



AUSTIN CODE DEPARTMENT

TO: Mayor and Council

FROM: Cora D. Wright, Director 

DATE: September 21, 2018

SUBJECT: Austin City Council Ordinance #20171012-SPEC001, Part 2, regarding the adoption of insect screening requirements in the International Property Maintenance Code

The purpose of this memorandum is to provide the final recommendation regarding the proposed amendment to the International Property Maintenance Code (IPMC), originally presented to Council in October 2017. The proposed amendment, if adopted, would require insect screens on windows or exterior doors to homes that do not have mechanical ventilation (e.g., air conditioning).

After reviewing industry practices, comparable ordinances from other cities, consulting with local public health experts and medical officials to determine Austin's current level of public health risk for mosquito-borne disease outbreak, conducting a robust stakeholder input process, and projecting the potential affordability impact to property owners, the Austin Code Department (ACD) concluded its work. Austin Code recommends deferring the proposed amendment until such time that the level of public health risk necessitates an escalated and costly city-wide response. The attached document details the comprehensive work completed by staff and the basis for the staff recommendation.

BACKGROUND INFORMATION

On October 12, 2017, Council approved an ordinance adopting the 2015 IPMC and local amendments, *excluding Section 304.14 – Insect Screens*. The decision to exclude Section 304.14 was made at that time, due to conflicting stakeholder, citizen, and tenant advocate input. Council ultimately directed the City Manager to engage additional stakeholder discussion, to consider the following:

1. The extent to which insect screens mitigate potential human exposure to the Zika and West Nile viruses (e.g. reduce public health risk);
2. The extent to which insect screens help reduce the potential for childhood injury caused by accidental 2nd floor (or multi-story) falls through unscreened windows;

3. The estimated cost of materials and labor associated with screen installation and maintenance, as well as the availability and accessibility of community resources that might be needed to offset real costs to the property owner; and
4. The need for any recommended ordinance changes to be presented to Council by June 30, 2018.

In light of this timeline, an interim update was provided to notify Council that the Building and Standards Commission (BSC) voted to continue its discussion and action to July 25, 2018, at which time, the BSC voted 7-1 to recommend adoption of insect screen requirements exclusively for tenant-occupied properties. ACD consulted with the Law Department following the BSC action and subsequently concluded that enforcement criteria or standards established based on ownership characteristics alone (e.g. tenant-occupied properties), are problematic—and could be deemed targeted enforcement.

PUBLIC HEALTH RISK—LOW PROBABILITY

Consultation with Austin Public Health (APH) professionals, including the City’s Chief Epidemiologist, confirmed that Austin’s current level of public health risk for human mosquito-borne disease outbreak is *Risk Level One—Normal Response*, meaning the current level of risk is considered “low probability of human outbreak.” While it is a fact that, during 2016 and 2017 there were 30 Zika virus cases reported in Travis County, none of these individuals (cases) acquired their infections through local mosquito transmission. APH staff also confirmed that the majority (85%) of those infected, lived in homes with central air conditioning. It appears that 2012 is the last recorded outbreak of West Nile virus in Travis County, per a June 8, 2018 [memorandum](#) from APH. In the same memo, APH confirmed that the City conducts ongoing and regular mosquito control measures through its *Integrated Mosquito Management (IMM)* program.

- a. The IMM program is comprised of surveillance, trapping and testing, public outreach and education, and when necessary, application of control measures such as larviciding and aduticiding.
- b. Public health educational strategies, as designed by our health officials is a multi-pronged approach that promotes the “*DOs and DON'Ts*” of mosquito control and minimizing the risk of mosquito-borne disease transmission, including—1) use insect repellants, 2) wear long pants and sleeves, 3) drain nearby standing water and maintain lawns, 4) avoid outdoor activity between dusk and dawn, and 5) stay in air-conditioned living space, or if in a non-air-conditioned space, use insect screens on all windows and doors that are opened for ventilation. NOTE: No single strategy is sufficient to completely prevent exposure nor is the practice of all five strategies considered fail safe.
- c. The APH *Mosquito-borne Disease Response Procedure* defines conditions, triggers, and responses for each level of public health risk. *Risk Level Three—Public Health Warning* qualifies the community risk as “high probability of human outbreak.” It is at this level that APH protocol dictates consultation and collaboration with other authorities.

Preventing Childhood Injuries: Preventing childhood injuries is a public health concern. Staff researched current code requirements related to helping prevent childhood injury caused by accidental falls through 2nd floor (or multi-story) residential properties. The City’s *International Residential Code (IRC), Section R312.2—Window Fall Protection* as currently adopted, details

the required window fall protection specifications, including required window sill dimensions designed to reduce or prevent falls. The IRC further dictates that insect screens are not an allowed substitution for protection against falls.

AFFORDABILITY IMPACT STATEMENT

Consultation with Neighborhood Housing and Community Development (NHCD) confirmed the following [cost impact analysis](#). The estimated cost per insect screen is \$37.00. The cost of adding all new screens to an average size single family home is estimated at \$225.00— an amount that could be cost-burdensome for many low- and fixed-income homeowners. For this reason, the affordability impact was determined to be negative.

FUTURE CONSIDERATION

Unlike Harris County, which includes Houston, Texas, where residential insect screens are required in response to environmental conditions that predispose its population to a higher incidence of human mosquito-borne disease outbreak (see [Texas DSHS Arbovirus Report 08Sep2018Week36](#)), Austin’s public health risk remains at a “low probability” level. However, if at any point in the future, ACD is informed that our local public health risk has changed significantly, or epidemiological or other environmental health studies confirm there is a significant correlation between the use of insect screens and reduction of mosquito-borne disease transmission rates, Austin Code will re-initiate the proposed code amendment for city-wide installation of residential insect screens.

Thank you, and should you have any questions in this regard, please don’t hesitate to contact me directly at 512-974-1969, or Assistant Director José Roig at 512-974-1605.

cc: Spencer Cronk, City Manager
Rey Arellano, Assistant City Manager
Sara Hensley, Interim Assistant City Manager
Stephanie Hayden, Director, Austin Public Health
Rosie Truelove, Director, Neighborhood Housing and Community Development
Dr. Janette Pichette, Chief Epidemiologist, Austin Public Health

Attachment (1)

**AUSTIN CODE DEPARTMENT
SUMMARY OF RESEARCH AND CONSULTATION REGARDING INSECT SCREENS
SEPTEMBER 2018**

STAFF RESEARCH AND CONSIDERATIONS

Austin Code Department (ACD) staff conducted a comprehensive stakeholder engagement process and researched industry practices pertaining to the application of insect screen code requirements. These efforts included:

- Review of the City of Austin’s past and currently adopted codes for screen of various types, including insect screens for the protection of public health and safety;
- Consultation with the Austin Public Health Department (APH) public health professionals to confirm pertinent local public health indicators, risk, past and current trends, and review of APH adopted public health response protocols as it pertains to the prevention and management of Zika and West Nile virus exposures. This research includes a historical review of incidences of Zika and West Nile virus exposures, and the City’s capacity and protocols to monitor and respond to public health risks; and
- Conducted industry research on the topic for other cities comparable to Austin.

COMMUNITY AND STAKEHOLDER INPUT

ACD utilized several communication and outreach methods to obtain public input about the proposed ordinance amendment that would require property owners to install insect screens on windows or exterior doors.

The department elicited feedback by hosting meetings with the stakeholders in February, March and April, 2018; posting communication on social media, including Facebook and Nextdoor, in January through April 2018; disseminating mass email communications to over 2,600 contacts in the City of Austin’s Community Registry of neighborhood associations and community groups; and geotargeting throughout the City of Austin for the month of April 2018. A press release issued to the media and was covered by KVUE, CBS Austin, Spectrum News, Austin Monitor, and the Austin American-Statesman.

The community provided feedback through the following channels:

- Targeted stakeholder involvement, meeting with Austin Apartment Association (AAA), Austin Tenant Council (ATC), Austin Board of Realtors (ABOR), Austin Housing Repair Coalition (AHRC), and Building and Strengthening Tenant Action (BASTA)
- Quantitative online surveys (English and Spanish)

- Radio station social media poll (Spanish)
- Face-to-face poll (English and Spanish)
- Qualitative email communication (English and Spanish)

As a result of each of these communication efforts, more than 3,000 responses were collected from November 2017 to April 30, 2018. The following is a breakdown of the results:

- A total of 2,906 online survey responses:
 - Of the participants, 66% were opposed to the insect screen ordinance
 - Of 247 respondents who self-identified as “tenants,” 63% were opposed to the insect screen ordinance
- Nearly 100 emails received from Austin residents opposing the insect screen ordinance
- A total of 131 face-to-face polls conducted in predominately Spanish-speaking communities:
 - 61% agreed with the ordinance
 - 39% opposed the insect screen ordinance
- Targeted stakeholder (focus group) involvement received the following feedback:
 - AAA had reservations about the insect screen ordinance related costs
 - ABOR had reservations about the insect screen ordinance related costs
 - AHRC had reservations about insect screen ordinance costs and resources
 - ATC and BASTA supported the insect screen ordinance, and ATC wrote a memorandum to the ACD director in support
- Coalition member and former COA employee Stuart Hersh expressed reservations about the insect screen ordinance as proposed in a May 9, 2018 email:

As a follow up to yesterday's Repair Coalition stakeholder discussion on Insect Screen provisions in the 2015 International Property Maintenance Code, I recommend the following:

- *Repeal 304.14 in the IPMC and replace with the following: Every openable window required for ventilation of habitable rooms, food preparation areas, food service areas or any areas included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with insect screens, if the structure is not supplied with conditioned air.*
- *The IPMC language reflects what some property owners did in colder areas of the United States when storm doors and windows were installed outside of conventional windows and a glazing panel was in place during the colder months and replaced with screens in the warmer months. Storm door and window screen*

and glazing substitution is not a common technique for energy conservation and sanitation in Austin.

AFFORDABILITY IMPACT STATEMENT

ACD consulted with the Neighborhood Housing and Community Development Department (NHCD) to analyze the estimated affordability impact of the proposed ordinance. An [Affordability Impact Statement](#) calculated the estimated average cost per screen is \$37.00. In an average single home scenario for which the homeowner is required to add all new screens, the estimated cost could rise to approximately \$225.00—an amount that could prove cost-burdensome to low and fixed-income property owners.

CONSULTATION WITH AUSTIN PUBLIC HEALTH

The proposed insect screen requirements were contemplated in great part, as a means to decrease the incidence of exposure to insects and reduce the risk and occurrence of insect-borne diseases. Consultation with Austin Public Health (APH) professionals, including the City’s Chief Epidemiologist, confirmed that Austin’s current level of public health risk for human mosquito-borne disease outbreak is *Risk Level One—Normal Response*, meaning the current level of risk is considered “low probability of human outbreak.” While it is a fact that, during 2016-2017 there were 30 Zika virus cases reported in Travis County—none of these individuals (cases) acquired their infections through local mosquito transmission. It appears that the last recorded sizable outbreak of West Nile virus in Texas occurred in 2012. Of late, despite the fact that there were 3 West Nile virus cases recently reported in Travis County for 2018, Austin Travis County is still rated Level One Risk—Normal Response.

On June 8, 2018, APH provided a [memorandum](#) to the ACD director describing the health department’s ongoing strategies to control the area mosquito population and minimize the risk of mosquito-borne disease transmission in Austin and Travis County. These initiatives include *Mosquito Surveillance and Testing and Mosquito-Related Public Outreach and Education*. Educational materials promote several preventive measures, such as:

- Dusk and dawn: Try to stay indoors at dusk and dawn. That is the time when mosquitoes likely to carry the infection are most active.
- Dress: Wear pants and long sleeves when you are outside. Wear light colored, loose fitting clothing; mosquito repellent clothing is also available.
- DEET: Apply insect repellent that contains DEET. Read and follow label instructions. Spray both exposed skin and clothing with repellent.
- Drain: Get rid of standing water in your yard and neighborhood. Old tires, flowerpots, clogged rain gutters, birdbaths and wading pools can be breeding sites for mosquitos.

More information on these programs can be found on APH’s website for both the [Zika](#) virus and the [West Nile](#) virus. APH also provided an updated [situational report](#) for Zika virus and a [map](#)

showing the locations where they have found mosquitoes that tested positive to the West Nile virus. While there are benefits to the use of insect screens as one method of reducing exposure to insects, residents who practice all the preventive measures recommended by APH achieve optimal protection. Individual preventive measures coupled with APH vector control services significantly reduce community health risk. At any point in the future that our local public conditions indicate higher risk for the probability of human outbreak, the APH-IMM dictates notification and collaboration with other City (including Austin Code), county and state entities.

BUILDING AND STANDARDS COMMISSION

ACD conducted its [presentation](#) to the Building and Standards Commission (BSC), which outlined and summarized all input received, and staff's recommendation. After hearing additional input from staff, followed by an appeal from ATC Executive Director Julianna Gonzalez, BSC voted to recommend adoption of insect screens requirements *for rental properties only, specifically those that do not have air conditioning*. The vote carried 7-1.

ACD consulted with the Law Department following the BSC action, including confirming the IPMC does not distinguish between owner-occupied and non-owner-occupied (or rental) properties. Enforcement criteria or standards established based on ownership characteristics or profile alone is problematic—and could be deemed targeted enforcement. Further, the broad scope of the IPMC as is currently adopted per Section 101.2, applies “*to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities.*”

STAFF RECOMMENDATION

After reviewing industry practices, comparable city ordinances, consulting with local public health experts and medical officials to determine Austin's current level of public health risk for mosquito-borne disease outbreak, and conducting a robust stakeholder input process including gathering information on the cost and potential affordability impact to property owners, the Austin Code Department recommends deferral of the amendment as described above, until such time the level of public risk necessitates a costly and escalated city-wide response.

ACD recognizes that concerns remain in some sectors of the community and among some agency stakeholders about the benefits of insect screens as a city-wide method for preventing insect-borne diseases. The APH *Mosquito-borne Disease Response Procedure* defines conditions, triggers and responses for each level of public health risk. Risk Level Three—Public Health Warning qualifies conditions as “high probability of human outbreak.” It is at this level that APH protocol dictates consultation with other authorities.