

Service Request # 06-00233066

Activity:

Image Type: External file

Details: 1



HUBERT VO
STATE REPRESENTATIVE
DISTRICT 149

State Capitol, Room 1.2.304
P.O. Box 2910
Austin, TX 78768-2910
512-463-0568
Fax: 512-463-0546

Houston Office
7474 South Kirkwood
Suite 202
Houston, TX 77072
281-988-0212

September 14, 2006

The Honorable Bill White
Mayor, City of Houston
900 Bagby
City Hall Annex - 3rd Floor
Houston, TX 77002

Re: Proposed City Crime Ordinance

Dear Mayor White:

As an apartment owner and as a representative of constituents who are also apartment owners I contact you today to thank you for the opportunity to work with you in addressing crime issues in apartment communities and to respectfully urge you to consider using existing laws to solve any crime problems in apartment complexes.

Apartment owners played a pivotal role in housing the thousands of Katrina evacuees that poured into Houston last year, they opened their doors to a flood of evacuees without being able to check criminal histories. The city of Houston can be forward-looking, fair, flexible and tough in its efforts to confront the issue of crime in our apartment complexes. I propose to you that to avoid unintended consequences, extensive review of any proposed new police initiatives is in order.

Please accept the following comments regarding efforts to address crime in apartment complexes.

- The city of Houston should not give the impression that it is shifting the burden of police protection to apartment complex owners, owners do not have the experience, training or authority to provide police-type services for residents. The city should identify any liability issues relating to remediation methods put into effect by apartment owners on order of the city. An example of this would be a security officer injured or killed while performing in a remediation situation.
- Any current or revised ordinance should only apply to apartment communities where a significant level of crime has occurred. Fair and standardized measures must be used to define terms such as "significant," and "excessive," and it must be recognized that as a general rule, owners are not responsible for the criminal acts of others.

Service Request # 06-00233066

Activity:

Image Type: External file

Details: 2

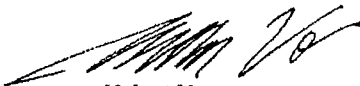
September 14, 2006
Proposed City Crime Ordinance
Page 2 of 2

- The existing nuisance abatement ordinance already allows the city to aggressively pursue remediation of nuisance properties used for various offenses. The existing nuisance abatement ordinance allows the city to enter into agreements with owners of problem properties to take or implement action on the property in attempts to reduce crime. In defining "remedial measures," care should be taken to introduce a set standard of reasonableness, caution should be used in publishing the list of remedial measures as owners of all apartment communities could face potential exposure when crime occurs at their properties and the owner did not implement a city-suggested security measure.
- Concerning issues of Notice of Designation, the apartment owner should be supplied with enough information in advance to be able to meaningfully challenge the designation. As well, before the need for designation, information should be shared with apartment owners so that an earnest effort can be made to attempt to reduce crime.
- Under the existing nuisance abatement ordinance, the city can require owners to reimburse the city for inspection expenses, public safety expenses, legal expenses and costs of any other nature that have been incurred by the city in its action to abate the nuisance.
- Under chapter 125 of the state law, the city is authorized to file suit against an owner of a problem property to stop the owner from doing things that are causing the nuisance. Remedies under chapter 125 include shutting down a property or having a receiver appointed to run the property.
- Chapter 10 of the city's code of ordinances allows the city to require that properties be clean, safe and sanitary. If an owner creates a nuisance, the owner can be punished by a fine of anywhere between \$50 and \$2,000 per day. The city also has the right to abate the ordinance and file a lien against the owner for the expenses of abatement. The city can also file suit to enforce the ordinance.

I applaud all of your work to find a solution to this very big problem, but we must acknowledge that the city of Houston has not used the remedies already afforded to it to the fullest extent, the city can use its authority under the existing nuisance abatement ordinance and nuisance statute to effectively target and address the problem properties. Enforcing existing ordinances provides a quicker, more efficient method with which to fight this problem. New ordinances hastily put into effect will undoubtedly have numerous unintended consequences.

I appreciate your consideration of these comments and I look forward to meeting with you and other city officials to continue to work through these issues.

Sincerely,



Hubert Vo

cc: Houston City Council Members