

STRATEGIC CODE ENFORCEMENT

A New Model for Reclaiming Vacant Properties and Stabilizing Neighborhoods

Joe Schilling and Kermit Lind



Vacant properties in St. Louis, Missouri

Image by: J. Schilling

Effective local code enforcement programs can help communities remedy substandard, derelict, and vacant properties that often pose serious threats to community health, safety, and quality of life. Code enforcement can also assist in stabilizing neighborhoods and housing markets by ensuring that homeowners and businesses maintain their properties consistent with relevant state statutes and local codes. By collaborating with code enforcement programs, residents and community organizations can facilitate more responsive actions and forge a community culture around responsible property maintenance.

Communities are asking their code enforcement (CE) agencies to do more, often with fewer resources, just as they face more work on complex property cases and in neighborhoods with ever changing conditions, owners, and markets. As the first responders to vacant and substandard housing, code inspectors across the U.S. are still addressing the spillover effects from our nation's recent housing and mortgage foreclosure crisis that have devastated neighborhoods from Detroit to Phoenix.[1] Moreover, many CE agencies operate with limited resources within fragmented governmental organizations that make it difficult to proactively coordinate, respond, and comprehensively reclaim vacant, abandoned, and other problem properties.[2]

Considering these realities, CE agencies must deploy their inspection resources, administrative and judicial remedies, and policy tools in new, proactive ways—targeting the right responses to the right places at the right time. By adopting such a strategic approach, communities can effectively, efficiently, and equitably improve housing and property conditions, support neighborhood revitalization projects, and contribute to the overall health of its residents. This brief outlines the policy and program contours of *Strategic Code Enforcement*, establishes a core set of principles and practices, and provides a diagnostic tool for guiding communities in this critical transformation of their CE agencies.

The Vacant Property Research Network's "research and policy brief" series bridges the traditional divide between research, policy, and practice by explaining research along with the policy context so that practitioners and community leaders can better understand what the research says, what the research does not say, and how it might be relevant to their respective vacant property initiatives.

By understanding how current research and emerging policies may or may not apply to local efforts, we believe practitioners and policymakers will be better equipped to make better decisions, improve policy and program implementation, and ultimately facilitate the regeneration of their communities.



VACANT PROPERTY
RESEARCH NETWORK



Scope of Policy Brief

What is Strategic Code Enforcement?

How to Use This Brief?

Code enforcement programs, a core municipal function, can be found in almost every local government in the U.S. Based on the municipal police power, code enforcement secures compliance with state and local housing, building, zoning, and property maintenance codes to protect the public's health, safety, and security. These CE agencies administer relevant public nuisance laws that permit local agencies to take direct action to address harmful property conditions and assess those remedial costs against the property. They are primarily responsible for administering and enforcing relevant codes when responsible persons, businesses, and institutions fail or refuse to comply. The prime policy goal is bringing properties into timely and effective compliance while punishment and penalties remains a secondary pathway to compliance.

Code enforcement has become more difficult because of the complexities that agencies and inspectors confront today. CE agencies are often working the frontlines of important community issues, such as illegal land uses, financial institutions abuses, foreclosures, tenant displacement, lack of affordable and safe housing, and public nuisances. In cities with declining real estate markets and weak economic conditions, code enforcement problems include blighted buildings, distressed neighborhoods, vacant properties, and crime. In high market cities, code enforcement often handles more cases that involve quality of life issues. With the dramatic changes in the housing and lending industries, where investor owned properties replaced traditional consumer-owned homes, CE agencies now spend more resources tracking down governmental and global financial institutions, their servicing agents, and unscrupulous property speculators and flippers. Although CE cases are often political and sometimes controversial, CE agencies must operate within the legal confines of due process and respect individual and property rights as they police and protect the health, safety, and welfare of the community.

Considering these complexities, *Strategic CE* has emerged as an approach that organizes critical assets, resources, and activities into a dynamic and adaptive system with identified goals, policies, and procedures.[3] More than just running a program or making effective tactical decisions to resolve individual enforcement cases, *Strategic CE* operates in the context of neighborhoods along with broader policy and planning goals, such as reuse, rehabilitation, and revitalization. *Strategic CE* prioritizes and tailors actions using market, neighborhood condition, and real property data to help deploy a portfolio of legal and policy interventions to address diverse neighborhood and property conditions.[4] *Strategic CE* demands close inter-agency/inter-departmental coordination and must facilitate meaningful partnerships with community groups and neighborhood residents.

This brief presents the core elements, principles, players, and policies within the political, market, and community dynamics as we make a strong case for why communities should adopt and adapt *Strategic CE*. Communities and practitioners can apply this emerging model to assess their current code enforcement efforts. The brief also highlights emerging practices within the context of reclaiming vacant and abandoned properties. It concludes with ideas and insights on how policymakers, CE practitioners, and community-based organizations (CBOs) can build sufficient capacity and momentum to ensure a successful transformation to *Strategic CE*.

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1. What is Code Enforcement?

Why is it So Complex?

Code enforcement often involves the informal and formal legal and administrative processes and tools that local governments use to gain compliance with relevant property maintenance, housing, building, and zoning codes designed to protect the public's health, safety, and welfare. Cities daily deploy CE inspectors in response to citizen complaints about substandard housing conditions, blight, dilapidated, and sometimes abandoned structures. In most cases, these inspectors work with the property owners and managers to voluntarily comply with relevant state and local codes. These informal efforts in notice, negotiation, and community education can take a substantial amount of time and resources, but they serve as the primary methods for gaining compliance.

When the property poses serious threats to public safety and/or the responsible parties refuse to comply, local housing, community development, and planning agencies can take a myriad of legal and administrative actions. CE agencies, often working with their municipal attorney, can assess civil penalties, issue citations, take cases to court, and in some cases, directly abate these public nuisances and recover the costs against the property owner.

Longstanding legal principles and processes for abating public nuisances—when one's property harms the ability of others to use and enjoy their property—serve as the legal and policy foundations of code enforcement. A case officially opens when local housing, health, zoning, or building code inspectors issue a written notice to the property owner, manager, or tenant for violations of relevant state codes and/or local ordinances which govern the use and physical condition, design, and development of real property and the buildings and structures on it.

Code enforcement, however, is more than just cases against property owners and the legal and administrative processes that local governments use to gain compliance. When you consider its many facets, code en-

forcement is a dynamic and complex system. The discussion below and accompanying diagrams illustrate the multiple dimensions of the code enforcement system—its legal underpinnings, characteristics, players, core partners, essential processes, and broader policy, political and market context. Thus, **a critical step in the transformation to *Strategic CE* is to understand that code enforcement operates within an organic system.**

1.1 Code Enforcement's Multiple Dimensions

A Local Government Program and Agency. Fundamentally, code enforcement is a program and service of local governments dedicated to protecting public safety by ensuring compliance with relevant building, land use, and property regulations. Typical public management issues arise, such as adequate resources, sufficient staffing, program structure, assignment of inspectors by neighborhoods, code enforcement sweeps, and the capacity to measure and track the CE program's effectiveness and efficiency.

One fundamental question is where to house the CE agency or office as various functions can be found across different municipal departments such as, public works, housing and community development, planning and zoning, fire, building inspection, environmental health, waste management, etc. A few cities have relocated general code enforcement within their police department. Many local code enforcement agencies operate within a fragmented structure across multiple departments and agencies often with their own processes, procedures, and timeframes for inspection, noticing, and taking compliance and enforcement actions.

The Players of Code Enforcement. Code enforcement is also about people as it involves a wide array of actors and organizations whose decisions and actions bring life to this dynamic system starting with the local government officials who direct and manage the CE agency, those who inspect, investigate, administer, and enforce the code (e.g., directors, managers, inspectors, municipal attorneys, prosecutors, commissioners/referees, judges or administrative hearing officers). And never forget the staff members who support the

local government function! Given the inherent legal nature of code enforcement, the municipal law office plays a critical role in guiding the CE agency, drafting ordinances, and taking cases to court. Some communities have dedicated code enforcement attorneys while others only have part time legal support.

Code enforcement involves the people and businesses that own and manage property. A critical player is the individual homeowner and their motivations, resources, and capacity to address the property issues and code violations. Today, more so than ever before, the persons or entities responsible for the problem property are banks, financial institutions, and cadres of fleeting investors that have little or no connection to the community. They often have their own support teams that include mortgage servicers, property preservation firms, contractors, developers, and lawyers.

Code enforcement is also about the community, from the people who live around the problem property to the neighborhood associations and community nonprofits that organize neighborhood revitalization activities.

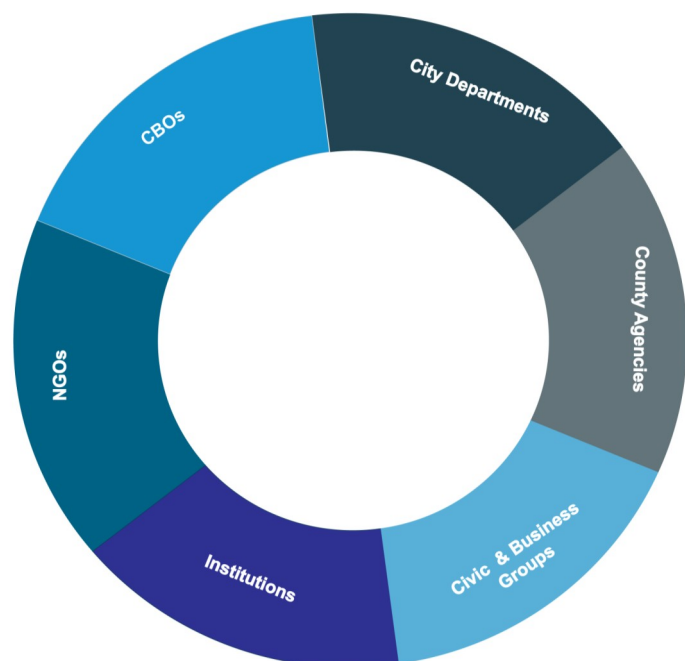


Figure 1: Code Enforcement Players

The Processes and Procedures. For many local CE officials and their staffs, code enforcement is a series of administrative processes and legal procedures established by state statutes, local ordinances, and organizational practices. Many of these steps and actions fulfill the governments' responsibility to provide property owners and other responsible parties with due process (reasonable notice and a fair hearing). For those residents and community organizations who live next door or near to the offending property, the CE process and its procedures can take too long to remediate the harmful conditions that may impinge on the use and enjoyment of their properties and destabilize the neighborhoods and markets. Figure 2 outlines the common stages of the CE process—Inspections/Investigation, Notice and Negotiations, Administrative Actions (abatement, citations, civil penalties, and cost recovery), and Judicial Actions (civil litigation or criminal prosecution).

A Spectrum of Cases. Given the myriad of state and local regulations that can apply to property and buildings, code enforcement can cover a wide range of cases. Many codes and their enforcement programs differentiate between rules that govern new construction and those relating to the maintenance and repair of existing buildings. Some code provisions differentiate residential properties from commercial and business uses, such as fire safety and public health codes. Zoning and planning regulations govern a property's use, location, parking, and signs. There are also state and local environmental laws that protect natural habitats, water and air quality, and prohibit discharges of harmful pollutants. If one flipped through the pages of any municipal code, they would find that nearly all those provisions could become the subject of a CE case.

Property and Place. Scale is yet another way of thinking about code enforcement as its actions primarily involve individual properties and their owners. Each individual case, however, affects surrounding properties, the block, and/or the entire neighborhood or district. As noncompliance increases in neighborhoods, the health, safety, and security of the people also decreases, laying the foundation for a culture of urban decline.

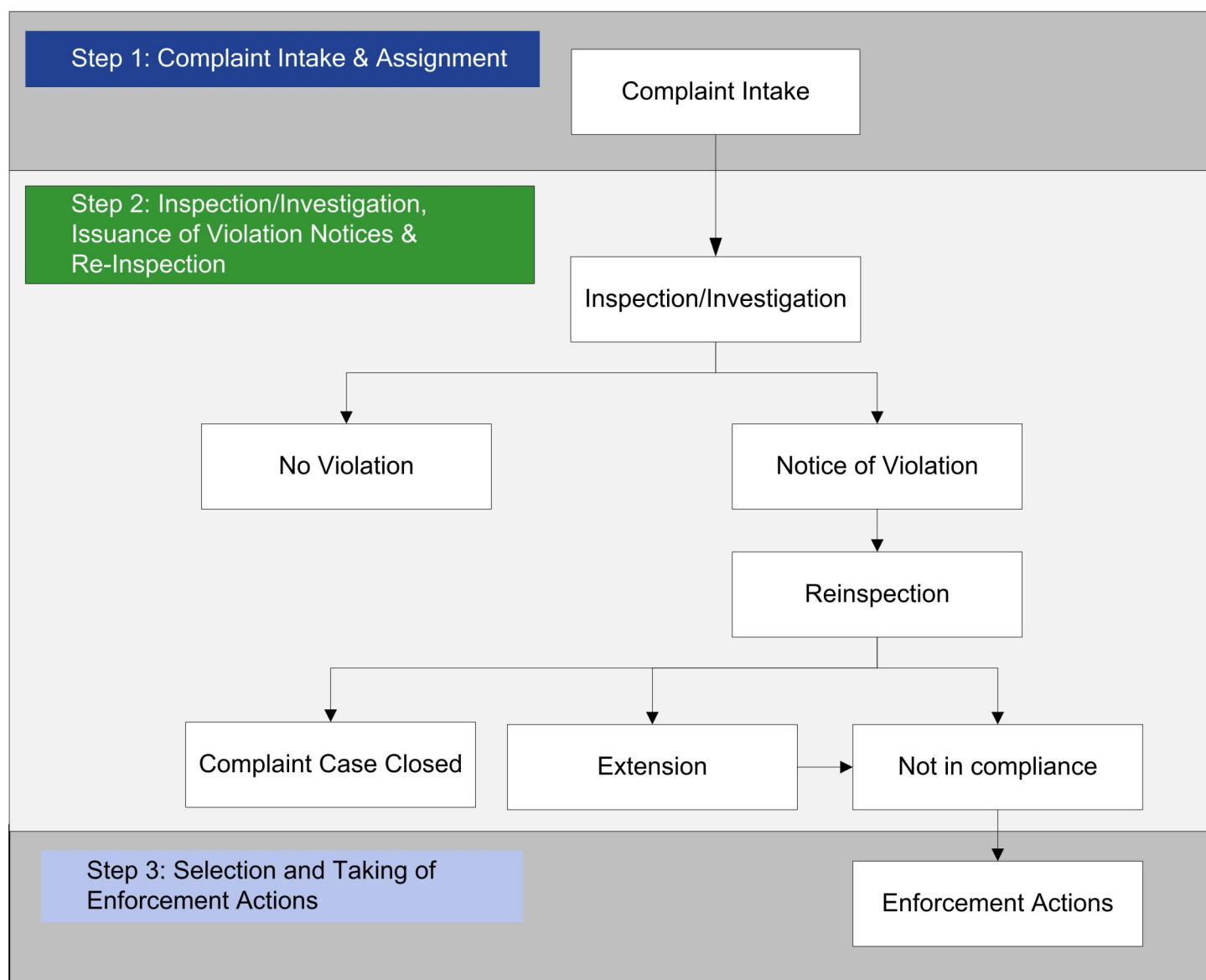


Figure 2: Code Enforcement's Common Stages

Derelict, substandard, and vacant properties especially undermine neighborhood stability and resident health. Thus, code enforcement actions should consider the neighborhood trends and their impact because housing, building, and zoning codes regulate individual properties in relationship to the neighborhood and broader residential environment.

One of the ongoing challenges for many CE programs is how to research, document, and assess the wider impacts of their actions beyond the individual property

and property owners. While CE agencies seem to spend most of their time and resources on residential properties, they also administer regulations and codes applicable to commercial and industrial properties. Thus, code enforcement must handle and tailor its steps and actions towards the types and sizes of properties, such as business, commercial, and industrial properties (offices, retail, shopping malls, warehouses, etc.), residential (single family, multifamily) and owner-occupied vs. rentals and leases.

1.2 External Forces

Any community's CE system operates within the context of broader socio-economic and political forces that influence what, when, and how it can do its job and fulfill its responsibilities. These **external forces also shape the rationale behind code enforcement programs and actions**. Understanding the relationship of these external forces is a formative step in making the transformation to *Strategic CE*.

Policy and Programs. Code enforcement can support and influence a wide variety of public policy goals and objectives. The protection of public health and safety underpins all CE programs and actions. Helping to abate and reclaim vacant properties, stabilize neighborhoods, and prevent crime and vandalism became critical policy goals during the recent collapse of the mortgage industry and the Great Recession. Under the concept of the social determinants of health, there is emerging research and policy work that examines the health impacts from living in and around substandard housing and vacant buildings.[5] Within the expanding fields of housing, community and economic development, and urban planning, CE programs have played critical roles in addressing the multiple dimensions of blighted properties and in helping facilitate neighborhood revitalization policy and programs.[6] More CE agencies are also engaging in important community conversations around fair housing, disparate impact, social justice or equity.

Politics. Code enforcement issues and cases happen on the local government stage and can become very political. Many times, groups of vocal neighbors complain about a particular problem property, demanding swift action by the local government. Neighborhood associations or community development corporations (CDCs) may join the fray or bring to light thorny neighborhood issues, such as gentrification, displacement, or substan-

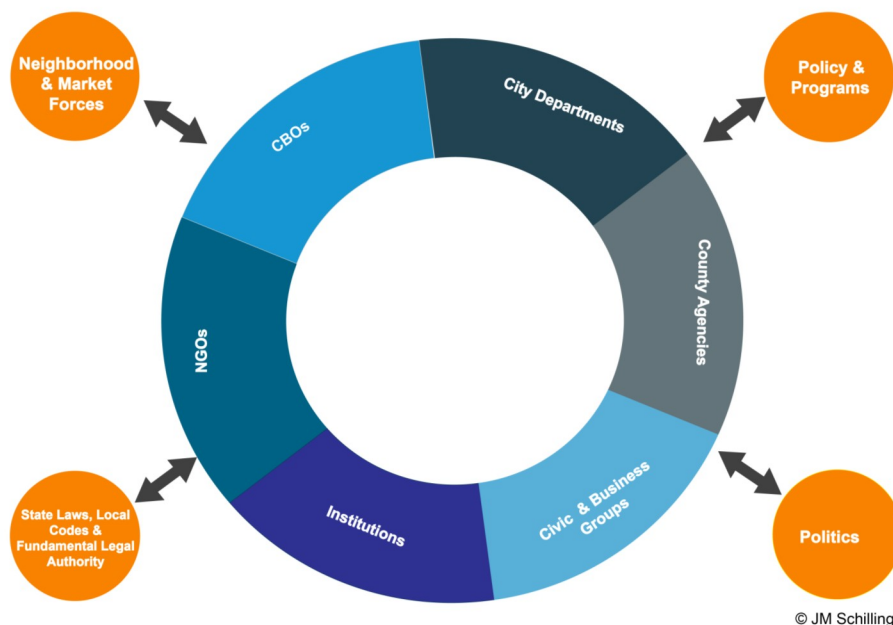


Figure 3: Socio-Economic and Political Forces that

dard housing, that code enforcement action or inaction could exacerbate. These somewhat controversial property and urban issues can then generate media attention about the CE department's inaction and/or inability to quickly address a property or portfolio of properties within their neighborhood. Some of these issues and cases get further politicized as neighbors and residents complain to their mayors, city council members, county commissioners, and city and county managers to increase pressure on code enforcement directors and their staffs. At the same time, different interest groups who might be impacted by code enforcement, such as landlords and business owners, argue against having more regulations and/or code enforcement actions. CE agencies, directors, and their staffs are often caught in the cross-fire of a wide range of community issues with implications for state and local policy.

State Laws, Local Codes, and Fundamental Legal Authority. Compliance and enforcement actions require an underlying regulation, law or code that establishes the minimum standards and/or rules for safe land use, real property, and building maintenance. Code enforcement cases involve a wide variety of codes, such as zoning that typically govern how people use property, the uniform building codes that regulate the stan-

dards for new construction, special rehabilitation codes that govern repairs for existing buildings, and housing and property maintenance codes that set minimum habitability and safety requirements for maintaining residential buildings and surrounding properties.

The legal authority for these property codes and land use regulations rests with the state governments' "police powers" to protect public health and safety. States in turn delegate this legal authority to local governments whereby cities and counties can adopt local ordinances relevant to their circumstances and put in place CE agencies to administer and enforce the code in compliance with fundamental constitutional rules and limitations. At the state level code enforcement controversies often surface when particular interest groups, such as landlords, apartment owners, lending institutions, etc., seek state legislation that can substantially limit the code enforcement powers of local governments. A handful of states over the years have established grant programs designed to build the capacity of local CE agencies. And don't forget the importance of state courts and their trial and appellate decisions that interpret the scope of code enforcement actions.

Neighborhood and Market Forces. CE programs, given their primary focus on real property and buildings, are greatly influenced by market forces and their impact on neighborhoods, property ownership, and individual properties. As explained in the text box, neighborhoods can go through various cycles from thriving or stabilizing to transitioning and declining. In response, CE programs have to adjust and tailor their strategies and actions to match where the neighborhood is and where it is going. For example, CE agencies should work with their planning, housing, and community development departments to inventory and compare the physical, social, civic, and economic liabilities and assets of their neighborhoods as these dynamics will influence the type of intervention as well as identify the capacities of potential partners and collaborations, such as CBOs and other nonprofits.

The work of CE agencies involves a myriad of important housing and community development objectives – slowing or reversing neighborhood decline, addressing dan-

Neighborhood Change Principles

Social science researchers for decades have been investigating the forces, characteristics, and dynamics of why and how city neighborhoods decline, stabilize and improve under the umbrella term of Neighborhood Change. Concepts and practices of property ownership, maintenance, vacancy, abandonment, neighborhood conditions and perceptions can all play integral roles in the neighborhood change dynamic and thus can influence code enforcement programs and tactics. Whether a neighborhood rises or falls can largely be a function of the many individual decisions current and potential property owners constantly make about whether to invest in, purchase, maintain or improve (enlarge, subdivide, upgrade, downgrade, or convert to owner- or renter-occupancy) housing within it. Homeowners and investors' incentives to invest is a both a function of their *ability* to invest (they have incomes high enough to cover the purchase price or the costs of the necessary repairs or upgrades) as well as their *willingness* to do so. Government intervention generally can affect neighborhood conditions and trends in two ways. First, public investments (like acquiring and rehabilitating properties, demolishing properties, making emergency repairs, or clearing trash) can *directly* improve local conditions. These same public investments (and others) also *indirectly* improve local conditions by first improving area property owners' perceptions of and expectations for a particular neighborhood, in turn making them more willing (and likely) to invest in ways that further boost local conditions and quality of life. A *robust and strategic code enforcement program* – one closely aligned with revitalization efforts and with access to grants and low-cost loans to help property owners cover the costs of repairs; and one focused on incentivizing noticeable neighborhood improvements – is an important way that cities can both directly and indirectly trigger the positive dimensions of neighborhood change.

See [Vacant Property Research Network Brief 3: Neighborhood Change](#) by Alan Mallach.

gerous building conditions, preserving affordable units, encouraging private investment in the housing stock, removing public nuisances. Thus, a strategic approach to code enforcement requires:

1. Understanding the physical and economic conditions of city neighborhoods;
2. Identifying what type of intervention, in each market type, is likely to have the biggest, positive impact on neighborhood-level conditions and popular perceptions; and
3. Matching interventions to market types.

One way to put the concepts and principles of neighborhood change into practice is by developing a neighborhood typology. A number of communities, often through their planning, housing and community development departments, have categorized the trajectory of their neighborhoods (rising, stabilizing, declining, etc.) using a market value analysis that examines neighborhood conditions, housing market, and relevant socio-economic data.

Given these changing neighborhood and market conditions, code enforcement can leverage the data and research to ensure they respond to the respective priori-

ties that vary from city to city and among neighborhoods within each city. In strong market neighborhoods, owners typically have the resources and capacity to invest and maintain their properties; thus, CE cases might deploy regulatory approaches that seek to prevent dilapidation and facilitate housing, and building investment and rehabilitation. Where the markets and neighborhoods have undergone dramatic decline, the absence of local properties owners and weak housing demand require CE agencies to deploy a different set of tactics to address the challenges of vacant properties.

Broader decisions and responses by financial markets, business, and industries all influence the behavior and capacity of owners, property managers, and banks to maintain their properties consistent with the codes. These institutional and individual decisions can have a ripple effect within certain blocks and neighborhoods spawning issues of affordability and gentrification in strong markets and decline and disinvestment in weaker ones. When global and national markets shift, such as with the mortgage foreclosure crisis, virtually all CE programs had to respond. Although the immediate crisis in our financial and mortgage markets might be over, CE agencies are still confronting its spillover effects.

2. What is Strategic Code Enforcement?

Strategic CE considers the dynamic systems (internal and external) that influence (indirectly and directly) CE actions at the individual property to the broader city wide and national scales. Considering these systems at play, *Strategic CE* seeks to proactively address problem properties to further the wellbeing of residents, neighborhoods, and the broader community.

By comparison, many CE agencies and personnel still take a reactive approach to gaining compliance with applicable state laws and local ordinances. They typically receive complaints from citizens, neighborhoods, elected officials and then inspect the property to determine the presence (or not) of code violations. Each complaint is often given the same level of attention regardless of its severity. If the conditions violate the applicable codes and ordinances, the inspector will deliver or post a written notice of violation that outlines the specific code sections and establishes a general time frame to comply. The vast majority of code cases result in compliance at some point and at some level, but they can often take months after going back and forth with multiple extensions and perhaps only achieve partial compliance. If the owner or responsible person fails to voluntarily bring their property up to code within the written time frames and extensions, the CE agency can select from a range of formal enforcement actions—administrative citations/penalties, nuisance abatement, municipal criminal prosecution, and/or civil litigation and injunctions.

If these enforcement actions do not persuade the owner or responsible party to comply, the code enforcement agency might stop or postpone one action to try another type of enforcement action. Cases bouncing between enforcement actions is symptomatic of good old fashion, reactive code enforcement. Given this reactive model, many cases, more than one might expect, can take years before they are resolved.

Strategic CE uses the same fundamental administrative processes and legal tools but does so in fundamentally different ways. Instead of 100 percent complaint driven,

Strategic CE programs identify pressing community priorities and take proactive actions to identify, inspect and gain compliance. *Strategic CE* programs coordinate programs, policies, and cases with other city departments and agencies. They routinely collaborate with neighborhood associations, CDCs, and other nonprofits and community-based organizations throughout the entire code enforcement process. Some *Strategic CE* programs work with consultants and universities to establish real property information collaboratives that collect, organize, and provide ownership, title transfer, tax compliance, as well as property, market, and neighborhood condition data that local government and community leaders can use to plan and execute more effective enforcement actions.

Although a community and its local government can take many different paths towards adopting and implementing *Strategic CE*, we have identified a set of core elements and common characteristics through our technical assistance, training, and research over the past 25 years. Figure 4 presents a dynamic model that illustrates the nucleus of the *Strategic CE* system—its six program elements and four core values.

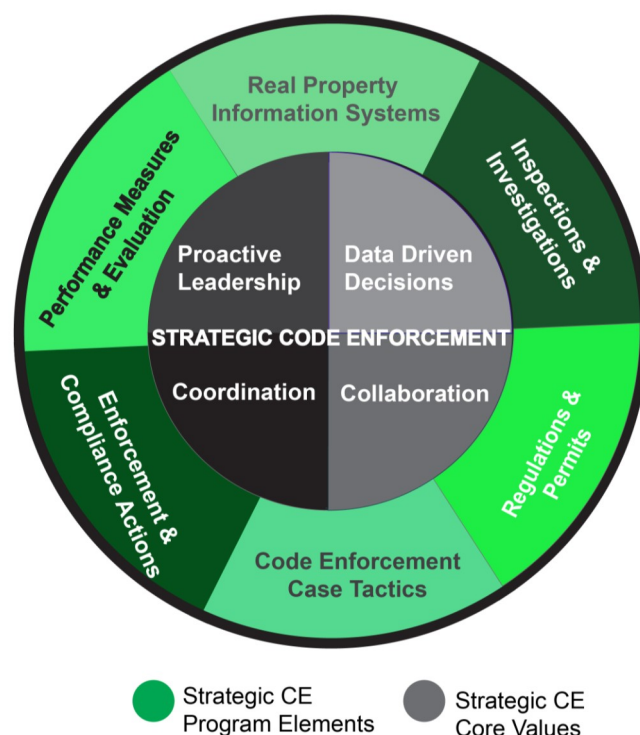


Figure 4: Strategic CE's Program Elements & Core Values

2.1 Strategic CE's Program Elements

For any CE program to become strategic it should have certain threshold capacities and capabilities within all six of the following program elements.

1. Real property information and data systems
2. Inspection and investigation
3. Regulations and permitting
4. Enforcement and compliance actions
5. Case tactics/selection of remedies
6. Performance measurements and evaluation

Based on our experience working with dozens of CE agencies, we recognize performance levels for each element will vary from program to program. Applying our framework can also help CE agencies assess current strengths and weaknesses and then identify strategies, tools, and techniques for continuously improving and expanding these program elements, not only within each element, but how the six elements interface to form a more cohesive and proactive approach to code enforcement.

Real Property Information and Data Systems.

Shifting from reactive code enforcement requires different approaches and capacities to gather, synthesize, and track property condition and ownership data over time. Under a more strategic approach, CE managers and their teams regularly apply real property data when making tactical decisions against individual cases, as well as in support of broader program management, resource allocation, and neighborhood revitalization goals. Code officials need new skills to understand what types of data are available, identify gaps, and know who can help gather, analyze, and disseminate data. Thus, **a critical element of *Strategic CE* is building the necessary data infrastructure and capacity, often through partnerships with other governmental agencies/departments and data intermediaries.**^[7]

Beyond data about real properties and neighborhoods, information on local market conditions, such as property sales data, can be particularly helpful in knowing how property values are trending and where homes are selling quickly or sitting on the market. Organizations,

such as The Reinvestment Fund in Philadelphia, pioneered a method and process (Market Value Analysis) that helps cities develop diverse typologies of housing market/property conditions that can provide code enforcement agencies and nonprofits with critical and timely data about market strengths and weaknesses in each neighborhood.^[8]

Inspection and Investigation. *Strategic CE* takes a different track when staff inspect and investigate properties. A common characteristic among *Strategic CE* agencies is assigning inspectors by neighborhood along with training that encourages them to identify compliance issues and problems beyond neighborhood complaints. *Strategic CE* agencies may also focus enforcement attention on repeat property violators or conduct proactive inspection and investigation activities (CE sweeps) on particularly complex or priority issues, such as substandard rental housing or conversion of illegal dwelling units.

Another emerging strategy involves the revamping the format and tone of inspection notices, demand letters, and notices of violation from punitive to collaborative. Communicating and emphasizing more of a community partnership approach can increase voluntary compliance for the large majority of standard code cases that do not involve serious threats to public health and safety. A written Policies and Procedures Manual which outlines these, and other details becomes critical to ensure consistency and accountability among and across CE agencies managers and staff. An example is the [Youngstown's Policy and Procedures Manual](#) available in the Vacant Property Research Network website.

Regulations and Permitting. Instead of relying on individual, property-by-property actions, a **regulatory approach requires proactive action by a defined group of owners and/or managers.** Communities often apply regulatory approaches where businesses or industries are involved. Certain types of property conditions and community problems are then addressed by requiring owners to register their properties and/or obtain permits or licenses from the CE agency often after an inspection to certify readiness for lawful occupa-

tion. A common example are rental property inspection and licensing ordinances where the owners and property managers of multi-family apartment complexes (e.g., 3-4 units and above) are subject to routine annual or biannual inspections by CE agency staff (or their designee).[9] The policy goal here is to prevent the deterioration of rental properties and maintain the overall quality of rental properties within that community. Vacant property registration ordinances are another common example of a regulatory approach that became popular during the foreclosure crisis when many lending institutions and their property preservation firms were not responsive in keeping vacant and foreclosed homes in their control safe and secure. Communities and the CE agencies can adopt slightly different provisions and manage these and other types of regulatory approaches in slightly different ways. An important consideration is whether the CE agency has sufficient IT, investigative, and enforcement capacity and capabilities to administer these and other types of regulatory approaches.

Enforcement and Compliance Actions. When the property owner fails to voluntarily comply after sufficient notice and opportunity to correct the violations, the CE agency should take formal enforcement action. While the goal remains compliance, the failure of the responsible parties to voluntarily rectify the property conditions requires the CE agency to shift from collaborative compliance to formal coercive enforcement actions. **Having a wide array of potential compliance and enforcement tools at its disposal increases the CE agency's capacity to tailor and resolve a wide range of different types of property conditions.** Most actions fall into three major categories:

1. Administrative citations;
2. Administrative abatement; and
3. Civil or criminal litigation.

Many CE programs, however, only have legal authority or limited capacity to use one or two enforcement remedies. Reliance on only one or two types of code enforcement actions can make it difficult, if not impossible, to succeed in more complicated cases that demand different approaches and solutions.

Case Tactics/Selection of Remedies. The success of *Strategic CE* depends on taking the most effective, efficient, and equitable action to match the circumstances of the individual property (case tactics) consistent with broader market/neighborhood conditions, policy goals, and community priorities. Reactive CE programs typically process all cases in roughly the same way—they

Enforcement Discretion and Partnerships with Municipal Attorney's Office

As a general rule, local enforcement agencies have broad discretion in deciding whether violations are present, the types of violations, and whether or not to pursue an enforcement action and if so, what particular legal action to take. How and who decides which enforcement action to take depends on the stage in the process, the local practices, and thus can vary from program to program. Given the inherent legal nature of these decisions, the CE agency and its municipal attorney and/or prosecutor should work closely together to establish general rules for making these important decisions. During the early stages of investigation, the enforcement agency typically makes the initial decision on whether or not the property conditions violate applicable codes and what preliminary action to take. They also determine when a property complies with the code and when to close cases. When the CE agency cannot get voluntary compliance, it must then select and take a more stringent enforcement action. These are inherently legal decisions and should be done in collaboration with the municipal attorney or prosecutor. In some situations, special outside counsel may be needed. Even with administrative remedies that typically do not require legal representation, it would be prudent for an enforcement agency to regularly consult with its municipal attorney at the criminal stage in the enforcement process. A close and strong relationship between the enforcement agency and its law office becomes critical to ensure the legal implications of these important enforcement decisions and have the necessary legal support and capacity. Good career code compliance attorneys are hard to find and harder to keep these days.

issue a notice, give the owner extensions to comply, and then often refile the same enforcement action. *Strategic CE* evaluates each case for the common characteristics and its unique facets and then fashions a response or plan of action that considers what will be the most effective, efficient and equitable pathways to compliance.

Compliance always remains code enforcement's overall objective. *Strategic CE* segments the common types of cases and matches them with common CE remedies and interventions.

Important variables to consider when selecting enforcement actions include the severity of the property condition and the profile of the owner—is the owner an out of town speculator or a local retiree on fixed income?

Does the property condition pose serious threats to the public health and safety of the occupants and those who live adjacent to it? For comparatively minor offense, a CE agency might hold an office hearing or engage members from neighborhood associations and CDCs to help inform and educate their neighbors. Where the violations can easily be fixed, and a modest financial penalty might encourage the owner to take immediate action, some communities issue administrative citations/tickets for various types of quality of life property conditions.

For vacant and abandoned properties, strong enforcement actions might be necessary, such as filing a civil court action that seeks the appointment of a property receiver to secure or rehabilitate the property. In some cases, the CE agency can seek administrative abatement orders through an administrative hearing process to secure or even demolish the abandoned buildings on the property. Some states have enacted enabling legislation to cope with vacant abandoned property, prolonged or abusive foreclosure proceedings, and predatory transactions like fraudulent land contract or rent to own schemes.

Performance Measurements and Evaluation. An ongoing challenge for many CE agencies is how to determine, document, and measure its effectiveness and efficiency. Assessing departmental performance can be an incredibly valuable and powerful tool in allocating limited staff, resources and in facilitating the transition

to strategic code enforcement, but CE agencies often struggle in making it a top priority. Are certain violations concentrated in certain areas? Where does the agency get quick compliance? Where is compliance resisted or languishing? How do violations or code enforcement activities generally relate to or overlap with the work of other departments (such as targeted police activity, or subsidized rehabilitation or new construction projects)? How can inspectors see block-level conditions trending in different city neighborhoods? A strategic approach to code enforcement, then, obtains and uses data to measure, evaluate, recalibrate and reorient programming (e.g., from one issue to another and/or from one neighborhood to another).

When evaluating the success of a local code enforcement agency, *Strategic CE* requires careful delineation of programmatic outputs from programmatic outcomes. Outputs might be the number of inspections conducted, cases open or the number of months between the issuance of a violation and its compliance. These are important to monitor but even more important to understand within their neighborhood context. Languishing violations may require more follow-up by inspectors or they could be a sign that neighborhood housing market conditions are too weak to incentivize compliance. Rather than benefiting from more follow-up inspections, these properties may instead benefit from a menu of grants or low-cost loans to support owners as they make necessary repairs.

Such outputs move cities closer to their ultimate goal of enforcement activities, or the desired programmatic outcomes. Outcomes could include changing market conditions enough to encourage more private investment in an area (measured in terms of more home improvement projects underway or quicker code compliance or more demand for for-sale housing) with less public subsidy.[10] Strategic code enforcement sees beyond its property-specific outputs to these neighborhood-wide outcome goals and objectives, such as healthy homes that remove lead and other serious threats to the health of tenants and their families. Recent research documents that living in poor quality housing and in neighborhoods with concentrations of

vacant, blighted, and abandoned buildings can affect the kindergarten readiness of preschoolers as they enter the school system, but this impact can stretch on for years afterwards.[11] A subsequent assessment of its own initiatives against such neighborhood-wide objectives better prepares the enforcement agency to partner with others to ensure that its interventions can support such neighborhood-wide improvements.

2.2 Core Values and Principles

A CE agency could have all six program elements in place and still not make strategic decisions or take strategic actions. These **program elements must operate within a culture inside and outside of the agency that fully embraces a transformation to *Strategic CE***. From our vantage point we have identified several core values and principles that serve as the ethos for *Strategic CE*.

Code Enforcement as an Organic System. A critical step in the transformation to *Strategic CE* is understanding that CE programs and activities are shaped by dynamic and organic forces. As discussed earlier in this brief, there are internal and external forces (market, legal, social, economic, political, policy, etc.) at play when a code enforcement program inspects a property and takes compliance or enforcement actions. **Having a deeper understand of socio-economic dynamics from the global to the neighborhood level enables code enforcement to function as a system within that complex environment. By taking a systems approach instead of a program approach, code enforcement agencies, managers, and staff can facilitate communication and coordinate actions across sister departments and agencies.** The goal of the system is for each actor to have a positive impact on the system, interact constructively, reduce friction and duplication of effort, as failure in one part impedes the effectiveness of the entire systems to achieve its primary objective.

Compliance Above Enforcement. *Strategic CE* ultimate policy goal is gaining compliance as opposed to fines and other punitive measures. Whether selecting the most effective and efficient course of action or pre-

senting before a city council or community group, the CE agency must always focus on compliance with the relevant codes as the measure of success. For example, if the inspectors can obtain compliance within a reasonable period of time by talking and meeting with the property owner or sending a notice of violation, then that is an effective and efficient resolution of a case or complaint. If voluntary methods will not or have not proven to be effective, then it might require a more formal enforcement action to gain compliance. Given the complex dynamics and systems within which code enforcement operates, it can be easy to forget that compliance remains the overarching policy goal.

Data-Driven Decision-Making. It bears repeating that data serves as the foundation for transforming CE agencies and operations from an array of fragmented silos into a coordinated system of interconnected policies, programs, procedures, and practices. **Regardless of whether decision is tactical (individual property) or strategic (neighborhood, policy or programmatic), data must underpin the decision-making processes of the CE agency and its partners.** Access to consistent, relevant, and reliable real property, market, and neighborhood condition data leads to better, more effective decisions on big picture policies and programs as well individual cases. Types of data critical to *tactical and strategic CE* includes all available local data related to real property from the property conditions and use to transactions that can affect ownership and title over time.

Equally important is having internal indicators or metrics to guide the performance of CE agencies and their intervention to either prevent harm or abate the conditions resulting from harm done. Merely counting the number of inspections made or closed cases is not sufficient; tracking change and the results and outcomes that flow from code enforcement interventions is what really matters.

Strategic Planning and Measures of Success. CE leaders and their staff should take the time, when they can, perhaps once a year, to reaffirm what matters the most when measuring success for their program, neighborhoods, and community (e.g., eliminating dan-

gerous buildings, rehab more house, collect nuisance abatement costs, etc.). While many CE agencies have mission statements, along with goals and objectives, they often fail to consider how their agency's mission links to the broader vision, the range of potential positive outcomes. Thus, **it becomes important to measure success and document neighborhood dynamics over time as markets, properties, capacities, people and laws evolve and change. In addition, it is important to organize and evaluate all factors affecting the code enforcement operations and procedures according to what they contribute to reaching the identified goals and measures of success.** Too often code enforcement agencies focus on outputs—the number of cases inspected, or citations issued—but not on the outcomes of improving neighborhood and resident health and sustainability. That analysis should determine the allocation of resources to maximize results that are consistent with the enforcement system's definition of success.

Collaborative and Coordinated Actions. *Strategic CE* recognizes that no single agency or approach can effectively, efficiently, and equitably address the wide array of property conditions and achieve shared community and policy goals. **Working across agencies and sectors distinguishes a strategic approach to code enforcement. Collaboration often starts within and between local government departments and agencies that have compliance and enforcement responsibilities over properties, buildings, and neighborhoods.** Instead of having multiple agencies each conduct their own inspections, open their own cases, and take independent enforcement actions, a strategic approach establishes inspections protocols for sharing case inspection and enforcement information to avoid unintended dysfunctionality. Coordinating can also identify lead agencies and common procedures for particular types of cases and properties.

Proactive Leadership. *Strategic CE*, with its data driven decision making, community engagements, and critical partnerships, requires different types of leadership competencies and capacities. Leadership can come in different ways and from different actors within a community's code enforcement system. In some places, it might be community development inter-

Coalition Of the Willing

Collaborations of all kinds become imperative in the community's battle against neighborhood blight. Timing and attitude are critical as local leaders often need the right opportunity and often guidance from a well-respected convener or facilitator to help them get over institutional and organizational barriers and align their independent actions around a common set of principles, goals, and actions. We often talk about *coalition of the willing* to describe the voluntary and often organic partnerships and collaborations that arise among leaders from different stakeholder organization looking for solutions to vacant and abandoned properties or other serious challenges. Increasingly leaders of local civic, community, neighborhood organizations are working side by side with government departments in forming these coalitions to accomplish what none of them can do alone. These coalitions are empathetic problem solvers, not political or partisan. Its organizational structure and membership are usually informal in nature and welcomes participations only of those who come willingly to work across organizational and bureaucratic boundaries in a common strategy. Their commitment is to the common good, not to the protection of each participant's individual interest. Certainly, there are numerous examples of individual elected officials who personally lead the charge to address neighborhood decline and disinvestment, but they may well encounter political resistance while in office or allow apathy once they leave office. Government agencies, such as code enforcement also face limits — budgets, staffing, legal requirement and processes. Thus, a broader coalition of entities, resources, skills and perspectives are necessary to coordinate with municipal officials on how best to prevent, abate, and reclaim vacant properties. Forming a coordinating leadership group is a critical step towards strategic code enforcement.

mediaries as the catalysts for change by initiating a pilot project or perhaps a local community foundation supports a technical assistance intervention to assess and diagnose local code enforcement policies and programs.[12]

Proactive leadership can also emanate from within the CE agency, but these days it requires someone who understands the necessity of cross agency, cross sector collaborations and the value of data (real property information along with performance measures) in the recalibration of its CE agency priorities and actions. While the IT department and data intermediaries provide the technical expertise, the CE agency leaders frame the questions and establish processes and procedures for integrating the data into the daily routine of its agency. A similar partnership approach also arises in other areas, such as with the municipal attorneys involved with code enforcement. Public and public interest lawyers can also be important leaders towards *Strategic CE* when they get engaged in it.

Another important leadership attribute is the ability to connect code enforcement processes to other agencies and initiatives involved with broader community and policy goals such as neighborhood revitalization, economic and racial equity, and public health. Not only does this require an aptitude for collaboration but also a deeper understanding of how code enforcement can influence and impact neighborhood sustainability.

Few CE agencies start as models of *Strategic CE*. A process of transformation and evolution is required. Thus, proactive leadership must challenge old assumptions and processes that can be perceived as threatening to those who have been operating under the old system for many years. Accountability, however, must still guide the work with staff in these transformations along with patience, flexibility, and mutual respect.

Equitable Impacts and Outcomes. *Strategic CE* should always strive to ensure that the impacts and outcomes of its programs, policies, and interventions do not disproportionately impact vulnerable communities, families, and individuals. This is not an easy task as code enforcement works within many diverse neighborhoods that have been the targets of direct and indirect forms of racial and economic inequality. More so today than ever before, it becomes essential for CE agencies, from the leadership to the frontline staff, to understand how this legacy of inequality plays out in the communities in which they serve.

With respect to individual cases, CE agencies must remain objective when exercising their discretion to administer and enforce state laws and local ordinances. As a general rule, CE agencies should not take selective enforcement actions against properties or people because they do not like the owners' attitude, lifestyle or the particular use.^[13] They should focus on the substandard or blighted property and the problems they create and not the behavior of the persons or entities that are responsible. At the same time, CE agencies do have discretion to tailor their compliance and enforcement actions to best match the unique circumstances of the case and conditions of the property. After all, no two properties or responsible parties are precisely alike—they have different physical conditions, histories, impacts, and ownership/management structures. For example, a CE agency might determine that taking an enforcement action against an elderly property owner might not be the most effective approach to gaining compliance. Instead the agency might coordinate with its housing and community development department to see if the owner qualifies for low cost rehabilitation grants or engage social service agencies that work closely with senior citizens. Such decisions not only rest within the agency's legal discretion, but they are core characteristics of a strategic approach.

Equitable considerations also arise within policy and program decisions that treat neighborhoods differently from each other. Principles of equity and social justice become relevant given that residents of color often live in neighborhoods with the highest concentrations of substandard houses and vacant properties. Research now documents these neighborhoods were the result of decades of neglect, disinvestment, and historic racial red-lining in housing. Many of the residents are also living at or below the poverty line, and thus have few options for safe, decent, and affordable housing (whether rental or home ownership).

Strategic CE agencies must not only understand the socio-economic and racial dynamics within the neighborhoods they work, but take compliance and enforcement actions that avoid further harm to a communities' most vulnerable residents. Here the best strategy is to meet with local residents involved with the prob-

lem property and proposed or pending code enforcement action to find out, first-hand, what the current and potential impacts might be.

CE agencies should also become familiar with the range of affordable housing and community development programs and policies that often come into play. Sit down with the local nonprofits and housing agencies to understand what types of resources and assistance are available and who the code inspectors and staff can partner with.

Although they remain rare, a CE agency's differential treatment of a property owner, tenants and/or neighborhoods could become discriminatory under relevant constitutional, statutory, and local laws. Within the last few years, increasing concerns about a CE agency's actions on individual cases or broader program actions may create indirect or direct discriminatory impacts based on race and other protected groups.

For example, under the Fair Housing Act, private landlords and government actors cannot discriminate on the basis of race, religion, national origin, sex, family status, and disability. Several legal decisions have found that aggressive enforcement action against the owner of substandard apartment building led to the displacement of tenants who were predominately African-American or Latino when the owner decided to shut down the property.[14]

The policy goals of fair housing, affordable housing and equity often come into play when CE agencies take compliance and enforcement actions that seek to protect the health and safety of tenants and residents code enforcement living in substandard housing conditions. These are complex and controversial legal and policy issues where CE agencies could benefit from routine consultations with their municipal attorney when any of these circumstances arise.

The Constellation of Strategic Code Enforcement

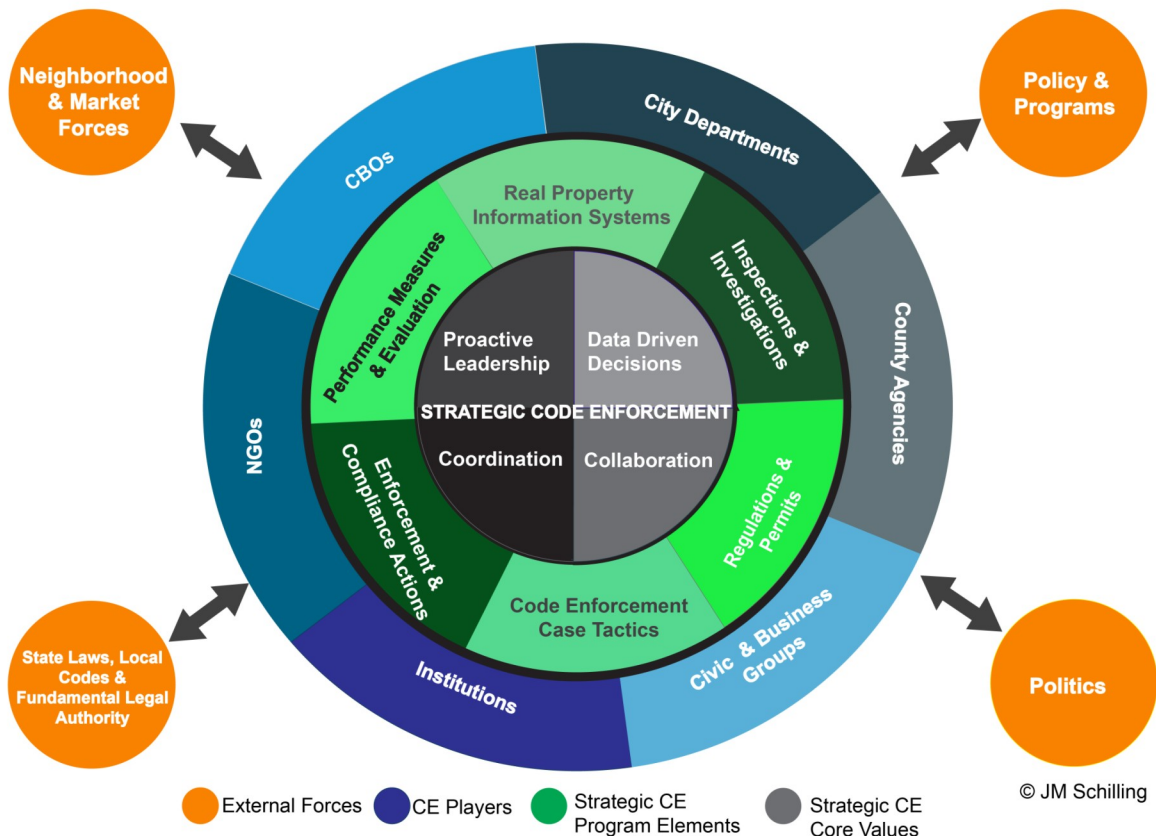


Figure 5: The Constellation of Strategic Code Enforcement

3. How to Adopt and Adapt Strategic CE? Where to Start?

While the framework and discussions in previous sections of this brief help define the principles and parameters of *Strategic CE*, the immediate task is how to start, continue, and/or sustain a community's movement toward a strategic approach. While one community or program may have some elements working well, most have gaps. Thus, a good place to start is to apply our framework and its elements to your current programs, policies, and practices to identify those gaps. See what you do well and where you need to improve. Below we offer a few suggestions to guide communities on their own *Strategic CE* journeys. These include:

1. Learn from your peers;
2. Build your data and technology capacities;
3. Chart your process flows;
4. Draft and deploy a policy and procedures manual;
5. Convene a cross agency working group;
6. Promote community collaboration;
7. Develop and disseminate code enforcement information and communication resources; and
8. Cultivate the next generation of CE leaders and managers.

Some of these ideas are concrete activities, projects, or deliverables—the hardware—while others represent strategies and processes—the software—that is critical to stitching everything together into a strategic approach.

Learn From your Peers. A great place to start is to identify strong CE programs from cities that seem similar to yours.[15] Look for programs that perhaps have more or different strategic elements compared with your program.[16] Speak with your counterparts about what they do and how and why they decided to adopt a more strategic approach. Ask about results, impacts, and process improvements they have seen when compared with traditional CE practices. Site visits are great as well as attending relevant conferences, trainings, and workshops. The key is to acknowledge that practices, policies, or ordinances in one community will require

adaption, tailoring, and revisions when implemented in another community.[17]

Build Your Data and Technology Capacities. We cannot stress enough that data supports all facets and elements of *Strategic CE*. Many code programs find it difficult to collect the right data, develop a compatible, cost-effective integrating data system, and figure out the best way for infusing data into tactical and strategic code enforcement decisions.[18] One of the first challenges is determining how many vacant properties exist within a city or neighborhood along with assessing their general condition and stability. A number of communities, often with the support of local nonprofits, now perform property condition surveys every few years often in close partnership with the city's CE agency.[19]

Most CE programs do not have dedicated data staff, so they must often rely on the local government IT departments or Chief Information Officers who knows little about code enforcement. Few data consultants or vendors know CE processes and few off-the-shelf software systems work well for code enforcement without substantial investments in customization.[20] Considering these challenges, the New York State's Attorney General is working with 14 cities to develop and expand the code enforcement data capacity through the CITIES Rise program administered by Enterprise Community Partners. They are tailoring a data platform (Building Blocks) for CE operations within these cities while also providing coaching, technical assistance, and training for code officials and staff.

Although this brief cannot cover the extensive reports, research, and resources related to CE data, we suggest a good starting point is to develop your own data plan. Perhaps find a reliable information and technology partner within and/or outside of the CE agency that can help develop a data plan. In developing the plans the following should be considered:

1. Divide the plan into manageable phases and steps;
2. Identify the questions or issues that would be critical to know in making strategic decisions about policy and programs as well as the de-

- ployment of inspectors and CE cases;
3. List the critical data that could help inform those strategic and tactical decisions;
 4. Assess what data you currently have and what is easily accessible from other departments, agencies, and existing databases; and
 5. Identify, recruit, and engage the wide range of partners (within and outside of your agency) who may not only have access to critical data but also the capacity and expertise with more robust real property information systems.

Through our field work, we have run across many examples of nonprofit data intermediaries, often housed at local universities, who routinely partner with local governments to host special data platforms on blighted, vacant properties, and other data needs of code enforcement.[21] A prime example is NEOCANDO at Case Western Reserve University in Cleveland, who works closely with local community development corporations, city agencies, the county land bank, the courts, and CDCs to curate multiple data sources on vacant and abandoned properties together with real property information (e.g., ownership, foreclosures, etc.).[22]

As far as data systems, start small and think simple. For example, collect essential neighborhood indicators and create a few GIS maps. Not every city can develop and design its own NEOCANDO as Cleveland did; however, maps can help a CE agency understand the diversity of markets, property conditions, and ownership profiles across a city's neighborhoods. Maps could help identify what CE actions to take and where to use them.

Many CE agencies have moved to the use of tablets/iPads for field inspection staff, but it is critical that those technology tools rest on processes and procedures that are already effective and efficient.

Chart your Process Flows. Because code enforcement involves a wide array of administrative and legal processes and procedures, it can be easy for process and paperwork to consume a CE program. Instead of making data driven, mission focused decisions, too of-

ten CE managers, inspectors, and staff adhere to the same customary steps for each remedy or process. Why? Because it's always been done that way! A good diagnostic is to create process maps for every code enforcement action. Trace each decision point, the alternative pathways, and the range of results. Track each handoff (papers, emails, communications, etc.) from clerical/administrative staff to inspectors to municipal attorneys to hearing officers and/or the courts. Once you establish these baseline process flows, then work with your management team and/or engage a consultant who can help identify ways of streamlining. Such an exercise could reduce the time it takes to close cases, gain compliance and thus save CE agencies valuable resources, improve its performance and ultimately its community credibility.

Draft and Deploy a Policy and Procedures Manual.

Code enforcement operations too often rely on agency and inspector customs rather than a thorough understanding of the diverse options that an agency could or should take. A cornerstone for those agencies practicing *Strategic CE* is a written Policies and Procedures (P&P) Manual that not only covers in detail each and every potential compliance and enforcement action, but also the rationale behind such policies. The P&P Manual provides management and staff with the baseline standards of conduct which can help improve individual performance and also ensure compliance with relevant agency and local government personnel and human resources policies. The manual also establishes expectations on inspector accountability. Initial development of these manuals can take time and often agencies engage outside consultants and experts to assist managers and staff in the process. However, it is critical to engage front line inspectors and staff in the effort, as they have practical insights into what works and what needs improving. Early engagement also increases the commitment for following the P&P Manual once adopted. After it is adopted, the CE agency must spend time every few months to update and revise the P&P Manual to ensure it is current with changes in the field and in the community.

Convene a Cross Agency Working Group. *Strategic CE* happens when the multiple departments and agencies coordinate their actions. Typically, these departments come together as part of a regular forum in which they can discuss tactics on individual cases or types of properties and also raise strategic issues related to policy, community partnerships, resources, etc. Earlier in this brief, we discussed the *coalition of the willing* and offer examples of broader, cross sector partnerships from Cleveland and Memphis. For some places it might make sense to start with an internal working group within a municipality and then perhaps branch out to relevant county agencies, such as the county treasurer, tax collector, judges, etc. These working groups could be chaired by a senior official in the office of the city manager, chief executive or mayor. What seems critical to their success is having the support from above (senior management and elected officials) and support from below—someone who regular chairs, staffs, and coordinates the meeting. Another critical ingredient is having a dedicated municipal attorney not only involved in these regular meetings but dedicated full time to the legal practice of code enforcement.

Promote Community Collaboration. CE activities happen in neighborhoods and adjacent commercial districts. Local residents engage in CE work through local CBOs, and neighborhood and civic associations where they share concerns over problem properties and develop neighborhood priorities. These groups become pivotal for building community and political support and establishing trust and confidence in the local code enforcement program. A core element of *Strategic CE* is developing and maintaining those critical community relationships by regularly engaging with these groups and others involved with code enforcement in your community. Attend their regular meetings and set aside office hours or other opportunities for community and civic leaders to share their thoughts about the current state of code enforcement. Developing and maintaining strong community and neighborhood relationships is critical in supporting your on-going transformation to strategic code enforcement.

Develop and Disseminate Code Enforcement Information and Communication Resources. Not everyone in the community understands what code enforcement does (or does not do), whether they are supporters, vocal opponents or the property owners and businesses who maintain problem properties. *Strategic CE* requires having a robust website that outlines the programs' big picture mission and policy goals along with details about the specific CE processes, procedures, and remedies. Does it include easy to follow (perhaps even interactive) flow charts and diagrams that outline the steps for each code enforcement action? Can local property owners use your web site to file a CE complaint or find/fill out relevant forms (e.g., for inspections, hearings, appeals, permits, etc.). Are there links to relevant ordinances? Can community members log in and find out the status of a pending code enforcement case? Of course, not everyone has good internet access or is plugged-in via their smart phone, so its strategic to develop handouts, brochures, postcards, and other traditional outreach materials that CE directors and inspectors can share when they are out in the community. A quarterly or semi-annual newsletter can help humanize inspectors and illustrate the results of community and neighborhood collaborations, pending or new ordinances, and high-profile cases.

And do not forget about using and monitoring social media as a tool to supplement the face-to-face meetings. Many neighborhood groups have their own Facebook pages along with Twitter and Instagram accounts. More CE agencies are also using these and other social media platforms to communicate with the diverse neighborhoods within their communities.

Cultivate the Next Generation of CE Leaders and Managers. The transformation to *Strategic CE* demands creative thinking and innovative actions compared with traditional policy and managerial approaches. Current CE leaders and managers seeking to start or continue with this transformation need guidance and support; however, only a few professional development opportunities and resources on *Strategic CE* exist. Professional development workshops and training within the code enforcement field, with few exceptions,

primarily focus on frontline inspection and investigation roles and responsibilities. A handful of guidebooks or publications offer insights into the context and nature of code enforcement management. Within the municipal law field, several national and state associations regularly hold conference sessions that focus on code enforcement legal issues and tactics. We've also found papers by municipal attorneys, prosecutors, and code enforcement program managers presented at state municipal league conferences. By and large the practice and even the policy literature on code enforcement remains scarce and out of date.

The [Strategic Code Enforcement Management Academy \(SCEMA\)](#) is one attempt to fill this void by providing executive level training for code enforcement managers, attorneys, senior staff, and their partners from other agencies, nonprofits, and CBOs. SCEMA's primary goal is capacity building for a new generation of leaders and managers who are committed to *Strategic CE's* systems approach. The curriculum introduces the concepts, core elements, and principles that underpin strategic code enforcement. SCEMA's format facilitates peer learning across cities, professions, and sectors—laying the foundation for a new community of practice

that values how communities apply *Strategic CE* to address local priorities and contexts.

Its overarching vision reflects what we have learned through our experience teaching and providing technical assistance over the past 20 years—the complexities that code enforcement confronts today and in the future will demand collaborative, cross sector approaches. By bringing small delegations from each of the participating communities, the academy guides the participants through a series of team building exercises to assess the local context and their code enforcement programs, policies, and partnerships and to leave. At the end of SCEMA, teams develop preliminary action plans that identify a short list of next steps, perhaps simple wins, that can catalyze their respective transformations to strategic code enforcement. Although we have only held two pilot academies (2017-2018), the partners remain committed to SCEMA, its format and curriculum, so that it can help cultivate a new generation of code enforcement directors, attorneys, managers, supervisors, inspectors and staff that understand how *Strategic CE* can address the complexities of code enforcement now and into the future.



Figure 6: Strategic Code Enforcement Braintrust (Image by: J. Shilling)

From Left to Right: Joe Schilling, Prof. Danny Schaffzin, Environmental Court Referee John Cameron, Baltimore Housing Commissioner Michael Braverman, CE Attorney Brittany Williams, Prof. Kermit Lind, NPI President Steve Barlow, and, Shelby County Environmental Court Judge, the Honorable Patrick Dandridge

4. Concluding Advice

The elements, principles, and suggestions described above offer a blueprint for making game changing improvements that can boost your code compliance and enforcement programs and lead to stable, healthier neighborhoods and thus, more sustainable communities.

We also hope this brief can serve as a guide for navigating the brave new world of *Strategic CE* so that you and others in the field can adapt and develop model practices, policies and programs across jurisdictions. Per-

haps one day these elements and principles will become the gold standard by which code enforcement actions and programs will be measured?

CE agencies may not accept these principles nor adopt these practices overnight—much depends on political will, sufficient resources, expanding capacities, and skillful management. Although *Strategic CE* will take some time, those persistent and dedicated leaders along with their partners and collaborators will finally have a better way to effectively, efficiently, and equitable address property neglect, vacancy and abandonment.

It must be remembered that there is nothing more difficult to plan, more doubtful of success, or more dangerous to manage than a new system. For the initiator has the enmity of all who are profiting by the preservation of the old order and merely lukewarm supporters in those who see benefit in the new.
(Adapted from *The Prince* by Niccolò Machiavelli).[23]

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14. Mindful of the disparate impact claim brought in *Gallagher v. Magner*, 619 F. 3d 823 (8th Cir. 2010), (a case in which aggressive housing enforcement by the City increased costs for property owners thereby reducing the supply of "affordable housing" which ultimately had a "disparate impact" on racial minorities), Professor James Kelly cautions that local officials should ensure their vacant property programs do not deliberately discriminate or harm the housing opportunities of racial minorities.
Kelly, J. K. (2014, September). *Just, Smart: Civil Rights Protections and Market-Sensitive Vacant Property Strategies*.
15. Although we could not find an article or web site that features the top ten code enforcement programs, look for those national and regional organizations that work within networks covering code enforcement issues, such as vacant properties, abandonment, legacy cities along with professional associations. See references and resources at the end of this brief and on the VPRN web site.
16. Within our 25+ years of working the field, a couple of programs that have innovative features include Baltimore, Rochester and Syracuse, New York, Dallas, and Ventura County, CA.
17. NLC and GW researchers outline a great framework for assessing the adaptation of model practices from one city to another. See http://legacy.transformgov.org/en/research/lgrc/learning_from_abroad
18. For a more in-depth discussion about the type of data most essential for code enforcement and how code enforcement programs can leverage and deploy the data, see VPRN Policy Brief: Kermit Lind. 2016. *Data Driven Systems—Model Practices & Policies for Strategic Code Enforcement*. VPRN Research & Policy Brief No. Five. <http://vacantpropertyresearch.com/data-systems/>.

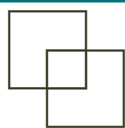
19. In Memphis, for example, they conduct their Bluff City Snapshot which involves city inspectors, nonprofit staff, university students and community development leaders using a simple mobile application for ranking properties based on their exterior conditions. <http://caeser-midt.memphis.edu:8080/nst/resources.jsp> As a statewide intermediary, Cleveland-based Thriving Communities Institute has helped several Ohio cities conduct property condition surveys. <https://www.wrlandconservancy.org/whatwedo/property-inventories/>
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Housing Code Inspector Memphis, TN. Image by Brandon Dill

STRATEGIC CODE ENFORCEMENT

A New Model for Reclaiming Vacant Properties and Stabilizing Neighborhoods



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