repair, closure, or demolition
 - Typically used for serious or chronic conditions
- When Nuisance Abatement Is Considered
 - Significant threats to health or safety
 - Ongoing criminal activity or dangerous conditions
 - Long history of complaints or violations
 - Other enforcement efforts have failed

Chapter 125 Cont'd

- **Advantages**
 - Strong legal authority
 - Clear judicial remedies
 - No local ordinance is required
 - The process lives in the courthouse
 - Remedies come from a judge, not City staff
 - Effective for worst-case properties
- **Challenges**
 - Time-intensive
 - Costly (legal fees, staff time)
 - Case-by-case rather than programmatic

What Next?

Policy Questions for Council Discussion

- What problems are we trying to solve first?
- How proactive should the City be?
- Where should discretion remain with staff?
- What level of enforcement aligns with community values?

Possible Next Steps

- Direction to continue research
- Peer city comparisons
- Public outreach or stakeholder input