

Out of Order:

HOUSTON'S DANGEROUS APARTMENT EPIDEMIC

January 2018

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Belfort Townhomes



Crystal Springs Apartments



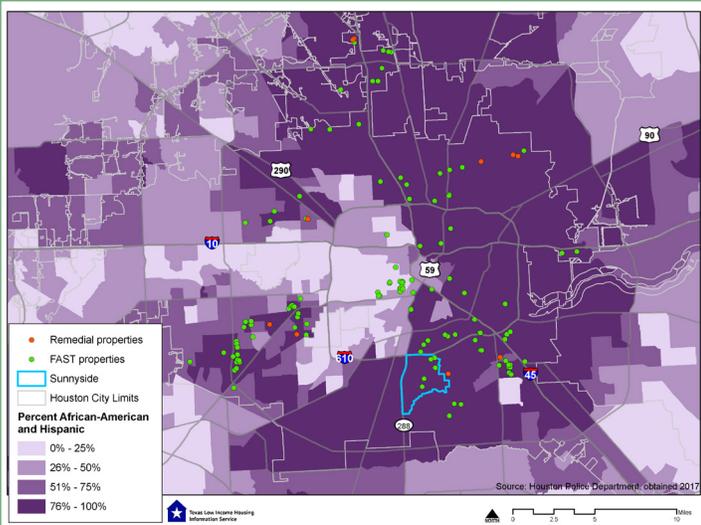
Tierwester Village

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.

High Crime Apartments in Houston (2016)



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.

For a copy of our full report, visit <https://law.utexas.edu/clinics/2018/01/26/out-of-order-houstons-apt-epidemic/>.



Missing second-story window pane at Belfort Townhomes

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.

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.