

# Memorandum



CITY OF DALLAS

DATE November 4, 2022

TO Honorable Mayor and Members of the City Council

SUBJECT **November 9, 2022, City Council Agenda Item No. 17;22-2524: An ordinance amending Chapter 27, “Minimum Property Standards”**

The following agenda item is scheduled for City Council action on November 9, 2022.

## **Agenda Item No. 17;22-2524**

An ordinance amending Chapter 27, “Minimum Property Standards,” of the Dallas City Code by: **(1)** providing a definition for “unsafe property”; **(2)** providing unsafe properties to be a public safety nuisance subject to abatement; **(3)** providing that unsafe properties must implement Crime Prevention Through Environmental Design principles; **(4)** providing a penalty not to exceed \$2,000.00; **(5)** providing a saving clause; **(6)** providing a severability clause; and **(7)** providing an effective date - Financing: No cost consideration to the City

## **BACKGROUND**

On October 11, 2022, the [Public Safety Committee](#) was briefed on proposed amendments to Chapter 27, “Minimum Property Standards.” A copy of the presentation delivered to the Committee is attached for reference.

The Public Safety Committee previously requested staff to review current place-based crime prevention practices that exist in the City Code, to recommend enhancements to City Code, and to solicit input from internal and external stakeholders.

Review of the current City Code showed that crime prevention related enforcement mechanisms under Chapter 27 are limited to citations, fines, and litigation. Current limitations of these enforcement mechanisms are that fine maximums are restricted by state law and do not include mandatory nuisance abatement, and litigation has a high threshold to establish mandatory nuisance abatement and can be a lengthy process.

A working group of stakeholders reviewed current practices, ordinances from peer cities, and best practices for crime prevention to develop the proposed amendments. For a property to be required to implement the proposed amendments, the property must meet one of the two following criteria:

- 1) Have received a citation in the previous 12 months for violating any of the following sections of Chapter 27:
  - a. failure to secure a vacant structure;

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- b. failure to maintain all fences, retaining walls, decorative walls, and barriers in operating condition;
- c. failure to maintain any bars, grilles, grates, and security devices in operating condition;
- d. failure to meet lighting standards for multitenant properties; OR
- e. failure to provide and maintain security devices in each dwelling unit.

- 2) The property qualifies as a habitual criminal property or habitual nuisance property as defined in Article VIII of Chapter 27.

A third requirement limits the scope of the proposed amendments to properties that are located in an area identified by the Office of Integrated Public Safety Solutions as being elevated risk by the Risk Terrain Model.

The Risk Terrain Model is an objective measure that diagnoses environmental conditions that enable criminal activity. Risk Terrain Modelling analysis brings multiple sources of data together by connecting them to geographic places. By utilizing Risk Terrain Modelling, the city and our community partners learn the “where and why” of criminal activity, and what to do to address it. Risk Terrain Modelling and crime prevention measures in place are proven to reduce crime, enhance public safety, and improve community relations.

The proposed amendments to Chapter 27 include a requirement for the implementation of Crime Prevention Through Environmental Design (CPTED) principles at properties meeting the standards detailed above.

CPTED is the international standard for criminal activity deterrence for the built environment. CPTED assessments and standards are used throughout the country and in private industry in design and construction of properties. Studies of the use of CPTED have found links between the principles of design and lower instances of criminal offenses occurring. CPTED strategies include surveillance, access control, territorial reinforcement, and maintenance & activity support.

### **PROPOSED IMPLEMENTATION**

Should the City Council adopt the proposed amendments, staff will begin providing notice of the requirement to implement CPTED standards and will encourage voluntary compliance to properties meeting criteria.

CPTED implementation will be aided for owners who seek City assistance with implementation. The City will conduct CPTED assessments and provide recommendations to owners to improve crime prevention at their property. In addition, the City has the resources to provide additional technical incentives to property owners who wish to voluntarily comply with requirements. These resources include sharing of design standards and guidance, connections with community groups to implement CPTED standards, or the establishment of crime watches.

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Should owners fail to implement or maintain CPTED recommendations, the City may seek property designation as a habitual criminal or habitual nuisance property. The City may decide at this stage to abate the nuisance and lien the property for the associated costs.

The City may reserve the right to proceed to litigation under Chapter 125 of state law if the owner fails to implement or maintain CPTED recommendations following criminal or nuisance property designation.

### **CONCLUSION**

The proposed amendments enable staff to implement a scaled response model that addresses current limitations in enforcement and encourages voluntary compliance and collaboration with city staff while also reserving the right for enforcement for those not complying. Furthermore, the amendments proposed are evidence-based solutions to promote public safety and quality of life in communities.

Should you have any questions or concerns, please contact Kevin Oden, Interim Director of the Office of Integrated Public Safety Solutions at [kevin.oden@dallas.gov](mailto:kevin.oden@dallas.gov).



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**City of Dallas**

**Proposed Amendment to Chapter 27  
Crime Prevention Through  
Environmental Design (CPTED)  
Standards for Certain Nuisance  
Properties**

**Public Safety Committee  
October 11, 2022**

Kevin Oden  
Director (I)  
Integrated Public Safety Solutions

# Presentation Overview



- Background/History
- Current Enforcement of Chapter 27
- Enhancement Considerations
- Enhancement Advantages
- Next Steps



# Background/History



- City Council has been briefed on challenges related to criminal activity at multitenant properties:
  - February 14<sup>th</sup>, Public Safety Committee: Multifamily Compliance & Inspection Team
  - March 14<sup>th</sup>, Public Safety Committee: DPD Apartment Communities Team
  - June 15<sup>th</sup>, City Council Briefing: Violent Crime Plan Update
- To address issues related to crime prevention for City Council consideration, staff has been asked to:
  - Review current enforcement practices and current ordinances to recommend enhancements
  - Meet with internal and external stakeholders to assist with this task





# Current Enforcement of Chapter 27



- Minimum Property Standards – Chapter 27, Article III
  - Standards for maintenance of multitenant properties, including exterior lighting and security device provisions
- Rental Registration and Inspection Program – Chapter 27, Article VII
  - Standards for management of multitenant properties, including:
    - Onsite Management
    - Emergency Contact
    - Document Retention
    - Crime Prevention Addendum
    - Attendance at Crime Watch Safety Meetings



# Current Enforcement of Chapter 27



- Habitual Criminal Property – Chapter 27, Article VIII
  - Requires property owners to implement crime prevention measures if the property meets the presumptions
  - May be recommended by DPD to specific property owners and/or property managers in response to ongoing criminal activity
  - If owners fail to implement recommendations, enforcement may occur through the Habitual Criminal Property designation or litigation under Chapter 125 of the Texas Civil Practice and Remedies Code.





# Current Enforcement of Chapter 27



- Citations & Fines:
  - State law restricts the maximum fine amount(s)
  - May be viewed as a cost of doing business
  - No authority to mandate abatement of a nuisance
- Litigation:
  - Case must meet litigation threshold - “substantial danger” or “place where persons go to commit abatable criminal activity”
  - Process to obtain court order (or compliance with court order) can be lengthy



# Current Enforcement



- Crime Prevention through Environmental Design (CPTED):
  - Standard for criminal activity deterrence for the built environment
  - CPTED measures are proven to overwhelmingly reduce criminal activity (Casteel and Peek-Asa, 2000)
  - Strategies include, but not limited to:
    - Surveillance
    - Access Control
    - Territorial reinforcement
    - Maintenance & Activity Support
- **Implementation of specific CPTED standards for properties is not codified in the City Code.**
- CPTED standards may be recommended by DPD to specific property owners and/or property managers in response to ongoing criminal activity.
- If owners fail to implement recommendations, enforcement may occur through the Habitual Criminal Property designation or litigation under Chapter 125 of the Texas Civil Practice and Remedies Code.
- Nuisance behavior continues to negatively impact neighboring communities' quality of life at the expense of valuable city resources.



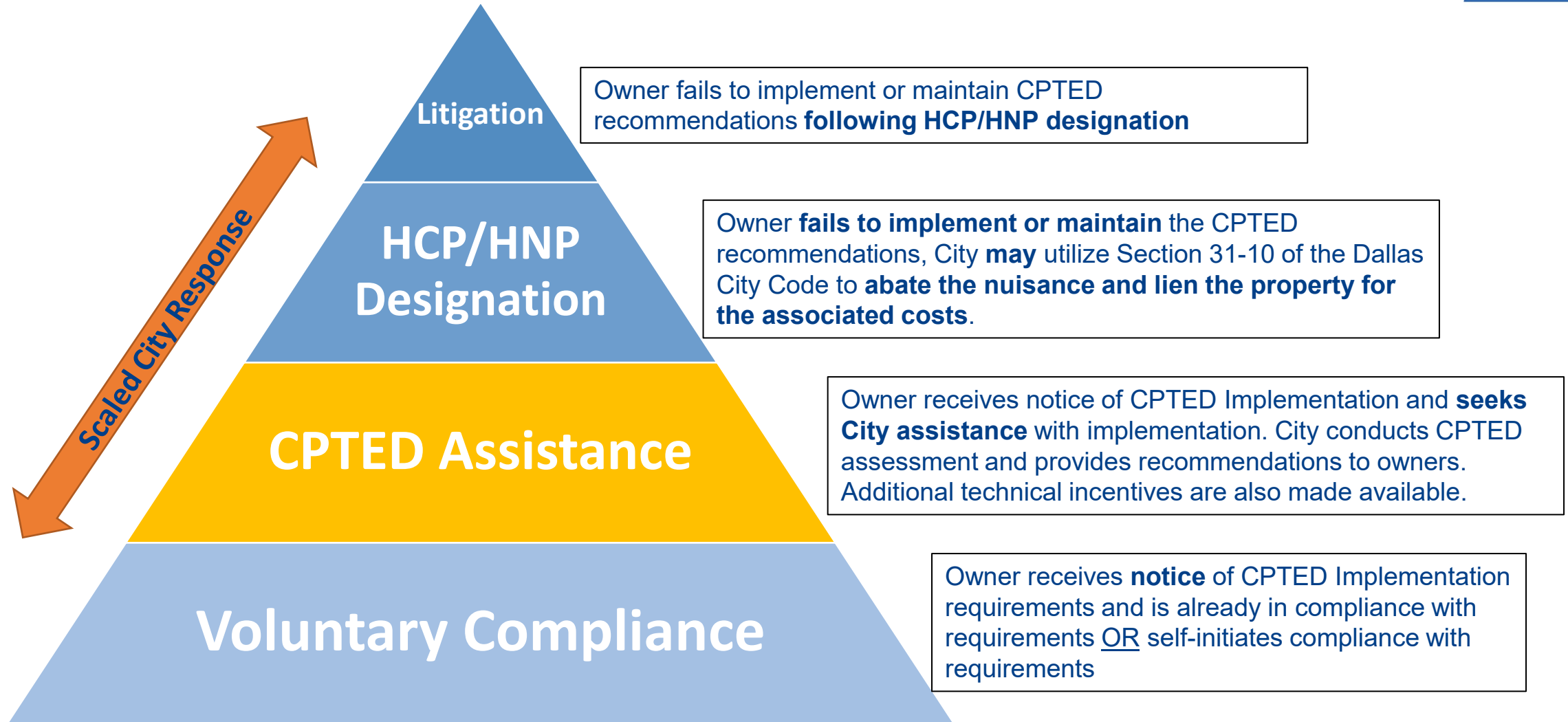
# Enhancement Considerations



- Consider amending Chapter 27 to define “Public Safety Nuisance” as any property which:
  - 1) *Violates specific provisions of Article III of Chapter 27 **OR** is designated as a habitual criminal or habitual nuisance property as defined in Article VIII of Chapter 27; **AND***
  - 2) *is in an area identified by the City’s Office of Integrated Public Safety Solutions as being at an elevated public safety risk.*
- Consider adding a provision to Article III, “Minimum Property Standards” of Chapter 27 of the Dallas City Code which requires properties which meet the above definition of “Public Safety nuisance” to implement specific CPTED components.



# Enhancement Considerations (cont.)



# Enforcement Advantages



- Proposed enhancement to Chapter 27 will:
  - Increases efficiency and effectiveness by encouraging voluntary compliance prior to enforcement actions
  - Directly supports public safety departments
  - Improves quality of life and safety for residents
  - Creates additional pre-enforcement and pre-litigation options for improvements at properties prior to seeking litigation
  - Directly links to recent proposals made by the Department of Code Compliance to expand the *Habitual Nuisance Property Program*.





# Next Steps



- If recommended changes are advanced by the Public Safety Committee:
  - Convene follow-up meeting of Chapter 27 Working Group to include feedback from committee
  - Finalize language for ordinance with City Attorney's Office
  - Council consideration of proposed changes in conjunction with Habitual Nuisance Property changes proposed by Department of Code Compliance scheduled for October 26, 2022
    - HNP recommendations were advanced for City Council consideration by the Quality of Life Committee on 9/19/2022.
- Continue to evaluate and enhance data collection methods to create a common operating picture for staff working multitenant properties.
- Consolidate IPS/DPD/Code teams into single program to implement CPTED principles







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