

**STUDY SESSION
Code Enforcement Update
VIA VIDEOCONFERENCE**

**November 23, 2020
5:30 p.m.**

AGENDA

Requested by the City Manager

1. MEETING CALLED TO ORDER

At the Study Session of the City Council of University City held via videoconference, on Monday, November 23, 2020, Mayor Terry Crow called the meeting to order at 5:31 p.m.

In addition to the Mayor, the following members of Council were present:

Councilmember Stacy Clay
Councilmember Aleta Klein
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

Also, in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr., and Director of Planning and Zoning, Clifford Cross.

2. CHANGES TO REGULAR AGENDA

No changes requested.

3. CODE ENFORCEMENT UPDATE

Mr. Rose stated several modifications have been made to the way the City is approaching code enforcement. So, he has asked Director Clifford Cross to provide Council with an update of these actions to garner your input and direction.

Mr. Cross stated most of these modifications have been tailored to address methods that separate occupancy inspections from code enforcement, increase efficiency, and provide inspectors with the needed resources to become more proactive.

Department Breakdown

- Director
- Administrative Staff; (3 full-time, 1 part-time)
- One Senior Plan Examiner; (*supervises Multi-Discipline Inspectors*)
- Three Multi-Discipline Inspectors; (*building, electrical, mechanical, and plumbing*)
- Lead Code Enforcement Officer; (*supervises Code Enforcement Officers*)
- Five Code Enforcement Officers; (*residential occupancy inspections & exterior code violations*)

Roles & Responsibilities

Director

- (*Zoning Administration, Long-Range Planning, Code/Building Official, etc*)

Building Division

- Senior Plans Examiner: Plan Reviews and Inspections
 - 2021- Rewriting of the Building Code to adhere to ISO Insurance Service Rating

- 2021 - Evaluation of Building Permit and Plan Review fee structure to ensure they align with the cost of performing these services
- Multi-Discipline Inspectors: Building, Plumbing, Mechanical, Electrical

Code Division

- Senior Code Enforcement Officer: Schedules, Inspections, etc.
- Code Enforcement Officers: Occupancy Inspections, Property Maintenance, Animal Control
 - Contracting out Animal Control services is one option that will allow officers to spend more time on occupancy and property maintenance

Current Workload

- 4,898 Total Inspections
 - Completed 1,852 Abatements
 - Issued 763 Citations
- 2,936 Environmental Exterior Violations (Grass, Garbage, Etc.)
 - 898 Exterior Building Violations
 - 50 Interior Violations; *(does not include violations noted during Occupancy Inspections)*
 - 70 Outstanding Violations
 - 649 Derelict Vehicles
 - 16 Illegal Storage of Commercial Vehicles
 - 188 Animal-Related Issues

Exterior Violations vs. Occupancy Inspections

- Identified Deficiencies:
 - Staff Estimates 70-75% of Code Enforcement is spent on Occupancy Inspections
 - Lost Building Inspectors have resulted in one Code Enforcement Officer doing Multi-Discipline Inspections
 - Staff recommends separating the assignment of inspectors to exterior violations only. One to two additional inspectors are recommended to improve departmental efficiency in dealing with these operations

Change of Mindset

The Department's goal is to reduce reactive enforcement and increase their proactive activities.

- Reactive Code Enforcement: When inspectors receive a complaint and follow-up with an inspection. If the complaint was valid, a notice is issued, giving the property owner a certain number of days to come into compliance. If they fail to come into compliance (without any extension given), a citation is issued to attend Housing Court.
- Proactive Code Enforcement: When an inspector identifies a code violation during a patrol. Officers are assigned a geographic portion of the City in order to become aware of violations that may occur within that area. Once the violation is observed, a citation is issued, and the procedure is the same as above.

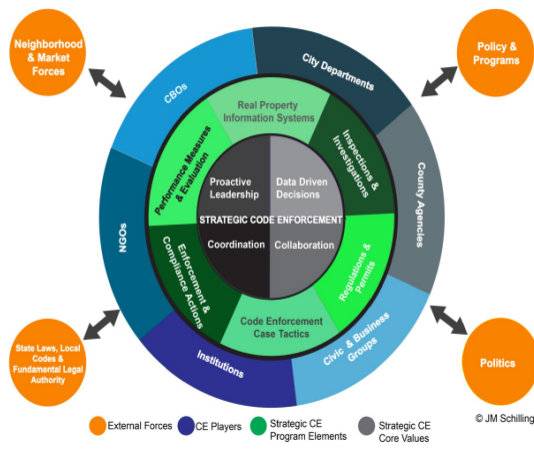
Mr. Rose stated during his tenure in the late '90s Code Enforcement Officers were assigned a geographic portion of the City, and in his opinion, that resulted in a more robust housing stock. So this change of mindset seeks to become less reliant on observations made by residents and Council, and more reliant on an officer's ability to be more proactive.

2020 Milestones

- Electric Vehicles
- New Software
 - A work-flow system that provides more accountability. Once a 10-day notice is written and there is no compliance, the Director is notified that the case has not been closed out.
- Code Cleanup
 - An update of the entire Code to ensure proper implementation
- Nuisance Declaration Process
 - Staff has received their first set of Demolition Orders, which should commence some time in 2021.

Actions

The Constellation of Strategic Code Enforcement



Strategic Code Enforcement Plan

The primary goal of this plan is to provide the following:

- Community Outreach
- Residential
- Database
- Resource List for Homeowners
- Rental License Program vs. Occupancy Inspection Program
 - Occupancy Inspections are required every time there is a change in occupancy
 - The Rental License Program addresses long-term tenancy and requires that all rental units are inspected every two years at a minimum.
- Nuisance Properties (vacant)
 - Kansas City utilizes a Receivership option that goes directly to the Circuit Court
- Incentivize Development for Private Investors
- Housing Programs

Community Outreach

Code officers are often faced with situations in which a simple citation will not suffice, so the goal is to work with homeowners to help them resolve these issues rather than penalizing them. For example, elderly or disabled homeowners may be unable to properly maintain their home due to physical or financial constraints. They may even be mentally or physically unfit to live on their own any longer.

Other families with financial constraints may have difficulty paying for more costly repairs such as tree removal or tuck-pointing.

Residential

The property maintenance and zoning codes are intended broadly to maintain a standard of quality for residents. The goal of code enforcement is to achieve compliance so that all residents and visitors to University City can enjoy the City's neighborhoods, commercial, and public districts, and that this quality is maintained over time. The goal is NOT punitive or raising funds. The City seeks to bring owners into compliance. In some cases, owners may be financially or physically incapable of abating the issues they are cited for. In these cases, the City should attempt to make resources available to assist these homeowners.

Rental properties have increased in the City, and the enforcement strategies for rentals may be different than those for homeowners.

Database

■ Parcel Survey of University City

Using volunteers, staff, and the Loveland Technology app, University City will perform a parcel survey to determine the condition of all parcels; (starting in Ward 3). This information would be entered into U City's GIS database. The survey could be repeated (every 5 years or so) to determine progress and identify the success of specific programs and strategies. It is also a crucial component of tailoring housing and neighborhood strategies to specific target areas in which to intervene.

- This system will be used as baseline data to determine the current condition of the City's housing stock
- Create a housing database for U City using GIS
 - County Data; (Ownership, Assessed Value, Sale Price)
 - CE Data; (Citations, Nuisance Status, Vacancy Registration, Rental Licensing, Business Licensing)

Resource List

- Create a resource list and training for CE inspectors dealing with residents in need: what services can we offer or what referrals can we offer to get people the assistance they need?
 - *Seniors, Disabled, Low-Income*

Rental Lease

- Consideration of a Rental Licensing Program
 - Incentives/Penalties for Landlords
 - Graduated Fee Schedule
 - Landlord Training
 - Assistance with tenant screening
 - Education on Maintenance
 - Landlord Rating system (public)
 - Reduce Occupancy Inspections – More Time for Inspectors to Enforce Property Maintenance

Nuisance Properties

- Nuisance Property Abatement
 - Process for demolitions
 - Funding (Cost of Demolition)
 - Partnerships with investors

Other Tools

- Incentivize Development
- Housing Programs

Breakdown of the Strategic Housing Plan

Action Step	Sub-Step	Description	Who	When	Cost	Relevant Data/Research
Create CE Manual	Clear Guidelines and Regulations	Manual should include relevant codes, policies, and procedures. Example: creating someone's yard	Tim, CE Division, CIPF	Spring/Summer 2021	In-kind (Staff Time, printing costs (negligible))	Look at past draft manuals, other City's manuals
	Training Procedures	The Manual should include training procedures for CE officers - a schedule or ride-along, software training, vehicle protocols, etc.	Tim, CE Division	Spring/Summer 2021	In-kind (Staff Time)	Past training materials from files/Other municipalities/CE Agencies
	Routes/Area of Coverage	Manual would outline and delineate areas of the city, routes recommended or required of inspectors, include zoning information, etc.	Tim, CE Division	Spring/Summer 2021	In-kind (Staff Time)	Eventuality based on GIS/Parcel Survey Data to focus on hotspots
Additional Code Enforcement Staff	Hire a new CE Officer	Additional CE officer in the field focused on proactive CE, especially in hot spot areas where we are having to focus.	CIPF, Tim	Spring/Summer 2021	CE Officer Salary/Benefits (approx \$50K)	
	Outsource animal enforcement	County Animal Control can handle our dogs - If needed a part-time specialist could be hired at a lower cost than a full-time inspector. This would allow current inspectors to focus on CE.	CIPF, Tim	Spring/Summer 2021	TBD based on research	Data from Tim on % Time CE Officers do Animal Control, Contact County to confirm services, research cost of outsourcing
	Reduce Occupancy Inspections	The CE officers spend a large amount of time on occupancy inspections - by reducing the number of these inspections CE officers can focus more on proactive CE - SEE RENTAL LICENSE	CIPF, Tim	2021		Data from Tim on % Time CE Officers do Occupancy Inspections, Estimate reduction through Rental License Program
Increase/Update Enforcement Tools	Vacant Property Actions	CE Officers in collaboration with Zoning Administrator will have a set of tools to address vacant properties within U City, including fines, warrants, demolition with liens, possibility of LAND BANKING (see Housing Program)	Tim, CIPF	Ongoing	Cost of Demolition: Generally \$10K-\$15K per house	Property data - ownership, etc.
	Revise Fine Structure	CE fines could be revised to increase more quickly with repeated failures to abate or come into compliance, incentivizing more compliance from problem owners	Tim, CIPF	2021		Share regulations on fines
	Additional Court Dates	Create monthly Housing Court dates in order to increase frequency and efficacy of enforcement follow-through	CIPF, Tim, Court Staff	2021	Cost of additional court staff time	
Planning/Zoning Inspector	Zoning Enforcement	Planning/Zoning Inspector (Zoning Administrator) covers enforcement of zoning codes including sign codes, outdoor dining business operations (Occupancy Permits, Home Occupations), etc.	CIPF, Tim	Spring 2022	In-kind (Staff Time)	
Public Works Enforcement		Clarify when CE Public Works is responsible for CE not their enforcement into P&Z Enforcement - stormwater/drainage anything that comes onto public ROW?	CIPF, Tim, Siran	Spring 2021	In-kind (Staff Time)	How many citations are Public Works staff issuing?
Data Gathering	Housing/Parcel Survey	Conduct a parcel survey of all properties in U City, starting with the 3rd Ward. Note condition of all properties.	CE Division, Neighborhood Volunteers	Spring 2021	Cost of Level1 Technology (Parcel Surveying Tool)	
	Create GIS Database	Using Parcel Survey data, County Data, and CE Data, create a database which tracks violations, ownership, property condition, etc. for more targeted code enforcement activity	CIPF, CE Division	Fall 2020 - Spring 2021	In-kind (Staff Time)	Compile data from maps (or other software), County Data, Parcel survey
	CE Data	Using New Software, track CE Data as baseline, incorporate with GIS Database and use current data as benchmarks for CE tracking going forward - see use of CE Data can be tracked geographically and mapped for analysis		Fall 2020		Data from maps, given, transferred over to new software system and GIS Database
Create Rental License Program	Rental License	Create a rental license program in order to further regulate landlords in U City - SEE MODEL ORDINANCE	CIPF, Tim			Estimate Cost of Roll-Out
	Landlord Rating System (See Brooklyn Cr Example)	In addition to rental license, create a landlord rating system in order to incentivize good behavior by landlords - SEE MODEL RATING SYSTEM MODEL	CIPF, CE Division, Cenzo	2021	In-kind (Staff Time), PR Materials (Mailings, etc)	Note: Brooklyn Center example

Councilmember Smotherson asked what steps need to be taken to implement the Rental Licensing Program? Mr. Cross stated it would require an ordinance amendment to Chapter 240 and he has already written a draft of the Proposed Ordinance.

Councilmember Clay stated while there is some evidence that a preponderance of the City's nuisance properties tend to be rentals, the work performed by staff to improve those properties is to ensure that renters enjoy the same level of comfort as the City's homeowners do. He then asked Mr. Cross if economic development would continue to be a part of his responsibilities as he works to manage the reformation of code enforcement? Mr. Cross stated to the best of his knowledge, it will be.

Mr. Rose stated while he certainly appreciates the oversight Mr. Cross has provided for economic development; an area he has an extensive background in, he is still evaluating long-term what the roles and responsibilities will be for both Planning and Zoning, and Communications. He stated the original intent was for economic development to be a temporary assignment based on the stressors of COVID-19, so at this point; it is a little premature for him to make a recommendation as to who would ultimately have that responsibility.

Councilmember Clay stated he was glad to hear about the plans for occupants who may legitimately be struggling and in need of resources, but would like to hear more about the vision for expediting code enforcement on vacant properties, and learn what that might look like? Mr. Cross stated until the ordinance is amended, this is the policy they have to follow once a complaint reaches the judicial level:

- A 21-day prehearing notice
- The actual hearing and Order of the Court
- A 30-day appeal process

However, the mere condemnation of a property does not necessarily mean it will be torn down; simply that it's a chronic nuisance.

So, in his opinion, the best ways to expedite enforcement is two-fold. (1), Staff's ability to be more proactive could potentially decrease the number of owners that will have to go through this process, and (2), the ability to file a complaint directly with the Circuit Court. This could not only speed up the process but eliminate any confusion regarding ownership because once the Court issues its Order it is recorded by St. Louis County.

Councilmember Cusick asked Mr. Cross if he had ever run across instances where landlords who own multiple properties have learned how to game the system? And if so, are there any plans to address landlords with chronic infractions? Mr. Cross stated that is exactly what the Strategic Plan is designed to do. The new software will allow them to do better tracking and identify chronic nuisance violations. Better tracking leads to greater accountability. So now when his inspectors don't follow-through on an issue he doesn't have to wait for a phone call from a resident, he'll be notified electronically whenever a violation is still pending.

Mr. Rose stated one part of the strategy focuses on the City's ability to follow-up on citations or notices that have been issued. The other part takes a hard look at the process. For example, should staff continuously issue notices or citations to chronic offenders? He would argue they should not. In the past officers have acted somewhat like a babysitter; sending out notices every time they witness a violation. So the new contemplation is to change the process; one violation puts the owner on notice, and if the situation is not resolved; unless there are extenuating circumstances, the next step should be the issuance of a citation to appear in court.

Councilmember Cusick stated his understanding was that Council appropriated funds for the new software last year and that portions of this process were already underway. Has the system not been utilized, or are officers still not following up on these violations? Mr. Cross stated the new software program was expected to arrive around August but was delayed because of COVID. So they are still using the old Mike F. Software. Councilmember Cusick asked Mr. Cross when he anticipated that the new software would be up and running? Mr. Cross stated it should be up and running by the first part of 2021.

Councilmember Cusick asked if the plan included any measures to curtail the abundance of derelict and illegally parked vehicles in residential areas? Mr. Cross stated an officer was hired in June of 2019 to focus on the issue of derelict vehicles, and the intent was to hire another officer in 2020 because the problem has grown beyond the capacity of one person. But once he can separate some of these responsibilities there will be three or four officers solely dedicated to focusing on nuisance issues.

Councilmember Cusick asked Mr. Rose if he had any plans to replace any of the inspectors that had been laid off? Mr. Rose stated although he is still working in a pandemic mode, he intends to look at where the City stands financially and hopefully, bring forward some recommendations in late January. He stated receipt of the CARES Act Funds was a pleasant surprise, so his expectation is that he will be able to fill some of the critical positions.

Councilmember Klein stated she appreciates the consideration given to seniors and the disabled and wondered if there would be any special consideration given to homeowners who might be in a difficult financial position? Mr. Rose stated staff's goal is to achieve compliance. So, while they are sensitive to these types of situations and are looking to build stronger partnerships with not-for-profits who may be able to provide homeowners with resources, the result has to be the same for everyone; compliance with the Code.

Mr. Cross concurred with Mr. Rose's comments and added that someone who has been a resident for 30-years that has not had frequent infractions will receive more consideration than an absentee landlord they've been chasing for months.

Mr. Rose stated on the opposite end of the spectrum, this also provides the City with an opportunity to offer resources to those not-for-profit partners that support the community, similar to the way EDRST Funds have been utilized.

Councilmember Klein questioned whether officers received de-escalation training that enables them to utilize various techniques when people become confrontational? Mr. Cross stated the City's officers are required to be certified and attend continuing education courses. In fact, his staff attended a webinar offered by the International Code Council last Thursday. So, he will be happy to review their curriculum and make sure his officers either have or will receive de-escalation training.

Mayor Crow stated he might be the only member who was on Council when the idea of a Rental Licensing Program came up several years ago, but many landlords were not enthusiastic about this concept; especially when they realized how much it was going to cost them. So, his hope is that staff will provide Council with additional information that includes the pros and cons.

Mayor Crow stated he would also like to weigh-in on a concern expressed by Councilmember Cusick because he would agree that some of the multi-tenant landlords have been able to take advantage of the system to the point of becoming slumlords. And at this point, he's not sure he has seen anything to indicate that the City has determined where the problems exist and that they have a good handle on it.

Mr. Cross stated he's not sure if there is a system that has completely been put in place to deal with problematic landlords, but there are a couple he and his staff deal with on a regular basis. So, they know who they are.

Mayor Crow asked if they were typically multi-tenant or single-tenant landlords? Mr. Cross stated where they've seen the most issues are with landlords who own two to four units because the vast majority of single-family homes are not associated with a landlord. Oftentimes, it's someone who has moved and is renting the house because they couldn't sell it or a bank/investor who has bought tons of properties; some of which they may not even be aware of. Mr. Cross stated at this point he does not have an inventory of the City's housing stock but it's something he could look into because it would provide better data.

Mr. Rose stated tonight's presentation was simply an introduction to some of the concepts staff has been contemplating, but any final plans for the Rental Licensing Program or any other model will be brought before Council for consideration.

Mayor Crow stated he thinks there is a lot of merit to the Licensing Program, and simply wanted to make staff aware of some of the minefields they may have to walk through in order to accomplish this task.

Councilmember Hales stated he has had a lot of experience with this department and truly appreciates the efforts to put all of these processes; which have often not been uniformly enforced in the past, in place. He stated there is also a need to make sure there is a procedure to determine the viability of a home prior to demolition. In some instances, the City may be able to acquire and salvage some of the homes which would be a great improvement for these neighborhoods.

Councilmember Hales questioned whether COVID had created any delays in the two-month timeline described for abating complaints? Mr. Cross stated that initially there were delays in the hearing process and the ability to appeal any decisions rendered by code officials. However, at this point, most of those issues have been resolved.

Councilmember Smotherson stated he would like to see some of this reporting broken down into Wards to see the full impact these actions are having in a specific area. For example, the demolition list provided to Council would be more impactful if it had been broken down by Wards.

Mr. Cross stated the new software can be designed to target specific areas and provide Council with the most up-to-date information.

4. ADJOURNMENT

Mayor Crow thanked Mr. Cross for his presentation and adjourned the Study Session at 6:24 p.m.

LaRette Reese
City Clerk