An Incremental Approach to Improving Code Enforcement and Compliance in Clayton County, GA

Commissioned By:

Clayton Archway Partnership

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Introduction

Recent demographic changes, coupled with a downturn in the economy, have left the Clayton County community in a difficult position when it comes to property maintenance and quality of life issues. The county and municipalities face some of the highest foreclosure and unemployment rates in the state, along with shifting socioeconomic factors that have caused friction in segments of the community. All of these factors have combined to create a stark picture for code enforcement officers: a higher number of properties that are currently in-between owners due to foreclosure, business owners who do not have the capital to perform regular maintenance and upkeep on their properties, and citizens who have no sense of ownership or connection to the area. The current conditions seem to be leading to a tipping point where the deterioration of a large minority of properties will lead to the majority of property owners believing their compliance with the codes is no longer necessary.

To prevent code violations from becoming an overwhelming issue in Clayton County, code enforcement must become a priority for the county and city governments. In order to provide some clarity as to what innovative code enforcement practices are prevalent, the Clayton Archway Executive Committee asked the Clayton Archway Partnership to research current "best practices". While there is no magic silver bullet when it comes increasing code compliance, best practices often dictate adopting innovative programs that engage in proactive and aggressive enforcement that involves all stakeholders in the community. As such, the suggestions outlined in this report are a mix of examples and case studies of code enforcement practices being used by other jurisdictions.

To begin the research on code enforcement practices, our Archway team sent out a survey to over 80 community members. Recipients included city mayors, code enforcement officers, city managers, a state legislator, and members of the Archway steering and executive committees. We received 19 responses back; although this may not be statistically significant, the responses do provide anecdotal evidence as to the state of code enforcement in the county. Nine out of 19 individuals rated code enforcement in Clayton County as poor or below average, while only three out of 19 did so for their own jurisdiction (city). The largest complaints, by far, were a lack of "leadership" when it comes to code enforcement, a lack of code enforcement officers, a lack of training available to code enforcement officers, and a lack of information available to community members. Respondents also cited several areas in particular where they thought code enforcement could be improved. A more complete set of results for the survey can be found in the appendix.

While conducting the survey, research began on code enforcement practices currently prevalent throughout the country. The research is broken into different categories of changes: passive, active, and actual programmatic modifications (these modifications are broken down into minor, somewhat major, and major). The classifications serve as the sections in the report. Certainly, more officers (as suggested in the survey results) could result in better code enforcement, however the research attempts to focus on changes that would be cost neutral, or at most, low cost (once their revenue raising ability is taken into account). None of suggestions presented will individually solve the code enforcement difficulties facing the county and city governments; however, if community leaders make code enforcement a priority, and adopt the suggestions that best match their governance style, then improvement will be seen.

Passive Code Enforcement Updates

Passive code enforcement updates are suggestions that allow for standardization of code enforcement practices across the county. Various studies have shown that jurisdictions with standardized enforcement practices have an easier time recognizing code violations. These standardized practices allow for citizens to better understand what rules apply to all individuals within the county (regardless of the municipality they live in), allow for inhabitants from across the county to more efficiently report violations, and allow police and code enforcement officers to recognize violations at the edges of their jurisdictions. The first three passive code enforcement updates are based purely on the theory of standardization, while the last two are based more on streamlining the code enforcement process.

1. Agree upon specified height for grass and overgrowth

Clayton County, along with several jurisdictions in the county, has explicitly prohibited grass and weeds on an individual property from becoming overgrown. While some jurisdictions expressly define height limits, others simply state grass and weeds can not become overgrown. Given specifications differ throughout the county, it may be difficult for citizens to report violations (especially for houses that lay on the borders of jurisdictions with conflicting specifications), and could hamstring cooperation between code enforcement officers of the different jurisdictions on simple issues such as this. Clayton County code provides the county with the authority to cite individuals for grass over **10 inches** tall (*Article II "Quality of Life Code", Sec. 62-202*); Jonesboro adopts the same height requirement by labeling anything in excess of **10 inches** as "weed", and "weeds" are prohibited if they are not regularly cultivated (*Article III "Nuisances", Sec. 34-81(b)(2)*). College Park, on the other hand, prohibits, "Any overgrown grass or weeds of a height of **six (6) inches** or more or any other unkempt vegetation" (*Article II "Quality off Life Code", Sec. 12-32*). Riverdale (*Article II "Nuisances", Sec. 30-26(14)*) and Morrow (*Title II "Offenses", Ch. 1, Article A, Sec. 11-1-10(b)*) simply prohibit having tall grass, but do not provide any guidance for a specific height. Forest Park does not seem to explicitly prohibit overgrowth.

As is demonstrated with the above code citations, there is variation and ambiguity within the county as to what constitutes overgrowth. With lax property maintenance being identified as a possible catalyst for larger code enforcement problems, uniform grass height requirements is one way to encourage stronger ownership practices within Clayton County. By setting a uniform height, citizens, city and county employees, and police and code enforcement officers will have an easier time identifying properties that are in violation, and will allow the problem to be rectified before it grows into something worse. Property overgrowth is also an early warning indicator that the property owner may have fallen on hard times and may be contemplating deferring appropriate property maintenance, which could allow the property to fall below other code enforcement standards. When small violations such as these are easy to spot, citations occur more often, and property owners are made aware that jurisdictions will not tolerate violations of the adopted code enforcement standards, no matter what size the violation may be.

2. Agree upon appropriate 'securement' procedures for abandoned or vacant buildings.

With vacant and abandoned properties being a widely cited phenomenon, properly securing said buildings takes on a higher priority for code enforcement officers. As with the grass and overgrowth standards, there is variation within the county as to what constitutes appropriate 'securement' of an abandoned or vacant building. This variation make it difficult to properly identify properties that are in violation of the 'securement' procedures, especially at the edges of the various jurisdictions. Clayton County requires, "abandoned or vacant buildings or structures...[to be] secured and board[ed] up...to prevent entry by animals, vermin or trespassers. The structure shall be deemed secure if the windows, doors and other openings are boarded up or in the case of solid doors, the doors are securely locked." *(Article II "Quality of Life Code", Sec. 62-203(a))*. College Park specifically requires business owners to secure vacant buildings so said property is protected "against vandalism" to encourage, "...aesthetic preservation of the neighborhood" *(Article II, "Property Maintenance", Ch 12., Sec. 12-35(a))*; this is delineated by requiring the business owner to, "remove all signage which no longer refers to a commercial or industrial use of the property,...cover all windows of the structure with plywood which shall be painted in a color complementary to the building, and...secure all glass doors with a painted plywood covering" (*Article II, "Property Maintenance", Ch 12., Sec. 12-35(b))* and to keep the exterior of the property clean and free from debris (*Article II, "Property Maintenance", Ch 12., Sec. 12-35(c))*. Riverdale requires all vacant structures to have a permit, be structurally sound, have a fence that meets very detailed height and force requirements, and explicitly defines the dimensions of the plywood, bolts, and 'securement' procedures for doors, windows, and other openings (see *Title 18 "Buildings", Article V "Vacant Structures"* for a full listing of specifications). Morrow and Forest Park would benefit from explicitly outlining procedures for properly securing a building.

Again, variety and ambiguity within the county can cause problems when businesses close, especially with those on the edges of various jurisdictions. Business owners may be unaware of which codes they need to follow and code enforcement officers may be unwilling to take the time to see if a property falls within one jurisdiction or the other. Developing some unified standards that all of the jurisdictions within Clayton County could agree upon (perhaps in line with Riverdale's highly specified ordinances, while including College Park's aesthetic preservation clause) will allow for stronger enforcement to occur, increase safety around abandoned or vacant buildings, and, possibly, increase property values.

3. Standardize child curfew laws across all city and county land within Clayton County.

Conventional wisdom, and youth studies, show minors generally have no reason to be out late unless they are causing trouble within the community. Given this assumption, child curfew laws have been a standard practice of municipalities in the modern age of code enforcement. Enforcing child curfew laws, however, poses a special challenge within Clayton County because of differing child curfew laws. While acknowledging that child curfew laws keep minors safe and out of trouble, it is important to recognize standardization of child curfew laws across the county provides for easier enforcement of these laws, especially in areas with high levels of graffiti and vandalism. Clayton County imposes a Sunday through Thursday curfew of 11:00PM to 6:00AM and a Friday and Saturday curfew of 12:00AM to 6:00AM on individuals 17 and younger *(Article 1 "General", Sec. 62-11.4)*. Forest Park has specifications similar to the county,

but also provides for stricter enforcement for those 14 and under (9:00PM to 6:00AM), and makes businesses responsible for violations that knowingly occur on their property (*Title 11 "Offenses", Ch. 1, Sec. 11-1-10)*. Morrow, on the other hand, only applies a 12:00AM to 5:00AM curfew on those under 16 *(Title II "Offenses", Ch. 1, Article A, Sec 11-1-12)*.

As is stated in Clayton County's *findings and purpose* clause for the child curfew laws (Article I "General", Sec. 62-11.2) and Forest Park's *purpose clause* for the child curfew laws *(Title 11 "Offenses", Ch. 1, Sec. 11-1-10)*, it is in the best interests of Clayton County, and its municipalities, to adopt child curfew laws. As such, it is recommended that child curfew laws at least as strict as Clayton County's child curfew be adopted county-wide, although ordinances as specific as Forest Park's would be preferable, given the responsibility that is put upon business owners. The enforcement of differing age brackets may be difficult, but could be help as a general guideline.

4. Reduce number of residents required to report a "public nuisance in relation to dwelling, building, structure, or property"

Under Clayton County code, a request by five residents of the unincorporated area is needed before the county is forced to investigate a claim of public nuisance in relation to a dwelling, building, structure, or property *(Article I "General", Sec. 62-35)*. With such a high threshold required, the public officer designated to handle such reports is not required to act unless residents of the county take a proactive interest in a properties that pose a public nuisances. During times where there seems to be high dissatisfaction with the quality of code enforcement and high levels of vacant or abandoned property lots that could pose a hazard to the public safety, it is important to take all requests to look into public nuisances seriously. While further legal research would be required to see if codifying a lower threshold would conflict with any O.C.G.A statute or due process clause, an informal resolution encouraging code enforcement to take reports by any number of citizens seriously could provide a no-hassle approach to adopting this practice.

5. Reduce number of days required for hearing to occur on public nuisance properties.

Research conducted by Sunnyvale, California[1] and the University of Texas[2] - concerning West Dallas – found that it generally takes less time for most property owners to abate a code violation than the length of time legally allowed in their particular jurisdictions. In fact, in Sunnyvale, it was found 97% of code violations were abated within 14 days, as opposed to the 30 days given[3]. It is suggested that a similar study be conducted in Clayton County to see what the average abatement time is. It stands to reason that most individuals would abate a code violation as quickly as possible to avoid any unsavory consequences. Similarly, individuals that

1   Boesch, David S Jr. Sunnyvale, California. NEW PROGRAM: A PROACTIVE STRATEGY TO NEIGHBORHOOD PRESERVATION; INCLUDING, A REVIEW OF CODE ENFORCEMENT FOR CHRONIC VIOLATORS AND COMPLAINT-BASED ENFORCEMENT. Sunnyvale, CA: Sunnyvale, CA, 2000. Web. 28 Nov 2009. <http://sunnyvale.ca.gov/200006/rtcs/00-232.asp>.

2   Way, Heather K., Michelle McCarthy, and John Scott. The University of Texas School of Law. Building Hope: Tools for Transforming Abandoned and Blighted Properties into Community Assets. Austin: The University of Texas School of Law, 2007. Web. 28 Nov 2009. <http://www.utexas.edu/law/academics/clinics/community/buildersofhope.pdf>, 5-6.

3   Boesch

take longer than the 14 days in Sunnyvale are usually those with extreme cases and will take much longer than the time period allowed by law (in Sunnyvale, the remaining 3% took an average of 54 days, usually because of extreme cases such as garage conversions, excessive front yard paving, etc).

Arguably, reducing the time given to correct nuisances would not adversely harm most citizens - if Clayton County's abatement averages are anything like Sunnyvale, Dallas, or other jurisdictions that have had similar findings - and would allow the county to move quickly when it comes to taking legal or punitive action against property owners who have no intention of dealing with the problem. In fact, several of the municipalities in Clayton County provide time frames that range from 10 to 30 days for a hearing to take place on a public nuisance, as opposed to 15 to 45 as required by the county (*Article I, Sec. 62-35(f)(1))*. As such, it is recommended that the county research whether it is legally, and practically, feasible to reduce the number of days in which a hearing on pubic nuisances can be conducted (perhaps down to a range of 10 to 30). Reductions in the amount of time given to properties to remove graffiti (*Article I, Sec. 63-10.3(a))* could be beneficial as well (it currently stands at 30 business days from the written citation).

Active Enforcement of Current Codes

During times of high vacancy and deferred maintenance to properties, it is up to the jurisdiction to make the switch from a complaint-driven, reactive code enforcement program to a program that places an emphasis on proactive approaches to identify and abate code violations more efficiently, and at a quicker pace. In order to carry out this change in pace, code enforcement must become more aggressive in its approaches to make sure the community understands what constitutes a violation. Unfortunately, the jurisdiction must take up the role of "enforcer" and have the will to follow through on all violations, even if it means dissatisfaction from some members of the community. In communities where a sense of ownership has fallen, and code violations have increased, active and aggressive enforcement can nudge the community members back towards compliance.

1. Institute "broken window" policy on small violations, such as child curfew violations, litter, overgrowth, yard junk, and graffiti.

Numerous books have been written about using a "broken window" policy to decrease crime, but many often forget the power a "broken window" policy can have towards improving code compliance and community responsibility. When a "broken window" policy is applied to a high crime area, police begin investigating every broken window, and cracking down on the smallest crimes, such as loitering. A broken window is often a sign of an vacant or abandoned building that is being used for nefarious purposes. Similarly, a "broken window" policy can be applied to code enforcement to help address problem properties immediately before they become larger problems. Overgrown grass, junk on the lawn, traces of graffiti, and immobile vehicles are all early warnings that indicate a property owner may not be willing (or able) to keep up with property maintenance. Some infractions, such as overgrowth, can later grow into problems such as infectious animals, dangerously low tree branches hanging into the street, and so-forth.

To institute a "broken window" policy for code enforcement, the leaders of the Clayton County Police, Code Enforcement, and Community Development must actively work together to ensure every infraction noticed is reported and followed through on. Police officers and members of Community Development are often the government employees that spend the most time in the community and are able to see such violations. Department heads should issue a directive from the top to make sure all employees are actively on the look-out for code violations (such as child curfew, litter, overgrowth, yard junk, graffiti, and, of course, broken windows), and to ensure that such violations are reported immediately. By tending to these "broken windows" in a timely and aggressive manner, the jurisdiction will be 1) correcting a problem before it gets worse and 2) sending a message to community members that code violations will not be tolerated, no matter how insignificant they may be.

2. Stronger communication between Community Development, Police, and Code Enforcement when it comes to code enforcement violations

As mentioned above, no one knows the community better than those out patrolling it every day; if code enforcement is a priority, then department heads, especially within Community Development and Police, need to recognize and reward employees that make it a

priority to report code violations. Stronger communication does not just stop with these three departments. If the community decides it wants to take on the challenge of decreasing the number of distressed properties, then code enforcement needs to be a priority for all county employees. This means all county employees must be aware of what constitutes a violation, be actively on the lookout for such violations, and know how to report these violations in the most efficient manner. If county employees do not know what constitutes a violation and how to report it, then it is unlikely any citizens will know. Cross-training in code enforcement procedures and violations should be offered to employees of Fire, Police, Community Development, Parks and Recreation, Economic Development, and the Tax Assessor's office. Stronger coordination can only benefit the community. Further coordination can even be attempted with the courts and private utilities. For example, if a bailiff is evicting a tenant, they should be able to spot code violations and report them accordingly; if a property is labeled as unfit to live in by the county, then the private utilities should be informed to cut off services.

3. Encourage proactive reporting of violations by the community through community initiatives

Every local government's dream is to have an active community where citizens take an interest in the tough issues facing the jurisdiction and are willing to step up to tackle them. This, however, is usually not the case, and it becomes the jurisdiction's responsibility to actively engage the community through community initiatives. It is the county's everyday community members that can provide the most innovative ideas, manpower, and knowledge to help combat code violations and distressed neighborhoods. Participatory and proactive code enforcement is the new trend in code enforcement. This new trend of community code enforcement relies upon the idea of community policing (C.O.P.S. method of policing through using co-active community involvement; Dr. Brian Williams at the University of Georgia can provide more information on this front). While neighborhood watches, anonymous tip lines and other projects are regularly attempted to help prevent crime, several communities have begun to experiment with creating these types of community action groups to combat code enforcement problems. These groups can help augment the county's code enforcement efforts, while also monitoring the county's progress on current code violations. Such groups are often most successful when they even have the ability to bring enforcement action when the government fails to act. Several examples of programs can be found below:

Example: "The City of Arvada, Colorado has two proactive elements. **Code Officers** help neighborhoods develop community plans, they meet with neighbors to ascertain needs/problems and adopt plan. [The] **Citizen Inspector** program, where citizens are trained to understand the muni-code and compliance process. They are allowed to "patrol" their neighborhood for code violations and begin compliance process."[4]

Example: "Sioux Falls, SD has a two-part program, **Project NICE** and **Project KEEP.** City staff target an area and then use the city's own collaborative efforts between departments to serve a designated area, called Project NICE. The project then moves to a KEEP project where city

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4 Boesch, David S Jr. Sunnyvale, California. RTC 00-232 Attachment: Best Practices Research. Sunnyvale, CA: Sunnyvale, CA, 2000. Web. 28 Dec 2009. <http://sunnyvale.ca.gov/200006/rtcs/00-232e.htm>.

efforts are backed off encouraging neighbors to be more self-monitoring."[5]

Example: "The City of Baltimore empowered their citizens by granting citizen groups the right to seek injunctions to enforce code provisions when the city does not act in a timely manner."[6]

Example: "In Atlanta, the City trains volunteer 'neighborhood deputies' who patrol the neighborhood and send notices of potential code violations to property owners and occupants. If the conditions are not corrected, the deputies refer the case to the city code enforcement department."[7]

4. Adopt performance measurement targets for code compliance efforts for distressed neighborhoods and properties

Best practices for code enforcement dictate assigning code enforcement officers to geographic areas ("beat cop model"), as opposed to cases ("detective model"), which provides for accountability and allows performance measurements to be applied in a much simpler fashion. Geographic assignments also have the added benefit of allowing code enforcement officers to become active and knowledgeable about their geographic assignment, form partnerships with neighborhood groups, and identify problem neighborhood and properties.

Currently, Clayton County utilizes a "zone" assignment system (a geographic system). While, geographic assignments do allow for the above benefits to occur in an easier fashion than assignments on a case-by-case basis, they are not the sole catalyst for proactive behavior. Often times, geographic assignments can result in the same reactive approach that normally occurs. Code enforcement officers will not patrol their areas, but instead rely on citizen complaints rather than being proactive. To combat this type of reactive behavior, performance standards must be put in place to encourage officers to act proactively and achieve the end goal of creating a community that has a high quality of life. Performance measurements (also known as outcome measurements) are not the same thing as output measurements; therefore, systems based solely on the measurements of the number of citations issued (or the lack thereof) should not be used. The City of Austin offers an example of the performance standards used in their jurisdiction:

> "City of Austin Code Enforcement Department emphasizes the importance of setting performance measurements based on compliance rather than the number of cases or amount of fines. The City of Austin found that a goal of '95% compliance within 90 days,' for example, was more effective than measuring the number of citations issued or the number of cases handled"[8]

Performance/outcome measurements are often difficult to quantify and measure, and take time to develop, but can result in a beneficial outcome for the community. Geographic assignments and performance measurements also have the added benefit of creating competition between geographic assignments and could lead to officers using creative and proactive techniques to improve their area.

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5   Boesch, *Best Practices Research*
6   Way, McCarthy, and Scott 19
7   Way, McCarthy, and Scott 19
8   Way, McCarthy, and Scott 17

5. Provide a "resource guide" to violators that provides them with quick solutions to violations and names of companies that can help

Providing a "resource guide" is one of the easiest active solutions that can be adopted. Often times, citizens do not have knowledge on how to fix a code violation, or are unwilling to take the time to research how to remedy the situation. Providing citizens with a "resource guide" when they are cited for a code violation could provide those individuals that are not intentionally violating the codes with the information they need to rectify the violation. The "resource guide" could contain listings of lawn and tree service companies, towing services, junk removal services, proper maintenance procedures, how to stay in compliance once the violation is abated, and so forth. The resource guide should provide citizens with the necessary information needed to abate the violation, save them the hassle of having to research compliance standards themselves, and provide an easy to understand listing of companies that could help them abate the problem if they are not equipped to handle it themselves. Finally, a resource guide can also include a section that outlines what happens when the citizen does not abate the violation, thereby emphasizing that inaction will result in the situation degrading even further and could result in penalties, liens, or legal action.

6. Windshield surveys to find easy violations and assess the community's state

Windshield surveys offer a practical and proactive way to quickly identify glaring code violations and cite them immediately (or at a later date). Windshield surveys are labor and time intensive, but do offer the added benefit of being able to get "feet on the ground". A windshield survey works by having one or two individuals assigned to a car; the car will drive around the community, road by road, and look for violations. When violations are found they are noted and can even be cited at the time. Multiple teams can be used to break down the community by geographic areas. The survey can also be done on a annual basis, or can be broken up on a rolling basis where certain geographic areas are done each year. As noted in Sunnyvale's experience with windshield surveys:

> "...a windshield survey is a simple yet effective way to detect a set of problems that may ultimately require follow up inspections inside the buildings or even necessitate the initiation of a grassroots organizing effort. Different patterns emerge in residential versus commercial or industrial areas. A periodic drive-by inspection helps to identify issues early, so that action can be initiated before the situation has a chance to deteriorate or enlarge."[9]

Windshield surveys can also strengthen geographic assignments and performance measurements by creating a baseline to use each year. General trends, including which neighborhoods are going to pose difficulties in the upcoming year, can be established via windshield survey information.

7. Create a "Most Wanted" list and target using public shaming and aggressive enforcement

"Most Wanted" lists are regularly used by police to encourage citizen participation and to

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shine the 'lime light' on degenerates. This tool is now being adopted by code enforcement units throughout the country, in conjunction with public relations and aggressive enforcement. In theory, the jurisdiction would gather key community stakeholders together to identify the most notorious property violators and repeat offenders. Agreements are made with judicial branch, appropriate federal agencies (for example, HUD), and banks to secure their participation in aggressive enforcement that will soon be occurring. After a set amount of properties have been identified, the list and the jurisdictions intention to aggressively cite code violations is publicized via the press, the jurisdiction's website, and other partnering governments and entities. Every department within the jurisdiction that has the ability to conduct an inspection should do so within a tight time frame and aggressively cite violations. The press should be notified of the findings and progress made throughout process. Several jurisdictions have had different goals with their "most wanted programs": some intend to force the tenet out, others are looking for the liens to be paid, and others just hope the public lime light and aggressive pursuance will force the owner to clean up the property. The next several pages provide case studies of "most wanted" programs that have been adopted by various jurisdictions.

Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*. Washington, D.C.: The United States Conference of Mayors, 2006. Web. 28 Nov 2009. <http://usmayors.org/bestpractices/vacantproperties06.pdf>, page 38.

TOLEDO, OH: MAYOR CARLTON S. FINKBEINER
The Dirty Dozen
        The purpose of The Dirty Dozen program, just launched by the City of Toledo, is to aggressively and continuously pursue decrepit commercial, industrial, and residential properties containing numerous code violations – properties that present an immediate risk to the health, safety, and welfare of the citizens of Toledo. Efforts will be concentrated on obtaining rehabilitation or demolition of these properties.
        A property and its owner are added to The Dirty Dozen list when it's identified as a contributor to blight in a neighborhood. When a list of 12 properties has been assembled, a team of inspectors from several City departments converges on them, performs a thorough inspection, and issues citations and orders. The location of each property, a picture of the property, and the name of the owner are provided to the news media and published on the City's Web site.
        A team of "blight busters" was assembled from several City departments, including the Department of Neighborhoods, Department of Law, Divisions of Building Inspection and Code Enforcement, Prosecutor's Office, Health Department, Fire Department, and Police Department. An inspection team was also assembled from these departments. Other partners in this effort are the Department of Economic Development and Community Development Corporations. Funding for this program is being provided by several sources, including the Department of Neighborhoods, the Department of Economic Development, the Nuisance Abatement Trust Fund, and federal agencies. The personnel involved in the program are funded through the operating budget of each department involved.
        The first serious challenge encountered by this new program has been identification of the correct property parcels. Corporations owned seven of the 12 properties on The Dirty Dozen

list, with a registered agent listed as the contact person; initiating communication with the actual owner is often a serious problem. Once a property owner is taken to court, the lengthy court proceedings needed to abate the nuisance presents another obstacle to rehabbing or demolishing the structure involved.

Another difficult issue has involved the filing of a foreclosure through which the State of Ohio becomes the legal owner of a property due to the owner's inability to pay the taxes owed. When a property is going through a foreclosure involving the State it is very difficult for the City to file charges and issue citations against it. The issue was resolved by informing the State that the property is on The Dirty Dozen list and that the City is aggressively pursuing the owner.

In the one month since the start of this program the City has one property that is undergoing rehabilitation and that will be occupied by a business within the next 120 days. Two other locations have shown significant progress on exterior clean-up. A partnership between one of the property owners and the Toledo Zoo is a possibility. The Toledo Zoo has undergone a major expansion over the last few years and now is fully utilizing all available power sources. Any additional expansion will require the Zoo to construct a power substation at a cost of approximately $3 million. For a much lower cost the Zoo could purchase the subject property, which would provide another power source and about three acres of land for use in future development.

Consistent, aggressive enforcement has proved effective in getting the attention of many property owners on The Dirty Dozen list, as has publishing their names. Coordinated intergovernmental efforts are keeping continuous pressure on the owners of the properties.

For additional information, please contact Hussein Abounaaj, Commissioner of Code Enforcement and Building Inspection, at (419) 245-1440 or Hussein.Abounaaj@toledo.oh.gov.

Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*, pages 28-29

KALAMAZOO, MI: MAYOR HANNAH McKINNEY
Anti-Blight Team

As in nearly every older urban center, private mortgage foreclosures, tax delinquency, and lack of private financing in Kalamazoo resulted in a number of vacant and blighted dwellings. Beyond their visual impact on the community, these properties were attracting vandalism, drug dealers, prostitutes, and other unsafe and unsavory transient uses. The costs of weed, trash, and junk auto enforcement coupled with low value and limited or no tax payments were a drain on City resources. A strategy was developed to gain some control over these abandoned properties and encourage their reuse for affordable housing.

A new Abandoned Residential Structures ordinance was enacted and became effective January 6, 2003. This ordinance focused on residential buildings vacant for more than 30 days with significant exterior violations, requiring their owners to register the properties, pay a monthly administrative fee, and submit a plan for prompt resolution through rehabilitation to occupancy standards or through demolition. In February 2003 the City of Kalamazoo Anti-Blight Team was activated.

The Anti-Blight Team consists of a Coordinator, an Inspector, a Building Inspector/Rehabilitation Specialist, and two clerical support positions. The Team operates in the Code Administration Division under the supervision of its Manager. In addition to intakes initiated by the Team, referrals come from Housing Inspectors, the Department of Public Safety, neighborhood leaders, and local residents. Members of the Anti-Blight Team keep communication open with all parties through e-mail, telephone, facsimile, and field contact. Information and updates on the program are provided for neighborhood and community newsletters and presented at neighborhood, task force, and other public meetings. Team activities are funded through a Community Development Block Grant allocation.

After initial inspection and intake, entities with ownership interests (including lenders, heirs, nonprofit organizations, and others) are notified of the ordinance requirements, and monthly site monitoring begins. These dwellings are often found open to casual entry and are subsequently boarded by City contractors. Also, the City often undertakes weed, trash, and junk auto abatements. A database containing the names and addresses of the owners of these "abandoned" dwellings is placed on the City Web site – www.kalamazoocity.org. Staff members give advice and encouragement to owners that make reasonable progress toward occupancy certification. Owners unable or unwilling to make the necessary investments in a timely manner receive enforcement notices and bills for related charges. Inquiries and contacts with the growing pool of housing investors often result in investor acquisition and rehabilitation. A very small percentage of cases do not progress and ultimately require Dangerous Buildings Board orders for rehabilitation or demolition by City contractors using CDBG funds.

The most significant challenge encountered has been determining and tracking the multiple, uncertain, competing, and constantly changing ownership interests for each property. This dynamic factor dramatically increases the difficulty of notifications and communication and threatens the validity of enforcement and cost recovery actions. The early reliance on municipal documents and databases combined with street knowledge is later supplemented with a formal ownership search/title insurance commitment. Cultivation and maintenance of personal contacts within principal lending institutions and their servicing agents is critical to the physical and fiscal success of the program.

Since inception of the Anti-Blight Team, over 500 properties have been inspected and over 400 have been registered. The owners have rehabilitated 104 dwellings to occupancy standards. Another 18 had exterior repairs completed by the City. Twenty-five houses were demolished by their owners, 23 by the City. Private investment returning to the community through the rehabilitations is estimated to total over $2,000,000. Quality of life and nearby property values are immediately increased and tax revenues increase as these properties are resold.

The City of Kalamazoo Anti-Blight Team has learned that each property must be evaluated and guided to resolution in accordance with its unique physical and fiscal context, acquisition by an able investor/owner is usually the best path to rehabilitation, and early attention to ownership interests minimizes the likelihood of legal complications later.

For additional information, please contact Jeff Chamberlain, Director, Community Planning and Development, at (269) 337-8039 or chamberlainj@kalamazoocity.org.

ADDITIONAL NON-CASE STUDY EXAMPLES

"Example: In the past, the City of Austin created priority property lists for each designated geographic area and started with the worst offenders for each area and worked down the list."[10]

"Example: In Louisville, Kentucky, the Neighborhood Roundtable identifies the ten worst properties in their areas. City inspectors conduct intensified inspections on these properties and generate a before and after report on each property."[11]

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10 Way, McCarthy, and Scott 17
11 Way, McCarthy, and Scott 17

Programmatic Additions – Minor

The following suggestions are practices other jurisdictions have found practical, low cost, and helpful to their code enforcement process. The suggestions are technically additions to current code enforcement practices, are usually quite minor, but do require more effort or funding from Code Enforcement.

1. Attend Code Enforcement Training through the Carl Vinson Institute

The Carl Vinson Institute of Government at the University of Georgia provides education to public officials throughout Georgia. In conjunction with the Georgia Association of Code Enforcement, The Carl Vinson Institute offers training and certification courses in code enforcement in order to help professionals, "identify best management practices when dealing with code enforcement issues," and provide further insight into the field. A Level I Certificate of Code Enforcement is offered through a course that includes 48 hours of curriculum and the following topics: Enforcement Techniques/Court Procedures, Environmental Issues, Legal Aspects of Code Enforcement, Housing Code Enforcement, Zoning Code Enforcement, and Ethics & the Use of Power and Influence. A Level II Certificate of Code Enforcement can also be earned through a further study of 42 additional hours of curriculum in the following fields: Hazardous and Special Materials Handling, Coaching and Communication, Principles of Land Use Planning/Working with Citizen Planning & Appeals Boards, Dealing with Signs & Right-of-Way Encroachments, and Safety Tactics for Code Officials. Several elective topics are available for study as well.

Courses are offered twice per year through the Carl Vinson Institute via a Fall Conference and Spring Conference. Professional training of one or two members of the Clayton County Code Enforcement team could allow these individuals to relay the training and best practices they learned through the courses to the rest of the code enforcement team. Further information can be found at the Institute's web page (http://www.cviog.uga.edu/training/local/codeenforcement_full.php), and curriculum requirements can be found on the Georgia Association of Code Enforcement's site: (http://www.gaceonline.com/index.php?option=com_content&view=article&id=58&Itemid=30).

2. Have a "handyman" on staff to help with simple violations.

A Code Enforcement "handyman" offers citizens a helping hand in order to quickly abate minor code enforcement violations. Sunnyvale, California found during their research of "best practices" for code enforcement that other jurisdictions had adopted the "handyman" program and seen significant improvement in the abatement time for minor violations. The handyman could be on call to immediately (or in a relatively quick manner) help citizens that have been cited for graffiti, overgrown weeds, a broken window, small yard junk items, fence repair, and so forth. The handyman could even help reduce the paperwork by having code enforcement officers refer minor problems to the handyman rather than citing the individual. Disabled and senior citizens could especially benefit from such a program. The handyman could be a full or part-time staff member (depending on the needs of the community), or could even be contracted out from another city department, such as Parks and Recreation or Building and Maintenance.

3. Require notices of vacant, abandoned, or uninhabitable properties (a.k.a. "Do Not Enter", "Condemned", etc signs) to be painted on the boards placed over the windows.

One common problem that occurs at vacant, abandoned, or uninhabitable properties is notices are torn down or damaged by the weather. To combat this problem, and to make the signs more visible and permanent, some jurisdictions have taken to painting notices on the the boards covering windows and other openings, or even on the windows and doors themselves. This is a cheap and easy solution to ensure notices stay posted. The notice is also highly visible to neighbors and pedestrians, who will be able to report any suspicious activity at the property. The notices can also include the name of the owner of the property, contact information, and other pertinent information. While the signs last longer than paper notices and caution tape, an officer still needs to make regular inspections of the property.

4. Create a graffiti engagement program for at-risk youth

Through their Graffiti Hurts website, Keep America Beautiful has identified several approaches that can help reduce graffiti in communities. Included in those suggestions are programs that deal with education and engagement for at-risk youth. Links to programs and curriculum created for education are provided; these educational programs focus on relating the costs and consequences graffiti levies on the individual committing the crime, the victims, and the community at large engagement programs.

The South Bend Weed & Seed Alliance is cited as having great success with their engagement program. South Bend Weed & Seed Alliance selected middle schools, a high school, and local church groups to paint community murals over sites that were repeat victims of graffiti. The youth involved would take pledges to stand against graffiti, be able to paint the community murals, and winners would be selected to receive savings bonds; winning murals would also be displayed on billboards. The efforts of the Alliance has resulted in a a 60% decrease in graffiti and 80 sites remain graffiti free[12].

Keep America Beautiful's Graffiti Hurts website provides a wealth of other case studies and ideas concerning eliminating graffiti. The site can be accessed at: http://www.graffitihurts.org/community_resources/prevention.cfm.

5. *Create a short-term loan program through Community Development to encourage compliance that extends credit to members of the community in good-standing*

Providing loans for minor and moderate repairs that need to be made by property owners to abate code violations is a plan that is gaining headway in some areas. Some property owners, especially those in low income areas, may not have the funds immediately available to abate a violation, but have no intention of becoming a continual nuisance. In order to allow these low-income individuals to come into compliance, several localities have experimented with providing low-interest, short-term financing to individuals in order to make the necessary improvements.

As examples, both Malden, Massachusetts and Sunnyvale, California offer short-term,

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12 Keep America Beautiful. "Graffiti Prevention: Best Practices for Communities." Graffiti Hurts. 2009. Keep America Beautiful, Inc., Web. 28 Nov 2009.
   <http://www.graffitihurts.org/community_resources/prevention.cfm>.

low-interest financing to low-income individuals who need to perform property improvements in order to come into compliance. Sunnyvale's Housing Division offers these loans for, "industrial, commercial and residential neighborhood property. Code issues involving more than property maintenance require coordination with the Building Division and occasionally the involvement of Housing in terms of available grant funds or loan programs."[13] In Malden, the Malden Redevelopment Authority (MRA) has offered low-cost financing to undertake repairs since the 1960s[14].

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13 Boesch
14 The United States Conference of Mayors. COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities. Washington, D.C.: The United States Conference of Mayors, 2006. Web. 28 Nov 2009. <http://usmayors.org/bestpractices/vacantproperties06.pdf>; page 32.

Data Collection Systems – Somewhat Major Initiatives

Being able to collect and process reliable, detailed, and up-to-date data on the status of properties within a community has always posed a problem to governments. Several jurisdictions have begun to adopt new data collection systems in order to allow code enforcement officers to have a better picture of the state of code compliance. Having access to accurate and timely data can allow jurisdictions to identify properties that are problems or could become problems in the future. The adoption of these new data programs involve somewhat major changes to way code enforcement officers currently operate, and usually involves an initial cost to acquire the software and data to populate the databases.

1. Create a rental and multi-tenant inspection program and registration system

Many jurisdictions have found that multi-tenant and rental units have a higher probability of being in violation of current municipal codes. To combat this, some jurisdictions have instituted rental and multi-tenant registration systems. These registration systems keep track of the number of multi-tenant and rental properties in the jurisdiction, and also result in an added inspection (of some sort) of the property. Although these registrations programs do cost money, the cost can usually be offset by the additional revenue generated from fines and a small registration fee.

Example: The city of Dallas instituted a multi-tenant registration system that requires properties that included three or more units to hold a license before occupation, and inspections of said properties every three years[15].

Example: Virginia Beach, Virginia has created a Certificate of Compliance program, which requires certain rental properties throughout the city (those in census tracts identified by the city manager) to be certified by the city through registration and inspection[16].

2. Create a vacant and abandoned property registration systems and accountability ordinances

Similar to a multi-tenant and rental property registration system, several jurisdictions have experimented with vacant and abandoned property registration programs to allow the city to have a better sense of the status of properties in their community. Some jurisdictions have created registration programs that function essentially as licensing programs (allowing a property owner to have a vacant property), whereas others simply levy extra taxes on the property to discourage vacant and abandoned properties. Riverdale currently has a vacant property registration system in place. Below are some more examples of registration systems currently be using.

"**Example:** Louisville, Kentucky, pursuant to authority under state law, imposes an 'abandoned urban property' tax on properties which have been vacant or unimproved for one year and have been tax delinquent for at least three years or violate certain maintenance standards. The

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15 Way, McCarthy, and Scott 6
16 Boesch *Best Practices Research*

abandoned urban property tax is three times the regular property tax rate."[17]

"**Example:** Chula Vista, California, enacted its vacant property registration system out of concern with the high rate of foreclosures in the City. Under the City ordinance, out-of-town lenders must (1) record assignment of a deed of trust; (2) inspect the property upon recordation of mortgage default; and (3) register the property if it becomes vacant and is in mortgage default. The fees cover the cost of the City's program. The owner must hire a local contact company to secure the property and also post contact information on the property. Owners have ten days to comply. For noncompliance, the City can issue administrative citations and civil penalties and recover the full costs of city enforcement (includes hourly cost of city staff at $123 an hour). Receivership is also available as a remedy."[18]

"**Example:** In Cincinnati, Ohio, an owner is required to get a license whenever a building is ordered to be vacated because it is uninhabitable. If the property is fixed up and becomes habitable again, the owner no longer has to retain a license. The fee for the initial year is $900, and the fees then increase to $2,700 a year. If the fees are not paid, the City can institute a civil action and file a lien on the property, on which the City can foreclose. The owner must also maintain liability insurance in the amount of $300,000 for residential property, and $1 million for commercial properties."[19]

"**Example**: Owners of vacant properties in San Diego are required to submit for approval a "Statement of Intent" to bring vacant structures into productive use. The Statement of Intent must include the following: (1) expected period of vacancy; (2) maintenance plan during period of vacancy; (3) a plan and time line for the lawful occupancy, rehabilitation. or demolition of the structure."[20]

Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*, page 3.

ALBANY, NY: MAYOR GERALD D. JENNINGS
Vacant Building Registry

In July 2000 Mayor Gerald D. Jennings signed into law an ordinance creating the Albany Vacant Building Registry. The Registry was instituted to protect the health, safety, and welfare of the public by establishing a registration process for vacant buildings. The process requires responsible parties to implement a maintenance plan for such buildings in order to remedy any public nuisance problems and prevent deterioration, unsightly blight, and consequent adverse impact on the value of nearby property.

The ordnance requires owners to register their buildings with the Albany Fire Department's Division of Buildings and Codes within 30 days of becoming vacant. Owners must register vacant buildings annually, by mail or on-line, and submit a yearly $200 fee for each registered building. The

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17 Way, McCarthy, and Scott 21
18 Way, McCarthy, and Scott 20
19 Way, McCarthy, and Scott 20-21
20 Way, McCarthy, and Scott 21

yearly fee acts as an incentive for building owners to maintain their buildings.

In addition to the dangers they pose, vacant and abandoned buildings often are signals of a neighborhood in distress or that is not a fit place to live. Such signals, in turn, discourage private investment, thereby stunting community growth. Recognizing that these buildings contribute to a "domino effect" in the loss of a city's quality of life, staff of the Division of Buildings and Codes offers to educate and assist building owners by showing them how to mothball their buildings to make them safe and secure and to prevent deterioration. Staff also refers building owners to contractors who might be interested in buying their property, or to agencies such as the Albany Community Development Agency that may be able to offer Community Development Block Grant funds to stabilize and rehabilitate properties.

3. Adopt an Advanced Property Information System with GIS mapping

Once jurisdictions have collected detailed data, several have attempted to find better ways to process and display the information. Since property information can easily overlayed on a map of the city, GIS mapping offers a viable solution. GIS mapping uses satellite mapping technology, like Google Maps or Mapquest, and creates an overlay layer that includes property information gathered from various data collection methods employed (such as windshield surveys, registration systems, citations issued, and so forth).

"**Example**: Philadelphia's Neighborhood Information System is accessible to city staff, community development corporations, and other community-based agencies that have contracts with the city. Certain parts of the system are also available to the public at large. The system was created in partnership with the University of Pennsylvania and tracks a wide array of information related to properties, including the date of purchase, purchase price, tax delinquency status, city code violations, and utility terminations. The system has been particularly valuable in neighborhood planning for activities such as housing rehabilitation."[21]

The Office of Information Technology Outreach Services at the University of Georgia, which is part Carl Vinson Institute of Government, has a GIS production team that regularly partners with cities, counties, and state agencies in Georgia to develop GIS solutions to meet the jurisdiction's needs. More information can be found at:
https://www.itos.uga.edu/gisproduction.html

4. Allow the community to search current violations online and track a violation's status

Allowing members of the community to search current violations provides several advantages in data collection and community awareness. First, community members are able to search if a problem property in neighborhood has been reported to Code Enforcement. Second, community members are also able to actively follow the progress of a reported property through the code enforcement process. Finally, with code violations being publicly available, violators will be publicly shamed and members of the press will be able to use the information for various reports, and could even generate statistics and patterns that may escape busy government workers.

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5. *Create some type of 311 (or 1-800) reporting number for the community to report violations and actively publicize said number*

Tip numbers are used regularly for crime prevention programs, like Crime Stoppers. Following the success of such programs, several larger cities have set-up code violation report numbers that are easy to remember for members of the community to anonymously report violations. Such numbers could be promoted on the county's website, pamphlets, and even on billboards along busy highways. To keep down on staffing costs, the number could simply be connected to a voice answering machine that is checked regularly.

Major Programmatic Changes or Additions

The changes presented in this section are large undertakings, legally complex, and expand government. While these programs are unlikely to be adopted in the short term, or even be feasible – especially in an economic downturn – they do offer a snapshot of what other governments are doing to deal with the long term problems created by a gluttony of poorly maintained properties within their jurisdiction. Nearly all of the suggestions below require further research to see if these changes are even possible under state law.

1. Create a dedicated Housing Court or "Public Hearing Officers", rather than using the judicial branch

Nearly every part of the country faces the same problem when it comes to bringing their code violation cases to court: the judicial system is overworked, too slow, and does not have enough expertise concerning housing law and the codes. To help bypass the overworked courts, several jurisdictions have created entities to deal solely with code violation cases. Some jurisdictions have actually created another court (where allowed by state law) to handle housing cases, while others have created "public hearing officers" who are members of the executive branch, but act as arbitrators (or administrative judges) to bring code violation cases to a close. While something like this may not be possible under Georgia law, these courts do seem to have been partially effective where they have been implemented. The following two case studies will look at St. Louis and Cleveland's implementation of housing courts.

Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*, pages 35-36.

ST. LOUIS, MO: MAYOR FRANCIS G. SLAY
Problem Properties Unit
St. Louis is typical of the many major U.S. cities that over time have witnessed the deterioration of once grand neighborhoods – neighborhoods which, despite their problems, retain diverse ethnic influence and appeal. Since the 1960s, St. Louis has experienced the kind of disinvestment that has tested the economic and spiritual will of these neighborhoods to endure.

Today, however, formerly proud and culturally unique neighborhoods are coming back, and many are thriving. Their renaissance is the product of innovative and sustained efforts by local government to promote and sustain development. Mayor Francis G. Slay's administration has devoted extensive resources and focus to a broad effort that includes a calculated and hard-earned plan to combat vacant and abandoned property.

The City of St. Louis Neighborhood Life Initiative, designed to revitalize, promote and sustain City neighborhoods , was a core initiative when Mayor Slay took office. Due to the overwhelmingly positive response to the Initiative during his administration's first term, it remains at the core of City neighborhood revitalization efforts in the Mayor's second term. And due to revenues created by the procedures implemented to handle vacant properties, the Initia tive now has expanded resources with which to work.

The core of the Neighborhood Life Initiative is the Problem Properties Unit, a group of

attorneys and City law department personnel dedicated solely to solving City neighborhood problems. The Unit was initially formed and funded through a federal grant. Some Unit personnel are dedicated to behavioral nuisance problems, that is, conduct that represents a human blight on a given neighborhood. The balance of the Unit consists of a task force of attorneys and staff focused solely on vacant properties, many long abandoned.

Among the many critical components of the vacant property effort is a Problem Property Court dedicated to cases of derelict properties, many of which are vacant. In contrast to a traditional housing court, punitive monetary fines assessed against property owners are not the focus; instead, the property's stagnant status is addressed. Restoration or sale of subject properties are the best outcomes for the City in its efforts to overcome the negative effects of vacant properties and get these properties back on the tax rolls. Problem Property Court, held several times per week, also addresses as priorities the "the worst of the worst," those properties or owners of greatest concern to neighborhoods.

In addition to a Judge solely committed to this Court, City police officers are assigned directly to the Problem Properties Unit. These officers get problem property owners into court, which on occasion requires them to make an arrest. Officers resolve court warrants on old court cases, dated and lingering, where property violations remain. The goal: Every owner of derelict property within the City is to be held accountable for their property.

An initial and significant challenge faced was the enforcement of approximately 8,000 outstanding warrants on stagnant court cases involving problem properties. These warrants were cleared in their entirety over the first few years of the effort, resulting in long-time property issues between delinquent owners and the City being resolved. It was not uncommon for property owners who had lived outside Missouri for years to return for their court dates in Problem Property Court.

Problem Property officers continue to work aggressively with Unit members to locate property owners, and they accompany attorneys who visit and monitor properties. The cooperation between the Unit and the Police Department experienced at the start of the Initiative remains a critical component of the current effort.

Another vacant property initiative involved development and implementation of procedures to aggressively enforce Vacant Property/Nuisance laws. For example, a City ordinance provides for the charging of a fee, which could become a lien against real property, for property that is vacant and in violation of codes. Steps have been taken to inventory these vacant properties and enforce this ordinance City-wide. The message is simple : The City is no longer going to be the caretaker of private property at its own expense; if an owner is going to hold vacant non-code-compliant property, there will be a cost and other consequences, perhaps foreclosure of the property itself.

The Problem Property Unit also aggressively pursues expenses the City regularly incurs in its basic upkeep of vacant property – public safety and quality of life services regarding building board-up, partial or full demolition, trash and debris removal, and weed and grass abatement. The Unit has been successful in attaching these expenses to the vacant property so that the property owner has no choice but to deal with them. The City has gone beyond the simple idea of collection, constructing a system under State and local law whereby properties are subjected to foreclosure for failure to pay City upkeep expenses. This system parallels that used for the collection of real estate taxes and utilizes the same procedures, resulting in clear title for the ultimate purchaser of the property at foreclosure sale. It has been an overwhelming success, resulting in the sale and eventual rehabilitation of long-time vacant properties and the payment of the City's delinquent property upkeep expenses. Properties not purchased by others or redeemed are being titled and remarketed by the City. The goal is always to get properties back in productive use and on the tax rolls.

Officials in St. Louis have learned that a comprehensive approach to vacant properties will not work if the effort is diluted by other pursuits; it requires that resources be focused. In handling vacant property problems, success is achieved "one property at a time." All City systems involved must be integrated and functioning effectively. When dealing with a large volume of vacant properties, it is important to get each of them into the system, update information on them, ensure that all applicable fees have been assessed and any resulting liens asserted, be diligent about getting cases into Problem Property Court, and use Equity Circuit Court divisions when necessary to resolve difficult property disputes. Doing all of this helps overcome the perception that "nothing can be done" about this problem. Results in St. Louis have produced more positive perceptions and greater expectations of what can be done.

For additional information, please contact Matthew Moak, Associate City Counselor, (314) 641-8271 or moakm@stlouiscity.com.

Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*, page 16.

Cleveland Housing Court

The Cleveland Housing Court is a national model for housing courts. The court has exclusive jurisdiction over code enforcement cases, and also hears landlord tenant cases, foreclosures, nuisance abatement, and receivership actions. Forty to fifty code enforcement advocates, most affiliated with neighborhood organizations, track complaints and violation notices, and assist the City in properly documenting code enforcement cases. The advocates meet with the court once a quarter to share ideas. The court also employs housing specialists to provide counseling and assistance to landlords to help them achieve compliance. The court has criminal enforcement powers, starting with minor misdemeanor fines of $150 a day to $5,000 a day for violations by properties owned by corporations. The court has the authority to issue search warrants to allow the City to go inside the units. The court also has broad equitable powers so that the court can issue orders such as requiring the owner to go and live in the house. In 2007, the court had a budget of $3 million that included $2.2 million in salaries for a 45-person staff including one judge, a magistrate, and bailiffs. The court runs a housing clinic and code enforcement workshops and conducts a wide variety of other community outreach projects. The court sometimes holds community courts in the actual neighborhood where the property is located; the residents come out to hear the cases, which results in peer pressure on the landlord to abate the nuisance.

2. Ban vacant properties

In a more drastic move, some jurisdictions have taken to placing an outright ban on vacant or abandoned properties. Rather than creating a registration system for abandoned and vacant properties (as highlighted in a previous section), or dealing with the code enforcement issues that arise out of abandoned properties, these communities have found it to be a better use of their resources to simply ban vacant and/or abandoned properties in order to discourage property owners from leaving their property by the wayside. Again, further research would need

to be conducted to see what type of conflicts could exist with state law, but a ban does offer a unique solution to a problem that seems to exist in many urban areas.

"**Example:** In Wilmington, Delaware, the city government has implemented a set of stiff, graduated fees based on the number of years the property is vacant (approximately $500 per year). Several months before assessing the fees, notices are sent to each owner offering a one-time, one-year fee waiver if the owner rehabilitates, sells, or demolishes his or her property. While the goal of the program is to get vacant properties back into shape and into use, the program was immediately successful in collecting high amounts of revenue to cover the cost of monitoring, citing, and prosecuting non-compliant owners."[22]

"**Example**: In Minneapolis, the City can fine and demolish a vacant property after it has been boarded up for 60 days or more."[23]

3. Make nuisances a felony

Often times, residents do not think of property code violations as a serious crime, but in some jurisdictions they are. Tough laws enforced by Phoenix make property nuisance code violations a felony under municipal code. The city's code enforcement officers will first cite individuals for code violations and give them an appropriate amount of time to correct the problem. If the nuisance is not corrected, the city can charge the property owner with a felony crime for failing to abate a serious nuisance. While the proposal might seem crazy to some, the stiff crackdown has been rather successful and has resulted in a 98% compliance rate. This type of tactic should be saved as a 'last resort' measure for when all other avenues of compelling compliance have been attempted.

4. Adopt greening programs using spot eminent domain and demolition

Greening programs have been on the rise in the northern part of the country with the current economic downturn and migration out of northern urban areas. Flint, Michigan, Anchorage Alaska, and Buffalo, New York all provide prime examples of the spread of greening programs as a way to combat vacant and abandoned properties. Depending on the circumstances and applicable laws, the cities have found that it is more beneficial to property values, the safety of the community, and to economic development to acquire vacant and abandoned properties. These properties can be acquired through spot eminent domain, actual purchase, or lien foreclosure. Once the property is acquired, the structure is demolished to get rid of the eyesore (and safety hazard), and is then turned into a green space. Proponents argue that the green spaces eliminate the excess supply of dwellings in the city. The demolished structures also help rid the neighborhoods of squatters, drug dealers, and other 'unsavory' individuals. Finally, the green spaces usually generate an automatic increase in value of the surrounding properties, and could eventually be turned into neighborhood parks that could offer further property value increases. Case studies from Anchorage, Buffalo, and Flint are all provided below for further examination of the process the jurisdictions used.

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Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*, page 5.

ANCHORAGE, AK: MAYOR MARK BEGICH
Operation Take Back

When Mayor Mark Begich took office in July 2003, the Municipality of Anchorage faced an uphill battle in bringing dilapidated and dangerous properties into productive status. Because Alaska State law limits foreclosures on property for Municipal liens based on code enforcement costs, sources of funds for these activities were limited. Consequently, over the years, code enforcement activity had been frustrated by lack of revenues for demolition.

Soon after his election, Mayor Begich aggressively pursued alternative sources for these funds. Procedures were developed to identify which derelict buildings could be demolished using Community Development Block Grant funds available to the Municipality. CDBG is a great source of funds for this type of activity, but use of the funds requires clearing some hurdles in relation to environmental reviews, one-for-one replacement of affordable housing units, and potential relocation of existing tenants.

Through cooperation between the Building Safety Department (in charge of Code Enforcement) and the Department of Neighborhoods (administrator of CDBG funds), these requirements were incorporated into Code Enforcement procedures, and CDBG funds assisted in the demolition of seven derelict buildings in 2004. This coordination benefited from strong leadership from the Mayor's office and weekly meetings of key staff members in each of the departments involved.

Next, the Municipality went a step further by partnering with the National Guard on Operation Take Back. In this innovative program, the Alaska National Guard, led by Col. Thomas Katkus, carried out the demolition of the infamous "Pink Hotel," a condemned building that had been the source of numerous citizen complaints about vagrancy, fights, drugs, and other illegal activity. In addition to assisting the community, Operation Take Back enhances Guard readiness and effectiveness by providing Guard members the opportunity to train in specific areas of equipment use and demolition.

The cost of these demolitions was included in liens on the properties, ultimately to be paid by the owners. The increased activity in Mayor Begich's early years in office brought greater public awareness of property owner responsibilities, and of the ramifications if these responsibilities are not met. Consequently, several property owners have since resolved their code issues independently. Other owners sold properties to affordable housing providers who have since demolished the dilapidated housing and built new, affordable homes.

The coordination across departments, government entities, and organizations took perseverance and vision, but resulted in a sustainable program for code enforcement in Anchorage.

For additional information, please contact Carma Reed, Director, Department of Neighborhoods, at 907-343-4848 or reedce@muni.org.

Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*, page 10.

BUFFALO, NY: MAYOR BYRON W. BROWN
Neighborhood Beautification Collaborative

The City of Buffalo recognizes that the problem of vacant and abandoned housing units is a barrier to reducing crime, encouraging private investment, and enhancing the well-being of neighborhoods, and has launched an aggressive neighborhood revitalization strategy that includes investing in neighborhood assets, engaging in community planning, and rehabilitating or demolishing derelict properties. One approach is being implemented through a collaboration of the City's Urban Renewal Agency and Revitalizing Urban Neighborhoods, Inc. (RUN Buffalo).

Since 1950, huge losses in industry and manufacturing contributed to a downward economic spiral that resulted ultimately in the loss of more than 50 percent of Buffalo's population. The loss of the tax base that has occurred has resulted in vacant and uninhabitable housing of crisis proportions: There are more than 23,000 vacant, uninhabitable structures in the City.

The mission of the collaborative program created by the City and RUN Buffalo is to acquire vacant and abandoned properties, remove uninhabitable buildings, and replace them with landscaped green spaces – eventually returning the properties to productive reuse. The program has direct community volunteer involvement and will serve to empower residents by enabling them to make dramatic physical changes to their neighborhoods.

Specifically, this project involves the demolition and removal of blighted residential buildings slated by the City for demolition. In turn, the City will transfer ownership of the properties to RUN Buffalo which will develop community gardens and park-like settings on these properties. RUN Buffalo is funded in part by portions of the City of Buffalo's Community Development Block Grant allocation and is assisted by Community Planners in the City of Buffalo Office of Strategic Planning. Working in partnership with the City of Buffalo helps RUN Buffalo avoid many administrative hurdles and financing gaps that may otherwise be present.

The Revitalizing Urban Neighborhoods/City of Buffalo Neighborhood Beautification Collaborative will embark on its first endeavors with the beginning of this construction season.

For additional information, please contact Timothy E. Wanamaker, Executive Director, Office of Strategic Planning, at (716) 851-5035 or twanamaker@city-buffalo.com.

Transcript from ABC Nightline story "Shrink to Survive? Rust Belt City Downsizes" by John Donvan and Mary March: http://abcnews.go.com/Nightline/Business/shrink-survive-rust-belt-city-bulldozes-vacant-homes/story?id=8936668; video available at source

Shrink to Survive? Rust Belt City Downsizes
Proposal to Bulldoze Vacant Homes in Flint, Mich., Faces Pushback

Three homes, 824 Stockdale Street, 4034 Trumbull Avenue and 1538 Garland Street are all located in Flint, Mich., and all share the same fate.

In an act of residential triage, Genesee County, which includes Flint, has been knocking down the city's vacant homes at an astounding rate -- often up to four a day.

"We'll collapse this [house] down onto the ground in about 15 minutes, 20 minutes," said Kevin Muma, a foreman on the wrecking team. "It doesn't take long at all."

Flint, a blue-collar city in the Rust Belt, was once home to several thriving General Motors plants that helped build a strong work force here. But as the automaker declined and cut tens of thousands of jobs, Flint residents started leaving too; the city's population has fallen to 115,000 from its peak of nearly 200,000 in the 1960s.

While many left the city in search of jobs, Dan Kildee, 51, a Flint native and now Genesee County treasurer, stayed put. He spoke to "Nightline" from Jane Avenue on the city's north side.

"I walked up and down this street from the time I was a year old until my grandmother died," he said.

Out of the 25 houses that stood on this street in Kildee's youth, only one looks occupied. There are about 10,000 vacant homes in Flint -- some of which were built more than 80 years ago.

To push his hometown out of a housing glut, Kildee proposed a radical idea: demolishing 6,000 abandoned homes in Flint. "We've lost 84,000 people. They didn't take their houses with them," he said.

Kildee thinks the cure to Flint's survival is shrinking it: "Get rid of these houses, get them out of competition," he said.

Not all neighborhoods in Flint are flailing. But Kildee says home values in the more stable neighborhoods have been undermined by the abundance of "Do Not Resuscitate" homes.

"...I can't avoid the reality that this house, despite its history is ruining other stories," he said. "Two blocks over, there's somebody trying to have a life and their condition is affected by this thing sitting here."

A local resident named James we also met on Jane Avenue agreed, saying if a bulldozer showed up and demolished every other house on his block, "he'd help."

"The truth of the matter is, his house would improve in value immediately, if all these houses got torn down," Kildee explained.

Vacant Homes Make Way for Green Space

But what would come in the place of all the vacant homes? Let it be something else ... something green, Kildee said.

"It can maybe [be] a productive part of this larger area as open land. Or a forest of trees or a great big urban agricultural enterprise," he said.

But bulldozing areas in Flint to make way for "green space" has sparked a firestorm of criticism

from the left and right. Conservative radio talk show host Rush Limbaugh weighed in on the issue, alluding to the strategy as un-American.

"They want to bulldoze 40 percent of Flint because apparently 40 percent of the town has homes that are boarded up, foreclosed on, and so forth," Rush Limbaugh said on his June 15 radio show. "So they want to bulldoze it and turn that land over to nature and -- and downsize the city. ... Did you ever think you would hear anything like this in the United States of America?"

But over the next couple of days, Limbaugh not only changed his mind but wondered if the city ought to go even further: "If you're going to bulldoze 40 percent of Flint and bulldozing 40 percent of Flint will not cause people to return and have it grow, why not bulldoze it all?" Limbaugh argued. "We tried propping them up with urban renewal, and it didn't work. ... We kept pumping money in there, kept pumping welfare, food stamps, all these things because we loved them and cared for them, but the proof, the proof that a government can't revive anything is Flint, Michigan."

Flint is not the only city suffering from population loss that's adopted this approach. Youngstown, Ohio, which was hit hard by the demise of the steel industry, outlined a plan to restructure the city to fit its current size.

Limbaugh's comments struck a nerve on the public's perception of bulldozing Flint: This is America. We grow. We don't shrink.

Dayne Walling, the mayor of Flint, hopes to reframe the discussion about Flint. In his attempt to match the city's housing to its smaller population, he emphasizes new home construction on bigger lots.

"Shrinking is temporary phase," he said, "I don't want it to become a state of mind for this community."

By downsizing Flint, Kildee doesn't want to push people out. In fact, he says he'd like to pay people to relocate to create denser neighborhoods, but there's no money for that in the budget.

"It's not surrender, it's really isn't surrender," Kildee said.

But it is a kind of vanishing act, as the house at 1711 Donald Street, which stood here for decades, disappeared in less than half an hour.

5. *Use the Georgia Urban Redevelopment Law to create economic development improvements*

The city of Savannah has turned to economic development as a way to combat code violations and abandoned properties. In tough economic times, however, it is difficult to find the capital to put into developing areas in order to encourage improvement and growth. Using the Georgia Urban Redevelopment Law, the city can develop a plan to provide affordable housing and business locations. Property owners in the area may develop their properties accordingly, or the city is allowed to use eminent domain to acquire the property. Loans are available using HOME funding to help property owners meet the urban redevelopment plan. Savannah's use of the Georgia Urban Redevelopment plan has been quite successful for the city, and is outlined in the case study below.

Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*, page 34.

SAVANNAH, GA: MAYOR OTIS S. JOHNSON
Neighborhood Revitalization Model

Many of Savannah's inner-city neighborhoods have a large number of vacant and abandoned properties, both structures and lots. Many of these are "heir" properties which have bad titles and cannot easily be redeveloped. These properties contribute to blight, disinvestment, crime, and other problems that negatively affect neighborhoods and the City overall. Combating these problems requires continuous investment of City, State and federal resources. Returning vacant and abandoned properties to productive use and revitalizing distressed neighborhoods, therefore, is a City goal.

Working together with neighborhood residents, Savannah has used the Georgia Urban Redevelopment Law to redevelop these properties. The City adopted an Urban Redevelopment and Land Use Plan which calls for the development of affordable housing and neighborhood compatible businesses on vacant and abandoned properties. Property owners may develop their property in accordance with the plan. When they are unable or unwilling to do so, the City can acquire the property at fair market value. When necessary, the City uses its eminent domain powers to acquire vacant and abandoned property.

Properties acquired by the City are sold through a competitive request for proposal process to developers who must comply with the Plan. Successful developers of single family homes include nonprofit housing organizations and minority contractors. The City provides low-interest development loans and other assistance, including infrastructure and green space improvements. It provides single family developers with free house plans to ensure the houses built are of high quality and architecturally compatible with the neighborhood.

Larger nonprofit developers, such as Mercy Housing Southeast and The Paces Foundation, have partnered with the City and the Community Housing Services Agency (a consortium of banks) to secure federal and State low income housing tax credits and historic tax credits to finance high quality, affordable rental housing. The City, working with several national and local volunteer organizations – including World Changers, Group Work Camps, YouthBuild, and Rebuilding Together-Savannah – offer home improvements to existing homeowners. The City purchases the material installed by volunteers. It uses HOME and Community Development Block Grant funds in additional to local tax and Special Purpose Local Option Tax funds to leverage the necessary private investment from banks and mortgage companies. The Georgia Department of Community Affairs participates in rental and homeownership programs. The Federal Home Loan Bank has contributed

grants.

Since 1999 the City, with neighborhood support, has implemented Urban Redevelopment and Land Use Plans in four neighborhoods. This has led to the transformation of more than 150 vacant and abandoned properties into more than 500 quality dwelling units; approximately 100 were converted to single family homes, the remaining 400 into rental properties. Crime and associated problems have dropped noticeably in these neighborhoods. This investment is sparking new private investment from property owners with clear title who until now have not been motivated to improve their property due to distressed market conditions. Savannah officials believe the leadership shown by the Mayor, Aldermen and City officials has created an environment of trust, partnership , and private investment – all of which are leading to significant neighborhood revitalization. The biggest challenge facing the City and neighborhood residents, they say, are recent changes in the State's eminent domain laws. While State legislators have hailed these changes as a victory for property owner rights, officials say it remains to be seen whose rights have been protected – those of vacant and abandoned property owners, or persons who live and/or own properties in close proximity.

For additional information, please contact Martin Fretty, Director, Savannah Housing Department, at (912) 651-6926 or mfretty@savannahga.gov.

6. Work with HUD and Fannie Mae to make sure foreclosed properties are kept in good condition

In urban areas, there is usually a large number of houses that are currently in the possession of HUD and Fannie Mae. These properties can be extremely difficult to keep occupied and properly maintained. To solve this type of problem, Dearborn, Michigan attacked the problem head on and partnered with HUD and Fannie Mae to ensure these properties would not become nuisances in the community. Dearborn's example could prove useful to Clayton County if it is found federally-held residential properties are showing themselves to be "problem properties". Along with partnering with these federal entities, the city expanded its partnership to jurisdictions nearby to make sure uniform enforcement was occurring to send a message to the community that code violations would not be tolerated.

Case Taken From The United States Conference of Mayors' Report: *COMBATING PROBLEMS OF VACANT AND ABANDONED PROPERTIES: Best Practices in 27 Cities*, page 20-22.

Case Study of Dearborn, Michigan

Mayor Guido has directed the Building and Safety Department to partner with HUD and Fannie Mae, as well as many of the large mortgage foreclosure property servicing companies, to ensure that the vacant properties in their possession are being maintained and kept secure while they are attempting to repair and market them. Contacts have been established with these organizations that allow the Neighborhood Services field inspectors to e-mail digital photos of problem properties directly to the responsible party, and this has produced swift corrections. This method is replacing the former system of posting a property with a 72-hour Notice of Violation. The field inspectors also assist the asset holders in evicting squatters or following up with the contractors. This has been a "win-win" situation for the City and the organizations, and several successful programs have grown

out of these close relationships:

• ***HUD's Good Neighbor Program*** – For the first time in Dearborn's history, the Department of Housing and Urban Development is offering the City all of the properties that it is not able to sell to the public. HUD is charging only $1, plus costs, for these properties. The City has been purchasing only the worst ones – those that qualify for immediate demolition – and then offering the lots for redevelopment. The City intends to start purchasing marginal properties soon and turn them over to the Economic and Community Development Department to supervise rehabilitation and put them back in the marketplace. Revenue from these sales will go back to the CDBG fund to continue rehabilitation projects, eventually creating an economically selfsufficient program.

• ***Fannie Mae's "First Suburbs Program"*** – The Economic and Community Development Department is working with Fannie Mae to redevelop existing structures by redesigning the ir interiors to provide modern amenities while maintaining the exterior character of the neighborhood. By adding larger master bedrooms with baths, larger kitchens, and family rooms, they can now attract the buyers that are moving to the outer ring suburbs for the newer houses that offer these features.

• ***National Code Enforcement Initiatives*** – Several Building and Safety management staff members have become involved with counterparts in other major cities at the national level in efforts to provide uniform and more constant ordinance enforcement. Sharing information about which programs have worked and which have not is helping prevent wasted time in addressing problems. The major subject of these conferences is the issue of vacant and abandoned properties and the processes that are used to abate them. Several of the programs currently utilized in Dearborn came out of these meetings, and programs that have worked in Dearborn are being implemented in other jurisdictions.

Conclusion

Adjusting code enforcement practices to address the shifting dynamics of a community is never an easy thing to do, especially in difficult economic times. Members of the Clayton Archway Partnership face a unique situation in that the county's high foreclosure rate and changing demographics have caused a deterioration of community ownership and pride. In times like these, the responsibility of maintaining community standards ultimately falls on the government. While the county and city governments must become more proactive and aggressive in its approach towards code enforcement, community leaders must not forget to include rank-and-file members of the community. Citizens will be able to offer the best source of insight, manpower, and ideas.

Improvements in code enforcement are needed to improve the community's appeal, but the extremity of the changes that can be adopted seems limited by funding, manpower, and restrictive state laws. The possible policy changes covered in this report are not a prescription of what community leaders should be doing now, but rather are meant to provide a snapshot of what practices other jurisdictions are adopting to deal with their code enforcement difficulties. Case studies and reports from city governments serve as the major source of information throughout the report, and rightfully so. While counties oversee code enforcement in unincorporated portions of the county, cities are usually the jurisdictions that deal with code enforcement in dense suburban and urban areas. One of Clayton County's continuing challenges is how should code enforcement be practiced in denser areas that are traditional overseen by cities; hopefully, the use of city examples in this reports provides some insight on this front.

In order to begin a dialogue to address the problems created by code enforcement short-comings, it suggested that the Clayton Archway Partnership form a Code Enforcement Issue Work Group. The Issue Work Group will be better able to review this report as a whole and decide what practices will be best for the community. Adoption of any of the changes highlighted in this paper should make some difference in the effectiveness of code enforcement. To start, it is suggested that Issue Work Group immediately look into the following changes to help promote community ownership and stem further large violations from developing:

- Plan on sending some Code Enforcement officers to the Carl Vinson Institute's Code Enforcement Training (suggestion 1 of Programmatic Additions – Minor).
- Adopt uniform code standards (suggestions 1, 2, and 3 of Passive Code Enforcement Updates).
- Provide a "resource guide" to violators that provides them with quick solutions to violations and names of companies that can help (suggestion 5 of Active Enforcement of Current Codes).
- Institute a broken window policy and stronger communication between departments in order to increase the effectiveness of said policy (suggestions 1 and 2 of Active Enforcement of Current Codes).
- Create a "Most Wanted List", and actively publicize and pursue violators (suggestion 7 of Active Enforcement of Current Codes).
- Begin to look into the possibility of adding a "handyman" position (suggestion 2 of Programmatic Additions – Minor).
- Start painting "do not enter notices" on boarded windows and doors, rather than using

paper notices (suggestion 3 of Programmatic Additions – Minor).
- Create a youth engagement program for graffiti (suggestion 4 of Programmatic Additions – Minor).
- Add an anonymous tip line for code violations, and publicize said number (suggestion 5 of Data Collection Systems).
- Encourage proactive reporting of violations by the community through community initiatives (suggestion 3 of Active Enforcement of Current Codes).

All of these "immediate change" recommendations result in a three-prong approach: 1) provide clear and concise information to citizens, 2) bring code enforcement to the forefront of the county's endeavors, and 3) begin the shift to a more aggressive code enforcement standard that sends the message, "no violations will be tolerated". These changes may have an immediate impact, but their longstanding ability to affect change will be limited unless further changes are made at the administrative level. Therefore, it is further suggested that the following policies be discussed by the Issue Work Group, and adopted in due course (intermediate changes):
- Work with HUD, Fannie Mae, and banks to make sure foreclosed properties are kept in good condition (suggestion 6 of Major Programmatic Changes or Additions).
- Allow community members to search current violations online and track a violation's status (suggestion 4 of Data Collection Systems).
- Conduct windshield surveys to find easy violations and assess the community's state (suggestion 6 of Active Enforcement of Current Codes).

Finally, it is suggested that the Issue Work Group and legal advisers look into the feasibility, and practicability, of the below listed changes. These changes are largely programmatic, require legal changes at the local level, and can result in a restructuring within individual governments. Of these programs, the registration programs offer the most potential for long term viability and success.
- Look into reducing the number of individuals needed to report nuisances and the number of days until a violation is taken to court (suggestion 4 and 5 of Passive Code Enforcement Updates).
- Look into the possibility of "banning" vacant properties (suggestion 2 of Major Programmatic Changes or Additions)
- Create a rental and multi-tenant inspection program and registration system and vacant and abandoned property registration system (suggestions 1 and 2 of Data Collection Systems).
- Look into what benefits, if any, could be gained from greening programs or using the Georgia Urban Redevelopment Law (suggestions 4 and 5 Major Programmatic Changes or Additions).

With strong, proactive, and aggressive enforcement, some disgruntled community members may emerge. It is up to the community leaders to take their feedback, and adjust enforcement practices accordingly, if it is found necessary. While the current, deteriorated state of properties throughout the county is solely the result of poor upkeep and maintenance by the property owners, it is now up to the county and city governments to take the lead if these problems are to be rectified. If the community wishes to address the deficiencies within "community upkeep", then community leaders must make code enforcement a priority

throughout government; it is not an endeavor that can be taken on half-heatedly. Unfortunately, this usually results in the need for more resources in a 'resource scarce' environment. As such, it is worth noting that code enforcement serves three purposes: to ensure safety within the community, to maintain a high quality of life, and to create an environment conducive to economic development. Stronger code enforcement and neighborhood conditions lead to stronger economic conditions within the county. Code enforcement, policing, and economic development go hand-in-hand. As such, while Police, Code Enforcement, and other government officials are stepping up their efforts to improve property conditions within the county, community leaders must begin to look into economic development programs. These economic development programs will not only help the local economy, but can also offer stronger incentives to owners to maintain their properties. Everything in the county is interconnected, and in order to succeed on one front - such as bringing more jobs and prosperity to Clayton County - code violations, community ownership, and code enforcement must be addressed.

Appendix - Summary of Survey Results

Number of survey invitations sent out: approximately 87
Number of responses received: 19

Question 1	*What are some of the issues that negatively affect code enforcement in your jurisdiction?*
Responses	- Conflicting responses from the code enforcement officers. - Lack of information to homeowners about home ownership. Lack of will and vision by county leaders. - Citizens/residents not having a clear understanding of the codes affects it negatively. When they don't understand the code they tend to take the enforcement personal. Not enough code enforcement officers affects it also because sometimes things are time sensitive and the manpower may not be there to re-inspect and follow through with enforcement because we are limited. - A lack of resources/code enforcement officers to effectively address all code enforcement issues within the City of Forest Park. Cultural and language barriers present a challenge to code enforcement in conveying property maintenance regulation and neighborhood standards to some citizen code violators. Over in habiting of residential structures. i.e. 8 to 10 occupants in a single family home. In the last couple of years, due to the state of the economy, and an enormous amount of mortgage foreclosures, finding a responsible party to provide property maintenance of vacant properties is near impossible. As a result, the City Public Works maintains such properties with an Environmental Court order. This is time consuming and costly. - foreclosures, FDIC properties - Difficulty finding contacts and pursuing solutions on such properties. - The people doing all the complaining a. Outdated ordinances (in the process of reviewing these), b. absentee property ownership (no way to find owners of abandoned...), c Tax records not keeping up with foreclosures. - Code enforcement is a need but there are not enough staff persons to be effective. If you don't complain then you will never see them. - None a. Misunderstanding of existing ordinances, b. Unwillingness of terminating past relationships and favors from past administrations - Cars parked in yards, side of roadways which are for sale - People not taking personal responsibility towards their community's environment - Citizens not clearly understanding the duties of Code Enforcement Officers.

	• Code compliance and the ability to hold residents and businesses accountable are for the most part nonexistent. • ? • Littering. Lack of enforcement related to danger trees. There was a tree in danger of falling into the road due to a very visible lean. It was reported to law enforcement who stated he would put in a report. I walked him down to point out the specific tree for which I had concern. Nothing was done over a period of several weeks. One night the tree fell into the road due to heavy rain that saturated the soil. Fortunately, as far as I am aware, no one was hurt by this falling tree which fell completely across the road. There should be a process in place where a situation like this can be addressed and given priority in order to avoid an accident which could have fatal consequences. • Trash not picked up, graffiti and uncut grass, especially around foreclosed, for sale or abandoned properties. • Increasing number of rental & foreclosure properties. Tenants do not share the same goals as residents who own their homes. Landlords try to use code enforcement to baby sit their properties. Vacant properties with no contact person fall into state of neglect. • Independence. Rejection of authority. Independence! Rejection of authority, do not like being told what to do with worn out Washers, dryers, commodes, being used as yard ornamental. Doing one sub-division clean up per year will never, ever, work..Put teeth in enforcement with trained officers and separate court. Use Morrow as an example!!!!
Summary	A lack of community responsibility and ownership seems to be prevalent based on these responses. Several respondents also cite a lack of code enforcement officers, and properly trained code enforcement officers. Finally, respondents do not believe the citizens have a strong understanding of current codes and what code enforcement is meant to accomplish.

Question 2	*How do you feel code enforcement ranks in Clayton County?*
Responses	Category – percentage (# of responses) Poor – 10.5% (2) **Below Average – 36.8% (7)** **Average – 36.8% (7)** Above Average – 15.8% (3) Excellent – 0.0% (0)

Question 3	*How do you feel code enforcement ranks in your jurisdiction?*
Responses	Category – percentage (# of responses) Poor – 5.3% (1) Below Average – 10.5% (2) **Average – 47.4% (9)** Above Average – 26.3% (5) Excellent – 10.5% (2)

Question 4	*Do you feel there are existing situations where Clayton County Code Enforcement has been ineffective? If so, could you identify the property or area?*
Responses	- N/A 2968 Melanie Lane has been a troublesome property in our subdivision. The home is probably not liveable due to lax inspections by the county. - Not sure. - Not familiar with any particular property or area in the county with code enforcement issues. - properties foreclosed - various properties - not to my knowledge - Sign ordinances are not effectively enforced on Tara blvd - I think they need to ride every subdivision and address any problems. Secondly drive every street and do the same. Thirdly check behind all businesses. Those are rat havens. - No - No, the County's physical appearance is terribly shabby. - Yes - but this is due to lack of personnel. - Problem here is there are more people/property than there are Code Enforcement Officers and situations are easily missed by the human eye. - We could be more effective in the area of public awareness and how we deal with foreclosed properties. - Building 34 on Upper Riverdale Rd across from Southern Regional. Businesses are allowd to hang sheet banners on the outside of the building to advertise services. / - Forest Park, College Park, Unincorporated areas of the County. - Forest Park. While traveling down Jonesboro Road you can tell when you are leaving Morrow and entering Forest Park from the unkept properties along that major thoroughfare. - Area behind Southlake Mall (Holiday Hills?) Junk cars, abandoned homes, overgrown properties. - Generally below average. Tara Blvd is an example.

Summary	While Archway staff had heard rumblings in the past from individuals within the cities being dissatisfied with code enforcement practices by the county, seven respondents could not cite or identify any shortcomings. Five respondents simply offered suggestions or laid blame without citing any particular property or area. The remaining responses offered the following properties and areas: 1. Tara Blvd (twice cited); 2. the area behind Southlake Mall (Holiday Hills?); 3. Forest Park/Jonesboro Road (leaving/entering Morrow to Forest Park); 4. Forest Park, College Park, Unincorporated areas; 5. Building 34 on Upper Riverdale Rd across from Southern Regional; and 6. 2968 Melanie Lane.

Question 5	*What are some of the challenges facing code enforcement in Clayton County?*
Responses	• N/A • Lack of manpower,resources, commitment, and vision by county leaders and community. • Not enough code enforcement officers and residents/citizens not fully understanding the codes are challenges with code enforcement in Clayton county as well as other areas. • I feel Clayton County code enforcement is facing the same issues and challenges as Forest Park, expect on a larger scale. • Challenges involving issues that become economic based. IE-people, businesses and others sometimes have little money to solve code problems.. • The people living in the county. • 1. Economic conditions (not enough officers & supervision), 2. Tax records not updated to show present owners of abandoned properties. • Everyone must be treated fairly. If you get sited and I have the same issue then I should be sited too. Elected officials should be held to the same standard if not higher. The greatest challenge is funding. We must trim the fat and fund productive services. • Yes, the large number of abandoned or foreclosed homes. • a) Non-existent policies and procedures, b) Cases are not being properly enforced at the Court level, c) Questionable training of code-enforcement officers • Not enough personnel to do the work that is needed. Working with homeowner associations to educate them on how they can help their own neighborhoods. • The community (at large) not willing to step up to the plate to take ownership of their property or the community in which they live. • Lack of personnel, overworked and too often given conflicting directives by the powers to be. • Adequate Staffing • ? • The lack of appropriate number of staff to enforce codes effectively.

	- Not enough staff to cover such a large area. - Same as in my jurisdiction, I would think. AND, so much space and too few officers. - Lack of interest and consequent leadership.
Summary	Commonly cited problems include: a lack of code enforcement officers; low priority being set for code enforcement within Clayton County; lack of community ownership and interest; and unfavorable economic conditions.

Question 6	*What do you feel needs to be done to improve code enforcement in Clayton County?*
Responses	- Training for code enforcement officer to provide uniform responses to inquiries and issues. - Find a comparable county and use them as a model. Devise a marketing campaign to clean-up Clayton County. Promote communities that are appealing and thriving. Inform citizenry by showcasing other communities in other counties as well as other states. - More code enforcement officers because the territory is so large. - More public information to the Clayton County citizens regarding property maintenance and neighborhood standards. Add more code enforcement officers. Enact an Environmental Court to address code enforcement issues, and aggressively tackle violators and invoke meaningful fines and forfeitures to the code violators. - more training, possibly more seminars, etc. GACE seems to be a good. - Make sure those doing the job know there job and pay a wage that will support the family of the individual working. - Concentrate efforts on these ordinances the same as enforcing traffic laws. - We need more staff and our codes need updating. Finally residents need to be held accountable. - They need more of them and the code needs to be reviewed to determine what can be added to keep Clayton looking beautiful - a) On a daily basis make Code Enforcement a High priority, b) Establish effective policies and procedures, c) Create special court to adjudicate code enforcement violations, d) Create an effective training standard for code-enforcement officers, e) Establish a policy and procedure of holding code enforcement officers responsible and accountable - Hire more personnel. - a true Environmental Court, Judges taking "environmental crimes against neighborhoods more seriously and acting on those crimes. - Additional personnel and and more support from the governing body. - Staff the department appropriately and provide mechanisms for accountability. - So sorry, but I have no knowledge on this subject!

	- Either hire more staff or privatize the enforcement/management/investigation of code violations. - Research the owners of these properties to ensure they are maintaining the property. If maintenance isn't done in a reasonable amount of time, the County should perform the maintenance and bill the customer rather than letting the property continue to sit unmaintained. - Just keep pressing forward. The previous method of operation was not only ineffective but detrimental to the County. Since being placed under the PD, they have really made an positive impact. The current leadreship knows what they are doing. I am sure they could always use more personnel on the streets. - Commitment to achieve results by providing leadership, sufficient resources such as trained officers, and adequate court oversight.
Summary	Many respondents recommend hiring more code enforcement officers, and offering more training for the officers. Several also highlighted the need to update the county's codes, and the need to make code enforcement a top priority.

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