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City of Gainesville Policy Program Preliminary Research & Analysis

TOPIC: Clearboarding Abandoned Property
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REQUESTED BY: Commissioner Hayes-Santos

EXECUTIVE SUMMARY

When properties are condemned or abandoned, a City will typically board the windows and doors with plywood. In other cases, when banks foreclose on properties, they will board up the windows and doors with a material, also typically plywood. One alternative to the use of this material can be plexiglass or clear polycarbonate boards. Some call this “clearboarding” and it is intended to reduce the perceived neighborhood blight caused by abandoned properties that are boarded up with plywood. Multiple properties covered in plywood can often contribute to an overall run-down view of a neighborhood and cause property values to fall. Additionally, the broken windows theory conceives that minor crime begets major crime, so structures boarded up with plywood and covered in graffiti can indicate that the property is vacant, that an area is poorly maintained and thus ripe for criminal activity.¹ The use of clear boarding can fortify abandoned structures to **keep out squatters, reduce criminal activity, prevent arson, and prevent illegal dumping.**² Firefighters, lawmakers, and others find that there is increased security and safety measures with the use of transparent or window-like coverings as they can reduce the likelihood of the property being set on fire and expose illicit activity to law enforcement or first responders. There is, however, fiscal impact associated with using plexiglass material.

¹ <https://www.azcentral.com/story/news/local/phoenix/2015/04/02/phoenix-fights-blight-plastic-windows/70826784/>

² https://www.usfa.fema.gov/current_events/041718.html

HISTORY/BACKGROUND INFORMATION

State of Florida

Section 705.1015 of the Florida State Statutes indicate that county or municipal code inspectors are the ones responsible for enforcing code compliance as designated by their regional governing bodies and which pertain to lost or abandoned property.³ So, if the local code indicates that abandoned properties must be boarded up with plexiglass, then that is the material that must be used by anyone who is boarding up an unoccupied or abandoned structure. As of now, the state does not specify the use of other materials for boarding up windows and thus leaves it up to the local or county government to specify the material to be used in their code of ordinances.

Alachua County

Article V. Section 74.29 of the Alachua County Code of Ordinances establishes minimum vacant property standards to be adhered to for boarding and sealing structures considered to be dangerous to the health, safety, or general welfare of its occupants.⁴ Some of the standards include:

- Exterior grade sheathing plywood of three-eighths of an inch thickness or greater shall be used to fully cover all windows, doors and other openings which may allow access to the interior of the building.
- Plywood covers shall be nailed, screwed or bolted firmly over each opening. No splices or joints of any kind shall occur over openings. Plywood shall not project beyond the outside edges of casings around openings, or, in the absence of casing, shall project no further than six inches beyond the openings.
- The exterior surfaces of all structures shall be protected against the elements and loss of aesthetic value by the application of paint or other approved protective materials applied in accordance with the manufacturer's specifications.

The code specifies that in any case where hazardous lands exist, the hazardous conditions shall be abated by the means least expensive and least detrimental to the owner's property and to the public environment. The Code does not currently require that vinyl, plexiglass or other clear plastic coverings be used.

On November 12th, 2019, the Alachua County Board of County Commissioners expanded this chapter of its code of ordinances to give the county more options in the repair of nuisances.⁵ The new options include giving a representative of the county the power to enter properties and dispose of nuisances that may be a hazard or threat to life and safety. Additionally, a lien may be placed on a property if a nuisance is not cleared in 30 days after given adequate notice. These efforts and others are

³ http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0705/Sections/0705.1015.html

⁴ https://library.municode.com/fl/alachua_county/codes/code_of_ordinances?nodeId=PTIIADCO_TIT7HESA_CH74NU_ARTVHALADAST_S74.30STREVADEBOSEAB

⁵ <https://www.wuft.org/news/2019/11/13/alachua-county-commissioners-pass-nuisance-abatement-ordinance/>

intended to reduce the number of property liens in the county, which as of November 13, 2019 was a total of 192.

Gainesville

The Gainesville Code of Ordinances Section 16-20 states **identical minimum vacant property standards for temporary board and seal processes to those of Alachua County**; “Exterior grade sheathing...manufacturer’s specifications”.⁶

The process for boarding begins when the owner of a dangerous building is notified of their building being in a dangerous condition. The owner is given the option of either demolishing the building or repairing it so that it is no longer in violation of the Dangerous Buildings and Hazardous Land Code. In the meantime, **the owner must apply for a permit to board** and seal the building within one month of it having been ordered to be repaired or demolished and brought up to code. If the owner does not begin to repair the building within six months then the building will ultimately be ordered to be demolished. Then, for any time temporary board and seal is permitted, the abovementioned vacant property standards should be followed.

Currently, the code enforcement office relies on requests from citizens to address Abandoned/Damaged buildings. There have been **189 requests** submitted from August 2015 to today. Most of the requests include complaints about the appearance of the home or building being dilapidated and potentially causing harm with exposed sharp surfaces. The majority of the requests have been assigned to code enforcement, with some being send to public works for repair. Once code enforcement or the respective department is notified of the request, they carry out their department’s appropriate procedures for bringing a property into compliance with the local code.

PRELIMINARY RESEARCH AND FINDINGS

This section will highlight how other jurisdictions have approached the issue

Mobile, Alabama

As of May, 2019, Mobile was the only city in Alabama with an ordinance that specified the type of window covering that should be used on empty structures.⁷ By late July 2019, the Mobile City Council agreed to amend an ordinance that would require semi-clear shatter-proof polycarbonate material to be used for boarding up open windows or doors instead of plywood. Section 52-152 of the City’s Code discusses powers of the City to acquire blighted property for the purpose of removing, reducing, or preventing blight.⁸ In the City’s property maintenance code, however, there is language

⁶https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH16NU_ARTII_DABUHALACO_S16-20STREVADETEBOSEAB

⁷<https://www.al.com/news/mobile/2019/05/removing-the-plywood-for-plexiglas-mobile-battling-blight-by-making-properties-look-better.html>

⁸https://library.municode.com/al/mobile/codes/code_of_ordinances?nodeId=CICO_CH52REPRMAEN_ARTV_IREPRAR_S52-152POACREBLPRLEMDODE

specifying the use of shatter-proof polycarbonate.⁹ Section 108.2.2 states that commercial property that is unsecured should be secured by “sheeting material” which is a minimum of .177-inch thick, and is clear or semi-clear shatter-proof polycarbonate material. Such material should be strong enough to sustain impact without breaking or shattering. This is only required for commercial properties, but is optional for residential properties. Still, when the city has attempted to board windows and doors with polycarbonate material, minimal cost differences have been observed. Boarding up homes with plywood can cost an average of \$2,500 whereas with plastic the costs can range from \$3,000 to \$3,500.

The city of Mobile annually labels residential properties as “blighted” based on certain descriptive characteristics. From 2017 to 2018 the number of “blighted” residential properties went from 1,625 to 891. At the time, the **City was beginning to utilize the social media app Instagram to attempt a new way to catalogue blight in the city.**¹⁰ The city’s traditional process for tracking abandoned or blighted properties would rely on citizen complaints, but in 2017 a group of 10 city employees spent about a week across the city photographing blighted properties themselves. They took advantage of Instagram’s geo-coding technology to map out where each property was, and then worked with the city’s GIS team to add more information to each property such as the cause of blight to find clear paths for repairing each property.¹¹ Methods such as these can be applied in other jurisdictions, as taking advantage of technology to improve the conditions of neglected neighborhoods can be a benefit to people and cities in a number of ways.

Phoenix, Arizona

Chapter 39 of Phoenix’s City Code, titled Neighborhood Preservation Ordinance, has a section on building and structure exteriors.¹² The section codifies the new requirements to temporarily secure vacant structures that were passed in May of 2015. These requirements are summarized as follows:

- All exposed exterior surfaces, windows, and doors should be maintained to be free of deterioration that is a threat to health and safety, and to not present a deteriorated or blighted appearance.
- **On structures that have been unoccupied for more than 90 days, sheets of polycarbonate must be used instead of plywood or another material to cover any windows and door openings which face the street.**

At the time, Phoenix was one of the first municipalities in the country to make polycarbonate windows required by law. When they adopted the new requirements, they also shortened the 180-day unoccupied structure provision to 90 days. This was done in an effort to spearhead the abandoned property issue and address the crime that Phoenix was experiencing around structures that were boarded up with plywood. The deputy director of Phoenix’s Neighborhood Services Department, Tim Boiling, said that plywood on a home indicates that it is vacant and shielded from

⁹https://library.municode.com/al/mobile/codes/code_of_ordinances?nodeId=CICO_CH52REPRMAEN_ARTIP_RMACO_S52-1PRMACO

¹⁰ <https://medium.com/@BloombergCities/mobile-ala-uses-instagram-to-shine-a-light-on-blight-f69dcb58fa8d>

¹¹ <https://www.governing.com/topics/transportation-infrastructure/gov-mobile-alabama-blight-instagram.html>

¹² <https://www.codepublishing.com/AZ/Phoenix/?Phoenix39/Phoenix3906.html#39-6>

outside visibility.¹³ In Phoenix, this is a step forward for reducing the negative impact that vacant homes have on a neighborhood. While the city has found that the costs of polycarbonate are about three times the cost of plywood, Boiling emphasized that this was more of a security measure than a cost-saving measure.

Minneapolis, Minnesota

In 2015, the housing team in Hennepin County, where Minneapolis is located, was interested in seeing whether disguising vacant homes would reduce vandalism and improve nearby property values. They worked with the city of Minneapolis to purchase about \$1,300 in vinyl sheeting to cover up the windows and door of a home. With plywood, the cost would have been closer to \$570 to board up the windows and door of that same property.

Minneapolis has found that the vacant properties covered in plywood boards are some of the more visible scars from the housing crisis.¹⁴ In that city, the costs for boarding up private property are passed on to the property owner, whereas Hennepin County pays the costs of properties in their boundaries since they have inherited the property through unpaid taxes. The hope is that some of the costs can be recuperated once the property has been sold. JoAnn Velde, the city's deputy director of housing inspection services at the time, found that maintaining the properties while waiting to be sold can help increase the chances of it being purchased by a new homeowner.

Chapter 419 of the Minneapolis Code of Ordinances is titled Neighborhood Revitalization Program, and in it are numerous goals and visions for the neighborhoods of Minneapolis.¹⁵ These goals align with the City's efforts to bring neighborhoods out of blight and reduce the number of vacant properties. Some of these goals are to:

- Establish a cooperative and coordinated planning, funding and delivery process that involves neighborhood residents, public agencies and private interests.
- Develop a joint planning effort that results in a multiyear plan and complements the programming of all parties.
- Preserve and dedicate a source of funding for multijurisdictional youth projects of high city priority.
- Create a greater sense of community so that the people who live, work, learn and play in the City of Minneapolis have an increased sense of commitment to, and confidence in, their neighborhood and their city.
- Sustain and enhance neighborhood capability in order to strengthen the civic involvement of all members of the community.

¹³ <https://www.azcentral.com/story/news/local/phoenix/2015/04/02/phoenix-fights-blight-plastic-windows/70826784/>

¹⁴ <http://www.startribune.com/fake-windows-disguise-blight-of-vacant-minneapolis-homes/298845251/?refresh=true>

¹⁵ https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=MICOOR_TIT16PLDE_C419NEREPR_419.55PHIINEREPRPR

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- Ensure that neighborhood-based planning remains the foundation of the program, is informed and leads to creative and innovative approaches.
- Strengthen the partnerships among neighborhoods and jurisdictions to identify and accomplish shared citywide goals.
- Ensure that government agencies learn from and respond to neighborhood plans so that public services ultimately reflect neighborhood priorities.
- Develop and support life cycle housing citywide through the preservation of existing housing and new construction.

Lastly, Section 249.25 of Minneapolis' Code of Ordinances discusses regulations for securing vacant buildings, but does not specify what materials should be used.¹⁶

Cincinnati & Cleveland, Ohio

In 2017, the State of Ohio banned the use of plywood for securing vacant and abandoned property.¹⁷ While the law does not explicitly state what material must be used, the state and other lawmakers have recommend the use of clear boarding panels made of clear polycarbonate to help prevent vandalism.¹⁸ The intent is to prevent properties from being vandalized before going to a foreclosure sale.¹⁹

Meanwhile, the City of Cincinnati has had an ordinance in place since 2012 that addresses how mortgagees are obligated to maintain the outward appearances of foreclosed and vacant property that are in the process of being registered as vacant foreclosed property.²⁰ Section 1123-9 states that **broken windows or doors that are visible from the right-of-way may be covered with plywood or a similar boarding material only on an emergency basis and for no more than 10 days.** During those 10 days, arrangements should be made to replace the broken glass or broken parts.

In Cleveland, Ohio, a case study was performed called The Slavic Village Recovery Project. This effort was created as a direct response to the community and housing market needs. By using polycarbonate, they found that it addresses:

- General sense of blight
- More secure and harder to remove than plywood, which was very easy to remove. Break-ins were common with the homes boarded with plywood

The group has now only opted to use polycarbonate clearboarding for the last few years for all vacant homes on which they hold the title.²¹

¹⁶https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=COOR_TIT12HO_CH249_VADWBUNUCO_249.25SEVABU

¹⁷<http://codes.ohio.gov/orc/2308.031>

¹⁸<https://www.npr.org/2017/01/17/510204570/ohio-lawmakers-ban-use-of-plywood-to-board-up-vacant-buildings>

¹⁹<https://www.wcpo.com/news/insider/thinking-of-boarding-up-vacant-building-with-plywood-not-in-this-state-you-wont>

²⁰https://library.municode.com/oh/cincinnati/codes/code_of_ordinances?nodeId=TITXICIBUCO_CH1123VAF_1123-9

²¹<https://themreport.com/daily-dose/12-23-2016/communities-clearly-seeing-plywood-alternative>

Banks using Polycarbonate

In November 2016, Fannie Mae (mortgage financing agency) began using clearboarding for all of its properties that are in the pre-foreclosure stage.²² This entails the use of polycarbonate plastic over any openings of structures such as windows and doors. Over time, Fannie Mae found that vacant properties were being subjected to problems while awaiting a new owner. These included squatters, people experiencing homelessness, and graffiti.²³ So, they found that by implementing clearboarding, the properties they acquired would be less likely to encounter squatters and graffiti, and more likely to be sold for the highest possible value.

Intersections with Gainesville

To determine the best mode of addressing abandoned properties in Gainesville, it would be worth investigating whether the city knows the exact number of abandoned and vacant properties in existence. It would also be relevant to seek how the city is currently cataloguing abandoned properties and creating plans to repair them. In some cases, the properties belong to the bank and, in others, the title is held by the City. Regardless, the city of Gainesville has the ability to approach the issue from a multitude of angles.

Given that the costs of plexiglass/polycarbonate are high, the City may choose to draft an ordinance that **begins with requiring banks and property title owners to board structures with one of these alternative materials** while the City continues to use plywood. Later, as the City finds it to be cost-effective they may choose to begin implementing clearboarding for properties for which they are responsible.

The City could also revisit its overall goals with abandoned property and determine whether it prioritizes preserving and rehabilitating the structure, or if simply demolishing the abandoned properties shall suffice. If preserving the structure is the preferred outcome, stakeholders should look into ways to prevent properties from becoming blighted in the first place.

Looking into processes such as lifecycle housing, the benefits of strengthening relationships among neighborhoods, and addressing Gainesville's current code enforcement procedures are all avenues that can be taken for approaching the abandoned property issue before it arises. Other underlying causes such as mortgage lending, foreclosures, and accumulation of code enforcement fines should be considered in the creation of a potential ordinance that would change the way the City approaches abandoned properties. Ultimately, it comes down to how the City prioritizes the issue and what method of dealing with it they find to be the best option.

PRELIMINARY COST/BENEFIT ANALYSIS

²² <https://dsnews.com/daily-dose/12-23-2016/new-standard-property-preservation>

²³ <https://thinkrealty.com/plywood-clear-boarding/>

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Costs

- Upfront monetary costs for the polycarbonate materials

Benefits

- The polycarbonate material is sturdier and durable, thus able to be reused.
- Help reduce vandalism and make properties more resistant to crime.

PRELIMINARY AND ILLUSTRATIVE LIST OF POTENTIAL STAKEHOLDERS

- City Manager’s Office (Code Enforcement, Public Works, Housing)
- The banking and developer communities
- Law enforcement

RECOMMENDED POINTS FOR FURTHER RESEARCH/DISCUSSION

- Address and discuss underlying causes for abandoned property
- Address and discuss ways that the City does, and can, catalogue and repair abandoned properties