The Power & Proximity of Code Enforcement: a Tool for Equitable Neighborhoods

JUNE 2019
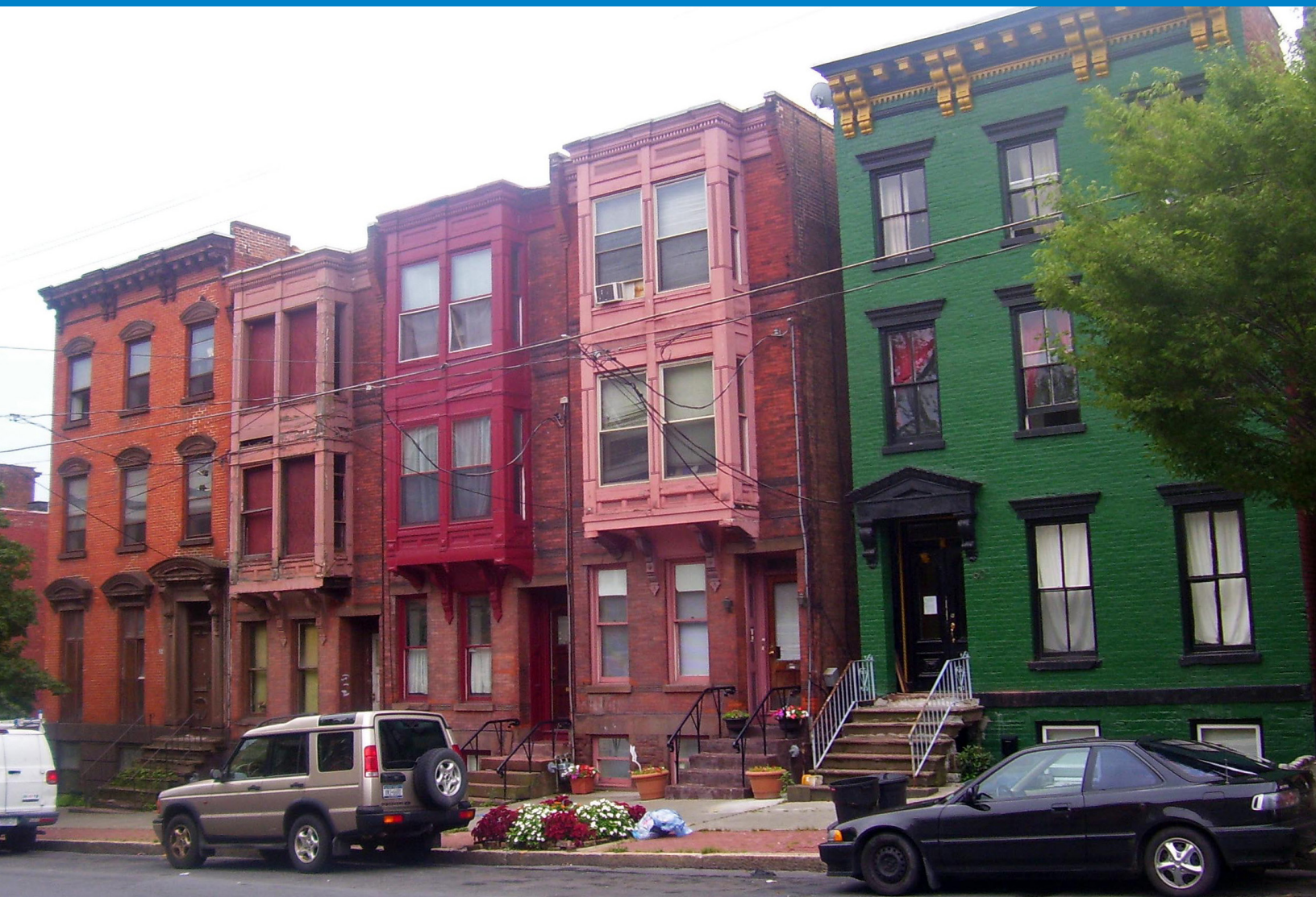
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Executive Summary

About Cities RISE

The Cities for Responsible Investment and Strategic Enforcement ("Cities RISE") program is funded by 2016 settlements with big banks for practices that contributed to the housing foreclosure crisis, secured by the NY State Office of the Attorney General. The program provides municipalities across New York State with critical tools and support to improve their data systems and code enforcement practices. The goal is to develop innovative and implementable strategies to improve housing conditions and eliminate distressed properties. Participating municipalities receive up to three phases of funding over a two-year period to support data integration, community engagement, change management, and new programs and policies.

16 CITIES RISE MUNICIPALITIES

Niagara Falls
Buffalo
Irondequoit
Rochester
Syracuse
Saratoga Springs
Schenectady
Albany
Elmira
Binghamton
Newburgh
White Plains
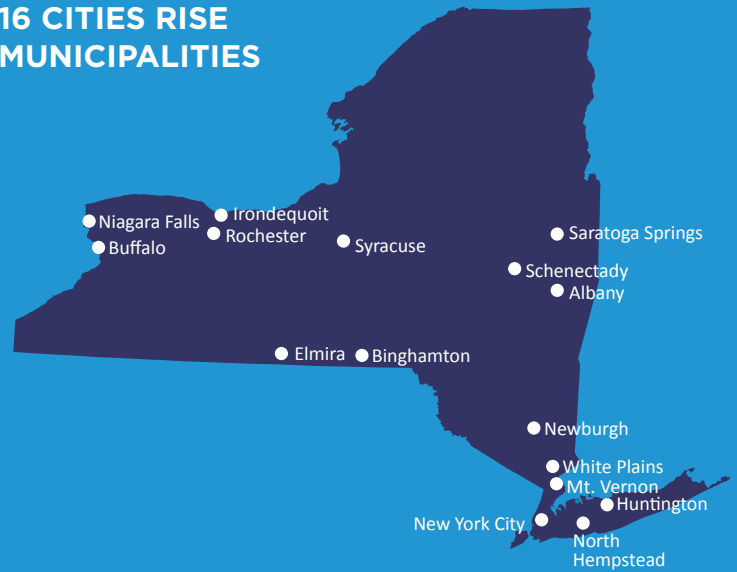Mt. Vernon
Huntington
New York City
North Hempstead

Phase I

During Phase I, which was administered by Enterprise Community Partners and Local Initiatives Support Corporation, the Cities RISE team provided sixteen New York municipalities with tools that enabled data integration across municipal departments. Technical assistance to support proactive and strategic code enforcement decisions by using data also was provided.

However, as we've seen, data alone does not ensure equitable outcomes. Without an explicit equity focus, data tools can exacerbate disparate impacts in a variety of ways, including by: making inequitable processes more efficient; codifying racial and economic bias under the cover of objectivity; obscuring municipal procedures from the public; and inadvertently skewing incentives – such as overvaluing punitive measures.

Hester Street, with support from the Ford Foundation, sought to identify the opportunities to increase equity using code enforcement. In Cities RISE cities, we worked closely with the code enforcement department and their on-the-ground officers to pinpoint the exact moments in code enforcement policy and practice that can positively or negatively impact historically marginalized communities, depending on actions taken or not taken by code enforcement officers. We:

- Examined how decisions, policies and procedures in complicated and multi-layered code enforcement practice impact low-income residents of color and other vulnerable populations;

- Explored the intersection of code enforcement and equity from a variety of perspectives – code enforcement officers themselves; first responders; building, planning, and other key City agencies, and community-based organizations and residents;

- Identified equity choice points -- opportunities and challenges in the code enforcement continuum;

- Researched effective practices within the Phase I cohort and nationwide to inform and inspire future practice.

The result is an equitable code enforcement framework that includes recommendations on everything from staff training to gathering and deploying quantitative and qualitative data, to cross-department collaboration. This framework will help municipalities institutionalize strategic, proactive and inclusive practices and policies at those "equity choice points" in order to leverage the power and proximity of code enforcement to reduce individual discretion and advance equity.

Code Enforcement: Why Does It Matter?

Code enforcement is an important government tool designed to keep neighborhoods and the people who live in them safe and healthy. As first responders for the built environment, code enforcement officials have the power to restore distressed property, preserve neighborhoods, protect renters and low-income homeowners, increase neighborhood resiliency and strengthen community.

Vacant properties, substandard housing and neighborhood quality have a deep impact on the economic, physical and social health of cities. When these issues arise - be it an unsafe roof, illegal dumping or an overgrown vacant lot - the city's code enforcement department is on the frontlines, working to mitigate the impacts of unsafe, vacant and abandoned properties on the health and safety of residents and businesses. Code enforcement is one of the rare municipal agencies that has both a planning and an enforcement function. Code enforcement officers interface directly with residents, often as their first or primary point of contact with government. At the same time, they have a bird's eye view of a city, with access to property data across neighborhoods, enabling them to direct citywide housing policy.

Like many powerful tools, code enforcement often reflects the values and goals of those that wield it. It can be used to intentionally or inadvertently target, penalize and displace vulnerable populations, particularly low income, immigrant and other communities of color. It is therefore critical for code enforcement to institutionalize equity and ensure that standard operating procedures do not disparately impact vulnerable populations. In fact, code enforcement policies and practice must be designed to advance equity through proactive protection, increased investment and meaningful civic engagement in those same communities.

In 2018, Hester Street set out to better understand the promise and the pitfalls of code enforcement in cities throughout New York State. We dug deep with four cities representative of the diversity of New York municipalities, interviewing City leaders, agency staffers and community-based organizations, gathering and analyzing data, and riding along with code enforcement officers on their neighborhood rounds. This report reflects our findings and recommendations for reframing the work of code enforcement – historically reactive and punitive – as a proactive tool for equitable development.

Photo Credit: The Buffalo News

What is Equitable Code Enforcement?

Disinvestment in low-income neighborhoods and communities of color is the present-day legacy of historic discriminatory policies and practice. In most American cities, neighborhoods with a disproportionate number of problem properties correspond almost exactly with areas labeled undesirable and disposable by Federal Housing Administration redlining maps and urban renewal projects of the 1930s-1960s. These policies reinforced and accelerated racial segregation, led to sustained disinvestment in neighborhoods of color, resulted in low Black, Latino and Asian homeownership rates, decreased housing values and quality and increased housing vacancy in communities of color nationwide. The 2007 Great Recession and subsequent foreclosure crisis have only compounded these issues. The number of problem properties in communities of color increased precipitously as a result and have proven to be stubborn issues without an easy solution. This has stretched code enforcement departments to their limit and disadvantaged renters and homeowners alike.

In this context, most code enforcement officers today spend the bulk of their time responding to complaints and issuing violations. This kind of reactive system privileges those who are comfortable making complaints and navigating the system. It also concentrates government resources on properties or in areas that may not require it: for example – if complainants simply do not like or feel comfortable with their new neighbors. A reactive system disadvantages those who don't know how or aren't able to complain: for example – renters afraid of retribution from their landlords. This leads to deferred action, and, ultimately, dangerous conditions when situations are beyond repair. Finally, this kind of system sets up an adversarial relationship between government and the communities they serve.

Given this context, it is imperative that all code enforcement practices take proactive steps to advance equity by adopting an equitable code enforcement approach that is:

- **RESTORATIVE:** Understands that legacies of racial inequality manifest in neighborhoods today and works to redress the impact of systemic and institutional discrimination to avoid further harm and disparate impacts on already vulnerable communities;

- **EVIDENCE-BASED:** Employs data from across departments to gain a more complete picture of neighborhood strengths and challenges; understands that quantitative data alone never tells the full picture of a neighborhood, and depends on community partnerships to gather relevant on-the-ground information;

- **COLLABORATIVE:** Connects code enforcement to broader policy initiatives and city agencies focused on neighborhood revitalization, community development, economic development, social service provision, public health, and racial equity, among others;

- **COMMUNITY-CENTRIC:** Develops and maintains close relationships with service providers, community-based organizations, neighborhood associations and residents to understand local issues, priorities, and needs and engages residents in program and policy design and decision-making;

- **PROACTIVE:** Uses methods that address systemic issues related to code enforcement prior to a complaint or the issuance of a violation.

An equitable code enforcement framework can help municipalities institutionalize strategic, proactive and inclusive practices and policies in order to leverage code enforcement's power and proximity to residents in order to advance equity. Our framework is comprised of a detailed and customized process map, a set of working principles, best practices and concrete recommendations in the areas of governance, planning, training and community engagement.

Phase II + Beyond

The Phase I work served as a foundation for Phase II of the Cities RISE program, during which Hester Street provided community engagement capacity-building support to ten municipalities. In Phase II, we built on the equitable code enforcement framework to equip each municipality with the tools, information and coaching they need to:

1. **develop and implement policies and programs that address community-defined needs and priorities;**

2. **strengthen relationships between government and community, and;**

3. **shift power from government to community for equity and justice.**

The end result of Phase II are innovative pilot programs that address problem properties developed by each municipality in collaboration with historically marginalized communities in their cities. The projects are funded by up to $1 million in housing crisis settlement funds during Phase III of the program.

We know that every city is different and that every code enforcement department faces its own particular challenges. The three phases of the Cities RISE program were designed to be flexible and adaptable to a diversity of city needs – to diagnose where difficulties lie; to provide data tools and technical assistance that support deep, lasting policy change; to emphasize the importance of meaningful community engagement, and; to supply the training and tools to ensure effective engagement practices.

Ultimately, our goal is to redefine the role of code enforcement – to move it from a reactive, punitive function to a proactive, community building one.
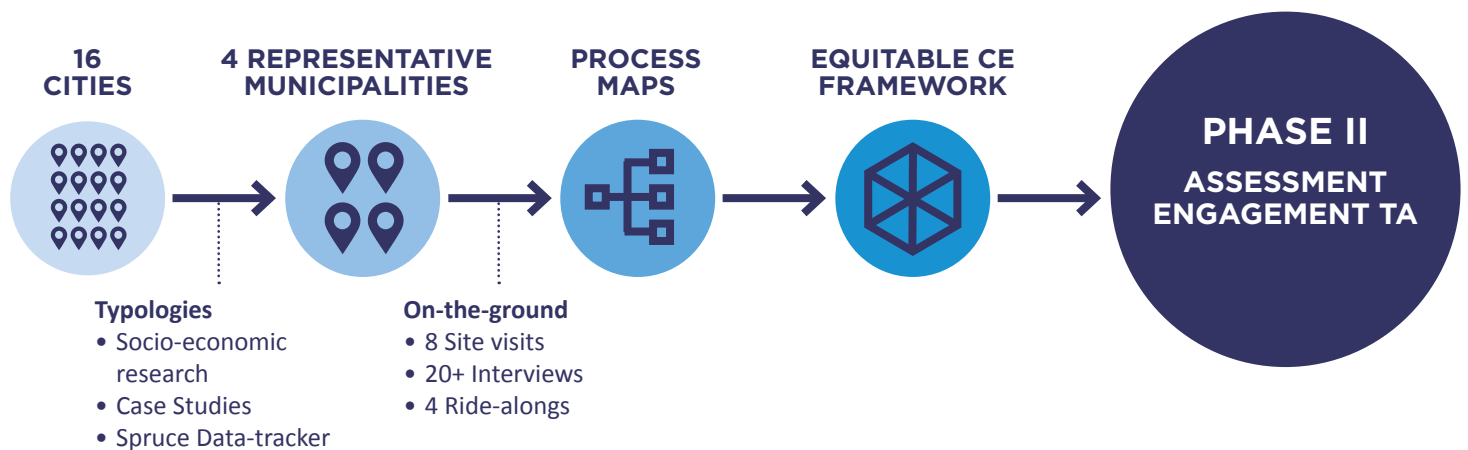

Photo credit: FEMA/Nicholas Lyman

Methodology

Sixteen municipalities were selected to be part of Cities RISE Phase I. Hester Street used an analytical approach to identify a smaller sub-set of municipalities for deeper analysis. First, we analyzed demographic and socio-economic conditions for all sixteen cities. We then categorized all of the cities into broad typologies based on population size, demographics and housing challenges, among other key characteristics. This information, coupled with qualitative data gathered through an extensive questionnaire completed by each of the cities, helped us identify four cities for deeper analysis.

For each of the four identified cities we carried out on-the-ground research to identify typical equity choice points, challenges and opportunities. The sum of our desk and on-the- ground research is the foundation of a flexible and adaptable Equity Framework for Code Enforcement.

16 CITIES → **4 REPRESENTATIVE MUNICIPALITIES** → **PROCESS MAPS** → **EQUITABLE CE FRAMEWORK** → **PHASE II ASSESSMENT ENGAGEMENT TA**

Typologies
• Socio-economic research
• Case Studies
• Spruce Data-tracker

On-the-ground
• 8 Site visits
• 20+ Interviews
• 4 Ride-alongs
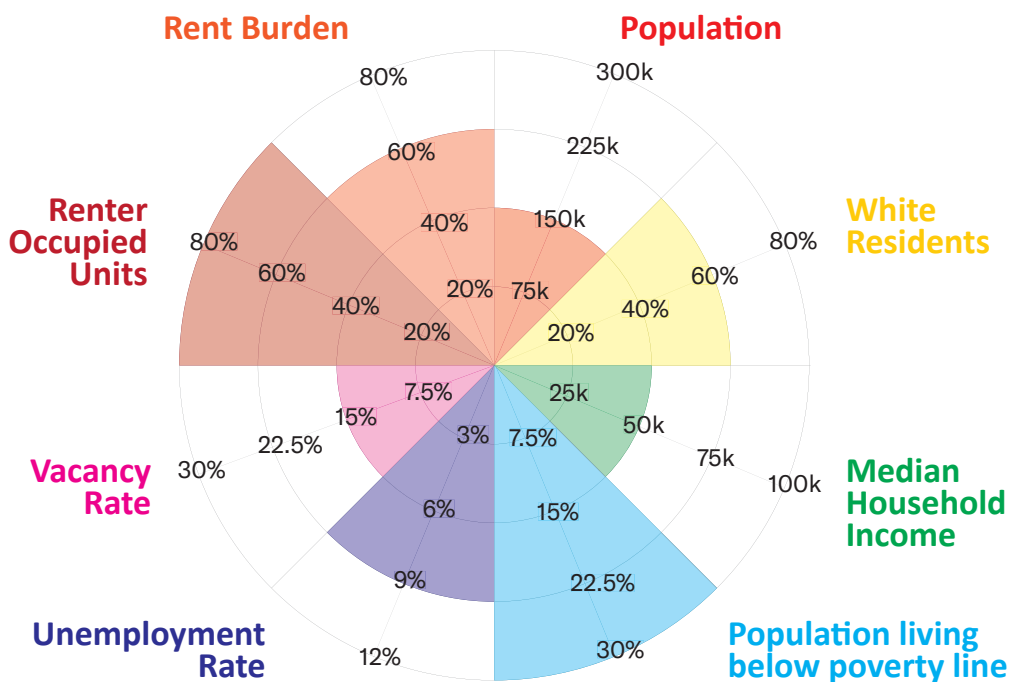
Municipality Typologies

Hester Street categorized each city into a set of representative typologies in order to develop predictive and interpretive lenses for understanding existing conditions, challenges and opportunities for code enforcement. Using publicly available census data and an extensive questionnaire, we employed the following quantitative and qualitative data points to identify representative typologies for deeper analysis:
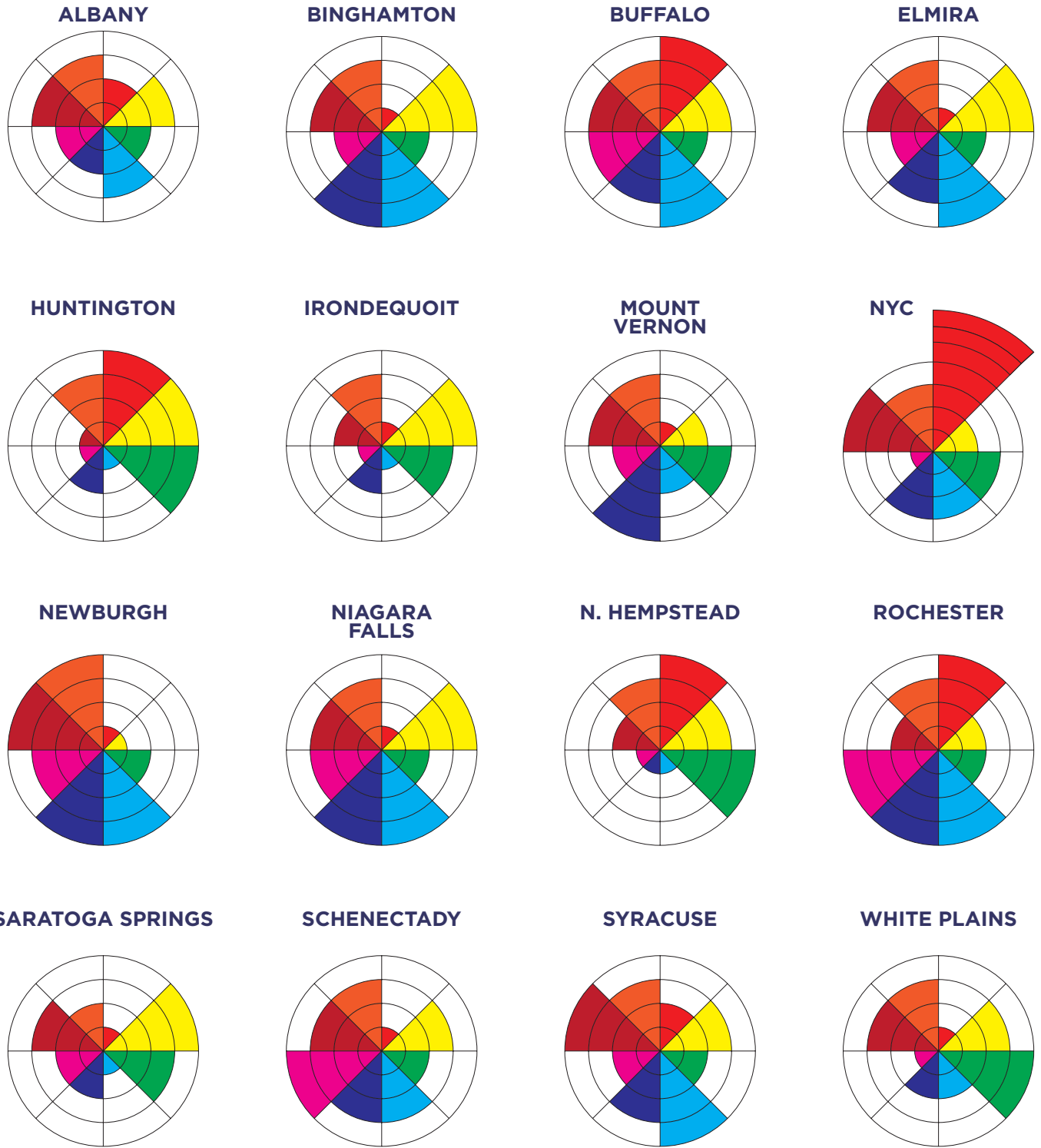
SOCIO-ECONOMIC FACTORS

- Population size
- Demographics
- Median Income
- Housing profile
- Historic and existing economic trends

CITY STRUCTURE AND CODE ENFORCEMENT DEPARTMENT CONTEXT

- Size, capacity and structure of code enforcement department;
- Diversity of code enforcement staff;
- Frequency and facility of Building Blocks and other data platform use;
- Relationship of code enforcement to other community development departments;
- Existing inter-agency coordination;
- Targeted focus on vulnerable communities vs. a one-size-fits-all approach;
- Relationships with community-based organizations and other local service providers.

ALBANY · BINGHAMTON · BUFFALO · ELMIRA · HUNTINGTON · IRONDEQUOIT · MOUNT VERNON · NYC · NEWBURGH · NIAGARA FALLS · N. HEMPSTEAD · ROCHESTER · SARATOGA SPRINGS · SCHENECTADY · SYRACUSE · WHITE PLAINS

Source: U.S. Census Bureau

Using this data, the team selected **Elmira, Mount Vernon, Newburgh and Rochester** for deeper research as representative typologies.

Representative Municipalities

Elmira

Small, predominantly white city with significant poverty and opioid abuse-related problems

HOUSING
- Housing stock is old and deteriorating - 86% was built before 1940
- Homeownership rate is lower than national average
- 2/3 of renters are rent-burdened, spending more than half their annual income on rent

CODE ENFORCEMENT
- 5 full-time officers
- Code Enforcement Director is part-time and shares duties with the neighboring town of Horseheads under a shared services agreement
- Strong interdepartmental collaboration
- Strong relationships with the county and community-based organizations

OTHER
- Population (currently 30,000) has declined by 40% since 1970
- One of top 25 highest opioid abuse rates in the country (7.7%); only city in the Northeast included on this list
- High number of rooming houses, as well as
- High number of residents recently released from prison

SIMILAR TO: *Albany, Binghamton, Niagara Falls*

Majority White

Low Income
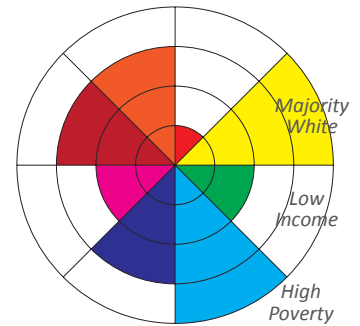
High Poverty

POPULATION: 28,583
RACE/ETHNICITY
77% White
15% Black
5.3% Latina/o
MEDIAN INCOME: $29,955
POVERTY: 32%
UNEMPLOYMENT: 9%
VACANCY RATE: 12%
RENT BURDENED: 65%
RENTERS: 56%

Mount Vernon

Majority black, stable middle-income city with high growth potential, higher crime rate and more vacant land compared to surrounding county

HOUSING
- More than half of residents are home owners (60%)
- Almost half of renters (40%) are rent burdened
- Renters face absentee landlords and real estate speculators
- Prevalence of Zombie Homes:, vacant, deteriorated homes whose owners are behind on their mortgage payments (HPD).
- A shortage of housing for the city's growing population
- Large amount of housing units (8,000) proposed, approved, and under construction

CODE ENFORCEMENT
- 4 full-time staff
- Code enforcement capacity does not meet city-wide need

OTHER
- Growing center for regional commerce
- One of the fastest-growing cities in New York metro area: between 2000 and 2006, the local economy grew 20%

SIMILAR TO: *Syracuse, White Plains, Yonkers*

Diverse

Mid Income
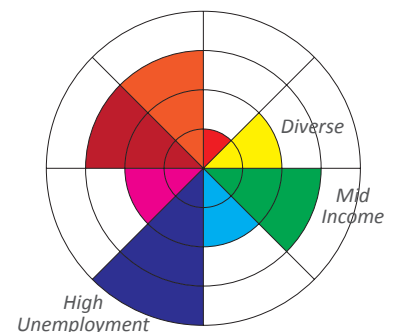
High Unemployment

POPULATION: 68,217
RACE/ETHNICITY
65% Black
24% White
16% Latina/o
2% Asian
MEDIAN INCOME: $51,886
POVERTY: 16%
UNEMPLOYMENT: 11%
VACANCY RATE: 11%
RENT BURDENED: 48%
RENTERS: 40%

CITIES FOR RESPONSIBLE INVESTMENT AND STRATEGIC ENFORCEMENT

Newburgh

Small city with gentrification pressures, severe rent burden, high poverty, overcrowding issues and large Latinx community

HOUSING
- Predominantly rental community (68%) with very high rates of rent burden
- High rates of vacancy (20%) caused by a variety of factors, including impacts of 1970s urban renewal policies of the 1970s
- Small and growing affluent homeowner community concerned about effects of low-income housing on property values and taxes

CODE ENFORCEMENT
- 4 full-time code enforcement officers, one with community organizing background
- Code enforcement department overburdened by needs of annual rental registration processes: currently handling 200 cases per month compared to 200 cases per year in 2007

OTHER
- Proximity to New York City real estate estate market and development pressures
- Urban renewal cleared 1,300 buildings along the downtown waterfront creating a large swath of vacant land

SIMILAR TO: *Schenectady*
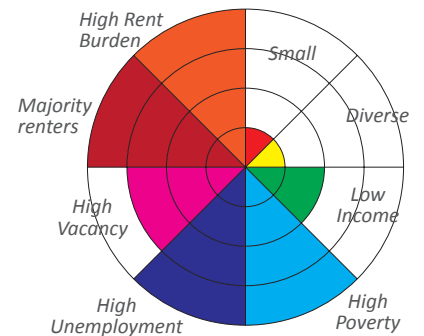
POPULATION: 28,406
RACE/ETHNICITY
50% Latina/o
25% Black
20% White
MEDIAN INCOME: $33,469
POVERTY: 33%
UNEMPLOYMENT: 12%
VACANCY RATE: 20%
RENT BURDENED: 75%
RENTERS: 68%

Rochester

Large legacy city with diverse population facing decades of population loss, low income and high vacancy rates

HOUSING
- High vacancy rate (29%)
- Almost half (49%) of renters are rent burdened
- Renters face absentee and/or exploitative landlords

CODE ENFORCEMENT
- 30 cCross-trained officers
- Code enforcement officers are diverse, multi-lingual and are representative of the populations they serve
- Code enforcement department sits within the Department of Neighborhood and Business Development (DNBD)
- Neighborhood Service Model includes 4 hubs in each quadrant of the city, serving as local touch points for code enforcement

OTHER
- Legacy city still recovering from population decline caused by loss of large industries

SIMILAR TO: *Buffalo, Syracuse*
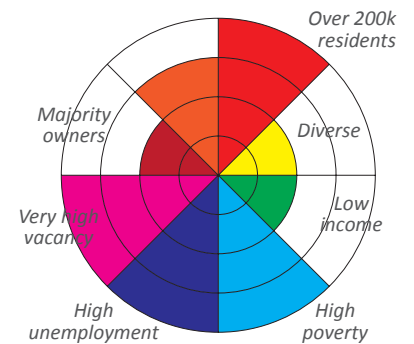
POPULATION: 210,565
RACE/ETHNICITY
37% White
39% Black
18% Latina/o
3% Asian
MEDIAN INCOME: $30,960
POVERTY: 35%
UNEMPLOYMENT: 13%
VACANCY RATE: 29%
RENT BURDENED: 49%
RENTERS: 21%

Source: U.S. Census Bureau (2017)

On the Ground

Hester Street dove deeply into the existing code enforcement landscape in each municipality with site visits, interviews and ride-alongs with code enforcement officers. Each of these strategies surfaced a variety of perspectives on the particularities of each city's practices and helped us diagnose each city's strengths and challenges.

SITE VISITS, MONTHLY CALLS + INTERVIEWS

We conducted in-depth interviews with select agency staff to understand: the history of code enforcement in each city; existing cross-sector collaboration; engagement with landlords, tenants and the wider community, and top concerns and challenges among code enforcement staff.

In addition to city staff, we also interviewed community-based organizations to understand how they interact with the code enforcement department and their perspectives on current code enforcement practices and opportunities for advancing equity.

RIDE ALONGS WITH CODE ENFORCEMENT OFFICERS (CEOS)

Ride-alongs with on-the-ground code enforcement officers provided the opportunity to observe day-to-day practices, decision-making and overall rapport with residents and landlords. We heard directly from front-line staff about challenges and impacts on vulnerable populations.

Ride Along with Code Enforcement Officer, photo credit: Hester Street.

Process Mapping

On-the-ground research helped us unpack code enforcement policy and practice in each municipality. Using qualitative data, the Hester Street team mapped internal and external touch points, decisions and hand-offs, and the related impacts on vulnerable residents.

We mapped the Code Enforcement process through the following lenses:
(1) Step by Step Operations
(2) Human interaction and experience

Overlaying the two process maps – one operational and the other human-centered – enabled the team to gather a holistic, human-centered perspective on a highly complex process. It revealed both the current process, and potential opportunities. Mapping helped us identify the operational and human dimensions of each step in the process from the perspectives of both code enforcement officers and vulnerable populations. We focused on how equity is or is not considered in everyday decisions. Our objective was to determine the ways in which equity could be the compass for cities as they reform their code enforcement practice.

PROCESS

Following an analysis of the entire code enforcement touchpoints across the four cities, we developed a the general process map for all municipalities, divided into six basic steps:

1. Instigation
2. Inspection
3. Evaluation
4. Re-evaluation
5. Enforcement
6. Next steps and Close out

For each step, the team identified pain points, opportunities and best practices from different cities that could serve as a lens to inspire reflection, improvements and actionable next steps.

⚠️ **Pain points:** Elements of the process that stakeholders found to be cumbersome, troubling, frustrating and/or ineffective.

✣ **Opportunities:** Suggestions made by stakeholders in each municipality to address pain points.

☀️ **Best practices:** Noteworthy protocols that could be replicated or adopted.

The team focused on pain points with the largest impacts on vulnerable and marginalized populations, such as low-income communities of color, new immigrants, recently incarcerated individuals and the formerly homeless. By using this central idea, our 3-part analysis provided powerful stories and lessons that any municipality can use to create a well-functioning code enforcement process with equity at the center.

PROCESS MAP

CODE ENFORCEMENT PROCESS

Objective of a code enforcement process is to preserve valuable housing and business resources in the city, to enhance the residential neighborhoods and to protect the safety, health and welfare of the persons who live, work and recreate in the city.
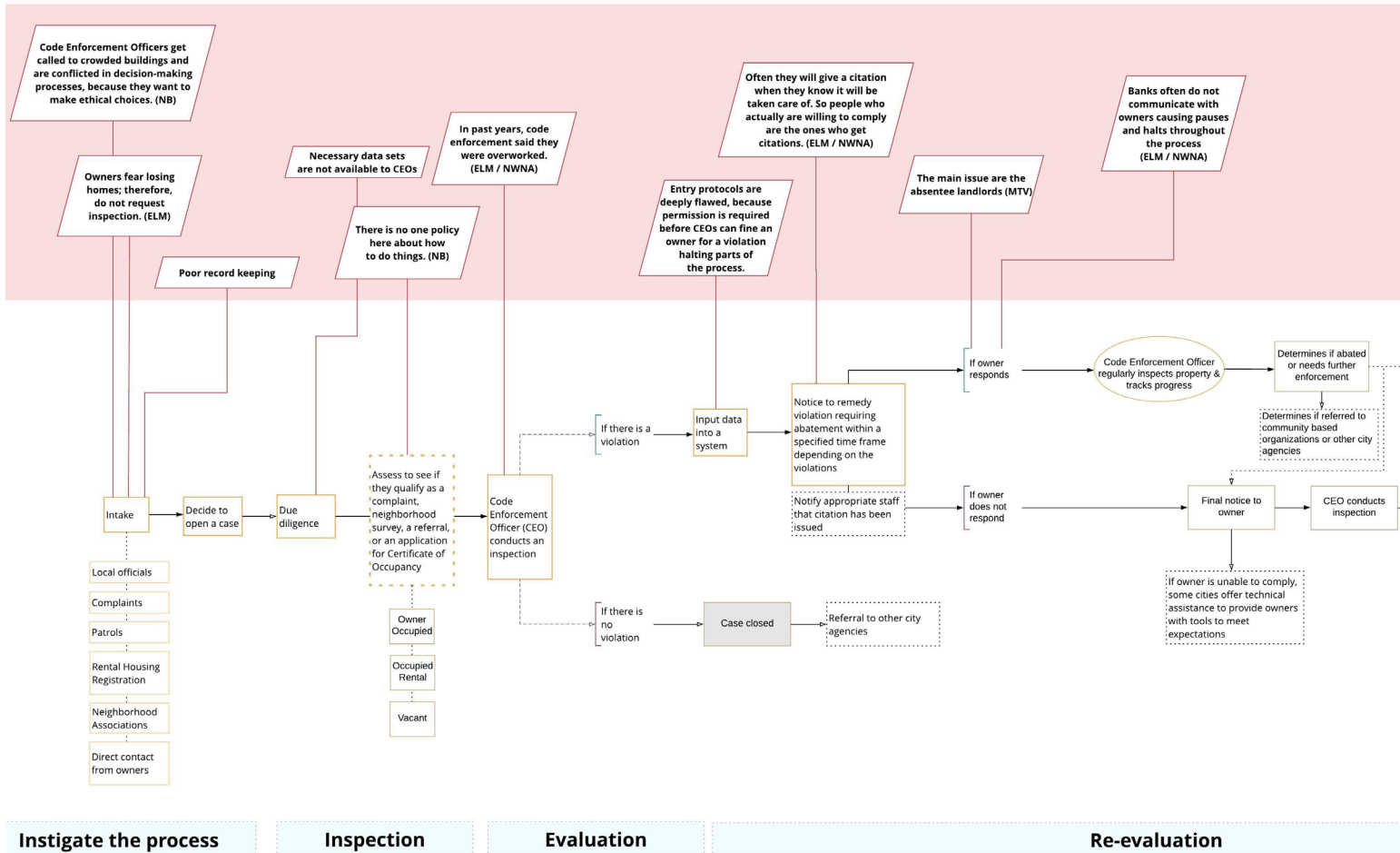
Working map of code enforcement process, highlighting pain points identified by city interviewees.

Often times, offices have more than they can handle with regard to bandwidth, capacity, and tools.
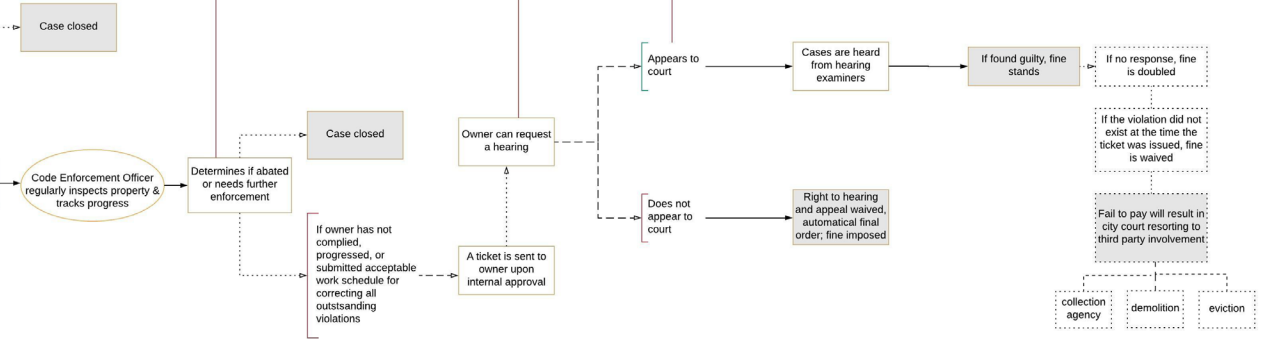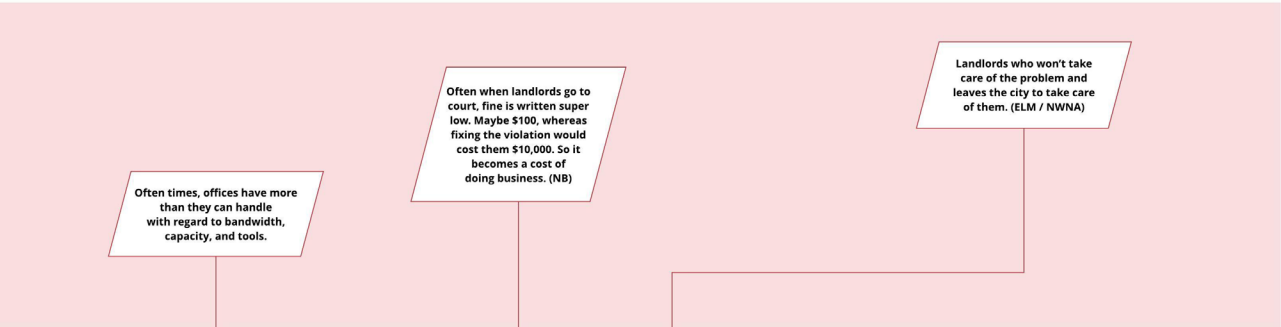
Often when landlords go to court, fine is written super low. Maybe $100, whereas fixing the violation would cost them $10,000. So it becomes a cost of doing business. (NB)

Landlords who won't take care of the problem and leaves the city to take care of them. (ELM / NWNA)

Case closed

Code Enforcement Officer regularly inspects property & tracks progress

Determines if abated or needs further enforcement

Case closed

If owner has not complied, progressed, or submitted acceptable work schedule for correcting all outststanding violations

A ticket is sent to owner upon internal approval

Owner can request a hearing

Appears to court

Does not appear to court

Cases are heard from hearing examiners

If found guilty, fine stands

Right to hearing and appeal waived, automatical final order; fine imposed

If no response, fine is doubled

If the violation did not exist at the time the ticket was issued, fine is waived

Fail to pay will result in city court resorting to third party involvement

collection agency

demolition

eviction

Enforcement

Next Steps

Code Enforcement Process

The following is a snapshot of the pain points, opportunities and best practices we identified:

Step 1: Instigatation

PAIN POINT: Code enforcement officers receive complaints of noise or overcrowding that may have been instigated by racist or anti-immigrant sentiments, which disproportionately put tenants of color at risk of displacement.

OPPORTUNITY: Utilize data to gather contextual information on the owner, tenants, property and complaint patterns and conduct in-person outreach to discern if complaints are legitimate. Cities also can conduct proactive neighborhood walk-throughs to provide non-punitive warnings to residents, and/or use non-complaint procedures in target neighborhoods to pinpoint owners that have placed vulnerable tenants at risk.

BEST PRACTICE: In Mt. Vernon, code enforcement officers routinely conduct neighborhood walk-throughs and door knocking in vulnerable neighborhoods. They provide information to residents about how they can become code compliant without violations. These actions demonstrate that code enforcement officers value compliance and resident needs over violations and fines.

Step 2: Inspection

PAIN POINT: When code enforcement officers inspect a property, they are making assessments related to building code violations. However, they often observe mental health challenges, child abuse or other non-building issues. Many code enforcement officers feel unprepared to respond to challenges beyond building conditions.

OPPORTUNITY: Municipalities can operationalize inter-agency connections to city social services and community-based service providers. Building the capacity of code enforcement officers to integrate social work into their practice equips them with the tools and support they need to respond effectively in complex situations. Convening a citywide, inter-departmental task force that explicitly takes on such cases can generate cross-departmental solutions that advance residents' safety and well-being as the primary goal.

BEST PRACTICE: Newburgh ensures that a code enforcement officer with a social service background and deep connections among local support networks conducts inspections in these kinds of complex cases. The officer provides referrals and connects residents to resources beyond code enforcement – across city agencies and in the community.
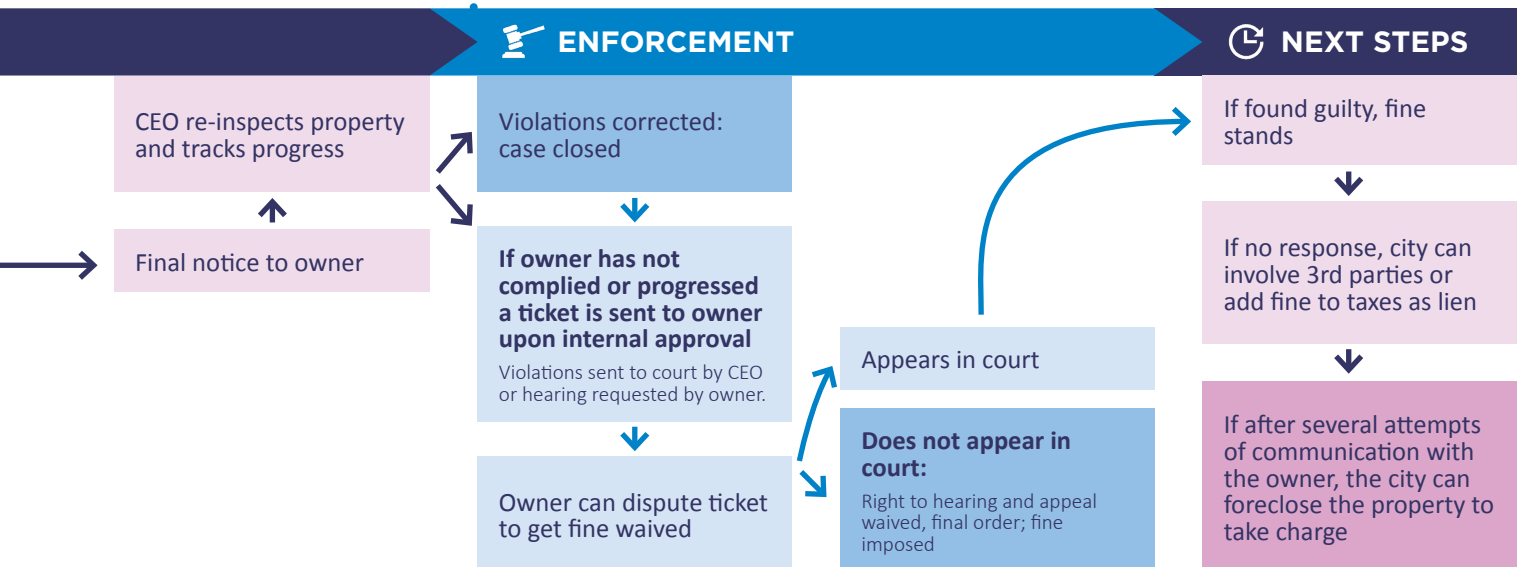
▶ INSTIGATE	🏢 INSPECTION	☑ EVALUATION	📋 RE-EVALUATION
Complaint	**Code Enforcement Officer (CEO) conducts an inspection** • Ensure property is up to code • Ensure safe living conditions	**Violations:** Input data into a system	Notice to remedy violation within a specified time
Process for routes • Rental regulations • Certificate of Occupancy		**No Violations:** Case closed and referred to other city agencies if applicable.	Owner responds / Owner does not respond
Strategy Using data to target code enforcement			
Decide to open a case			
Due dilligence: Identify case as a complaint, neighborhood survey, referral, or application for Certificate of Occupancy			

Step 5: Enforcement

PAIN POINT: Code enforcement officers often feel that issuing a violation may be futile, since paying the fine is cheaper than resolving the violation. Landlords either do not have the resources to make a repair or do not have a financial incentive to do so.

OPPORTUNITY: For landlords with multiple holdings, cities can use data to identify landlords with a pattern of paying fines without resolving the cause of the violation. Cities then can develop an action plan with the landlord to bring all properties into compliance while negotiating fees. For homeowners, municipalities can connect owners to low-interest loans or grant programs to fund needed repairs.

BEST PRACTICE: In Rochester, Neighborhood Service Centers connect residents with home repair needs to volunteer workers through the Flower City Work Camp program. In 2018, over 50 homes were repaired through volunteer efforts at no cost to owners.

ENFORCEMENT

CEO re-inspects property and tracks progress

Final notice to owner

Violations corrected: case closed

If owner has not complied or progressed a ticket is sent to owner upon internal approval
Violations sent to court by CEO or hearing requested by owner.

Owner can dispute ticket to get fine waived

Appears in court

Does not appear in court:
Right to hearing and appeal waived, final order; fine imposed

NEXT STEPS

If found guilty, fine stands

If no response, city can involve 3rd parties or add fine to taxes as lien

If after several attempts of communication with the owner, the city can foreclose the property to take charge

Insights and Analysis

Code enforcement officers (CEO) face myriad small and large decisions every day. Their on-the-ground, continuous contact with tenants and homeowners are a proxy for a city's relationship with its residents. The following factors will determine the ability of code enforcement to advance equity and transparency in their city:

Capacity and Training

Cities have a constant shortage of CEOs due to limited resources, high turnover and the lack of a comprehensive strategy for recruiting and retaining staff. In order to take on the volume of cases in cities with high vacancy rates, decades of disinvestment and growing development pipelines, it is important for cities to recruit and train a new generation of enforcement personnel that are both people-oriented and demographically representative of the communities they serve.

Code enforcement departments that prioritize people skills in recruiting and that demonstrate a willingness to invest resources in officer training can attract and retain a workforce that is equipped to handle the complex and nuanced interactions on the front lines of code enforcement.

Additionally, code enforcement departments that have technological support, access to data and adequate staff can operate more efficiently and proactively, as opposed to solely responding to complaints.

SPOTLIGHT: ROCHESTER

In addition to staff that understand the highly specialized technical needs of construction, the city of Rochester also looks for a customer-service orientation when recruiting new code enforcement officers. Former school teachers, veterans and community organizers are all part of the department's multi-lingual and diverse staff.

The City's comprehensive, two-year, cross-training and mentorship program pairs veteran CEOs with new trainees. This approach ensures that CEOs get the on-the-job training and support they need to navigate both the technical and human aspects of the job. Experienced officers are able to pass off long-term relationships to their newer co-workers – essential for continuity and consistency in this oftentimes sensitive public function.

Photo credit: Admiral Real Estate

✺ Mindset and Framework

Code enforcement strategies vary widely along the spectrum of reactive to proactive enforcement. Reactive enforcement relies solely on complaints – often concentrated in or directed at specific neighborhoods and/or communities. Reactive enforcement also tends to be punitive, resulting in a violation. Proactive enforcement anticipates issues and attempts to deal with problems them before they become serious. A proactive mindset requires resources to be focused on non-urgent issues that have long-term community benefits. The ways in which code enforcement department deploys data helps determine to what extent a city's practice is reactive or proactive.

Code enforcement departments tends to be more proactive when they share and use data across multiple departments, and collaborate closely with other city planning or community development departments.

This allows for an information and feedback loop that elevates issues or problem areas in order to identify macro solutions that address root causes instead of treating each incident as a one-off violation.

SPOTLIGHT: MT. VERNON

Much like many cities around the country, Mt Vernon has several foreclosed properties and "zombie" homes that were vacated in the middle of the foreclosure crisis, and which disproportionately impact the city's lowest-income neighborhoods.

Mt Vernon's code enforcement department connected the higher-than-average fire incidents they were seeing across the city to a subset of owners looking to lower their assessments, and therefore their tax bills, as they waited for a real estate market recovery. Using the Building Blocks platform, the City compiled a list of properties with three characteristics: a fire incident, inactive building permits and an open code enforcement case. Upon closer analysis, CEOs discovered that one owner with multiple citations owned sixteen foreclosed properties under slightly different LLC names. This analysis allowed the city to deal with the problem landlord directly, while they monitored the sixteen properties to ensure compliance.

Taking an inter-disciplinary approach, backed up by cross-departmental data, has enabled Mt. Vernon to tackle vacant homes and high fire incidents systemically, instead of individually, and therefore more efficiently and effectively. As a result, multiple city agencies now use cross-departmental data and collaboration to solve for persistent code enforcement issues.

⚎ Decisions and Hand-off

All cities follow their own building and housing codes to assess what constitutes a violation. However, the code alone does not provide enough guidance to officers about how officers are to do their jobs day-to-day. Everything from receiving and logging complaints to performing inspections, investigating and adjudicating violations, and referring residents to social services are all subject to a broad range of formal and informal procedures. As a result, officers must exercise a lot of personal discretion. The lack of standard operating procedures leaves code enforcement open to: implicit bias, generalization, over-reliance on a complaint-driven system, and no standardized mechanism to address historic and systemic injustices.

Code enforcement departments that establish standard operating procedures, decision trees and hand-off protocols – particularly for situations that impact vulnerable populations – are able to build institutional memory, which helps minimize or alleviate the disparate impacts of code violations and build institutional memory.

In these instances, a code enforcement playbook ensures that CEOs carry out their jobs effectively at the same time that the best interests of residents are considered, regardless of personal inclinations or biases.

SPOTLIGHT: NEWBURGH

The city of Newburgh is faced with high rates of poverty and rent burden, as well as unscrupulous landlords creating overcrowded or unsafe conditions for low-income tenants. In response, the city hired a CEO with a social work and community organizing background with the expertise necessary to evaluate and connect residents to the services they most want and need.

Newburgh established a two-pronged protocol to focus on high-need cases impacting low-income tenants. First, they prioritize high-risk safety and health code violations. Second, for any cases where the violation may result in temporary or permanent displacement, the CEO/social worker is automatically assigned to the case. As a result, the City ensures a built-in mechanism to connect residents to existing resources that mitigate the hardship caused by a violation. This approach builds trust with tenants – many of whom do not speak English and have recently immigrated – and changes the role of the CEO from a punitive enforcer to a connector and ally.

Photo credit: Daniel Case

⛓ Leadership and Governance Structure

A leadership and governance structure that supports code enforcement and recognizes it as an integral part of the city's planning, safety and social services strategy was found to be a key component of a proactive and equitable approach. Effective code enforcement requires strong collaboration with police and fire, and planning and community development departments.

City governments that prioritize strong inter-agency collaboration, communication and collective problem solving find innovative ways to improve quality of life.

In addition to a cross-departmental approach, support from city leadership is crucial to implementing a proactive, strategic, community building role for code enforcement. The Mayor's priority issues, and the ways in which agencies are empowered and instructed to address these issues, have an important impact on code enforcement activities.

SPOTLIGHT: ELMIRA

The Department of Social Services in Elmira helps vulnerable residents with housing vouchers and places them in emergency housing. In the course of their work, they discovered that residents were being placed in boarding houses owned by problem landlords who consistently neglect their buildings. Evicting tenants as a result of their landlord's multiple violations would disparately impact vulnerable residents, already at risk of homelessness, joblessness and recidivism.

Empowered by strong city leadership, the City's code enforcement department worked closely with the Department of Social Services (DSS) to develop a systemic solution to the problem. Code enforcement gathers and shares a list of 'problem landlords' with DSS to prevent placements in doubly vulnerable situations. ode enforcement also gives advance notice to DSS before condemning any building illegally operating as a boarding home to prevent homelessness and ensure that residents are placed in alternative accommodations. This practice – the result of targeted data use and close cross-agency collaboration – has prevented problem landlords from taking advantage of vulnerable residents and secured safe and stable housing for an at-risk vulnerable population.

Understanding how each municipality was performing in each of these areas helped us diagnose what resources and tactics are most needed to improve equitable code enforcement operations. While there are model practices to learn from in each city, we found that all cities had blind spots or room for improvement in at least one area. This kind of multi-layered analysis enabled us to meet each city where it is and target code enforcement operations for improvement, rather than apply a one-size-fits-all approach.

Equitable Code Enforcement Framework

Our work in Cities RISE Phase I demonstrated the promise of code enforcement to advance equity. Code enforcement has the power to:

- Acknowledge and address the impact of systemic and institutional discrimination;
- Prevent disparate impacts for vulnerable populations, including low-income communities, communities of color, and immigrant communities;
- Deploy code enforcement as a tool for community building by integrating it within larger planning, engagement and development strategies.

Without policies and practices that intentionally and institutionally advance equity, code enforcement can exacerbate inequalities, act on their own and community member biases, create undue burdens for marginalized communities and focus exclusively on code violations without considering larger issues of affordability and neighborhood stability.

Code enforcement officials make decisions that have equity implications every day. Implementing a policy and practice framework can help cities ensure that those decisions are part of a larger strategy to make code enforcement, planning and development more equitable. We propose the following principles for equitable code enforcement:

Equip CE staff with standardized tools, training and support **to conduct both contextual and evidence-based inquiry and minimize implicit biases.**
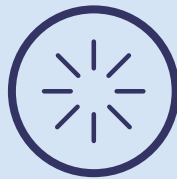
Encourage holistic, proactive and cross-sectoral approaches.

Deploy code enforcement as a community building tool.

Nurture a strong culture of transparency, collaboration and accountability.

Equip CE staff with standardized tools, training and support to conduct both contextual and evidence-based inquiry and minimize implicit biases.

Photo credit: City of Brooklyn Park

Case Study: Brooklyn Park, MN
Implicit Bias Training

In 2014, city officials realized that their complaint-driven system had inadvertently created a situation in which power and resources were focused on the complainant. They noticed that a high percentage of properties subject to complaints were occupied by people of color, while the house next door, occupied by white residents, had the same violation but no complaints were received.

The city instituted a new protocol that requires outreach prior to any enforcement actions. They developed educational materials that address language, resource and other barriers. They provide training to all officers that includes data, racial justice and scenario planning tools. And importantly, staff are empowered to say no when they feel that race and/or ethnicity is a motivator for a complaint. This comprehensive approach ensures that the department prioritizes vulnerable populations and racial equity, which supports their long-term goal of voluntary compliance and a "community where opportunities exist for all."

Encourage holistic, proactive and cross-sectoral approaches.

Photo credit: David Ford/WFDD

Case Study: Greensboro, SC
Greensboro Housing Coalition partnership

Following decades of battling sub-standard properties and problem landlords, in 2011, the City of Greensboro established a formal partnership with the Greensboro Housing Coalition (GHC)¬¬—a well-established nonprofit advocacy organization.

The city worked closely with GHC to push for a much-needed Rental Unit Certificate of Occupancy (RUCO) policy. During the campaign, GHC publicized RUCO requirements through an annual healthy homes bus tours, small meetings and one-on-one discussions with residents and property owners.

Recognizing their effectiveness and deep community ties, the city contracted GHC to expand their RUCO work to include code enforcement. GHC worked with the city to: develop a public education campaign; prepare multilingual educational materials about code requirements; meet with residents, owners, and whole neighborhoods to explain the code process; and direct referrals from other organizations to code enforcement. GHC counselors and code enforcement officers now work together regularly to solve persistent cases, minimize tenant displacement and notify each other of problem properties.

Deploy code enforcement as a community building tool.

Case Study: Santa Clarita, CA
Extreme Neighborhood Makeover

In 2005, during a particularly tough economic period, low-income homeowners in Santa Clarita were having a hard time keeping up with building maintenance. The result was a concentration of unsafe conditions and would-be code violations in vulnerable neighborhoods. Instead of burdening homeowners who were already hurting with violations and fines that would undoubtedly cause economic hardship and might even result in eventual foreclosure, the city started their own Extreme Neighborhood Makeover program.

The city collaborated with various nonprofits, local businesses and community volunteers to sponsor kick-off block parties in target areas. Local elected officials turned out to meet their constituents and city employees provided information about local regulations, grant programs, and other resources for homeowners and tenants. Local businesses sold food and drinks, and neighbors came out to eat, meet each other, and figure out ways to work together to improve their neighborhood. Each block party was followed up with a thank you letter and a heads up list of current violations from the city. City staff continuously checked in with residents to clarify issues or connect them to resources.

A hands-on, grassroots effort, the Makeover program was designed to build positive community relations, strengthen good will among neighbors and support local businesses while improving neighborhood conditions. As a result, the city reached almost 500 homes and, for a relatively low cost, improved compliance rates from 10% to 95%.

Photo credit: City of Santa Clarita

Nurture a strong culture of transparency, collaboration and accountability.

Case Study: Kansas City, KS
Kansas City Performance Audit

Kansas City is one of the very few cities in the country that conducts an annual performance audit of its code enforcement operations. The audit compiles and analyzes performance data across a variety of indicators – from numbers of violations and site visits to types of violations and neighborhood trends, including code enforcementthe timeline from complaint to resolution. These detailed metrics are invaluable to staff, management and cCity leaders alike, and have been used to improve program performance and operations, reduce costs, inform decision making, and ensure public accountability.

The city can build on these important innovation by incorporating feedback from residents in the process. They can provide multiple avenues for input such as surveys, workshops and focus groups. An equitable code enforcement evaluation would involve city officials and residents collaboratively developingng on the metrics of success, as well as creating user-friendly, jargon free report backs in multiple languages to increase transparency and accountability to residents.
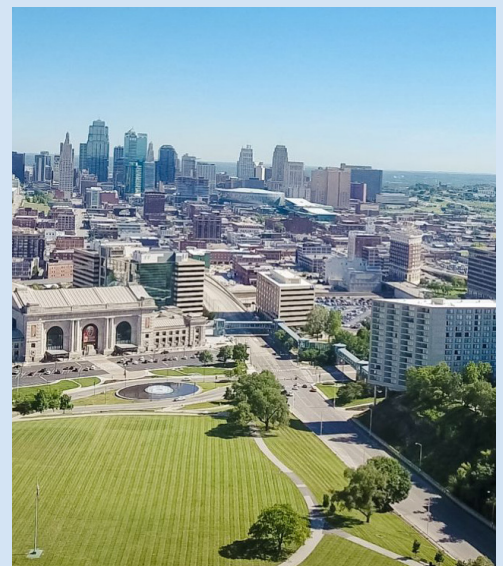
Photo credit: Startland News

Recommendations

Create a flexible toolkit for Equitable Code Enforcement

Multi-faceted, cross-departmental data is a powerful tool for diagnosis and strategic intervention. As municipalities are equipped with more and better data, they can more effectively track their efforts, push towards continuous improvement, and understand the degree to which their actions achieve the intended results.

However, data must be paired with a deep and systematic focus on equity. Equitable Code Enforcement is:

➔ **RESTORATIVE:** Understand that legacies of racial inequality manifest in neighborhoods today and work to redress the impact of systemic and institutional discrimination to avoid further harm and disparate impacts to already vulnerable communities

➔ **EVIDENCE-BASED:** Employ data from across departments to gain a more complete picture of neighborhood strengths and challenges; understand that quantitative data alone never tells the full story of a neighborhood, and use partnerships with the community to gather relevant, on-the-ground, qualitative information

➔ **COLLABORATIVE:** Connect code enforcement to broader policy initiatives and city agencies working on issues such as neighborhood revitalization, community development, racial equity, public health, economic development, and social services

➔ **COMMUNITY-CENTRIC:** Develop and maintain close relationships with service providers, community-based organizations, neighborhood associations and residents to understand local issues, priorities, and needs; Engage residents in the development and implementation of programs and policies

➔ **PROACTIVE:** Address systemic issues and root causes of code violations prior to a complaint.

An Equity Framework helps cities institutionalize a community building function and an equity and justice perspective into standard operating procedure to ensure that code enforcement policy and/or actions do not disparately impact low-income communities of color and other vulnerable populations. In fact, equitable code enforcement has the power to advance equity through proactive protection, increased investment and civic engagement in those same communities.

Key components of equitable standard operating procedure include these 4 elements

Resident Engagement

Working together with communities, enables code enforcement officials to leverage local knowledge for policies, practices and projects, which results in:

1. better outcomes – people closest to problems typically know best how to solve them;

2. democratic legitimacy and better government/community relations – when people most impacted by decisions have a hand in making them, there is shared ownership of those decisions, and;

3. justice and equity – addressing historic discriminatory policies and investing in previously disinvested neighborhoods advances a more inclusive, just and equitable city for all of its residents.

Engagement related to code compliance should move from efforts that marginalize or placate residents to those that strengthen resident leadership. The most successful efforts will be inclusive, transparent and accountable. These kinds of efforts include:

- Popular education about code enforcement
- Regular meetings with neighborhood groups, Block Associations, etc. to diagnose neighborhood issues and collaboratively develop solutions
- Meet your Code Enforcement Office days
- Targeted neighborhood action plans developed in partnership with residents which send the message that the municipality needs their involvement and cannot do this well without them
- Love Your Block programs or Neighborhood Association mini-grant programs
- Targeted outreach through trusted CBOs to hard to reach populations such as non-English speakers, new immigrants, refugees, people with disabilities, working parents etc.
- Community advisory or steering committees to guarantee accountability.

Training and Procedures

Attrition looms ominously over most municipalities. Developing and empowering a quality workforce is crucial. People need to feel safe in their jobs and know that organizational priorities and expectations are clear. By applying equity principles and making corresponding adjustments in recruitment, cities can diversify and build internal capacity for excellence, equity, and fairness in service delivery - even as the built environment and populations change. These can include:

- Standardized operating procedures that include scenario planning for equity pain points (e.g. displacement, harassment, absentee landlords, social service referrals)
- Recruiting CEOs from non-traditional fields such as social work, education and customer service
- Ensuring that the CE workforce reflects the diversity of the city – proactive recruitment of people of color, women and recent immigrants
- Implicit bias and racial justice trainings
- Mentorship opportunities for newer staff by more seasoned code enforcement officers

Proactive Planning

Municipalities want sustainable and livable communities. They want a clean, safe, and healthy built environment that supports a prosperous and resilient local economy. Code enforcement is a strategic tool for that helps residents thrive as their community grows and changes. Anticipating needs that will mitigate complaints and support healthy living conditions should be employed. These include:

- Action planning for landlords
- Formalized housing referral and information-sharing relationships with social service providers and community-based organizations
- Resources and education for homeowners and tenants
- Good Responsible landlord checklists and support
- Tenants' rights trainings

Governance

There is nothing more powerful than strong executive leadership for any policy to succeed. This should be anchored by a structure where reporting and accountability is clear. Leadership at all levels should have a shared understanding of the process map and of the pain points and opportunities present to apply code enforcement efforts with equity. Governance should support people and communities by setting forth shared goals around protecting and improving human health and safety, fostering community building and healthy living, and preserving and enhancing the built environment. What this looks like in practice is the ability to convene stakeholders from various agencies and sectors (inside and outside of government) to develop holistic approaches to the toughest (and most mundane) situations.

- Cross-departmental tTaskforce
- Publicly available evaluation and performance metrics
- Transparency, collaboration and integration on data

Next Steps

As we have seen in Elmira, Mt Vernon, Newburgh, Rochester and across the country, vacant properties, substandard housing and neighborhood quality have a deep impact on the economic, physical and social health of cities. And while code enforcement has the planning and enforcement power to create and support stable, safe, healthy and equitable neighborhoods, it is, by and large, an underutilized policy tool in the effort to advance equity in cities nationwide.

The equity framework laid out in this report can help cities nationwide institutionalize an equity and justice perspective into standard operating procedure to ensure that code enforcement policy and practice not only do not disparately impact low-income communities of color but actually **improve housing and property conditions, prevent tenant harassment and displacement, and increase investment and civic engagement** in historically marginalized communities. When we reframe code enforcement – historically reactive and punitive – as proactive, restorative and community-centric as cities like Brooklyn Park, Greensboro and Santa Clarita are doing, it can build and strengthen communities instead of tearing them apart.

Photo Credit: Safe Harbors of the Hudson

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