



Effective Inspection Programs

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- Director of Municipal Operations for the firm, **Metric One Training & Consulting** based in Suwanee, GA.
- Worked with local governments, private business and professional organizations to train their regulatory and enforcement professionals (40K officers and inspectors in over 18 states)
- Three decades working with various cities and counties in New York, Georgia and Colorado in roles such as code division manager, chief of enforcement and department director.
- Master's degree in Management and Public Administration, Bachelor of Science degree in Criminal Justice, Certificate of Leadership from Notre Dame University.
- Certified Code Enforcement Administrator, Property Maintenance and Housing Inspector and Preferred Education Provider for the International Code Council.
- Available to work one on one, with individual cities and counties, individual teams or groups and state professional organizations



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Course Description

This course is designed to introduce regulatory officials to several **programs used to regulate multifamily and single-family rental housing**.

The need for effective programs is a growing phenomenon in communities around the country and has caused community opposition to development of programs that run smack up against powerful demographic trends.

Participants will explore options during the session and discuss **legislative and regulatory tools** to ensure the compliance with all the codes and ordinances, and protect the health, safety and welfare of the citizens.

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AGENDA

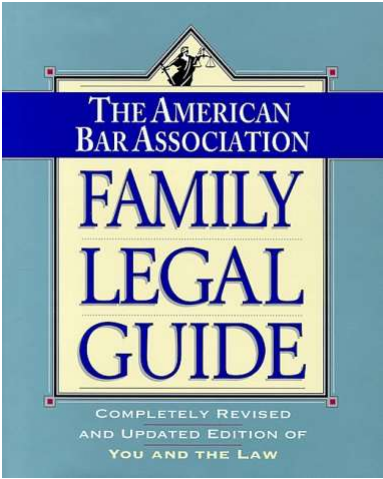
Discussions and Group Exercises

Start, Stop and Breaks

Asking Questions

- Elements for a Successful, Effective Inspection Program
- Factors used to identify a Code Enforcement Program’s “Purpose”
 - The Effects of Change
 - Enabling Legislation
- Programs and Initiatives
 - Apartment / Multifamily Ordinances
 - Hotel/Motel Inspections
 - Multi Departmental Sweeps
 - Blight Management

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American Bar Association Family Legal Guide

“If a municipality is committed to code enforcement, **this is probably the most effective way to maintain the physical quality of housing in a community.** If a municipality does not make code enforcement a priority, then compliance by landlords with the codes will to some degree be voluntary”

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Code Enforcement Philosophies and Practices

Strive to be **fair, transparent, timely and consistent** in the way we work with residents

Your decision making should be consistent with the **current and emerging code enforcement trends**

You should engage with other departments and agencies to achieve **coordinated approaches** to code enforcement

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Cultural Change for Effectiveness

Most organizations create change by
introducing projects and initiatives

These changes impact how certain employees do their jobs, requiring them to exhibit new behaviors, use new tools or technologies, or follow new processes



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For your consideration...

"Our rewards in life are in exact proportion to our contribution, and our level of service"

- 1) Need for what you do*
- 2) Ability to do it*
- 3) Degree of difficulty in replacing you*

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Elements for a Successful, Effective Inspection Program



When creating an effective inspection program, and designing a performance plan, be as specific as you can.

Important steps:

Secure top management support for your program - participation and commitment of senior staff, elected officials and city/county management in helping to design the program, and providing a presence at them.

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Elements for a Successful, Effective Inspection Program



Focus on key initiatives related to code inspection

Tasks must be directly aligned with municipal strategy and community challenges.

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Elements for a Successful, Effective Inspection Program

Hire the right people to represent your team

Is it necessary to have an inspection background? A mix of backgrounds—commercial, finance and marketing people with regulatory business acumen, along with professionals who have “people understanding,” (such as police, military, psychology background).



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Elements for a Successful, Effective Inspection Program



Fully integrate into overall processes, but focus on the business

This level of detail and collaboration with stakeholders leads to more valuable and relevant programs and initiatives.

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Elements for a Successful, Effective Inspection Program

Put quality service delivery first - It's very important for a regulatory code function to deliver services of extremely high quality for your community. It is important to maintain this kind of reputation and build on the momentum it creates.

Manage your team carefully and with consensus – Develop relationships with your staff and understand the strengths and weaknesses. Get buy-in when developing programs and initiatives.

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Enabling Legislation



Adoption of codes and ordinances that support your initiatives and programs

International Building Code, International Property Maintenance Code, International Fire Code, Apartment Inspection Ordinance and Development Regulations

Coordination & Assistance of local Associations/Organizations (i.e. Apartment Association)

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Identify Constraints

Do any of the following factors serve as limitations on adopting new legislation?

Technical (limited equipment or technology)

Legal Restrictions

Economic (cost or capital restrictions)

Political /Social (restrictions imposed by organized groups with special interests)

Human Resources (limited ability of relevant people to understand or initiate actions)

Time (a prescribed amount of time)

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Program Vision

To regulate the conditions of residential structures by addressing violations of property maintenance, life safety issues and environmental standards.

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WHY ESTABLISH
APARTMENT
INSPECTION
PROGRAMS?

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Coordination of Inspections

Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, *it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders.* Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the purview of that inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

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Strategic Approach Variables

1. Political Support – initiative of leadership
2. Well Trained Staff - orderly processes
3. Reasonable yet Rapid Compliance Timeframe
-30 days with potential extension after 75% compliance
4. Follow-up & Enforcement- re-inspection and issuance of citations for non compliance
5. Adjudication (Municipal Court) – Solicitor and Judge with **sense of significance**

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Apartment Inspections

Ensure that rented and leased properties meet the state minimum standard code



- Survey the City
(# of structures/# of individual units)
- Establish a comprehensive listing
- Gain the assistance of the local Apartment Owners Association
- Private Engineer Inspection Program*


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Apartment Inspection Ordinances

These ordinances requires owners and/or management staff of multi-family rental dwelling to follow guidelines to receive a "Certificate of Interior Code Compliance".

- This ordinance is applicable to individuals who
- Manage or own a multi-family rental dwelling, or
 - Derive income from X amount of multi-family rental units
 - File a code compliance certificate covering 100% of the owner’s multi-family rental structures located within unincorporated parts of the county.
- Often, Multi-family properties must use a county-authorized third party inspector to approve adherence to interior code regulations
- Failure to provide this certificate will result in the inability to obtain a future business license.

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Private Professional Engineer Program

Does your jurisdiction authorize and accept Private Engineer Inspections? For commercial inspections (per the qualifications chart), all building final inspections, and final Fire Marshall inspections should be performed by City inspectors.

IBC Chapter 17 Special Inspections are required and are initiated and paid for by the owner and will be monitored by City staff.

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Apartment Inspections (continued)

- Properties notified of requirement
- Private inspections commence
- Inspection reports submitted to City for review
- Failures
- Re-inspection
- Business license approval



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Code Enforcement Sweeps

Protect the health, safety and welfare of the City's residents

Ensure that all existing residential and nonresidential properties meet the minimum standards and requirements.

Establishes responsibility

Administration and enforcement

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Code Enforcement Sweeps (continued)

Establish a policy

Mobilize various personnel

Conduct unscheduled code enforcement sweeps



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Execution

- Last Wednesday of each month
- Location predetermined yet not revealed until time of inspection
- Approximately four to six hours per property
- Teams established and dispatched to location



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Execution (continued)



Inspections commence

Reports compiled

Notice issued to owner

Re-inspection

Adjudication

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Positive Media –

Atlanta Journal Constitution re: City of Sandy Springs

“With 27 sweeps under their belts, the officers have perfected the procedure of showing up at a complex unannounced at 8:30 in the morning, setting up a command post and roving through the grounds in search of exterior code violations, each of which carries a maximum penalty of \$1,000 and six months in jail.

Code enforcement chief Marcus Kellum said that while the officers from his division have “have full enforcement powers behind us,” they prefer that landlords “spend the money on the repairs rather than have to pay fines, because the reinvestment in the property is win-win for all.”

When conducting sweeps, inspectors search for such issues as **electrical hazards, abandoned cars, broken windows, damaged siding, rotten wood and chipped paint**. On one recent sweep, they found open electric boxes and live wires in piles of leaves that had drifted against the sides of the buildings. The same hazard was found on each of the buildings, which were most likely wired by the same electrician”.

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Issue at a glance

- Shift in housing market to that of a rental driven environment
- Majority of home sales involve investor purchases
- Improperly maintained and secured vacant properties can become a hazard to health and safety



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Vacant Property Registry

Vacant Property Registries are used as a means to protect neighborhoods from becoming blighted as a result of vacancies.

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Benefit to
Neighborhoods

- Code enforcement will have the ability to identify property owners, seek compliance, and prosecute cases
- Owners of vacant properties will be held accountable for property maintenance
- The registry helps to deter crime and other nuisances resulting from blighted property
- The registry fosters an opportunity for property values to rebound

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Owners of vacant properties are required to:

Register

Designate

Report

Pay

Register the property with municipality

Designate a local property agent

Report a change in contact information

Pay a fee of \$100

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Penalty

Failure to comply with the Ordinance
will result in fines up to \$1,000

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Hotel/Motel Taskforce

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Hotel/Motel Intervention Strategy

- Based on the number of hotels/motels/extended stays in your community
- Hotels and motels with health violations, life safety and building violations, and high levels of crime contribute to decreased quality of life and property values for the surrounding communities
- To begin combatting this problem, use a coordinated intervention



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Troubled establishments hinder economic development and negatively impact Quality of Life

- Some are in state of disrepair and lack compliance with codes.
- Some of these properties have become a convenient haven for criminal activities. This has impaired the growth and development of certain areas of the County and lessened the overall quality of life for residents in the neighboring areas.
- Although advertised and legally established as hotels some of these establishments operate informally as extended stay motels.



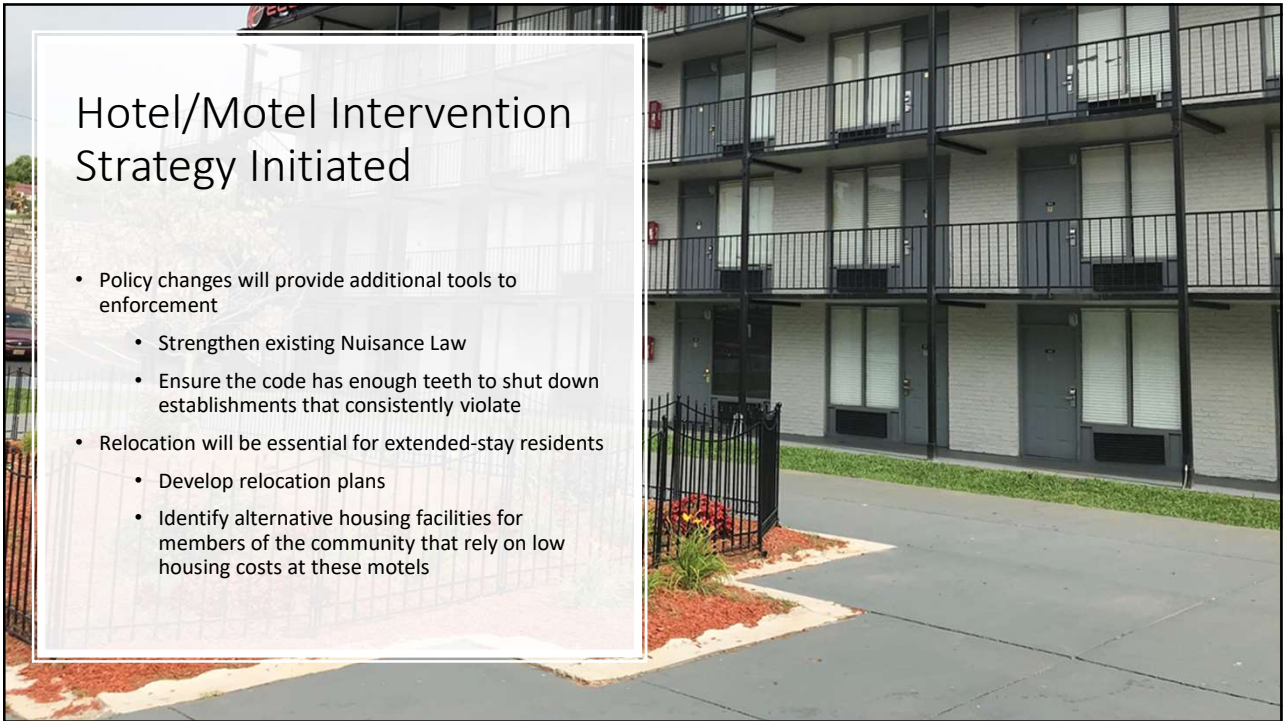
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Hotel/Motel Intervention Strategy Initiated

- Intervention will include Direct Action, Policy, and Relocation components
- Direct Action will include the following
 - Coordinated, cross-functional sweeps of all targeted hotels and motels
 - Working with hotels and motels to adopt new practices that will help reduce crime and prevent health and safety hazards

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Hotel/Motel Intervention Strategy Initiated

- Policy changes will provide additional tools to enforcement
 - Strengthen existing Nuisance Law
 - Ensure the code has enough teeth to shut down establishments that consistently violate
- Relocation will be essential for extended-stay residents
 - Develop relocation plans
 - Identify alternative housing facilities for members of the community that rely on low housing costs at these motels

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Given the wide array of issues impacting these establishments, and the scarcity of resources, a multi-departmental intervention approach that leverages existing resources and collaboration opportunities will be undertaken to address and eliminate the negative impacts of these establishments.

- ✓ A multi-agency strategy can better leverage existing resources to address crime, enforce compliance with county codes and eliminate health and safety hazards.
- ✓ The intervention team will benefit from continued data collection, data analysis and cross-referencing intervention outcomes via periodic team review.
- ✓ The team will track the progress and outcomes of the intervention and make adjustments as needed to successfully effect changes.
 - Police
 - Code Enforcement
 - Fire
 - Health
 - Community Development

An effective intervention strategy requires a multi-departmental collaboration

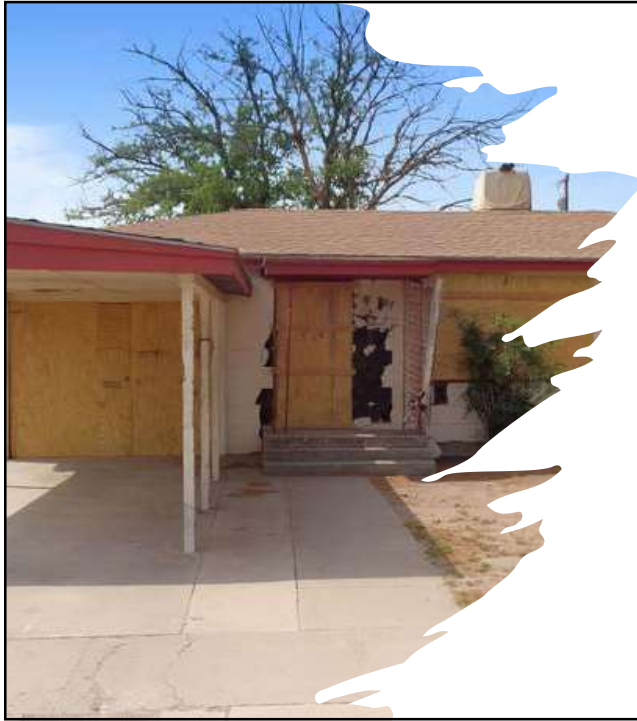
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Considerations for implementation

- **A FORMAL INTERVENTION TEAM MUST BE ESTABLISHED TO DRIVE THE PROPOSED PLAN**
- **A PLAN TO ADDRESS LOGISTICS AND COST OF POSSIBLE RELOCATION FOR LONG-TERM RESIDENTS MUST BE CREATED**
 - Identification of alternative housing facilities for members of the community that rely on low cost housing at these establishments
 - Assessment of need and development of relocation plan
 - Long-term sustainability approach
- **COMMUNICATIONS AND RELATIONSHIP WITH HOTEL/MOTEL MANAGERS AND OWNERS**
- **DATA COLLECTION APPROACH TO SUPPORT ALL INTERVENTIONS WITH SUBSTANTIATED FACTS**

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Foreclosed Property Ordinance

- A foreclosed property ordinance is a law that regulates the maintenance and registration of foreclosed properties. These ordinances can include:
- Registration: A requirement for a responsible party to register the property with the local government after a foreclosure. This helps to ensure that the lender is responsible for the property's maintenance and security.
- Inspection: A requirement for banks to inspect their properties on a regular basis.
- Maintenance: A requirement for banks to fully maintain their properties.

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- Foreclosure is a legal process that occurs when a lender forces the sale of a property to cover a debt. This can happen when a homeowner defaults on their mortgage.
- In New Mexico, some borrowers receive a notice of default before a foreclosure begins. This notice gives the borrower 30 days to cure the default and avoid foreclosure. Federal mortgage servicing laws also require the servicer to contact the borrower about foreclosure alternatives within 36 days of a missed payment.

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New Mexico foreclosure law

- New Mexico foreclosure law includes multiple statutes of limitations, including:
- Breach of contract: The statute of limitations for breach of contract is six years for actions based on a written contract, such as a promissory note, bill of exchange, or bond.
- Deficiency judgment: A bank has six years after a nonjudicial foreclosure to file a lawsuit for a deficiency. However, a deficiency judgment is not allowed for residential loans made to low-income households.

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New Mexico foreclosure law

- Open accounts: The statute of limitations for open accounts is four years.
- New Mexico foreclosure law also includes a redemption period after a foreclosure sale. The borrower generally has nine months to redeem the property after the sale, but the mortgage or deed of trust can reduce this to one month.
- The amount due to redeem the property is the bidder's amount, interest, and court costs.

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Manufactured Housing



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NMRLD

**NEW MEXICO
REGULATION &
LICENSING DEPARTMENT**

Manufactured Housing Division

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Manufactured Housing Regulations

- In New Mexico, the Manufactured Housing Division (MHD) of the RLD (Regulation and Licensing Department) is responsible for enforcing manufactured housing regulations.
- The MHD's mission is to protect manufactured housing owners and promote a strong industry.
- The MHD does this by:
 - Inspecting manufactured housing installations and alterations
 - Monitoring the construction process
 - Auditing and inspecting homes
 - Working with the Manufactured Housing Committee on rules and regulations.

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Manufactured Housing Regulations

- The Mobile Home Park Act protects residents of mobile home parks in New Mexico.
- The law requires park owners to:
- Post community rules after soliciting feedback from residents
 - Provide notice and an opportunity to correct violations instead of charging fines
 - Provide detailed reasons for terminating a tenancy
 - Follow strict notice requirements

The law also prohibits mobile home park owners from charging fines for violations of community rules and/or rental agreements

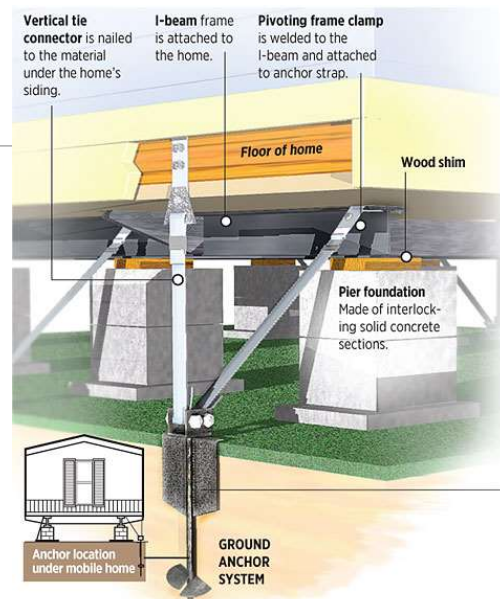
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INSPECTION PERMITS

- No manufactured home shall be installed in New Mexico unless the dealer, installer, or homeowner, if authorized, has obtained an installation permit or a combined installation and permanent foundation inspection permit from the division.
- Installation inspection permits shall include the name and license number of each licensee performing installation work and the consumer's name and address.
- The unlicensed homeowner shall execute a document, prepared by the division, acknowledging their understanding and expertise, pursuant to federal and New Mexico installation rules, regulations, standards, including the manufacturer's installation and site engineering requirements; and, shall assume all legal liability for any work performed, or under the supervision or contract of said homeowner.

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- The Department of Housing and Urban Development (HUD) requires manufactured homes to be inspected by a certified inspector to ensure that they are safe and compliant with HUD regulations.
- The inspection covers the home's foundation, roof, plumbing, electrical systems, heating and cooling systems, and more. The inspector will provide a detailed report with any issues found and recommendations for repairs or improvements.

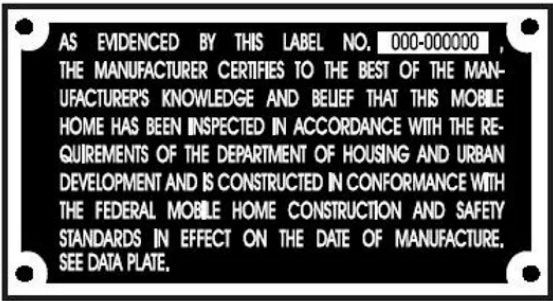


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What are HUD tags on manufactured homes?




HUD tags are metal plates that are affixed to the exterior of manufactured homes built after June 15th, 1976.

They certify the home was built to HUD's safety standards and each one has a unique label number, which will need to be legible enough for an appraiser to read it and take a picture of it.



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Blighted Property

-  Blighted properties are an ongoing challenge for most communities in the United States.
-  And with the current affordable housing crisis, the topic is a rising concern for local governments.
-  Many are examining their municipal codes to ensure blighted property legislation is enforceable and able to address the current conditions.

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Consideration

Blight can actually be a two-fold issue in some places. Generally, most agree that a blighted property refers to its physical condition and appearance. But some localities also consider blighted properties to be those that are subject to unpaid taxes.

Blight can include structurally unsafe conditions, being a visual “eyesore,” and unkempt landscaping (overgrown lawns, uncontrolled weeds, dangerous conditions of trees, etc.).

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The seal of the U.S. Department of Housing and Urban Development is circular. It features a stylized house with a blue roof and green base, flanked by two stars (one green, one blue). The text "U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT" is written around the perimeter.

Definition

The U.S. Department of Housing and Urban Development provides a starting point with their definition of a blighted structure: “a property that exhibits objectively determinable signs of deterioration.”

While this definition provides a starting point, each community has unique characteristics and challenges contributing to blight.

As a result, local governments must be proactive in defining the threshold for blighted properties in their community.

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Types of Blight

Blighted properties might be:

inhabited

abandoned or foreclosed

vacant lots

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Community Risks

Individuals living in substandard housing can be exposed to dangerous toxins such as mold, lead, and asbestos, increasing the risk for asthma, cardiovascular disease, increased aggression, learning disabilities, sexually transmitted diseases, and poor health outcomes.

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Community Risks

Research has consistently shown that vacant, abandoned, and deteriorated properties reduce the value of surrounding properties, leading to decreases in owners' equity and personal wealth.

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The three ways to take action:

Prevention

- The action of stopping something from happening or arising
- *Enabling legislation*
- *Nimble staff*

Remediation


- The action of remedying something, in particular of reversing or stopping environmental damage.
- *Budgets*

Redevelopment

- The action or process of developing something again or differently.
- *Progressive Policies*
- *Partnerships*

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Review Questions



What are some elements for a successful, effective inspection program?

Name the three factors used to identify a code enforcement program’s “Purpose”?

Name some programs that can help dealing with community issues?

What is enabling legislation?

What programs or initiatives can work for your community?

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