

JUNE 2022

Equitable, Efficient, and Effective Code Enforcement

A Roadmap for Decatur, Illinois

Executive Summary



Authors

Matthew Kreis
General Counsel

Elizabeth Benton
Associate Counsel to National Initiatives

Tarik Abdelazim
Director of National Technical Assistance

Preferred Citation:

"Equitable, Efficient, and Effective Code Enforcement: A Roadmap for Decatur, Illinois," Washington DC: Center for Community Progress, 2022, www.communityprogress.org

© Copyright 2022, Center for Community Progress.
All rights reserved.

Cover Photo: Looking South on N. Main St. of the Decatur
Historic District, by Randy von Liski / Flickr (CC BY-NC-ND 2.0)

About Center for Community Progress

The mission of Center for Community Progress is to foster strong, equitable communities where vacant, abandoned, and deteriorated properties are transformed into assets for neighbors and neighborhoods. Founded in 2010, Community Progress is the leading national, nonprofit resource for urban, suburban, and rural communities seeking to address the full cycle of property revitalization. The organization fulfills its mission by nurturing strong leadership and supporting systemic reforms. Community Progress works to ensure that public, private, and community leaders have the knowledge and capacity to create and sustain change. It also works to ensure that all communities have the policies, tools, and resources they need to support the effective, equitable reuse of vacant, abandoned, and deteriorated properties. More information is available at www.communityprogress.org

Headquarters

111 E. Court St, Suite 2C-1
Flint, MI 48502

Nation's Capital

1101 14th Street NW, Suite 510
Washington, DC 20005

info@communityprogress.org

(877) 542-4842

Executive Summary

Nestled in the heart of Illinois, Decatur is a legacy city that has weathered decades of neighborhood and economic adversity. Not only are City of Decatur (City) officials seeking to address long-term challenges, they are also addressing the health and economic impacts of a global pandemic on Decatur residents. Despite these challenges, there are opportunities for hope and optimism—the City is dedicating significant resources to addressing the Decatur City Council’s number one priority: the health and vitality of its neighborhoods.

To that end, the City entered into an agreement with the Center for Community Progress to assess and recommend changes to its existing approach to housing and building code enforcement, a key component of the City’s effort to stabilize and reinvest in Decatur’s neighborhoods.

Code enforcement is a system of laws, policies, practices, and programs that provide a framework through which a local government can ensure private property owners meet minimum property standards. A municipality’s power to compel nonresponsive owners to comply with these minimum standards is rooted in state and local law. But the decisions on when to use tools like fines, fees, abatement, and demolition—and when not to use them—are driven by local government policies and carried out by a range of City departments. In Decatur, this includes City’s Departments of Community Development (DCD), Legal, Police, Fire, Public Works, and others.

The development of new code enforcement approaches to address problem properties—a term used in this report to refer to any type of property that, whether it has a structure or is a vacant lot, is in violation of state or local minimum property standards and may be harmful to the health and wellbeing of its residents or neighbors—must at every level incorporate the priorities, perspectives, and expertise of those most-impacted residents and neighbors. It is essential to balance the harm of problem properties with the rights and well-being of those who live in and own problem properties. Within that delicate balance is the recognition that communities of color, and in many cases predominantly Black communities, are those most impacted by problem properties. Without a deep understanding of how a legacy of racist laws and policies have harmed communities of color in Decatur, code enforcement risks compounding the problem.

Key Takeaways

Decatur faces significant problem property challenges. Decatur’s urban core is struggling with extensive vacancy (15 percent of housing units vacant according to USPS, and there are thousands of vacant lots, of which nearly 700 are publicly owned) and substandard occupied rental and owner-occupied housing. Widespread poverty (federal poverty rate >24 percent), extremely weak housing markets (average single-family housing price in the OKO neighborhood is \$42,000), and community frustration from decades of public or private disinvestment in urban core neighborhoods have led prospective homebuyers and other owners to avoid investing in the urban core and seek options on the outskirts of Decatur or outside the city.

Decatur's leadership prioritizes neighborhood revitalization. The Decatur City Council's number one priority is neighborhood revitalization. New leaders in the city manager's office and at DCD have experience dealing with these issues and are leading the charge in developing new community development strategies and investments. The momentum, skills, expertise, and leadership are in place, and thanks to the infusion of cash to support pandemic recovery, now is the time to enact new approaches and programs—including an improved approach to code enforcement—that reflect the City's commitment to investing in Decatur's neighborhoods.

To maximize code enforcement's impact, the City must clarify priorities and policies, and improve data collection and analysis. DCD's Neighborhood Inspections Team is responsible for responding to and investigating code violations, while Legal handles code violation cases where the owner has failed to comply with DCD's notice to correct a violation and additional enforcement is needed. This partnership could be even more impactful if the city manager's office works closely with DCD and Legal to articulate City priorities and develop policies and strategies for how code enforcement can address problems in concert with neighborhood revitalization strategies. The City's IT staff have built useful tools to collect and analyze City data (e.g., code enforcement cases and outcomes) and demographic and property-related data (e.g., household income, race, property condition, and housing market information). The City is just beginning to recognize the value of this data, but more work is needed to figure out how to institutionalize and operationalize these tools.

Need to build lasting, authentic relationships with community partners. The community leaders Community Progress spoke to did not know neighborhood revitalization was the Council's top priority, reported that they had little interaction with or understanding of the code enforcement process, and had the general impression that there was little the City could do to address neighborhood conditions. This provides an opportunity to design new ways to connect with tenants, residents, and community leaders and use their knowledge and expertise to better address problem properties. It will be important for the City to follow through and show progress in order to continue to build relationships and trust.

The underlying cause of many of Decatur's problem properties is poverty and weak neighborhood housing markets, not necessarily willful neglect. These factors make traditional code enforcement tools challenging to use and can result in inequitable outcomes. This does not mean these tools cannot be effective. Indeed, the City does a commendable job of putting in place programs that try to accommodate vulnerable property owners, like the program that allows them to waive fines if it is the first time the owner has been cited and the owner makes the necessary repairs. However, poverty and weak markets demand approaches that require patience, creative thinking, and long-term equitable neighborhood investment strategies tied to code enforcement.

Overview of Recommendations

Community Progress' recommendations fall into the following three categories, with specific policy and practice changes, and a suggested timeline for implementation, found in Appendix B of the report.

Establish Clear Priorities and Improve Data Collection and Analysis

The first series of recommendations highlights key areas where the City can lay a foundation to support a move from a reactive, output-driven code enforcement approach, to one that is equitable, efficient, and effective. We recommend:

- Aligning priorities for code enforcement with the City's neighborhood revitalization framework;
- Standardizing data collection practices;
- Improving current data tools to target proactive code enforcement interventions;
- Growing code enforcement team capacity; and
- Reporting on the City's code enforcement wins to the general public.



Invest and Build Community Capacity Through Education, Outreach, and Resource Development

Our second series of recommendations revolve around strategies and initiatives to help educate, build relationships, and partner with community members and organizations. We recommend:

- Learning from peers in Peoria about their approach to code encouragement;
- Providing more public educational resources on the City's website and in print;
- Making the Decatur City Code more easily searchable and accessible;
- Building an online citizen violation reporting system and a marketing plan to publicize it;
- Showing up for the community at public meetings;
- Creating a Decatur Neighborhood Improvement Task Force to identify opportunities for the City to work with specific neighborhoods; and
- Developing and expanding programs offering low-income owners home repair assistance.



Create New Programs to Address Specific Problem Property Types

One of the most important parts of designing a code enforcement approach is recognizing that the types of strategies used to address vacant properties must differ from those that address occupied properties. Our recommendations highlight the need to create new code enforcement programs to address the three types of problem properties that are causing the most harm in Decatur: (1) vacant structures; (2) substandard occupied rental properties, and (3) substandard owner-occupied properties. These recommendations include:

- **For Vacant Properties:** Identifying vacant buildings and their owners, through a Vacant Property Registration Ordinance; and using abandonment process, code lien foreclosures, receivership, and other tools to strategically acquire abandoned homes before they reach the point of needing demolition—as well as piloting a fast-track to demolition when necessary.
- **For Substandard Rental Properties:** Drafting a comprehensive rental registration, inspection, and licensing ordinance to prevent substandard rental housing; and engaging tenants, tenant aid stakeholders, and “good landlords” to design equitable enforcement approaches and tenant resources.
- **For Substandard Owner-occupied Properties:** Identifying problem owner-occupied properties; staffing a “housing specialist” position to support owner-occupants; creating a property repair resource list and provide owner-occupants with information and resources throughout the code enforcement process; and providing equitable off ramps for homeowners in the legal enforcement process.

We have suggested priorities for implementation in **Appendix B**, but ultimately, we defer to the expertise and judgement of local leaders to decide which recommendations are most appropriate to pursue.

Center for **COMMUNITY PROGRESS**

Headquarters

111 E. Court St, Suite 2C-1
Flint, MI 48502

Nation's Capital

1101 14th Street NW, Suite 510
Washington, DC 20005

(877) 542-4842

**community
progress.org**