

**City of Youngstown Code Enforcement Technical Assistance
and Capacity Building Project
Phase One Report and Recommendations**

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I. EXECUTIVE SUMMARY

Pursuant to a June 2014 Memorandum of Understanding (MOU) between the City of Youngstown and Virginia Tech’s Metropolitan Institute (MI), and with financial support from the Wean and Youngstown Foundation, a team of code enforcement (CE) experts have spent the past ten months diagnosing the strengths and weaknesses of the city's CE program, policies, processes and personnel and formulated solid recommendations for improvement. Through study visits in October 2014, November 2014 and March 2015, led by MI Senior Fellow Joe Schilling, LeanFirm founder Mark Frater, and former code enforcement manager Doug Leeper, the MI team worked closely with city officials, staff, and community leaders to map the city's existing programs and develop a blueprint for transforming the city's "reactive" CE program into a systematic, more “proactive” operation. The team conducted a fairly extensive diagnostic of the city’s CE operation and assessment of existing CE policies, plans, processes, procedures, partnerships, etc. Through this Phase 1 assessment 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 have also developed critical relationships with community leaders through partnerships with Youngstown Neighborhood Development Corporation (YNDC) and its Youngstown Neighborhood Leaders Council. Everyone now appears ready to implement the 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.

The overarching goal of this multi-year capacity building project is to help Youngstown transform code enforcement program into a “proactive” code enforcement system; additional goals and objectives include:

- Increase and enhance the effectiveness and efficiency of the YT’s CE program—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 and with community organizations and local residents involved with and interested in code enforcement;
- Explore possible roles for expanding community engagement—are there ways that local residents and community based organizations can help enhance and expand city CE capacity;
- Increase awareness of the YT’s CE realities throughout the entire community.

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 will return to Youngstown August 12th- 14th to discuss its findings with city officials, the CE Director and her staff, foundation officers, community organizations and interested residents and help build momentum for launching Phase 2—the adoption and implementation of these new CE processes, strategies and tools. Below we offer a few of the team’s core observations about the existing CE program:¹

Code Enforcement in Youngstown is more complex than in 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 property tax revenues which contributes to dwindling resources and capacity for its CE program to effectively address blight. They are called upon to do more with less and this will remain the case for the near future. Additional challenges include:

- A history of constant changes in CE leadership and management.
- Few uniform written policies and procedures;
- Underutilizing the full capabilities of the city’s CE data system (Empyra);
- Minimal capacity for collecting 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 month with no recent inspection or other CE action);
- Lack of consistent policy for obtaining closure for difficult CE cases;
- Limited use of CE legal and administrative remedies;
- Insufficient litigation and judicial capacity.

Despite these inherent challenges, CE in YT has many positive assets and has accomplished much in the past year and a half. There is good promise and potential for the future.

- CE Superintendent/Director adopting positive, incremental changes and committed to a more transparent, effective and efficient program;
- Mayor and City Council 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 continues to help increase inspector efficiency;
- City appears to have sufficient legal and administrative authorities and powers on the books;
- Law office engaged in supporting code enforcement policies and programs;
- Prosecutor with extensive CE litigation experience;

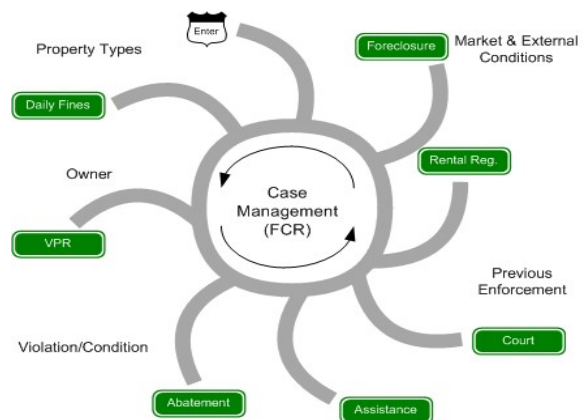
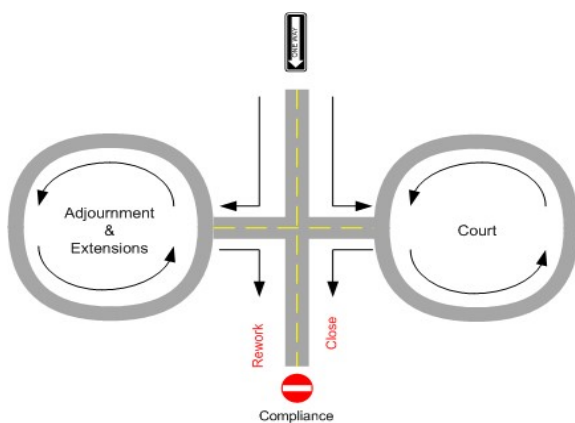
Based on standard practices within the code enforcement field and model programs from other cities, the MI team developed a series of cohesive policy and program prescriptions that can help Youngstown

¹ For more details about the team’s observations and recommendations, please consult the complete Phase 1 Report at www.vacantpropertyresearch.com

transform its existing code enforcement operation and make it more systematic, strategic, effective and cost-efficient. They are model 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 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.

A critical element (and core function) to moving towards a more strategic and systematic model, especially for the City of Youngstown, is reforming their 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 CE program from the “CE Cul-de-Sac to the CE Roundabout.” (See diagrams below). Youngstown currently focuses on prosecutor hearings, the PMAB, and a few administrative 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 operating in a proactive and systematic way is to consider its code enforcement actions on a roundabout where all cases and violations are initially treated the same but once in the roundtable they case is managed based on its circumstances and the CE manager and staff consider all options available in the roundtable.



The recommendations below follow the 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

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departments and governmental agencies; 5) partnerships and relationships with community groups, neighborhood associations, and general public.

II. CHAPTER ONE—Project Overview

A. PHASE ONE—The First Diagnostic of the City’s Code Enforcement Program

1. **Core Code Enforcement Functions:** Based on their collective CE expertise and experience, the MI team examined the City’s CE program through five core functions:

- 1) The internal **processes and procedures** cities use to inspect properties, and then take and track the appropriate actions/interventions (e.g., CE remedies) to address vacant properties, abate nuisances, demolish buildings, remove blight, etc. as well as gain compliance with relevant housing and buildings codes for occupied single family and multiple family housing;
- 2) The underlying **legal authorities and policy issues** that drive (or can influence) the city’s decisions/tactics as they apply “**legal and/or administrative remedies**” to certain types of properties and individual cases—the underlying core of strategic CE decision-making;
- 3) The **capacity of the city’s CE program** to respond and manage its functions/services along with its responsibilities, roles, structure and staffing;
- 4) The **coordination and collaboration of other departments** with the CE program (staff and manager) and their respective cases as well as with other related governmental or quasi-public entities (e.g. land banks); and
- 5) The **relationships and partnerships with community groups**, neighborhood associations, and the general public on specific CE cases and/or their influence on CE policy.

2. **Core Characteristics of Systematic and Strategic Code Enforcement** laying the foundation for a more effective and efficient blight remediation effort in the city of YT.

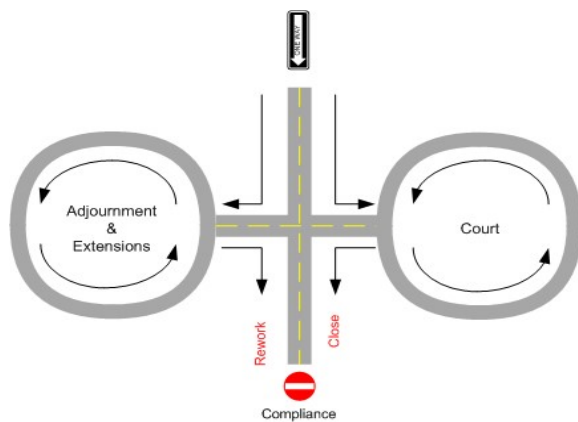
In preparing their assessment work, the MI experts drew from model programs and practices from their work with other cities in improving the effectiveness of their CE programs. They also relied on recent policy and practice literature that characterize the cutting edge best practice of strategic code enforcement. While no uniform definition exists, below we describe its characteristic based on the collaborative work of CSU Law Professor Emeritus Kermit Lind and Senior Fellow Schilling. When a local government and community align all five of the CE functions described above into a cohesive and sustainable enterprise, then they will have developed a strategic/systematic code enforcement program.

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 must have a common purpose in which each plays a contributing part. It focuses resources and skills on problems and dysfunctions most critical to getting desired results that include stabilization, compliance, accountability, transparency, etc. It does not presume to be comprehensive and it does not fail to do what is possible because it is not perfect or comprehensive. 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.

A critical element (and core function) to moving towards a more strategic and systematic model, especially for the City of Youngstown, is reforming their 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 CE program from the “CE Cul-de-Sac to the CE Roundabout.” The status quo for many CE programs is focusing on only 1-2 primary CE actions (e.g., prosecutor hearings or citations). Youngstown currently focuses on prosecutor hearings, the PMAB, and a few administrative and criminal citations. Few judicial actions have been taking in the past two years. Instead of being stuck in this code enforcement cul-de-sac, a better way for CE programs to operating in a proactive and systematic way is to consider its code enforcement actions on a roundabout where all cases and violations are initially treated the same but once in the roundtable they case is managed based on its circumstances and the CE manager and staff consider all options available in the roundtable.

The Code Enforcement Cul-de-sac



Compliance is the goal for all municipal Code Enforcement departments. In those cases where voluntary compliance is not realized, or forthcoming, the enforcement agency can use a host of regulatory, administrative and judicial remedies. Supervisors and field staff should be thoroughly familiar with agency policies on when to use and how to process various enforcement options. Most high performing CE programs set forth decision trees in their policy and procedure manual to guide inspectors and staff. As part of this training, an agency should also stress

collegial relations between agency staff and other critical partners within city hall, including the mayor, municipal attorneys, council-members and other city departments.

Youngstown, like many jurisdictions does not always fully use the full suite of legal and administrative enforcement options or remedies. Some agencies limit themselves to a single criminal or administrative process. In most cases, these “one-size-fits-all” remedies allow for little to no selective evaluation and “fit” only a small percentage of cases. It is important to have a full complement of enforcement options so the most appropriate “tool” and be applied for each case.

In order to fully understand the recommendations in this report, it is critical to understand the additional concepts underlying CE remedy selection as outlined below.

Selecting the Right CE Action/Remedy: The spectrum of options that local government code enforcement programs can deploy to gain compliance with applicable codes and abate public nuisance conditions on occupied and vacant properties include: 1) administrative citations and penalties; 2) summary and administrative nuisance abatement; 3) civil judicial enforcement; and 4) criminal prosecutions.

Civil and criminal actions (options 3 and 4) require a government attorney to file a legal complaint in court. Some of the civil judicial actions permit citizens and Community Development Corporations to bring the court case. Administrative remedies (options 1 and 2) generally allow local building or fire official to conduct a public hearing before a designated hearing body or hearing officer. Each approach has its strengths and weaknesses.

State and local policymakers and community development practitioners should fully understand the tradeoffs as they attempt to select the most appropriate enforcement strategy for the particular type of nuisance property. Selection of the appropriate remedy lies at the heart of code enforcement. Matching the right remedy to each situation can save enforcement agencies resources, enhance credibility, minimize the exposure to civil lawsuits, and ensure effective compliance. Virtually all communities delegate to the enforcement agency broad authority to pursue a wide array of legal remedies to abate the negative conditions posed by nuisance properties. For example, the municipal attorney might file a civil complaint in court that simultaneously alleges multiple legal claims, such as maintaining a public nuisance and violating local building codes. Therefore, it becomes critical for the enforcement agency and its attorney to consider carefully the strengths and weaknesses of each enforcement remedy as it applies to the circumstances of the property under investigation.

The key threshold issues include the following: Who makes the decision of what remedy to pursue? How is that decision made? What criteria can help facilitate a good decision? Selecting the appropriate enforcement remedy depends on the particular facts and circumstances of the case along with the capabilities and experiences of the code enforcement agency. As a general rule, case law grants broad discretion and flexibility to local government agencies in deciding whether or not to pursue an enforcement action and if so, what legal remedy to select. Who or what entity decides which enforcement action to take varies depending on the stage in the enforcement process.

3. Project Goals.

As it relates specifically to Youngstown and the work supported by the Wean and Youngstown Foundations, the team initially developed a series of core goals to guide their assessment and prepare the city to benchmark its existing program against more systematic models. Through meetings and conversations with city officials, CE managers and staff, and community/neighborhood groups, an informal consensus began to emerge around these principles and goals:

- Moving the city's CE program from being exclusively reactive to more proactive—get them from the CE Cul-de-Sac to the CE Roundabout.
- Moving from isolated CE activities to a coordinated approach across city departments.
- Identifying ways to increase the recovery of CE costs from property owners with the means to pay.

- Finding new ways of engaging institutional and community partners in support of city CE actions.
- Sharing more information with the public about CE cases and operations
- Engaging citizens to assist with CE and blight remediation in meaningful ways.

B. Background on Project Process and Team

The critical ingredient to this project's success was meeting with the key stakeholders involved with Youngstown's CE program. The MI made three study visits to YT over the course of this project in order to map the city's existing CE processes and better understand the challenges and opportunities.

- Scoping Meetings October 2014. Project Manager Joe Schilling conducted in-person meetings in Youngstown with the Mayor, Code Enforcement (CE) Director Abby Beniston, former SC2 Fellow Kathleen Fox, Law Office Director Marty Hume, and other relevant staff long with community leaders and partners from YNDC and MVOC and the County Land Bank. In addition to sharing the preliminary purpose and goals of the project with these key stakeholders, Schilling was invited to present before the city council's safety committee to discuss the grant project and coordination with the work of City Council.

- Study Visit One November 2014. The project was officially kicked off when the entire team (Schilling, Frater, and Leeper) conducted their first intensive study visit to inventory the city's existing code enforcement (CE) processes and procedures for addressing blighted properties.

- Homework (November through March 2015): After this study visit, the team continued its work through regular conference calls with CE and the law office and YNDC. Leeper and Frater began to map the city's existing CE processes while Schilling worked with CE Director to address new issues and test new CE strategies. Throughout the spring semester an intern from YSU (working for YNDC) also assisted the team by preparing an inventory of code enforcement provisions of the YT Municipal Code and a scan of relevant CE programs and regulatory ordinances from other cities. Schilling started to identify major themes for the final assessment.

- Study Visit Two March/April 2015. Based on the preliminary data gathered during the earlier visits, the team delved into the details of the city's CE processes and procedures. Frater and Leeper met with each staff member of the city's CE program, tracking each step in their CE processes. Gathering these details becomes essential in developing the baseline process maps/diagrams of existing CE actions. In addition to regular meetings with the Mayor and Law Office, Schilling facilitated two important strategic meetings. The first, an internal meeting focused on the City's recently adopted Quality of Life Ordinance. Schilling worked with the CE director, Police Chief, and Law Office to dissect the ordinance's provisions and create a roadmap of implementation steps and actions. For the second important strategic meeting Schilling and YNDC convened interested community members, many from the YT Neighborhood Leaders Council, to discuss CE. At this meeting community members shared their issues related to CE and also their ideas for how the community might take a more active role in community education and outreach on CE.

The team developed a series of process maps **(See Appendix for the diagrams)** for the city's core CE process: 1) intake; 2) inspection; 3) demolition; 4) administrative citations; 5) prosecutor hearings. They refined those process maps based on feedback from the CE Director and her team. These maps document the flow of the CE remedies the city relies upon now and does not include other available CE remedies that are not widely used by the city.

Certainly this project engaged many of the city officials and community organizations who touch the city's programs and policies to remediate blighted properties. Our team's significant code enforcement experiences and diverse areas of expertise also contributed to the positive relationships with the City and the community. **See Appendix for profiles of the MI's project team.**

III. **CHAPTER TWO – The Status Quo — the complexities of doing code enforcement in Youngstown, Ohio.**

Within the field of code enforcement, few city programs confront the severity of challenges that are found in Youngstown. The weight of decades of economic decline has led to population loss and a substantial inventory of vacant and abandoned properties. As documented by researchers in other cities, neighborhoods with concentrations of blighted properties pose serious health and safety hazards to residents, impinge on the learning of school children, and serve as a substantial economic barrier to rehabilitation and maintenance of existing properties. Property abandonment becomes a vicious cycle that concentrates and then spreads to adjacent neighborhoods, thus making it difficult to stabilize business and real estate markets let alone provide the right climate for attracting residents and investments back into the city.

Due to Youngstown's constant decline in population over the past 40 years, the city itself has dwindling revenues, which leads to having fewer code enforcement staff. **Within the past 10 years the city's code enforcement budget and staff have decreased approximately ____%.** Without sufficient CE capacity, more vacant properties arise, increasing property abandonment in blocks that previously had few vacant homes.² More people and investors leave, which also triggers more vacant properties. As a result, Youngstown's CE Director and staff are called upon to address increasing blight with fewer resources and less capacity to make progress.

This is the everyday reality that Youngstown's CE program operates within. Below we discuss in more depth how blight and these larger socio-economic drivers make code enforcement in Youngstown more complex and difficult than nearly any other legacy city in the US.

A. Blight and Decades of Decline and Population Loss

The context in which Phase I of this project was completed is challenging because Youngstown has suffered a longer and deeper decline than most Rust Belt cities. Blight permeates nearly every neighborhood in Youngstown due to decades of disinvestment, population and job loss, and shifting socio-economic demographics. Youngstown has experienced more than a 30% loss of population since 1990, with the downward trend continuing. The poverty rate in the city is 36%, while the median income is approximately half that of the State of Ohio median and 38% lower than the Mahoning County median. Many of Youngstown's neighborhoods have become places for those with few alternatives.

² Citation to John Kromer's book Fixing Broken Cities?

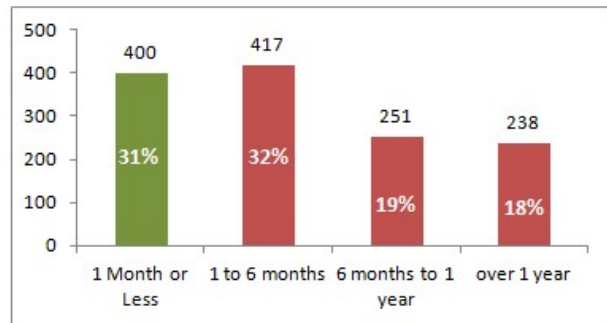
In many other older industrial “legacy” cities, reversal of similar trends has been achieved, resulting in a rebirth of livable urban neighborhoods that are home to diverse, mixed income populations and opportunities for success for their residents. One of the key ingredients for Youngstown’s neighborhoods to again become neighborhoods of choice that better serve their current residents and attract new residents, is for the physical conditions in the neighborhoods and the condition of the housing stock to be improved. Certainly a critical element in ensuring Youngstown’s recovery is the need for transforming Youngstown’s existing CE program, procedures, and policies through the improvements recommended later in this report.

B. Youngstown’s Beleaguered Code Enforcement Program

Based on its review of Youngstown’s existing CE program, the MI team discussed several of the major drivers that make it more difficult and complex to operate CE in YT.

1. Constant change in CE leadership/management. Before the current CE Director (who has now held the position for approximately 14 months), the city’s CE program had four different CE Directors/Managers over the course of 5 years. Some of these individuals were long standing city employees while others were brought in from the outside. We also learned of several efforts to move CE to different reporting lines within the city’s organizational chart. Constant changes in management and constant discussions of shifting to various departments, creates a difficult climate in which to operate day-to-day let alone provide the right ingredients to plant the seeds for fundamental improvements.
2. Few uniform written policies and procedures. When it comes to guiding inspectors, managing caseloads and selecting appropriate CE actions, having established decisions diagrams/decision trees and a written policies and procedures manual can ensure consistency from the processing and prioritization of complaints and inspections to applying the most appropriate CE remedy to the right property and right property owner at the right time. The MI team found that in YT property inspections were more often done according to the customs and the individual inspector’s styles, interpretations of the codes, and their level of comfort with the code’s flexibility as some inspectors take a more strict approach for certain types of cases than others. This is referred to as the “policy of practice” or the “policy according to who said it last” and results in inconsistency of application and results.
3. Significant Percentage of Non-Compliant Cases. Based on our review of data from Empyra Youngstown has a large number of properties that remain open, with no code enforcement activity. Currently there are 1,306 properties that are non-compliant. 69% of those properties (906) have not been inspected for over 30 days. See Exhibit below.

<u>Time Open</u>	<u># Propeties Open</u>	<u>In Demo Poces</u>	<u>%</u>
1 Month or Less	400	39	31%
1 to 6 months	417	26	32%
6 months to 1 year	251	47	19%
over 1 year	238	0	18%
Total	1,306	112	



From what we could tell from the Empyra data about 40% of these cases that are open for more than 1 month reached a dead end in the Prosecution process, another 30% stalled in the Code Enforcement Inspection Process.

4. Lack of Consistent Policy for Obtaining Closure for Difficult CE Cases. Many CE cases languish within the city’s CE process without a clear strategy for reaching a reasonable resolution as the bounce back and forth between a one or two CE remedies. According to the MI team’s review of existing CE cases, approximately 30% of the city’s CE cases have been in the system for more than 9 months, with ___% of those cases languishing within the existing process for more than ___ years. Youngstown is similar to other cities in having cases in “procedural limbo” prior to undertaking the process reforms recommended later in this report.

A common challenge for YT and generally within the field is how CE programs, especially frontline inspectors, manage difficult or complex cases. These problematic cases often take more time to investigate and make meaningful progress towards compliance. Typical case profiles cover one or more of common scenarios:

- perhaps the owner is hard to find or makes little progress after numerous extensions and promises of compliance;
- the owner does not have the sufficient resources or capacity to make the changes (single family homeowner on fixed income or low income or with disabilities or landlord that bought a difficult property)'
- The owner refuses to comply or intentionally delays compliance (e.g. an institutional owner such as an out of town bank) who games the system as it’s to their advantage to get more time.

All of these scenarios were common examples that arose during the team’s conversations with CE staff (and community members) in Youngstown.

Although the Youngstown tracking system is new and does not yet contain sufficient data to understand what percentage of these limbo cases follow these patterns, it is clear that Youngstown’s CE program does not have a strategy in place for addressing limbo cases. As a

result, it appears that many of these non-compliant properties ping-pong between the “Property Maintenance Appeals Board” (PMAB) and the Law Office’s Prosecutor Hearings, with significant time just sitting idle. Unsure what to do to get timely and meaningful compliance, the CE inspectors and PMAB typically grant multiple extensions but often do not have the capacity to carefully monitor progress. Without a written strategy in place, these cases will continue to linger. While lingering they also divert inspector and attorney resources from other cases that could use their attention, as well as making it difficult to process new cases. Thus, these limbo cases affect the effectiveness of the entire CE operation.

Underlying these limbo cases is a general perception that lack of financial resources and physical capacity are driving the majority of CE cases involving single family homes (whether owner occupied or rentals). This appears to permeate many of the conversations among CE Director, her staff, the law office, Property Maintenance Review Board members, and the general public. While the MI team heard this narrative and saw examples of it throughout their study visits, we could not find any data that indicated what percentage of CE cases involved indigent homeowners or homeowners with limited means.

5. Limited Use of CE Remedies. Outside of demolition reserved for vacant/abandoned properties, Youngstown’s CE program predominately relies on only three CE remedies to resolve cases that do not reach compliance after initial inspections and/or notices of violation: 1) prosecutor hearings; 2) administrative hearings before the PMAB; and 3) administrative citations for relatively simple violations. Sometimes the city gains compliance by using just one of these CE remedies, but if the PMAB cannot obtain sufficient compliance, the CE program might refer it back for another round of meetings with the law office (e.g., the Prosecutor’s Hearings). Youngstown currently does not avail itself of the full range of existing CE remedies, such as administrative citations and litigation (criminal prosecution or civil litigation).
6. Insufficient Code Enforcement Litigation and Judicial Capacity:³ A contributing factor that drives cases either into limbo or ping ponging among less effective or inappropriate CE remedies is the lack of sufficient attorney capacity to take a significant portion of these difficult cases to court. Youngstown’s prosecutor’s office has some previous CE experience handling/prosecuting CE cases and does appear to have some capacity to file the actions, though it remains unclear whether the CE Director and her staff have enough time to properly prepare the cases. Currently law department attorneys conduct office hearings, not as a precondition for litigation, but primarily as another administrative hearing avenue to seek voluntary compliance.

Everyone (the city and the community) also indicated a less than receptive attitude towards CE cases by the municipal courts, though recent changes in the relationship between the city and the municipal court might open new doors for effectively handling more CE cases. As we discuss later in our recommendations, the city and community would need to both a) start a more in-depth dialogue with the judiciary; and b) map out a financial plan for bringing more CE litigation capacity within the city government. Under current conditions, filing criminal charges or civil

³ Our team was not able to meet with the judges for purposes of Phase One assessment, but would sit down with court to better understand their perspectives on CE litigation during Phase Two.

actions does not appear to be a realistic, effective CE action or remedy. However, all effective CE programs should have a legal “backstop” where they can take cases in order to achieve compliance, which can mean filing charges against somewhat good hearted property owners. Should the city take more cases to court, many positive results may occur because judges often have additional methods and powers to obtain critical information about the owner as well as persuading owners to comply with the code or dispose of the property to a good faith owner.

7. **Conclusion:** The inescapable conclusion from our Phase One assessment is Youngstown’s existing CE program represents a prime example of the CE Cul-de-sac. With limited code enforcement capacity and restrained use of other CE actions/remedies, the current CE program simply cannot match the scale and decades-long accumulation of blight. In light of this mismatch, it often seems the city’s code enforcement/blight remediation efforts rest on the shoulders of the CE Superintendent and her staff. This daily burden makes it difficult for them to see and touch progress. The Superintendent and inspectors care deeply about their community and feel as if they can make a real difference, but in light of these daily challenges, they focus on individual, case-by-case approaches and push cases from one remedy to another without a meaningful game plan to resolve the cases. Our recommendations, provided later in this report, propose positive steps to break through this cycle.

C. Recent CE Improvements in Youngstown

Despite the seemingly insurmountable challenges, Youngstown Code Enforcement has made impressive improvements in the past 18 months, in no small part due to the efforts of Phase I of the technical assistance program funded by the Wean and Youngstown Foundations:

- CE Superintendent Abby Beniston—Is making positive incremental changes; has been in the position for over one year; committed to developing a more transparent, effective and efficient CE program; permanent appointment as CE Superintendent in February 2015
- Political Leadership—the Mayor and City Council are interested and engaged on a variety of code enforcement/blight initiatives and are committed to making permanent and long lasting improvements to the city’s CE program; for example the Quality of Life Ordinance recently adopted.
- City IT Capacity for Gathering CE Data and Mapping—is much better than in the past; still working out the kinks with Empyra system and its interface with inspector mobile devices, but the City’s IT Director (Rick Deak) is committed to helping CE improve.
- City appears to have sufficient legal and administrative authorities and powers on the books
- Law Office is eager to take on the municipal law issues related to CE policy development
- Prosecutor has extensive CE experience and insights with respect to CE litigation and enforcement tactics

- Community-based organizations (YNDC, and its Neighborhood Leadership Council) continue to take a leadership role with certain blight remediation efforts
 - Property condition survey and analysis report
 - Grass cuttings
 - Urban greening and reuse of vacant lots
 - YSU intern support for Phase One of this Technical Assistance project
- City Officials Kick off Meeting (November 2014)—Self Assessment of what they believe is working and what needs improvement. Provided a glimpse into their own perspectives about what they would change and what they thought was working well; our assessment was able to expand upon the city’s self-assessment, as described later in the report.

IV. CHAPTER THREE: A Prescription for Moving Youngstown's Code Enforcement Program Forward—Phase One Recommendations

Our recommendations below are organized according to the basic CE process moving from initial property inspections/responses to complaints, the tracking of CE cases through various CE remedies/actions to the eventual resolution and cost recovery. As this assessment focused primarily on the internal operations of the city's CE program, the Mayor, the CE Director, and her staff along with the supporting players (law office and other city departments) are the primary audience for this report. However, the MI team also met with members of local community-based organization and neighborhood groups, attended city council committee meetings, and met with representatives from relevant agencies such as the land bank. A critical theme for this assessment was identifying opportunities to foster greater collaboration with the community and these other critical stakeholders and partners. Below we offer several ideas on how the city and community can enhance their relationship.

With respect to the framing of the recommendations, the report briefly summarizes the specific CE policy or program challenge, but focuses on the potential program, process and policy opportunities for changing the existing system along with descriptions of the potential benefits of such changes. This report does not outline in depth HOW the city and the community might implement these recommendations. The implementation specifics will be developed in the proposed second phase of this capacity building project that is now under review by the city and Wean and Youngstown Foundations.

A. Code Enforcement Processes and Procedures—Inspections, Management, Data, and Technology

Thanks in part to a Local Government Innovation Fund grant from the State of Ohio, the city's CE program designed and developed a new CE data and tracking system through a license of the Empyra system. Youngstown today has more data capacity than ever before and yet, the city's CE, uses only a small percentage of the system's full dimensions. As explained below in more detail, the city should allocate more resources and time for CE and IT departments to expand Empyra's capacity and tailor it to more effectively track a greater variety of CE indicators, performance measures and outcomes. For example, code enforcement cases in Empyra are not catalogued or tracked by street address thus making it hard to track inspection and previous code enforcement actions over time.

Technologic fixes alone will not move the city's CE program forward. CE will need additional technical assistance to infuse written performance measurement policies and process so that it can track the effectiveness of its CE remedies, improve inspector performance, and share appropriate data with the community. Youngstown's CE program will need additional training in how to infuse data driven standards to institute a reliable approach for performance-based CE managerial/decision making and reporting. The city should also ensure that existing CE staff understand when and how to use Empyra to not only track the activity of their cases, but also to keep track of their time.

The following recommendations offer ideas on how the city and its CE program might go about these critical managerial shifts.

TEXT BOX. Performance Based Code Enforcement Management. Based on similar policy and program changes adopted and fully implemented in other cities, the MI team believes Youngstown could achieve similar increases in overall efficiencies:

- Improve service delivery times by over 50%
- Increase capacity by 20%
- A decrease in service delivery costs by 30 to 60%
- An increase in cost recovery

Empyra's Existing CE Limitation. The current setup in Empyra is minimalistic, making it difficult to assess operational performance, customer service and trends.

- **Complaint Intake:** Currently Empyra does not track basic complaint intake information, such as: complaining party, description of complaint, complaint intake date, and complaint identification number.
- **Violations:** Violation and Inspection tracking lacks detail. Currently inspection activity is only tracked using a Service Name and a Child Service Name. Violation description, location and corrective action is not tracked in Empyra. Inspectors have the ability to enter inspection notes in Empyra, but free form note fields are not standardized and should not be used to quantify outcomes.
- **Property types:** Currently it is difficult to identify inspection property types. The current set up is confusing, because the same "Child Service Names" are used for multiple "Service Names" (see exhibit below). There is no "property type" drop down selection that would allow for tracking and reporting without having the Child Service Name listed in duplicate.

1. Recommendations. Enhance Empyra's functionality and security controls.

In moving forward for Phase Two we recommend facilitating a series of meetings with Empyra to identify gaps and discuss cost effective solutions. Below is a list of topics for CE and IT to consider.

- **Complaint Intake:** Develop a system to track complaining party, description of complaint, complaint intake date, and complaint identification number.
- **Violations:** Develop a system to track violation description, location and corrective action. See example below.
- **Property types:** Discuss "property type" drop down selection that would allow for tracking and reporting without having the Child Service Name listed in duplicate.

Youngstown Service - Violation - Description - Action

Service Name	Violation	Description	Location	Corrective Action
Code Enforcement - Exterior Inspection	X-S(304.11) Chimneys and Towers	Mortar failing causing loose brooks	Chimney on west side of structure	Repoint bricks to properly stabilize
		Chimney/tower listing	Chimney on north side of property	Repair chimney/tower to safe condition or remove
Code Enforcement - Exterior Inspection	X-POOL (303.1) Swimming Pools	Un-fenced/ unsecured pool	Above ground pool in rear yard	Install/repair proper security fencing and gates as required in code
		Unmaintained/ stagnant water	In ground pool in rear yard	Treat and clear water or drain and backfill pool
Code Enforcement - Exterior Inspection	XP-(301.3) Vacant Structures	Open and accessible to causal entry	Doors and windows breached on ground floor and basement access	Secure all ground level access points - any opening that allows entry to HUD standard

Minimal capacity for collecting and assessing core CE performance measurements: A characteristic of high performing organizations is the ability to “speak with data.” Key metrics need to be reviewed, analyzed and shared on a regular basis to identify areas for continuous improvement. CE Director does not have the reporting tools she needs to manage many of the five core code enforcement functions. A good example is the inspectors’ inconsistent use of Empyra to track inspection activities and their time. The MI team’s labor utilization analysis found that Empyra could only account for 56% of the time of the five code enforcement inspectors. The city does not measure code enforcement well enough to effectively and efficiently manage it.

2. Recommendation: Develop performance reports to keep processes in statistical control.

The City needs timely and accurate feedback on how the Department is performing relative to stated objectives. We recommend that the City implement a series of reports, or Executive and Operational dashboards to measure key performance indicators of the operation. Reports should be circulated throughout the organization that communicate the progress as it relates to set targets for each driver of success. The performance reports should provide employees with the essential information needed to assess and improve performance. Information should be shared daily and weekly, to facilitate improvement. With key performance indicators and a performance management approach, mistakes and poor performance are discovered more quickly, facilitating timely, corrective action. Additionally, successes can be celebrated sooner, helping to build morale.

3. Recommendation: Use Kaizen Principles to implement internal managerial changes to CE processes and technology.

Kaizen is a Japanese word meaning “good change” and is used to train employees on continuous improvement concepts through a 5 step approach.



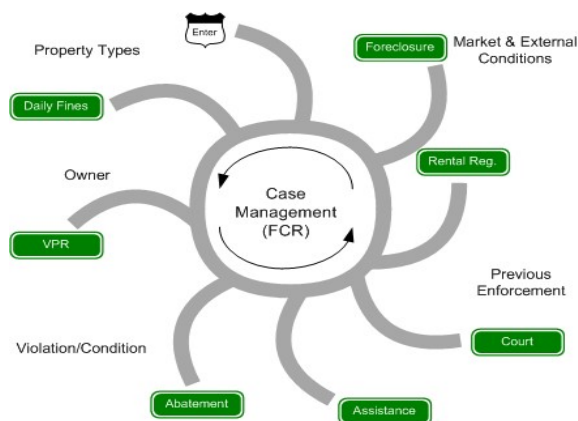
- **Management Briefing and Project Planning:** The objectives and goals or expectations are detailed in a scope document.
- **Kaizen Team Training and Planning:** Armed with the Kaizen streamlining tools, employees learn how to work as a team to tackle problems and solve them quickly.
- **Kaizen Workshop:** We will facilitate a series of meetings to identify non-value added activities brainstorm counter measures to streamline the operations.
- **Team Presentation & Pilot Recommendation:** In this phase the team reports back to management and present the proposed changes to the process and forecasted likely outcomes. This open communication between management and staff achieves the vital “buy in” needed to implement change.

B. Code Enforcement Remedies/Actions, Cost Recovery and Demolitions

As discussed throughout this report Youngstown restricts its use of available code enforcement remedies, making it difficult to achieve effective and timely compliance. The recommendations below focus less on adopting new CE ordinances and more on the systematic and strategic use of existing CE remedies. Using the most appropriate tool for the right case creates significant efficiencies by saving time and budget dollars that are currently being wasted by using remedies that are ineffective and inappropriate.

1. Recommendation: Adopt Written Guidelines for the Strategic and Systematic Selection of Code Enforcement Remedies and Actions.

Exhibit II: Code Enforcement Round-About



As discussed earlier in this report rather than a dead end one way Cul-de-sac, Youngstown should view the enforcement options or remedies as exits on a “Code Enforcement Round-About” (see Exhibit II). In this way all violations are initially treated the same via inspection and notification however, once in the “roundabout,” the case is managed based on considerations such as property type, owner’s ability to correct, seriousness of violation, condition of property, market forces, additional or repeat cases, etc. Code enforcement officers can select the most

appropriate remedy or “exit” and play a more active role in management of the case. Should the remedy or “exit” selected prove ineffective, the case can reenter the “roundabout” and an alternative remedy be selected.

In Youngstown, for example, few CE cases have been taken to court in the past 18-24 months. Instead of carefully assessing the circumstances of each case against written criteria, most of the difficult cases go through the prosecution hearings. These self-initiated “pre-prosecution meeting” held by the law office (technically not the prosecutor) have delayed the city’s CE process for months in some cases. Although it is understood that the average income for the area is low, many properties in the system are vacant or owned by out of area individuals or corporations. As we discuss in more depth later in this section of the report, going directly to court (after and in some cases without a prosecutor’s hearing) is certainly appropriate for cases that involve repeat offenders – corporations – absentee owners - slumlords (those benefiting from non-compliance). Applying the Code Enforcement Round-About method of remedy selection would allow staff to forward to court only those cases that need to go to court.

2. Recommendation: Develop a policies and procedures manual.

Youngstown currently does not have a place and process for formalizing its internal code enforcement operating procedures. Establishing written departmental standard are critical to making YT’s CE program more efficient/effective and for motivating code enforcement management and staff. Departmental policies and procedures provide consistent programmatic and process direction to staff and set parameters for staff accountability. In addition they reduce the need for repetitive supervisory inquiries, the “what do I do now” questions, and empower line staff to work knowledgeably and efficiently within the defined process. These policies and procedures will be specific to the tasks, expectations and goals of the Code Enforcement Department. These policies will be accompanied by flow charts and decision trees, acceptable standards of response and timelines, as well as the philosophy behind each policy and the method of practice. For Youngstown its initial policy and procedure manual should cover the following topics:

- Complaint Intake
- Service Priorities
- Inspections – response guidelines, methods and limitation of inspections based on violation type
- Documentation of violations
- Violation enforcement by type
- Data entry
- Data research – due diligence
- Notification and posting of violations
- Enforcement Options
- Hearings
- Fees, Fines and Penalties
- Case Management
- Extensions
- Post Hearing Actions – recordation – liens – re-inspections - abatements
- Hardship Cases
- Abatement Actions
- Cost Recovery/Collection/Lien Foreclosure
- Interaction with Public
- Personal Conflict

3. Recommendation. Institute Managerial quality control inspections in the Inspection Process.

Youngtown currently does not have a process in place for quality control/double checking the work of its field inspectors. While this is a difficult management policy to put into place given the city's limited CE staffing, we recommend the Code Compliance Manager monitor and conduct periodic follow up inspections to monitor the accuracy of inspections. Tasks for this recommendation may include:

- Agree on the schedule of QC inspections
- Agree on the frequency and selection of QC Inspections. For example, develop an exception report that lists complaints that are closed in 2 inspections or less or with lead times longer than 30 days. Use this report to monitor and schedule QC inspections.

4. **Recommendation.** Provide staff with more advanced ownership research tools.

Staff has limited time and access to databases that would allow for quicker more accurate property ownership research. Currently, the primary tool for ownership research is the Auditor, Mahoning County Public Access, Water Records, Ohio Secretary of State. Staff may use other ownership research techniques, such as internet searches, but currently do not have access to more advanced tools. Consideration should be given to performing a higher level of research to achieve more voluntary compliance. Although this would seem to be an additional "step" or increase the time spent on each case, if more voluntary compliance is obtained, the net outcome would be fewer repeat cases and cases going to court. CE Director and her team should consider the following tasks:

- Staff should be granted *read only* permissions to all local government data bases for the purposes of research of ownership.
- Consider purchasing *pay for services* such and *People Find*, to allow for more timely and accurate noticing.
- Consider purchasing a subscription to the *Lane Guide* to aid in mailing notices to lenders/banks/financial institutions.
- Research other successful ownership database platforms.

5. Recommendation: Expand the Role and Support for the Property Maintenance Appeals Board.

e.g., Quality of Life Ordinance and other types of cases; develop a written remedy selection “tactical” guidelines for the CE Superintendent, her staff and other city departments to follow in directing cases to the Property Maintenance Appeals Board and also in managing and supporting the board’s case work; this would include guidelines for conducting the hearings, the membership of the board, and having regular law office support for the board. Note that some of these “administrative” costs might be chargeable against the parties, but this will require further legal research to ensure that is permissible under Ohio law.

6. Recommendation: Return Prosecutor Hearings to the Prosecutor’s Office.

Several years ago the Youngstown City Prosecutor and a part time attorney held “prosecutor hearings” on code enforcement cases as a way to persuade reluctant owners to bring their properties into compliance. During the course of the meeting the city prosecutor would establish firm deadlines and if the responsible party/owner did not comply, the Prosecutor would file a court case (typically a misdemeanor criminal complaint). About three years ago the responsibility for conducting these pre-litigation meetings shifted to an assistant law director. The results of this shift seem mixed at best. While the law office, working with a senior CE inspector, have gained compliance in about 35% of the office hearings, it seems the process can take several months or longer. These meetings have morphed from pre-litigation to another form of administrative review similar to the PM Appeals Board hearings. In fact, many of the prosecution hearings have been before the PM Appeals Board.

A pre-litigation meeting with the municipal attorney before filing court case for certain types of CE cases makes good CE sense as it gives the owner/responsible party “one more chance” before court. However, it also means the CE program must follow through with litigation as difficult or complex as it might be, even for cases where the owner is indigent. Thus, we recommend that Youngstown return the prosecutor hearings to the prosecutor who has more litigation capacity and expertise and allow Assistant Law Director to focus on other types of code enforcement issues; for example, the assistant law director could spend more time supporting/advising the expanding work of the CE Program and its new administrative remedy (the quality of life ordinance) and PM Appeals Board. Our recommendation reinforces the respective strengths of the prosecutor and the assistant law director by separating the enforcement litigation (criminal and civil) responsibilities from the municipal law responsibilities.

7. Recommendation: Adopt and Implement a Cost Recovery Policy for All CE Inspections and Actions.

Youngstown could help defray some of its code enforcement costs by instituting a series of policies to recover the costs of code enforcement inspections and enforcement actions against those parties with financial ability to pay. In addition to civil penalties for failure to comply, a growing number of cities have adopted policies and ordinances that impose administrative fees based on reliable calculations of the cost of CE services to that particular property and case. Below we offer a few basic ideas and principles that could become part of a written cost recovery policy for CE actions in Youngstown.

- a. **Full Cost Recovery (FCR).** Advancements in code enforcement tracking software have moved far beyond what they were just a few short years ago and many now allow for per-case time tracking. This not only aids in staffing and scheduling but also makes it possible to implement a full cost recovery system that captures the total staff time expended on a non-compliant violation and, if enabling ordinances are in place, charge the violator the direct and indirect costs incurred for the efforts taken to bring their property into compliance. It also serves as an incentive for responsible parties to bring violations into timely compliance to avoid being charged the full cost recovery. In addition any and all funds expended bringing a property into compliance such as securing, demolition, trash removal, weed/lawn cuts etc. are subject to FCR.
- b. **Daily Administrative Fines.** A system of escalating administrative fines as well as daily fines serves as a means to encourage voluntary compliance and can generate revenue recovery. Fines should always be preceded by a warning and reasonable opportunity to comply. A policy for when to use escalated and daily fines, such as long-term non-compliance or repeat violations, should be implemented as a guide so such tools are not abused and lost.
- c. **Abatement.** Currently the City of Youngstown is not charging the owners of blighted properties for the full amount expended executing abatements of violations on privately owned properties. As an example the current charge to completely secure a vacant abandoned property is \$200. This amount does not cover the cost of the materials and labor required to secure the structure. As such, the City is very likely encouraging owners to “let the City do it” as it is easier and cheaper. Further, when property owners do not pay the City the charges owed, there are rarely penalties imposed, and few avenues for collection are pursued.
- d. **Code Enforcement Liens.** These are recorded if properly imposed FCR, fines and/or penalties are not paid in accordance with applicable laws or administrative orders. They can be priority liens (depending on state law) and if not paid can be added to the annual property tax bill. In addition Code Enforcement lien foreclosure may be an option as a means to collect unpaid FCR, fines and/or penalties. Youngstown would need to establish written guidelines for how it could streamline the process for filing foreclosure lien actions (as we understand the current process requires the law office and the county to coordinate and manage the cases).

TEXT BOX. Common Practice for Calculating Rates for CE Cost Recovery. **Direct cost** is hourly wages of staff assigned to a case as well as any funds expended bringing a property into compliance such as securing, demolition, trash removal, weed/lawn cutting, etc. **Indirect costs** are the additional costs of benefits, equipment and support staff, including supervision, human resources etc. not calculated in the hourly wage. Adding the indirect costs to an hourly wage provides the Full Cost Recovery Rate, sometimes referred to as the “fully burdened hourly rate.” A \$20 an hour wage may result in an FCR Rate as high as \$60-\$80 an hour when all indirect costs are factored in. This FCR Rate is the amount that is expended from the general fund budget to employ and support a code enforcement officer. This is the amount charged in a Full Cost Recovery program when timely compliance is not obtained. **[End of text box]**

8. Recommendation. Review, Revise, and Reform Existing CE Regulatory Actions.

Youngstown already has a number of regulatory ordinances that govern property maintenance, vacant properties, etc. These regulatory measures typically require the property owner or responsible party, such as a bank or financial institutions, to take some affirmative action, such as obtain a permit or license or post a bond. These regulatory approaches take a more indirect approach at controlling or managing a class of properties and/or types of ownerships. Violations of these regulations of course bring penalties and the potential for further administrative or legal action. Our general observation is that Youngstown already has sufficient regulatory provisions in place. These enforcement tools provide the means to motivate through financial consequences and can aid in revenue recovery; however, many are not effectively and systematically used in such a way as to compel sufficient and timely compliance. Policies and standards regarding the implementation and use of the enforcement tools must be in place and so that the tools are used sufficiently to achieve higher compliance rates, and to ensure that no remedy is be abused. As previously stated – compliance, and not revenue, is the goal. Financial penalties are a means to an end and should be used as a motivational tool to change conditions and bring about compliance. However, there is an added benefit for the City of Youngstown in that the revenue recovered should be reinvested in code enforcement and blight remediation efforts in the City. Instead of adopting new regulatory measures at this time, we would recommend a complete review to revise and update these existing regulatory measures. Here are the recommendations that Youngstown should consider.

- a. **Rental Registration.** In addition to vacant abandoned properties, substandard rental properties cause a decline in the quality of life of the tenants as well as an increase in blight and neighborhood decline. The City of Youngstown’s Rental Registration program needs to be more robust and needs to capture all rental properties within the City. Further, enforcement should proactively identify and address those prosperities with landlords that are not maintaining their units to the requirements of the code.
- b. **Foreclosure Bonds.** YT is one of the few cities in the nation that has adopted an ordinance that authorizes the posting of a bond when a property is in the foreclosure process. The city can then use monies from the bond for abatements if the foreclosing entity fails to perform. The bond must be returned upon completion of the foreclosure. YT has this already. Although it seems mortgage foreclosures in the city are note increasing, this is a strong CE remedy that could help gain timely compliance, especially with lending institutions.
- c. **Permit Penalties.** The ability to impose penalties for permits that are applied for after the fact as a result of a code enforcement action encourages that proper construction procedures are followed and can assist revenue recovery. Many jurisdictions charge double, triple or more for building permits obtained after construction has initiated or been completed. We understand Mahoning County now administers building permits function for the city, so such adoption of a permit penalty policy would require cooperation with the County.

- d. Quality of Life Ordinance.** With its adoption earlier this year, the city's CE program now has another new tool/code enforcement remedy that it can use to gain compliance with minor offenses. One of the policy drivers underlying this new ordinance is the police department's new team of community service officers could issue these administrative tickets for minor property maintenance violations to help prevent further deterioration of the property and to help maintain order and public health in transitional neighborhoods. In order to maximize the potential of this new ordinance, it will be critical for the law office, CE director and police chief to develop written procedures that identify not only when and where (what types of cases) to issue such citations, but to ensure that frontline officers and CE inspections know how to process these cases and when to use this ordinance instead of other CE remedies, etc. Note the ordinance calls for the PMAB to play an active role in these cases, so it will be critical for the law officer to work with the PMAB to develop written criteria for handling and deciding those cases.

C. Code Enforcement Collaboration and Policy Development

A critical step in transforming Youngstown's code enforcement program is developing a more robust set of city policies that guide not only the operations of CE, but ensure that CE actions support important city wide community and economic development programs and projects. Effective CE policy development, however, requires the cooperation and collaboration of other city departments as well as pivotal community and institutional partners outside of city hall. While the CE Director could take the lead developing policy proposals and facilitating conversations with these strategic partners, ultimately, policy development rests with the policy makers—the Mayor's Office and City Council—assisted by the law office director, finance director, police and fire chiefs, and other department directors engaged with community and economic development. In order to take a more proactive approach to CE, the city will need to facilitate cross department collaboration and coordination in developing a series of important CE strategies and policies.

Having a regular multi-departmental working group focused on CE policy development would provide the Mayor and the CE Director a vehicle for designing and developing these policies. Other cities, such as Memphis, have such a coordinating committee around blight and vacant property reclamation. These groups can focus on policy development, discuss strategies for enhancing better cross department responses, and engage community organizations and nonprofits to gather their ideas and get feedback to proposed CE policy changes.

YT's Current CE Policy Development. Based on the team's meetings with policymakers and community leaders, it appears that CE policy development in Youngstown is primarily reactive and organic. For example, new initiatives around demolitions have arisen in response to the availability of new demolition resources from the federal and state governments. This policy development drove some modest changes to CE's demolition procedures and processes. Over the course of the past year the city council discussed and eventually adopted a new code enforcement tool—the quality of life ordinance—that will empower administrative ticketing by community police officers and code inspectors for a handful of minor property maintenance violations. The law office, CE director and police chief are now developing

the necessary legal, policy and logistical guidelines to make this new tool operational. Each time such new opportunities arise, it takes time to thoughtfully consider the implications of how these new CE approaches will work in light of existing CE processes, legal remedies, and resources. CE policy development in Youngstown remains exclusive reactive as the CE Director and her staff are already at full capacity just managing CE cases and taking CE actions, let alone having the time and resources necessary to thoughtfully consider important CE strategies.

Below we offer several suggestions on how the Mayor and CE Director could/should take a more proactive approach to CE policy development and provide a menu of important CE policies the city should consider tackling within the next year. Many of these proposed CE policies would directly support many of the internal CE recommendations set forth in this report.

1. Recommendation. Convene an internal CE Coordinating Committee.

Youngstown could benefit from a monthly, multi-departmental working group devoted exclusively to developing, reviewing, revising and implementing a cohesive series of CE policies. Certainly the Mayor could integrate the proposed CE policy work into existing meetings with high-to-mid level city department directors; however, based on the experience with other cities and the need for quickly developing a number of important CE policies, the MI Team recommends the Mayor and CE Director convene a special group devoted to CE and blight remediation policies for at least the next two years. A dedicated group would further signal that these policies are high priorities and provide the CE Director with additional capacity and support from other departments in developing these policies.

2. Recommendation. Develop a Code Enforcement Strategic Plan.

One of the first tasks for the proposed CE Coordinating Committee is to develop a comprehensive CE Strategic Plan with an annual list of priorities and action agenda (see below a proposed menu of core CE policy actions). The strategic plan should include a shared community vision along with an overarching mission statement supported by core departmental and community principles. To be effectively understood by the community, a code enforcement program must clearly articulate its mission and vision along with hard quantifiable goals with strategic intent. The goal is to provide an actionable, focused strategy with emphasis on continuous improvement that can instill a culture of pride improving the code enforcement system, tracking outcomes, and measuring success. This task will answer two questions simply and clearly: 1) Where are we going? 2) How do we get there? Youngstown may choose to delineate strategies by categories including people, quality of services, delivery of services and costs. Each category should have a specific tactic and metric for success. Assisting the City to develop a clear and motivational vision will provide inspiration to staff to meet stated goals and take pride in the results. We want to encourage a culture of “working to the mission, not the clock” and rewarding success and dedication.

3. Recommendations. Menu of Core CE Policy Actions.

Based on the other recommendations in this report (e.g., technology, data, management, remedy selection, etc.), below we provide a menu of essential CE policies that Youngstown should develop during the course of the next 12-18 months. Each of these policies would help implement many of the important recommendations listed throughout this report, but more importantly these policies would provide the necessary bricks and mortar (e.g., organizational changes) to make Youngstown's CE Program more proactive, systematic, and strategic.

- Work with the City Prosecutor and the local courts to develop a CE Litigation Action Agenda to immediately expand code enforcement criminal and civil actions.
- Develop the logistical and legal foundations for implementing the new Quality of Life Ordinance to ensure it has the right regulatory framework, sufficient penalties, etc.
- Develop a written cost recovery strategy that applies to all CE actions.
- Develop implementation strategy for expanding the use of the foreclosure bond ordinance.
- Develop a written community outreach and engagement strategy in collaboration with YNDC, the Youngstown Neighborhood Leadership Council, MVOC and other community partners.
- Empower the Assistant Law Director to provide regular support/staffing for administrative CE hearings, such as hearings before the PMAB as the city will need more legal guidance in staffing PMAB's expanding role under the new Quality of Life Ordinance and other administrative CE remedies.

D. CE Community and Institutional Partnerships

Youngstown's CE Program cannot address persistent blight and vacant properties without strong support from the community and other strategic partners and institutions, such as the Wean and Youngstown Foundations, the Mahoning County Land Bank and its local community colleges and of course Youngstown State University. Leveraging the capacity of local institutions and community-based organizations (CBOs) are critical ingredients for transforming Youngstown's CE program into a more proactive model. CBOs can gather intelligence about problem properties and help track down hard to find property owners. They can organize neighborhood cleanups and lend a hand to property owners with special needs. CBOs can also identify pressing neighborhood problems and provide valuable feedback about the city's CE efforts. Thus, it becomes important for Youngstown's code enforcement program to not only hold regular meetings with community based organizations and neighborhood groups, but also provide information about CE cases and processes as well as outlets for action and engagement.

In light of Youngstown's limited CE capacity, two community-based organizations—YNDC and MVOC—have been involved with vacant properties and blight for many years. They play valuable roles as community conveners, organizers, and facilitators. YNDC especially provides the city and the community additional capacity by collecting and synthesizing data on vacant

properties and blight. They have also orchestrated two city wide vacant property condition surveys and commissioned a neighborhood market analysis by Alan Mallach from the Center for Community Progress. The city also contracts with YNDC for neighborhood planning services and this year are taking the lead with the city's grass cutting services. As a result YNDC has a good picture of what is working and what is not in the city's long-standing battle to tackle blight.

As part of this project our team met regularly with YNDC for input. They brought together more than 20 local leaders, a majority whom were from their Neighborhood Leader's Council, for a special focus group on code enforcement the end of March 2015. We also met with representatives from MVOC and the County Land Bank to get their insights about blight and vacant properties within the cities and beyond.

Our general impression is many members of the community are frustrated by the lack of responsiveness and information about code enforcement actions. Community members often expect swift action (at least within a reasonable period of time), and rightfully so as the level of blight in many of Youngstown's neighborhoods continues to grow despite CE's actions. Community members we spoke with and met care deeply about their homes and neighborhoods. Many have made decisions to remain in the city while others perhaps have few options but to stay. However, these roots fuel their demand for effective CE actions. However, only a few of the community members seem to understand the complexities of CE in Youngstown. It seems many community members do not really understand CE systems and the complex legal and administrative rules and regulations the city must follow. We do see great potential, however, in harnessing the community interest and energy and channel it into more positive activities that could actually give the city's CE program more capacity to take action. Because CE is inherently a community/neighborhood driven activity, below we offer a few recommendations for the city to consider.

1. Recommendation: Develop a Series of Code Enforcement Outreach and Educational Activities

Local residents and city officials have high expectations for the city's CE program. They want swift, fair, and effective actions that can address the city's substantial inventory of blighted properties. However, it appears that a number of these stakeholders do not have a complete picture of the code enforcement processes and/or the legal, administrative, and fiscal complexities that make code enforcement in Youngstown more difficult. The public not only wants simple information about the steps in these process but also status reports on specific cases. While Empyra could provide some (if not all) of this "case status" information the city will need to expand the scope and capabilities of its data system (see earlier recommendations). As a complement to expanding Empyra and developing key performance indicators and management reports, the city should also create a series of outreach and community engagement materials that can easily explain the city's new code enforcement systems. Perhaps the city can convene a focus group with its community and institutional partners to ensure community needs are integrated into these activities/materials in easily accessible formats.

New web pages along with hard copies of these materials would help ensure the widest distribution possible and that all residents have options to get this information.

2. Recommendation: Pilot Test a Citizens CE Academy.

In order to strengthen/formalize the city's relationship with its community partners and local residents, we recommend the city develop a citizens CE academy that would cover the fundamental of code enforcement. Dozens of cities have launched similar activities where they host 1-3 classes each year that involves 10-15 local residents, instructional partners, and in some cases other city staff and officials. Over the course of several weeks, the participants are exposed to the core facets of how the city does code enforcement. The academy's interactive format allows participants and the city to ask questions, share new ideas, help build trust and confidence in each other. Academy graduates often take more active roles in code enforcement; each a cohort of local residents could supplement the city's capacity by essentially becoming "code enforcement ambassadors."

3. Recommendation: Convene a Mayor's Working Group on Rehabilitation Resources for Single Family Homes.

A major barrier to effective code enforcement in Youngstown is how to manage cases where the owner lives or rents a single family home that is in need of repair and rehabilitation. During our conversations many local residents, city officials, CE staff, and community organizations believe it was inappropriate to take the elderly or indigent home owner or landlord to court in light of the general perception that many (if not most) such homeowners do not have the financial and/or physical ability to make the necessary repairs. As a result, these types of cases go back and forth between hearings before the PMAB and prosecutor—causing one of the major bottlenecks for the city's entire CE operation. No doubt YT has dozens, perhaps hundreds, of deserving single family home owners or landlords who want to comply but cannot. However, the city and its partners do not have data about the financial plight of the city's single family owners and renters. For example, the PMAB does not have a standard policy of asking for financial statements from the home owners in order to determine what resources, if any, they might have available to repair and rehabilitate their homes. Thus, a preliminary and critical step for Youngstown is to get city wide and/or neighborhood data so it can develop a CE policy on this very sensitive topic. Perhaps YNDC and YSU might survey local residents in a variety of neighborhoods to determine the general financial health of the city's single family home owners and renters.

Once everyone better understand the actual/legitimate demand for rehabilitation resources, it will be critical for the city to bring together a working group of public, private, and nonprofit organizations and leaders to identify new rehab resources (financial and in-kind). YT, like many legacy cities, has benefited from the recent infusion of federal and state demolition dollars, but policymakers at all levels do not fully understand the demand and shortages of available public sector funds that could assist single family homeowners and renters. YNDC does manage a home repair program for the city of Youngstown but the resources (primarily CDBG) can only help 10 or less home owners per year. A Mayor's working group on this issue could brainstorm innovative

ways of providing grants and loans to deserving homeowners and renters. We would also suggest the city engage the community colleges and other organizations involved with work force development, especially those in the construction and building trades as those students and apprentices could perhaps provide in-kind assistance as part of their training program.

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V. The NEXT CHAPTER and Conclusion—Building Momentum for Implementation

Our report offers city officials and its 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. Although it's difficult to predict, it might take 3 or more years to adopt the recommendations set forth in this report depending on available resources. In light of high community demand and limited capacity, the city cannot shut down its current CE program and start over. The city and its partners will have to rebuild 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 its recommendations, city leaders should develop a detailed, multi-year action plan, perhaps as part of its preparation for the next city budget (Fiscal year 2017).

The Metropolitan Institute and its team remain available and committed to helping the city and its partners move forward in developing this plan and with the implementation phase of this project. We believe the timing is critical for Youngstown to make code enforcement a top priority to not only address years of blight and decline, but also to stabilize its population, facilitate neighborhood revitalizations, and attract residents and investors back into the city. We also believe enough momentum current exists among city officials and its community partners to launch and sustain this endeavor. Thus, it will be critical to spend time engaging city officials, staff, community partners, and local residents in an open and transparent dialogue about how they can all support this code enforcement transformation. No doubt challenges and changes will arise along this journey, but this report offers a cohesive and proven roadmap to follow.

APPENDIX ONE

Professor Joseph Schilling of the Metropolitan Institute serves as the overall project manager and has led the Phase 1 strategic planning work with the city's Code Enforcement Director, Mayor and Law Office while also conducting meetings with local community organizations. A former deputy city attorney and national expert in code enforcement, Schilling was a founding member of the National Vacant Properties Campaign (now the Center for Community Progress) from 2003-2010, during which Prof. Schilling worked in over 20 cities providing on the ground technical assistance in code enforcement, nuisance abatement, land banking, zoning code reform, and urban greening. Prof. Schilling led the Youngstown team for the National Vacant Properties Campaign assessment in 2009. He is a national speaker on code enforcement and co-author of the 1994 guidebook Comprehensive Code Enforcement.

Mark Frater, President of The Lean Firm, a national management efficiency consulting group, will conduct the initial assessment of Youngstown's existing code enforcement operations and processes. Mark holds a bachelor's degree in Industrial Engineering and an MBA from Cleveland State. He has done similar studies of code enforcement operations for the cities of Cleveland, Memphis, New Orleans, and Municipal Housing Courts for Cleveland and Toledo.

Doug Leeper from Code Solutions, the former Director of Code Enforcement for the City of Chula Vista, will serve as the technical advisor and management reviewer throughout the project while taking the lead in preparing the preliminary framework and advising on the development of the code enforcement/blight remediation policies and procedures manual. Mr. Leeper has more than 27 years of experience in public safety as a firefighter, police officer, code enforcement officer and code enforcement manager. For or over twelve of those years he served as code enforcement manager/director for the cities of San Bernardino, Riverside and Chula Vista CA. In addition he has performed code enforcement process and efficiency evaluations for the cities of New Orleans, LA, Baton Rouge, LA and Memphis, TN.