

Property Standards Improvement Project: Report

Fall/Winter 2022

Project Goals

- Seek ways to improve Property Standards processes and experiences to help our neighborhoods be healthy and livable ***for all residents***.
- Focus areas included:
 - Process reviews of Property Standards from initial complaint through court disposition
 - Communications and education
 - Harm mitigation and supports for vulnerable residents: New Americans, elderly, those in need of financial assistance
 - Repeat offenders
 - Support and Training for Codes Property Standards Inspectors
- Working team included representatives from Codes; Law; Human Resources; Office of Diversity, Equity & Inclusion; Mayor's Office of New Americans; Mayor's Office of Performance Management; Planning's Division of Housing

Current Practices and Needs

Several municipalities across the US are reimagining the role that property standard violations and regulatory codes and ordinances play in promoting healthy, livable, and resilient neighborhoods. This movement offers several best practices and community-based solutions to create a more transparent and equitable process from beginning to end. A crucial first step in this reimagining is to identify and define where changes are needed and the opportunities and limitations to enacting change.

Code Enforcement

Metro's Codes Administration department consists of three major divisions that oversee the safety and health of residents. The Property Standard Division (PSD) is responsible for the enforcement of property standard, building, and zoning codes. Inspectors from this division regularly inspect commercial and residential properties to enforce property maintenance codes. Inspectors conduct inspections to reduce the number of substandard housing units, abandoned or inoperable motor vehicles, and visual clutter on private property and public rights-of-way. Additionally, this division ensures that the use of property is consistent with its

zoned category. Every year, the PSD responds to tens of thousands of citizen complaints for code violations on both commercial and residential property. These complaints are effectively a request for service. Metro encourages complaints to be submitted through the HUB Nashville program, though email, phone, or in-person complaints are also accepted. Complainants can choose to provide their personal information or file the complaint anonymously. Residents can also engage local councilmembers to accelerate enforcement.

Current policy mandates that the PSD investigate all complaints received. First, an initial inspection determines whether or not the complaint is valid and a violation exists. If the inspector finds a violation, they will record the type of violation and assign a re-inspection date. Once this date is assigned, a notice to correct or abate the violation is mailed to the property owner on record. The abatement notice will also provide an expected timeframe for property owners to address the violation. When the property owner is unable to or fails to bring the property into compliance, and when other inspector efforts to obtain compliance have failed, this can lead to a civil warrant or citation to appear in Environmental Court. Codes will continue inspecting the property and pursuing the case in Environmental Court until the property is compliant, with penalties likely escalating if the problems are not corrected. Court action is required only if the owner has failed to bring the property into compliance or has not made significant progress.

Enforcement Limitations and Gaps

Compliance with codes standards and ordinances should, in theory, be a straightforward process. A code or new regulation is written into law. Property owners who violate the law are made aware of their actions and given an opportunity to address the issue at hand. If the owner does not correct the violations, further punitive and legal actions are taken. However, throughout the process there are potential gaps and inequities where residents can be at a disadvantage in terms of information or resources to sufficiently comply with codes regulation.

First, property owners and residents at different levels have a limited understanding of property standard requirements or the enforcement process. There are several reasons for this lack of knowledge. Enforcement is largely driven by complaints; many violations may go

unnoticed or addressed until a complaint is made. This can create feelings of confusion and skepticism towards code enforcement. Currently, there are no publicly available Codes staff training materials that could act to create legitimacy and trust among residents.

This is not for a lack of previous efforts by the Codes department; however, there is opportunity to build on or improve these efforts. In 2018, Codes created a short informational video posted to the MetroNashville YouTube channel on common codes violations and compliance.

However, the video has been viewed less than a thousand times. In 2011, Codes created the “How to be a Better Neighbor” guide which outlined different code ordinances and metro services aimed at sustaining neighborhoods. This detailed guide was sent to property owners with tax bills. However, property owners with mortgages would not receive the tax bill.

Secondly, the guide did not address any renters’ rights or regulations pertaining to landlords. Renters were also unlikely to ever see this document. Additionally, the department also created a two-page informational flyer that described permitting requirements, property violations, and zoning violations. This flyer was translated into both Spanish and Arabic.

Since January 2022, there have been over 31,878 complaints alone made to the PSD. The zip codes with the most violations include 37115 with 3,968 violations, 37211 with 3,170 and 37212 with 2930 violations respectively. 37115 has a significant number of residents that predominantly speak Spanish, and 37211 is home to the highest concentration of non-English speakers within Davidson County. 37212, on the other hand, has a very low population of residents with limited English capabilities. Given the volume of complaints that the department receives as well as its current level of staffing, there are little opportunities for proactive community engagement by Codes staff. Instead, the point of first contact is often the result of a complaint.

Renters are especially vulnerable if not aware of their rights or what property landlords are required to maintain. Renter-occupied units make up nearly half (45.58%) of all housing units within Metro. While the anonymous complaint system does potentially empower renters to register complaints, landlords can leverage the current process to stall property improvements that they may view as costly or unnecessary. Consequently, inspectors may find the current

process is inadequate in creating safe and healthy homes for renters particularly when it comes to repeat offender property owners. Given the lack of affordable housing within Metro, renters and inspectors alike may not actively pursue code violations if that leads to a raise in rent or possible loss of housing.

The current system of enforcement heavily relies on complaints to ensure compliance with current property standards. Just as some residents may be more familiar with current rules and regulations, certain residents may be more empowered to utilize the complaint-based system. These residents may already be from groups with a high trust in government or be from groups that have not been historically marginalized. Additionally, the layer of anonymity offered to complainants allows both more protected and vulnerable populations to ensure that complaints can be made without retaliation. There are drawbacks to a complaint-based system. First, this positions code enforcement to be more reactive than proactive in achieving compliance. Similarly, this can lead to unequal enforcement where many violations can go unreported. Secondly, it is questionable whether this reactive approach is an effective and impactful use of Codes department resources. Every complaint requires that inspectors visit the property, determine if there is a violation, and document and code their findings. There is currently no system of prioritization where certain types of complaints warrant more staff attention than others. The division presently has only twenty-four inspectors to investigate property standard violations and enforce zoning and building regulations. In the month of October alone, there were 2,611 complaints documented. 52% were for sign removal. 10% were for parking on grass. 6% were for junk, trash, or debris. 22% were complaints for multiple violations or other not easily classified violations. 6% had no value entered for the reported complaint. These numbers suggest that there may be opportunity for current practices of data collection and processing to be reformed for the Codes department to determine where their staff spends the most time and have the most impact. This analysis would likely also be the basis for increased staffing needs too.

Residents face barriers to compliance as well. Many homeowners may lack the financial means to bring their properties up to code. This is especially true for Metro's more vulnerable populations such as elderly, lower-income, and New American populations. While there are

Metro and locally available resources to assist property owners, there is no centralized catalogue of these resources nor a formal process for Codes staff to connect property owners to these resources. Staff receive training in many areas but there is opportunity for a customer service approach that could facilitate compliance. Additionally, there are gaps in the current list of community groups or assistance funds that might help residents address certain code violations such as tall grass or weeds.

The language of codes enforcement can also stand as a barrier to compliance for many residents. Codes ordinances and regulations are legislation; sometimes this style of language – legalese – can be alienating and intimidating for anyone, let alone residents with no legal training. The abatement notice, often the first point of contact, can be opaque. Though the notice provides an outline of what is required of the property owner and the outcomes if the violation is not remedied (deadline to address the issue, what penalties the owner will incur if they do not meet that deadline), for the resident that language may be confusing and even seem more threatening than instructive. For those property owners who find themselves in the courtroom, this environment can be even more imposing and inaccessible.

Code enforcement is meant to be a tool that local governments can utilize to keep neighborhoods and residents safe and healthy. If carried out equitably, code enforcement can be a force to restore distressed properties, preserve and increase neighborhood resiliency, and protect renters. With staffing, resources and application of best practices, there are opportunities at several points in each step of enforcement to improve processes and experiences to help our neighborhoods be healthy and livable for all residents. These improvements will lead to more equitable, accessible, and transparent outcomes for both residents and codes staff, shifting the focus from enforcement to compliance. In the following section, we will outline different examples of best practices that will facilitate the transition to code compliance and which practices are most suitable for Metro's needs.

See Appendix for representative data analysis

Best Practices

The Working Team conducted a thorough review of existing practices and relevant research to identify best practices in code enforcement and which could be implemented locally. Members of this team also connected with other localities, such as Brooklyn Park, MN, Albany, NY, Mount Vernon, NY, and Jackson, TN, to discuss effective strategies for equitable code enforcement.

Proactive Approach

There is a growing effort across the country to reframe code enforcement from reactive and punitive to proactive and goal oriented. While reactive code enforcement in other municipalities tends to be more punitive and results in increased violations, proactive code enforcement uses methods to address systemic issues that lead to code violations prior to a complaint or abatement notice. Significantly, proactive code enforcement is less likely to reproduce pre-existing power imbalances and is more likely to address code violations before they become severe. A proactive approach emphasizes the need to rely on systematic and planned inspections rather than solely on complaints.

Decision-Making & Complaint-Driven Systems

Standard operating procedures that guide when and how inspections are conducted are fundamental to equitable code enforcement. These procedures can intentionally include strategies that support vulnerable populations while also minimizing the role of bias or personal inclinations in enforcement. For example, Brooklyn Park, MN revamped their code enforcement procedure focusing on additional outreach and engagement with the aim to increase voluntary code compliance and reduce the number of violations issued. Overall, this change led to a reduction in the number of violations and better use of departmental resources where codes officers could instead focus on property standard violations with a greater impact on residential health and safety.

Anonymous Reporting

The studies reviewed explained some of the drawbacks and benefits associated with anonymous reporting. One of the major drawbacks is it may facilitate complaints that are

rooted in racial bias and/or unsubstantiated. Anonymous reporting, however, can also empower others in marginalized groups. Anonymous reporting may increase tenants' comfortability with filing a complaint against a landlord. Several cities across the country have implemented different measures to mitigate against the negative outcomes of anonymous reporting. For example, Los Angeles now requires complainants to provide their names and contact information. The personal information will remain confidential rather than anonymous. In Durham and Greensboro, NC, an inspection of an owner-occupied unit is only conducted when there are at least five non-tenant residents. Although there are advantages to implementing a confidential reporting system, within the state of Tennessee there are legal limitations that would prevent Metro from doing so. All complaints received by the Codes Department would be subject to the Tennessee Public Records Act. While the law does contain many exceptions that will allow for certain types of information to remain confidential, any record with the complainant's name or personal information on it would be open and accessible to the public. However, there is no legal requirement to respond to anonymous complaints; therefore, Metro could develop policy to prioritize which complaints to respond to and develop policy to standardize that process.

Education and Engagement

There are multiple strategies being explored in other municipalities that can help mitigate inequitable outcomes and work towards a more proactive approach including an intentional and robust focus on education and engagement. As mentioned previously, one challenge to code compliance is the lack of knowledge amongst residents, including homeowners and renters, about code requirements and the codes process. Often, viable codes violations can go unreported or addressed for significant periods of time. This can lead to confusion among residents who do receive a property standards violation for something they have "always done." To address this challenge, codes departments may invest time and resources in code encouragement and engagement initiatives that increase education and awareness about codes, encourage compliance, and positively socialize the codes department in the community.

In their research and conversation with other localities, the committee learned about many effective educational and engagement efforts. In response to poor approval ratings from the community ratings, Peoria, IL developed several different initiatives focused on code encouragement and engagement. The initiatives offered opportunities for the community to get to know the codes staff, learn about codes requirements outside of an inspection, and partner with neighborhoods and schools to support clean-up efforts. They also implemented “Coffee with Codes” during which codes staff would meet with members of the community and answer their questions. Notably, these events would occur alongside another community event or a neighborhood meeting which helped bolster participation. Peoria also implemented “100 Blocks in 100 Days” where the codes staff conducted outreach to 100 blocks in 100 days. Staff would knock on doors, introduce themselves to the neighborhood, answer questions about codes process, and express appreciation to residents for helping keep their neighborhood healthy and safe.

Other cities used door hangers to notify residents about potential violations viewed during a proactive inspection, spread awareness about codes requirements, and express appreciation for being in code compliance. By notifying residents proactively about potential codes issues, residents were more likely to understand the codes requirements and address any potential codes issues outside of a formalized codes enforcement process. Many codes departments took extra steps to make this information more accessible to residents with limited English proficiency by translating the hangers into multiple languages. Cities also partnered with community groups and organizations to educate residents about codes rules and regulations and even distribute informational materials such as door hangers and even act as tenant advocates.

Education and engagement efforts play a critical role in supporting renters as well. Mount Vernon and Albany, NY participated in the Cities for Responsible Investment and Strategic Enforcement (“Cities RISE”) program which provided the cities with tools and support to improve their data systems and code enforcement practices. Both cities increased efforts to support tenants and ensure they are living in healthy and safe housing conditions by educating tenants about their rights, conducting proactive inspections of rental properties, and increasing

departmental capacity to address tenant issues. For example, the Codes Department in Albany, NY hired a Housing Services Advocate that focuses on tenants and, more specifically, identified necessary policy changes to support tenants living in unsafe and unstable housing conditions. With the number of Nashville renters growing, there may be additional need by the Codes Department to support tenants in the near future.

Supporting Residents with Limited Resources

Both Metro Codes and Legal departments expressed the challenge for homeowners with limited resources to reach codes compliance. This challenge was one shared by many other localities. The committee identified practices that could strengthen support for Nashville residents who face fiscal or other barriers to address code violations. These practices included the following: 1) educating code enforcement officers about existing resources, 2) creating and maintaining a central document that details existing programs and resources, 3) providing owners with information about relevant programs and/or making referrals, and 4) coordinating with local organizations to assist with repairs or modifications that cannot be assisted with existing state/local programs.

Notably, there are certain code requirements related to yard needs or junk removal, for example, that are less likely to be addressed by available publicly funded programs. However, cities have found creative solutions to these problems. In Rochester, NY, the Neighborhood Services Center connects resident with home repair needs to volunteer workers through the Flower City Work Camp program. This program is spearheaded by a network of churches and volunteer led. Volunteers assist with a broad range of home repairs, including yard work, cleaning, and simple construction. Through the Love Your Block program, Jackson, TN equipped a tool trailer that community or neighborhood groups could use to do small projects or community investments.

For many localities, ongoing and robust coordination across departments and agencies was necessary to adequately support residents, particularly those with more complex needs. Many code officers have observed that residents face other difficulties beyond financial barriers that prevent code compliance. For example, a resident with complex physical or mental health

needs may require a deeper level of support. One study suggested that to address more complex cases, cities could consider convening city wide, inter-departmental task forces that explicitly take on cases that can generate cross-departmental solutions to advance residents' safety and well-being. Codes departments may also benefit from partnering with social work professionals from another department when conducting inspections.

Workforce – Capacity and Training

Equitable code enforcement requires adequate resources, including training, technological support, access to data, and adequate staff to operate efficiently, equitably, and proactively. Code enforcement offices are tasked with facilitating complex and nuanced interactions and thus require appropriate background and training. The report published in part by Cities RISE describes the importance of implementing intentional recruitment efforts coupled with comprehensive training and mentorship programs for staff. Many codes departments have refocused their recruitment efforts for new codes enforcement officers to those with a customer-service orientation. Rochester, NY's codes staff, for example, includes former schoolteachers, veterans, and community organizers who are part of a multi-lingual and diverse staff.

Equitable code enforcement also requires investments in training. Substantial training is critical to ensuring codes enforcement officers feel equipped to handle both the technical and human aspects of the job. Rochester, NY implemented a two-year, cross training and mentorship program that paired veteran code enforcement officers with new trainees. Diversity, equity, and inclusion training are also an essential component of overall employee training. In Brooklyn Park, MN Code enforcement officers participated in implicit bias training and were further empowered to not pursue complaints when they felt that race and/or ethnicity was a motivator. Robust recruitment and training efforts are fundamental to developing a department that effectively supports the health and safety of residents.

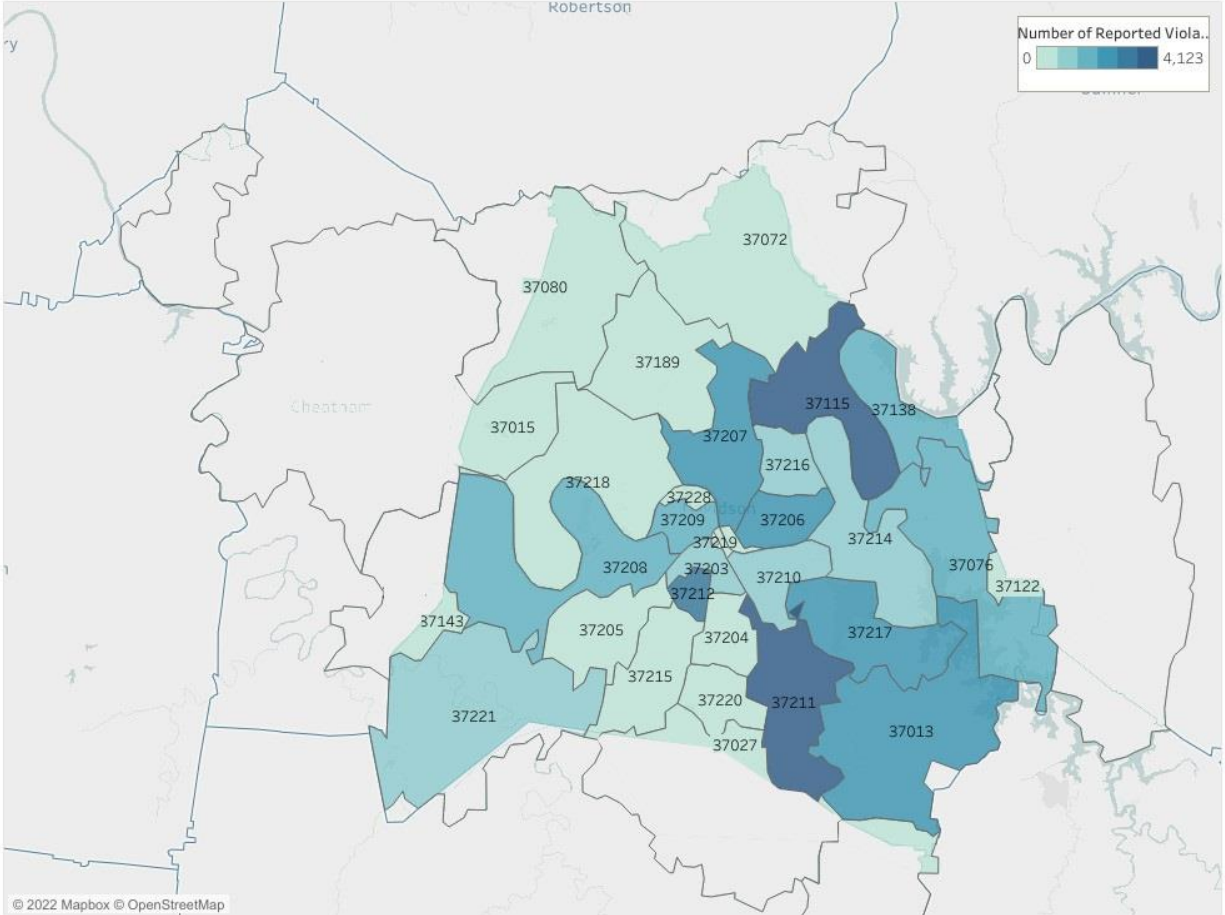
Initiatives

Initiative	Short-term (completed in 2022)	Medium-term (first 6 months of 2023)	Owner
Education & Engagement	<ol style="list-style-type: none"> 1. Flow chart and improved data collection viewer 2. Website “quick hit” content review and update 3. Re-launch of digital presence 4. Increase outreach: content and events calendar 	<ul style="list-style-type: none"> - Further explore opportunities for language access improvements with Mayor’s Office - Consider and develop further educational opportunities, such as informational material or partnership with community organizations 	Codes / Will Dodd
Housing Support Resources	<ol style="list-style-type: none"> 5. Develop a resource guide that outlines all the available resources related to home repairs & other relevant assistance 	<ul style="list-style-type: none"> - Process for quarterly updates to resource guide - Develop referral process for Codes to refer tenant concerns that may require a housing services advocate-model to the Planning Housing division - Continue efforts to build out resources, particularly where any gaps 	Planning / Kaycee Ensign
Codes Employee Support	<ol style="list-style-type: none"> 6. Create a publicly available employee handbook that allows employees to know what is expected of them and post publicly on internet 7. Supplement to employee handbook for Environmental Court 8. Source and develop “soft skills” training for property standards inspectors 	<ul style="list-style-type: none"> - Implement training schedule for 2023: 1/18/23 Legal Issues with Dept of Law 4/19/23 Customer Service with HR 7/19/23 Equity with MHRC 10/18/23 Inspections 	Codes / Byron Hall & Bill Penn with partnership from: Law / Alex Dickerson & Cate Pham HR / Shannon Hall
Process Improvements	<ol style="list-style-type: none"> 9. Warrant issuance: increase Law engagement and structure to support Codes process 	<ul style="list-style-type: none"> - Abatement notice: update language to be more user-friendly and leverage above short-term initiatives 	Law: Cate Pham with partnership

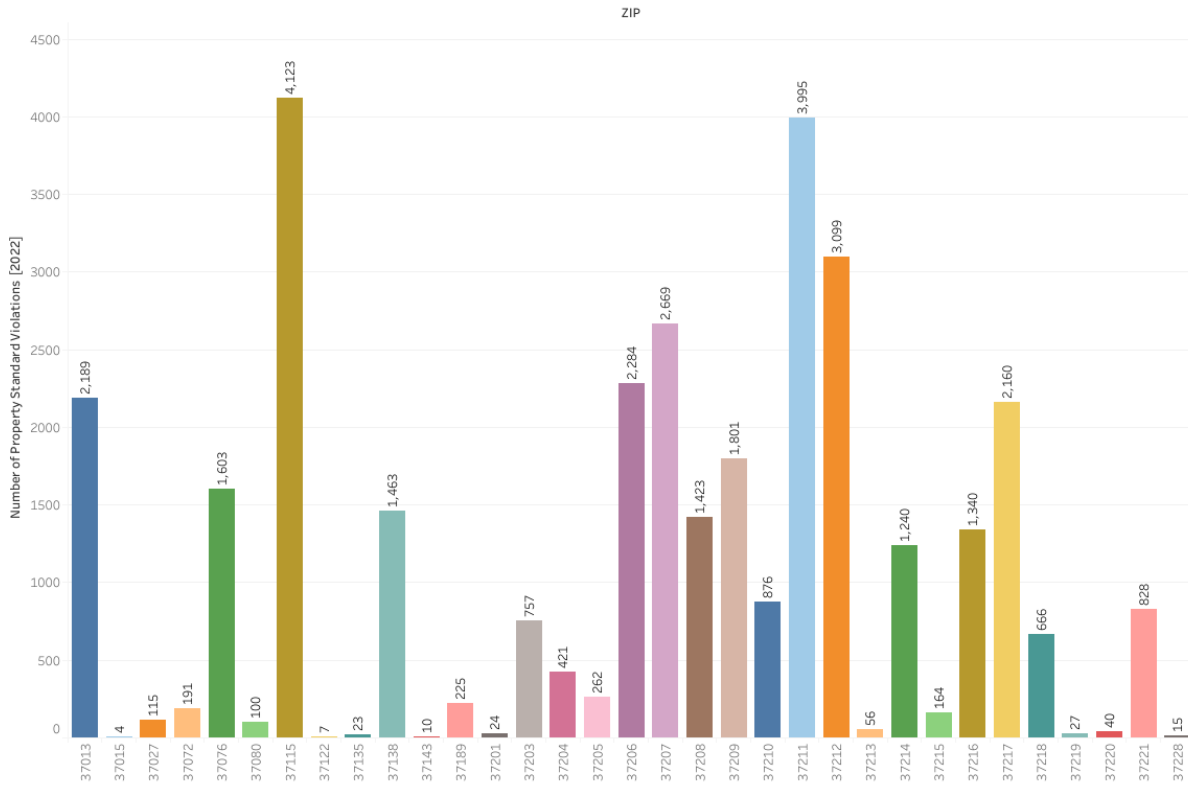
		<ul style="list-style-type: none">- Explore / review if there are opportunities to create a standardized process for prioritizing complaints- Review resource needs for all improvements and overall trends in volume of complaints	from: Codes / Byron Hall & Bill Penn
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Appendix

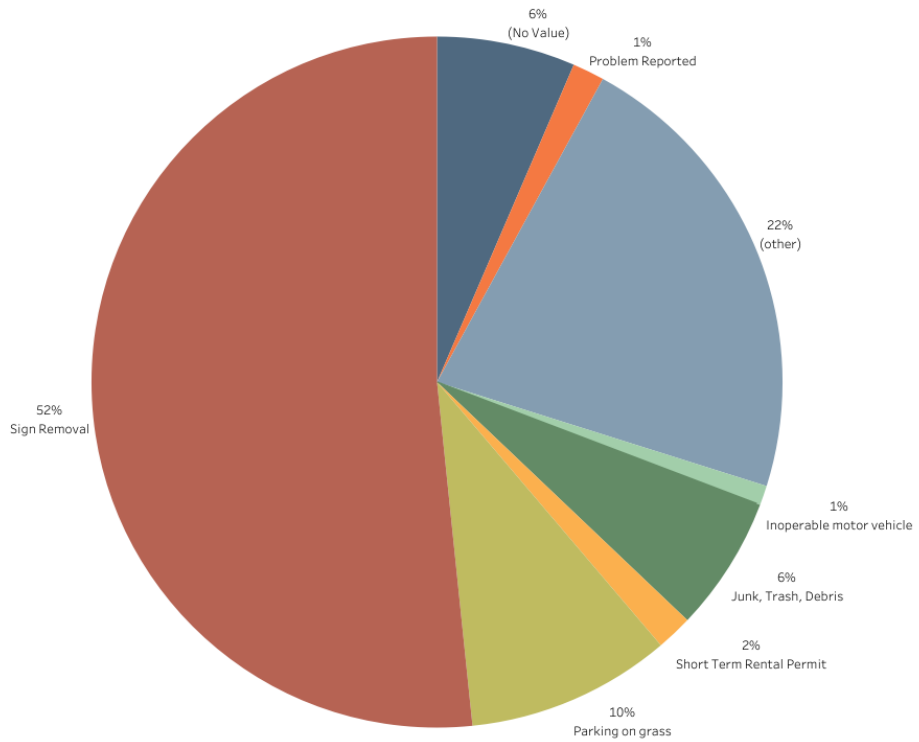
Representative Data Analysis



Property Standard Violations Reported in 2022



Violations Reported in October 2022




Best Practice Examples

Brooklyn Park Code Enforcement Procedure

Code Enforcement Procedure



Door Hanger Example



WASTE CONTAINER NOTICE

We recently noticed you are storing your waste containers improperly and in violation of city ordinances. We would like you to help us in making sure Brooklyn Park looks the best it can be.

You need to...

- Store your waste containers out of public view, which includes from the street or neighboring front yards.
- Put your containers inside your garage or behind an approved screened enclosure. Note: Vegetation is not an approved screening material.

Please comply by _____

Why do we require this?


We have city codes to keep Brooklyn Park a safe and healthy community where residents, visitors and workers can experience a sense of pride and well-being.

More information on city codes

For more information, please call the inspector listed below or visit our website at www.brooklynpark.org.

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Watch and learn
Ver y aprender
Saib thiab kawm

<https://www.youtube.com/user/BrooklynParkMNCity>

Brooklyn Park
Community Development