

PLANNING AND DEVELOPMENT SERVICES
CODE
ENFORCEMENT DIVISION

Memorandum

To: Victor Torres
From: Brian Jimenez
Subject: Demolition by Neglect
Date: October 15, 2007

This memo provides a summary of the department's structural blight enforcement efforts and more specifically addresses the issue of demolition by neglect that Commissioner Highberger inquired about during the City Commission meeting on October 2nd, 2007. Included are definitions of structural blight, information regarding the history of structural blight enforcement and demolition by neglect, current inspection practices, staffing levels, goals & objectives for 2008, issues involving deteriorating structures and a recommended course of action by the department.

Defining Structural Blight

The City's Environmental Code identifies unlawful actions as:

It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to the structural integrity of our built environments including those conditions affecting the adjoining property, the neighborhood or the City. Unlawful conditions include exterior conditions which identifies exterior of any structure, exteriors of any accessory structure or fences, walls or retaining walls.

The recently adopted International Property Maintenance Code which will become effective on January 1, 2008 also addresses exterior structure conditions. The code requires the exterior of a structure to be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare.

Background

In 2001, the Neighborhood Resources Department created the second position of Environmental Inspector to address the needs of the City in enforcing the Environmental Code. In the year 2002, Neighborhood Resources' staff implemented the AS 400 computer software to track code enforcement cases which include environmental and structural blight. Each inspector is assigned to half of the City for enforcement purposes.

Since 2002, staff has opened 599 cases for structural blight. Of these cases, 303 were self initiated which represents 50.5% of all cases opened. A breakdown of each year is identified in the following

table:

Origination	2002	2003	2004	2005	2006	2007 (YTD)
Staff	72	42	49	76	41	23
Citizen	61	28	51	54	53	37
Other	5	2	3	0	2	0
Total	138	72	103	130	96	60
% of Staff	52%	58%	47%	58%	42%	38%

The majority of structural blight cases that are investigated are for non-structural integrity issues such as lack of paint, deteriorated soffets/ fascia boards and siding. A true structural integrity complaint occurs very infrequently. Structural blight inspections usually occur from the city right-of-way and seldom include staff entering upon private property for a more in depth look at the property.

The rental inspection program which began in February of 2002 requires an interior and exterior inspection of rental units located in single family zoned properties therefore staff does inspect for structural deficiencies in these units. Staff inspects multi-family zoned properties on a complaint basis.

Since 2001, the City has declared 5 properties as unsafe/dangerous which have resulted in the structures being demolished by the City. One of these structures was an accessory structure (garage). The 5 properties are the following:

2001: 1307 Brook – owner neglect

2002: 1032 New York – property was neglected and there were complication/dispute over ownership as the owner lived out of town

2003: 933 Rhode Island (Accessory Structure) – owner started making repairs and created an unsafe condition.

2005: 429 Indiana – owners were deceased and property had never gone through Probate

2007: 1230 New York – owner abandoned property and cannot be located

Current Staffing

The Code Enforcement Division currently consists of 3 code enforcement officers and the code enforcement manager. There are 2 additional Code Enforcement Officer positions that are currently vacant. One position has been vacant since March 1st and the second position since June 15th. These 2 vacancies have resulted in the two staff assigned to enforcing structural blight assuming additional responsibilities which include other zoning and code enforcement activities pertaining to the Development Code, Graffiti Ordinance, Nuisance House Ordinance and the Rental Ordinance. Focusing on additional responsibilities may have contributed to this year's staff initiated inspection rate of 38% for structural blight inspections being the lowest percentage within the last 6 years. From 2002 to 2005, 54% of all structural blight cases were self initiated with an average of 110 structural blight inspections per year. For the years of 2006 to 2007, 40% of the inspections were self initiated and staff is projected to average approximately 84 structural blight inspections for the last 2 years.

Program Improvement in 2007 Budget Submittal

During the 2007 budget process, the department submitted a program improvement of proposal to implement a more thorough structural blight program with the focus being the identification and compliance of structures within the city that are in need of immediate code compliance. This program

was presented with the addition of one new position. This program improvement request was ranked third out of 3 program improvements for the department and was not approved for implementation. That proposal is attached for review.

Major Goals and Objectives for 2008

As a proactive measure regarding structural blight, the 2008 budget overview for the Code Enforcement Division has identified as a major goal inspecting all properties that are rated poor to unsound by the Douglas County Appraiser's Office. This is a list that can be generated by the Appraiser's Office and one that staff could use to systematically inspect the properties that are in the worst condition. It is important to note that this list would only be addressing the exterior conditions and would not identify the condition of the interior of the structure as the Appraiser's Office rates properties based solely on curb appeal. It is very possible that staff will have already opened a case for a property that is identified as poor or unsound by the Appraiser's Office.

Another potential tool to assist staff in identifying properties that may be neglected and deteriorating is the use of the water billing information system to identify properties with the "FO" code which stands for forced on water meter. The "FO" designation identifies the property as no longer having water service to the dwelling unit(s) but must have an active account for storm water billing purposes. Information Systems' staff is currently determining if a query to obtain this information is possible.

Complexity of Dilapidated Structures

When staff investigates a property that may potentially be a structure that should be demolished, it is most often the result of unique circumstances. In reviewing the 4 residential demolitions the City has performed since 2001, there have been absentee property owners that cannot be located and deceased property owners. An important factor to consider is that all of the structures that were demolished were built before the existence of adopted building codes. Unless there are improvements made throughout the life of these aging structures these structures can deteriorate rapidly over a short period of time resulting in a perfect example of demolition by neglect.

Additionally, making substantial improvements to older properties often comes with a substantial price tag; therefore there will always be properties that are owned by people who have limited financial resources and are unable to adequately maintain their properties.

Conclusion

One of key issues to preventing demolition by neglect is to determine when a property becomes vacant for a significant period of time. In reviewing the 4 most recent demolitions, the structures had not been occupied for quite some time. The current inspection process works well regarding the vast majority of the structural complaints the department receives but can be improved by utilizing the Appraiser's Office report of all properties that are rated as poor and unsound. If a query can be developed to identify properties that do not have an active water service account then this query would serve as an additional tool for staff to use in identifying properties that may be deteriorating at accelerated rate. The combination of our current inspection practices along with utilizing the Appraiser's Office report and a query from Information Systems is the recommended course of action.