

Code Enforcement Management Audit and Recommendations

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City Manager

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Why a management audit?

- Direction to CM: blight reduction plan
- Council Goals: increased code enforcement to address blight
- Blight Study

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City Manager's Approach

1. Presentation of Management Audit and proposed rental housing code enforcement program to Council Members - 2 at a time.
2. Meeting with landlords inform and gather ideas, ideally form partnership.
3. File Management Audit and Recommendations to Council formally; incorporate into FY 19 Proposed Budget (April 23)
4. Revamp Code Enforcement per approved recommendations.
5. Join with landlords and Council in shaping a rental housing code enforcement program.

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Management Audit - Summary of Findings

- No clear goals or priorities for Code Enforcement work with resulting imbalance in staff work between property clean up and property repairs.
- Lack of standards around granting extensions creates perception of lack of fairness. — *HBR control?*
- For property repair cases, the closure rate is low and the time to close is often beyond 3 months.
- The Court process for both forcing property repairs and collecting fines is not effective.

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RESULTS – EFFECTIVENESS (3/1/17 – 2/18/18)

Violations	Total	% of total	Closed	% Closed	Open	# 30+ Days	% of open
Repairs Illegal Buildings	621	27%	218	35%	403	341	85%
Property Clean up	1300	59%	1292	99%	8	4	50%
Abandon ed Autos	226	10%	208	92%	18	2	11%
Utility Cut Off	97	4%	73	75%	24	16	67%
TOTAL	2244	100%	1791	80%	453	363	80%

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Do staff resources support priorities?

% of CEO hours on:

- property repairs: 22%
(28% of violations)
- property cleanup & abandoned vehicles and utility shut offs: 45%
(72% of violations)

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Is issuing citations effective: (12 months)

- Some are paid and provide revenue to support code enforcement costs.
- Violations on abandoned properties result in liens but not corrections and often go to tax sale and County purchase. It is a long process.
- Unless the judge extends the violator's time to correct, the issue of correction of the violation is not influenced by a citation.
- Staff has reduced the number of citations by 75% because citations are consuming with minimal results in either paid fines or correction of violations.

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Other troubling issues....

- Liens placed on properties for property clean up violations.
- City Code Section 4-12A not utilized for habitual offenders.
- Low-income home owners cannot afford repairs or fines

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#1 Recommendation: Clarify Priorities

1. Property Repairs (to improve deteriorated properties)

1. Problems that immediately threaten public health and safety;
2. Problems if left uncorrected will threaten public health and safety;
3. Problems which uncorrected will result in severe damage and possible demolition.
4. Problems that diminish property values.

2. Property Clean Up

Weeds-grass-vegetation; overhanging trees/shrubbery; upholstered interior furniture; rubbish.

3. Illegal accessory buildings and Hist. Preservation related codes - on a complaint basis.

4. Abandoned/unlicensed vehicles – on complaint basis and as part of other periodic area clean-ups

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#2 Recommendation: Establish Standards

1. Customer Service – 72 hours response to complaints
2. Rental Inspections – 1/3 inspected each year with priorities on high blight areas.
3. Bringing properties into compliance:
 - 60% of all property repair violations within 6 months (excepting abandoned properties).
 - 90% of property clean up violations within 1 month.
4. Consistent criteria for granting extensions.
5. Written policies and procedures.
6. Annual reports to City Council for accountability.

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#3 Recommendation: Options for Non-Compliance

1. Refer 2nd extension requests and appeals of citations – involving extensions - to Housing Board of Review.
2. Activate Code Section 4.12A Enhanced penalties for habitual offenders.
3. Use collection agency for unpaid citations (particularly property clean up violations).
4. With County, expedite tax sales (incl. Co. purchase) of abandoned properties.
5. Consider adopting receivership program.

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Code Section 4-12A: Enhanced Penalties for Habitual Offenders

For Owners of rental dwelling units (similar for non-rental owners)

1. Annual license required for all rental dwelling units (rental registration)
2. Definition: person owning property found guilty of violations of City property maintenance code 3 times within 24 month period for a particular property.
3. Subject to inside and outside inspections and annual inspection for 5 years at fee to be set by the City.
4. All fines levied shall be tripled until habitual offender designation removed (5 years with clean annual inspections)
5. If the violation of the City's property maintenance code continues for 1 year after designation as habitual offender, then the rental license shall be revoked for that dwelling unit and owner shall give 60 days written notice to tenant to vacate.
6. If owner makes repairs passes inspection and pays \$500, license shall be reinstated.

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#4 Recommendation: Consult with the Court

1. Consistent scheduling of cases.
2. Rely on Housing Board of Review's consideration of extension requests.
3. Award of fines imposed on habitual offenders, per the code.
4. Support of Rental Housing Code Enforcement Program – to be developed.

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#5 Internal improvements

- Use Comcate System for more efficiency:
 - Post all violations.
 - Complete files.
 - Prioritize and schedule work.
 - Monitor compliance with priorities and standards, and monitor response to complaints.
 - Require CEO's to enter and review data.
- Research/acquire work order system – to assign and track work.

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#6 – Improve customer service

- Revise written communications.
- Apply standards for extensions.
- Pamphlet of resource for home owners.
- Apply to DHCD for Special Targeted Applicant Rehab Program to provide assistance to low-income home owners.
- Offer Façade Improvement Program to homeowners.
- Provide customer service training to staff.

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#7 Recommendation: *Consider* a Rental Housing Code Enforcement Program *in order to*....

- Fulfill City responsibility for making sure that all properties, including rental properties are safe and meet property maintenance standards.
- Promote stable tenancies and stable communities.
- increase in property values.

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#7 Recommendation: *Consider* a Rental Housing Code Enforcement Program

- In consultation with landlords, tenants, public.
- Refine and activate Code Section 4-12A.
- Focus on blighted areas for code enforcement.
- Exterior inspections plus possibly interior inspections - Options
 - Voluntary
 - Required of Habitual Offenders
 - Between rentals
- Compliance-oriented fee structure
- Incentives for good landlords
- Tenant rights education

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8 Recommendation: Increase Staff Resources

1. Discontinue MDIA contract for CE -1 CEO (80%)
2. Proposed Organization:
 - Code Enforcement Supervisor (new)
 - Code Enforcement Officer II
 - Code Enforcement Officer I (new)
 - Temporary staff for property clean up in summer months

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#8 Recommendation cont.: Align Code Enforcement Staff Resources with Priorities

Functions	Current % of 1.8 FTEs	Proposed % of 3 FTEs
Property repairs (incl. Rental Code Enforcement Program)	24%	55%
Property clean up plus abandoned & unlicensed vehicles	40%	15%** **plus temps in spring/summer
Posting structures unfit for human occupancy (utility shut offs)	2.5%	1%
Emergencies, consultations and citizen complaints	16%	10%
Work coordination, administration and supervision	17.5%	19%

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#9 - Support Code Enforcement with MUC field staff

- Post condemnation notices and remove when water meters are pulled.
- Report violations they observe using checklist.
- Report construction without permit that they observe.

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Recap of Recommendations

1. Clarify priorities
2. Establish standards
3. Consider options for non-compliance:
 - Housing Board of Review to ask for 2nd extension
 - Activate Code Section 4-12A Enhanced penalties for habitual offenders
4. Consult with the Court to improve court response to citations
5. Internal Improvements
6. Improve customer service
7. Consider development of a Rental Housing Code Enforcement Program
8. Increase staff resources & align staff resources with priorities
9. Support Code Enforcement with MUC field staff.

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Other doable suggestions from landlords

1. Look at time it takes to schedule inspections – streamline.
2. Consider different time frames for compliance in winter.
3. Try to identify properties inspected for Section 8 to avoid duplication.
4. Develop “interior” inspection punch list with focus on health and safety.
5. Send shut off notices to tenants as well as property owners.
6. Consider midcycle water meter readings for a fee, upon request.
7. Leave notice of violations on the door for tenants to see.
8. Develop tenants rights handout for tenants.
9. Develop code information and mail to landlords with rental registration notices.

