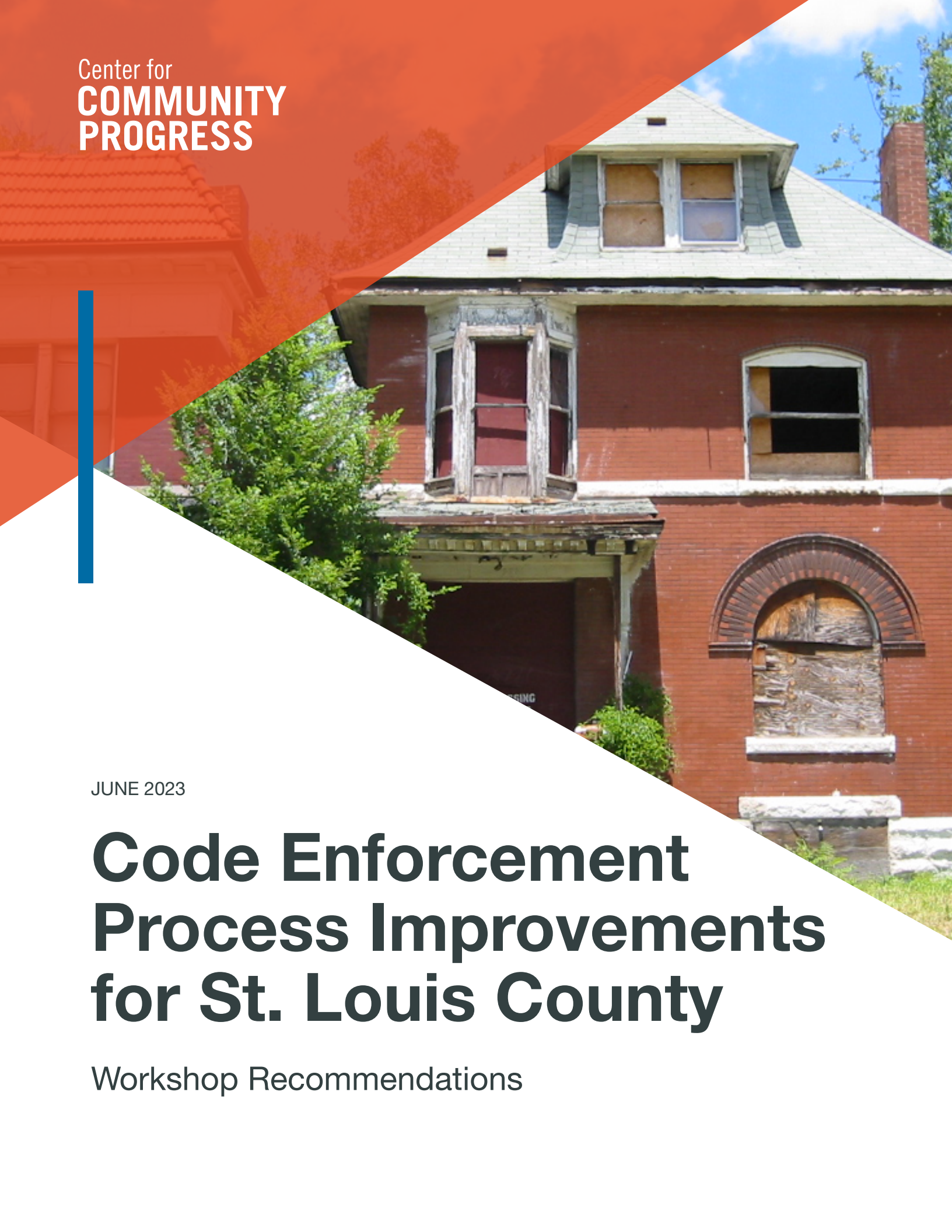


Center for  
**COMMUNITY  
PROGRESS**

JUNE 2023

# **Code Enforcement Process Improvements for St. Louis County**

Workshop Recommendations





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Cover Photo: A boarded up building in St. Louis. (Photo: Paul Hohmann / Flickr CC BY-NC 2.0)

## About the Center for Community Progress

The Center for Community Progress helps people to transform vacant spaces into vibrant places. Since 2010, their team of experts has provided urban, suburban, and rural communities battling systemic vacancy with the policies, tools, and resources needed to address the full cycle of property revitalization. As the only national nonprofit dedicated to tackling vacant properties, Community Progress drives change by uncovering and disrupting the unjust, racist systems that perpetuate entrenched vacancy and property deterioration. Community Progress has delivered customized, expert guidance to leaders in over 300 communities and provided hundreds of hours of free educational resources as well as leadership programming to help policymakers, practitioners, and community members across the country return properties to productive use. To learn more and get help for your community, visit [www.communityprogress.org](http://www.communityprogress.org)

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# Memorandum

Over the last two years, the St. Louis Vacancy Collaborative—a coalition of community members, private and nonprofit organizations, and City agencies focused on reducing vacant properties in St. Louis—has worked to better understand the City’s housing and building code enforcement ecosystem. This work has included collaborating with a consultant to map the City’s internal code enforcement process for addressing vacant properties. Building on this work, the Collaborative asked the Center for Community Progress to facilitate conversations among City staff and Collaborative members to build consensus around ways the City could improve its code enforcement process to more equitably, efficiently, and effectively address vacant properties.

To do this, Community Progress worked with the Collaborative to organize a workshop on May 16, 2023. The workshop brought together approximately 45 individuals from across City agencies whose work responsibilities focus on code enforcement and vacant properties.<sup>1</sup> The workshop participants had an average of 15 years’ experience in their roles, bringing an impressive 502 years of combined expertise to bear on these issues.

The morning session included an overview of a systemic approach to addressing vacant properties and strategic code enforcement as well as a grounding in racial equity, to establish a common framework and language. During the afternoon session, Community Progress facilitated small-group conversations with Building Division inspectors and supervisors to brainstorm, identify, and prioritize recommendations for vacant property code enforcement process improvements. The workshop was well received and generated concrete, thoughtful recommendations to improve both the Building Division’s and larger code enforcement ecosystem’s approach to vacant properties.<sup>2</sup>

This memorandum (1) distills and summarizes these recommendations, and (2) helps guide the City and the Collaborative as they continue to work to address vacant properties equitably, efficiently, and effectively. The first section includes a broad overview and preliminary observations of St. Louis’ vacant property code enforcement process, with a focus on the Building Division’s role. The second section summarizes and organizes the recommendations generated during the afternoon workshop and morning conversation into actionable, short- and medium-term recommendations for improvement.

## Overview of Current Code Enforcement Approach to Vacant Properties

Several City Departments and Divisions are responsible for inspecting, enforcing, and abating housing and building code violations on vacant properties:

- The Department of Public Safety’s **Building Division** is responsible for enforcing the City’s Building Code and for boarding and demolishing vacant buildings.

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<sup>1</sup> The workshop included participants from the following City Departments and Division and community organizations: Citizens’ Service Bureau, Neighborhood Stabilization, Board of Alders, Office of the Mayor, City Counselor’s Office, Building Division, Legal Services of Eastern Missouri, Department of Health, St. Louis Vacancy Collaborative, St. Louis Development Corporation, and Land Reutilization Authority.

<sup>2</sup> Of the 33 participants who responded to the post-event survey, 91 percent of respondents said that they would incorporate information learned during the training into their work, and 82 percent said that they felt better equipped to address issues related to vacant properties after the workshop.

- The Police Department’s **Environmental Investigations Unit (EIU)** focuses on preventing and responding to illegal dumping.
- The **Department of Health** is responsible for enforcing the City’s Health Code, which includes rodent control, litter, snow and ice removal, unsanitary standing water, animals, and hazardous materials.
- The Department of Parks, Recreation and Forestry’s **Forestry Division** is responsible for mowing high weeds and grass on vacant properties.
- The Streets Department’s **Streets Division** is responsible for removing large trash and illegal dumping from vacant properties.
- The Streets Department’s **Towing Division** is responsible for removing abandoned vehicles from vacant properties.<sup>3</sup>

Complaints regarding potential code violations on vacant buildings typically come to the Building Division from the **Citizen’s Service Bureau (CSB)** or **Neighborhood Stabilization Division (NSD)**. The Building Division then inspects the property to verify the complaint and can issue a violation notice or administrative citation to the property owner. Violation notices serve as a warning and typically give owners 30 days to correct violations. Administrative citations include a \$25 per code violation fine and give owners an additional 30 days to correct violations. These fines double if not paid within 60 days. Inspectors can also record a residential property as vacant, triggering a \$200 vacant building fee.

Inspectors can also refer the properties to other teams within the Building Division or other City departments for nuisance abatement. These include the demolition and board-up teams within the Building Division, the EIU for illegal dumping and unauthorized occupants, the Forestry Division for the abatement of high weeds and grass, the Streets Department for large trash and abandoned vehicle removal, and the Health Department for health code violations. There may be multiple teams or divisions independently and concurrently addressing violations on the same property.

The Building Division also refers cases to the **City Counselor’s Office** to bring an enforcement action in **St. Louis Municipal Court**. In the Municipal Court action, the judge can issue fines of up to \$500 per violation and sentence owners to up to 90 days in jail. In practice, the City Counselor’s office reports that many owners of vacant properties fail to appear in these actions. According to data provided by the City Counselor’s Office, less than 20 percent of the cases brought to Municipal Court in the last two years resulted in compliance. Additionally, in 2021-22, the average annual amount of court fines property owners actually paid totaled only \$37,000—a relevantly small amount given the significant investment of human resources and time to bring these cases.

The City can add its abatement costs, fines, and fees to the vacant property owner’s tax bill. If unpaid, the **Collector of Revenue** can use the City’s delinquent property tax enforcement system to foreclose on the vacant property. If nobody purchases such a property at the tax sale, it transfers to the City’s **Land Reutilization Authority (LRA)**. The City Counselor’s Office reports that about 150 properties a year are offered at a special tax sale using this process, but the criteria and process for selecting these properties does not appear to be part of a larger strategy to address vacant properties in line with the City’s [Vacancy](#) or [Economic Justice Plan](#).

Legal Services of Eastern Missouri’s (Legal Services) office of **Neighborhood Advocacy** also helps address vacant properties by bringing circuit court actions on behalf of nonprofit organizations, neighborhoods associations, and community groups seeking money damages and repairs to the property. In these cases, Legal Services often brings claims alleging common law and statutory nuisance and uses the state’s receivership and Abandoned Housing Act statutes.

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<sup>3</sup> This overview draws on Community Progress’ pre-workshop interviews with key City and Collaborative stakeholders, conversations during the workshop, and the following documents: St. Louis Vacancy Collaborative, Vacant Building Code Enforcement Process Map; Rise, St. Louis University Law Clinic, and Tower Grove Neighborhoods CDC, [A Guide to Understanding and Addressing Vacant Properties in St. Louis](#); Kim Graziani and Frank Alexander, [Developing a Shared Vision and Strategies to Address Vacancy and Abandonment in the City of St. Louis](#), Center for Community Progress, June 2016.

## Recommended Improvements

The City of St. Louis is already doing many things right when it comes to addressing vacant properties, including using data to identify vacant and deteriorated properties, working collaboratively across City Departments and community organizations, and securing funding to help homeowners maintain their homes and for vacant property stabilization and rehabilitation.

The City has an opportunity to build on this success by accelerating its shift from a traditional to a more strategic approach to vacant property code enforcement. Stakeholders report that the current approach—which focuses on issuing citations, fines, and bringing Municipal Court actions against property owners—does not typically result in vacant property owners bringing their properties into compliance, especially when those properties are in neighborhoods with weak real estate markets or owned by speculators or out-of-state investors.

To improve compliance and reduce the harms vacant properties cause neighbors and neighborhoods, St. Louis should expedite its shift from a traditional approach to a more strategic, “fix it up, pay it up, or give it up” approach for vacant properties. A “fix it up, pay it up, or give it up” strategy focuses on:

- reducing the harms imposed by vacant, deteriorated properties when owners are unwilling to make repairs,
- ensuring taxpayers are reimbursed for the full costs of assuming responsibility for securing, maintaining, or demolishing these privately-owned, vacant properties, and
- as a last resort, and when public costs to abate nuisances are not reimbursed, taking action to transfer these vacant, harmful properties to new ownership, which may include temporary public stewardship.

Shifting to this approach would also help prevent vacant properties from becoming stuck in code enforcement “whirlpools,” a term Collaborative members use to describe pain points in the process. For example, a whirlpool occurs when an inspector issues citations, an owner pays the relatively reasonable fees or fails to appear in court, and the code violations remain unabated, leaving inspectors to cite the property again and watch an ineffective cycle continue. In place of this traditional approach, when vacant property owners fail to correct violations after an initial notice or citation, the City should focus on efficiently abating any nuisances, minimizing the harms imposed on neighbors and the neighborhood, adding the costs of this abatement to the property’s tax bill and, where the owner fails to pay, using the City’s tax foreclosure process to transfer the property to new ownership, which may include temporary ownership by the LRA.

As part of this more strategic approach, the City should work to shift its culture from code *enforcement* to code *encouragement*. In the context of vacant properties, for example, inspectors should ensure vacant property owners who want to make repairs have the information they need to do so, and when possible and needed, connect them to resources to help. This also includes trying to prevent properties from becoming vacant by helping low-income homeowners through programs like the Community Development Administration’s Healthy Home Repair Program.

The following recommendations are intended to help the Building Division and the larger code enforcement ecosystem continue its shift to this more strategic, equitable approach:

**1. Leverage new data software to inform strategies and interventions.** The City has launched a new software platform, Building Blocks, that integrates and maps multiple parcel datasets currently siloed across the Departments and Divisions involved in vacant property code enforcement, including the CSB, NIS, Building Division, Department of Health, Streets Division, Forestry Division, City Counselor’s Office, and Municipal Court. The City has already aggregated more than 30 parcel datasets, making this a powerful mapping and analytics data tool that can help inform and shape decision-making by the Collaborative and City. Specific recommendations include:

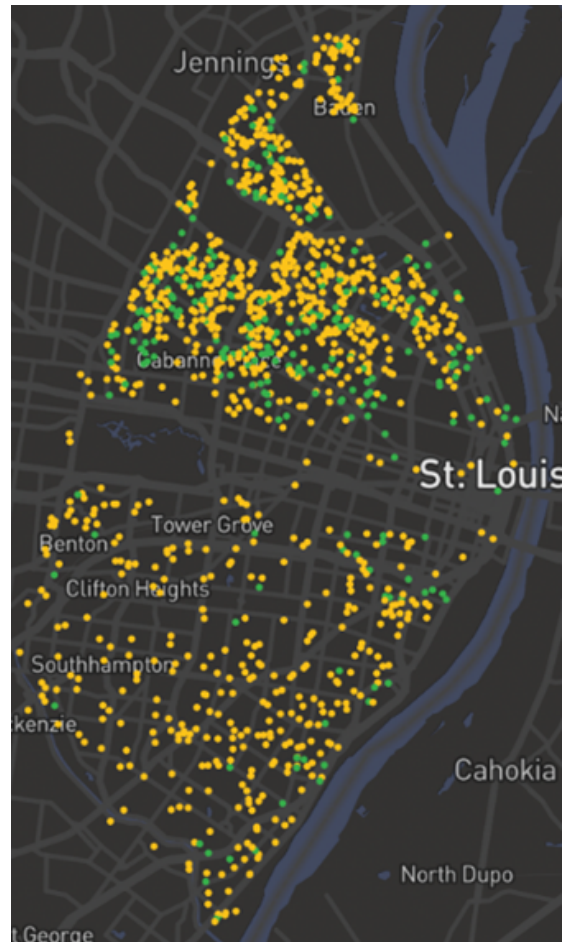
- a. **Identify chronically noncompliant areas, property types, and owners.** The Building Division and City Counselor’s office should review their recent Municipal Court cases and identify the types of

properties, owners, and neighborhood markets where the cases result in owners bringing their properties into compliance, and those where they do not. They should then revise their policies and practices to focus Municipal Court actions on these types of properties, owners, and neighborhood markets and to use other strategies, including a “fix it up, pay it up, or give it up” approach where appropriate, for the other properties.

**b. Identify focus areas for multi-pronged interventions.** The City and Collaborative should use Building Blocks to identify blocks of vacant properties where multiple interventions and investments could be concurrently deployed for optimal impact. Such interventions might include Prop-NS stabilization, Private Building Stabilization, receivership actions, and repair grants or assistance to remaining homeowners. Such hyperlocal property interventions can eventually be supplemented by other capital and programmatic investments, such as sidewalk repair, tree plantings, grants for community-driven beautification projects on vacant lots, and so on.

**c. Identify properties for foreclosure.** Building on the recommendation in 1(b), the City and Collaborative should analyze the nearly 1,400 properties that have been tax-delinquent for at least five years and develop criteria and procedures for identifying properties for property tax foreclosure.

## 1,398 properties that are 5-years tax-delinquent



Yellow dots indicate structures, and green dots are vacant lots.  
Source: Building Blocks

**2. Increase the frequency and scope of City interventions to abate code violations harming neighbors and neighborhoods.** Cities should have efficient processes in place to abate the primary property nuisances that cause harm to neighbors and neighborhoods—high weeds and grass, open structures, trash and debris, and abandoned vehicles. Broadly, the City should bring together the Departments and Divisions responsible for fielding complaints and abating such nuisances to ensure such processes are in place. Specific recommendations, listed in order from short- to medium-term actions, include:

- a. The City should explore and address any barriers currently preventing Departments and Divisions from effectively abating these four key nuisances on vacant properties.
- b. The Building Division should reduce the time property owners have to correct nuisance violations like high weeds and grass, open structures, trash and debris, and abandoned vehicles and ensure they are quickly reinspecting these properties. In our experience, cities often allow property owners only 5-10 days to correct these key nuisances.

- c. The Building Division should create written policies and procedures focused on vacant properties designed to ensure that inspectors are focusing on reducing the harm caused by properties with owners unwilling to bring them into compliance. These policies and procedures could, for example, provide guidance on when inspectors should: (1) refer properties to other Departments and Divisions for abatement, (2) structurally condemn properties, and (3) refer properties to the City's privately-owned property stabilization program.
- d. The Building Division should explore the potential to use more durable boarding materials, which have the potential to significantly reduce overall material costs and staff time.<sup>4</sup>
- e. The Building Division should explore creating a specific vacant property division or taskforce composed of inspectors and supervisors who would focus exclusively on vacant properties city-wide. Such a focused task force within the Building Division would allow these inspectors and supervisors to develop expertise in these properties and potentially improve collaboration between the Building Division and the other City Departments and Divisions that address vacant properties, including NSD, St. Louis Development Corporation, and the LRA.

**3. Ensure taxpayers are reimbursed for the full costs of securing, maintaining, and demolishing properties.** The City has the authority to add unpaid abatement costs as a public lien against the property and collect this code lien using its delinquent property tax enforcement system, which is the most efficient and effective way to compel property owners to pay these costs. The City should ensure it is effectively using this tool. Specifically:

- a. The Building Division should examine whether its current fines and abatement charges fully reflect its costs of enforcement and abatement, which should include inspection and administrative costs, and adjust these fees, as necessary.
- b. The City should work with the Collector to ensure all eligible fines and abatement costs are added to property tax bills on an annual basis, effective January 1, 2024.

**4. Expand capacity to transfer properties to new ownership where owners have failed to bring properties into compliance or to reimburse the City for its costs of maintaining the property.**

When vacant property owners fail to pay the City for its costs related to their properties, the City has powerful tools—including foreclosure using its delinquent property tax enforcement system—to force the transfer of these properties to new ownership. The City should explore ways to equitably expand its use of these tools on vacant properties that are causing harm to neighbors and neighborhoods. Specifically:

- a. The City should explore how it could increase the number of vacant properties offered at the special tax sales and, at the same time, explore how to increase the LRA's capacity to address any increased inventory from these sales.<sup>5</sup>
- b. The City Counselor's office should explore whether it should shift resources currently used on Municipal Court actions to other legal strategies, such as nuisance and receivership actions, which might provide greater opportunity to reduce the harm caused by vacant properties and, where necessary, move them

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<sup>4</sup> Many cities have banned the use of plywood and instead use polycarbonate to board-up vacant properties. Polycarbonate is extremely durable and preferred over steel because it allows first responders to see inside a property. Many cities report the use of clear polycarbonate also improves the perception and feel of the neighborhood, as plywood has become the symbol for disinvestment, neglect, and abandonment.

<sup>5</sup> The LRA reports that it currently has 10 full time staff to manage an inventory of more than 10,000 properties. In contrast, the Genesee County Land Bank, which has an inventory of around 13,000 properties reports having 37 full time staff.



to new ownership. The City Counselor's office should also explore whether local or state legislative changes are needed to strengthen or expand these tools.<sup>6</sup>

- c. The City should continue to coordinate with and support LSEM's Neighborhood Vacancy Initiative.

#### **5. Take steps to help property owners who want to bring their vacant properties into compliance.**

Inspectors reported that many vacant property owners, including family members who have recently inherited a property, are willing and interested in bringing their properties into compliance but lack the information or resources to do so. The Building Division and City should make it easier for these owners to understand how to fix their properties and to connect these owners with resources. Specifically:

- a. The Vacancy Collaborative should develop a one-page document of resources for vacant property owners. This could include contact information for LSEM's Neighborhood Vacancy Initiative, which provides family property assistance, and information about how to obtain City permits for repairs.
- b. The Building Division should include the resource list created by the Collaborative with its Notices of Violations and Administrative Citations.
- c. The Building Division should make their notices and citations easier to understand.<sup>7</sup> These changes could include using simpler language, specifying the exact location of the violation and what steps the owner needs to take to correct the problem, and clarifying the consequences of noncompliance.
- d. The Community Development Administration and City Counselors' office should explore whether the City could create a list of home repair contractors that inspectors could distribute upon request.

## Conclusion

St. Louis has already made considerable progress addressing vacant properties and is on the path to making even more changes that will reduce the harm caused by these properties and return them to productive use. We appreciate having the opportunity to work with and learn from the Collaborative members and City staff and continue to be available as a resource as you move forward with this work.

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<sup>6</sup> The City could, for example, explore expanding Mo. Rev. Stat. 82.1026, a vacant property receivership statute that currently covers only Kansas City, to cover the City of St. Louis as well.

<sup>7</sup> A recent study found that a simple courtesy letter increased code compliance by 14.7 percent and a redesigned citation and violation letter increased compliance by 3.3 percent. Linos, E., Quan, L.T. and Kirkman, E. (2020), Nudging Early Reduces Administrative Burden: Three Field Experiments to Improve Code Enforcement. *J. Pol. Anal. Manage.*, 39: 243-265. <https://doi.org/10.1002/pam.22178>. Organizations that may help with such a redesign include [Behavioral Insights](#) and the Stanford Law [Legal Design Lab](#).

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