

CODE ENFORCEMENT

The City of Rochester's Division of Code Enforcement aims to achieve timely voluntary compliance of every notice and order issued. Code Enforcement Officers must always balance our goal of gaining voluntary compliance with ensuring our residents' health and safety and attempting to minimize the negative impact exterior code violations have on our citizens' quality of life. Notice and orders not complied with within one year of the original issuance date result in an increased workload for the inspection staff. They can have a negative impact on the surrounding neighborhood.

There are many aspects of code enforcement; each is uniquely designed to encourage compliance further. To develop a strategic approach to our overall code enforcement effort, it is necessary to categorize the various types of cases where code enforcement may be required, listing the relatively available options for each category. These enforcement options are further impacted by the City's Focused Investment Strategy (FIS) areas.

Case Types:

There are three types of code enforcement cases involving a property owner: **Vacant, Occupied Rentals, and Owner Occupied**. Each of these situation types has unique characteristics. The creation of sub-categories within each type will allow the Code Enforcement Officer to follow procedural guidelines and lead to the consistent application of our enforcement efforts. Although most of our enforcement efforts fall within these categories, several scenarios warrant immediate action to be taken. This can involve high grass, trash, and debris or situations that warrant the issuance of stop-work orders, orders to vacate, or immediate ticketing against an owner, a tenant, or another responsible party. These scenarios are covered in policy numbers: 9 - "Vacate Procedures," 22 - "Get Tough," and 32 - "Immediate Ticketing." Below is a list of options available to the code official in their attempt to gain compliance.

Code Enforcement Options:

1. Providing a list of available referral resources for assistance;
2. Issuance of a Final Letters;
3. Applying for Judicial Inspection Warrants;
4. Issuance of a Vacate Order;
5. Issuance of Computer Generated Code Tickets;
6. Issuance of Immediate Tickets;
7. Issuance of a Stop Work Order;
8. Scheduling a Warning Meeting in the Law Department;
9. Commence a proceeding in City Court;
10. Commence a proceeding in State Supreme Court;
11. Pursue an order of Demolition;

12. Commence a Foreclosure proceeding.
13. Document 39-Emergency Abatement Fund

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VACANT BUILDINGS

Abandoned Vacant buildings are a drain on city resources and harm the surrounding neighborhoods. The code enforcement goal for these properties should be to identify which of these are salvageable, work to demolish those in need as soon as possible, and get those that can be rehabbed into the hands of an owner who can perform the necessary work. All vacant structures must be monitored regularly to ensure they are kept secure and the grounds are being maintained free of trash and high grass.

Category type: **Blighted Abandoned Vacant Building – Demolition Candidate**

Code Enforcement Strategy: Once an abandoned vacant structure has been identified as a demolition candidate, it will be ticketed every 60 days. The Code Enforcement unit will work closely with the NSC, Real Estate, Finance, and the Demolition unit to identify which of these structures can be acquired through the tax lien/city foreclosure process and which ones must be taken down through the private demolition hearing process. This group of properties will be to hold the liens, which will prevent the elevated tax debt due to code fines from negatively impact our tax lien sale. These demolitions will be strategically integrated with our FIS and Greening strategies so that they have the most significant impact.

Category type: **Blighted Vacant Building – Not a Demolition Candidate**

Code Enforcement Strategy: The properties in this category are continuously monitored for inclusion in the demo category above. In this scenario, we must balance issuing appropriate fine amounts to motivate an owner to comply or transfer ownership, yet not prevent it from happening. In most situations, the fines associated with these properties will be limited to grass and trash violations.

Category type: **Non-Blighted Vacant Buildings**

Code Enforcement Strategy: Continue monitoring of the grounds and structure security. Code fines for these properties will be limited to grass and trash violations.

Category type: **Blighted or Non-Blighted Vacant Buildings- Immediate attention needed**

See Document 39-Policy for Emergency Abatement Fund

FIS Area Vacant properties in the FIS areas should be prioritized for one of the following enforcement options: owner assistance to repair; referral for Demolition; aggressive enforcement leading to acquisition through the City's foreclosure process. The private demolition hearing process should be utilized where necessary.

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FIS Area All rental properties in the designated FIS areas should be enforced if continuous, acceptable progress is not achieved.

OCCUPIED RENTAL BUILDINGS

Code enforcement was designed to encourage further those owners who refuse to comply to do so. People who own rental property have a financial interest and should be adequately maintaining them not to compromise our residents' health and safety and not negatively impact the surrounding neighborhood's quality of life. While most landlords continue to meet or exceed the minimum code standards being enforced, some do not comply within a reasonable time frame. The policy below is designed to level the playing field for all occupied rental property owners to ensure that each complies with these minimum expectations.

Category type: **Occupied Blighted Rental Building**

Code Enforcement Strategy: Once a notice and order has expired, if progress is not continuing or an acceptable compliance schedule has not been submitted, a final letter may be requested, and ticketing may begin. If the Owner fails to comply after the initial ticket has been issued,

further enforcement may include; additional ticketing, Law Department warning meetings, and housing court referrals. A ticket shall be issued upon conducting the warrant inspection if the previously cited violations have expired and remain uncorrected in situations where a judicial inspection warrant has been secured to gain access to validate compliance.

Category type:

Occupied Rental Buildings with Interior Lead, or other Hazardous Violations

Code Enforcement Strategy:

Whenever an inspector determines that the health and safety of the occupant(s) are in danger, a vacate order may be issued. Any necessary enforcement of a vacate order shall be in accordance with the vacate policy. If a vacate order is not needed in these situations, a final letter will be requested if progress is not made within 60 days.

Category type:

Occupied Non-Blighted Rental Buildings and or those where consent to inspect has been denied

Code Enforcement Strategy:

Since "voluntary compliance" is the primary objective, the inspector typically works with the property owner as long as progress is being made. If progress is continuously achieved, the inspector may work with cooperative owners for up to 12 months without referring the case for enforcement, as long as all health and safety violations are abated promptly. For situations where consent to inspect is denied, follow the Judicial Inspection Warrant's guidelines in policy #33.

OWNER OCCUPIED BUILDINGS

As was mentioned above, code enforcement was designed to motivate those owners who are unwilling to comply. While most of the notice and orders issued involve rental properties, we must issue a notice and order to an owner-occupant on occasion. Because owner-occupants are a necessary element for sustaining and improving a neighborhood and because in many of these scenarios, the Owner cannot comply due to financial constraints, we must get more creative to expand the options of assistance available to both the owners the inspectors.

Category type: **Blighted/Hazardous & Neighborhood Nuisance**

Code Enforcement Strategy: Owners in this category do not positively contribute to their neighborhood. Thus, it is necessary to initially put them on notice and attempt to remove the nuisance activity quickly.

Once the notice and order has expired, a warning meeting with the Law Department may be scheduled if progress is not achieved. If the situation does not improve, enforcement will be applied. Once two tickets have been issued, the case will be referred to the housing court for relief if necessary.

Category type: **Blighted/Hazardous & in need of financial assistance**

Code Enforcement Strategy: Once all potentially available assistance has been exhausted and documented, if the Owner cannot continue to progress after one year, a final letter may be sent, and ticketing can occur.

Category type: **Non-Blighted and minimal assistance is needed**

Code Enforcement Strategy: After all other available resources have been exhausted, cases involving violations that are not hazardous or blighted may be shut down according to policy #15.

FIS AREA Owner-occupants in these areas should be given priority for any grant assistance available through the FIS process.

When it is necessary to place a case in enforcement, the following process shall be followed per the information above. Before any non-immediate tickets being issued, the area Senior Code Enforcement Officer shall be responsible for confirming that these procedures were adhered to.

- 1) A Notice and Order is issued to the property owner, allowing a codified time frame to address all violations cited and including language that will enable them to submit a letter of explanation with an itemized schedule of anticipated completion dates for correction of the cited violations. If acceptable, a formal extension is granted for the abatement of the violations.
- 2) After the expiration period, the inspector performs a reinspection of the property to determine if the violations have been corrected, progress made, or non-compliance. Direct owner contact achieves the most significant degree of compliance. All inspectors must make regular contact with non-compliant or "slow" owners and document all contacts or contact attempts in the case event notes.
- 3) Since "voluntary compliance" is the primary objective, the inspector typically works with the property owner as long as progress is being made. The critical component of this process is the inspector making regular contact with the Owner or his/her agent. If there is little or no progress at the Notice and Order's expiration, the inspector will require the Owner to submit a work schedule to extend the case further. If progress is continuously achieved, the inspector may work with cooperative owners for up to 12 months, as long as all health and safety violations are abated promptly. NO case may remain open for longer than 12 months without a recommendation for enforcement action unless approved by the area Senior Code Enforcement Officer.

Note: For cases involving owner-occupants, the inspector will attempt to identify any available assistance, including; neighborhood associations, not-for-profits, work camps, and through the City's clean sweep efforts. All attempts are to be documented in the case event notes. In situations involving hardships, the hardship policy will be applied.

- 4) Once it has been determined that enforcement is necessary, the inspector will request through the area Senior Code Enforcement Officer that a **K1-Final Warning Letter** be sent. For a K1 letter to be approved, the inspector must complete a **K1 Request Checklist** using his/her pen-tablet. The K1 Letter will include a list of the existing violations at the time of issuance in the form of a work schedule for the Owner to submit once completed and signed.

Note: Cases involving enforcement of the "No Heat" policy or non-compliance of a "Vacate Order" do not require the mandatory K1 Letter.

- 5) If the Owner responds to the K1 Letter, they must submit a written abatement schedule. If the written schedule is approved by the area Senior Code Enforcement Officer, the case will be monitored by the inspector until either completed or expired. If the proposed work schedule is not acceptable, it is the inspector's responsibility to notify the Owner and request that they submit a revised schedule. This should be documented in the case event notes. Once approved, all work schedules must be forwarded to the Senior Service Assistant, who will scan them into the electronic case folder.

- 6) Twenty-one (21) days after the K1-Letter has been sent, if the Owner has not complied, progress has not been achieved, or an agreeable work schedule has not been submitted, or if at any point progress is not in compliance with the proposed work schedule, the inspector requests a ticket, as per the instructions below, and approved by the area Senior Code Enforcement Officer.

Note: The K1-Final Warning Letter is used to cause owner action and not devised to circumvent direct owner contact. The Letter advises the Owner that they may receive an appearance ticket with fines.

- 7) Once again, it is **mandatory** that the inspector document all owner contact attempted owner contact, abatement status (if any), and any other information regarding the property to strengthen the case for any potential future hearings resulting from non-compliance.

HOUSING CODE TICKETING PROCESS

- 1) The area Senior Code Enforcement Officer will check each case where a K1-Letter is requested to ensure it meets the criteria necessary before ticketing.

- 2) Once the inspector has verified the violation(s) to be ticketed, the tickets will be requested electronically utilizing the inspection system and electronically signed using the selection of the Affirmation statement option.

Note: Initial ticketing is to be used as a means of further encouraging compliance; as a result, for situations involving occupied properties, the initial ticket should include only one

violation, with a priority placed on health and safety and or blight. This policy does not apply to abandoned vacant structures.

- 3) Requests for tickets must include a photo with the date, time, and case # documented and a right of entry form (when required). The area Senior Code Enforcement Officer will authorize each HC ticket requested utilizing the inspection system. For violations involving; occupied without a C of O, interior deteriorated paint, or a lead dust hazard, a photo is unnecessary. However, in these situations, the inspector **must** document in the event notes whether or not they believe the unit is occupied and on what basis.

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Note: Occupied without a C of O can be ticketed in situations where a C of O is required, and it has not yet been applied for; or where additional violations are being ticketed, which prevent the C of O from being issued.

- 4) Once approved by the area Senior Code Enforcement Officer, the Senior Service Assistant will monitor each ticket request for the required items before processing the request. The tickets print the next day.
- 5) The Senior Service Assistant will mail the tickets to the property owners and reschedule the case for 30 days unless otherwise directed by the area Senior Code Enforcement Officer.
- 6) The Owner may elect to pay the fine or schedule an MCVB hearing. If the Owner does not respond within the 30-day default date, a default judgment is entered, doubling the fine.
- 7) Once a hearing has been requested, MCVB will notify the Senior Service Assistant, who will then print out the relative ticket affidavit for the inspector to check off the applicable boxes and sign, sign the portion as the commissioner of deeds, and scan the signed affidavit into the electronic case folder. MCVB will then utilize Share-Point and the L-Drive to prepare the hearing package.
- 8) The Senior Code Enforcement Officers will review all hearing dockets to determine if the relative inspectors need to attend the hearings where they have not been otherwise subpoenaed.

CASE MANAGEMENT

The following chart was developed to assist the CEOs with managing multiple cases on the same address. The chart details the proper steps that the support staff and the CEO shall follow to manage cases properly. To successfully manage existing and new cases, it is critical to understand when to act on each case, submit a transmittal to close an older case, and appropriately enforce the correct case.

Senior Code Enforcement Officers will continually monitor activity on the cases and make sure the CEO appropriately manages multiple cases and gets the older cases closed at the appropriate times. This process will ensure a more accurate account of each case type.

NEW OWNER	PERMIT OFFICE ROLE	CEO ROLE
ALL CASE TYPES	<ul style="list-style-type: none"> • OLD C OF O CASE WILL BE CHANGED TO A SURVEY CASE TYPE ONCE NEW APPLICATION IS RECEIVED – <i>THIS DOES NOT INCLUDE PARTIAL C OF O CASES ON A MIXED UNIT.</i> • N&O TO BE RE-ISSUED. • OLD PERMIT (RELATED TO CHANGE OF USE, FIRE) MUST BE VOIDED IN BIS – <i>NEW OWNER MAY MAINTAIN PERMITS NOT RELATED TO USE OR OCCUPANCY IF PERMIT WORK HAS BEEN STARTED OR COMPLETED. NEW OWNER MUST REAPPLY (NO FEE).</i> • NEW C OF O APPLICATION MUST MATCH THE OLD APPLICATION AS IT PERTAINS TO PERMITS. (approved by Zoning) • NO INITIAL INSPECTION WILL BE SET UP IF THERE ARE OPEN INTERIOR LEAD VIOLATIONS. NOTES WILL BE PLACED IN BIS (PC712, PC717, PC802, PC803 OR MONROE COUNTY LP "DO NOT REOCCUPY" STATUS). 	<ul style="list-style-type: none"> • FULL INITIAL INSPECTION MUST BE CONDUCTED, VIOLATIONS CITED (ALL INTERIOR LEAD VIOLATIONS MUST BE ABATED BEFORE INITIAL INSPECTION), <i>NEW OWNER OFFERED OPPORTUNITY TO MAINTAIN PERMIT CASE NOT RELATED TO USE OR OCCUPANCY INCLUDING ANY PLANS SUBMITTED.</i> • IF NEW OWNER SAYS "CLEARED WHEN BOUGHT," 3RD PARTY CLEARANCE IS REQUIRED. (<i>DUST WIPE CONSIDERED IN VERY LIMITED AREAS AT THE DIRECTION OF THE LEAD PAINT PROGRAM COORDINATOR</i>). • SUBMIT TRANSMITTAL TO ADMIN CLOSE OLD CASE ONCE A FULL INSPECTION HAS BEEN CONDUCTED. • DOCUMENT ANY PROGRESS ON OLD PERMIT CASE AND WHERE IT WAS LEFT OFF. • OLD PERMIT CASE <i>AS IT PERTAINS TO USE OR OCCUPANCY</i> WILL BE VOIDED (NEW OWNER MUST REAPPLY FOR PERMIT). • LANA WILL TRANSFER ANY VACANT CITATION AND FLAG.
SAME OWNER	PERMIT OFFICE ROLE	CEO ROLE
ALL NON-C OF O CASE TYPES	<ul style="list-style-type: none"> • IF OWNER APPLIES FOR A C/O, OPEN A NEW C/O CASE (DO NOT MODIFY ANY OTHER CASE TYPES EXCEPT FOR "EXPIRED C/O" CASES). • NO INITIAL INSPECTION WILL BE SET UP IF THERE ARE OPEN INTERIOR LEAD VIOLATIONS. NOTES WILL BE PLACED IN BIS (PC712, PC717, PC802, PC803 OR MONROE COUNTY LP "DO NOT REOCCUPY" STATUS). 	<ul style="list-style-type: none"> • FULL INITIAL INSPECTION MUST BE COMPLETED, VIOLATIONS CITED (ALL INTERIOR LEAD VIOLATIONS MUST BE ABATED BEFORE INITIAL INSPECTION). • IF CASE IS NOT IN ENFORCEMENT SUBMIT TRANSMITTAL TO ADMIN CLOSE OLD CASE AFTER FULL INITIAL INSPECTION. • IF CASE IS IN ENFORCEMENT AND PROGRESS WAS MADE, CLOSE THE OLD CASE UPON FULL INITIAL INSPECTION. IF THERE IS NO PROGRESS, WAIT TO CLOSE THE OLD CASE WHEN ANY PROGRESS HAS BEEN DEMONSTRATED.
NOTE:		FOR MISSED OR NO-SHOW APPOINTMENTS AFTER 2 INCIDENTS OR 60 DAYS, MAKE SURE PC008 IS CITED ON THE OLD CASE AND ENFORCE THE OLD CASE. <i>SEE TICKETING PC008 RULES.</i>