



## Nuisance Abatement Point System Evaluation

FINAL REPORT

Submitted to:

Mayor Lovely A. Warren  
The Rochester City Council  
Nuisance Steering Committee

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STRATEGIC COMMUNITY INTERVENTION LLC (SCI) is a practitioner-based multi-disciplinary consulting firm. We work with public, private, and not-for-profit clients to identify and analyze operational and policy issues which are deemed essential to the strategic progress of a community or organization.

SCI specializes in three specific areas of practice:

- Community participation and community leadership development.
- Government reform and modernization.
- Strategic repositioning and program redesign.

SCI uses collaborative decision-making to mobilize people from diverse backgrounds and interests to produce positive, sustainable outcomes. We especially work with clients who are leading an organization or community through change. Our approach results in leadership that arrives at the most appropriate and transformative solutions, and stronger, more effective communities and institutions. SCI's work is guided by practitioners with extensive and successful professional experience in each of our areas of practice.

## Acknowledgements

STRATEGIC COMMUNITY INTERVENTION LLC (SCI) was pleased to conduct the evaluation of the City of Rochester's Nuisance Abatement Point system, and to propose a series of recommendations that will strengthen and improve this legacy program which is designed to improve the quality, value and safety of all City neighborhoods. This evaluation was conducted within the contractual scope of services and time constraints. During our investigation, we interviewed many key current and past City staff who are charged with implementing and administering this system; as well as representatives of neighborhood and business organizations. It was not possible to interview everyone who was and is involved with the Nuisance Abatement programs. We believe that the individuals engaged in this study represented a good cross-section of those who have been involved.

After we have presented these findings to the Mayor and City Council, we will urge them to hold a series of community hearings to allow public comment before any recommendations are adopted.

A project of this magnitude could not be successfully undertaken without the support and cooperation of many people. Our deepest gratitude is expressed to Gary Kirkmire, our project liaison, who facilitated the requests for data and insight into program operations. Gary's long involvement with the Nuisance Abatement system was an invaluable resource, and his timely responses to our requests were deeply appreciated. We are equally appreciative of the guidance provided by the Nuisance Steering Committee: Councilmember Jackie Ortiz, Sara Valencia, Lieutenant Robert Hill, and David Hawkes. Thanks also to the NSC administrators, Hawkes, Nancy Johns-Price, Ronald Penders, and Pamela Reese-Smith, for their efforts in encouraging citizen leaders in their quadrants to participate; and for opening the doors of their centers for meetings. Finally, we thank the City Senior GIS Analyst, Pamela Delaney and Jennafer A Difranco from the SW Neighborhood Service Center for their timely response to our data requests.

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## List of abbreviations

CPO	Crime Prevention Officer
MCVB	Municipal Code Violations Bureau
NBD	Neighborhood and Business Development Department, City of Rochester
NBN	Neighbors Building Neighborhoods Initiative
NET	Neighborhood Empowerment Teams
NSC	Neighborhood Service Center
RPD	Rochester, NY Police Department
SCI	Strategic Community Intervention, LLC

## 1.1 Executive summary

The City of Rochester entered into a contract with STRATEGIC COMMUNITY INTERVENTION LLC (SCI) in February 2016 to conduct a thorough review of its Nuisance Point Abatement program, which was established under the authority of Section 3-15 of the City Charter. Specifically, this evaluation will provide an understanding of whether this program is being administered in a uniform, equitable and effective manner citywide, and if there are more efficient and consistent ways of operating it. There is also a need to evaluate the past practice of waiving nuisance points under certain circumstances. Finally, SCI will identify and research best practice models in nuisance abatement in New York State and across the country.

Our evaluation is limited to an examination of Nuisance Point activity during the period between January 1, 2009 and February 10, 2016.

The City of Rochester has had a nuisance abatement program since at least 1985, but it was significantly transformed in 1997 to create a system which focused the City's enforcement resources towards negative activities which threatened to undermine public safety, health and welfare; and the quality of life throughout the city. An organized effort that fully engaged residents in identifying and resolving problems in their neighborhoods (Neighbors Building Neighborhoods [NBN]) was coupled with police and code enforcement personnel located in satellite offices strategically across the city (NET, or the Neighborhood Empowerment Teams). One of the most potent enforcement tools was a strengthened Section 3-15, that enumerated 35 specific violations as "public nuisances". A system of assessing points against properties was instituted as the primary tool for eradicating public nuisances which "substantially and seriously interfere with the interests of the public in the quality of life and total community environment, commerce in the City, property values, and the public health, safety and welfare" (see Appendix 1, Section 3-15 of the Rochester City Charter).

The 35 nuisance activities were divided into three categories, where 3, 4 or 6 points were levied for each cited violation. The accumulation of 12 points within a contiguous six months period, or 18 points within 12 months, is a cause for enforcement action. In these circumstances, the Mayor is authorized to take action against the offending property; and if conciliation is not successful, prospective penalties range from property closure to suspending any license or permit that allows the property to operate or to be eligible for any city grants or loans.

Rochester's Nuisance Abatement system has long been recognized as one of the most innovative and most comprehensive strategies in the nation for remediating neighborhood decline and disinvestment. Its distinctiveness lay in its simplicity: the issues which contributed to nuisances were easily quantified and quickly penalized. Blighted conditions could be addressed in substantive ways, especially when combined with other public and private revitalization tools.

Between 2009 and 2015, the number of residential and business properties within the City has declined from 66,543 to 65,883 (see Appendix 3, Quantitative Analysis of Nuisance Data, pg. 11). The overwhelming majority are well-maintained by their owners and tenants; and well-managed by the businesses which are operated from them. A small fraction of these are found out-of-compliance with the city code; our research found that only 2,531 properties had been cited as nuisances during the study period (Appendix 3, p. 6). Of those, the number of properties which qualify as “repeat nuisance offenders” (i.e. assessed points on multiple occasions in one year, or in multiple years) is just 487.

We also found that there were 572 properties that had been assessed thirteen or more points in one calendar year, and that less than 10% of those 51 had been cited in two or more years. Given the City’s strategy of concentrating on properties which received 12+ points within a six-month period— or 18+ points within 12 months, we wanted to understand how these cases were resolved. A closer examination revealed a trend: almost every one of these properties had accumulated 18 or more points in one year. Several had extremely high point totals. For example, in 2014, two properties in different quadrants had 102 points. In 2009 and 2011, three properties in the same quadrant were assessed 84 points. 61 other properties had at least 42 points. This raised the question: if accumulating 18 points in twelve months triggers enforcement actions, how can so many properties be allowed to exceed that threshold (see Appendix 3, pp. 13-26)? The lack of good record-keeping was disturbing. Without dependable data, there is scant evidence that the system is achieving its objectives.

The data showed the total number of points that had been assessed on the 2,531 properties, and a property must have multiple encounters before the 12 or 18 point threshold is achieved. The data was not broken down to show how and when those points were accumulated. The data was presented on a calendar year basis, but points can accumulate over a 6 or 12 month period; and this period can extend over two calendar years. Even after we concluded our interviews, it was not clear how cases are resolved, or points are removed from the record. It is clear that points can expire after 12 months, even if the case has not been resolved.

Of the 2,531 nuisance properties, nearly 75% of them had 12 or fewer points assessed. Less than 25% of the properties can be designated “of high concern.”

Even though these numbers seem to be very small, nuisance properties have an inordinately adverse impact on the neighborhoods where they are located. Their existence causes a noticeable decline in the assessed values for adjacent properties, and these neighborhoods are deemed less desirable places to live and to conduct business. They require an inordinate deployment of city resources to prevent the spread of blight, and create a high level of agitation and discomfort for residents. They expedite the flight of residents and business owners to more desirable neighborhoods, frequently beyond the City’s boundaries. These conditions can exacerbate tensions between City officials and residents, who believe that government cannot and will not heed their pleas for speedy removal of the discouraging blight.

At the time that the Nuisance Abatement Point system was initially implemented and integrated into the city's operating procedures, it was greeted with abundant enthusiasm, particularly because one of its major objectives was to mutually engage residents, police and code enforcement officials in proactive and aggressive quality of life strategies. The 1990's and early 2000's were a time of high street violence and neighborhood destabilization and disinvestment. Unprecedented partnerships between the police and the communities they served led to new collaborative efforts to restore safety and livability. There was optimism that this new program would be able to remediate conditions that had lingered for too long.

But, over time, a sense of general wariness began to set in, as the blighted conditions were not remediated as thoroughly or quickly as expected. There has been an increasing belief among residents in the most challenged neighborhoods that the Nuisance Point Abatement system could not deliver on its promises. There has been an increasing gulf between citizens and City Hall that the right strategies were being pursued.

During the course of our examination, we had face-to-face interviews with 47 who have been directly involved with the Nuisance Point program, either as city officials and staff or as engaged citizens; and received comments through 73 survey responses. We held 17 focus groups with 86 individuals from neighborhood and business associations. We analyzed a voluminous amount of data covering seven years and 41 days of Nuisance enforcement.

From this, several conclusions were derived:

- The Nuisance Point Abatement system is still viewed by many as an effective tool in the city's arsenal of nuisance removal and blight elimination strategies.
- After nearly 20 years of operating within the same operational framework, many believe that this system's weakest elements can be strengthened.
- Despite its long history, there is no consistent understanding of what the system is supposed to achieve, or what it has actually achieved. In fact, there has been a much higher level of successful enforcement than publicly perceived, or reported.
- One of the biggest problems affecting the efficiency and effectiveness of the system is the lack of institutional stability. The staff who are responsible for administering the Nuisance Point Abatement system appears to have experienced significant turnover over time, and there are few personnel with a long tenure. This frequent turnover, coupled with the lack of a consistent training process and the absence of one central NSC administrator charged with overseeing total operations, leads to uneven enforcement and inadequate internal and external communications. Rather than there being one coherent, coordinated system, each unit that plays a role in the Nuisance Point Abatement system tends to function independently of each other.
- Record keeping has to be improved, to better reflect how nuisance cases are being handled and resolved.



- The lack of training of Nuisance Point personnel has an adverse impact on consistent and uniform enforcement of the system.
- There is too much autonomy and discretion, and the absence of a city-wide operational plan and a centralized administrator adversely affects the uniform enforcement of the nuisance point system.
- More effective communication tools can significantly improve the public approval of this system. The fact that so many people are uninformed about Nuisance Abatement outcomes, especially those who are responsible for administering the program, should be a major concern for City Hall.
- The City must be willing to explore ways to hold "chronic and persistent" nuisance tenants, as well as property owners, equally liable for bad behaviors. This was an issue that was repeatedly raised by business and property owners, and the concern should not be dismissed as unrealistic or unenforceable.
- There are noteworthy nuisance practices and policies from other municipalities that should be considered for local implementation.

These observations will be discussed in full detail in the report, as well as the recommendations that have ensued from this study. We feel confident that this report, and the accompanying recommendations and strategic plan, will greatly facilitate the City's desired objective to create a more effective, uniform and sustainable system of nuisance remediation.

## 1.2 SCI nuisance evaluation team

STRATEGIC COMMUNITY INTERVENTION LLC (SCI) is uniquely situated to perform the scope of work for this project. We are a Rochester-based consulting group, which deploys experienced Practitioners who are assigned to engagements based on the particular scope of the contract. In this instance, the project team was assembled because of its extensive involvement with this subject matter.

The Team Leader is William A. Johnson, Jr., the CEO and Founder of SCI. He was the Mayor of Rochester (1994-2005) at the time that NET, NBN and the Nuisance Abatement Point system were designed and implemented. He appointed and supervised the first two NET directors, part of whose responsibilities were to administer the Nuisance Point system.

The Deputy Team Leader is Rodric C. Cox-Cooper, who was the second Director of NET (2002-05), after serving as one of the first Administrators of a NET office (1997-99). He was engaged in the implementation and oversight of the Nuisance Point Abatement system from the time of its inception.

David L. Dey was the Assistant Director of the Bureau of Neighborhood Initiatives at the City of Rochester from 1996-2002. He was closely involved with the design and implementation of the Neighbors Building Neighborhoods program (NBN), which closely interfaced with the NET program.

Vincent L. Carfagna was the Director of Finance for the City from 1979 to 2007. As part of his portfolio of duties, he developed many programs to reduce the number of tax foreclosures, which engaged him in numerous policy discussions about the impact of the nuisance point system on the foreclosure project.

Robert W. Elliott is a former Mayor of Croton-on-Hudson, NY, and a former Deputy Secretary of State for New York, who supervised the Local Government Services Division. He is widely known by government officials across New York State and ideally suited to review best practices for municipalities in New York.

James Smiertka has been involved with design and implementation of nuisance abatement programs for several Michigan municipalities, and is the former City Attorney for the capital city of Lansing, Michigan. His project involvement extended to the review of best practices for cities outside of New York.

Julie Kazmierski is a realtor by profession, who has a deep understanding of housing and market trends that impact communities. Her experience was extremely valuable in our outreach to housing investors and property managers.

J. Cameron Hebda is the lead research analyst and researcher, whose expertise in quantitative and qualitative analysis, survey and interview design and community outreach design was widely deployed in this engagement.

More detailed information on each Associate is found in Appendix 13.

## 1.3 Contract deliverables

The deliverables under this contact were derived from the initial Request for Proposal put out by the City of Rochester, and has been further developed by both the City Nuisance Steering Committee and SCI.

Deliverable #1: Develop a schedule for regular meetings with the Consultant and the City's NBD Review Steering Committee.

- Status: Submitted on 1/27/2016.

Deliverable #2: A detailed Project Action Plan – including a timeline for start and completion of all items in the scope of services and a proposed breakdown of roles and responsibilities of the Consultant and the City/Steering Committee.

- Status: Submitted on 1/27/2016.

Deliverable #3: Monthly written (e-mail) updates on the status of all items in the scope of services.

- Status: Rather than written reports, it was agreed that monthly meetings with the city's Nuisance Steering Committee would occur instead. These meetings were held on 2/10/16, 3/3/16, 4/12/16, 5/5/16, and 6/9/16.

Deliverable #4: Interim report with preliminary findings.

- Status: Submitted and discussed with the Steering Committee on 6/28/2016.

Deliverable #5: Final written report, including strategic recommendations.

- Status: To be submitted 7/20/2016.

Deliverable #6: Up to three in-person presentations.

- Status: The first presentation will be on 7/25/16. The remainder are to be scheduled.

## 1.4 SCI methodology

SCI organized this project in three major phases:

1. Reviewing and analyzing primary source data related to nuisance point assessment and program structure in the study period (January 1, 2009 through February 10, 2016) to identify general trends in how the nuisance abatement program was applied.
2. Surveying and interviewing City staff and neighborhood and business organizations that were primarily involved with the program to ascertain stakeholder perceptions of program operations and effectiveness.
3. Identifying and interviewing cities in New York State and across the country that have effectively engaged in nuisance abatement programs, and identifying practices which can be recommended to the City of Rochester.

In the course of this project, we collected robust data. In Phase One, the City provided information on properties which had been assessed nuisance points during the study period. There were a total of 5,605 incidences, which led to points being assessed. This was used as the keystone primary source of our investigation. We were advised by the City that not all violations cited were issued tickets, and that some of the violations were conveyed to the property owners via letter. For the purposes of this study, the term “incidences” is used to denote when nuisance points are issued against a property (see Appendix 3, p. 2).

Between 2009 and 2015, there were about 66,000 properties within the City, and there were nuisance points assessed against 2,531 of them, representing just 0.038% of the total properties. Of these, 572 properties were assessed 13 or more points during a single calendar year.

During the course of this investigation, we made a totally unanticipated discovery. Several of the nuisance violations that are covered in Section 3-15 are also covered under Chapter 13A of the City Charter, and are effectively adjudicated through the Municipal Code Violations Bureau (MCVB). These records are separately maintained, and not reported as part of the Nuisance abatement system. If they were incorporated within the Nuisance abatement database, they would paint a more positive picture of the City’s overall quality of life efforts (see Appendix 2, Chapter 13A of City Code).

An examination of the MCVB was not in the original scope of services for this project. However, its role in adjudicating certain quality of life violations that are expected to be addressed in Section 3-15 enforcement efforts is too important to ignore, or to be shunted into another silo.

During Phase Two, we surveyed and interviewed persons who had direct involvement with the Nuisance Abatement Point system, in order to determine their reaction to the data and to ascertain their understanding of how the system functioned. 73 persons responded to the initial survey. We met directly with 47 City personnel, including Neighborhood Service Center Administrators, Lieutenants, and Crime Prevention Officers; RPD command personnel, including the Chief of Police; City Council members, including all four district councilpersons; current and former Law Department attorneys; and the Neighborhood and Business Development (NBD) department personnel, including the Commissioner. There were also monthly meetings with the City's Nuisance Abatement Steering Committee. 86 representatives from neighborhood and business organizations were engaged through 17 focus groups, and by invitation for comment. The survey, interview, and focus group instruments and participant listings are detailed in Appendix 4 (Interview Log) and Appendix 12 (Samples of Survey and Interview Instruments).

We found widespread varying opinions among City staff and citizens about the effectiveness of the Nuisance Point system.

In Phase Three, 9 New York municipalities of various sizes were selected for an examination of their nuisance abatement programs. In addition, Pace University Law School, Touro College Law School and the New York Conference of Mayors were consulted for their knowledge of municipal nuisance abatement programs. Following a statewide search of New York municipalities, the 9 were examined via literature review and were, in turn, narrowed down to 4 for site visits and interviews in person. (See Appendix 6, New York State Best Practices).

Outside of New York, 22 cities with nuisance abatement programs were identified. Of those, nine were selected for closer analysis, based on an assessment of how closely their programs mirrored Rochester's. These cities have populations of less than 600,000. However, the general principles that are advanced in this section are derived from all of the cities reviewed, regardless of population (See Appendix 7, National Best Practices).

## 2 Statement of findings

### 2.1 Allocation and assessment of nuisance points in practice

Section 3-15 of the Rochester City Charter, Abatement of Nuisances, was reviewed against the City's database of properties against which Nuisance points had been assessed. Enumerated violations were linked to the addresses of properties receiving violation points. There are 35 different provisions of violations, of which 24 provisions are 6 point violations, 8 provisions are 4 point violations, and 3 provisions are 3 point violations.

Public nuisances are defined to exist as to when any of the 35 provisions result in violations "from separate incidents at a building, erection or place, or immediately adjacent to the building, erection or place as a result of operations of the business, 12 or more points are accumulated within a period of six months, or 18 or more points within a period of 12 months."

The data revealed that there were 5,605 incidences where nuisance points were assessed (on 2,531 properties) between January 1, 2009 and February 10, 2016. Of these incidences, 5,470 (97.6%) were six point violations, 91 (1.6%) were 4 point violations, and 29 (0.8%) were 3 points violations. On the next page is Table 1: Breakdown of Nuisance Points assessed in the City of Rochester from 1/1/2009 to 2/10/2016. It shows the allocation of points for 3, 4 and 6 point violations, sorted by violation code, in both actual numbers and percentages. Please note that violations with zero cited incidences in the Nuisance Abatement Point System were excluded from the tables (i.e. sexual performance by a child; vehicle dismantlers; forgery of and illegal possession of a Vehicle Identification Number; Welfare fraud; unlawful employment of aliens; and Amusements). It is apparent from the nature of these violations that they are being adjudicated through other means, and we made no attempt to investigate them.

Table 1: Breakdown of Nuisance Points assessed in the City of Rochester from 1/1/2009 to 2/10/2016

Point Value	Violation Code	Violation Code Description	Year								Sum of All Years	Sum as % of All Violations
			'09	'10	'11	'12	'13	'14	'15	'16		
6 points	NU101	Controlled Substance	366	637	380	291	239	180	270	22	2385	42.60%
	NU102	Offenses Involving Marihuana	109	93	218	224	134	117	171	15	1081	19.30%
	NU103	Gambling Offenses	1		4			2	2		9	0.20%
	NU104	Prostitution Offenses				1					1	0.00%
	NU105	Criminal Possession of Stolen Property	8	8	6	5	3	4	8	1	43	0.80%
	NU106	The Alcoholic Beverage Control Law	4	5	9	2	12	7	2		41	0.70%
	NU107	Firearms and other Dangerous Weapons	53	51	88	89	101	84	88	7	561	10.00%
	NU108	Unlawfully Dealing with a Child	50	30	12	15	16	17	9		149	2.70%
	NU111	Falsifying Business Records	2			1		1	1		5	0.10%
	NU113	Alcoholic Beverage, Cigarette or Tobacco Violation	19	17	24	22	23	23	18	3	149	2.70%
	NU115	Criminal Diversion of Prescription Medications	1	1					5		7	0.10%
	NU116	Food Stamp Program Fraud		1				30	3		34	0.60%
	NU117	Imitation Controlled Substances	1		3	2	2	1			9	0.20%
	NU118	The Agriculture and Markets Law		3					4		7	0.10%
	NU119	Business Permit Violation	7	3	10	6	10	3	4	1	44	0.80%
	NU120	Loitering	5		3	2	1	1	1		13	0.20%
	NU121	Section 2024 of Title 7		2		2		2	1		7	0.10%
NU124	Chapter 75 of Municipal Code -Disorderly Conduct	109	70	79	162	95	88	124	13	740	13.20%	
NU125	Noise	13	14	25	37	23	28	40	5	185	3.30%	
4 points	NU201	Refuse Collection	4	1		12	11	1	5		34	0.60%
	NU203	Dangerous Articles				2	7	2			11	0.20%
	NU204	Fire Prevention Code							2		2	0.00%
	NU205	Property Code			2	1	7	4	2		16	0.30%
	NU206	Zoning	1		1		1				3	0.10%
	NU207	Excess of Occupancy Limits			1		1		1		3	0.10%
	NU208	Food and Food Establishment Sanitary Code	2	1	6		10	3			22	0.40%
3 points	NU301	Municipals Code - Littering			2		2				4	0.10%
	NU302	Howling dogs, Number of Dogs, and Nuisances				1		1			2	0.00%
	NU303	Disruption to the Neighborhood	2	1	2	1		7	3		16	0.30%
	NU304	Disorderly Conduct - Lesser Violation			1	1	1	4			7	0.10%
	NU305	Disorderly Conduct - Lesser Violation		2	2		1	6	4		15	0.30%
3 Point Violation Totals:			2	3	7	3	4	18	7		44	0.80%
4 Point Violation Totals:			7	2	10	15	37	10	10		91	1.60%
6 Point Violation Totals:			748	935	861	861	659	588	751	67	5470	97.60%
All Violation Totals:			757	940	878	879	700	616	768	67	5605	100.00%

Source: City of Rochester (2016), Bureau of Inspection and Compliance Services



Table 1 indicates that major infractions (mainly controlled substances, marihuana, firearms or other dangerous weapons, and disorderly conduct) receive an extreme focus in the Nuisance Point process. Of the 5,605 reported incidences, 2,385 (42.6%) were for controlled substances, 1,081 (19.3%) were for marihuana offenses, 740 (13.2%) were for disorderly conduct, and 561 (10%) were for firearms and dangerous weapons. Just four violations (11.4% of the total) account for 85.1% of the total number of Nuisance Points incidences. (We had used a higher percentage in our earlier reporting by adding Noise violations, which account for 3.3% of the incidences.)

The City partitions its assessment roll into homestead and non-homestead properties. Homestead properties are residential units of one, two, and three family dwellings, and non-homestead properties are for all other property classifications. Of the 5,605 incidences, we found that 3,676 (65.6%) were to homestead properties, and 1,929 (34.2%) were to non-homestead properties (Appendix 3, p. 2). Of the homestead properties cited, single-family homes accounted for most incidences (31.08% of homestead incidences) followed closely by two-family homes (28.62%). These were far greater than three-family and multi-family homes (4.78% and 1.11% respectively). See Appendix 3 pp. 31-33.

The City provided data to identify properties having “13 or more points” in a year for the period of this study (see Appendix 3, pp. 13 – 26). This listing contains 521 properties, which represents 9.3% of the total properties which received nuisance points. 51 of these properties were cited two or more times during this period (see Appendix 8, Recurring Nuisance Properties Log). This data is also presented alphabetically, by address and by the top ten violators (see Appendix 3, pp. 31 – 33).

A major concern arose around the number of properties whose assessed points reached the threshold of 18 points within a 12 months period. Why are so many properties being assessed high numbers of points without any apparent resolution?

## 2.2 Process audit – resolution of chronic nuisances

SCI conducted a process audit of Nuisance properties that we defined as high point, chronic violators, to study how so many properties could seemingly exceed the City’s threshold for enforcement. If eighteen points in one year was sufficient to trigger enforcement, why were so many properties above that level? For example, in 2015, two properties in two different quadrants were reported to have 102 points, and in 2009 and 2011, three properties had 84 points each (see Appendix 3, pp. 13 – 26). This review also sought to determine if there is a consistent process being followed by the City of Rochester in administering the Nuisance Abatement Program.

We selected a sample of properties to review by setting a threshold of properties with 42 or more aggregate points assessed. There were a total of 66 city of Rochester properties which had a total of 42 or more points assessed to them during the review period from 2009 through spring, 2016.

We requested files from each the NSC offices for the 66 chronic properties that accumulated 42 or more aggregated points. The files were to contain information to substantiate that each NSC office, staff and support personnel are following stages or common practices to encourage compliance with Sec. 3-15. The files would also demonstrate where additional city departments were integrated into the process with NSC Offices. The summary of those stages are outlined below:

- Referral to NSC Office
- Assessment & Assignment of Points
- Communication with Owner, Waiver, Abatement Plan & Monitoring
- Chronic Accumulation of Points, Intervention & Administrative Closure

Following is a summary of the information collected in the audit. Table 2 displays the extent to which our review of the files provided by the City reflected a consistent resolution process, administered and followed by all NSC Offices, relevant City departments and support staff. Our findings note that during the initial stages of the process, the City does an adequate job with the referral, assessment, assigning of points along with the initial written notification to the property owner. After the initial stages, the process of monitoring and addressing chronic properties appears to break down. We believe that this lack of consistency throughout the process has contributed to the creation of a “chronic nuisance violator” class of properties, which aggregate between 18 and 108 points.

Table 2: Findings from process audit on chronic nuisance properties

Stage of Process	Findings	Review Methodology & Support Detail Requested
Referral to NSC Office	<i>59 of the 66 or 89%</i> of the files contained supporting documentation noting steps in the referral process were consistently followed.	<ul style="list-style-type: none"> <li>▪ Nuisance Violations / Crime Committed Verified by Police Report(s)</li> <li>▪ Crime Report (s) Filed by Officer</li> <li>▪ Referral to Neighborhood Service Center</li> </ul>
Assessment, Points Assigned & Owner Notification	<i>58 of the 66 or 88%</i> of the files contained supporting documentation noting steps in the assessment, point assignment and owner notification process were consistently followed.	<ul style="list-style-type: none"> <li>▪ Joint Review (NSC Director &amp; Lieutenant) to Determine Nuisance Violations &amp; If Points Should Be Assessed</li> <li>▪ If a Bar / Entertainment Venue, Joint Review is Done by Nuisance Advisory Board Recommends Points to Be Assessed (Southwest Only)</li> <li>▪ Determination of Points Pursuant to 3-15B of the City of Rochester Charter</li> <li>▪ Official Notice (Letter) to Owner with Charter Violations or Points Assessed to Property</li> <li>▪ Official Notice (Letter) Request to Meet with Owner to Resolve Site Nuisance</li> </ul>
Communication with Owner, Abatement Plan & Monitoring	<i>0 of the 66 or 0%</i> of the files contained supporting documentation noting steps where the city communicated with the owner (in addition to initial points notification), approved an abatement plan and where a monitoring process was consistently followed.	<ul style="list-style-type: none"> <li>▪ Owner Attends Meeting with City Neighborhoods Service Center (NSC) Reps. Within 10 Days of Notice</li> <li>▪ NSC Agrees to Abatement Plan and Timelines. Agrees to Hold off Further Legal Action - Giving Owner Time to Comply</li> <li>▪ City (Neighborhood Services Centers) Monitor &amp; Confirms Owner Compliance by Reviewing Plan Dates or Actions within Timelines</li> <li>▪ Points Are Removed by Staff Via the BIS (Business Information System) After 1 Year (12 Months) or Case Closure</li> </ul>
Chronic Accumulation of Points, Intervention & Administrative Closure	<i>1 of the 66 or 1.5%</i> of the files contained supporting documentation noting steps the city took to address the chronic accumulation of points, needed intervention & administrative closure were consistently followed.	<ul style="list-style-type: none"> <li>▪ Official Notice (Letter) to Owner with Multiple Code and Charter Violations, Excessive (more than 12 @ 6 months or 18 @ 12 months). Cumulative Points Assessed to Property.</li> <li>▪ City Determines if Administrative Nuisance Designation &amp; Hearing Request to Meet with Owner Resolve Site Nuisance</li> <li>▪ City Initiates Abatement Orders. If the City Wins, One of the Actions is Approved by a City Court Judge</li> <li>▪ City Ordered Actions: (1) Closure &amp; Remedy Timeline, (2) Order Closure or Suspend for 6 Months, (3) Revoke CFO or Business Permit, Licenses for 12 Months, (4) Prevent Operator from Maintaining or Opening Other Locations, or Performance Bond</li> <li>▪ City Takes Legal Actions to Enforce Administrative Abatement Orders</li> <li>▪ City Monitors &amp; Confirms Legal Actions / Orders</li> </ul>

## 2.2 Process mapping

Based on the reviewed files, it was concluded that the City does not have a system for administering the Nuisance Point program in a consistent and uniform manner. Of the 66 properties, only one of them had seemingly been brought to closure. When this analysis was shared with staff during the interviews, they responded that the number of closures were higher than the records documented. The record keeping for these cases is scattered through several departments; our search was confined to the NSC files, since this is where all nuisance points are originally assessed. These records showed the NSC's disposition of cases. There were other files separately maintained in the Law Department, for example. There is currently no protocol specifying that all case records be reported to a central database. Furthermore, there are a number of steps that can be taken to close a case, but it is not always necessary to carry a case through each of these steps.

This lack of reporting may also reflect the City's desire to resolve a case without taking the ultimate action of stigmatizing a property as a nuisance, recognizing the adverse implications that such designations have on community development efforts. Several key players stressed the desire to gain voluntary compliance from the offending parties before they escalate into more difficult situations. One former staff strongly reiterated her approach was to resolve as many cases as possible through "education and collaborative brainstorming." City personnel believed strongly that this process, though protracted and sometimes cumbersome, was effectively addressing nuisance abatement. Property owners, business persons, and residents who lived close to nuisance properties did not often share that conclusion. While this is a laudable objective, and it should be generously applied, it still does not explain the number of properties which accumulate a large number of points within 12 months.

Table 3 establishes a matrix that outlines these various steps that are available to resolve Nuisance Point cases. We are calling this "The Nuisance Abatement Point System Process Map" (Table 3). It identifies 21 key steps in the enforcement continuum, among the key parties and departments. At various stages, a case may be resolved without completing the 21 steps. Procedures are established that allow cases to be resolved through conciliation and negotiation, as well as through a more formal and protracted hearing process. We will recommend that this process map be adopted by the City, if it is also accompanied by an improved record-keeping system. It can become a tool that is available to both staff and citizens to gain a better understanding in what actions can be and have been taken to remediate nuisance properties.

Table 3: Process Map, City of Rochester Nuisance Abatement Point System (including formerly used waiver process)

Process Phase	Step Number	Description
Nuisance Activity, Arrest & Crime Report	1	Nuisance Violations / Crime Committed Verified by Police Report(s)
	2	Crime Report (s) Filed by Officer
	3	Referral to Neighborhood Service Center
Assessment, Points Assigned & Owner Notification	4	Joint Review (NSC Director & Lieutenant) to Determine Nuisance Violations & If Points to Should Be Assessed
	5	If a Bar / Entertainment Venue, Joint Review is Done by Nuisance Advisory Board, Recommends Points to Be Assessed (Southwest Only)
	6	Determination of Points Pursuant to 3-15B of the City of Rochester Charter
	7	Official Notice (Letter) to Owner with Charter Violations or Points Assessed to Property
	8	Official Notice (Letter) Request to Meet with Owner to Resolve Site Nuisance
Communication, Waiver, Abatement Plan Timelines & City Monitoring	9	Owner Attends Meeting with City Neighborhoods Service Center (NSC) Reps. Within 10 Days of Notice
	10	City Issues Waiver of Points When Appropriate
	11	If Not Waived, Owner Provides a Verbal to Address Nuisance Issues with Timeline(s) of Implementation
	12	NSC Agrees to Abatement Plan and Timelines. Agrees to Hold off Further Legal Action - Giving Owner Time to Comply
	13	City (Neighborhood Services Centers) Monitor & Confirms Owner Compliance by Reviewing Plan Dates or Actions within Timelines
	14	Points Are Removed by Staff Via the BIS (Business Information System) After 1 Year (12 Months) or Case Closure
Chronic Nuisance Properties, Assessment of Cumulative Points & Other Violations	15	NSC Lt. and/or NSC Administrator determine the properties for which they wish to pursue a Section 3-5 administrative nuisance abatement proceeding and submit a request/referral to the Law Department with supporting documentation.
	16	Law Department reviews the request and supporting documentation to ensure there is legally sufficient basis to commence an administrative nuisance abatement proceeding under Section 3-15.
	17	Pleadings and a Lis pendens are drafted, filed in the Monroe County Clerk's Office, and served on owner, mortgagee, and tenants. The pleadings provide notice of the nuisance acts alleged by the City and afford the owner, mortgagee and tenants the opportunity for a hearing. If no hearing is requested, said parties are considered to be in default and to have pled "no contest." In this instance, the Commissioner of Neighborhood and Business Development reviews the record and renders a Final Decision based on his or her review of the same.
	18	If a hearing is requested, it is held before an impartial hearing officer appointed by the Commissioner of Neighborhood and Business Development. The hearing officer issues a report to the Commissioner providing a recommendation as to whether the City met its evidentiary burden to establish the nuisance acts occurred.
	19	The Commissioner reviews the hearing officer's report, hearing testimony and exhibits received into evidence and renders a Final Determination and Order.
	20	A Final Decision or Determination of the Commissioner which orders a property closed is posted to the property. The Rochester Police Department is authorized by Section 3-15 (C)(4) to enforce this order 5 days after it has been posted.
	21	Persons found on the property during the closure period are subject to arrest for a misdemeanor pursuant to Section 3-15(C)(7).

Source: City of Rochester Law Department and Strategic Community Intervention (2016)

## 2.3 Assessment of reporting processes

Following the process mapping, we discovered how the absence of a formalized inter-departmental reporting system is contributing to the perception of system inefficiency and lack of uniformity. The current reporting mechanisms, the Building Information System (BIS) and Microsoft SharePoint do not capture all of the activity and actions which flow through the Nuisance Point Abatement system. All departmental records and actions may not be shared across departmental lines. There is no evidence that this information void is intentional, just another manifestation of a system that lacks central coordination and oversight.

One significant illustration of this point was the discovery of the nuisance-related violations that are being adjudicated in the Municipal Code Violations Bureau (MCVB), which is established in Chapter 13A of the City Charter. A review of the MCVB was not a part of the scope of services for this contract. Yet, several violations that are addressed through Sec. 3-15 are also covered by Chapter 13A, and many of them directly relate to the quality of life concerns that arise in City neighborhoods. The following list of overlapping violations was compiled from Section 3-15 and Chapter 13 A:

- Noise (6 points)
- Refuse Collection (4 points)
- Amusements (4 points)
- Fire Prevention Code (4 points)
- Property Code (4 points)
- Zoning (4 points)
- Littering (3 points)
- Dogs (Animal Control) 3 points

Violations are either assessed points under Sec. 3-15, or issued tickets under Chapter 13A. We have no evidence that any property or individual faced double jeopardy. However, the practical effect of this dichotomy is the perception of low or no activity in the nuisance type activities, which is clearly contradicted by the amount of ticketing activity. The interviews with neighborhoods particularly focused on this lack of Sec. 3-15 activity. A perusal of Table 1 on page 15 shows that for the eight violations above, there were only 244 nuisance incidences between 2009 and 2015, an average of 35 incidences per year. Yet Table 4 on the next page shows that for just a two year period for just 5 of these violations between 2014 and 2015, there were 11,602 tickets issued and 6,173 notice and orders for refuse. (We were unable to obtain more than two years of reports from the MCVB database). Extrapolated over a seven year period, this means that there would have been more than 40,000 tickets issued, and nearly 21,000 notice and orders. Our limited observation is based solely on the volume of tickets issued, and without deeper analysis, it is impossible to assess the impact that the ticketing approach had on reducing the number of nuisance properties.

Table 4: Quality of life tickets issued by Municipal Code Violations Bureau, 2014-15

Ticket Type	2014 Total	2015 Total	Two Year Total
Amusement/Second Hand	51	44	95
Noise	169	132	301
Animal Control	823	898	1,721
Property Code	4,575	4,265	8,840
Littering	25	31	56
Refuse Tickets	386	203	589
Subtotal	6,029	5,573	11,602
Refuse N&O's	3,027	3,146	6,173
<b>Grand Total (including refuse N&amp;O's)</b>	<b>9,056</b>	<b>8,719</b>	<b>17,775</b>

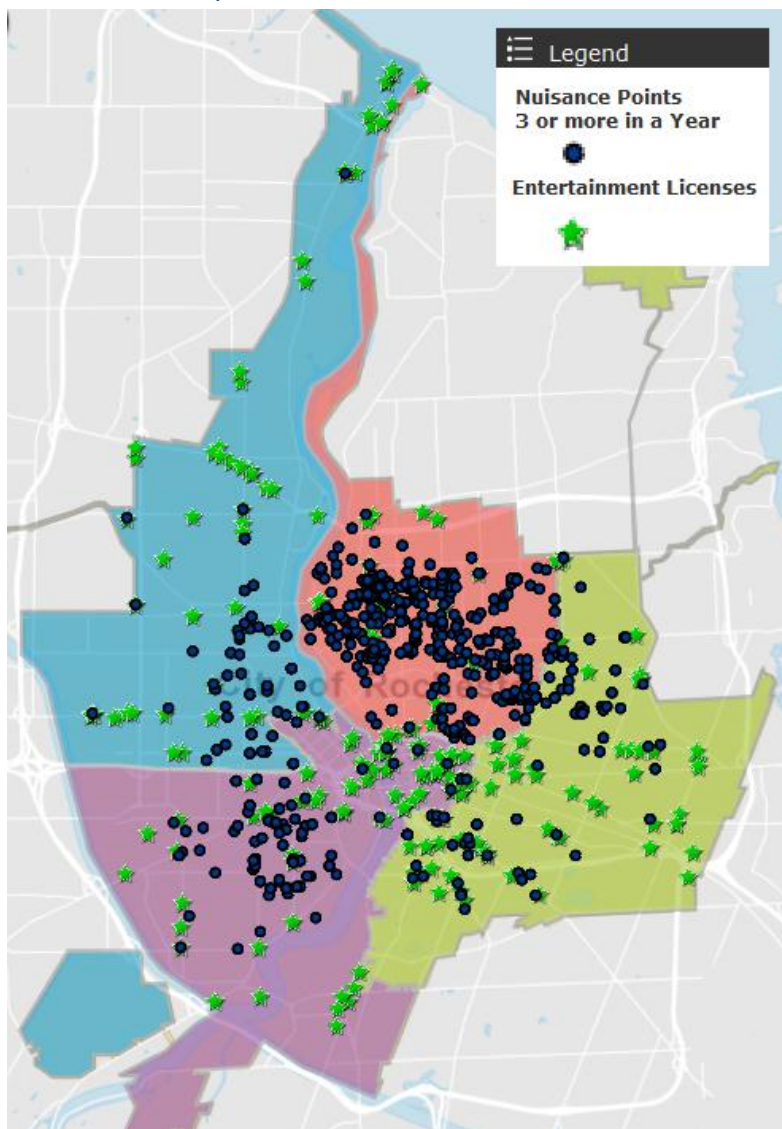
*Source: City of Rochester (2016), Bureau of Inspection & Compliance Services*

Since SCI's engagement did not include a review of the operations of the MCVB, or an assessment of the uniformity and effectiveness of its ticketing system, we are unable to assess the intent of the City at the time these two separate systems were created, and whether any interface between the two has been attempted, formally or informally. While there are very good reasons to keep these systems separate, the City should find a way to include these specific MCVB activities in reporting on nuisance abatement activities. At the very least, this would significantly alter the public perception that little is being done to address neighborhood quality of life issues. We believe that this issue needs more thorough analysis.

## 2.4 Geographic analysis of nuisance point assessment

The geographical distribution of Nuisance Points is an important consideration for an evaluation of equity and uniformity of policy implementation. Figure 1 below shows a distribution of City properties with at least three incidences in one year (represented by the black dots). This map indicates that the Northeast quadrant has roughly double the Nuisance properties of any other of the three quadrants. This may be attributable to higher level of violent and drug-related violations that happens in some Northeast neighborhoods, which account for the vast majority of Nuisance Point assessments.

**Figure 1:** Map of City of Rochester Nuisance and Entertainment License properties in neighborhood service center quadrants



Source: City of Rochester (2016), Bureau of Inspection & Compliance Services



The Nuisance Point Abatement program was designed on good intentions. It bears repeating that the presence on any nuisance property is disruptive to neighboring properties. The presence of a large concentration of nuisance properties is extremely disruptive to a neighborhood. One cannot look at the quadrant map without wondering if the Nuisance Abatement Point program has borne some unintended consequences.

During the interviews and focus groups, we asked respondents to react to the following statement:

“The focus on specific violations may be disproportionately affecting neighborhoods that already suffer from structural conditions that create lower quality of life, property values, public welfare, etc. Therefore, Nuisance Points may not be solving neighborhood issues in certain areas, only reinforcing structural conditions that lead to low quality of life (e.g., driving down property values), and underlining existing perceptions of “bad” neighborhoods that are not ripe for property investment. This disproportionate focus on aforementioned violations may be indirectly creating feelings of enforcement bias in the neighborhoods that are structurally affected by these violations, whereas other areas appear to get off easy since seemingly petty Nuisances are ignored. Since the Nuisance Point system is complaint-driven, perhaps it is ironic that good neighbors in the Northeast that call in nuisances are being harmed by poor quality of life and dim perceptions of their community”. (Source: SCI Phase 1(a) analysis and design report, 4-11-16, p.6)

This statement evoked a wide range of responses. Some people were not surprised that nuisance properties were so heavily concentrated in the Northeast, given the attention that has been focused on its challenges over the years. Others were surprised that there were not a higher number of nuisance properties in the other quadrants. Some thought that, with all of the attention focused on the Northeast in recent years that there should be more progress in reducing the number and concentration of these type of properties.

There were two unique responses worth singling out. Northeast District Councilperson Patterson found positive value in the large number of points cases in his quadrant. He strongly believed that, as the results from a complaint-driven system, they reflect the efforts of his constituents to clean up their neighborhoods. This map confirms the aggressive approach these residents have taken to remove the exigent blight from their midst, and the City’s aggressive response to their calls (from Councilperson Michael Patterson interview, May 26, 2015).

Some looked at the map through a different lens, and wondered if the lower number of incidences in the other quadrants reflected a different enforcement approach in more upscale neighborhoods. Specifically cited were neighborhoods in the Southeast and Southwest quadrants, where large numbers of college students reside. Here the feeling is that residents are sometimes willing to tolerate loud parties where liquor and drugs are being consumed, with large volumes of vehicular traffic. Instead of the problem being caused by “bad actors” in the poorer neighborhoods, the same problems are downplayed or overlooked when “good actors” (e.g., college students/millennials). Again, in a complaint-driven system, it is difficult to measure actions that are not taken.

The map in Figure 1 also noted the locations of licensed entertainment establishments throughout the city (bars, nightclubs, etc.). Some of these establishments have resulted in high profile cases in recent years, as well as complaints about the way these case have been handled. Despite their high profile, headline-grabbing nature, there have only been 83 incidences between 2009-16 of points being assessed against bars, nightclubs and restaurants. This accounts for just 1.5% of all incidences. (Appendix 3, pp. 4-5). In the Southwest Quadrant, there were numerous complaints that the enforcement against its nightclubs and bars were racially disparate than enforcement in other areas. In 2010, a six month moratorium was instituted citywide, which precluded the assignment of nuisance points on bars and nightclubs. After this issue was studied and reported to City Council, the Southwest Quadrant Nuisance Point Advisory Board was established. This demonstration project empowered the board to assess whether nuisance points were being equitably assessed in that quadrant, and to make recommendations on cases to the Southwest Neighborhood Service Center (NSC).

The Advisory Board is comprised of seven citizen members, who have had fifty five (55) cases referred to it between April 2011 and January 2016, including 35 from the downtown/East End business districts. In 20% of the cases, the Board determined that no points be should assessed. (Source: Appendix 10, Chart of Nuisance Points Advisory Board's Actions). What began as a demonstration project of short duration has remained in operation for almost five years, and both the board members and the NSC administrator and lieutenant agree that it is working reasonably well. What is unclear is why this strategy has just been focused on such a meager percentage of the nuisance cases, or why this approach is not being used in other quadrants, since the map indicates that entertainment establishments are spread rather evenly across the city. This matter will be addressed in our recommendations.

## **2.5 Qualitative assessment – survey, interviews, & focus groups**

The surveys, interviews, and focus groups revealed several main themes about the current effectiveness and uniformity of the Nuisance Abatement Point System. Generally, stakeholders believe the system is ineffective and in need of major changes, but they also believe that it should not be abolished. “Mend it, not end it” was the prevailing attitude. To improve the system, respondents generally believe that it could perform better if there was a centralized command. Further, it was confirmed that a structured form of discretion that allows for violators to erase the sanctions of the system is needed. On the one hand, this will incentivize system participation, reduce stigmatization of system violators, and increase self-reporting. On the other hand, it will provide system administrators a compass when it comes to exercising their necessary discretion. This may be possible by revisiting the previous waiver policy that was in the system at inception.

There is a need for better infrastructure and education for administering the program. There are wide gaps in communication among all stakeholders. There is a need for system-wide training, given the number of people who administer it, and the amount of turnover among staff. A continuous process

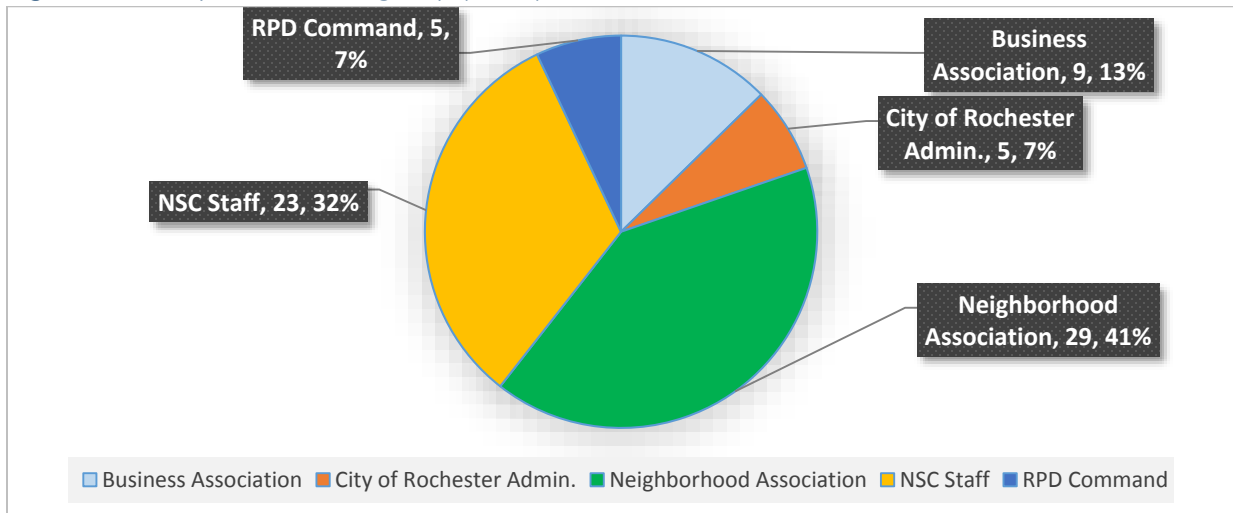
of educating all responsible people, including the beat officers who are usually the first responders to nuisance complaints, is widely urged.

The Nuisance Abatement Point System is generally regarded as slow-moving and ineffectual by neighborhood and business associations. More tools/avenues must be made available to these particular stakeholders on the front end so that they can help move the process along. On the back end of the process, the sheer number of possible Section 3-15 litigations coupled with a lack of capacity for handling high case volumes have bottlenecked the final resolutions that bring closure/resolution to Nuisance cases. Not enough is being done to track and resolve recurring nuisance properties. This is due in part to the lack of transparency in the system, whereby system participants are kept confidential due to the stigma of Nuisance Abatement System proceedings. The most critical factor is that there is currently no formal means of tracking chronic nuisance properties, nor are completed resolutions communicated to community and City stakeholders.

### 2.5.1 Survey results – Demographics

Survey participants were asked demographic questions, including length of involvement, city residency and quadrant of operation. The results are shown below in Figures 2 – 4 and in the interpretations that accompany them.

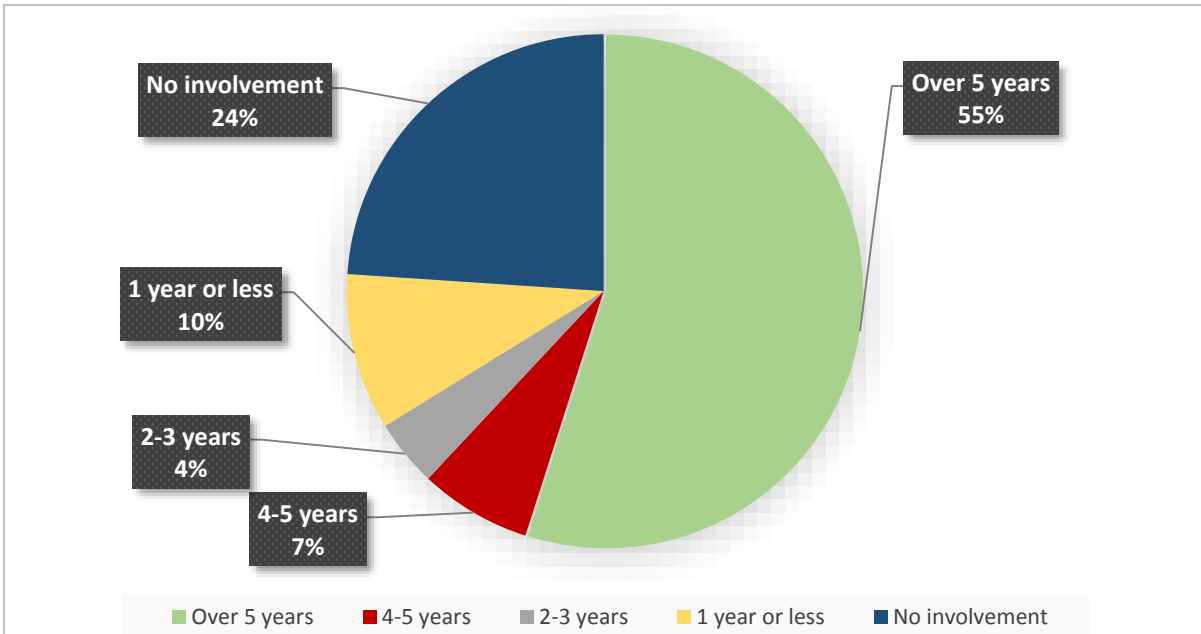
Figure 2: Survey stakeholder group (n=71)



The survey responses were categorized into stakeholder groups. They are: Neighborhood Service Center (NSC) staff, consisting of NSC administrators, Crime Prevention Officers, and NSC Lieutenants; City administration (Law Department, Director of Inspection and Compliance Services, Neighborhood and Business Development Commissioner, City Council and other non-NSC City Staff); Rochester Police Department Command (Police Captains, Police Chief); Neighborhood Associations; and Business Associations.

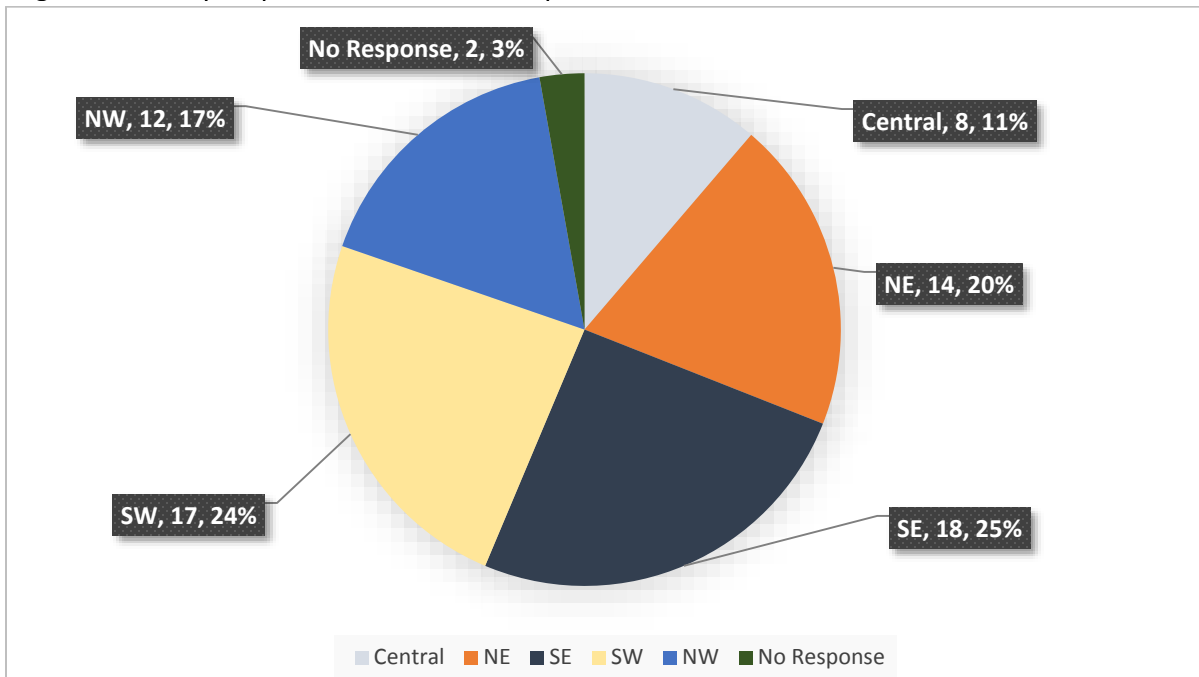
The survey group delivered adequate representation that reflects the actors which drive the Nuisance Abatement Point System, mainly NSC staff (32%) and City of Rochester neighborhoods (41%). Logically Business Associations were the next largest stakeholder group (13%), as they are a critical actor in the system, and have fewer aggregate incidents than residences. Top-level administration and command were fairly represented (at 7% each), as they were expected to be of fewer number compared to dedicated NSC staff.

Figure 3: Survey response – How long have you been involved with the Nuisance Abatement Point System? (n=71)



Most of the respondents have deep experience with the Nuisance Abatement Point System, as a majority (55%) have been involved over 5 years. We can conclude that there is a solid diversity of viewpoints, as a quarter (24%) of respondents have no *direct* involvement with the System and a tenth (10%) have been involved for less than a year.

Figure 4: Survey response – Quadrant of operation

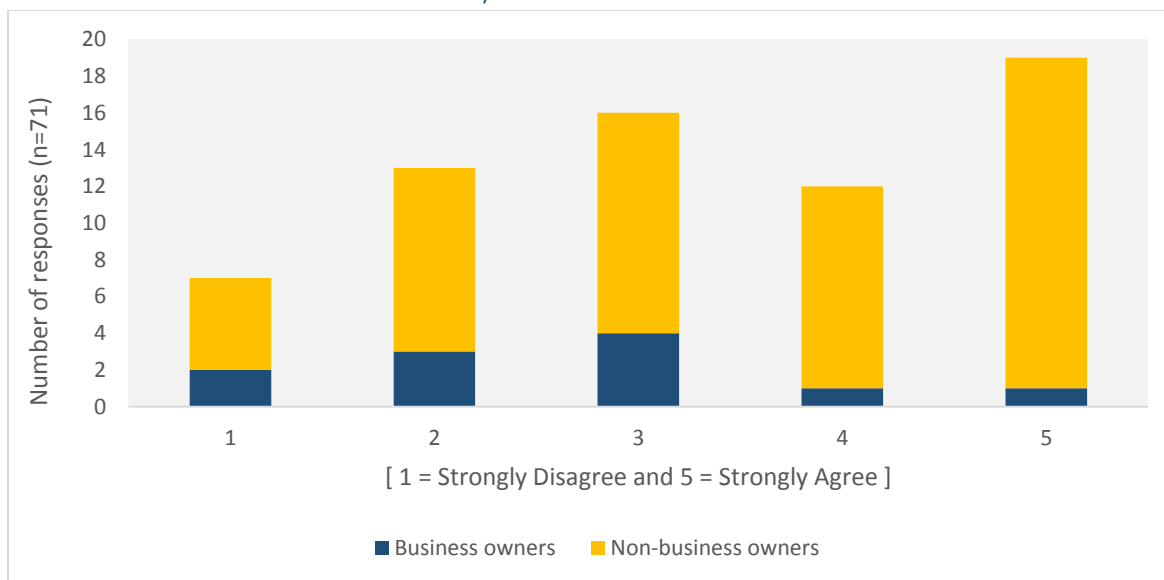


There is an even distribution of survey participants in regard to quadrant of operation (i.e. where business is done, or where residency is if not in business). Thus, survey results can be considered a valid aggregation of views from different city sections. However, the response rate was slightly stronger from the South sections of the city (49% of total). In addition, note that the Central district results from the recent RPD reorganization, and its work involves only the bars in Central. Central reports to both the SW and SE quadrants.

## 2.5.2 Survey results – program uniformity and equity

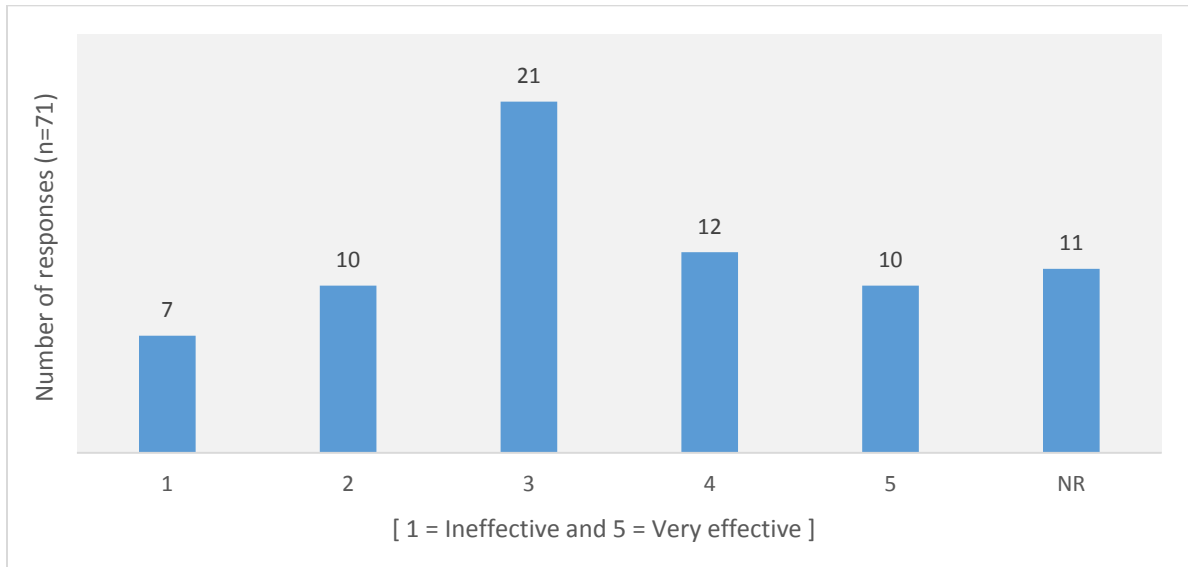
Many of the survey questions were aimed at delving into program uniformity and equity issues. Results are displayed in Figures 5 and 6 below with accompanying interpretations.

**Figure 5:** Survey response – To what extent do you agree that you receive proper treatment from the Nuisance Abatement Point System?



When participants were asked about their perception of proper treatment in the system, about half (i.e. 31 or 44%) of respondents reported proper treatment. About a quarter (i.e. 19 or 27%) strongly agreed that they were properly treated. On the other hand, a minority of participants (i.e. 20 or 28%) strongly disagreed or disagreed that they were treated properly. Business owners were less likely to report a strong perception of proper treatment in comparison with non-business owners (although the subset of business owners was limited to 11 out of the total sample size of 71). Neutral perceptions of proper treatment made up 23% of the sample.

Figure 6: Survey response – How effective is the Nuisance Abatement Point System for improving quality of life in City of Rochester neighborhoods?



Participants were asked about the effectiveness of the System for improving quality of life. About one third (i.e. 30%, or 21 responses) had a neutral rating on the System (i.e. in the middle of Ineffective and Very Effective rating). More respondents had a positive view of System effectiveness than those who did not. That is, those reporting “1” and “2” made up 17% and 24% of the total respectively, while “4” and “5” made up 22% and 30% of the total responses.

### 2.5.3 Survey results – stakeholder understanding of system processes

The survey included questions allowing long-form answers to describe the Nuisance Abatement Point System processes. As a whole, the survey responses did not indicate a uniform or consistent understanding of the system.

Participants were asked “How are points assessed to a property that is a nuisance?” In the RPD stakeholder group, the focus was on the basic reporting process. Three of the twenty-four RPD respondents referenced the Neighborhood Service Center (NSC) in their description of the point assessment process. Eleven wrote about how points are assessed to severe quality of life cases, but recognized a sliding scale. Six of the twenty-four within the RPD stakeholder group indicated they were unsure of how points are assessed. Seven RPD members did not provide an answer to the question.

Seven of the ten Business Associations were unsure of how points are assessed. Those who did respond had a similar focus on inspections and community complaints.

City administrators generally asserted that they were applied after some “negative activity”, but did not have clarity on the mechanism or process by which they happen. Three of the seven Administrators mentioned the NSC in their description of how points are assessed.

Of the twenty-nine Neighborhood associations, five indicated they did not know how points are assessed, and twelve provided no answer to the question. Those who did reply focused on complaints/calling RPD in order to initiate an action. Four of the twenty-nine Neighborhood associations mentioned the NSC in their description of the point assessment process.

#### **2.5.4 Survey results - waiver policy**

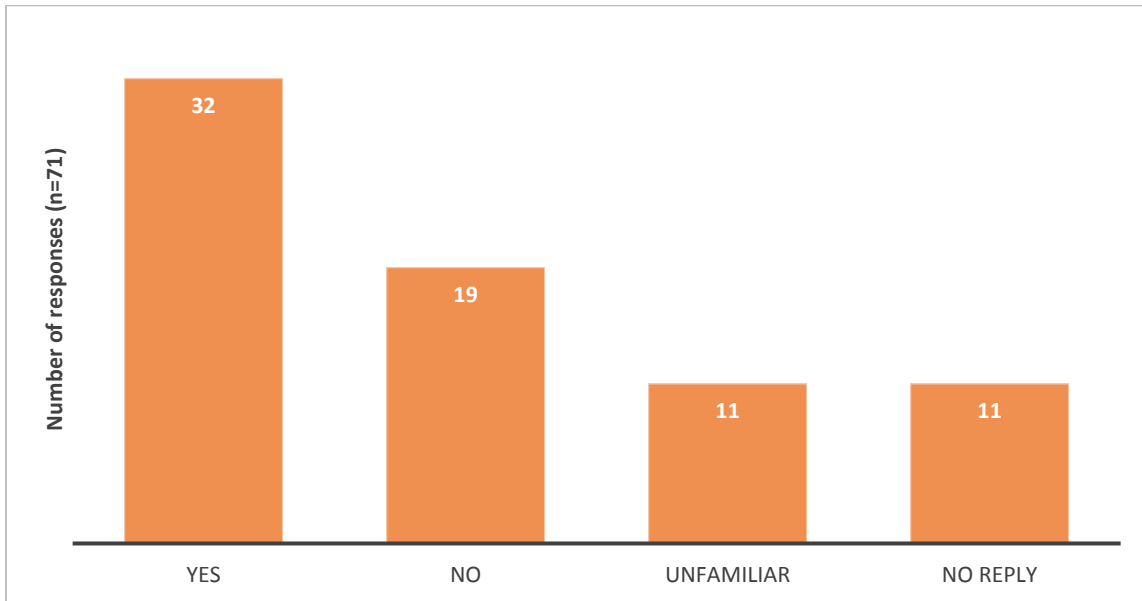
There existed a formal “Nuisance Point Waiver Policy and Process” as a part of the NET operating procedures, probably dating back to 1997. While we were provided a copy of the policy, its effective date was not attached, and we could not find anyone to provide that historical context. The responsibility of ascertaining who was eligible to receive a waiver, and whether the conditions for maintaining waiver status were met, was the responsibility of the NET Code Enforcement Unit (CEU). Upon such ascertainment, the property owner would receive a Nuisance Point Waiver Letter. A copy of the Waiver Policy is found in Appendix 8.

During our interviews, few City staff could tell us the when this waiver policy had been eliminated. However, it is quite clear that some type of waiving is occurring on an informal basis.

Participants were asked about their understanding of the past Nuisance Point waiver practice, and whether or not there were situations in which a waiver was justified. Figure 7 illustrates the general level of support for a system that offers leniency in certain situations via Point waiver. 45% of participants indicated that they would support a waiver under certain circumstances. Those circumstances were indicated as in cases of: domestic violence, “the good of the community”, and as a direct incentive (or “carrot”) for compliance with the System. Many participants indicated a need for “even-handedness” and equity, regardless of whether or not a waiver was the mechanism for leniency. It was certainly not clear from the survey responses that the previous waiver system was clearly understood or familiar. The survey responses speak more to the idea that a formalized system for discretion in the process would be well-received. There is a willingness to support a system that is properly established, uniformly enforced, and transparent, similar to the strictures of the original policy.



Figure 7: Survey responses by category for the question; “[D]o you believe there are any circumstances which justify waivers?”



It is important to make a distinction between a formal process of for waiving nuisance points and a less formal practice of discretion that has evolved over the years. Such discretion may have been deemed necessary to insure the efficient operation of the system and to focus attention on more egregious violators. It may also be an effective tool to trigger voluntary compliance and remediation. However, it is not always clear if and when that discretion is being exercised, and for whose benefit. For example, a responding police officer may determine that the offense does not merit enforcement, or that it can be voluntarily resolved.

The NSC Lieutenants, NSC Administrators, and NBD Commissioner have enough discretion over the system so that they can effectively and prudently, if not officially, waive points. The downside is that such a system may not be uniformly applied across the city. Thus, if the City desires to re-institute a waiver process – and we believe that such a move is desirable – it must be consistent with our recommendations to create a central command structure, with necessary training, and a transparent reporting system that will accurately record each such transaction.

### 2.5.5 Interviews & focus groups

We interviewed persons who had direct involvement with the Nuisance Abatement Point system, in order to determine their reaction to the data and to ascertain their understanding of how the system functioned. We met directly with 47 City personnel, including Neighborhood Service Center Administrators, Lieutenants, and Crime Prevention Officers; RPD command personnel, including the Chief of Police; City Council members, including all four district councilpersons; current and former Law Department attorneys; and the Neighborhood and Business Development (NBD) department

personnel, including the Commissioner. 86 representatives from neighborhood and business organizations were engaged through 17 focus groups, and by invitation for comment. The quality of the data was ultimately strong due to diverse stakeholder engagement and a large volume of raw collected data to analyze. However, ascertaining the key community and business stakeholders involved with the Nuisance Abatement Point System was difficult due to the outdated and/or incomplete city records of these contacts. We were initially provided a list of 137 neighborhood and business associations, and block clubs from the four quadrants. Since we were going to interact with these representatives through focus groups, that number was far too large. After discussions with the City, we settled on a list of 61 organizations to invite. From that number, 39 neighborhood and business organizations participated. This task would have been made much easier, if the organizational listings were up-to-date. We strongly encourage the City to undertake that important task in order to insure good communication and unfettered access to citizen groups whose active engagement is essential to all of the City's efforts.

During the interviews and focus groups, participants were questioned about their perspective on how the system processes operate, program effectiveness and equity, positive/negative experiences while engaged with the system, geographic and violation category trends in point assessment, point waivers, and the state of internal/external communication systems.

Participants indicated that while the system can be effective in some circumstances, it needs major changes. They indicated that a lack of central coordination leads to inconsistent city-wide application of the program. Communications between all parties are very disconnected and informal, with incomplete documentation. Program effectiveness is apparently hindered by a lack of training for personnel administering points. Although the nuisance system is initiated by complaints from the community about a variety of issues, it is largely driven by a need for policing egregious violations (i.e. firearms, drugs, and violence). Many business owners and community groups believe that a greater focus on quality of life issues that get less attention (e.g. property code violations). Participants focused on accountability, and crave more tools to swiftly deal with problem individuals in the system. Participants agreed that there is a necessary discretion required for the system to function, but were uncomfortable with its informal, autonomous use in practice (which feeds into a greater communication/reporting shortfalls). These points and more are discussed in detail in the following paragraphs:

#### Issues raised by current and past City personnel:

- ❖ A lack of a central command structure leads to quadrant level autonomy, which results in inconsistent city-wide application:

The Nuisance Point System needs to be placed under the direction of a single City administrator, who is responsible for overseeing the activities of the four Neighborhood Service Centers (NSC), for supervising the activities of all NSC personnel (including RPD officers), for insuring that there is

adequate training of personnel, coordinated and comprehensive communication of Nuisance abatement outcomes, and for keeping the NBD Commissioner and RPD Chief fully informed of all activities, as well as establishing mechanisms for regularly communicating with citizens about on-going nuisance abatement efforts.

- ❖ There is no training for RPD and NSC personnel on the issuance of nuisance points:

The RPD Chief confirms that there is no training at the Rochester Police Department on the System. He reports training time should be devoted to the System for new officers. This view is corroborated by the NBN Commissioner and several City Council members.

- ❖ Several of the Quality of Life nuisance issues are being adjudicated by the Municipal Code Violation Bureau.

Important Quality of Life violations (e.g. refuse) are not routinely captured by the Nuisance Point Abatement program. However, these issues are not ignored by the City, as is widely surmised by neighborhood groups. They are being adjudicated through other systems – especially the Municipal Code Violations Bureau. We found that of the 5,605 instances where points had been assessed between 2009 and early 2016, only 246 were for Noise, Dogs, Property Code, Littering, Amusement/Second Hand and Refuse. Yet in just a two-year period (2014 and 2015), 11,602 tickets were issued for these same violations. There were another 6,173 notice and orders for Refuse that were issued.

These violations were enumerated in both Section 3-15, and Chapter 13A of the City Code. This points to unnecessary redundancy in the system, which can be removed to facilitate a better understanding of overall City responsiveness. If the system of administrative hearings, fines and judicial review is determined to be the most efficient way to address these violations, it should be retained. However, these dispositions should be reported concurrently with the Nuisance Abatement outcomes.

- ❖ Although there is currently no waiver system, necessary discretion for System agents is not codified. Thus, an informal easement of potential Section 3-15 legal proceedings has entered practice.

An official policy and process of waiving nuisance points involves the removal of points after they have been assessed, and after a pre-determined set of criteria has been met. Those criteria were carefully documented as recently as 2009. However, most current City staff involved in nuisance abatement, including those in the Neighborhood Service Centers, were not serving in these positions during the time the waiver process was being utilized, and therefore have no direct knowledge of how that process worked.

The decision to reinstate a formal waiver process must be carefully considered.

## Issues raised by neighborhood & business organizations

- ❖ The incentives for system compliance are not clear under the current configuration.

The maximum penalty for a nuisance property is closure. Thus, the ultimate outcome of the System – i.e. a vacant/boarded up house, a closed business – is not a successful one for stakeholders in the long term. Without continued engagement after the initial step is taken, the problem is not resolved. The shining achievements of the System – mediated discussions between conflicting parties to find practical solutions – should be emphasized more at each step of the way to avoid 3-15 action.

At the same time, 3-15 proceedings serve a function but stakeholders find it difficult to avail themselves of the function in a timely fashion. Under current rules, landlords and business owners can delay proceedings long enough for nuisance points to expire. When nuisance points are under the threshold for a 3-15 proceeding, there is no threat. Landlords and business owners generally do not find enough value in the technical assistance (nor the stigma) provided by the System to pursue it as a viable option.

In addition, self-reporting of nuisance issues is a rare occurrence, as it results in the issuance of points. This is a significant barrier to helping nuisance property owners open lines of communication with the City – and receive the technical assistance that is available. Owners do not want to participate in the Point System which business owners report as driving down property values. This happens even though the application of the nuisance system may have a generally positive effect on an area by helping to reduce crime (at least in the short term).

- ❖ There needs to be more tools made available (particularly legal ones) to swiftly deal with problem actors in the system (i.e. habitually disruptive tenants, absent owners, poor property managers)

Property owners feel like their hands are tied when it comes to evicting problem tenants – the System processes are not always aligned with common sense practices (e.g. Nuisance Points can be assessed on a property for a tenant infraction, even when that tenant is in the process of eviction by the landlord). Property owners often report that they are aware of situations where owners are uncomfortable communicating with problem tenants due to safety concerns, which perpetuates the issue.

- ❖ Most neighborhood groups, business associations, and landlord associations do not believe there is an appropriate emphasis on quality of life issues (especially ones not related to firearms, drugs, and violence).

They believe that the system has been particularly ineffective at dealing with these other issues, as well as the aforementioned crimes. However, the perception of System ineffectiveness from neighborhoods is a general issue for the System. Landlord associations and business associations often need additional responsiveness from the city and technical assistance working with tenants on issues (e.g. noise, garbage collection, and other property code violations).

## Issues raised by all stakeholders

- ❖ Communications between all parties in the system (internal and external) are very disconnected and informal:

There is no formalized system across the city for regular communications on nuisance-related issues that must occur to move the System. There is also no central hub that integrates and organizes data from all of the various actors in the system (RPD/NSC/Municipal Code Enforcement/Community Groups/Residents). This slows reporting and introduces the potential for irregular (as opposed to uniform) application of the System city-wide. In addition, information in existing systems is often incomplete due to decentralization of relevant data across City departments. Greater transparency of data is required for all actors in the system. It will encourage thorough, up-to-date communication, and work to reduce frustrations from being “left in the dark” for any stakeholder.

- ❖ Lack of understanding of Nuisance Abatement Point System processes:

There is a wide gap of understanding about how the system works, depending on which stakeholder you talk to. City staffers believe that the program generally works well, while acknowledging that some aspects can be improved. Neighborhood and Business groups often spoke to shortcomings, especially in the program’s ability to deliver acceptable outcomes within the community. Neighborhood groups believed that there was a greater emphasis on crime enforcement (drugs, guns, disorderly conduct) rather than quality of life issues (noise, property code, littering, refuse collection, howling and dangerous dogs).

Even though many quality of life violations are contained in Section 3-15, they are actually adjudicated through separate and autonomous systems: Municipal Code Violations Bureau and Rochester City Court. There is no accounting for these cases in the Nuisance Points process, thus creating the false impression that these matters are not given priority.

This communications gap is compounded by the fact that no one entity in the System has authority to enact policy to ease communication. There is no consensus on standard operating procedures/protocols that are necessary for uniformity.

Business groups, especially those which represent the interests of property investor/owners, routinely complain of a system which assesses points on the property rather than individual perpetrators.

In particular, there is no clear understanding, of either neighborhood or business groups, of how nuisance cases are routinely resolved. The path to removing points on a property is not clear (especially for property owners). Stakeholder engagement among the system is hindered as a result. Communications/documentation are regularly cited as lacking among the various stakeholders.

- ❖ Stakeholders believe that Nuisance Points should not be unilaterally assessed against the property, but rather the individuals at fault (both tenants and landlords/owners).

Interview participants in all quadrants often report that when points are assessed to the property, there is no clear link to tracking the actual offenders, whether they be tenants, landlords/owners, or external parties. It is absolutely essential to integrate information on offending people so that all parties (i.e. RPD, NBD, NSCs, MCVB, and the community at large) are well-informed. Without this tracking on a centralized hub, it is unlikely that recurring offenders can be held accountable or tracked.

A main critique (voiced most prominently by mini-mart owners and other business associations) is that individual accountability will be more effective than focusing on properties. Businesses are often penalized for the activity of individuals who have nothing to do with the store. Examples include drug sales on the premises/in front of premises, which store owners know nothing about, and have no involvement with. Yet, they receive the points because it's in front of their store. This configuration thereby reportedly causes police to be more reactive than proactive, by not taking measures against the real perpetrators.

Focusing on properties instead of human beings leads to the unintended consequence of stigmatizing properties as nuisances, which can decrease property values (particularly at the point of sale), and further drive down investment in the particular location. Landlord groups reported that tracking properties instead of individuals creates a two-fold issue: 1) problem individuals are allowed to operate in the city; 2) it reinforces an environment of low accountability that is taken advantage of, thereby attracting riskier tenants (and owners) to set up in Rochester.

- ❖ The system acts too slowly on abatement actions, and those actions are often unsatisfactory:

A broad base of stakeholders agree that untimely resolutions are a routine occurrence. It is reportedly slow in technical assistance and legal proceedings. Multiple interviews (including a member of city council) believe that the nuisance process has a bottleneck. It occurs for severe cases that require Section 3-15 legal proceedings.

- ❖ The Nuisance Point System, in its current configuration, is too heavily focused on criminal code violations.

Of the 5,605 nuisances incidences cited during the study period, 88% of them fell into four violation areas of Section 3-15: Controlled substances; Marihuana; Firearms and Other Dangerous Weapons; and Disorderly conduct. There are 35 specific areas of violations, yet 11% of the violations accounted for 88% of the incidences. Most stakeholders found this disparity of grave concern.

- ❖ Although the nuisance system is initiated by complaints from the community about a variety of issues, it is largely driven by a need for policing egregious violations (i.e. firearms, drugs, and violence).

Complaints drive initial policing and attention to certain areas, however the police use the tools available to them to stop the most egregious crimes. One neighborhood association President stated the problem very succinctly: “The wording of the City Charter 3-15 ... is appropriate and complete. The problem is in the execution of the system. We have been reduced to a system wherein the only thing that counts...are problems documented on police reports written by members of the police department. This is a very narrow approach to a wide range of problems.”

Several respondents believe that these types of investigations are not transparent and do not require input from outside actors. Police have discretion over whether or not to assess points for non-criminal incidents. The result is lesser engagement from non-police actors such as residents and business owners. This is corroborated by the fact that neighborhood and business groups express a feeling of disconnection with the system, and lack of faith in getting a just and speedy outcome for their priorities. However, stakeholder priorities may not line up with police goals for the area. Even in areas where targeted enforcement is occurring, neighborhood groups and business associations express frustration with the lack of improvement.

## 3 Best practices

Significant features, or common threads, were identified within the seven (7) cities selected and summarized in this main report. They include an interdisciplinary team approach to chronic nuisance abatement activities. In all cases a central authority exists in some form. The review revealed that centralized programs (e.g. Kingston, Yonkers) act highly efficiently. This is particularly effective for setting transparent enforcement priorities on nuisances and using resources wisely. Swift central enforcement activities are coupled with potentially significant penalties for the property/landlord that nudge voluntary remediation. In order to allocate resources in an optimum way, quality of life issues are often dealt with by separate units from the police force. Community and neighborhood engagement and public education, including “good neighbor agreements”, provide a proactive approach in dealing with nuisance activities.

Accountability is enabled with policies that require registration of tenants and landlords (particularly absentee landlords, which need to have a local agent that resides in the city). In addition, accountability for all stakeholders is possible via software that integrates, organizes, and provides quick access to all relevant streams of data. Effective communication and data sharing requires comprehensive, inter-departmental efforts to integrate software systems. One software system (Municipity) was used in multiple best practice cases, to provide fast and easy real-time reporting via tablets/Bluetooth printers, integrated data logging, analytics, and scheduling of follow-up appointments. Increased use of technology to communicate program objectives – such as advance notice to citizens of inspections on every city property (e.g. Kingston, NY) – have been indispensable for community cooperation and effective enforcement.

See Appendix 6 and Appendix 7 for full reports on national and New York State best practices with additional case studies.

### 3.1 New York Highlights

#### 3.1.1 City of Yonkers

The Public Nuisance Abatement Law created a point system which established that a public nuisance will exist if: a premises violated any of the 16 provisions from separate incidents where 12 or more points are accumulated within a period of six months, or 18 or more points are accumulated with a period of 12 months. The Police Commissioner, after notice and an opportunity for a hearing, is authorized to order the discontinuance of nuisance activities or close the premises. Prior to the issuance of an order, the Police Commissioner shall give notice and an opportunity for a hearing to the owner. The Commissioner must specify the activity creating the nuisance, provide 30 days for the elimination of the nuisance and inform the owner of his right to a hearing. No sooner than five days after the issuance of an order the Police Department is authorized to enforce the order and, where



the premises are closed, the closing shall be for no more than one year and a penalty may be affixed of up to \$5,000.

The program is highly centralized in the Commissioner's office and operates with a Central Command Review which selects the top 10 locations each month to focus on. Weekly meetings are held in the Commissioner's office and a COMSTAT approach is utilized to guide them in the placement of resources. In cooperation with the City's Department of Public Works, they have a Quality of Life Mobile Unit that deals with over grown weeds and similar violations.

### **3.1.2 City of Kingston**

Of interest is the City's Block by Block Program. It takes place two or three times a year, where notice is given several weeks in advance to a section of the City that all properties will be inspected. This is done in cooperation with Fire Department, Building Safety Department, Department of Public Works and the Health Department. They have found that rather than sweeps or surprise inspections, prior notice is more effective. With notice most property owners will correct violations in advance and neighbor peer pressure encourages those less willing to correct problems. Not unlike other municipalities, violations are handled with a notice to the owner and, if no action is taken to correct within 30 days a \$1,000 fine is assessed and if another 30 days passes there is no response another \$1,000 is assessed and turned over to Corporate Counsel.

By City ordinance all absentee landlords must register a local person as overseeing the property.

The Fire Department and Building Safety Department see the value in technology as a means to greater efficiency, control and communication between departments and has purchased software (Municipity) not only for the use by the Assessor's Office, but for its nuisance abatement program. Tablets are now in use whereby Building and Department of Public Works Inspectors on site can download violations to the office in real time.

### **3.1.3 Village of Freeport**

Although Freeport does not operate a point system, it has extensive ordinances regarding what can be determined to be a "nuisance". Most of the nuisance ordinances fall under Chapter 155 Peace and Good Order which includes places of public assembly, disorderly conduct, public intoxication, lewdness, missiles, discarded refrigerators, restrictions on alcoholic beverages, noise control, graffiti, shopping carts, panhandling, etc.

Freeport's in house IT coordinator gave an in depth demonstration of the system they use to track violations of all kinds by property parcel numbers. Although primarily operated by the Building Department, the software (Municipity) is shared with the Clerk, Fire Department, Treasurer and Police Department. All violations are entered into the system together with documentation and notes. An inspector using a tablet at the site of the violation enters it, photographs it and makes whatever notes

necessary. Using a Blue Tooth printer, a notice could be printed out at the same time. Although the Police Department has access to the system, presently the Building Department or Clerk's office will take police reports and enter the information into the system. The system schedules follow-up and with the use of analytics can, among many other things, easily point to problem areas and where to focus resources.

### **3.1.4 City of Beacon**

The Peace and Good Order program is administered by the Police Chief's office, City Administrator and Building Inspector that meet weekly. A Nuisance Watch List has been created, such that when a parcel begins to accumulate points, the owner is brought in to meet with them. Meetings with property owners take place in the Police Chief's office with concept that it conveys seriousness.

All owners of property who reside 15 miles or more outside the City must provide the City with a managing agent who resides in the City. All vacant buildings must be registered with the City which requires a fee that escalates every six months. In addition, there is an Application Processing Restriction whereby the owner of a property that has a violation which has not been remedied may not transact any business with the City. For example, this would not allow an owner to get a building permit, variance, pool permit, etc. for any property in his or her ownership.

## **3.2 National Highlights**

### **3.2.1 Madison, Wisconsin**

Madison utilizes a unique point system that is based on the number of calls for police services in a specified amount of time. Madison developed criteria for a property to be deemed a "Chronic Nuisance Premises" in the Chronic Nuisance Premises ordinance. They are based on A) multiple calls for police service to a location within a short period of time; B) number of cases from the Building Inspection Department for Nuisance that have been generated within a year; C) court of law has determined that, pursuant to a search warrant request, probable cause exists that illicit drug activity has occurred on or in association with the premises in the last month; D) has had one enforcement action associated with the premises resulting from illicit drug activity as defined in Wisconsin Statutes.

### **3.2.2 Sacramento, California**

Sacramento created a multidisciplinary Nuisance Response Team in the 1990s for the purpose of addressing the criminal and noncriminal issues that were present along a high-crime corridor. These problems included prostitution, crime generating budget motel, drug use and trafficking, and a medley of other quality of life problems for the city. The Nuisance Response Team was composed of officials from the sheriff's department and code enforcement department, as well as a community

prosecutor. Additionally, participating governmental entities adopted a tax increment financing district which reinvested any increase in property tax revenue back into the neighborhood; and initiated a broad range of problem oriented policing, code, and community development strategies in the area.

A cost-benefit analysis of the Sacramento Nuisance Abatement Program revealed that the program had resulted in an overall long-term cost savings for the city. Furthermore, crime rates dropped by 36 percent, prostitution had virtually been eliminated, tax revenue from local businesses increased, and code violations had decreased by 85 percent.

### **3.2.3 Columbia, South Carolina**

Columbia utilizes a point system for rental properties. Landlords are required to purchase a Landlord Permit and renew it every year. The application for a rental permit must include the owner's name, address, and telephone number, the residential rental unit address. In addition, the name of the person, firm, or corporation located within a 45-mile radius of the city responsible for the care and maintenance of the building is required. The permit is granted once an inspection of the property has been conducted and the property complies with building code.

To assess points, Columbia utilizes a two-tiered system that separates minor and more serious offences (e.g. one that “that could result in serious bodily injury or death to occupants as determined by the Chief of Police”). The system is outlined in the full National Best Practices report in Appendix 7. After points are assessed on a landlord permit for a unit, the Police Chief or designee will send a written warning to the owner or agent and a copy will go to the property. The city also utilizes a Remediation Plan and whenever points are assessed to a permit, the responsible party may establish a remediation plan with the City that outlines actions to be taken to remedy the violation of City Ordinances. The plan must be approved by the Police Chief or his designee and include a timeline for implementation. Once the remediation plan is approved, the points against the permit will be suspended during the term of the remediation. When the remediation is completed successfully as agreed, the points assessed prior to remediation will be removed. If the permit holder fails to adhere to the remediation plan, it will be withdrawn by the City and the points will be re-assessed.

While we have highlighted these three national cities for Best Practice consideration, a description of four other nuisance approaches are included in the full report in Appendix 7. We encourage a thorough review of these as well, for particular features that may be of interest, such as the Bar Task forces in Pittsburgh and State College and the Good Neighbor Handbook in Springfield.

## 4 Recommendations

There are several key action items that can be taken from the data and discussion. First, a central command structure should be implemented. It will provide clear policy direction and accountability to all actors in the nuisance system. Such a structure will help facilitate better internal and external communications, which are of critical importance if the many moving parts of the Nuisance System are to work together efficiently. A strong administrator will provide the system-wide leadership of a newly re-focused program. The decentralized features of this program are very important to retain, especially the quadrant-based service centers which greatly facilitate citizen access and involvement. But without someone whose responsibility it is to bring operational evenness and coherence, these centers will continue to operate in a semi-autonomous, uncoordinated fashion. There should not be four Nuisance Point Abatement systems within the City, and to some observers, this is exactly the way it appears. Nor should approaches change as personnel move in and out of the system.

All stakeholders will benefit from the creation of website and updated public brand for the program that clearly spells out the process, outcomes, and key contacts. This public information will clarify the overlap between 3-15 and 13A, increase community awareness of the system and its available toolset, and unify disconnected actors in the system. Increasing the focus on technological updates to the existing system will ease communication, encourage informed stakeholder engagement, and boost accountability for all. In particular, better reporting mechanisms are needed. Modernized data management and communication through platforms such as Muncicity will ensure that all interested stakeholders have access to the same information as soon as possible (security clearance permitting). These are critical to the system's perception in the community, as stakeholders must be able to track and verify the status of violators, particularly chronic ones. The City must leverage central control to design a process for tracking and dealing with chronic nuisances based on best practices.

Concurrent to this effort, process bottlenecks must be removed – with the first order of business being an increase in capacity at the Law Department to deal with cases. Currently, one attorney has the primary responsibility for Nuisance cases, but she is also assigned other matters that come before the department. A second attorney is assigned when the workload warrants. It is clear that there should be at least one attorney whose full-time responsibility is Nuisance cases. There has to be a demonstrably different approach in which the City utilizes a different array of strategies and resources to attack the Nuisance problems in all neighborhoods.

**The following enumerates SCI's full recommendations, ranked by the level of priority for implementation in the City of Rochester:**

- 1) The Nuisance Point System needs to be placed under a Central Command:

A high-level administrator will be given the responsibility for overseeing the activities of the four Neighborhood Service Centers (NSC), for supervising the activities of all NSC personnel (including RPD

officers), for insuring that there is adequate training of personnel, for coordinated, standardized and comprehensive communication of Nuisance abatement outcomes, and for keeping the NBD Commissioner and RPD Chief fully informed of all activities. In addition, central command will establish and improve mechanisms for regularly communicating with citizens about on-going nuisance abatement efforts. This person should report directly to the Mayor, to insure that Nuisance Abatement activities receive on-going priority.

- 2) Appropriate training is required for all Nuisance Abatement personnel (e.g. Police, NSC Staff, NBD staff, community groups):

In order to implement the system in a uniform manner, consistent in-depth training on the goals, processes, and administration of the Nuisance Abatement Point System. This training will be required for all uniformed and civilian Nuisance Abatement personnel. The Police Chief, NBD Commissioner, several City Council members and NSC personnel agree that a training regimen must be added, for new hires and for people transferring into the system.

- 3) The City should identify a software system that will effectively and uniformly document nuisance abatement activities across departmental lines:

A new database, dedicated to the maintenance of all Nuisance-related records, should be easily accessible by all internal city staff who are engaged in nuisance abatement efforts, and which is accessible to any citizen or public official who wants to know the current and up-to-date status of any open nuisance abatement cases. An expanded system can be implemented which protects confidential information, but which provides all public details about a nuisance property. Care should be taken to insure that integration of reporting on a new or existing system does not introduce additional obstacles/costs for reporting nuisances. Several best practices communities are utilizing the Muncity platform, and its use in Rochester should be thoroughly investigated.

- 4) The role of the Law Department should be clarified, as to place its emphasis on Chronic Nuisance offenders:

It is impossible for the Law Department to be fully engaged in routine Nuisance cases, except to provide legal guidance as necessary. We recommend that one attorney within the Law Department be tasked with exclusively dealing with nuisance cases, with additional legal assistance being assigned on a case-by-case basis.

- 5) Refocus enforcement and adjudication of the Nuisance Abatement Point System to place an equal emphasis Quality of Life and criminal code violations:

While drugs and gun violence are de-stabilizing influences on neighborhoods, so are noise, littering and property code violations. Residents have a high expectation that these violations receive consistent and effective enforcement from the City. The City must develop new mechanisms for

communicating with the public about the design and outcomes of this System. There is currently too much confusion about what the System is designed to accomplish, and its actual accomplishments. The fact that so many nuisance cases are resolved through the MCVB, without any accounting for their disposition within the Nuisance framework, must be immediately addressed,

- 6) City-wide nuisance advisory panels should be implemented, based on the model project in the SW Section:

The Nuisance Point Advisory Board, whose authority has been limited to the Southwest Quadrant and Central District (downtown), has proven to be very successful. Rather than maintain the current structure, we are recommending that it be expanded into the other quadrants. Its focus should also expand beyond bars, nightclubs, and restaurants to cover all nuisance properties. Nearly 66% of these properties are residential.

These peer-review public boards would be tasked with reviewing the assessment of nuisance points on all properties which have accumulated 18 or more points, to ensure equity, uniformity, positive public perception, and program effectiveness. These rotating, community-appointed boards would provide support to the Neighborhood Service Centers in regard to which cases should be prioritized for review. Membership should be diverse, comprised of both neighborhood and business leaders. To insure their effectiveness, City staff will be assigned to coordinate their meetings and to insure that all proceedings are entered into the Nuisance database.

- 7) The current schedule for the assessment of nuisance points should be revised:

The period reviewed of 2009-2016 revealed that 85% of the nuisance points assessed were generated in only four of the thirty-five eligible categories: Controlled substances, Marihuana, Firearms and Other Dangerous Weapons and Disorderly Conduct. The City should revise its point assessment structure, to more forcefully address these high-level violation which require the most attention. The current assessment levels of six/four/three points, should be changed to a ten/six/four point model.

In this new structure, Controlled substances, Marihuana, Firearms and Other Dangerous Weapons, and Disorderly Conduct would be assessed 10 points per violation. This elevated point value would provide the opportunity for the City to identify and address problem locations more quickly. Given the 12-point and 18-point threshold which is currently in place, the City would then be able to bring an Administrative action against a property after fewer of these incidents. In the revised structure, the City could take action after two such incidents, compared to three incidents in the existing structure. This must be coupled with a commitment on the part of the City to be more aggressive in handling such cases, and an understanding that these particular violations contribute greatly to the decline in many of its neighborhoods.

Pending further study, all other current six point violations would remain at that level, and current four and three point violations would be combined to comprise the new four point category. This study should consider ways to bring a higher focus to the quality of life issues which predominate the concerns of neighborhood leaders.

- 8) The outcomes of Nuisance Abatement efforts could be better understood if there was consistent public accounting of enforcement efforts across autonomous jurisdictions:

There is an overlap in certain areas of jurisdiction between Section 3-15 and Chapter 13A of the City Code. There are seven areas of violations that appear in both provisions, which gives the City the discretion to decide whether the violations will be assessed points or ticketed. This introduces the possibility of uneven application (whether it is intentional or not) thereby worsening public perception of system fairness.

- 9) The system must find a way to hold individuals responsible for their nuisance behaviors:

The City must respond to a call for greater accountability for individual violators, both tenant and landlords. Several examples from the best practices cases offer insight into how this may be accomplished, such as tenant screening classes in Sacramento, the Absentee Landlord Regulation Program in Columbia, the NEAT program in State College, and the Good Neighbor Handbook in Springfield. Years ago, a group of Rochester landlords initiated a Tenant Registry to enable them to keep better track of problem tenants. Such an approach should be re-visited to determine if it is a legitimate tool to control the behaviors of residents who move from location-to-location, creating nuisances wherever they reside.

The Nuisance Abatement Point program evaluation has identified both strengths and weaknesses of a program that was created with noble intentions, and which remains an effective tool in the City of Rochester's efforts to stabilize quality of life across all neighborhoods. We found a system that was not being administered uniformly or equitably. These inconsistent applications have undermined confidence in nuisance abatement efforts. The future of this system depends on how the City responds to the concerns from all stakeholders. "Mend it, not end it" is the prevailing sentiment from those who administer the system and those who benefit from its uniform and consistent enforcement. All parties know that ending the points system because it is not working well is the recipe for further decline. We have identified several opportunities for system improvement, and we strongly urge the Mayor and City Council to carefully consider and enact them. We urge concerned citizens to work with the City to implement these improvements. **SCI** stands ready to assist in these future efforts.