Strategic Code Enforcement 101
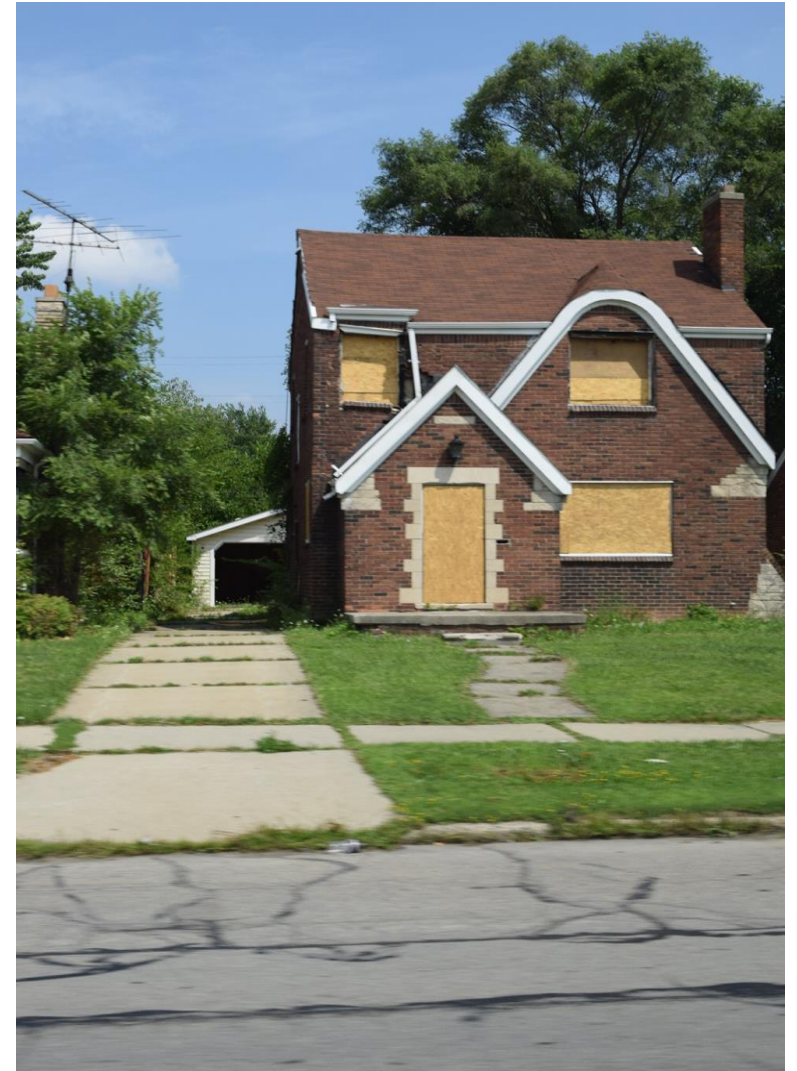
Center for Community Progress VAD Academy

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Overview

- What is code enforcement?

- What are the problems with traditional code enforcement?

- What is strategic code enforcement?

- Where can I learn more?

What is Code Enforcement?

Code Enforcement – what is it?

Housing and building code enforcement is:

- a system of laws and policies

- used by a range of local governments and other public and private partners

- to seek compliance with minimum property standards

- in support of _safe and healthy neighborhoods for all._

Code Enforcement – What are the goals?

Compliance with property standards, through a process that is:

- effective,

- efficient, and

- equitable.

Code Enforcement – why is it important?

Code Enforcement is a critical tool to improve community health, safety, quality of life, and neighborhood vibrancy

Negative Impacts of VAD

PUBLIC HEALTH

Creates unsafe environment for occupants (e.g. lead, asbestos)

Creates unsafe environment for neighbors (e.g. attracts crime, rodent harborage, physical threat)

Harms mental health

INDIVIDUAL WEALTH

Lowers surrounding property values, threatening homeowners' investment
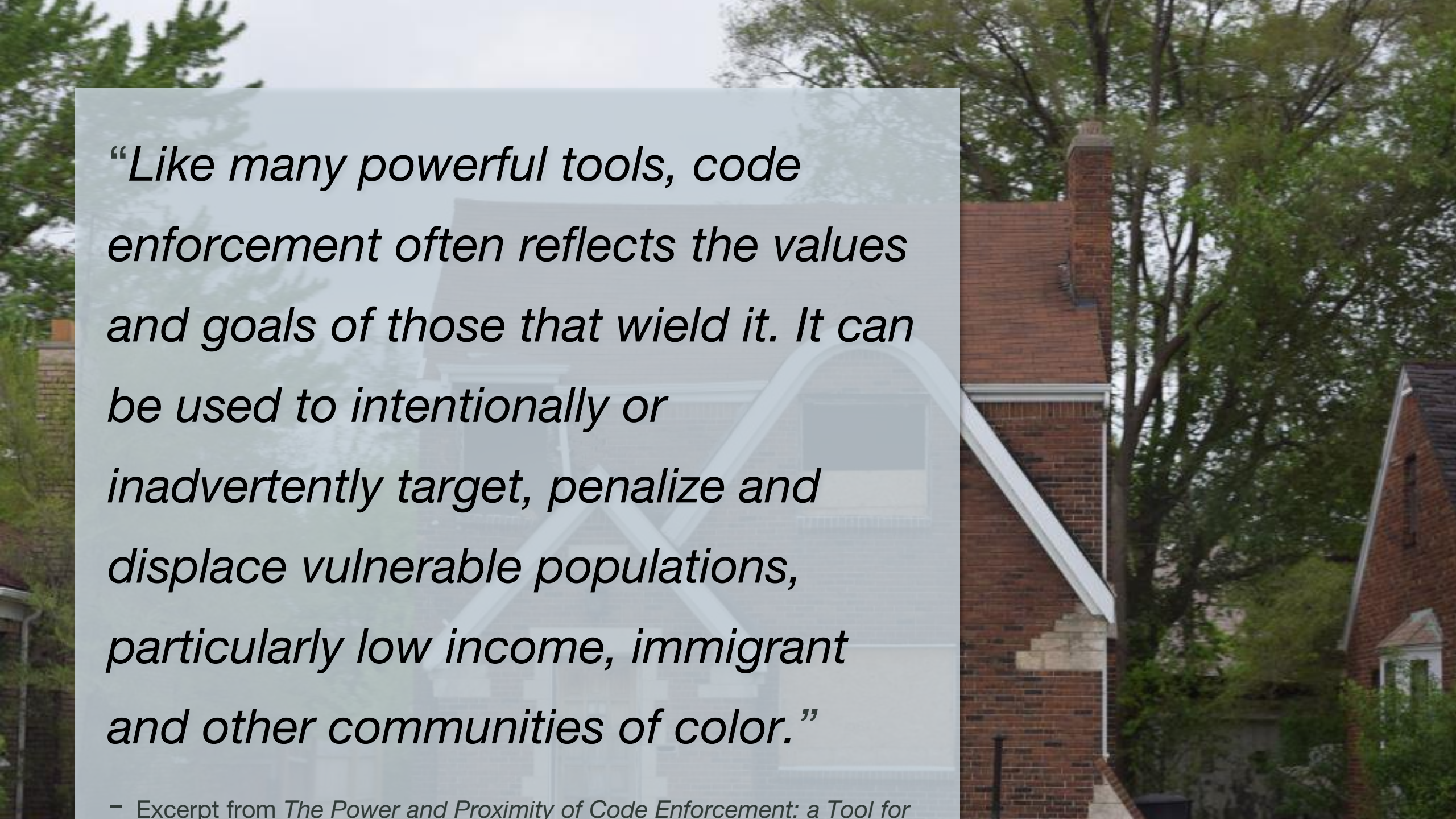
Property deterioration exceeds cost-effective repair

Raises insurance premiums

COMMUNITY FISCAL STABILITY

Lowers property values, reducing tax base

Contributes to future property vacancy

Increases municipal service costs

"Like many powerful tools, code enforcement often reflects the values and goals of those that wield it. It can be used to intentionally or inadvertently target, penalize and displace vulnerable populations, particularly low income, immigrant and other communities of color."

- Excerpt from *The Power and Proximity of Code Enforcement: a Tool for*

What are the Challenges with Traditional Code Enforcement?

Traditional Code Enforcement

- Complaint

- Inspection

- Citation

- Reinspection
  - Case closed (if repaired)
  - Extension (if progress)
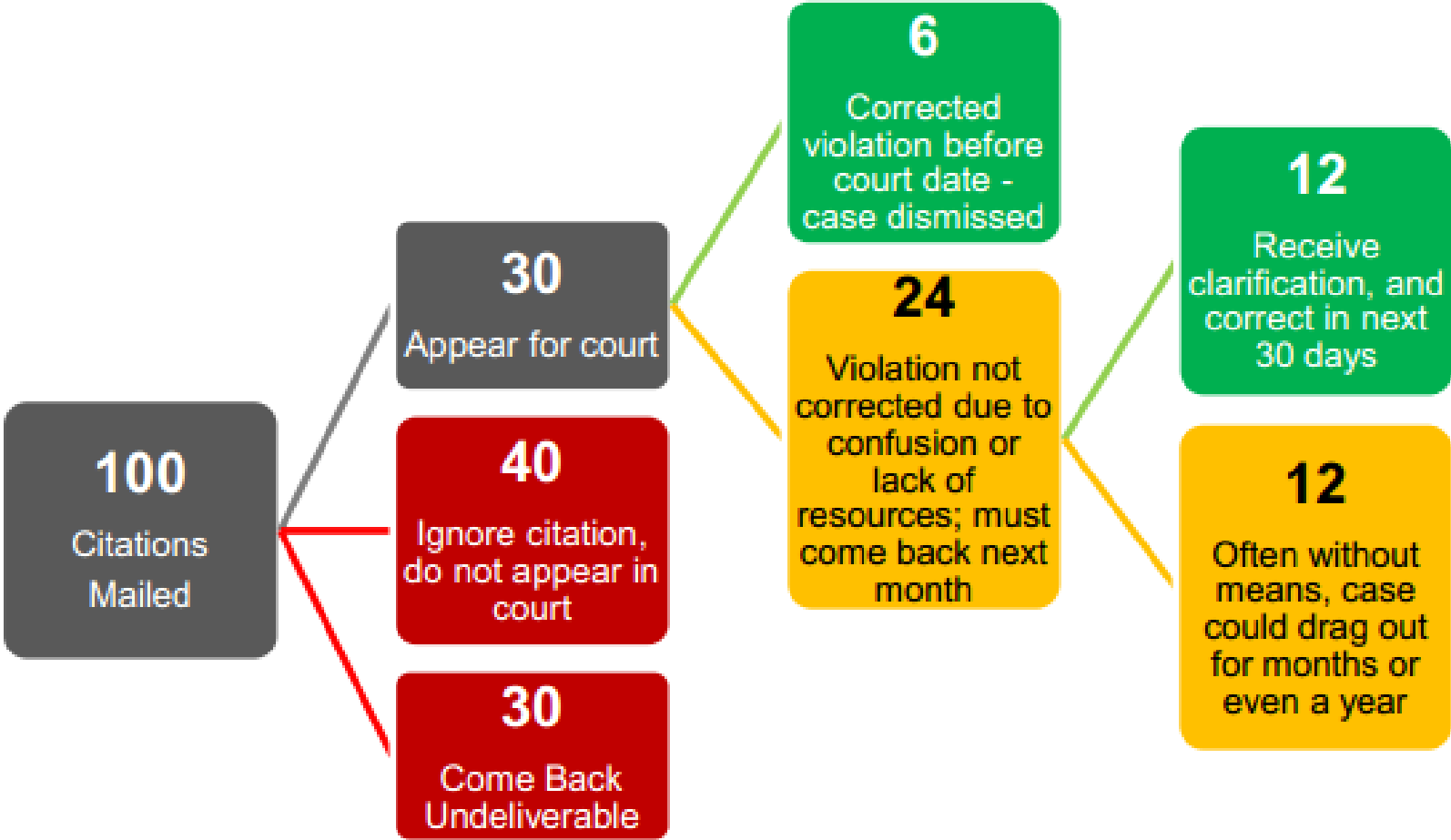 - Legal case filed (if no progress or repairs)

Traditional Code Enforcement

- Effective?

- What about for…
    - LLCs?
    - Out-of-state speculators?
    - Low-income homeowners?

Traditional Code Enforcement

- Effective?
- Efficient?

100 Citations Mailed

30 Appear for court

40 Ignore citation, do not appear in court

30 Come Back Undeliverable

6 Corrected violation before court date - case dismissed

24 Violation not corrected due to confusion or lack of resources; must come back next month

12 Receive clarification, and correct in next 30 days

12 Often without means, case could drag out for months or even a year

Estimates of case outcomes in Gary, Indiana based on interviews with City staff.

Traditional Code Enforcement

- Effective?
- Efficient?
- Equitable?

FIGURE 8: Top Code Violations by Census Tract, Percentage Nonwhite *Source: DCE, U.S. Census*

Legend

▢ Top 10 Tracts for Violations, '17-'19

% Population, Nonwhite
- ≤99
- ≤79
- ≤59
- ≤36
- ≤17
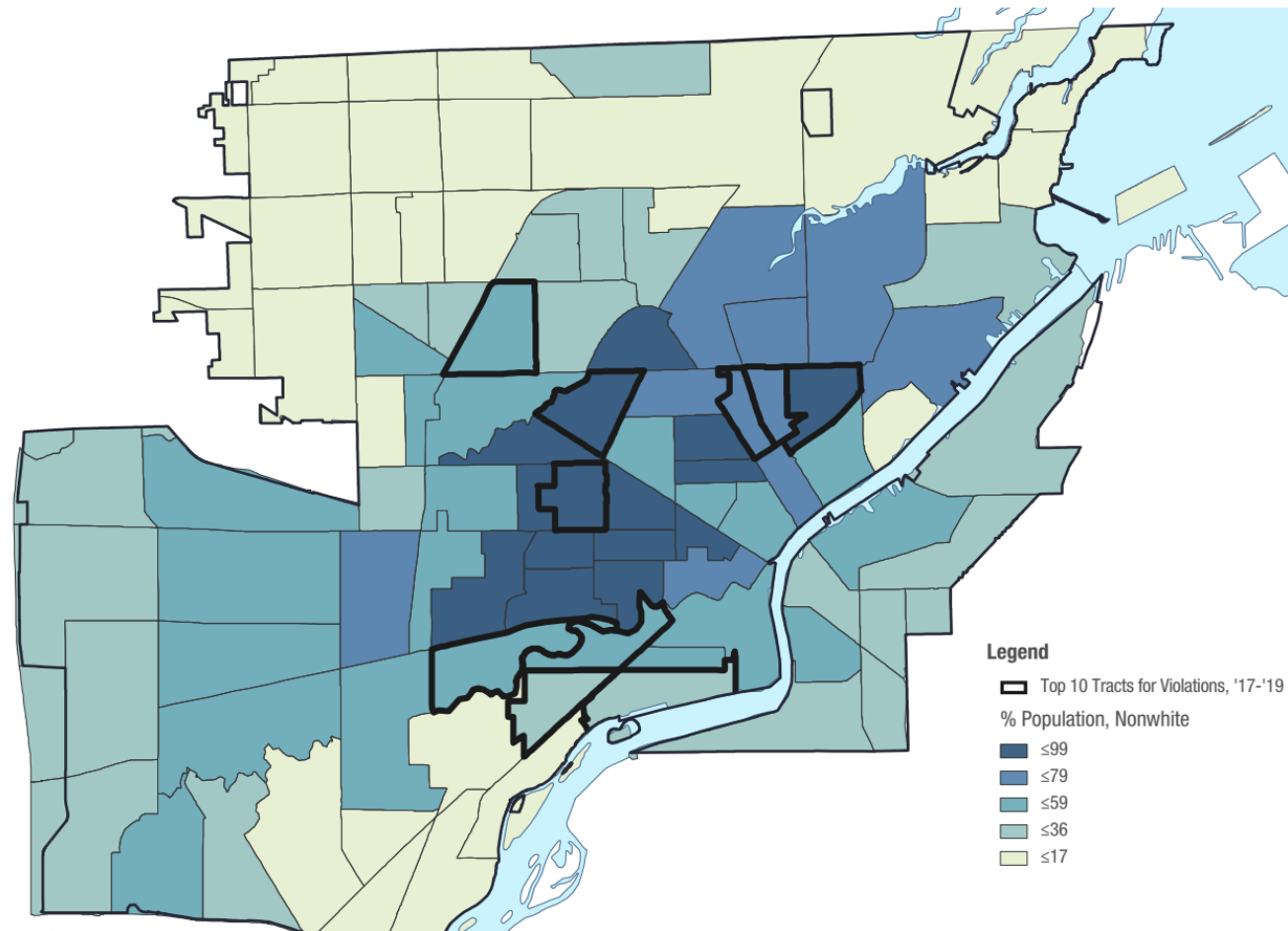
What is Strategic Code Enforcement?

Code Enforcement Should Be…

Effective

Median housing value, block group

- Enforcement strategies tailored based on the likelihood of compliance and desired outcome

- Where compliance is unlikely, an effective system forces the transfer of property (focus on vacant property) to new owner with insurable and marketable title
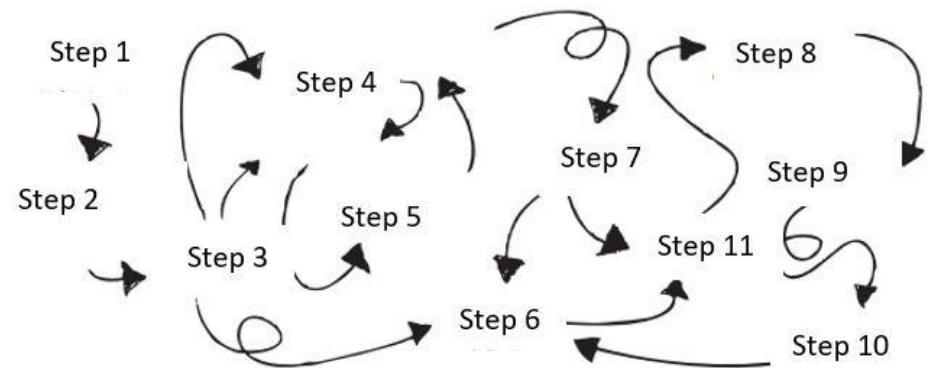
$61,000

$173,400
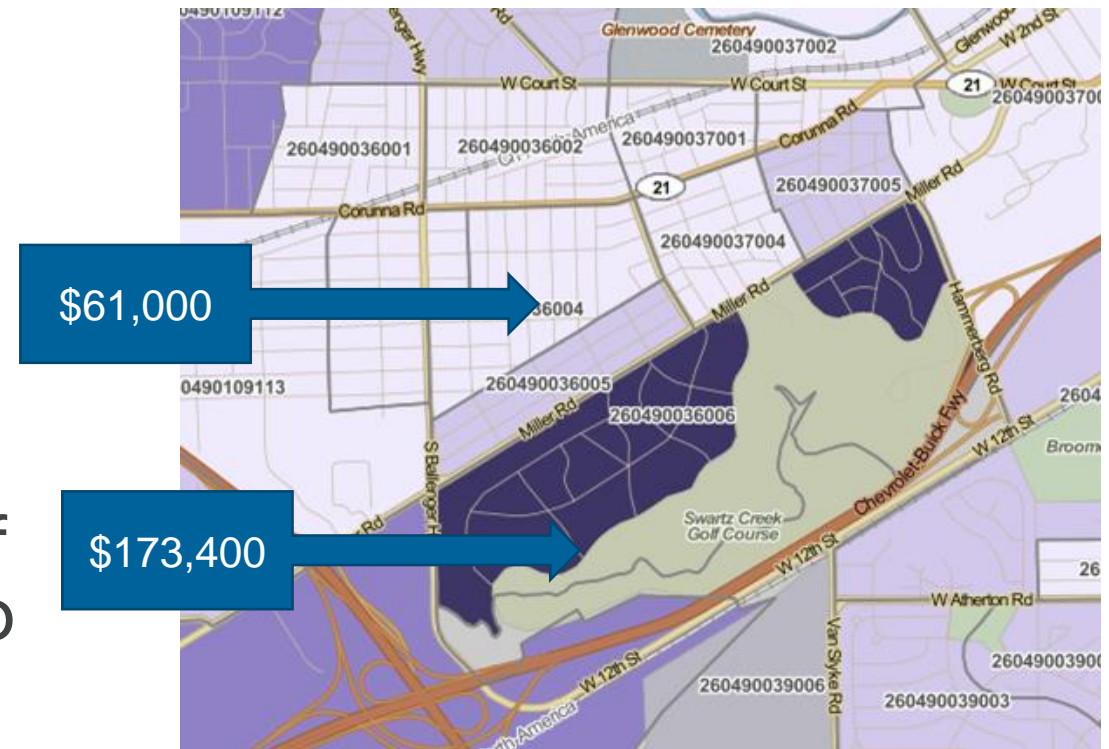
Code Enforcement Should Be…

Efficient

- Voluntary compliance in the shortest amount of time possible

- Liability imposed on the property (*in rem*), not the owner (*in personam*)

- Fix It Up, Pay It Up, Give It Up

Code Enforcement Should Be…

In Pursuit of Equitable Outcomes

- Different types of property, owners, and neighborhoods require different approaches.

- Differentiate between vacant property and all other forms of occupied property (e.g., owner-occupied, rental)

- Support and protect vulnerable homeowners who want to comply

- Incorporate the voices of those most impacted in the policy design and creation

- Recognize the historical segregation of housing and resources that still guides development and allocation of resources today

Annual cut list overlayed with neighborhood race and ethnicity

The lighter color represents a lower percentage of white non-Hispanic households

Basic Tenets

- Use data and resident input to understand the problem and set priorities

- Develop data-driven, proactive strategies tailored to different types of owners, properties, and neighborhood markets - focused on compliance first

- Improve coordination within local government and develop external partnerships to leverage limited resources

Tenet 1: Use Data and Engage Residents

Parcel Data

- Delinquent property taxes
- Unpaid code or other public liens
- Frequency & volume of code violations
- Nuisance & police calls
- Utility shut-offs
- Occupancy status
- Structure conditions

Market Data

- Foreclosure rates
- Sales volume, if any
- Sales prices
- Purchaser types (e.g. individual, LLC, etc.)
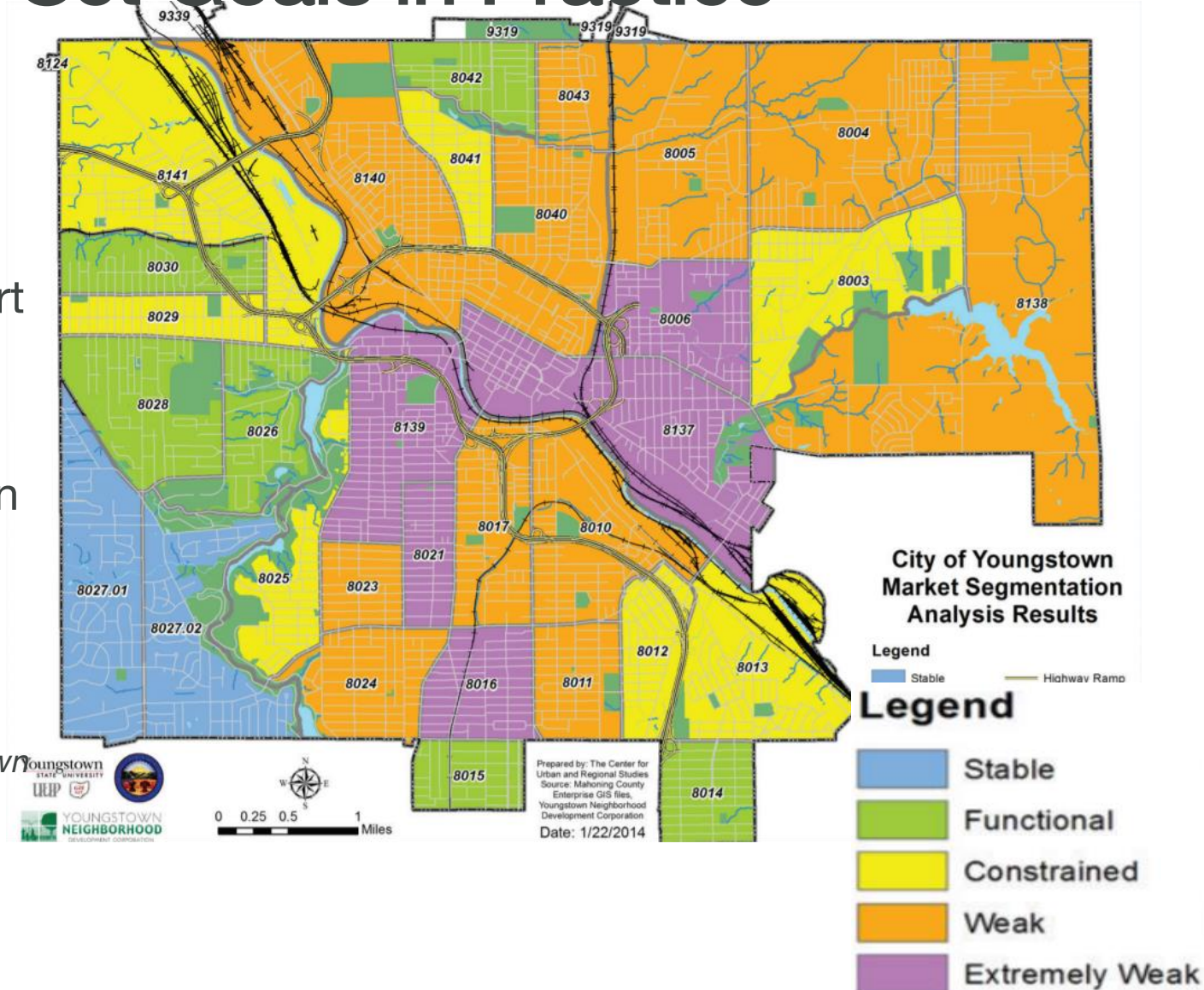- Number of cash sales
- Assessment values

Social Data

- Regular resident input on top problem properties
- Neighborhood needs/ goals for land & services
- Neighborhood racial & ethnic history
- Identity of community-based orgs & partners

Tenet 1: Using Data to Set Goals in Practice

Youngstown, Ohio:
Neighborhood Market Typology

- "This Neighborhood Conditions Report is an important tool for policy and planning decisions, but it is not a strategy in itself. Data contained within the report will be used in conjunction with resident and stakeholder input to develop citywide and neighborhood-specific planning strategies." - *Youngstown Neighborhood Development Corporation, "Neighborhood Conditions Report"*

City of Youngstown
Market Segmentation
Analysis Results

Legend
- Stable
- Functional
- Constrained
- Weak
- Extremely Weak

Tenet 1 Using Data to Set Goals in Practice

- City of Syracuse, New York: Kitchen Table Talks

- Hester Street, [Tools and Tactics for Engaging Communities Around Code Enforcement](April 2019)

Photo credit: Syracuse.com.

Tenet 2: Different Properties, Different Strategies with a Focus on Compliance

- Vacant
    - Fix it up, pay it up, or give it up

- Rental
    - Rental licensing, tenant escrow programs

- Owner-occupants
    - Resources for repairs

Tenet 2: Different Properties, Different Strategies, with a Focus on Compliance

Vacant

- Create mechanism to identify
- Abatement
- Code lien foreclosure
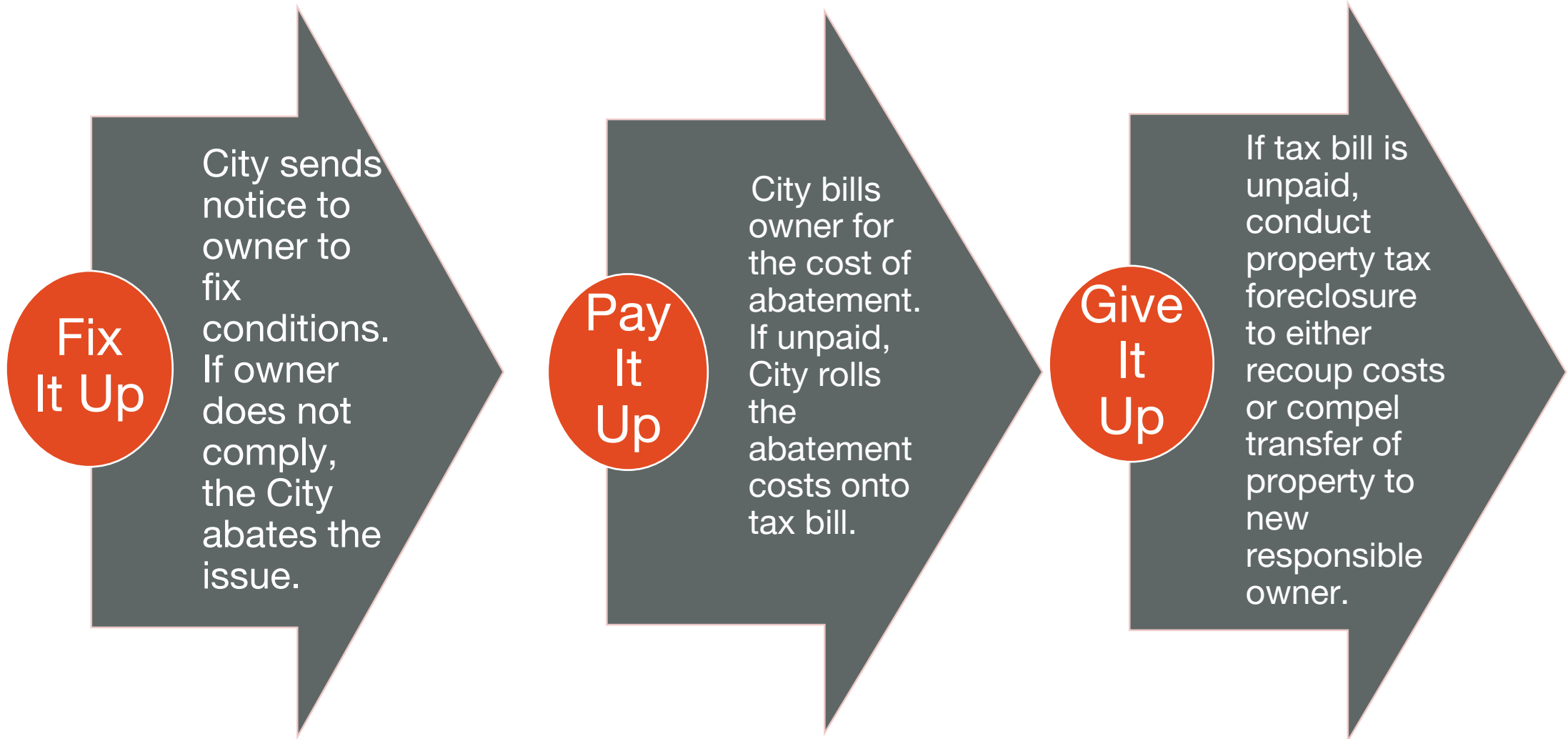- Property tax enforcement

Owner-occupied

- Create mechanism to identify
- Pre-inspection warning letters
- Resources lists and provide repair resources
- Housing navigators or social workers
- Code inspector soft skills training and hiring
- Partner with local hoarding taskforces, churches, Habitat for Humanity

Rental

- Create mechanism to identify
- Proactive rental inspection programs
- Relocation assistance
- Tenant rent escrow programs
- Partner with legal aid, tenant organizers, and homelessness prevention organizations

Tenant 2 in practice: *Fix it Up, Pay it Up, Give it Up,* for Vacant Properties

Fix It Up

City sends notice to owner to fix conditions. If owner does not comply, the City abates the issue.

Pay It Up

City bills owner for the cost of abatement. If unpaid, City rolls the abatement costs onto tax bill.

Give It Up

If tax bill is unpaid, conduct property tax foreclosure to either recoup costs or compel transfer of property to new responsible owner.

Tenet 3: Improve coordination within local government and develop external partnerships to leverage limited resources

Internal:
- Fire Department
- Community and Economic Development
- Health Departments
- Housing Authorities

External:
- Land Banks
- Habitat for Humanity
- Social Service Providers
- Neighborhood Associations
- Law School Clinics/Legal Aid/Pro Bono Attorneys
- Community Organizers
- Artists

Tenet 3: Improving Coordination in Practice

- Many examples of cities connecting low-income owners with repair resources

- [Filling the Gaps: Helping Struggling Property Owners Connect to Rehab and Repair Resources](#)

Tenet 3: Improving Coordination in Practice

Buffalo, New York: Operation Clean Sweep

- Boarding up abandoned structures
- Removing graffiti and debris
- Code enforcement
- Trimming trees
- Repairing signs
- Going door-to-door offering governmental, employment and health & human services information

Photo credit: Buffalony.gov.

Questions to consider

- What are our goals, and how is our approach helping us meet those goals?

  Is our current process helping reach compliance? What happens to properties with violations? How many get resolved?

- How do we measure success?

  Case numbers? Compliance rates? Time for compliance? Connecting residents to resources? Collection rates? Ownership transfers (for vacant properties)? Qualitative stories of building trust with the community?

- Where are our activities focused, and who is most impacted—intentionally and unintentionally?

  Consider mapping out code violations and compare to demographics - What equity concerns may be present?

Questions to consider

- Are the legal and policy tools available to us sufficient to achieve our goals?

  Analyze existing legal tools – what is working? What is not working? What tools are we not taking advantage of?

- How do residents and our community partners view what we do?

  How do we build trust? How can we improve communication and education with residents?

Additional Resources

Join us tomorrow at 9:00am ET

Strategic Code Enforcement 201

How a Racial Equity Audit Can Help Reimagine Traditional Code Enforcement

Tarik Abdelazim

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Phil Crowe

Assistant Director | Department of Codes & Regulations

Community Progress Resources

Webinars:

- Cornerstone Webinar: [Strengthening Community Relationships to Achieve Equitable Code Enforcement](#), April 2022
- Cornerstone Webinar: [Prioritizing Repair Support for Financially Struggling Property Owners](#), April 2021

Publications:

- Alan Mallach, [Neighborhoods by Numbers: An Introduction to Finding and Using Small Area Data](#), 2017.
- Libby Benton, Tarik Abdelazim, Liz Kozub [A Racial Equity Audit of Louisville, Kentucky's Code Enforcement Program](#), 2022
- Matthew Kreis and Karen Black, [A More Strategic Approach to Housing and Building Code Enforcement in Toledo, Ohio](#), 2021.
- Frank Alexander, [Alternative Strategies for an Equitable, Efficient, and Effective Code Enforcement System in Mobile, Alabama](#), 2016.

Reach out!

- Community Progress cutting-edge technical support and assistance to partner communities.

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Vacant Spaces into Vibrant Places