

Monitoring and Enforcement of Current City Emergency Regulations and Executive and County Orders

**Ad Hoc Committee COVID-19
Human and Social Recovery
and Assistance**



May 7, 2020

**Jon Fortune, Assistant City Manager
Christopher J. Caso, City Attorney**

Overview

- Complaint Process and Coordination
- COVID-19 Code Enforcement Data
- Monitoring and Enforcement Priorities
- Monitoring and Enforcement Challenges
- Opportunities and Recommendations
- Involuntary Compliance

Complaint Process and Coordination

- All COVID-19 related complaints are processed through 311.
 - To date, 311 has received 4,843 (3-13-2020 to 5-4-2020) COVID related calls from residents.
- Any COVID-19 related complaints coming to 911 are dispatched to C-19 officers for response.
 - DPD has responded to 54 calls for service regarding large gatherings since 5/6/2020.
 - There have been no citations issued by DPD to date.
 - Fire Marshal has written 10 citations to date.
- The Park Ranger is utilizing a hotline to address general rule violation questions, general park questions, or concerns that are non-emergency from 9:30 AM to 5:00 PM daily.
- 28 Parking Enforcement personnel are responding to COVID-19 complaints through 311 and operate from 7:00 AM to 8:00 PM daily.
- DPD continues to coordinate with the Dallas County Sheriff's Office on complaints brought to the City by Dallas County.

COVID-19 Code Enforcement Data

Code Compliance Services COVID-19 Special Task Force Inspections				
Month	311 Reactive	Proactive	Total for the Month	Total Citations for the Month
March	1,323	2,695	4,018	3
April	2,625	11,454	14,079	17
May	182	305	487	11
Total to Date	4,130	14,454	18,584	31

Updated May 5, 2020

4

COVID-19 Code Enforcement Data

- **14,454** of the cases regarding COVID-19 have been proactive.
- **4,130** cases were called in (311 reactive).
- **5,553** Notices of Violation (NOV) have been issued. Out of those NOVs only 26 locations required a citation to bring about compliance.
- The vast majority of all cases have been related to non-posting of the AER.

Monitoring and Enforcement Priorities

- The goal of Code Compliance (CCS) is to control the spread of COVID-19 by educating business owners on the Governor's 25% maximum occupancy requirement.
 - Monitoring of non-essential businesses allowed to reopen with specified requirements.
 - CCS staff continues to work AER cases at a level of 75% proactive engagement.
 - As necessary, notices of violations are given, and citations only issued for lack of compliance (9 total this weekend).
- 311 is monitoring all existing orders to ensure that current COVID related service request options are up to date and match the scope and level of the regulations currently in place.

Monitoring and Enforcement Priorities

- Parking enforcement continues to monitor parks, trails, and the surrounding neighborhood for parking compliance in collaboration with other enforcement agencies.
- Patrons are offered one free parking session when using the mobile payment app through their smart phone.
 - Residents in Central Business District, Bishop Arts and Uptown area are getting an additional 45 minutes to park and pickup their essentials without parking fees.
 - All in-person adjudication for parking citations have been suspended. Residents can contest their parking citations via mail or fax. Fees incurred due to “Failure to Appear” or “Delayed Appeal” will be waived by the Department of Transportation and Court.

Monitoring and Enforcement Priorities

- PKR's primary monitoring focus is closed amenities such as playgrounds, pavilions, basketball courts and athletic fields, along with social distancing compliance in open areas of parks, such as trails.
 - Increased complaints/concerns regarding large group gatherings at College, Glendale, Griggs, and JJ Lemmon will result in increased monitoring at these parks with the assistance of DPD, CCS, and Marshals.
 - On May 5th the Quality of Life, Arts, and Culture Committee was briefed on the reopening of the Dallas Zoo and Dallas Arboretum. The Committee made a recommendation to the full City Council to consider requiring residents to wear face coverings when visiting parks and park facilities.

Monitoring and Enforcement Challenges

- Educating the large number of businesses about the updated orders. This challenges will likely increase with the potential reopening of additional businesses and as orders change.
- Public perception that parking enforcement should not be enforcing any regulations during COVID-19 restrictions.

Opportunities and Recommendations

- Approximately 130 Code Officers will remain on the COVID-19 Special Task Force
 - Officers will monitor commercial districts during 50% of their normal work shift
 - The other 50% of their work shift will be dedicated to community neighborhoods
- Approximately 20 Code Officers will be primarily focusing on proactive and reactive blight related premise violations
 - Enforcement will be educational and informational
 - Align closely with Service First Rep Program

10

Opportunities and Recommendations

- 311 continues to work closely with Code Compliance, Housing, Economic Development, Office of Innovation, and the City Attorney's Office to provide the most up to date information to residents.
- 311 continues to provide assistance and support in the way of natural language IVR voice prompts for the City's COVID Resource and Information and Financial Assistance Hotlines.
- As PKR staff returns to new normal duties, parking monitors for White Rock Lake will become less available. PKR will possibly focus on prioritizing peak usage days (Thursday through Sunday).

Involuntary Compliance



Involuntary Compliance

Legal Strategies	Data
Referral of Violation to Community Prosecution	17

Cases are referred to the Community Prosecution Section of the City Attorney's Office by Code, DPD, and DFR following the issuance of a citation.

Updated May 6, 2020

13

Involuntary Compliance

Legal Strategies	Data
CAO Violation Notice Letters	21
District Court Lawsuits	1

Once a case is referred to the CP, a notice letter is issued to the business owner, and potentially the property owner.

If a business owner fails to comply with the emergency regulations following citation and notification from CP, a lawsuit may be filed to request a district court issue a temporary restraining order.

Updated May 6, 2020

14

Involuntary Compliance - Salon A La Mode

District Court

- On April 29, 2020, CP obtained a temporary restraining order (“TRO”) requiring Salon A La Mode to cease operations.
- On May 5, 2020, the judge found the salon owner in contempt of court for violating the TRO. He gave her an opportunity to apologize to elected officials, acknowledge her violation, and face no penalty. The owner refused. Accordingly, the judge ordered that she be placed in jail for 7 days and assessed a fine in the amount of \$500 per day for the past 7 days and if she continues to violate his order until Friday.

Appellate Court

- On May 5, 2020, the Texas Supreme Court denied the petition for a writ of mandamus filed by Salon a la Mode, All Vapes, LLC, Tribal Vapor, and other businesses and business owners throughout the state. The businesses asked the Supreme Court to find that local executive orders issued as a result of the COVID-19 pandemic violated their constitutional rights, and to permit their businesses to reopen. The Supreme Court stated that the constitutional challenges raised by the Petitioners should be brought first in a trial court, as opposed to the Supreme Court, and litigated through the standard judicial process.

Involuntary Compliance

Legal Strategies

Coordination with other Enforcement Agencies

The City also coordinates with county officials and state agencies to coordinate escalated and/or comprehensive enforcement.

The following activity are examples of coordinated enforcement:

- County Judge Jenkins issued cease and desist letters in coordination with City enforcement to Puff and Stuff smoke shops and Salon A La Mode.
- The Texas Alcoholic Beverage Commission addressed the violations of the emergency regulations at Katy Trail Ice House.
- The Texas Department of Licensing and Regulation conducted inspection related violations of the emergency orders at Salon A La Mode.
- Referrals to the Office of Attorney General for false cures and/or price gouging.

16

Discussion



Monitoring and Enforcement of Current City Emergency Regulations and Executive and County Orders

**Ad Hoc Committee COVID-19
Human and Social Recovery
and Assistance**



May 7, 2020

**Jon Fortune, Assistant City Manager
Christopher J. Caso, City Attorney**