Up to Code

Code Enforcement Strategies for Healthy Housing

ChangeLab Solutions
Law & policy innovation for the common good.

Contents

This code enforcement guide is a collaboration of the following members of The Kresge Foundation's Advancing Safe and Healthy Homes for Children and Families Initiative: the Alameda County Healthy Homes Department; the Greensboro Housing Coalition; the National Center for Healthy Housing; the City of Newark Department of Health and Community Wellness; and Strategic Actions for a Just Economy. The Safe and Healthy Homes Initiative is a comprehensive effort to eliminate environmental and safety hazards and address the underlying causes of dangerous or unhealthy homes.[1]

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Introduction

Safe, clean, and habitable housing is central to the health of individuals, families, and communities. When housing falls into disrepair or has pests, moisture, inadequate ventilation, and/or chemicals, it has the potential to harm residents. Under these conditions, the home can become an unhealthy, or dangerous, environment. Substandard housing conditions can cause or exacerbate health problems, posing an acute risk to young children, seniors, and people with chronic illnesses.[2,3] These conditions can lead to asthma,[4] housing-related injuries,[5] and elevated lead levels in children,[6] among other health outcomes.

Local code enforcement programs are the first line of defense in ensuring safe and healthy housing for residents. To be effective, these programs require strong housing codes, well-trained enforcement officers, cross-agency collaboration, partnerships with community agencies, programs to assist residents and property owners, and thoughtful data collection and evaluation.

This guide is designed to give an overview of the practices and strategies necessary for code enforcement programs to protect residents and preserve housing effectively. Each chapter addresses a specific component of code enforcement, and offers resources to assist jurisdictions in implementing programs.

We use several terms in this guide. We use *locality* and *jurisdiction* to refer to towns, cities, counties, and other forms of local government. We use the term *property owner* to refer to the individual who owns and maintains housing, and the term *resident* to refer to the person who lives in housing. Occasionally, we use the term *renter* to refer to renters specifically. *Officer* is used to refer to an individual who inspects housing, cites for violations, and enforces housing code.

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Adopt a Strong Housing Code

Resource

- The National Center for Healthy Housing's (NCHH) **National Healthy Housing Standard** reflects the latest understanding of the connections between housing conditions and health.

Substandard housing conditions can harm residents. Between 20 and 30 percent of asthma cases are linked to home environmental conditions, and about 21,000 lung cancer deaths result from radon in homes. In addition, more than 24 million homes that have lead-based paint hazards put children at risk of the irreversible neurologic effects of childhood lead poisoning. Home injuries are the leading causes of death for young children, and falls in the home, which are often preventable, put 6 million adults over 65 in hospitals and nursing homes. In order to improve substandard housing conditions and protect residents' health, communities must adopt a strong housing code that contains specific, science-based health standards.

In too many localities, housing codes contain ambiguous phrases in their standards, such as "clean," "sanitary," "safe," and "healthy," and the lack of details makes efficient and effective code enforcement difficult. Without specific standards to serve as a guide, property owners, residents, and code enforcement officers can interpret housing codes differently, leaving compliance decisions subject to challenges and residents vulnerable.

To protect residents from the threats of poor quality housing, communities must adopt a strong housing code that contains science-based health standards.

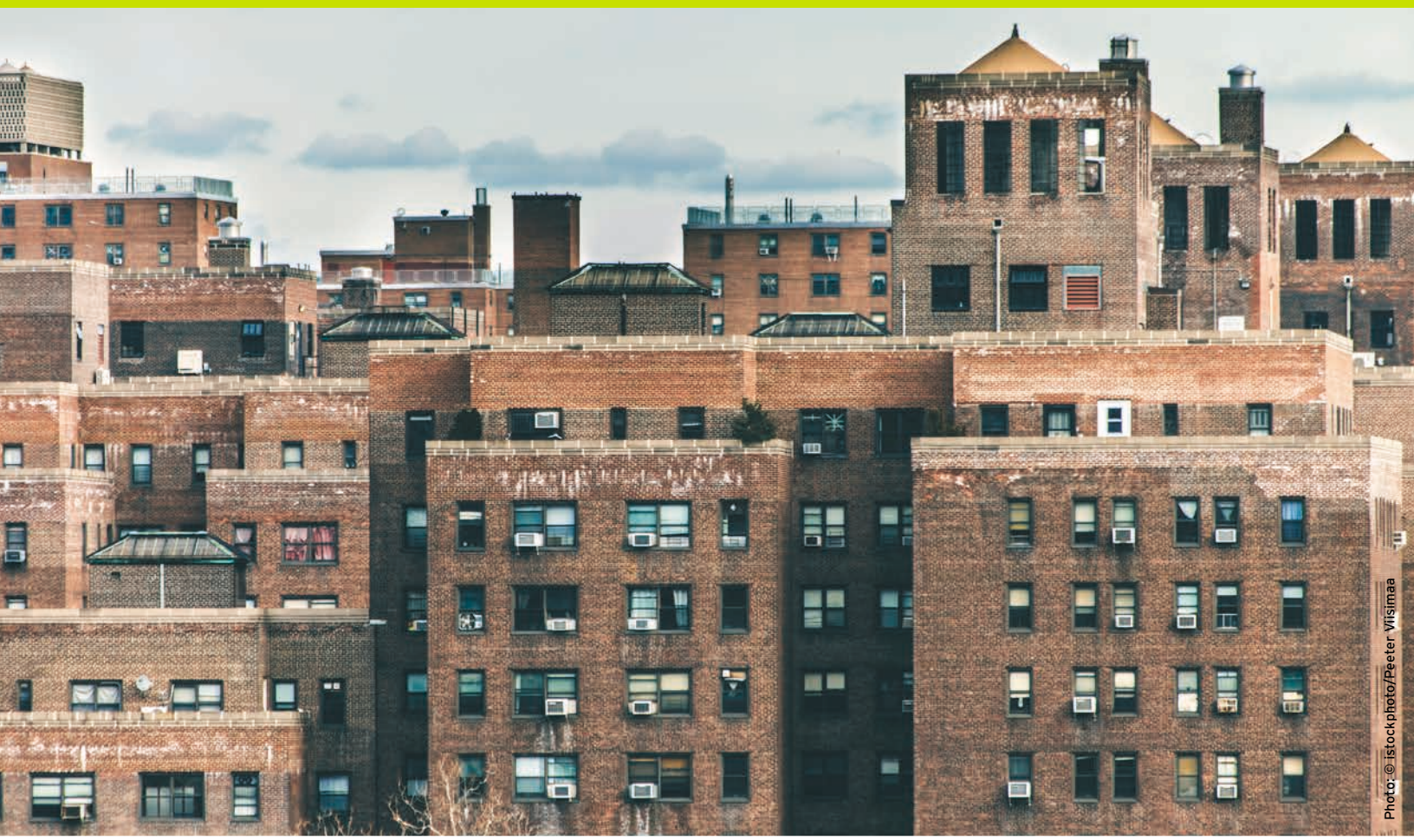
In addition, many housing codes don't properly address health-related threats in the home, such as pests, moisture, ventilation, and chemicals (radon, lead, and pesticides, for example). In the past two decades, the science connecting these threats with residents' health has leaped forward. New research also suggests strategies for using strong standards to protect residents from the threats of poor quality housing.

Recognizing the need for enforceable, science-based standards to address the health effects of substandard housing, the American Public Health Association and the National Center for Healthy Housing developed the National Healthy Housing Standard (NHHS) in 2014.

In developing the NHHS, the American Public Health Association and the National Center for Healthy Housing considered more than 300 public comments from health and housing practitioners and advocates representing 50 different organizations. The NHHS constitutes minimum performance standards for a safe and habitable home. The Standard is written in housing code language to complement the International Property Maintenance Code and other housing policies already in use by local and state governments and federal agencies.

By incorporating the NHHS into local housing code, jurisdictions can use code enforcement to protect and promote health.

Fund the Code Enforcement Program Sufficiently



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Resources

- The **Community Development Block Grant (CDBG) program** is a flexible program that provides communities with resources to address a wide range of unique community development needs, including **code enforcement activities**.

Effective code enforcement programs require sufficient financial resources. In many localities, state law sets forth how the locality may fund its code enforcement operations. State law may also set forth the types of fees and amount of fines the jurisdiction may assess on those who violate the housing code.

State law permitting, a jurisdiction may fund code enforcement activities in a variety of ways:

- **General Fund**
  Localities can often fund their code enforcement programs with money from their general fund. The general fund primarily consists of property tax revenue, and sometimes includes other local taxes and shared state revenues.

- **Community Development Block Grant (CDBG) Funding**
  Some communities fund their code enforcement programs with moneys from the Community Development Block Grant (CDBG) program, which is administered by the U.S. Department of Housing and Urban Development, or HUD. The federal CDBG program helps promote viable urban communities by providing funding for affordable housing, infrastructure development, and expanding economic opportunities, principally for low- and moderate-income communities. Every year, the CDBG program provides grants to 1,200 cities and urban counties, as well as to states for distribution to smaller communities, local governments, and Indian Tribes.[7,8] These grants can fund specific code enforcement activities, including code enforcement officers' salaries and related expenses, and legal proceedings to enforce housing codes in deteriorating/deteriorated localities.[9] In addition, CDBG funding can be used for rehabilitation or improvement of some types of housing.[10] Other federal and state grants may also be awarded to supplement or match a locality's code enforcement budget.

- **Permits, Licenses, and Regulatory Fees Paid by Property Owners**
  Most localities receive revenue from the licenses, permits, and regulatory fees used to regulate housing. Some localities require property owners to obtain a license or pay a registration fee to operate their property as rental housing. Most require owners to pay for permits to construct, repair, or rehabilitate their property. In addition, localities can require owners to pay fees for worksite inspections to ensure construction is done properly. In most jurisdictions, the fees are set to cover the costs of operating the code enforcement program.

- **Fines/Penalties**
  Many localities require that property owners pay fines for violating the housing code. Often, owners must also pay fines for re-inspection and other costs related to enforcement. Localities usually use the revenue generated from the penalties of their code enforcement programs to fund their programs. Revenue generated from other departments' enforcement activities, such as zoning code violations, can also be funneled back into a housing code enforcement program.

Sufficient funding is key to the success of a code enforcement program, granting communities the resources to maintain valuable housing stock and ensure residents live in safe and healthy homes.

Sufficient funding is key to the success of a code enforcement program, granting communities the resources to ensure residents live in healthy homes.

Train Officers Comprehensively

Photo: © istockphoto/Pamela Moore

Resources

- The National Center for Healthy Housing offers numerous **training courses** for code enforcement officers.
- **Healthy Housing Solutions Inc.** is a certified small business and residential environmental health and safety consulting firm. It supports federal, state, and local agencies as well as private sector organizations.
- **The Alameda County Healthy Homes Department** is a Healthy Homes Training Center partner and provides Healthy Homes training. The department is also certified by the EPA to train in Lead Safe Work Practices, and staff are experts on household mold issues.

Effective code enforcement programs require well-trained code enforcement officers to enforce the local housing code. Officers need to participate in a broad-based training program, periodic training updates, and routine inspections with other officers to ensure professionalism and consistency in the field.

Code enforcement programs should provide training to officers on a variety of topics:

- **All applicable federal, state, and local laws addressing building safety**
  Officers need to understand all the relevant laws, and they need the technical training to enforce those laws properly. The training should cover the traditional "safety issues" reflected in building codes, addressing areas such as the electrical, plumbing, and structural systems.

- **Healthy Homes best practices and standards**
  Code enforcement officers must understand how building safety standards affect the health of residents. Recommended by the Centers for Disease Control and Prevention and offered by the National Healthy Homes Training Center and Network, the Code Inspection for Healthier Homes course takes a holistic approach to code enforcement and emphasizes the seven key elements of a healthy home: "Keep It Dry, Keep It Clean, Keep It Pest-Free, Keep It Ventilated, Keep It Safe, Keep It Contaminant-Free, and Keep It Maintained."

  This training helps code enforcement officers understand the home comprehensively, enabling them to identify substandard conditions and proactively apply measures to protect residents' health. It also prepares them to address hazards they may recognize but have struggled to connect with other issues or codes.

  For example, upon inspecting a housing unit, a code enforcement officer may identify a mold issue that requires immediate attention. Without training in Healthy Homes, the officer may simply instruct the property owner to remove the mold, not knowing to ask if any residents have a health condition that would affect how the owner removes the mold (for example, treating the mold with bleach might trigger a resident's asthma).

- **"Soft skills," including customer service, communication techniques, and ethics**
  Code enforcement officers spend most of their time interacting with property owners and residents, who are often from diverse backgrounds. In order to provide high-quality, culturally appropriate customer service, officers need good communication skills and an understanding of the ethics laws that govern their conduct.

- **Technical assistance and resources offered by partner agencies, community organizations, and other service providers**
  Officers must be aware of groups that provide resources and assistance to property owners and residents.

Officers need to participate in a broad-based training program to understand how building safety standards affect the health of residents.

In addition, new code enforcement officers should conduct joint inspections with experienced officers who can train them in the field. Experienced officers should also conduct joint inspections from time to time to ensure standardization and consistency.

By training officers comprehensively and on an ongoing basis, localities can help them better understand and address potential housing concerns.

Partner with Community Organizations

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Resources

- The **Greensboro Housing Coalition** is an independent nonprofit membership organization that advocates for safe and affordable housing.
- San Francisco, **California Code Enforcement Outreach Program**

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Effective code enforcement programs engage with community members and partner with community organizations.

Community organizations can support and strengthen government efforts in several ways:

- **Community organizations educate residents, property owners, and neighborhoods about the code enforcement process and the requirement to maintain housing to minimum safety standards.**
  By raising awareness of the purpose, policies, and procedures of code enforcement, community organizations can support enforcement efforts and ensure residents and owners understand the process.

- **They can offer services that supplement those provided by government and ensure effective implementation of inspections.**
  When officers encounter language barriers, mental illness, or other challenges residents may be facing, trusted community organizations can step in. They can liaise between groups, facilitate solutions, help residents move from hazardous conditions, and help property owners fix housing problems. Community organizations may be more flexible and better positioned than government code officers to ask questions and propose creative solutions, so collaboration can provide an excellent "internal-external" approach to more effective code compliance.

- **They also help eligible owners with repairs, and advise low-income rental owners about correcting code violations.**
  Community partners can help both property owners and code enforcement officers by providing services and resources to help owners comply with code enforcement orders.

Code enforcement programs have a variety of potential community partners, including housing advocates, public health professionals, immigrant and refugee service providers, social workers, tenant organizations, and home repair programs. To collaborate effectively, code enforcement officers and community organizations must understand their roles, expertise, and authority, and establish clear lines of communication.

Community organizations can raise awareness of the purpose, policies, and procedures of code enforcement, and provide supplementary resources and services.

Case study from Greensboro, North Carolina

The City of Greensboro has had a code enforcement program since the 1960s, with limited compliance from problem property owners for much of that time. In 2003, the Greensboro Housing Coalition (GHC), a nonprofit advocacy organization with longstanding ties to the community, stepped in to help push for the enactment of a Rental Unit Certificate of Occupancy (RUCO) policy. Proposed by local code enforcement managers, the proactive policy was intended to certify that all rental properties met minimum safety standards. As a nonprofit community partner to local government, the GHC publicized RUCO requirements through annual healthy homes bus tours, and through group and one-on-one discussions with residents and property owners.

In 2011, after the state legislature preempted local programs like RUCO, GHC worked with city staff, elected officials, and rental industry representatives to craft a new local policy, which was adopted in 2013. With code compliance placed in a newly created government department, the City established a formal partnership with the GHC to develop a public education campaign. GHC started preparing multilingual educational materials about code requirements; meeting with residents, owners, and neighborhoods to explain the code process; and directing referrals to code enforcement from other organizations.

Greensboro code enforcement officers work with GHC counselors regularly to minimize dislocation of residents and solve housing problems. GHC counselors notify officers of properties with potential code violations, and officers consult with GHC counselors on complicated cases. The partnership between the City and the GHC demonstrates the value of cooperation to protect the community from the health and safety risks of substandard housing.

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Promote Cross-Agency Coordination

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Resource

- The **City of Newark Department of Health and Community Wellness** provides and advocates for comprehensive health care, social, and environmental services for Newark citizens.

Ensuring housing is safe and habitable requires cross-agency coordination. Because responsibility for health and safety is usually divided among various city agencies or departments, intragovernmental communication and collaboration can help make code enforcement more efficient and effective, and less like a series of disjointed, isolated efforts.

In any given jurisdiction, the building inspections department may be responsible for building and structural hazards, the fire department for fire hazards, the environmental health department for pest control, and the police for criminal activities. In a complaint-based code enforcement system, this division of responsibilities has the potential to foster a "tunnel vision" approach to inspection.

For example, a lead inspector may respond to a call about a possible lead hazard, issue the property owner a notice to comply regarding the lead violation, but lack the means or authority to address other health hazards he or she encounters, such as mold or pests. In order for code enforcement to protect community and individual health, local government agencies with any type of enforcement authority must coordinate their efforts and services systematically.

Intragovernmental collaboration can help make code enforcement more efficient and effective, and less like a series of disjointed, isolated efforts.

Case Study from Newark, New Jersey

For many years, the City of Newark had a handful of agencies working to monitor and maintain housing conditions. In an effort to facilitate coordination across these agencies, the City adopted a referral system; agencies that became aware of a substandard housing condition could then refer the code violation out to the appropriate sister agency. Though some coordination was better than no coordination, it became clear the referral system was not doing enough to improve Newark's most at-risk neighborhoods. Due to both lack of follow-up and inadequate on-site collaboration, cases could easily slip through the cracks, costing the city money in terms of unissued fines, and potentially leaving residents in substandard housing.

In 2014, under mayoral leadership, the City of Newark made it a priority to pay close attention to neighborhoods in need. As part of a Model Neighborhoods Initiative, the City convened a task force consisting of directors and staff from all agencies with enforcement responsibilities.

Newark's Life Improvement Task Force has two major functions. First and foremost, it serves as a collaboration of city agencies that can convene at a moment's notice to address an urgent matter in the community. Second, the Life Improvement Task Force acts as a working group, aiming to refine the way member agencies coordinate, particularly when it comes to code violations that put the health of residents at risk. The Task Force has already made strides in reducing the duplication of services among agencies. It has also started mapping out a standardized data collection system to improve the jurisdiction's knowledge base regarding the most prevalent issues facing Newark residents.

By facilitating intragovernmental coordination, the City of Newark has taken important steps toward making code enforcement an effective tool for promoting health.

Develop a Cooperative Compliance Model

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Resource

- The Alameda County Healthy Homes Department trains code enforcement officers to collaborate with property owners and provides **resources for owners online**.

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Code enforcement programs must enable and encourage cooperation between officers and property owners. Under a cooperative compliance model, code enforcement officers do much more than inspect housing and issue violation notices — they also help property owners to fix problems and comply with housing codes. As a result, code enforcement officers can be considered trusted community partners rather than feared adversaries. They can promote the preservation of housing stock, and help save the jurisdiction time and money on re-inspections, abatement hearings, and prosecutions.

In traditional code enforcement practice, if a code enforcement officer inspects a property and finds a violation, the officer notifies the property owner of the violation and allows him or her 30 days to comply or face sanctions. Under this model, the property owner is responsible for correcting the violation on his or her own — a process that allows the owner to do the bare minimum to correct the violation, often to avoid being fined and/or prosecuted. If the officer returns and the owner has fixed the property, the officer closes the case, noting the owner complied "voluntarily." Sometimes this means the owner has made the fewest possible improvements necessary to comply with the orders to correct the violation.

A cooperative compliance model expands the traditional notion of "voluntary compliance" into a model of mutual cooperation to achieve the best outcome for property owners and residents. Under this model, rather than just inspecting housing and citing for violations, the code enforcement officer works cooperatively with property owners to help them understand the elements of healthy housing, the importance of code compliance, and how to bring the property into compliance. The code enforcement officer is armed with cooperative tools — information, education, and resources — along with traditional enforcement sanctions. Cooperative compliance allows property owners and officers to work together to improve housing conditions and promote health.

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Under a cooperative compliance model, officers participate in every step of the compliance and correction process:

1. The officer discusses the violation with the property owner, and explains why it's important to fix the problem.

   For example, in the case of a water leak, the officer might explain that water leaks can cause mold, which poses a health hazard for residents. The officer may also explain how unchecked leaks can cause long-term property damage that can be more costly to repair.

2. The officer educates the owner on how to repair the violation safely and properly.

   For example, in the case of lead-based paint, the officer may explain proper removal techniques to prevent lead exposure and avoid exacerbating health problems among residents (see chapter 3 of this guide on addressing code violations holistically).

3. The officer helps the property owner find resources for fixing the violations.

   To help the owner make repairs, the officer may provide written materials, offer classes, or identify sources of low-interest loans or grant funding.

Cooperative compliance is a model that seeks not only to correct violations but also to help code enforcement officers and property owners understand their respective rights and responsibilities. It can help them work together to improve housing beyond what is minimally required.

Under a cooperative compliance model, code enforcement officers do much more than inspect housing and issue violation notices — they also help property owners to fix problems and comply with housing codes.

Enforce the Local Housing Code

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Resource

- ChangeLab Solutions' ***Healthy Housing Laws that Work: Creating Effective Implementation and Enforcement Clauses*** explains the different ways local governments can enforce housing and property maintenance codes.

Most property owners want to keep their housing safe and habitable, and many do so successfully. But when they fail either to keep their housing up to code or to fix their property through cooperative compliance, local governments must be able to enforce the laws rigorously, efficiently, and consistently. Effective code enforcement requires flexible remedies, adequate financial resources to hire and train enforcement officers, and the political will to enforce housing codes.

In many localities, state law establishes how the locality may enforce its housing laws, setting forth both the types of enforcement and the amount of fines a local government may assess on those who violate the laws. Even so, the locality usually has discretion to select which methods to use in specific cases.

To ensure housing is maintained, jurisdictions need to use different types of enforcement. Localities typically use the least costly enforcement mechanisms first. However, if those mechanisms don't work, or if a case is particularly egregious, a locality may pursue more punitive remedies. State law permitting, jurisdictions should preserve the right to use multiple remedies for a single property owner by ensuring local housing law allows for cumulative remedies.

There are three major types of enforcement:

- **Administrative Enforcement**
  Administrative enforcement occurs within the local government. Although procedures vary by state and locality, most jurisdictions follow the same basic structure to ensure all parties receive fair treatment. Generally, the housing officer first provides a written notice to the property owner describing which law was violated and how. If the violation is not fixed within a specific timeframe, the city can assess administrative penalties (fines) for the housing code violation, order that the property be brought up to code, or suspend a license or permit. Some localities can compel a property owner to pay a financial penalty by placing a lien on the property. The owner has the opportunity to challenge the assessment in an administrative hearing, and can usually appeal the outcome to an appellate board or the superior court.

  Administrative enforcement is less costly and time-consuming than enforcement through the courts. In addition, administrative enforcement offers localities flexibility by providing different types of remedies.

- **Civil Enforcement**
  Civil enforcement occurs through the court system. The jurisdiction files a lawsuit to get an injunction — a court order requiring the property owner to take an action, such as remedying the violation — or an award of civil penalties requiring the owner to pay the jurisdiction for violating the law. Because litigation is expensive and time-consuming and public resources are limited, localities usually pursue civil remedies only in extreme cases where property owners have evaded other forms of enforcement, or housing is in a dangerous condition.

Effective code enforcement requires flexible remedies, adequate financial resources to hire and train enforcement officers, and the political will to enforce housing codes.

- **Criminal Enforcement**

  In some states, jurisdictions can make it a crime to violate housing laws. A criminal violation of a local ordinance is usually either a misdemeanor (less serious than a felony and usually punishable by a fine or brief confinement in a city or county jail) or an infraction (punishable by a fine, but not incarceration). The county's district attorney or a city attorney must file charges in criminal court to prove the ordinance was violated. Criminal enforcement is typically used as a last resort, only when other types of enforcement have failed.

Most owners do their best to comply with housing codes, but code enforcement programs must be prepared to deal with those who don't. To protect the health and safety of residents effectively, programs need to be flexible and efficient, and have teeth.

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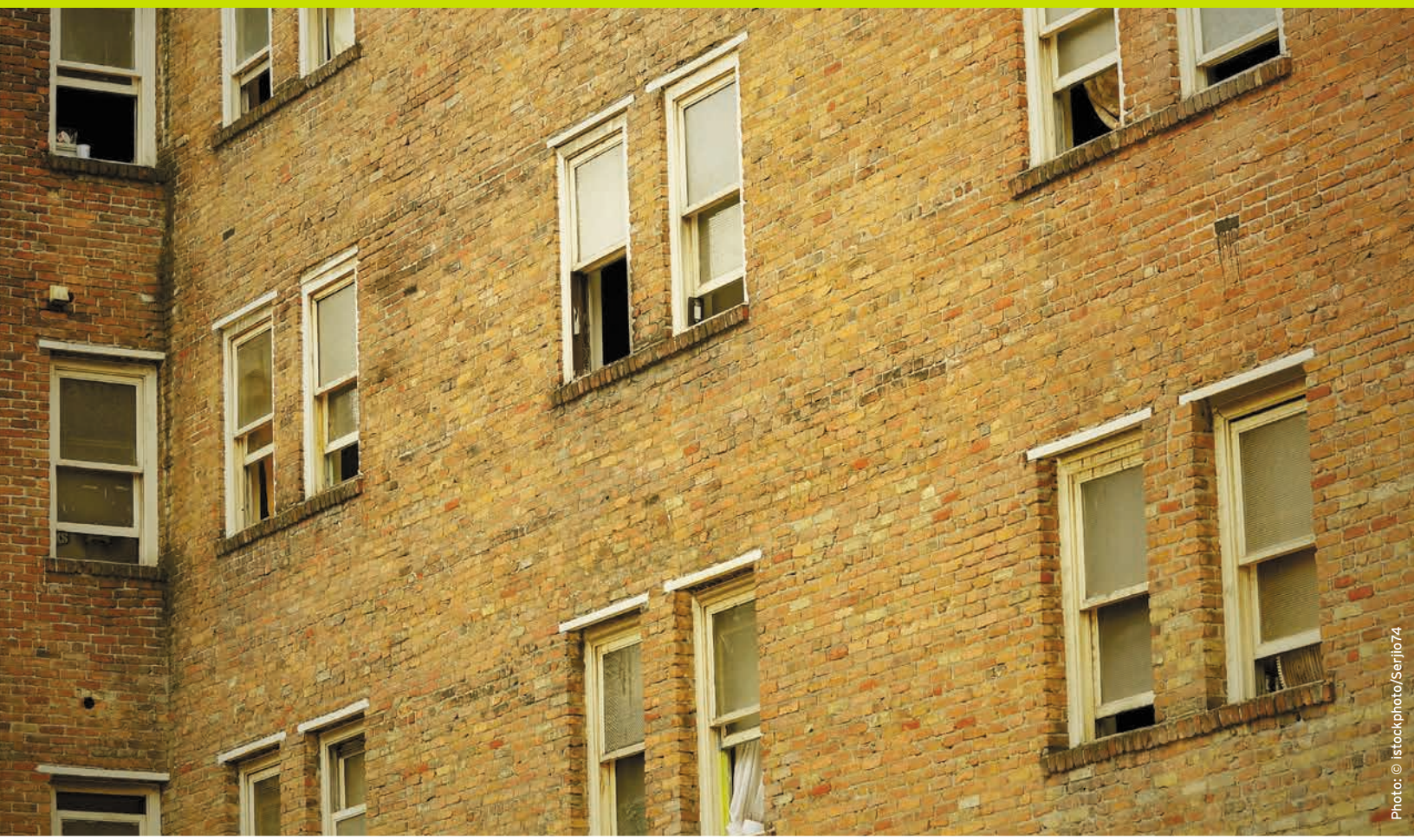
Adopt a Proactive Rental Inspection Program



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Resources

- ChangeLab Solutions' ***Guide to Proactive Rental Inspection Programs*** and ***Proactive Rental Inspection Model Ordinance*** explain how proactive rental inspections can help protect vulnerable residents, preserve safe and healthy rental housing, and work to increase neighborhood property values.

Many effective code enforcement programs are not reactive, but proactive. To ensure properties are safe and habitable, localities can implement a Proactive Rental Inspection (PRI) program requiring routine inspections of all covered rental housing.

Traditional code enforcement programs are complaint-based; that is, in response to a resident's complaint about a substandard housing condition, a code enforcement officer conducts a housing inspection. If the complaint is substantiated, the officer begins enforcement proceedings. Under a PRI program, rather than wait for a complaint to trigger a housing inspection, the locality inspects all covered rental housing on a periodic basis. Of course, a PRI system doesn't replace a complaint-based system — it simply supplements it, allowing renters to submit complaints as problems arise. However, systematically inspecting all rental housing can more effectively identify substandard conditions in advance and reduce the number of complaints over time.

PRI programs benefit renters, especially those who are most vulnerable. When it comes to housing codes, many renters don't know their rights, don't understand the process, and/or don't feel they can file a complaint. Renters are often unfamiliar with existing protections and programs, and those with language barriers or disabilities may have trouble navigating the system.

In addition, many residents avoid notifying their property owner of problems for fear of increased rent, retaliation, or eviction. This can be particularly daunting for undocumented residents who are not financially equipped to move homes. As a result of these barriers, the housing inhabited by the most vulnerable populations, which is frequently the worst housing, is most likely to fall through the cracks of a complaint-based code enforcement system.

PRI programs also benefit property owners and the larger community. Routine inspections inform property owners of poor conditions before they worsen, helping them to maintain their properties and cut maintenance costs. Systematic code enforcement also encourages preventive maintenance, which is more cost-effective than deferred maintenance. PRI programs help maintain a locality's rental housing stock, preserve property values and the local base tax, and ensure community residents live in safe and healthy environments.

PRI programs help maintain a locality's rental housing stock, preserve property values and the local base tax, and ensure community residents live in safe and healthy environments.

Though the specifics vary by locality, PRI programs typically share the same basic structure:

1. Registration

   The locality requires property owners to register their rental properties or obtain a certificate or license in order to rent housing units.

2. Periodic Inspections

   The locality requires periodic inspections of all covered rental properties, including both interior and exterior spaces. Inspections occur on a regular basis, usually every few years, to ensure housing is adequately maintained. A locality's resources will determine how often inspections can occur.

3. Enforcement

   If a property fails inspection, the locality initiates enforcement measures.

PRI programs have been successfully adopted in several cities throughout the country, including Salt Lake City, Utah; Washington, DC; Sacramento, California; and Boulder, Colorado. These programs and experiences can serve as models for other jurisdictions.

Establish Supplementary Programs

Resource

- **Los Angeles Housing and Community Investment Department** aims to create viable urban communities by advocating for safe and livable neighborhoods.

Code enforcement programs may work to ensure housing is safe and healthy for residents, but they can't do this job alone. One way to enhance the effectiveness of a code enforcement program is for the jurisdiction to create a variety of programs and policies that complement code enforcement. These programs, in addition to those offered by community organizations (described in chapter 4), supplement enforcement efforts by helping property owners and residents understand code enforcement procedures, and by protecting residents from unsafe housing.

Jurisdiction-operated programs can take on different activities:

- **The jurisdiction can provide educational resources for both residents and property owners.**
  Many programs provide written materials and checklists for residents and owners that cover applicable housing code provisions. For example, the program in Boston, provides courses for owners that explain the inspection process and their responsibilities under the housing code. Other cities, such as Los Angeles, provide extensive outreach to residents on their rights under the housing code. Los Angeles works with tenant housing organizations to ensure renters understand their rights.

- **It can establish financing mechanisms to facilitate and subsidize repairs**.
  For example, the City of Los Angeles Housing and Community Investment Department, has established the Rent Escrow Account Program (REAP). Under this program, when a property is cited for violating housing code and the owners fail to remedy the problem within a certain timeframe, the building can be placed into the REAP program. Residents then have the opportunity to pay a reduced rent, as determined by the City, while violations remain uncorrected, and they can choose to pay that rent to either the property owner or an escrow account.

  The money in the escrow account can be used for different activities, such as building repairs and resident relocation. Unfortunately, because the City does not mandate the reduced rent amount, owners sometimes engage in harassment tactics, strong-arming residents into paying the full rent amount directly to them. This behavior must be anticipated and countered by educating both residents and code enforcement officers.

  The REAP program incentivizes owners to fix their properties because residents pay reduced rent while violations are in place.

- **The locality can assist tenants when code violations cannot be fixed.**
  In Los Angeles, renters living in buildings covered by the Rent Stabilization Ordinance (which covers most multi-unit buildings built before 1979) can receive relocation assistance if they are subject to a "no fault" eviction (e.g., the owner evicts them because he or she wants to live in that unit) or when the building is deemed so structurally deficient that residents cannot continue to live there. Money from REAP accounts can be used to help residents relocate. Typically, the amount of relocation assistance for no fault evictions ranges from $7,450 to $19,300, depending on the situation.

Jurisdictions can establish auxiliary programs that increase code enforcement effectiveness by educating community members, incentivizing and/or financing repairs, and helping residents move when necessary.

Evaluate the Code Enforcement Program

Photo: ©istockphoto/stevegeer

Resources

- Greensboro, NC — In 2012, Greensboro evaluated the city's code compliance division and made suggestions for improvement. The resulting **Code Compliance Benchmark Study** shares the findings and recommendations.
- San Jose, CA — In 2013, San Jose evaluated the local code enforcement program to identify the consequences of budget cuts on the program. **The report** to the City Council builds the case for increased funding.
- Boston, MA — The City of Boston collects and evaluates data from the city's code enforcement program in order to track progress. The city's performance management program, **Boston About Results**, shares data and goals from the program.
- Kansas City, MO — In 2012, Kansas City evaluated the efficiency and effectiveness of the city's code enforcement program. **The Performance Audit** defines the purpose of the evaluation at the outset and identifies areas for improvement.

Using the strategies and practices outlined in this guide, localities can build comprehensive, context-specific code enforcement programs for their communities. But, to ensure a program is effective, a jurisdiction must collect and evaluate data from the field. Data collection and analysis can provide valuable information to both government agencies and the community.

Code enforcement programs should collect basic data to identify what they are doing well and where they can improve. Effective code enforcement programs usually gather the following data on an annual basis:

- The number and types of complaints received
- The number of rental units inspected in response to complaints
- The number of rental units inspected under a PRI program
- The number of code enforcement violations issued, by type
- The number of units not brought into compliance within the timeframe
- The number of cases requiring enforcement, the enforcement measures used, and the outcome of any enforcement activities (including any fines collected)
- The number and types of referrals to other agencies (e.g., Child Protective or Adult Protective Services)

Code enforcement programs should collect and analyze data regularly to better understand their strengths and weaknesses.

Code enforcement programs need the data for a variety of purposes:

- **To identify accomplishments and determine next steps**
  A jurisdiction can use data to measure a program's effectiveness in meeting performance benchmarks and achieving specific objectives. In 2012, Kansas City, Missouri, wanted to evaluate how efficiently the city's code enforcement program was identifying, documenting, and resolving violations. To do this, the city collected data on the types of code violations received, the workload for each code enforcement officer, and the length of time between the first inspection and the resolution of a complaint.[11] The City then used this information to determine ways to reduce the time needed to resolve violations. Data can also be used to determine whether property owner and resident education programs and other outreach efforts are effective.

- **To ensure programs are financially supported**
  Programs use data to determine whether the budget is sufficient to carry out operations, whether officers are allocated effectively, and whether inspection fees and fines are set at levels sufficient to fund program operations. For example, in 2013, San Jose, California, evaluated their code enforcement program to identify how budget cuts affected the program and build the case for increased funding. The data collected for this evaluation included complaint and workload data and fee estimates for the next fiscal year.[12]

- **To evaluate health outcomes**
  Jurisdictions collect specific data to evaluate how well the local program is protecting or improving the health of the community. The state of Iowa is an example of a state taking steps to evaluate how code enforcement affects health. The state's *Healthy Homes Strategic Plan* describes the creation of the Healthy Homes and Lead Poisoning Prevention Program, a collaboration program between the health department and the housing department, and outlines how the state measures its progress toward increasing the number of safe and healthy homes for families in Iowa. Between 2012 and 2014, the state collected data on the

number of rental housing codes that addressed lead-based paint hazards, the percentage of time hazards in the home were identified and documented, and the percentage of time referrals were documented for housing and health hazards identified during the assessment.[13]

- **To share findings with the community**
  Data collected during an evaluation should be shared with stakeholders, partner agencies, and community members to ensure the best strategies for improvement are implemented. For example, partner agencies, such as the health department, may be interested in how effectively code enforcement is addressing health concerns in local housing, and may have suggestions for improvement. Information about housing violations might be relevant to local housing advocates, as well as people seeking housing or residents in an eviction case. Jurisdictions must make their evaluation results available to the public.

Without data collection and analysis, a code enforcement program can only guess at its effectiveness. Specific quantitative and qualitative data can help programs better understand their strengths and weaknesses. To effectively protect the health of residents and ensure local housing is up to code, code enforcement programs must regularly evaluate enforcement procedures and policies.

Photo: © istockphoto/Terraxplorer

Endnotes

1 See more at: http://kresge.org/news/advancing-safe-and-healthy-homes-initiative-aims-eliminate-hazards-hundreds-homes#sthash.OxbxM7G0.dpuf

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7 U.S. Department of Housing and Urban Development Community Development Block Grant website; available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs. Hereafter, CDBG website.

8 HUD, Office of Block Grant Assistance, *Basically CDBG for States Training Manual* (April 2013), § 1.2.1; available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/training/basicallycdbg.

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10 24 C.F.R. 570.202.

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12 Office of the City Auditor, San Jose, CA. *Code Enforcement: Improvements are Possible, but Resources are Significantly Constrained*. November 2012. Available at: www.sanjoseca.gov/DocumentCenter/View/23918.

13 State of Iowa. *Healthy Homes Strategic Plan*. March 2013. Available at: www.idph.state.ia.us/eh/common/pdf/healthy_homes/strategic_plan_2013.pdf.

ChangeLab Solutions

www.changelabsolutions.org/healthy-housing