

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, June 24, 2014 3:44:28 PM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Tuesday, June 24, 2014 2:05 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Tuesday, June 24, 2014 - 14:05

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Christopher

Last Name: Jarmon

Title: Assistant to the City Manager

Organization you are affiliated with: City of College Station

City: College Station

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

The City of College Station is opposed to the abolishment of the Code Enforcement Officers Licensing Program. The following sections of the Health and Safety Code and the Occupations Code are submitted in support of the Texas Department of Health retaining the Code Enforcement Officer Licensing Program and preferably leaving the Code Enforcement Officer and Sanitarian Licensing Programs under the Texas Department of State Health Services.

The section Agency at a Glance in the Sunset Advisory Commission Staff Report, Department of State Health Services dated May 2014 misses some key facts relating to the state health codes as they relate to the Sanitarian and Code Enforcement Officer and their relationship to the Texas Board of Health in accomplishing the purpose of the Board and the Texas Department of Health.

Title 2 of the Health and Safety Code, Subtitle A, Chapter 11, Section 11.002 states that the Texas Board of Health and the Texas Department of Health were established to better protect and promote the health of the people of this state. Section 11.004(b) enumerates the responsibility of the Department as the state agency with primary responsibility for providing health services, including: disease prevention; health promotion; and licensing of certain health professions.

Section 11.0045 States that the Board shall develop, publish, and to the extent allowed by law implement a comprehensive strategic and operational plan which must include a statement of the aim and purpose of its mission including:

- the prevention of disease;
- the promotion of health;

- the licensing of health professions for which the department is responsible; and
- a statement regarding the ways in which the department will coordinate or attempt to coordinate with federal, state, local, and private programs that provide services similar to the services provided by the department.

Title 2, Subtitle A, Chapter 12, Section 12.0001 states that the commissioner of health and human services has the powers and duties relating to the board and commissioner as provided by Section 531.0055, Government Code. Which states the board shall examine, investigate, enter, and inspect any public place or public building as the board determines necessary for the discovery and suppression of disease and the enforcement of any health or sanitation law of this state. Sec. 12.002 continues that in the Board investigation a member of the board may including the determination of nuisances and the investigation of public water supplies and sanitary conditions.

Subchapter C Section 12.021 identifies the powers and duties of the Commissioner as the administration and enforcement duties including the enforcement of health laws of the State of Texas under the board's supervision.

Title 12 of the Occupations Code, Subtitle B, Chapter 1952, Subchapter A, Section 1952.001 states that a Code Enforcement Officer is an agent of the State of Texas or a political subdivision of the State of Texas who engages in code enforcement. While code enforcement means the inspection of public or private premises for the purpose of identifying environmental hazards, including:

- fire or health hazards;
- nuisance violations;
- unsafe building conditions; and
- violations of any fire, health, or building regulation, statute, or ordinance.

Section 1952.051 allows that the board shall adopt standards and education requirements for the Code Enforcement Officer and continues in 1952.106 that the license has statewide validity.

The above strongly demonstrates that it is the intent and desire of the State of Texas to have the Professional Sanitarian License handled in the same manner as the Code Enforcement Officer License establishing a Statewide standard for both groups allowing them to uniformly inspect and enforce not only local ordinances but also state codes as the local representative of the Board of Health and the Commissioner. Under the present licensing process the Code Enforcement Officer and Professional Sanitarian both meet a specific standard of education and training that is accepted statewide. These two groups form the local representation of the Texas Department of State Health Services, its Board, and the Commissioner allowing them to accomplish the aim and purpose of their mission which includes the prevention of disease and the promotion of public health.

#### On the Local Level

The City of College Station's Code Enforcement Office DOES NOT support the recommended discontinuation of the state regulation for its Code Enforcement Officers. It is imperative that the Code Enforcement Officers Licensing Program continue under the Health and Safety Code and the Occupations Code at its present level for the following reasons:

- 1) This registration and its subsequent regulation allows for officers to be trained in state approved classes that sanctions the consistent training for all officers statewide. This training helps the officers stay up-to-date on state laws and how they pertain to the enforcement of state codes and local ordinances with the mission of preventing disease, promoting health, and public education. This is accomplished on the local level by investigating fire hazards, stagnant water and its related diseases, illegal dumping, hoarding with its potential illnesses and dangers to the public.
- 2) As stated Licensees are agents of the state or its political subdivisions who inspect and gain compliance with environmental and health hazards on public and private premises. This is done by determining the presence of violations pertaining to fire or health standards, nuisances, and unsafe building conditions. Having Code Enforcement Officers licensed and registered by the State of Texas reinforces the officer's integrity through a standardized application, examination, and continuing education. This facilitates

respect from the regulated community for the licensed Code Enforcement Officer.

- 3) In order to receive a Code Enforcement Licensing through DSHS, an officer must complete state approved classes, pass an examination and have at least one year of full-time experience in the field of code enforcement, which provides appropriate credentials for the prosecution of code violations through the legal system. If state-wide licensing was eliminated, it would be necessary for each local jurisdictions to develop a credentialing system for Code Enforcement Officers which could lead to inconsistency across jurisdictions and with the application of State laws. This would be an added burden to local governments and local courts.
- 4) Code Enforcement Officers protect public health and the environment of their communities by ensuring that properties are maintained not just for the well-being of the home owner but for the value of the property itself and the safety of the community as a whole. Daily, Code Enforcement Officers educate citizens about issues that adversely affect the general health and welfare of their respective communities.

Any Alternative or New Recommendations on This Agency: Recommend leaving Code Enforcement Licensing and Sanitarian Licensing under DSHS

My Comment Will Be Made Public: I agree