

Code Enforcement Options Presentation

Sophia Corugedo

City of Gainesville Fellow

Office of the Clerk of the Commission

General Policy Committee Meeting

March 12th, 2020

Code Enforcement Process in Gainesville

- a. A violation of the Code of Ordinances is observed by a Code Enforcement Officer, or reported to the City by someone in the community
- b. Notice of Violation provided to property owner with given time frame
- c. If violation is not corrected within time frame a hearing with Special Magistrate is scheduled
- d. For repeat violations or those that pose public health threats, citations can be issued immediately



Florida State Law

- Code enforcement boards have the power to issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
- The appointment of a receiver is in the discretion of the city and is inherent in the equitable powers of the court.

Alachua County

- Nuisance abatement ordinance adopted on November 12, 2019
 - a. Standard notice of violation
 - b. Injunction with the court
 - c. Special assessment process
 - If the hazard is determined to pose a threat to life and safety then a representative of the county has the power to enter the property and dispose of the nuisance

Code Enforcement Options

- City Makes Repairs
 - Make necessary repairs to bring a property back into compliance
- City Takes *Any* Steps Necessary
 - Repair, vacate, condemn, demolish, purchase, etc.
- Receiverships
 - A receiver is identified as an agent of the appointing court to bring the property back up to code

City Makes Repairs: Jacksonville, FL

- a. Code enforcement employees can notify the Board in cases where they believe the violation is a threat to the public health
- b. The department responsible for enforcement of the specific code is notified and makes repairs required to bring the property into compliance.
- c. The Code Enforcement Board shall charge the property owner with the cost of repairs along with any fine imposed.

City Makes Repairs: Jacksonville, FL

- Making such repairs *does not*
 - Create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property
 - Create any liability against the local governing body for any damages to the property if such repairs were completed in good faith.



Image credit: News | WJAX

City Makes Repairs: Burlington, NC

- a. A complaint is received by a code enforcement officer who is assigned to the site of a potential violation.
- b. If the officer deems that there is a legitimate violation, there are three steps taken:
 1. A red Notice sign is posted on the property in the yard;
 2. A letter is sent via regular mail to the owner of the property, stating that the owner has 10 days from the date of the letter to comply; and
 3. A registered letter is sent to the owner of the property.

City Makes Repairs: Burlington, NC

- c. Assigned code enforcement officer returns to the site on the 11th day for follow-up inspection
- d. If violation not corrected yet, a city-approved contractor is assigned to make necessary changes
- e. The charges of the clean-up + \$100 administrative fee are attached as a lien on the property

City Makes Repairs: Burlington, NC

Community Improvement Program

- City divided into five enforcement zones
- Each zone assigned a specific enforcement officer to serve as a resource that residents can turn to for questions & concerns.
- Community Improvement Response Teams can be deployed when a neighborhood is experiencing a high volume of violations

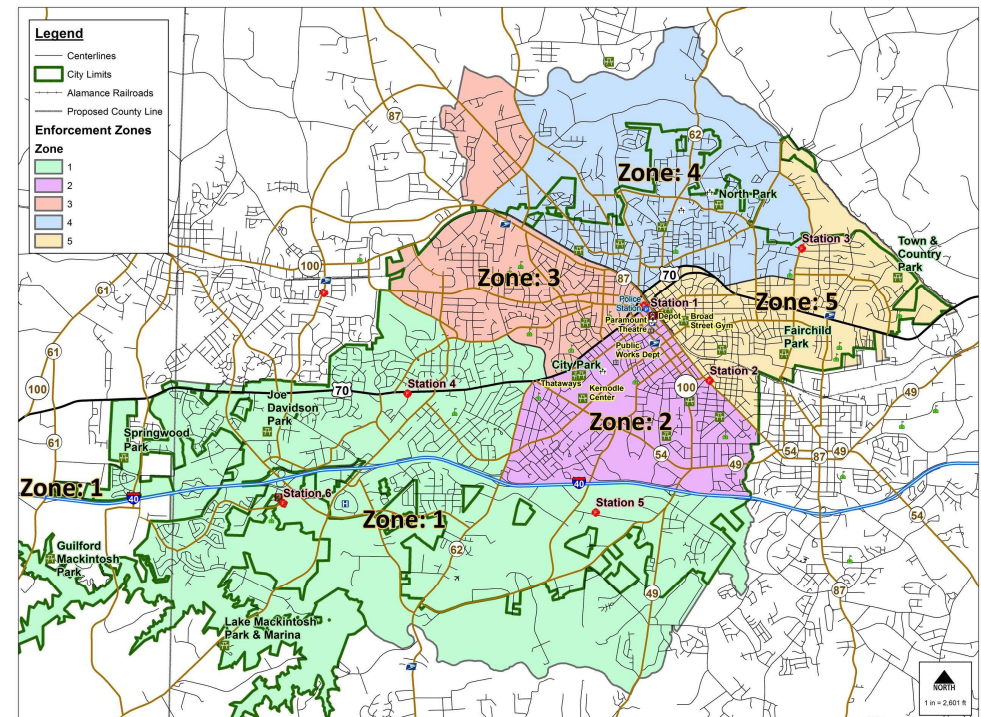


Image Credit: City of Burlington website

Any Steps Necessary: Orlando, FL

- Once a violation has made it to the Code Enforcement Board, depending on nature of the violation, the Board:
 - Notifies the City who makes repairs
 - The city charges the property owner with the cost of the repairs and a fine
- When a property or code violation is causing a public nuisance or hazard to public health, safety and welfare, the City can
 - Issue a “Notice to Vacate” in which a building is declared a nuisance and unfit for human occupation. The property owner is required to take action
 - Repair, remove, secure or demolish a property

Receiverships: Massachusetts

The process for repairing properties through receiverships in Massachusetts is as follows;

- a. A municipality shares the addresses of abandoned residential properties with the State's Attorney General's Office (AGO)
- b. If AGO determines property owners cannot afford to bring property to compliance, AGO files a petition under the State Sanitary Code provision.
- c. A receiver is identified as an agent of the appointing court to bring the property back up to code

Receiverships: Massachusetts

- d. The receiver can place a lien against the property for all costs incurred during the project until the repairs have been made
- e. The owner of the property proceeds to reimburse the receiver for the costs and clear the lien
- f. If the owner does not pay the costs then the receiver can foreclose on the lien.

Receiverships: Massachusetts

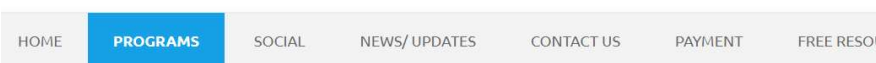
- This code enforcement tool “strikes a balance between private property owner’s rights and the public’s right to be free from dangers posed by health, safety, and building code violations”.
- Press release from Massachusetts Attorney General in 2019:
 - Positive feedback about the initiative
 - Citizens stated that the fund has helped provide the financial support needed for receivership projects that would not have otherwise moved forward
 - The process has been able to turn vacant, run-down properties into renewed habitable homes for Massachusetts residents.

Receiverships: Massachusetts

- In Chelsea, Massachusetts, the Chelsea Restoration Corporation works to help carry out receivership efforts and has produced a Receivership of Abandoned and Problem Housing Handbook.
- The Handbook provides information on
 - how to achieve a successful receivership through full documentation and accurate research
 - how to petition the court for the appointment of a receiver, financial aspects of managing property under receivership, and so forth.



Chelsea Restoration Corporation promotes affordable home ownership for local residents and arme

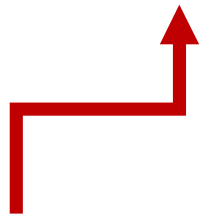
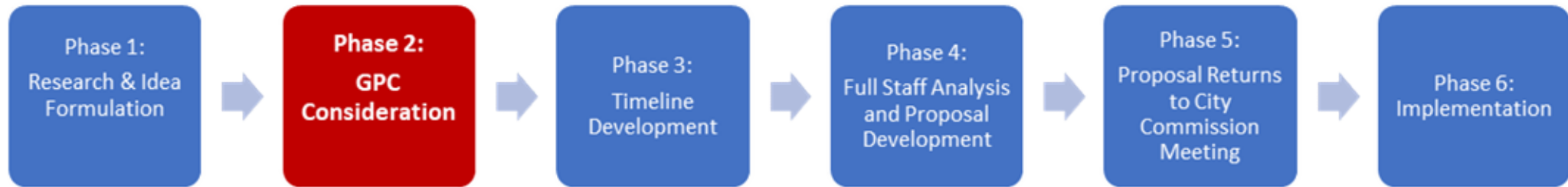


Receivership

With the impact of municipal debt burdens, coupled with the effects of declining real estate prices and the US financial crisis, municipalities are looking for novel and cost-effective approaches to address abandoned, blighted and/or foreclosed properties that threaten the quality of life of their communities. Receivership, the use of statutory power to seize buildings and place properties under control of a judicially supervised 'receiver', can be an effective tool to tackle the problem of troubled properties which repeatedly violate safety and sanitary codes. Despite its potential, receivership requires significant coordination, as well as a committed team, in order to implement the intricate process of running a successful receivership strategy.

The [Receivership Statute](#) provides that the receiver may borrow funds to undertake the repairs, to grant mortgages on the property, and/or assign the priority lien to its creditor(s). Appropriate funding sources to finance a receivership might include: rental income (the receiver may rent the property to new tenants to offset the receiver's expenses once the code violations have been eliminated); foundation grants; public, federal, state or municipal programs; and/or private investments.

Recommended Next Steps



We are here!

If the General Policy Committee wants to proceed, move this project to Phase 3 of the Policy Process.

Questions?

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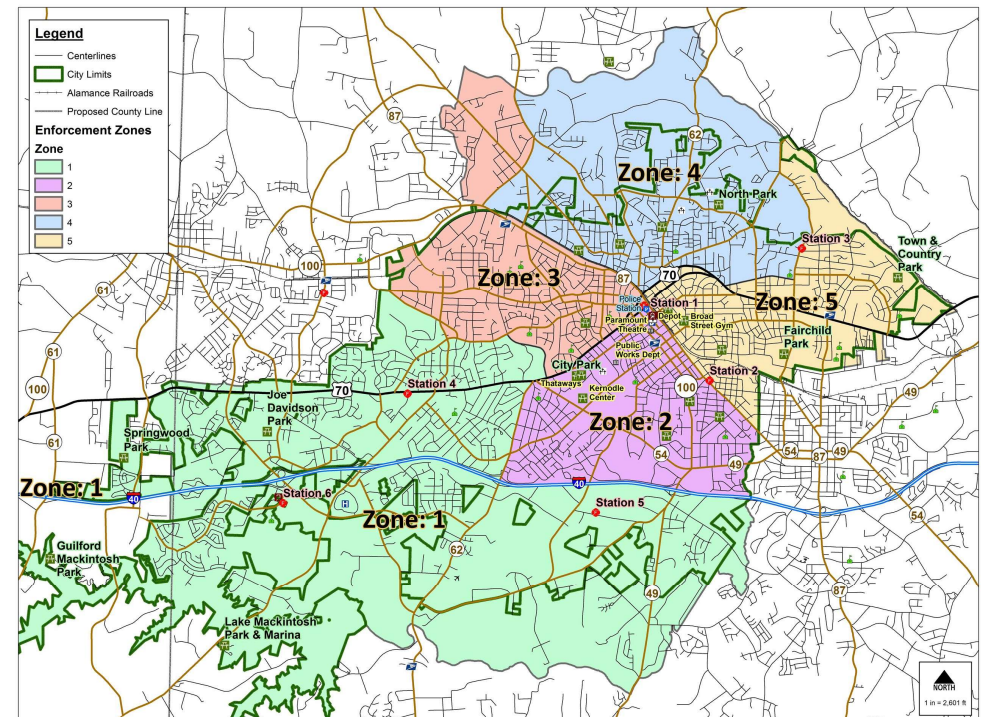


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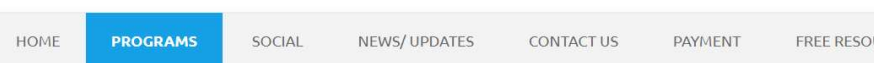
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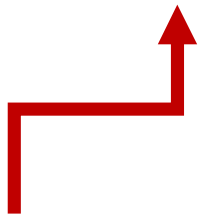
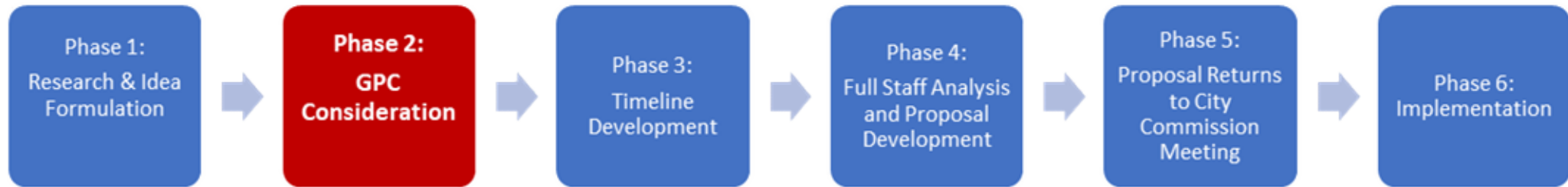


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