

City of Youngstown Code Enforcement Technical Assistance and Capacity Building Project

Phase One Report and Recommendations

EXECUTIVE SUMMARY

**Prepared by the Metropolitan Institute at Virginia Tech
Senior Fellow Joe Schilling
Lean Firm Founder and CEO Mark Frater
Code Enforcement Managerial Consultant Doug Leeper**

Prepared for the City of Youngstown, the Wean and Youngstown Foundations and the Citizens of Youngstown

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(For more information contact Joe Schilling at jms33@vt.edu)



City of Youngstown Code Enforcement Technical Assistance and Capacity Building Project

Pursuant to a June 2014 Memorandum of Understanding (MOU) between the City of Youngstown (City) and Virginia Tech's Metropolitan Institute (MI), and with financial support from the Wean and Youngstown Foundations, a team of code enforcement (CE) experts have spent the past ten months examining the strengths and weaknesses of the City's CE program, policies, processes and personnel, and formulating solid recommendations for improvement. Through study visits in October 2014, November 2014 and March 2015, the MI team -led by MI Senior Fellow Joe Schilling, LeanFirm founder Mark Frater, and former code enforcement manager Doug Leeper- worked closely with city officials, staff, and community leaders to map the City's existing programs and develop a blueprint for transforming the Youngstown's "reactive" CE program into a systematic, more "proactive" operation.

The team conducted a detailed diagnostic of the City's CE operation and assessment of existing CE policies, plans, processes, procedures, partnerships, etc. Through this Phase 1 process, the team gained the trust and confidence of the Mayor, the CE Director and staff, the City Law Department, and other city officials. They also developed critical relationships with community leaders in partnership with Youngstown Neighborhood Development Corporation (YNDC) and the new Youngstown Neighborhood Leaders Council. Everyone now appears ready to take the necessary steps that will make the City's CE program more effective, efficient, cost recoverable, and transparent.

Definition of Code Enforcement.

The strategies, procedures, and legal tools that local government code enforcement departments deploy to gain compliance with applicable state and local housing, building, zoning and land use codes and to abate the public nuisance conditions caused by blighted, abandoned buildings, and vacant properties. Vacant Property Research Network. www.vacantpropertyresearch.com

Project Goals. *The overarching goal of this multi-year capacity building project is to help Youngstown transform its code enforcement program into a "proactive" code enforcement system.* Additional goals and objectives include:

- Increase and enhance the effectiveness and efficiency of Youngstown's CE program (i.e. its processes, procedures, policies, and personnel);
- Increase and enhance the collection, synthesis and use of data in all facets of the CE program;
- Infuse strategic and systematic approaches adapted from model programs from other cities;
- Expand multi-departmental collaboration in the development of code enforcement policies and actions plans;
- Identify ways to increase the recovery of CE costs;
- Increase and enhance the relationships with community organizations and local residents involved and interested in code enforcement;
- Explore possible roles for expanding community engagement (e.g. Are there ways that local residents and community based organizations can help enhance and expand the City's CE capacity?);
- Increase awareness of Youngstown's CE realities throughout the entire community.

Current Realities of Youngstown’s Code Enforcement Program.

The Phase 1 report documents the team’s insights and observations about the City’s existing CE program and provides a series of specific recommendations for adopting a more systematic approach to CE. The team returned to Youngstown August 12th- 14th, 2015 to discuss its findings with city officials, the CE Director and her staff, foundation officers, community organizations, and interested residents and to help build momentum for launching Phase 2—the adoption and implementation of these new CE processes, strategies and tools. Below we highlight a few of the team’s core observations about state of CE in Youngstown.¹

Code Enforcement in Youngstown is more complex than any other legacy cities

The accumulation of blight over decades of economic decline and population loss generates a significant and constant inventory of blighted buildings that overwhelms the code enforcement capacity of the City and its community partners. With fewer occupied properties, the City has less tax revenues, which contributes to dwindling resources, and capacity for its CE program to effectively address blight. City staff are called upon to do more with much less and this will remain the case for the near future.

Additional challenges include:

- A history of constant changes in CE leadership and direction;
- Few uniform written policies and procedures;
- Underutilizing the full capabilities of the City’s CE data system (Empyra);
- Minimal capacity for collecting data and assessing the performance of the City’s CE operation and effectiveness of specific CE remedies;
- Significant percentage of non-compliant cases—37% of cases have been open for at least six months with no recent inspection or other CE action;
- Lack of consistent policy for obtaining closure for lingering and/or other difficult CE cases;
- Limited use of CE legal and administrative remedies;
- Insufficient litigation and judicial capacity.

Code Enforcement in Youngstown has many assets and accomplishments over the past year and a half.

Despite its inherent challenges, there is good promise and great potential for Youngstown’s future.

- CE Superintendent/Director has been in that position for over 14 months, adopting positive, incremental changes and committed to a more transparent, effective and efficient program;
- Mayor and City Council are interested and engaged in improving the City’s CE program; they have supported a more strategic approach to demolition and recently adopted a new administrative ticketing process for minor quality of life violations;
- IT capacity through the Empyra system provides inspectors with new tools that can help increase overall program efficiency;
- City appears to have sufficient legal powers and administrative authorities on the books;

¹ For more details about the team’s observations and recommendations, please consult the complete Phase 1 Report at <http://vacantpropertyresearch.com/strategic-code-enforcement-research/>

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- Increasing number of demolitions done by city crews and recent pilot project underway with DoD training demolitions;
- Law department engaged in supporting code enforcement policies and programs;
- Prosecutor with extensive CE litigation experience;
- Expanding community capacity and engagement primarily through YNDC and other community-based organizations.

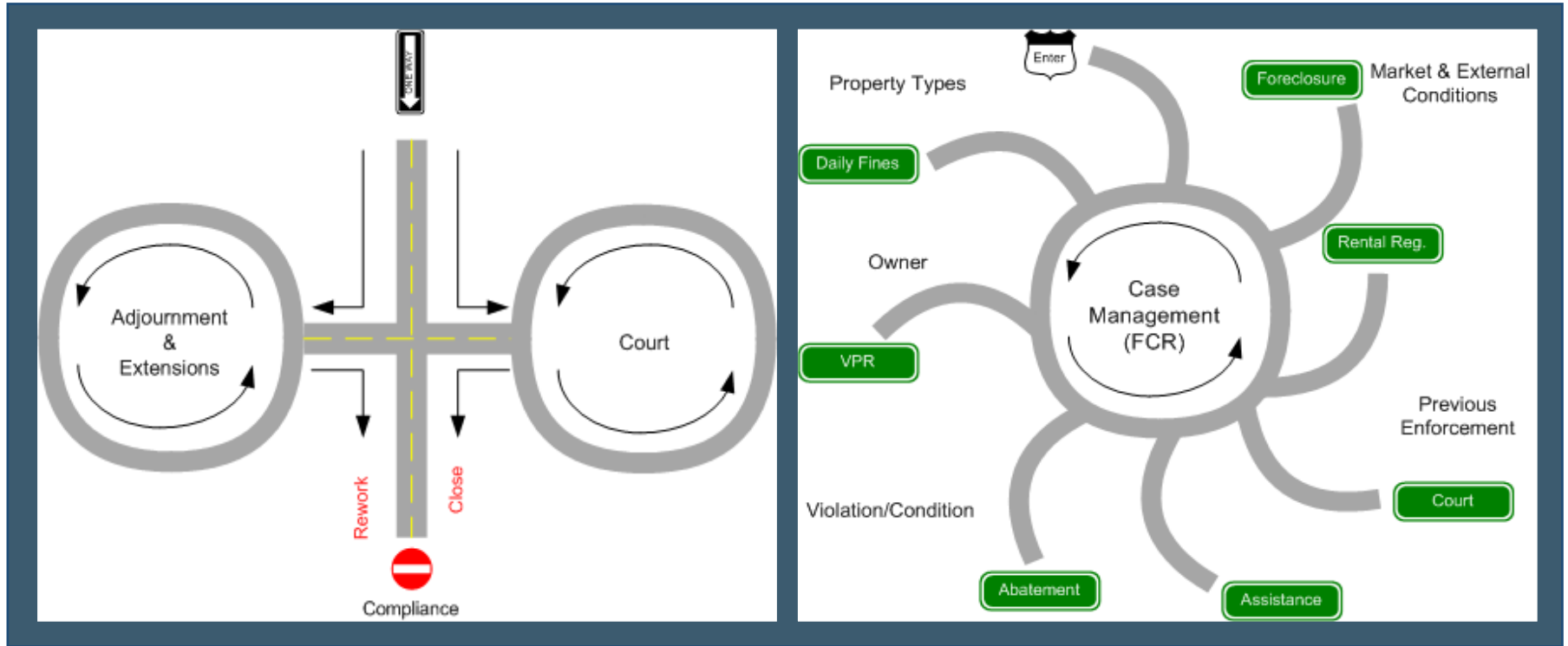
Based on standard practices within the code enforcement field and model programs from other cities, **the MI team developed a series of cohesive policy and program prescriptions** that can help Youngstown make its existing code enforcement operation more systematic, strategic, and cost-efficient. These recommendations are grounded on the principles of systematic or strategic code enforcement.

Systematic or Strategic Code Enforcement

Refers to the assemblage of critical assets and resources into a system of actions with clearly identified goals, principles, and procedures. All elements – personnel, agencies and institutions, policies and procedures, planners, decision-makers and administrators have a common purpose in which each plays a contributing part. It focuses resources and skills on addressing problems and dysfunctions most critical to getting desired results that include stabilization, compliance, accountability, transparency, etc. Strategic code enforcement operates proactively when and where it can leverage its limited resources to maximize community improvement while still being responsive to everyday demands and needs. Performing strategic code enforcement demands access to information and data about what is happening, measures trends and forecasts potential problems. This data driven decision making requires reliable technology and management systems to track cases, measure performance, and identify short and long term impacts and outcomes on neighborhood revitalization and quality of life.

[Kermit Lind & Joe Schilling].

A critical element (and core function) to moving towards a systematic approach is reforming Youngstown’s existing CE processes and procedures. The hallmark of a more proactive CE program is selecting the right course of action for the right properties and property owners at the right time and place. **Doug Leeper describes this CE decision making process as moving a program from the “CE cul-de-sac to the CE roundabout”** (See diagrams in page 4). Youngstown currently focuses on prosecutor hearings, the Property Maintenance Appeals Board (PMAB), and issuing a few administrative tickets and criminal citations. Few judicial actions have been taken in the past two years. Instead of being stuck in this code enforcement cul-de-sac, a better way for CE programs to operate in a proactive and systematic way is to consider code enforcement actions on a roundabout. In the roundabout approach, all cases and violations are initially treated the same but once in the roundabout each case is managed based on its specific circumstances. The CE manager and staff consider all options available in the roundtable when addressing each case.



CE CUL-DE-SAC

VS

CE ROUNDABOUT

Phase 1 Recommendations

As set forth below, the team’s approximately two dozen recommendations (e.g., general and specific practices, plan, strategies and policies) address five core code enforcement functions: 1) internal inspection and case management procedures and processes; 2) the strategic selection of legal and administrative remedies and other CE policies; 3) CE program capacity, roles, responsibilities, structuring, staffing, etc.; 4) coordination and collaboration with other departments and governmental agencies; 5) partnerships and relationships with community groups, neighborhood associations, and general public.

1. CE Processes and Procedures—Inspections, Management, Data, and Technology

- Enhance Empyra’s functionality and security controls so that CE inspectors and staff can more easily and consistently input critical code enforcement data;
- Develop a written policies and procedure manual based on the new CE system;
- Institute managerial quality control inspections in the inspection process;
- Provide CE inspectors and staff with more advanced ownership research tools;
- Recalibrate Empyra’s CE performance measurements and special managerial reports based on the new code enforcement processes and procedures suggested in this report;
- Adopt/use Kaizen Management principles to ensure ownership of the new CE system and provide internal managerial strategies that enhance overall efficiency, accountability, and transparency.

2. CE Remedies/Actions, Cost Recovery and Demolitions

- Adopt written guidelines for the strategic and systematic selections of CE remedies and actions;
- Expand the code enforcement role and support for the Property Maintenance Appeals Board;
- Adopt and implement a cost recovery policy for most, if not all, CE inspections and actions;
- Review, revise and reform existing CE Regulatory actions, such as:
 - Rental registration program
 - Foreclosure bond ordinance
 - Penalties for after-the-fact permits
 - Quality of Life ordinance

3. CE Collaboration and Policy Development—convene an internal cross departmental CE Coordinating Committee that would:

- Develop a CE Strategic Plan that articulates a mission, provides a vision and sets forth core principles for the systematic and strategic implementation of the city’s CE program;
- Develop an annual CE action agenda that addresses these priority issues:
 - Draft and adopt a CE litigation strategy with the law office and courts;
 - Develop a special implementation strategy, including training workshops for the new Quality of Life Ordinance;
 - Design and develop a special implementation strategy for expanding the use of the foreclosure bond ordinance in light of recent court decisions;

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- Develop, in collaboration with community partners, a written community engagement strategy for making the CE process and operations more transparent and digestible by the general public;
- Empower the Assistant Law Director to provide regular support/staffing for the city's expanding number of administrative hearing.

4. CE Community and Institutional Partnerships

- Develop a series of CE outreach and education activities:
 - Enhance and expand the City's CE web site;
 - Develop new materials (on line and hard copy) that graphically describe the new CE program and its new processes and procedures;
- Pilot test a Citizens CE Academy;
- Convene a Mayor's working group on rehabilitation resources for single family homes.

Conclusion and Next Steps

Our report offers city officials and community partners a framework for adopting systematic and strategic approaches that can transform Youngstown's CE program from reactive to proactive. **Change of this significance will take time and a strong commitment to stay the course from the city and its partners.** In light of high community demand and limited capacity, the city and its partners will have to rebuild the code enforcement program in stages while continuing to phase out inefficient and ineffective practices, policies, and processes. While our recommendations offer guidance based on proven practices from other cities, the final approach on how these models would work best in Youngstown rests with the city and its partners.

After the City and community digest our findings and recommendations, city leaders should identify a mix of achievable, short term actions along with laying the foundation for long term reforms. **From our vantage point as outside experts with inside knowledge, we believe the top priorities for next year should include:**

- 1) Drafting and adopting a written Policies and Procedures Manual;
- 2) Recalibrating Empyra based on the new P&P Manual/new code enforcement system;
- 3) Developing and putting into action a CE litigation strategy with the law department, prosecutor, and courts;
- 4) Drafting and implementing a cost recovery policy for most, if not all, CE inspections, and actions;
- 5) Developing and implementing a series of community outreach and CE educational activities;
- 6) Convene a Mayor's working group on rehabilitation resources for single family homes.

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Implementation of these recommendations (Phase 2 of this project) could operate on a series of parallel tracks that engages other city department directors and the City's invaluable community and institutional partners. Moreover, city officials should consider these recommendations as part of its preparation for the next bay budget year (fiscal year 2017).

Together, these priority recommendations would address critical gaps in the capacity of Youngstown's core CE functions and establish a new proactive ethic throughout the City.

By the end of this multi-year project, we believe the City will have embraced a new, systematic model to code enforcement facilitating closer coordination across city departments and other governmental agencies and fostering more meaningful collaboration with community partners. By having written policies and procedures on hand along with adopted performance measures, the City will have the right foundation for a more accountable and transparent CE operation. The CE Director and the community will have access to critical data on CE cases and CE actions.

By taking a more systematic, data-driven approach to the tactical selection of CE actions, **Youngstown will achieve greater efficiencies within its new CE processes. This approach will enable the City to more effectively address blighted properties in a more impactful way, thereby helping decrease the rate and number of vacant properties that today require demolition.** Having fewer vacant buildings will help stabilize City wide population loss, reverse neighborhood decline, and attract more private reinvestment. Ultimately **Youngstown as a community will then have greater capacity to address future problems and underlying socio-economic and environmental impacts from blighted properties.**