

Targeting Apartments: Keeping Crime Out of Complexes

(as of February 2009)

On January 14, 2009, the Dallas City Council passed Ordinance Number 27548¹ to amend certain provisions of the Dallas City Code pertaining to apartment complexes. The ordinance links crime rates to the deterioration of property and arises in the wake of the recent shooting of a police officer at a Dallas apartment complex.² Although apartment owners, tenants and Dallas residents should be aware of the statute, the new ordinance establishes mandatory measures only for apartment complexes with “excessive” crime levels.

WHOM DOES THE STATUTE AFFECT?

The statute only applies to multi-family properties with at least ten leased residential units. For those apartment complexes, the program sets forth a formula to calculate a crime index on a monthly basis. If any apartment complex has a crime index greater than the crime index for all apartment complexes, the apartment complex will receive notice that it must participate in a mandatory crime reduction program. The crime index does not take into account certain “nonapplicable crimes”—which, among other things, include domestic crimes, stolen property, violations of alcoholic beverage laws and vagrancy. The statistical analysis does depend on the occupancy rates of the complex and assumes that there are two occupants for each bedroom of an occupied unit.

WHAT DOES THE STATUTE REQUIRE?

Under the ordinance, the chief of police has broad authority to make rules and regulations, to inspect the apartment complex, and to make recommendations to improve safety. The program mandates at least two inspections of the apartment complex by the chief of police. The purpose of the first inspection is to determine whether the apartment complex is code compliant and to evaluate what changes should be made to reduce crime. In most cases, property owners will then have approximately thirty days to comply with any recommendations made by the chief of police. The program demands ongoing participation by property owners, including performing criminal and credit checks of new tenants, locking common areas, satisfying lighting, landscaping and fencing requirements, restricting incoming calls from pay phones, conducting crime watch meetings, distributing security surveys to residents, and performing property improvements as required by the chief of police. The crime reduction program also necessitates some cooperation from tenants; the chief of police may inspect the inside of residences and the tenants are provided with a survey to document their safety concerns. The minimum time period for participation in the program is six months; the program continues until the apartment complex meets the mark and its crime index falls below the threshold index.

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WHAT SHOULD OWNERS DO?

Be proactive. The \$250 fee to participate in the crime reduction program, the possible fine of up to \$2,000 for noncompliance, and potential revocation of an owner's certificate of registration are all reasons that owners must be vigilant about conditions in and around their complexes. These penalties may pale in comparison to costs to improve the property as required by the chief of police. An owner should ensure that the building complies with Dallas code requirements and consider making advance improvements to the property. For any owner of a designated apartment complex, taking remedial action will demand significant expenditures of time and money.

WILL IT SUCCEED?

Although the program could reduce criminal activity in and around apartment complexes, it may restrict the authority and management rights of owners. Nevertheless, the costs may be worth the trouble; a presentation to the Dallas City Council Public Safety Committee offered evidence that a similar program in Houston succeeded in reducing crime levels.³ In any case, proper oversight of property today may enable an owner to prevent future outlays of costs, protect the reputation of an apartment complex, enhance the condition of property, and improve the Dallas community as a whole.

Please contact our office if you would like further information on this ordinance, or if we can assist you in any way.

¹ Much of the information contained in this update is based on the text of the new ordinance. For a complete copy of ordinance or of any other resource cited, please contact Lindsey Postula at lpostula@lrmlaw.com.

² Editorial, Apartment Crime Law Marks Progress, *Dallas Morning News*, Jan. 30, 2009 (last visited on Feb. 2, 2009).

³ Multi-Tenant Program Update, http://www.dallascityhall.org/committee_briefings/briefings0109/PS_multiTenantProgram_01052009.pdf (last visited February 6, 2009) (presented to the Members of the Public Safety Committee on Monday, January 5, 2009).



Looper Reed & McGraw would like to recognize attorney Lindsey Jandal Postula for her contributions to this Guide.

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