

December 12, 2018

Ms Emily Johnson
Project Manager
Sunset Advisory Commission
1501 North Congress Ave 6th Floor
Austin, TX 78701

Re: Texas Alcoholic Beverage Commission

Dear Ms. Johnson:

Urban living in the City of Houston has become challenging for residents who wake up one day to find the newest neighborhood bar just moved in around the corner or heaven forbid, across the street. Small neighborhoods can see their quality of life permanently altered by these new entrants. And when a dense area suddenly finds itself home to multiple bars, city streets become impassable at night as traffic congestion increases, creating dangerous conditions for residents, pedestrians and patrons who choose to walk the streets after dark. Neighborhood streets become overrun with bar patrons looking for places to park and these same neighborhood streets come alive at night with car horns honking, car alarms going off and intoxicated patrons yelling and screaming outside residents' homes. These noise problems persist until 4:00 in the morning. Criminal activity also increases in the neighborhoods surrounding the bars. Incidents of theft, assault, motor vehicle burglary, loitering and lewd behavior begin to infect the neighborhood and discarded beer bottles and cans find their way onto residents' lawns and along the streets.

Of greater concern for residents, however, is the amplified sound from these bars. These noise violations produce window-rattling noise that disturbs and disrupts their ability to sleep and interferes with the quiet use and enjoyment of their homes. Residents call in noise complaints but get very little help from local police in getting the noise reduced. These constant noise

violations disrupt residents' lives, sleep and the peaceful enjoyment of their homes. It's estimated that on any given Thursday, Friday, Saturday or Sunday night over 2,500 residents are impacted by this loud noise. Residents spend a significant amount of time calling the city, meeting with officers, and testifying in court against the bars. This effort places an undue burden on the residents and their children.

We are asking the Texas Alcohol Beverage Commission to develop new policies that will hopefully address these issues as the agency plays a role in determining what types of establishments are licensed to do business in our local communities. As such, they share responsibility and accountability to ensure their licensed operators are conducting operations that don't have an adverse impact on the community. When these operators end up negatively impacting the local communities in which they operate it should not fall back on local police to reign in the activities that result from the improper service of alcohol. The commission needs to take a more active role with the agency and needs to play a more integral part in designing and implementing solutions that focus on these public policy and safety concerns.

As residents affected by the issues highlighted above, we've had a chance to review the recently published report by the Texas Sunset Advisory Commission. The report has highlighted a couple of issues we'd like to see changed at the commission and we applaud the Sunset Advisory Commission for identifying these areas in need of modernization.

Specifically, we are requesting the Texas Alcoholic Beverage Commission adopt a more inclusive approach when deciding when and how to grant original and renewal licenses to serve beer, wine and alcohol. This approach needs to be more transparent to the communities in which a licensee is seeking a permit to operate. And when seeking a renewal permit to operate,

residents must be able to weigh in on the renewal process. Residents who've had to live with the impact an establishment has had on the general welfare, health, peace, morals and safety of the local community are in the unique position of being able to speak about the operations of the current license holder. These voices need to be given an opportunity to be heard.

We'd also like to appeal to the commission's enforcement and accountability processes. The Texas Alcoholic Beverage Commission has a legitimate obligation, through its licensing power, to protect the public from the illegal and irresponsible consumption of alcohol. However, far too often it appears the agency is ill-equipped to handle investigations in a timely manner and is unduly influenced by the industry it seeks to regulate. We are asking the Commission to focus more of its attention on the significant public safety issues that arise from the illegal and irresponsible consumption of alcohol. We're also requesting the commission spend more time working with the agency to determine the best methods to enforce existing laws that penalize license holders for the illegal and irresponsible service of alcohol.

Tackling these two areas of modernization would be welcomed change amongst residents' whom are left to deal with the aftermath of commission and agency decisions regarding the local licensing of bar operators. Thanks to the Sunset Advisory Commission for allowing us to comment on the review of the Texas Alcoholic Beverage Commission.

Sincerely,

Mark & Stacie Fairchild

Cc: The Honorable John Whitmire
P.O. Box 12068
Capitol Station
Austin, TX 78711

The Honorable Sarah Davis
Room GW.4
P.O. Box 2910
Austin, TX 78768