Module 02

Technical Knowledge, Codes, and Processes

02

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All Code Enforcement teams need to understand the basics of how to do their jobs.

Inspectors must have a strong understanding of state and local codes, as well as clear processes for intake, inspection, and engagement with owners and the community. State certification may require additional recertifications or other continuing education, but the City should ensure inspectors understand the nuances of Cleveland's codes and stay up to date on changes to state and local law.

While beyond the scope of this curriculum, inspectors and all staff should also have clearly articulated policies and procedures; the following should help identify where to develop such policies and procedures.

MODULE OVERVIEW

GOAL	Build foundational knowledge of state and local codes, stay informed of recent changes to code, and learn basic enforcement
AUDIENCE	Code enforcement inspectors and staff
TRAINING STAFF	Law Department, senior code enforcement inspectors/staff. *Given the growth of the Division, we recommend one of the 30 new positions for inspectors be a full-time trainer. Absent that, we recommend that at least one senior staff member who either is or has previously served as a code enforcement inspector supervise training inspectors as all or a significant part of their primary duties.*
TIMING	Onboarding (3-4 hours over two days, with half of the training on codes and the other half on processes) Annual refresher course (1 hour total depending on ordinance or process changes); periodic trainings on process/protocol updates as needed
TOPICS	Applicable state and local codes, including recent changes; internal enforcement processes and protocols
MATERIALS	Presentations, summary of state and local codes for reference, policies and procedures manuals for inspectors and staff

Key Training Components

1 Regular Training on Codes and Laws

Provide periodic training on applicable state and local codes, including recent changes to state and local laws. Ideally tailored to each specialized unit, the training should cover how to recognize violations and build an enforcement case. It should review the most-cited or trending property maintenance, housing, or zoning codes. In partnership with a senior code enforcement inspector, the Law Department should provide a periodic refresher on common ordinances or codes, for example:

- Ohio Building Code (OBC, primarily for Buildings Bureau)

- Cleveland Building Code (amendments to state building code, primarily for Buildings Bureau)

- International Property Maintenance Code

- Cleveland Housing Code

- Cleveland Zoning Code

In addition to providing an overview of the plain language of the code, the training should:

- Cover enforcement tactics, such as documenting violations with photographs and forms or software

- Include legal definitions for key terms in the code (e.g., definition of window, or weed) and standards needed for potential legal action

2 Guidance on Frequent Legal Considerations

Ask the Law Department to provide guidance on common questions inspectors have related to their legal authority and enforcement limitations on private property. While a training cannot cover every scenario, a few common questions to answer could include:

- What does ownership mean in terms of state and local law (e.g., who is responsible for violations—current or prior owner, landlord or tenant), and what forms can ownership take and how might that impact the use of particular enforcement tools (e.g., LLCs)?

- What is the source of the City's enforcement powers (e.g., police powers) and what kinds of limits on those powers exist (e.g., Fourth Amendment searches)?

- Can inspectors walk onto any part of property when conducting an exterior inspection?

- How can inspectors justify not treating every property the same?

3 Written Policies and Procedures

Develop policies and procedures—for both new and senior inspectors—to set expectations for inspectors' day-to-day enforcement activities. Components could include:

How to use case management and data systems

Trainer: Senior Code Enforcement Inspector or Administrative Staff Supervisor

- Accela overview (how cases/properties are assigned, how to log information, how to see history of code activity or other enforcement actions specific to properties and/or owners)

- Overview of public data sources to help identify or find contact information for owners (e.g., County Assessor or Treasurer)

How to conduct inspections and record findings, including how to access or seek permission to access different property types for inspections

Trainer: Law Department, Senior Code Enforcement Inspector

- How to schedule inspections for all property types, including strategies to contact owners ahead of time or obtain signatures on "Consent to Inspect and Search" forms.

- How to record inspection findings (on paper or Acela), as well as take pictures or otherwise consistently document violations.

- If not already developed, the City may develop and train inspectors on checklists to ensure they cover the areas for the specific types of inspections they are conducting.[1] For example, see the **simple proposed checklist** developed by Community Progress for Detroit's rental inspection program (page 34).

How to determine appropriate enforcement approaches using data and other decision-making tools

Trainer: Senior Code Enforcement Inspector

- Provide a framework (e.g., potential decision-making matrix), for employing enforcement actions based on property type, owner status, and violation severity (see Module 1). See an example **decision-making tool** (pages 43-45) in Community Progress' recommendations for Toledo's code enforcement program.

- Summarize available data and systems and what they might tell inspectors (e.g., County data, neighborhood market data).

- Use data tools (Acela, Tolemi) to inform decisions about case history, when to escalate, or when to explore alternative actions if prior attempts were ineffective (e.g., violations have been issued three times with no response from the current owner).

How to research property ownership

Trainer: Senior Code Enforcement Inspector or Administrative Staff Supervisor and/or Law Department

- Explain how title searches for properties are conducted, when, and by whom.

- Ensure administrative staff understands how to navigate key websites to determine property ownership and identify contact information

How to issue preliminary letters or notices/civil tickets

Trainer: Senior Code Enforcement Inspector and/or Law Department

- Provide guidance around when to initiate a preliminary warning/letter versus civil tickets,

when to elevate issues for legal proceedings, and when to initiate abatement action.

How to identify, initiate, and support appropriate legal proceedings

Trainer: Law Department

- Overview and explanation of when Minor Misdemeanors, Class 1 Misdemeanors, Civil Complaints, or other legal tools are appropriate and useful.

- A checklist for all evidence and information needed for the Law Department to file and successfully prosecute the appropriate matter in Housing Court.

- Procedures for how inspectors can support hearings, including how to provide testimony at hearing or conduct a reinspection.

- Communicating and determining how to move forward if the owner fails to appear at, or respond to, legal proceedings.

- Overview of how and when a lien can be filed against the property for unpaid costs, and how that lien could be leveraged.

How to engage City departments or external partners

Trainer: Senior Code Enforcement Inspector or Bureau Manager

- Guidance on which City departments or external partners might have programs or resources for specific owner types (e.g., weatherization grants for low-income homeowners) or property types (e.g., rental property repair loans).

- Whom to contact in Code Enforcement or other City departments for different scenarios.

Other activities to fulfill day-to-day responsibilities

- While there could be one general manual for all inspectors, there will need to be various written policies for specific Bureaus and even Units within those Bureaus.

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1   It is unclear whether a written "checklist" is needed or if Acela can provide this type of information within the software itself.

Field Spotlight: Cincinnati, Ohio

Cincinnati has developed an innovative and comprehensive 48-week Building Inspector Training Academy for newly hired inspectors. The academy is primarily focused on the technical aspects of the job and helping academy attendees become state-certified inspectors. It has also expanded the pool of applicants for traditionally hard-to-fill positions and prepares them for long-term success. This robust training program is largely funded from a 3 percent fee added to City permits.

Additional Resources

- **Building Inspections Academy: Trainee Packet**, City of Cincinnati

- **Manual of Inspections Procedures and Code Enforcement Guidelines**, City of Cincinnati

- **A More Strategic and Equitable Approach for Housing and Building Enforcement in Toledo, Ohio**, Community Progress

Implementation Steps

Short Term

1. Work with Law Department to develop training sections on common code violations and the elements of each violation in partnership with bureau managers. It may help to pilot this approach for the Vacant Property Unit given its role in training new inspectors.

2. Work with administrative staff to document process of navigating key websites to determine property ownership and identify contact information.

3. Begin the process of outlining policies and procedures for each bureau.

Long Term

1. Work with Law Department to create a "code manual" for Housing Bureau inspectors that contains common codes cited, key elements, and example violations.

2. Complete policies and procedures for each bureau and unit, if appropriate, within two years.

3. Explore creating a separate, in-house inspector Training Academy, like that in Cincinnati, which could incorporate all aspects of training described in these modules.