

Code Compliance Benchmark Study



Conducted by the Budget and Evaluation Department

November 2012

Executive Summary

A study of the Greensboro Code Compliance Division was requested by the Planning and Community Development Department in early Fiscal Year 2012-2013. Budget and Evaluation was asked to review the Code Compliance Division’s procedures compared to the following benchmark cities: Charlotte, Durham, Raleigh, Salisbury, and Winston-Salem. In addition, Budget and Evaluation was asked to look at the composition and resource allocation of the code compliance divisions in the different benchmark cities and compare them to the City of Greensboro’s Code Compliance Division.

The findings in this benchmark study show that there are opportunities to streamline the processes for code compliance and especially in the areas of minimum housing and nuisances (lot cleanup). Also, this study found that Greensboro’s Code Compliance Division spends fewer funds, has fewer personnel per 100,000 population, and conducts more inspections per inspector than the median of its benchmark cities. This study highlights the differences between proactive and reactive code compliance, which are the two major code compliance strategies. Many of the recommendations from this study could be implemented without policy direction on which strategy the Code Compliance Division should follow. Yet, moving forward it would seem imperative that direction be given on which strategy the division should follow, so it can assess its resource needs.

There is no recommendation in this study for additional staff at this time. Evaluating the need for additional staff was difficult due to irregularities with some of the data in the code compliance computer system and the lack of information from the zoning compliance area.

Recommendations

If all the recommendations are taken in the minimum housing and nuisance (lot cleanup) processes there are opportunities for significant time savings with cases. A minimum housing compliance case has no maximum time limit. The Minimum Housing Standards Commission can give an indefinite amount of extensions. A typical case without any extensions from the Minimum Housing Standards Commission would take 454 days. The potential time savings for a minimum housing case could be up to 275 days if the recommendations were accepted (for a case that does not come into compliance).¹ The maximum amount of time for a nuisance (lot cleanup) case is 44 days. The time savings for a nuisance (lot cleanup) case could be up to 15 days (for a case that does not come into compliance).

Type of Case	Total Days for a Noncompliant Case	Maximum Amount of Savings in Days	Revised Timeline
Minimum Housing	Unlimited	275	N/A
Minimum Housing case without extensions from the Minimum Housing Standards Commission	454	275	179
Nuisance (Lot Cleanup)	44	15	29

¹ The potential time savings for a minimum housing case of 275 days includes 90 days of extensions given by inspectors.

Through the evaluation of the City of Greensboro's Code Compliance Division procedures and the benchmark cities' procedures, the following leading recommendations were made.

Recommendation – The Code Compliance Division should research obtaining a case management system.

Currently, the Code Compliance Division has an in-house computer program that allows for inspectors to input information on cases. The information that is put into the current system is limited and it does not report all of the significant aspects of a case.

A case management system would be a more robust version of the current program. The case management system would record all the important times when an inspector interacts with a possible violation. In addition, a case management system would allow for inspectors to upload electronic photos from cases to the system, so there would be evidence of the condition of a case over time.

A case management system should be compatible with all areas of code compliance, so that the zoning compliance area can input information into it as well. Currently, zoning enforcement officers have no electronic system to input their information that tracks all their actives, which means there is no quick method to evaluate their cases.

Minimum Housing

Recommendation – Reserve full title searches for demolition cases and cases with special circumstances.

The City of Durham does not conduct a full title search on cases until they have come to the point of a possible demolition. The City of Charlotte does full property searches for the following situations: demolitions, properties posted for sale, open or vacant properties, and cases going before the Environmental Court.

The City of Greensboro conducts full title searches for all cases as a way to make sure it contacts all the property owners no matter the situation. The City could save time if it delayed the full property searches until it became necessary. By following this procedure, the City could eliminate full property searches for cases that have a high likelihood that they will come into compliance.

Recommendation – Eliminate the requirement that all property owners give notice that they have received a certified letter before moving forward in a housing case.

There are different strategies employed by the benchmark cities with regards to owner notification. The City of Charlotte moves forward after only one owner has given notice that he/she has been notified by a certified letter; however, it still attempts to contact owners through first class mail and posting the property while moving forward. The City of Salisbury notifies the public through a paper advertisement if all owners do not give notice of receiving the certified letter. The City of Winston-Salem sends the Notices of Hearing and repair orders by certified mail and by first class mail in conjunction with posting. If service is not achieved to all the owners through either method and an address cannot be determined by reasonable due diligence, the city publishes the information in a newspaper of general circulation in the county.

Each city moves forward in the process to bring a house into compliance. If it becomes apparent that the owner in communication with the city will not comply then before moving forward, with an order or official appeal, multiple forms of communication are used to notify all the owners of the property.

Similar to Raleigh and Durham, the City of Greensboro makes sure all owners of a house have given notice that they have received a certified letter before moving forward in the process. If the City considered strategies from the other three benchmark cities, it could continue the minimum housing process for a case while still trying to notify additional owners instead of delaying the process.

Recommendation – Reduce the amount of extensions inspectors can give.

Currently, the code compliance inspectors can give up to 270 days in extensions in 30 day increments. This amount of time is longer than most of the benchmark cities. The City of Raleigh gives its inspectors the ability to give an extension of 20 days. The cities of Durham and Salisbury allow their inspectors to give an extension of 30 days. The City of Winston-Salem does not give inspectors the ability to give extensions and only gives this ability to its department director. The only city that allows its inspectors to give more extensions than the City of Greensboro is Charlotte, which allows its inspectors to give approximately 360 days in extensions.

The City of Greensboro could give the authority to allow extensions to the department director instead of inspectors. Also, it could limit the amount of extensions by the inspector and allow any further extensions be granted by the Minimum Housing Standards Board.

Recommendation – Use lis pendens instead of doing multiple full title searches. Lis Pendens is a notice filed to warn interested persons of any known liens, levies, or procedures taken out on a property.

No other benchmark city completes multiple full title searches just to see if any new owners are found. Late in the housing process, the City of Greensboro does another full title search to see if there is any other owners that still need to be notified (e.g. a new owner bought the property). All the benchmark cities do a lis pendens early in the housing process. A lis pendens is a notice filed to warn interested persons of any known liens, levies or procedures taken out on the property. The lis pendens is used to make sure anyone, including potential new owners, knows about the procedures taken out on any property that has violated the City Code.

Nuisance – Lot Cleanup

Recommendation – Stop sending certified mail to property owners with a lot cleanup violation.

The City of Raleigh sends out certified mail later in the process than the City of Greensboro and this only happens if the estimated clean up costs are \$500 or above. None of the other benchmark cities send certified mail. All the other cities send a first class letter to the person on the tax record and/or post the property. All benchmark cities said it was too expensive to send out certified mail to all lot cleanup cases.

The City of Greensboro sends out a certified letter to property owners relatively early in its process (e.g. step 3 in the process). The City of Greensboro feels that sending out a certified letter helps to make sure the property owners are notified of the violation. However, there are other options in notifying a property owner that can be quicker and cheaper.

Recommendation – Eliminate full property searches on lot cleanup cases.

No other benchmark city does a full property search for lot cleanup cases, which is the second property search the City of Greensboro conducts. Many of the cities believe that sending a first class letter and posting the property are sufficient to contact all of the potential owners of one property. In other words, they feel there is no need to do an additional property search to locate other owners because the due diligence has already been completed.

Currently, the full property search process takes the City of Greensboro 19 days to complete. If first class mail or posting the property was conducted it would help to shorten the 19 day wait.

Recommendation – Give property owners 10 days to comply with a lot cleanup order instead of 15 days.

The City of Greensboro gives property owners 15 days to come into compliance with a lot cleanup violation. The 15 days starts from the time the letter is sent to the property owner. Almost all the benchmark cities in this study give property owners 10 days to comply. The City of Winston-Salem is the only city that does not give its citizens 10 days to comply. Winston-Salem gives its citizens 9 days to comply.

Findings

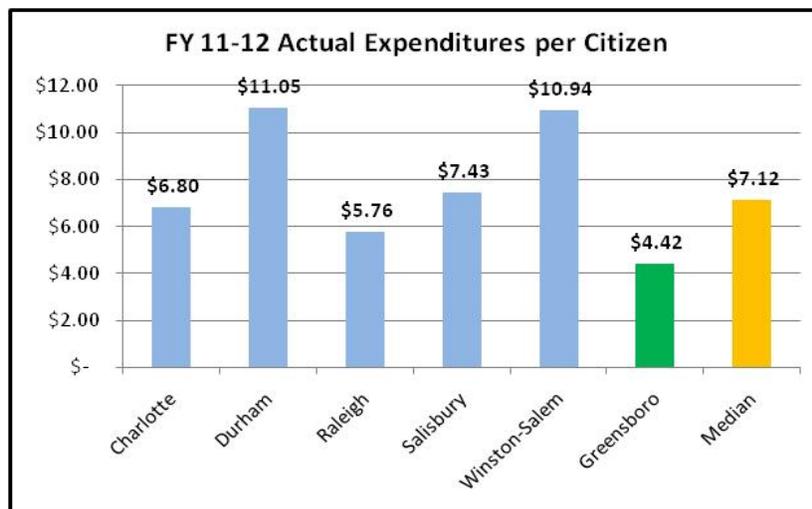
Budget and Evaluation was able to obtain benchmark information on composition and resource allocation to the benchmark cities. The following two graphs are an example of the findings from the Data Analysis Comparison section:

Finding: The City of Greensboro has a higher threshold to declare a house in noncompliance compared to most of the benchmark cities.

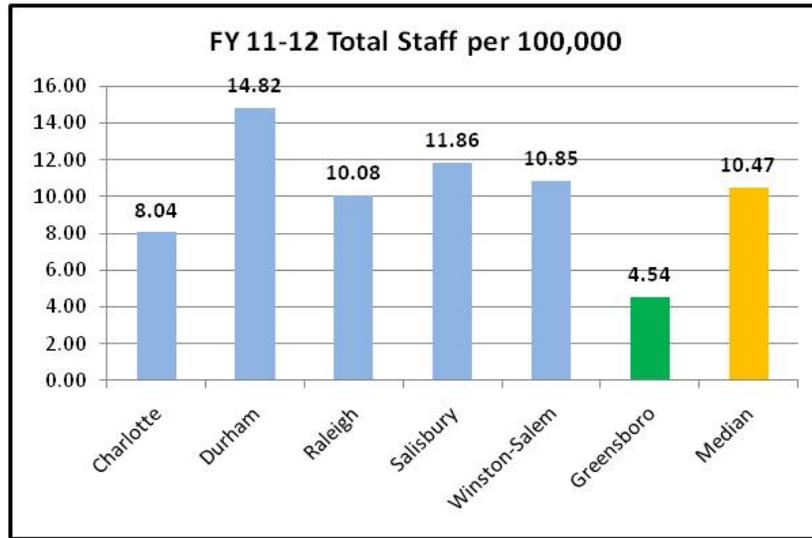
The cities of Charlotte, Durham, Salisbury, and Raleigh find just one minor violation to be enough for a case to be in noncompliance. The City of Winston-Salem only sends a letter to a property owner if they have less than six minor violations and then they close out the case.

The City of Greensboro only finds a house in noncompliance if it has one major violation or 6 or more minor violations.

Finding: City of Greensboro has the lowest expenditure per citizen when compared to its benchmark cities and the median for the whole group.



Finding: The Code Compliance Division has less total staff per 100,000 in the population compared to its benchmark cities and the median.



The following table has information from the other graphs in the Data Analysis Comparison section.

	Percent Cost Recovery	Inspectors per 100,000	Inspectors Plus Supervisors per 100,000	Inspectors per Sq Mile	Total Inspections per Inspector	Percent Proactive Cases
Charlotte	13%	4.39	6.54	0.14	1,527	75%
Durham	8%	7.84	9.15	0.17	795	25%
Raleigh	20%	6.88	7.87	0.20	930	40%
Salisbury	35%	5.93	8.90	0.09	2,750	N/A
Winston-Salem	22%	6.95	8.25	0.12	7,168	63%
Greensboro	21%	3.05	3.80	0.07	2,096	15%
Median	15%	6.41	8.06	0.13	1,812	28%

In addition to the comparable data from the benchmark cities, this study obtained information on proactive code compliance programs from our benchmark cities and from cities around the country. These programs were identified so the reader could have examples of proactive programs cities and counties were operating around the country.

This review concentrated most of its efforts on quantifiable data or processes that were studied through site visits to the benchmark cities. Additional areas of study that could be explored in the future include looking at areas of the process that are qualitative like staff interaction with the public and with each other to see if stakeholder expectations are being met and all possible efficiencies are being obtained.

Introduction

In 2012, the City of Greensboro's Planning and Community Development Department requested a review of its Code Compliance Division. Since the beginning of FY 11-12, the Code Compliance Division has been located in the Planning and Community Development Department (before FY 11-12, the division was located in the Engineering and Inspections Department). With the Code Compliance Division being new to the Planning and Community Development Department, the department wanted a process evaluation completed to review how the department was operated compared to the City of Greensboro's benchmark cities that also operate code compliance divisions. The benchmark cities are Charlotte, Durham, Raleigh, and Winston-Salem. The City of Salisbury is included in this comparison; Salisbury was selected as a benchmark partner for this evaluation due to its reputation as an excellent provider of code compliance service.

This review is organized into seven different sections. The following are the sections with a short description of each:

- **Code Compliance Statutes and Local Ordinances** – An overview of the regulations that support the Code Compliance Division including state statutes and local ordinances (located on pages 7-15).
- **Code Compliance Process Comparison** – Code Compliance process review including junk and abandoned vehicles, minimum housing, nuisance (lot cleanup), and zoning enforcement compared to our benchmark partners' processes (located on pages 15-25).
- **Data Analysis Comparison** – Evaluation of the resource allocation and outputs of the City of Greensboro's Code Compliance Division compared to its benchmark partners (located on pages 24-30).
- **Two Major Code Compliance Strategies** – This section describes the two dominant code compliance strategies (located on pages 31-32).
- **Code Compliance Proactive Programs** – Proactive procedures/programs being practiced by our benchmark cities and jurisdictions around the country (located on pages 32-33).
- **Recommendations** - Recommendations to improve the efficiency and effectiveness of the code compliance processes (located on pages 33-43).
- **Further Methods of Study** – This section recommends further methods on how to study the City's code compliance processes (located on page 43).

Code Compliance Statutes and Local Ordinances

Where state legislation gives clear rules and directions, the Greensboro code mirrors the general statute, verbatim in most cases. In some areas, the authorizing legislation also leaves decisions to the discretion of municipalities. Areas of municipal discretion are the focus of the section below. The analysis will not go through each section of the statute or code. Rather, this section will highlight areas of the statutes, local legislation, City Charter, and City Codes that are essential to understanding the compliance process. There is a level of authority when it comes to the rules that code compliance follows. Statutes and local legislation from the General Assembly and City Charter take precedence over City Code.

Statutes and City Codes most closely related to code compliance:

- Junk and Abandoned Motor Vehicles: NCGS 160A-303 and City Code 17-51 – 17-59
- Minimum Housing Standards: NCGS §160A-441 – §160A-450, City Code 11-1 – 11-56

- Nuisance (Lot Cleanup): NCGS 160A-193 and City Code 17-1 – 17-7
- Zoning Enforcement: NCGS 160A-381 and City Code 30-5

Junk and Abandoned Motor Vehicles

Under state statutes §160A-303 and § 160A-303.2 cities may adopt necessary ordinances to prohibit the abandonment of motor vehicles on public streets or on public or private property and remove and dispose of these vehicles. Greensboro has adopted this ordinance under Sec. 17-51 through Sec. 17-59. State statute §20-219.9 provides the post tow procedures.

Definitions of Junked and Abandoned Vehicles

State law says an abandoned motor vehicle is one that has been left on the street or highway in violation of the law, left on city property for longer than 24 hours, left on private property without permission for over 2 hours, or is left on the street for longer than 7 days. A junked motor vehicle is defined as being any of the following: partially dismantled or wrecked, cannot be self propelled, is more than 5 years old and worth less than \$100 or more than 5 years old and worth less than \$500 depending on the City ordinance, or does not display a current license plate. Sec. 17-51 restates these definitions.

Finding: Greensboro’s definitions of junked or abandoned motor vehicles match state law definitions.

§160A-303 Removal

Pursuant to NCGS §160A-303, any vehicle in violation of the adopted ordinance may be removed and stored, but no vehicle that is on private property with the permission of the property owner may be removed from private property unless the City official has deemed it to be a health or safety hazard.

In addition NCGS §160A-303.2 allows the City to tow vehicles on private property when the inspector finds that the benefits of removal outweigh the burdens imposed to the owner. Aspects for the inspector to consider include protection of property values, community character, and the promotion of comfort of area residents as defined in Sec. 17-55(b). Indirect impacts for the inspector to consider include finding that the vehicle creates other nuisances as outlined in Sec. 17-55(c). These factors that an inspector has to weigh are defined by the City ordinance and not by state statutes.

Finding: In determining if the benefits of the vehicle’s removal outweigh the burdens imposed by the removal, the inspector may consider many things including the protection of property values, comfort and happiness of residents, and if the vehicle creates other nuisances.

Also included as part of §160A-303 (c), after a vehicle is removed the City shall give notice to the owner within 24 hours if registered within the state and 72 hours if registered in another state. The notice must contain information including a description of the vehicle, the place the vehicle was removed from, the violation, and the procedures that the owner must follow to have the vehicle returned or to request a probable cause hearing. This is detailed in Sec. 17-56. Notice should be given by telephone if feasible. Regardless, written notification must be sent to the last known address. All details of notification are included by reference in the statute from §20-219.11.

In the case that the vehicles owner cannot be determined through a valid registration plate or vehicle identification number, the City shall make a reasonable effort in determining the last known-registered owner and to notify the owner. Sec. 17-56 (c) further states that it is not presumed that reasonable effort was made unless the vehicle was posted with notice of the towing at least 7 days before the

towing occurs. If there is an eminent risk to public health or safety the vehicle can be removed without waiting the 7 days.

Finding: Vehicle owners must be notified of the towing within 24 hours if registered in North Carolina and within 72 hours if registered in another state. The notification should be by phone if possible, but a written notice must also be mailed. If the owner cannot be determined then the vehicle must be posted with a notice of towing at least 7 days before the towing occurs.

The owner of the vehicle is entitled to a hearing under Sec. 17-57 to determine if there was probable cause for the tow. The owner must request a hearing in writing to determine if probable cause existed for the towing. The hearing shall be set within 72 hours of receiving the request. Any person feeling the City appeal is unjust may appeal the finding of the inspector to superior court.

Sec. 17-55.1: Penalties

City code specifies civil penalties for violations of this ordinance. Violators will be subject to a penalty of \$25 for the first violation, \$50 for the second, \$100 for the third, and \$200 for the fourth and each subsequent violation. All penalties are to be restorative and presumed to provide sufficient restoration to the City for its costs.

Finding: Penalties for junk and abandoned motor vehicle cases are restorative and are levied on a graduated scale (e.g. \$25 for the first violation, \$50 for the second violation, etc.).

Minimum Housing

Minimum housing enforcement is the most specifically defined by state statute. In other words, there is less room for interpretation compared to the other code compliance areas (junk and abandon vehicles, and zoning enforcement). However, there are a few issues left to the discretion of cities. These areas that influence the procedures of minimum housing outside state statutes come from the following: local legislation passed by the General Assembly, City Charter, and City Code.

Greensboro's authority to enforce minimum housing standards is mostly derived from state statutes §160A-441 through §160A-450, also known as Part 6 Minimum Housing Standards. These statutes outline the police power, authority to inspect, power to order repairs and closings, power to order demolitions, service of orders, authority to establish a Housing Board, and several other topics essentials to minimum housing standards. Greensboro's regulations related to minimum housing are contained within Chapter 11 of the Greensboro Code of ordinances, also referred to as the Minimum Housing Code. Greensboro also has special legislation related to minimum housing establishing the Minimum Housing Standards Commission within the City Charter, Chapter V, Sec. 5.74. Specific rules and policies are also outlined within the Manual on Greensboro Minimum Housing Standards Commission.

For the vast majority of the Greensboro Housing Code, state statute is followed nearly verbatim. Outlined below are areas of the code that allow for discretion by the City and areas most pertinent to the overall minimum housing process.

§160A-443 (1): Designation of the Public Officer

This section of the general statutes calls on the City to adopt a series of provisions relating to the enforcement of the Minimum Housing Code ordinance. The first provision calls for the designation of a

public officer to exercise the powers prescribed by the adopted ordinance. In Sec. 11-31 (a), Greensboro's code designates the superintendent of building inspections as this public officer.

Finding: Greensboro's code designates the superintendent of public buildings, also the director of the Engineering & Inspections Department, as the public officer for the enforcement of the Minimum Housing Code.

§160A-443 (3) a. & b.: Order of Public Officers

The statute gives municipalities wide latitude with regard to the period time allowed to conform with an order for repair or demolition with frequent references to "within a reasonable time". Greensboro's code outlines more specific time periods. Sec. 11-39 (b) of the Greensboro Minimum Housing Code states that inspectors can decide on a reasonable time for repair anywhere from 30 to 270 days using 30 day extensions.

This section further specifies that if the inspector finds that substantial compliance is being made or a contract for repair is entered in by the owner, an extension not exceeding 90 days may be given. All repair periods and extensions by the inspector are limited to a total of 270 days.

Finding: Greensboro's code is more specific about the amount of extensions and total time of extensions than state statute. The time period to comply with an order is between 30 and 270 days. It allows the inspector to determine what a reasonable amount of time is. The inspector has the option to grant 30 day extensions up to 270 days and cannot give any further extension over 270 days in total before it is sent to the Minimum Housing Standards Commission.

In Sec. 11-10 of the City Code it allows an inspector to determine that a residential building is unfit for human habitation when one of the violations in Sec. 11-10 (a) (1)-(9) has been violated (these are known as major violations) and when five or more minimum violations (these are known as minor violations) are found [outlined in section Sec 11-10(b)]. The City has adopted the minimum standards for minor violations stated in the International Property Maintenance Code (IPMC). Section 11-56 of the City of Greensboro Code states that any change to the IPMC automatically becomes a part of the City Code.

Finding: The City has adopted the minimum standards for minor violations stated in the International Property Maintenance Code (IPMC). Section 11-56 of the City of Greensboro Code states that any change to the IPMC automatically becomes a part of the City Code.

§160A-443 (3) a. & b.: Reasonable Cost for Repairs

These sections of the statute also state that if repairs can be made at a "reasonable cost" an order to repair can be given. If the cost of repair is not "reasonable" then an order to remove or demolish can be given. The statute gives municipalities the discretion to fix a certain percentage of the current value of the property to determine reasonability. The City of Greensboro has local legislation that allows the Minimum Housing Standards Commission to demolish a house no matter the percent value of the repairs.

Finding: Greensboro's local legislation allows the Minimum Housing Standards Commission to demolish a house no matter the percent value of the repairs.

§160A-445: Service of Complaints, Agents for Rental Property, Use of Lis Pendens

State statute is very specific about the manner in which service is to be handled for any order given under the Minimum Housing Code. Orders may be served either personally or by registered or certified mail. When service is by registered or certified mail, the complaint may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but regular mail is not returned within 10 days. If regular mail is used then the property must be posted.

The statute goes further under part (a1) stating that if the identities or whereabouts of any owners cannot be ascertained by the public officer after “reasonable diligence”, or if the owners are known but have refused service, service can be made through the publication in a newspaper having general circulation in the city, at least once, and the publication should last at least the same amount of days that it allows for response from a notification letter. Notice through publication also requires that the property be posted.

Sec. 11-35 (a) of the Greensboro code mirrors the service provisions in the statute. The last section of part (a) also provides more specific provisions related to owners of rental property within the City. This section requires that each owner of rental property in the City shall authorize an agent for the purpose of receiving service for such orders. Also, it is the responsibility of the owner to inform the City of changes to the agent information within ten days of the change. Currently, the City of Greensboro is not enforcing this part of the code.

Finding: Owners of rental property within the City are required to have an agent on record for the purpose of receiving notices of orders. The property owner is responsible for updating agent information as necessary. Currently, the City of Greensboro is not enforcing this part of the code.

The use of lis pendens is also outlined within this section of the Greensboro code. Lis pendens is a formal notice of pending legal action. This notice would inform any interested party of pending actions related to code violations. Under Sec. 11-35 (b) and (c) the codes states that once a complaint or order has been made, a copy of the order may be filed with the Clerk of Superior Court in Guilford County. The copy of the order shall include the name of the entity where the order is pending, the names of the parties to the action, the nature of the action, and a description of the property. The notice of lis pendens will remain in force until all violations are remedied and the costs of the action are reimbursed to the City.

The Greensboro code also specifies under Sec. 11-36 that the owner of a property under order must provide a true copy of the order when selling or transferring the property. Any transferee that receives notice of the order is bound by that order.

Finding: The use of lis pendens is given as a specific option of notification for any successors of the property under Sec. 11-36 of Greensboro’s code. Further, it shall be unlawful for the owner of a building under order to sell, transfer, mortgage, lease, etc. the property without providing a copy of the order to the transferee.

Penalties for Violations

Section 11-42 of the Greensboro code establishes the penalties for violation of the housing code. It specifies that each violation is a class 3 misdemeanor, punishable by a fine up to \$500 or imprisonment up to 20 days. Under 11-42 (b) violators are also subject to civil penalty of \$200 for the first violation and

\$75 each day the violation is not corrected. These penalties are restorative, and intended to provide compensation to cover costs related to the minimum housing enforcement function of the City.

Finding: Under Sec. 11-42, Greensboro has the authority to assess civil penalties in the amount of \$200 for each violation and \$75 for each day the violation is not corrected after the owner is serviced and a decision has been finalized.

§160A-446: Remedies, Board of Appeals, Extensions

Part (a) of this section provides cities with the authority to establish a housing appeals board or appeals may be heard by a city's board of adjustment. It further states, in part (b) that if created, the appeals board shall consist of 5 members to serve three year staggered terms. Part (b) also allows the board to establish such rules as necessary to discharge its duties. Part (c) of this section specifies that appeals of orders must be made within 10 days, and further details that orders are stayed during this appeal unless the charge presents imminent peril. The remainder of §160A-446 states that the appeals board shall fix a reasonable time for hearing appeals and rendering its decision. Further, all decisions by the appeals board are subject to petition to superior court within 15 days.

Greensboro's code establishes the Minimum Housing Standards Commission for the purposes of review and appeal under Sec. 11-46 through Sec. 11-50. Greensboro has also received special legislation outlined in the Charter, Chapter V, Sec. 5.74 establishing the size of the board as seven members instead of 5 as prescribed in §160A-446 (b). The code and charter give the commission the same authority as that of a housing inspector.

Finding: The Minimum Housing Standards Commission is afforded all of the same authority and powers granted to the inspector through related statutes and ordinances.

Within the provisions of the statute, code and charter, it is stated that the board shall fix a reasonable time for hearing the appeal and a reasonable time for rendering their decision. These reasonable times, among other parliamentary procedures, are outlined in the Manual on Greensboro Minimum Housing Standards Commission, Part VI. All inspector decisions that affect the property of an owner in violation automatically go to the Greensboro Minimum Housing Commission. The Commission rulings on appeals are made after voting on the findings of fact. A vote of at least four members is required to overrule or modify the order of the inspector, as outlined by Sec. 11-50. Although not expressly stated, it can be inferred that finding of facts and the decision on the appeal both take place at the same appeal hearing.

Finding: The reasonable time for requesting appeals from the Minimum Housing Standards Commission and for the Commission to render decisions on appeals is established within the Commission's rules. All inspector decisions that affect the property of an owner in violation automatically go to the Minimum Housing Commission. After findings of fact are made by the Commission, decisions on the appeal are made.

Section 5.74 (d) of the City Charter gives the Minimum Housing Standards Commission an undefined amount of extensions it may give a property owner. The Charter says the following, "The commission shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done. "

Finding: The Greensboro City Charter Sec. 5.74 gives an undefined amount of extensions the Minimum Housing Standards Commission can give a property owner.

Nuisances (Lot Cleanup)

The authority for cities to enforce and remedy ordinances related to nuisances are outlined in the general statutes §160A-174, and §160A -193. The entirety of the nuisance abatement authority is derived from these statutes. Neither statute defines what a nuisance is or what notice is required to be given before the nuisance is abated by the City. The cost of abatement can be charged as a lien on the property. Unpaid liens are to be treated the same as unpaid ad valorem taxes.

Greensboro's Definition of a Public Nuisance is in the City Code Section 17-1

Section 17-1 of the Greensboro Code specifies these public health nuisances in part (a) (1) – (8). Included in this list is any breeding ground for pests, dense growth of weeds or noxious vegetation exceeding 12 inches, a concentration of combustible items, collection of garbage, hides, dangerous structures or furniture, and many other items. The City of Greensboro has defined what health nuisances are within its City limits by powers vested in it by the State of North Carolina.

Finding: Greensboro code defines lots with vegetation exceeding 12 inches to be a nuisance.

Sec. 17-2 and 17-3: Notice and Service of Notice

Notice of abatement is detailed in Sec. 17-2, and states that nuisances shall be abated within 10 days from the date the notice is provided. Further, if in the opinion of the City official the condition provides an imminent threat to public health or safety it can be immediately removed without notice.

Finding: Sec. 17-2 states that nuisances shall be abated within 10 days of notice.

Sec. 17-3 details the service of notice. Property owners shall be notified of the violation by personal delivery or by registered or certified mail. If the notice is refused or returned unclaimed, then the property can be posted with the notice. If the name of the owner cannot be determined then any person in possession of the property may be served personally. Sec. 17-4 goes further to state that any defect in notice does not affect the ability to put the cost of abatement as a lien.

Finding: City code specifies the terms of notice in Sec.17-3. Notice may be made personally or by registered or certified mail. If the notice is returned or refused the notice may be served by posting the property. Any defect in notice does not affect the ability to put the cost of abatement as a lien.

In Sec. 17-5 it is stated that if the owner fails to abate then the City may abate the condition. Further, in Sec. 17-5 (b) once abated the City official shall deliver to the tax collector a statement of the cost of the abatement plus an administrative fee of 10% of the cost to abate, with a minimum of \$100. If there is a subsequent violation with 12 months the minimum administrative fee is \$500. The tax collector shall mail the invoice to the property owner and give them 30 days to pay. If the lien is not paid within 30 days then it is collected in the same manner as delinquent taxes.

Finding: The cost for abatement shall be a lien against the property plus an administrative fee of 10% with a minimum of \$100. If there is a subsequent violation by the same owner at the same location the minimum administrative fee is \$500.

Sec. 17-6: Appeals

Within 10 days of the notice of violation, the property owner may appeal the findings of the City official to City Council by giving written notice. Once appealed the abatement is stayed until the council makes a final determination. If there is no appeal the finding of the City official is final.

Finding: Appeals of the City official's findings must be made in writing to the director of the Engineering and Inspections Department within 10 days of the notice of violation. Appeals are heard and determined by the city council.

Zoning Enforcement

Municipalities are authorized to develop and enforce certain zoning regulations by state statute under NCGS §160A-381. Under this section of the statutes cities are granted the power to adopt zoning and development regulations to promote health, safety, morals, and the general welfare of the community. These powers are described in general within the statutes. Zoning and its enforcement powers are codified in detail within the Land Development Ordinance, Chapter 30 of Greensboro's Code. Violations, inspections, enforcement, remedies and assessments are covered in detail in Sec. 30-5 of the Greensboro Code of Ordinances.

Sec. 30-5-3: Enforcement

Provisions governing the enforcement of these provisions are laid out in Sec. 30-5-3. The code calls for the owner and occupant to remedy the violation at the earliest reasonable date. If the owner or occupant fails to take prompt actions, the investigator must notify the property owner as described in Sec. 30-5-3.1. The investigator must give the owner or occupant written notice of the violation by certified or registered mail, to the violator's last known address, by personal service, or by posting notice on the property.

Finding: If corrective action is not taken quickly, as determined by the investigator, a Notice of Violation must be delivered personally, sent to the violator's last known address by certified or registered mail, or posted on the property.

According to Sec. 30-5-3.2 appeal of this notice of violation may be appealed by the owner or occupant in writing to the Board of Adjustment (or other designated board) within 15 days. The Board of Adjustment must hear the violation within a reasonable time. The Board of Adjustment may affirm, modify, or revoke the notice of violation. Similar to the code on minimum housing standards it is up to the Board of Adjustment to establish what a reasonable time for hearing an appeal is (within the rules of the Board). Any notice not appealed within 15 days is final. The decision of the Board of Adjustment on the appeal must also be delivered to the aggrieved party personally or by registered or certified mail.

Sec. 30-5-5: Civil Penalties

Any person who violates this ordinance may be held responsible for the violation and subject to the penalties and remedies detailed in the ordinance. Under Sec. 30-5-5.2 civil penalties cannot be assessed until after the alleged offender is served notice in accordance with the ordinance. A civil penalty may be imposed in the form of a citation. Citations shall be served in the same manner as a notice of violation. If the violation is not corrected, each day serves as an additional and separate violation under Sec. 30-5-5.3. The penalties for violations are described under Sec. 30-5-5.4 and range from a general penalty of

\$50 for the first violation, \$100 for the second, \$200 for the third and \$500 for the fourth and each subsequent violation. More specific penalties are detailed by type of violation under Sec. 30-5-5.4 (A) through (C).

Finding: Citations informing the offender of the violation are to be served in the same manner as the notice of violation. Each day a violation is not corrected is a separate and additional violation.

Code Compliance Process Comparison

In the Code Compliance Division there are four main areas of focus, which includes junk and abandoned vehicles, housing, nuisances (lot cleanup), and zoning enforcement. Each area follows different procedures in a process that either ends with a code violation coming into compliance or with the removal of the violating object(s) from its location (Please see Appendix A for each step of the different code compliance areas without the findings).

This section will describe each of the four processes followed by the City of Greensboro's Code Compliance Division. In addition, this section will show findings that point to the differences between Greensboro's processes and the processes of the benchmark cities that were visited (Charlotte, Durham, Raleigh, Salisbury, and Winston-Salem). If a benchmark city follows the same procedures or time periods as Greensboro then it was left out of the findings below. This section's objective is to show the differences in processes the City's Code Compliance Division follows compared to its benchmark cities.

Junk/Abandoned Motor Vehicles

The following are the procedures that the City of Greensboro's Code Compliance Division follows to complete a noncompliant case. Be aware that at anytime through the process a case in violation can come into compliance and once in compliance the case is closed. The Code Compliance Division conducts evaluations of vehicles that are on public and private property and are nuisances or abandoned.

In the following comparisons with the benchmark cities on Junk/Abandoned Motor Vehicles, the City of Greensboro generally followed many of the same time frames. However, the following findings will show a few procedures that the City of Greensboro differs with the benchmark cities.

Finding: Not all the benchmark cities' code compliance divisions have responsibility for vehicles on public property.

The City of Raleigh and the City of Salisbury code compliance divisions do not have responsibility for vehicles that park in public parking places. Their police departments have responsible for this duty.

- **Step 1** – Complaint is received by administrative staff in the Code Compliance Division area, in the municipal building, or an inspector finds a vehicle in noncompliance through their own initiative.
- **Step 2** – The administrative staff taking the complaint call or the inspector in the field determine if the vehicle is on public or private property.

Vehicle Found on Private Property (with permission of property owner)

- **Step 3** – Vehicle is tagged immediately for noncompliance and the right to an appeal hearing. The individual has 10 days to appeal the violation.

Finding: Three benchmark cities have a different time period for an appeal compared to the City of Greensboro.

The cities of Durham, Raleigh, and Salisbury have a different time period in which individuals can appeal a case. The City of Durham gives 7 days for an appeal, while Raleigh gives 10 days and Salisbury gives 15 days.

- **Step 4** – Appeal hearing is set up 7 days from the confirmation of the citizen making an appeal request. The citizen appeals their case to the inspector who ticketed their vehicle.

Finding: Three cities have appeals for vehicles found on private property that go to an individual or board outside of their code compliance division.

The cities of Raleigh, Salisbury, and Winston-Salem vehicle cases are appealed to entities outside their code compliance division. The City of Raleigh vehicle cases go to the administrator of the Housing Division and then to city council, the City of Salisbury vehicle cases go to the Zoning Board, and the City of Winston-Salem vehicle cases go to the City Attorney's Office.

- **Step 5** – At the expiration of the appeal time or following the appeal hearing where the vehicle owner has been determined to still be in violation, the inspector reinspects the vehicle within 24 hours. If the vehicle's owner has only been identified/found at this time they are given 7 days to come into compliance.
- **Step 6** – Within 2 days of the reinspection the vehicle is towed by a private contractor to a contracted lot. From this point, the contractor handles the process with the owner of the vehicle. The inspector then closes out the case.

Finding: Two benchmark cities have different turnaround times from the reinspection to when a vehicle is towed on private property.

Durham tows vehicles the day after the appeal time has expired or the day after the appeal hearing. Charlotte has a 5 day turnaround on towing.

Finding: One benchmark city, which contracts with a lot operator, makes vehicle owners pay a fee to the city before they can claim their vehicle.

The City of Charlotte makes vehicle owners pay a fee with the city before they can claim their vehicle at a private tow lot.

Finding: One benchmark city operates its own car lot where towed cars are kept.

The City of Winston-Salem owns a lot where cars are towed and kept while waiting for their owner(s) to claim them.

Junk/Abandoned Vehicles on Private Property	Highlighted Steps	
	Step -3 - Time to Appeal a Violation	Step - 6 - Turnaround Time on Towing
Charlotte	10 days	5 days
Durham	7 days	1 day
Raleigh	10 days	2 days
Salisbury	15 days	2 days
Winston-Salem	10 days	2 days
Greensboro	10 days	2 days

Vehicle Found on Public Property

- **Step 3** – Vehicle is tagged immediately for compliance and the right to an appeal hearing. The individual has 7 days to appeal the violation.
- **Step 4** – Appeal hearing is set up 7 days from the confirmation of the citizen making an appeal request. The citizen appeals their case to the inspector who ticketed their vehicle.

Finding: Vehicle cases on public property are appealed to the city Attorney’s Office in Winston-Salem.

- **Step 5** – Following the appeal hearing, where the vehicle owner has been determined to still be in violation, the inspector reinspects the vehicle within 1 day of the appeal hearing.
- **Step 6** – Within 1 day of the reinspection the vehicle is towed by a private contractor to a contracted lot. From this point, the contractor handles the process with the owner of the vehicle. The inspector then closes out the case.

Finding: One benchmark city, which contracts with a lot operator, makes vehicle owners pay a fee to the city before they can claim their vehicle.

The City of Charlotte makes vehicle owners pay a fee to the city before they can claim their vehicle at the private tow lot.

Finding: One benchmark city operates its own car lot where towed cars are kept.

The City of Winston-Salem owns a lot where cars are towed and kept while waiting for their owner to claim them.

Minimum Housing

The following are the procedures that the City of Greensboro’s Code Compliance Division follows to complete a noncompliant housing case. Be aware that at anytime through the process a case in violation can come into compliance and once in compliance the case is closed. The Code Compliance Division completes evaluations of housing cases that are lived in by the house’s owner or renters.

In the following comparisons with the benchmark cities, the City of Greensboro alters its procedures to be more cautious when it comes to notifying all owners of a property and checking and rechecking the steps that have occurred in comparison to all the benchmark cities. In addition, the City of Greensboro gives its inspectors more opportunities to give extensions compared to a majority of the benchmark cities.

- **Step 1** – Complaint is received by administrative staff in the Code Compliance Division area in the municipal building, inspection petition letter is received or an inspector finds a site in noncompliance through their own initiative.
- **Step 2** –An inspector makes an appointment to see the house within one day of the complaint being made.
- **Step 3** – The inspector inspects the dwelling within 5 days of the day of the complaint. A house is noncompliant if it has one major violation or 6 or more minor violations.

Finding: All other benchmark cities take a photo of the property the first time they visit it.

The City of Greensboro waits to take a picture of the site until much later in the process. The City inspectors take a photo after visiting a site later in the process to verify if the violation has come into compliance.

Finding: The City of Greensboro has a higher threshold to declare a house in noncompliance compared to most of the benchmark cities.

The cities of Charlotte, Durham, Salisbury, and Raleigh find just one minor violation to be enough for a case to be in noncompliance. The City of Winston-Salem only sends a letter to a property owner if they have less than six minor violations and then they close out the case.

- **Step 4** – A notice of a hearing is sent by certified mail to the owner on the property tax records. On average it takes two to three weeks to accomplish this task, which includes notification that the owner received the letter.

Finding: Three benchmark cities notify their property owners with certified mail, first class mail, and by posting the property.

The cities of Charlotte, Raleigh, and Winston-Salem notify their property owners three different ways – certified mail, first class mail, and posting the property. Charlotte will also utilize personal delivery and advertisement when needed.

Finding: Benchmark cities have different time frames it gives owners to respond to a notice of a hearing.

Both Charlotte and Raleigh give their property owners around 30 days to respond while the City of Salisbury gives 20 days for individuals that live in the area and 30 days for individuals that live outside the area. The City of Winston-Salem gives their property owners from 10 to 30 days from the service date of the notice. In Winston-Salem posting occurs in conjunction with first class delivery and the service date is 10 days from the mailing but their preferred method is a certified mail return receipt.

- **Step 5** – In addition to sending a letter to the individual on the property tax records, the Legal Department does a full title search to see if there are any additional owners of the property. If any additional owners are found then a certified letter is sent to them. The full title search averages 30 days and the wait for the notification that all the owners received the letter can vary.

Finding: Three benchmark cities do not require that all owners of a property give notice back that they have received a certified letter before they move forward in the process.

The City of Charlotte moves forward after only one owner has given notice that he/she has received a certified letter; however, it still attempts to contact owners through first class mail and posting the property while moving forward. The City of Salisbury notifies the public through a paper advertisement if all owners do not give notice of receiving the certified letter. The City of Winston-Salem sends the notices of hearing and repair orders by certified mail and by first class mail in conjunction with posting. If service is not achieved to all the owners through either method and an address cannot be determined by reasonable due diligence, the city publishes the information in a newspaper of general circulation in the county.

Each city moves forward in the process to bring a house into compliance. If it becomes apparent that the owner in communication with the city will not comply then before moving forward, with an order or official appeal, multiple forms of communication are used to notify all the owners of the property.

Finding - Two cities conduct full title searches only for demolition cases and cases with special circumstances.

The City of Durham does not conduct a full title search on cases until they have come to the point of a possible demolition. The City of Charlotte does full property searches for the following situations: demolitions, properties posted for sale, open or vacant properties, and cases going before the Environmental Court.

The City of Greensboro conducts full title searches for all cases as a way to make sure it contacts all the property owners no matter the situation.

Finding: The City of Greensboro is the only benchmark city that takes 30 days to complete a full title search.

The City of Charlotte takes around 2 weeks and Durham 10 days to complete a full title search. The cities of Salisbury and Raleigh take two to five days to complete a search. The City of Winston-Salem takes 2 to 3 weeks due to the volume of housing cases and other assigned duties.

Two possible reasons were identified why the City of Greensboro takes more time than the benchmark cities for full title searches. One, anecdotally, benchmark city staff said the City of Greensboro seems to be conducting more full title searches than them. Two, a majority of the other cities have staff outside of their legal departments conducting searches.

- **Step 6** – A meeting is set 15 to 30 days after the initial inspection or after all the owners have been notified to see if the repairs have been made.

Finding: Due to equity issues, one benchmark city makes sure all initial appeals are seen by the code compliance supervisor.

At the initial appeals hearing, the City of Winston-Salem makes sure the property owners meet with the code compliance supervisor. The meeting with the supervisor, instead of with the inspector, allows for quality control according to the City of Winston-Salem -- each property owner and appeal is treated the same.

- **Step 7** – If repairs have not been completed in 30 days a repair or demolish order is sent to the owners.

Finding: Benchmark cities have different time frames for repairs to be made before an order to repair or demolish is sent.

The cities of Durham and Raleigh provide distinctions between properties that will be demolished if not repaired and all other properties (usually properties that need to just be repaired). The City of Durham gives houses that have the chance of being demolished 60 days to make repairs and 30 days to all other properties. The City of Raleigh gives property owners of houses that have the chance of being demolished 90 days to make repairs and 20 days to all other properties. The City of Salisbury gives different time frames for major and minor repairs. The city gives property owners with major repairs only 30 days (e.g. due to safety and health reasons) and property owners with minor repairs 90 days to fix the problems.

- **Step 8** – Within 30 days of the repair or demolish order, an inspection is conducted to see if repairs were made. If repairs were not made the inspector recommends this case to the Minimum Housing Standards Commission. However, the inspector has the prerogative to give the owners 30 day extensions, up to 270 days in total, if progress is being made.

Finding: A majority of the benchmark cities do not allow their inspectors the latitude to give as many days of extensions as the City of Greensboro.

The City of Raleigh gives its inspectors the ability to give an extension of 20 days. The cities of Durham and Salisbury allow their inspectors to give an extension of 30 days. The City of Winston-Salem does not give inspectors the ability to give extensions and only gives this ability to its department director.

- **Step 9** – The Code Compliance Division issues a Letter of Condemnation that gives the tenants in the property 30 days to vacate if the repairs from step 8 are not completed.

Finding: The City of Durham differs from the other benchmark cities in the amount of time it gives tenants to vacate a property.

The City of Durham does not give a tenant 30 days to move out. The City of Durham gives a date of condemnation and it lets the owner and the tenant work out the date in which they will move.

- **Step 10** – The Legal Department reviews the case for due diligence. If the process has taken a substantial period of time then a new full title search is made. If new owners are found then the process needs to start over at Step 5.

Finding: The City of Greensboro is the only benchmark city that conducts multiple title searches.

All the benchmark cities do a lis pendens early in the housing process. The lis pendens allows for any new or current owner to know any liens, levies, or procedures taken out on their property. In other words, with this procedure any new property owner or current property owner should know of any action pending on their property. Due to the lis pendens, the benchmark cities said they do not conduct multiple title searches.

- **Step 11** – The case goes to the Minimum Housing Standards Commission. The commission has an undetermined amount of extensions it can give. The commission has the ability to have a structure demolished.

Finding: Each city has a different appeals process that at times can involve more than one board, committee, or council. In addition, many cities have their city council make the final decision on demolition cases.

The cities of Raleigh and Winston-Salem have all appeals go to the city council or a subcommittee that is comprised of city council members. In both locations, the city council makes the final decision before a final action is taken. In Charlotte, a case can be appealed to the Housing Appeals Board within 10 days of receiving an order. After the appeal, the final decision involving a possible demolition is presented to the Charlotte City Council and repair cases go to the city’s Environmental Court. The City of Durham has two locations for appeals. Repair appeals go to the Community Life Board and demolition appeals go to the Housing Appeal Board. In Salisbury, appeals go to the Zoning Board and final rulings are made by the city council.

Both in Charlotte (with the Environmental Court) and Durham (with the Community Life Board), the cities give boards/courts the ability to fine individuals. Lastly, information on how many extensions each council, sub-committee, board, and court can give was not obtained. Further time will be needed to collect this information.

- **Step 12** – If the commission decides to demolish a property, staff records a lien against the property for the cost of the demolition (in the Guilford County Courthouse). This process is completed three days after the Minimum Housing Standards Commission meeting.
- **Step 13** – An inspector reinspects the property within 90 days of the commission meeting to see if the property has been brought into compliance.

Finding: The cities of Charlotte, Durham, and Salisbury give less time than Greensboro or no additional time to property owners after their council or board gives the final determination.

The City of Charlotte gives property owners no additional time after the council votes. The city of Durham and Salisbury give their property owners 30 and 14 days more before the final action is taken.

- **Step 14** – The Legal Department reviews the case and advises to proceed with the demolition. This happens after the reinspection in Step 13.

Finding: The City of Greensboro is the only benchmark city that proceeds with a last review from its Legal Department.

A majority of the benchmark cities commented that once the process has gone this far either there was no need for a final review because a final decision had been made or that their legal department had already checked the information. Also, many departments had quality control procedures in place when it came to reviewing demolition cases. For example, the City of Charlotte has an employee inside the Code Compliance Division that makes sure that all legal/ordinance procedures are followed before a vote on a demolition occurs.

- **Step 15** – The property is inspected for asbestos. This task takes up to 30 days after the Legal Department has advised to proceed with the demolition.

- **Step 16** – The bids for the demolition are awarded to the lowest bidder within 30 days of the asbestos inspection.
- **Step 17** – The demolition is completed within 30 days.
- **Step 18** – An inspector verifies if the structure has been demolished one day after the contractor scheduled date. Following the verification, the inspector closes out the case.

Minimum Housing	Highlighted Steps					
	Step -4 - Response to Notice of a Hearing	Step 5 - All Owners Give Notice of Certified Mail before City Moves Forward	Step - 5- Conduct Full Title Searches of All Cases	Step - 5 - Time for a Full Title Search	Step - 8 - Max Extensions Inspectors Allowed to Give	Step - 10 - Complete Multiple Full Title Searches
Charlotte	30 days	No	No	14 days	360 days	No
Durham	14 to 21 days	Yes	No	10 days	30 days	No
Raleigh	30 days	Yes	Yes	2 to 5 days	20 days	No
Salisbury	20 days	No	Yes	2 to 5 days	30 days	No
Winston-Salem	10 to 30 days	No	Yes	14 to 21 days	0 days	No
Greensboro	14 to 21 days	Yes	Yes	30 days	270 days	Yes

Nuisances - Lot Cleanup

The following are the procedures that the City of Greensboro’s Code Compliance Division follows to complete a noncompliant nuisance case (from this point forward nuisance cases will be called lot cleanup cases to distinguish it from junk and abandon vehicle cases, which at times are referred to as nuisance cases). Be aware that at anytime through the process a case in violation can come into compliance and once in compliance the case is closed. The Code Compliance Division provides evaluation of lots and residential properties in this process.

In the following lot cleanup comparisons with the benchmark cities, the City of Greensboro generally followed many of the same time frames as the benchmark cities. However, the following findings will show a few administrative procedures and one appeal time frame that cause the City of Greensboro’s process to be longer than the other benchmark cities.

- **Step 1** – Complaint is received by administrative staff in the Code Compliance Division area in the municipal building or an inspector finds a site in noncompliance through their own initiative.
- **Step 2** –An inspector inspects the lot within 2 days of the violation being reported.

Finding: All the benchmark cities take a photo of the property the first time they visit it. Greensboro does not.

The City of Greensboro waits to take a picture of the site until much later in the process. The City takes a photo before the site is cleaned by a contractor. The benchmark cities have their inspectors take a photo at their first visit to record the original state of the violation.

- **Step 3** – A Notice of Violation (NOV) is written and mailed to the homeowner on the tax record by certified mail, first class mail, and a notice is posted on the property. The posting on the property is completed immediately after the violation has been seen.

Finding: The City of Greensboro is the only benchmark city that will send out certified mail no matter the situation.

The City of Raleigh does a property search and sends out certified mail further down in the process and only if the estimated clean up costs are \$500 or above. None of the other benchmark cities send certified mail. All the other cities send a first class letter to the person on the tax record and/or post the property.

- **Step 4** – Inspector reinspects the property within 15 days to see if violations have been corrected.

Finding: Most benchmark cities allow property owners less days to comply from the time the letter leaves the division.

The cities of Charlotte, Durham, and Raleigh allow 10 days and Winston-Salem allows 9 days.

- **Step 5** – The Property Management Division does a full title search to see if there are any additional owners of the property. If any additional owners are found then a certified letter is sent to them. The full title search and the wait for notification that all the owners of the property received the letter takes 19 days.

Finding: The City of Greensboro is the only benchmark city that does an additional property search in the process.

Many of the cities believe that sending a first class letter and posting the property are sufficient to contact all of the potential owners of one property. In other words, they feel there is no need to do an additional property search to locate other owners because the due diligence has already been completed.

Again, Sec. 17-3 details the service of notice. Property owners shall be notified of the violation by personal delivery or by registered or certified mail. If the notice is refused or returned unclaimed, then the property can be posted with the notice

- **Step 6** – The inspector reinspects the property to see if the violation has been corrected. This happens 15 days after a notification letter has been sent indicating the owner received the notification.
- **Step 7** – Property violations are recorded (video camera or pictures) and a price is assigned for cleaning the lot. This usually happens one day after the reinspections.
- **Step 8** – The Code Compliance Division assigns the job to an independent contractor or a contractor that is assigned to the area. The contractor has 2 days to clean the property.

Finding: Three benchmark cities have their own department cleanup crews with one other city in the process of evaluating starting their own.

The cities of Durham, Raleigh, and Winston-Salem have their own department cleanup crews. The three cities still contract out cleanups during peak seasons. The City of Salisbury is evaluating the idea of adding a division cleanup crew.

- **Step 9** – Once completed the contractor notifies the inspector of completion and then sends the bill to the City. This usually takes 2 days after the property has been cleaned.

- **Step 10** – The inspector checks the property to make sure it has been cleaned and records the condition of the property (video camera or pictures). This usually happens within one day of the notification by the contractor. Following the verification the inspector closes out the case.

Nuisances - Lot Cleanup	Highlighted Steps		
	Step -3 - Sends Certified Mail	Step - 4 - Time to Comply after Letter Leaves Division	Step - 5 - Conduct Full Title Search
Charlotte	No	10 days	No
Durham	No	10 days	No
Raleigh	No	10 days	No
Salisbury	No	10 days	No
Winston-Salem	No	9 days	No
Greensboro	Yes	15 days	Yes

Zoning Enforcement

The following are the procedures that the City of Greensboro’s Code Compliance Division follows to complete a noncompliant zoning enforcement case. Be aware that at anytime through the process a case in violation can come into compliance and once in compliance the case is closed.

In the subsequent comparisons with the benchmark cities on Zoning Enforcement, the City of Greensboro generally followed many of the same time frames as the benchmark cities. However, a few processes of the City of Greensboro differ from the other benchmark cities.

- **Step 1** – Complaint is received by administrative staff in the Code Compliance Division area, in the municipal building, or an inspector finds a site in noncompliance through their own initiative.
- **Step 2** –An inspector inspects the area within 2 days of the violation being reported. The inspector takes a picture of the possible violation.
- **Step 3** – A Notice of Violation (NOV) is written and mailed to the property owner by certified mail, and if there is no confirmation of the certified mail then the letter is hand delivered.

Finding: Three benchmark cities have different methods in which they notify individuals that have violated a zoning code.

The cities of Charlotte (send first class mail) and Salisbury (first class mail and only posts the property if necessary due to returned mail) do not send certified letters. The City of Winston-Salem sends certified and first class mail along with posting the property.

- **Step 4** – The property owner has the chance of appealing the Notice of Violation (NOV) within 15 days of the notification letter or the day the letter was hand delivered.

Finding: The cities of Charlotte, Durham and Salisbury have different appeals times.

The following are the days the cities allow for an appeal: Charlotte 10 days, Durham 30 days, and Salisbury 7 days.

- **Step 5** – An appeal hearing can be heard by the Board of Adjustment. This process can take up to 30 to 60 days to complete due to the date of the Board of Adjustment meetings. If the appeal

is turned down the property owner has the opportunity to appeal the case to the North Carolina Superior Court. This process can take an undetermined amount of time due to the different nature of each case. Lastly, the property owner can ask for a text amendment, rezoning of the property, etc. If the property owner obtains this change then the previous violation comes into compliance.

- **Step 6** – Within two days of the final appeal, the inspector reinspects the property.
- **Step 7** – A civil penalty is written and mailed to the property owner(s) by certified mail or if the certified mail cannot be confirmed then a hand delivered letter is sent. Civil penalties are issued until the property comes into compliance. The inspector closes the case as soon as the owner comes into compliance.
- **Step 8** – If within 5 years a person reoffends on the same violation then civil fines will be issued.

Finding: Cities of Charlotte, Durham, and Salisbury either give shorter periods or do not have a time period for subsequent offences.

Charlotte gives a period of 1 year and Durham gives a period of 2 years while Salisbury does not have a time period (e.g. an individual can reoffend within a month of their last violation and they do not receive a fine. The individual will go through the process again).

Zoning Enforcement	Highlighted Steps	
	Step -4 - Days to Appeal a Hearing	Step - 8 -Time Period for Violation Due to Reoffending
Charlotte	10 days	1 year
Durham	30 days	2 years
Raleigh	15 days	5 years
Salisbury	7 days	No Time Period
Winston-Salem	15 days	5 years
Greensboro	15 days	5 years

Data Analysis Comparison

The following section of this document contains comparative data collected from North Carolina cities that have been identified as being comparable to the City of Greensboro and/or cities that are examples of providing excellent code enforcement service. The fiscal, personnel, and output information for this section was taken from Fiscal Year 2011-2012 data.

All of the data in the following section was collected by the Greensboro Budget and Evaluation Department over a three month period. The data was collected in two different methods. First, data was collected with the help of a survey that was sent to the benchmark cities. Second, data was collected with on site interviews, follow-up interviews (done by phone), and emails conducted by the Budget and Evaluation Department. Follow-up interviews and emails were sent to make every effort that the data received was accurate and matched the data that had been previously collected.

In addition, there are no universally held goals for the funding of code compliance operations. Each community must make decisions about the level of code compliance that is right for them. The following

comparative data is offered as a method for comparison on making decisions about the appropriate levels of code compliance.

The Code Compliance Division is a division of the Planning and Community Development Department. The division has thirteen fulltime employees. The division includes nine inspectors providing service for zoning enforcement, minimum housing and nuisance abatement. The division also includes two supervisors and two administrative staff

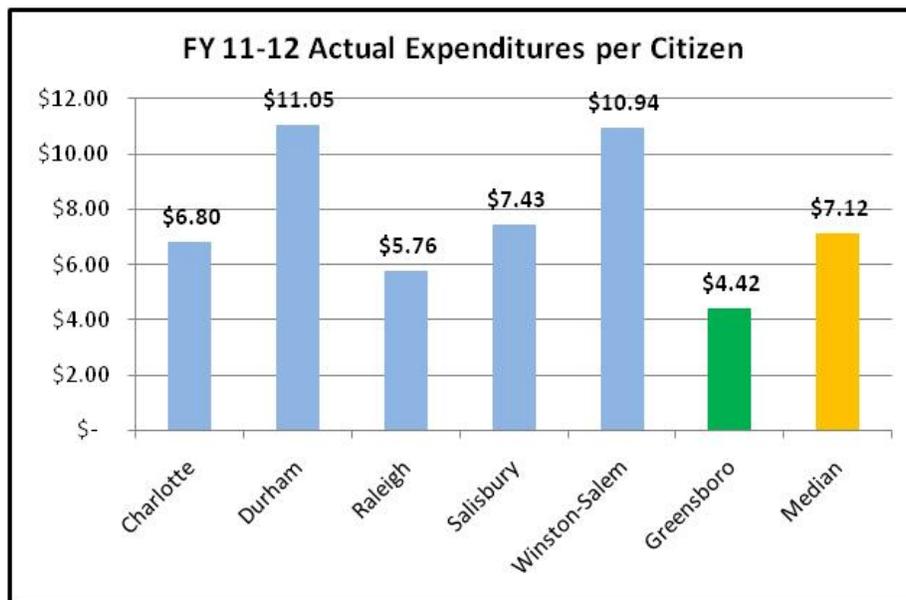
For the most part, inspectors work in their own areas of enforcement. However, during times of high demand in one area, mostly in Nuisance/Junk Motor Vehicle Compliance, inspectors will assist another area other than the one in which they work (Please see Appendix B for an organizational chart of the Code Compliance Division).

Cost Comparison

The first section will focus on cost statistics or statistics that look at the Greensboro Code Compliance Division program cost compared to the benchmark cities. The following statistics will be looked at in this section: FY 11-12 Actual Expenditures per Citizen and FY 11-12 Cost Recovery.

The first statistic used in the cost area comparison is FY 11-12 Actual Expenditures per Citizen. This statistic was used to determine how the Greensboro Code Compliance Division is funded compared to other benchmark cities. Please be aware that zoning enforcement expenditure data from the City of Durham was not sent to the Greensboro Budget and Evaluation Department. However, this information would not affect the median figure for this graph due to the fact that Durham has the highest expenditures per citizen.

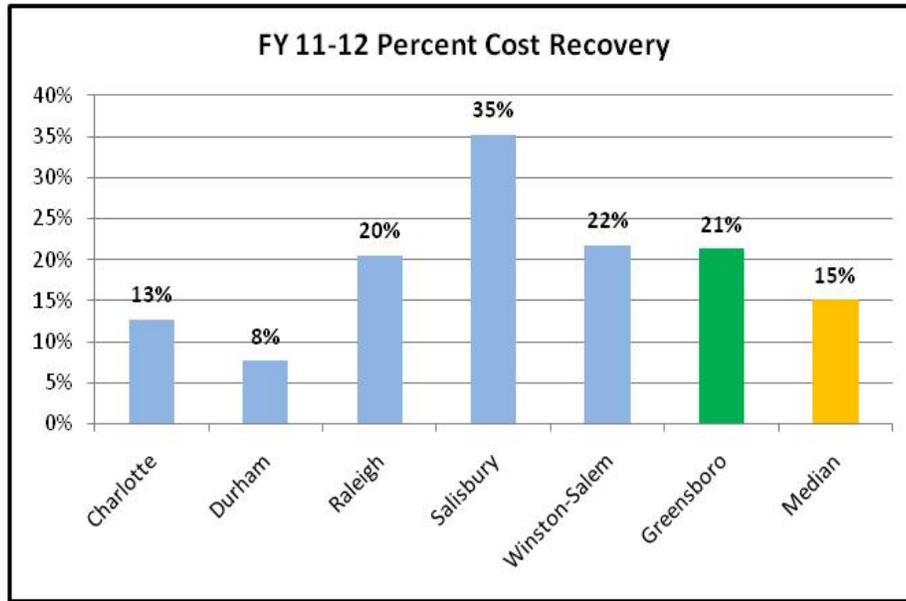
The City of Greensboro’s Code Compliance Division spends less than all of the benchmark cities and the median for the group. While the median expenditures were \$7.12 per citizen, the City of Greensboro was \$4.42 per citizen.



Finding: The City of Greensboro has the lowest expenditure per citizen when compared to its benchmark cities and the median for the whole group.

The second statistic used in the cost area is the FY 11-12 Percent Cost Recovery. This statistic was used to determine how the Code Compliance Division does in recovering costs from individuals that use its service.

Greensboro's cost recovery is above the median of the cities sampled with the median being 15% and Greensboro's being 21%. Greensboro cost recovery seems to be comparable or slightly more than most of the cities in the benchmark group.



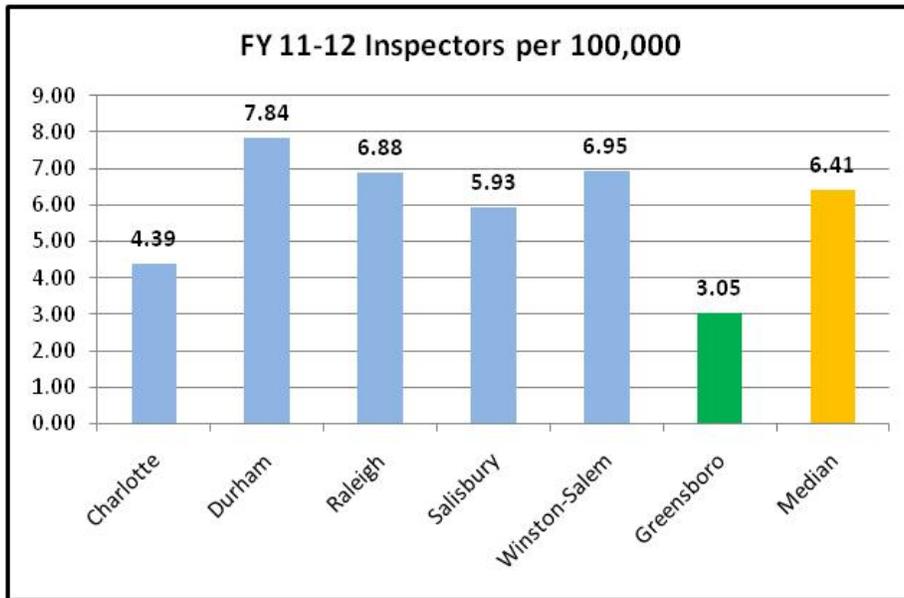
Finding: The City of Greensboro does relatively well in recovering cost when compared to its benchmark cities and the median for the whole group.

Personnel Comparison

The second section will focus on personnel statistics or statistics that look at how many personnel the Greensboro Code Compliance Division has compared to the benchmark cities. The following statistics will be looked at in this section: FY 11-12 Inspectors per 100,000, FY 11-12 Inspectors Plus Supervisors per 100,000, FY 11-12 Total Staff, and FY 11-12 Inspectors per Square Mile.

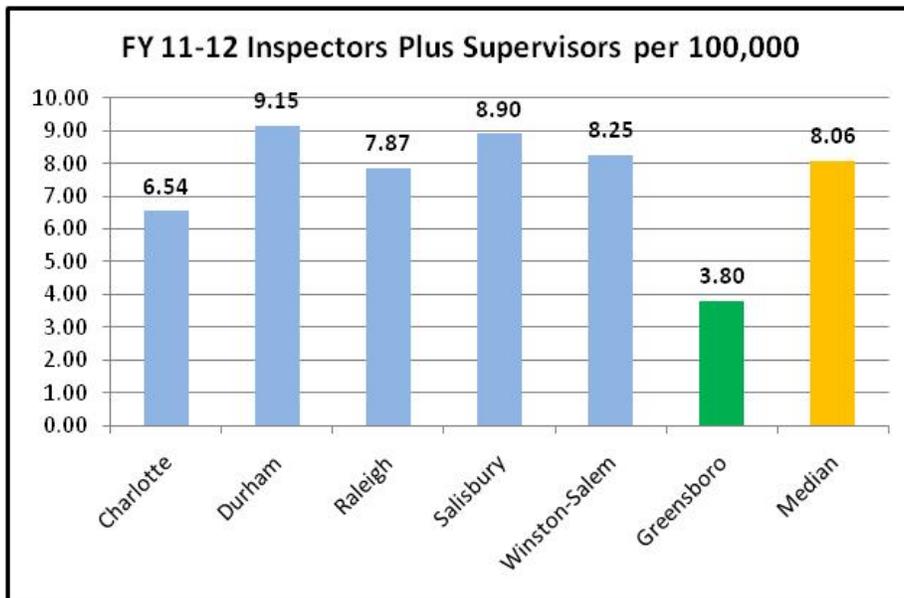
The first statistic used looks at the City of Greensboro's code compliance inspector staffing compared to its benchmark cities. The statistic per 100,000 refers to 100,000 people in a city's population, and was used to standardize the different population sizes for the benchmark cities.

The City of Greensboro's Code Compliance Division has less code compliance inspectors per 100,000 than its benchmark cities. In fact, Greensboro has less than half the amount of inspectors than the median of the benchmark group.



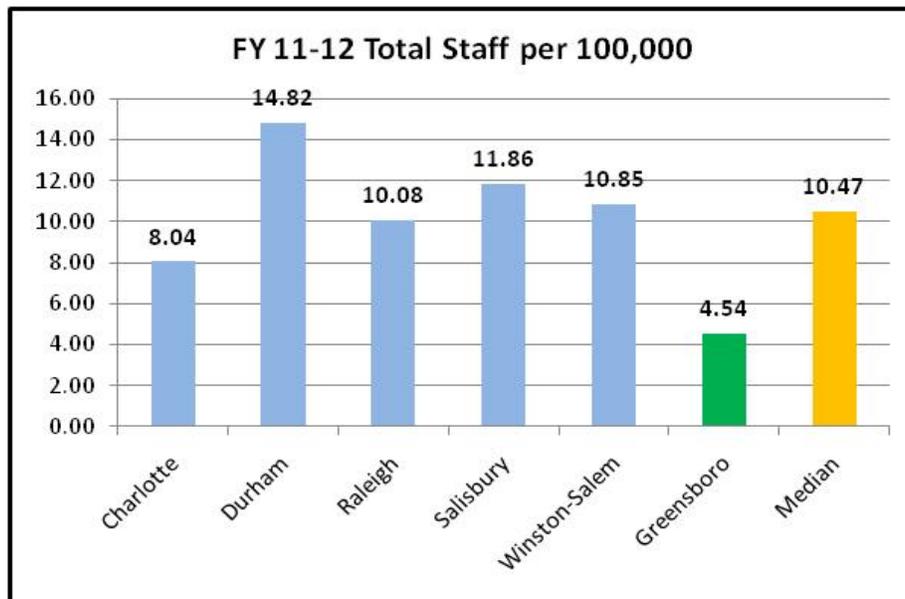
Finding: Compared to its benchmark cities and the median, the City of Greensboro has fewer inspectors per 100,000 in population.

When inspectors and supervisors are combined, the City of Greensboro remains last in employees per 100,000. Supervisors were added to inspectors on this graph to show what kind of supervision the inspectors have while also showing how many back up inspectors each city has. Usually, in each city, supervisors can also act as inspectors in times of high demand.



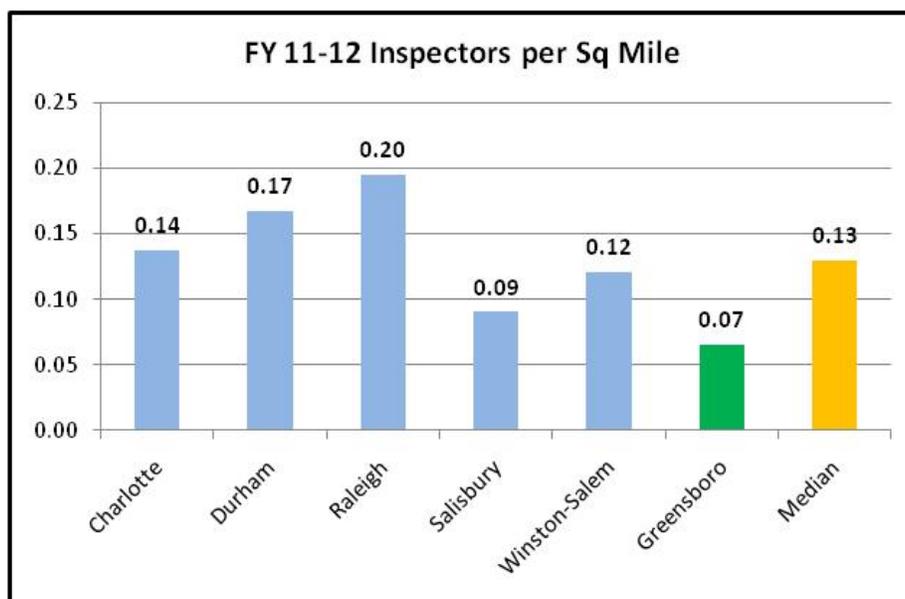
Finding: The City of Greensboro has less inspectors and supervisors per 100,000 in the population compared to its benchmark cities and the median.

When inspectors, supervisors, and administrative staff (e.g. clerical staff, data analysis staff, and cleanup crews that are not credentialed to be inspectors) are combined, the City of Greensboro remains last in employees per 100,000. Administrative staff was added to inspectors and supervisors on this graph to show what kind of support the inspectors and supervisors have in completing their work.



Finding: The Code Compliance Division has less total staff per 100,000 in the population compared to its benchmark cities and the median.

The performance measure inspectors per square mile was used to see the relative coverage that inspectors have in their communities (this measure was calculated by taking inspectors by total square miles in a city). As seen in the graph below, the City of Greensboro’s Code Compliance Division has fewer employees per square mile than its benchmark group and the median.



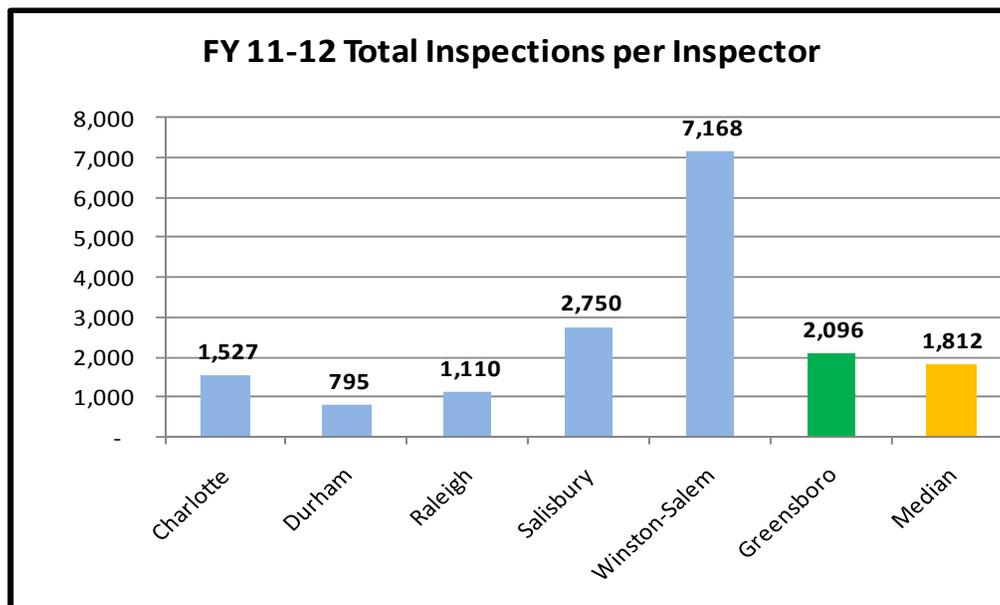
Finding: The city of Greensboro has fewer inspectors per square mile than its benchmark cities and the median of the group.

Demand and Service Delivery Comparison

The demand and service delivery area of the comparison section will focus on a demand statistic and service delivery statistic. The first graph in this section focuses on the level of demand on the inspectors. The second graph in this section looks at how Greensboro's code compliance inspectors identify code violations (e.g. was a case identified through a complaint or inspector initiative). The following will be looked at in this section: FY 11-12 Total Inspections per Inspector and FY 11-12 Percent Pro-Active Cases.

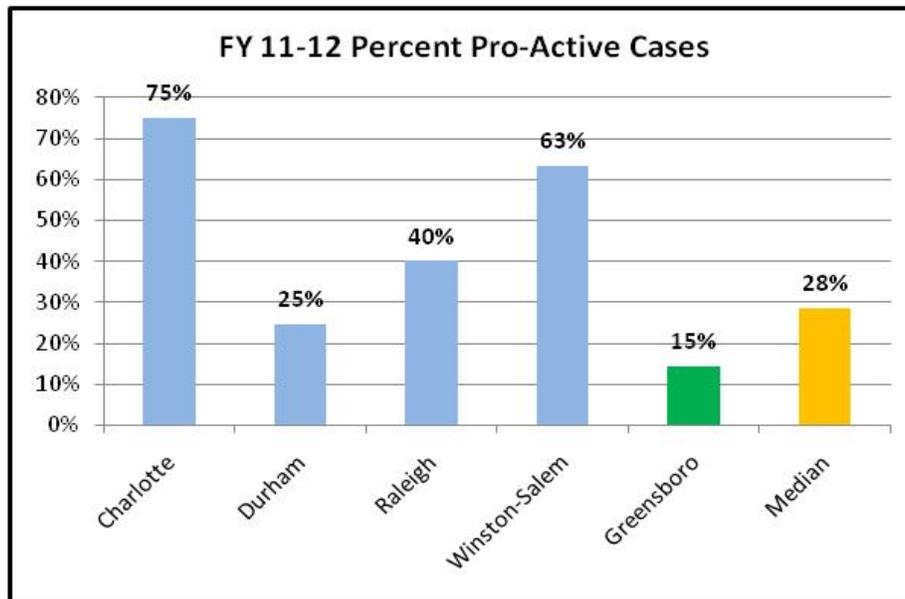
As is shown below, the City of Greensboro conducts more inspections per inspector than the benchmark median. The only two cities that complete more inspections are Salisbury and Winston-Salem. The Winston-Salem number is much larger than the rest of the benchmark group. Budget and Evaluation has made every effort to confirm this variation. Winston-Salem staff offers the following reasons for the wide variation:

- Assertive and aggressive inspector goals. Aggressive goals encourage staff to work efficiently.
- Multiple authority for inspectors. Inspectors should have authority to enforce multiple sections of the code (e.g. junked vehicles and motor vehicle storage yards). Each investigation could hypothetically lead to 9 or more violations being generated in Winston-Salem's Code Enforcement. This also results in a more efficient use of time, labor, and equipment.
- Focus on neighborhoods and communities rather than just code. Inspectors meet with neighborhood associations. Communications occur and the neighborhood and community citizens keep inspectors informed of conditions in their area.
- Continuous change and new programs that keep code enforcement fresh (e.g. focus on thoroughfares – minimum 2 days per week, priority inspection list – repeat locations and locations recommended by neighborhood associations, chronic violator list – locations meeting our chronic violator criteria).
- Field based computers that utilize applications to complete much of the previous tedious research work and that allow for much of the documentation function to be completed in the field with real time communications.
- Smaller work areas/zones.



Finding: The Greensboro Code Compliance Division inspectors make more inspections per inspector than the benchmark median.

A code compliance case can be started either of two ways. A reactive case results from a complaint from a citizen. A proactive case is started by an inspector identifying a problem prior to a complaint being lodged. The data below shows that the City of Greensboro had the lowest percent of cases in which its inspectors initiated the inspection during FY 11-12. In addition, the City of Durham (second to last in the graph below) reported that their level of proactive cases will increase significantly in FY 12-13 due to the fact that the division is becoming more accustomed to providing a proactive service. The City of Salisbury was not included in this graph because it does not track this statistic.



Finding: As a percent of total cases investigated, the City of Greensboro has the lowest rate of proactive cases compared to the other benchmark cities in this comparison.

Two Major Code Compliance Strategies

Within the code compliance field there are two major strategies or approaches that cities utilize to operate their division. The first strategy is called reactive code compliance. The reactive code compliance strategy almost entirely relies on complaints from the public. Once the complaint is made the code compliance division reacts to the complaint.

The second strategy is called proactive code compliance. In this strategy, the code compliance division identifies and abates code violations without a complaint directly being made about the case. The proactive strategy is a multi-prong approach in which code compliance divisions not only actively look for code compliance violations but also look to engage the community. Engagement with the community includes fostering partnerships with community groups, use of volunteers and civic groups, educating the public on the city's codes, use of data to identify areas needing assistance, operating on flexible shifts that allow inspectors to work when the public is at home, and etc. The goal of the proactive approach is to heighten awareness to the city's codes and work hand-in-hand with the community to better understand the issues that are affecting it. That all being said, no code compliance division runs a completely 100 percent proactive or reactive strategy. Code compliance divisions typically rely on a combination of the two strategies (e.g. proactive programs still take complaint calls from the public); however, usually emphasizing one strategy more than the other.

The benefits of a reactive code compliance strategy include cost and a demand driven process that is less confrontational. This strategy will allow for less staff due to the fact that the division is only reacting to complaints and not actively looking for violations and trying to engage the public. In the reactive approach, inspectors are taking calls from the public instead of initiating cases, which could bring a different type of reaction from the owner of a possible violating property. The negative aspect to the reactive strategy is that staff is continually reacting to conditions. Additionally, there is very little time for educating the community and preventing code violations that could affect the public when there is less staff. This strategy allows code compliance problems to become larger or more severe until they are reported by the public or by the media.

The proactive strategy emphasizes engaging the public about their community issues while also educating them about the adopted City codes. This strategy allows for the development of a relationship that can possibly help a code compliance division become more efficient and effective with the help of the community. Lastly, the relationship created with the public allows for a level of buy in to be created. By getting the public active in the code compliance process they could take more ownership of the process for their neighborhoods.

Proactive compliance could require a higher level of staffing and confrontational interactions at the initiation of the program. Departments may spend a significant amount of time working to coordinate efforts to make the strategy a success. For example, many cities have their code compliance divisions work closely with their public affairs, human relations, and police departments. To effectively deploy this strategy, city departments have spent time working together to help improve each other's operations.

Each community needs to decide what its code compliance division is working towards and whether each strategy will help it towards its goals.

In the next section, a list of different proactive code compliance programs is included for informational purposes. Hopefully this list will give the reader a better understanding of some proactive programs that are operated around the country.

Code Compliance Proactive Programs

The following section outlines 5 proactive code compliance programs that were cited from different reports from around the country, or were found while doing research in different North Carolina municipalities (Please see appendix B to see 20 more examples of proactive code compliance programs). The information was cited from the following reports: *An Incremental Approach to Improving Code Enforcement and Compliance in Clayton County, GA*, conducted by the University of Georgia's Carl Vinson Institute of Government; *Subject: A New Program: A Proactive Strategy to Neighborhood Preservation: Including, A Review of Code Enforcement for Chronic Violators and Complaint-Based Enforcement*, conducted by the City of Sunnyvale, CA; and *Performance Audit – Neighborhood Preservation Division*, conducted by the City of Kansas City, MO.

Proactive Programs

1) Administrative Citations – Baltimore, MD

"The city streamlined the enforcement process by implementing administrative citations, similar to parking tickets, for failure to comply with a violation notice. Property owners are now only taken to housing court if the violations have not been resolved after several months and two \$900 citations. The new process allows the city to aggressively enforce its housing codes without

spending as much time and money having lawyers bring every case to court. The new process is expected to cut the average enforcement time in half.”²

2) Assigning Inspectors to Geographic Areas - Charlotte, NC

The City of Charlotte assigns their inspectors to geographic areas and also locates their offices in the same geographic area. This assignment allows for enforcement officers to become active and knowledgeable about their areas and create lasting partnerships with neighborhood groups.

3) Community Action Teams (CATeams) – Salt Lake City, UT

“It is a multidisciplinary approach to solving community issues at the neighborhood level. The teams are assigned to areas that coincide with the City’s seven council districts. They meet weekly to discuss issues in their communities and to fashion comprehensive solutions to community problems. Issues are referred to the teams from the community through the police department, city council office, mayor’s office and various city and community agencies. The primary focus of CAT is crime prevention with code enforcement, health and social services supporting activities.”³

4) Community Life Court – Durham, NC

“Community Life Court addresses repetitive building, housing and zoning code violations. Cases get special and swift attention and sanctions include a fine and/or imprisonment, with the possibility of probation. The court is designed to address those offenses such as littering and housing code violations that have previously been given a low priority in criminal case processing. Cases are grouped in a special docket and presided over by the same judge.”⁴

5) Creating a New Department with Code Compliance, Community Engagement, and Human Relations that is called Neighborhood Improvement Services Department – Durham, NC

The City of Durham has created a new department that combines divisions that have a similar vision. “The Neighborhood Improvement Services Department works to preserve and improve quality of life conditions for Durham residents, and to encourage active participation in neighborhood redevelopments and public policy and decision making dialogue.”⁵

Recommendations

The recommendations section of the study is separated into three sections. The following are the sections:

- General Recommendations for the Code Compliance Division
- Recommendations for a Code Compliance Division that Operates with a Reactive Strategy
- Recommendations for a Code Compliance Division that Operates with a Proactive Strategy

² City Auditor’s Office. “Performance Audit Neighborhood Preservation Division.” City of Auditor’s Office of the City of Kansas City, MO. September 2012.

³ Boesch, David S Jr. Sunnyvale, California. RTC 00-232 Attachment: Best Practices Research. Sunnyvale, CA: Sunnyvale, CA, 2000. Web. 28 Dec 2009. <<http://sunnyvale.ca.gov/200006/rtcs/00-232e.htm>>.

⁴ ibid

⁵ <http://durhamnc.gov/ich/cb/nis/Pages/Home.aspx>

General Recommendations

The following recommendations are for the Greensboro Code Compliance Division no matter what strategy of enforcement it utilizes in the future. In other words, these recommendations could be used if the Code Compliance Division operates on either a reactive or proactive strategy.

If all the recommendations are taken in the minimum housing and nuisance (lot cleanup) processes there are opportunities for significant time savings with cases. A minimum housing compliance case has no maximum time limit. The Minimum Housing Standards Commission can give an indefinite amount of extensions. A typical case without any extensions from the Minimum Housing Standards Commission would take 454 days. The potential time savings for a minimum housing case could be up to 275 days if the recommendations were accepted (for a case that does not come into compliance).⁶ The maximum amount of time for a nuisance (lot cleanup) case is 44 days. The time savings for a nuisance (lot cleanup) case could be up to 15 days (for a case that does not come into compliance).

Type of Case	Total Days for a Noncompliant Case	Maximum Amount of Savings in Days	Revised Timeline
Minimum Housing	Unlimited	275	N/A
Minimum Housing case without extensions from the Minimum Housing Standards Commission	454	275	179
Nuisance (Lot Cleanup)	44	15	29

Recommendation – The Code Compliance Division should research obtaining a case management system.

Currently, the Code Compliance Division has an in-house computer program that allows for inspectors to input information on cases. The information that is put into the current system is limited and it does not report all of the significant aspects of a case.

A case management system would be a more robust version of the current program. The case management system would record all the important times when an inspector interacts with a possible violation. In addition, a case management system would allow for inspectors to upload electronic photos from cases to the system, so there would be evidence of the condition of a case over time.

A case management system should be compatible with all areas of code compliance, so that the zoning compliance area can input information into it as well. Currently, zoning enforcement officers have no electronic system to input their information that tracks all their actives, which means there is no quick method to evaluate their cases.

Any new system should allow for the Code Compliance Division to report its activities quickly and accurately as to inform the public and internal staff. Without accurate and pertinent information, the division will not be able to improve itself, and it will not be able to inform the public accurately or in a timely manner.

⁶ The potential time savings for a minimum housing case of 275 days includes 90 days of extensions given by inspectors.

Recommendation – Evaluate the need for additional staff after more reliable data has been put into the code compliance computer system and the impact of the Code Compliance Division reorganization can be assessed.

Evaluating the need for additional staff was difficult due to irregularities with some of the data in the code compliance computer system and the lack of information from the zoning compliance area. The code compliance computer system is where inspectors input information about cases. When evaluating response time performance measures in the system, staff found places where information was missing or appeared wrong when it came to inspector turnaround on complaints (e.g. the time from when a complaint is made to when an inspector inspects the possible violation). The main reason for the problems with the data was due to the faulty internet cards that the inspectors were using. It was reported that staff could not get connectivity while in the field using the old internet cards, so they could not input their information into the system after an inspection. The delay in inputting information into the system could have caused staff at times to forget to input information or to enter incorrect information. With the new internet cards, staff should be able to put accurate data into the code compliance system and management will be more able to assess if inspectors are getting to cases in the appropriate amount of time.

The creation of a place for the zoning compliance area to enter all their response and case data would also help in accessing the need for more zoning compliance staff. Currently, there is no effective automated method in which Planning and Community Development management can evaluate the workload and effectiveness of zoning compliance staff.

In addition, more time will be needed to see the impact of the Code Compliance Division reorganization. Starting in July 2012, the division reorganized by eliminating a manager position in order to move three part-time inspectors to fulltime and create one new part-time inspector position. With the new help, response time performance measures could improve enough to eliminate the need for new staff.

Recommendation – Continue to cross train staff in the different code compliance areas (junk and abandon vehicles, housing, lot cleanup, and zoning enforcement).

Before last spring, staff was not cross trained in the different code compliance areas. During last spring when lot cleanup became an issue, due to the high volume of cases, most inspectors started working lot cleanup cases (e.g. housing and zoning inspectors were helping with lot cleanup). In the future, it would make the Code Compliance Division more flexible and give it the ability to react to problems in all areas quickly if they were cross trained in almost all the disciplines.

It should be noted that the training to become a zoning enforcement official can take a considerable amount of time. However, the division could consider investing education funds in one or two inspectors that can act as back up zoning enforcement officials while completing their own primary duties. Currently, the City has only two zoning inspectors with one individual in management in the Planning and Development Department also having zoning enforcement credentials.

Recommendation – Increase the amount of the performance measures reported. In addition, consider participating in the ICMA Comparative Performance Measurement Program.

Currently, the Code Compliance Division reports two performance measures in the Planning and Community Development work plan. The following are the measures:

- 1) Average number of calendar days to resolve zoning and local violation cases from first inspection to compliance.
- 2) Average number of business days from initial Zoning/Local Ordinance Enforcement complaints to first inspection.

The above measures look at two important aspects of local code compliance. However, it only tells a limited story. The above performance measures are not reported on by separate area (junk and abandon vehicles, housing, lot cleanup, and zoning enforcement) and there are additional performance measures that would be helpful in reporting to city management, city council, and the public.

A good location for code compliance performance measures is found at the ICMA Comparative Performance Measurement Program. Unfortunately, the UNC School of Government does not include code compliance as one of its service area comparisons in the North Carolina Cities Benchmarking Project. The ICMA program does a benchmarking process with other cities and counties around the United States that have code compliance programs. The ICMA Comparative Performance Measurement Program breaks out performance measures by each code compliance area: junk and abandon vehicles, housing, lot cleanup, and zoning enforcement.⁷ By breaking out each performance measure by the different code compliance areas, a municipality is able to see which areas are performing well and which areas need attention. Even if the City of Greensboro does not decide to join the ICMA program, it would be a positive step to start breaking out each performance measure by code compliance area.

The following recommendations are related to findings from the Code Compliance Statutes and Local Ordinance Section:

Recommendation – Change all references in the code that designates the power to the director of Engineering and Inspections to the director of the Planning and Community Development Department, and make similar changes as necessary to reflect the move of code compliance to the Planning and Community Development Department.

The codes related to compliance should be updated to reflect the change to where code compliance is within the organization. This should include the designation of the public officer and any other reference to the inspections department and building inspectors. Given all areas of code compliance are now organizationally within the Planning and Community Development Department, all references should be updated to reflect that change.

Recommendation – Benchmark other cities to explore extensions allowed by their housing standards appeal boards to compare with the authority of the Minimum Housing Standards Commission.

Currently, Greensboro's Minimum Housing Standards Commission has an undefined amount of time in which it can give extensions to property owners. It is unknown at this time if the other benchmark cities' various boards and commissions that hear minimum housing appeals also have an undefined amount of extensions it can give a property owner. Staff should benchmark this section of the process, which is likely to yield important findings. If the benchmark results, from the cities, reveals that they have a limit in extensions it gives the equivalent of the Minimum Housing Standards Commission then the City of Greensboro should think about placing limits on the amount of extensions the Minimum Housing Standards Commission can give.

⁷ The ICMA program combines abandon vehicles and lot cleanup into one category called nuisance and creates two categories for housing called housing and dangerous buildings.

The following recommendations are related to findings from the Code Compliance Process Comparison Section:

Recommendation for the Junk and Abandon Vehicle Process – Code Compliance staff should think about having vehicle appeals be conducted with the same staff member for equity reasons.

The City of Greensboro could think about making all appeals for vehicle cases go to one individual. By having appeals go to one individual it makes sure that each person is given the same opportunity in the same environment. The City of Winston-Salem makes sure that each property owner meets with the code compliance supervisor for the initial housing appeal. The City of Winston-Salem does this for equity reasons. Allowing for each appeal to have the same environment allows for the city to avoid variables that might give two different conclusions to the same type of appeal.

Recommendation Number 1 for the Housing Process– Take a photo of the violation(s) the first time the inspector arrives on the property.

Currently, the inspectors take photos of a potential violation(s) later in the process. By taking a photo early on in the process, the staff can record a violation(s) and store it a case file. Each time the staff visits the site they could take a photo as evidence of progress by the owner. If any problems happen to arise from the case, the staff can reference the picture(s) in its case file.

Recommendation Number 2 for the Housing Process – Limit full title searches to demolition cases and cases with special circumstances.

The City of Durham does not conduct a full title search on cases until they have come to the point of a possible demolition. The City of Charlotte does full property searches for the following situations: demolitions, properties posted for sale, open or vacant properties, and cases going before the Environmental Court.

With the City of Greensboro taking 30 days to complete a full title search and with only a minority of cases getting to the demolition stage it could save the City of Greensboro a significant amount of time and administrative work, if full title searches were only conducted for demolition cases and cases with special circumstances. The City could save time if it delayed the full property searches until it became necessary. By following this procedure, the City could eliminate full property searches for cases that have a high likelihood that they will come into compliance.

Recommendation Number 3 for the Housing Process –Reduce the time necessary to complete title searches.

The City of Greensboro has its Legal Department conduct full title searches which on average take 30 days. A large majority of the benchmark cities do their own property searches in their department or with a department or division outside the Legal Department with a much shorter turnaround time. The main reason for this seems to be the Greensboro Legal Department is conducting more full title searches than the other benchmark cities. Another possible reason for the longer turnaround by the Legal Department compared to the other benchmark cities is that a majority of the other cities have staff outside of their legal departments conduct the searches. With legal departments having to work on important and time sensitive information, property searches could become a lower priority to complete than other work.

An alternative method to quickening the pace would be to accept Recommendation Number 2 for the Housing Process. This change would allow for less full title searches that could help the Legal Department to turnaround property searches quicker due to having to complete less searches.

A different department conducting the searches could quicken the pace. Currently, the Property Management Division in Engineering and Inspections completes property searches on lot cases. Since this division is already completing property searches in one area it could be explored if it could complete property searches for housing cases as well.

Recommendation Number 4 for the Housing Process –Move forward in a housing case without every owner of a property giving notice that they have received a certified letter.

The City of Charlotte moves forward after only one owner has given notice that he/she has been notified by a certified letter; however, it still attempts to contact owners through first class mail and posting the property while moving forward. The City of Salisbury notifies the public through a paper advertisement if all owners do not give notice of receiving the certified letter. The City of Winston-Salem sends the Notices of Hearing and repair orders by certified mail and by first class mail in conjunction with posting. If service is not achieved to all the owners through either method and an address cannot be determined by reasonable due diligence, the city publishes the information in a newspaper of general circulation in the county.

Each city moves forward in the process to bring a house into compliance. If it becomes apparent that the owner in communication with the city will not comply then before moving forward, with an order or official appeal, multiple forms of communication are used to notify all the owners of the property.

The City of Greensboro makes sure all owners of a house have given notice that they have received a certified letter before moving forward in the process. If the City of Greensboro followed the procedures of the above cities it could allow for the process to move along without stopping for periods of time while looking for every owner of a property. In addition, if this recommendation was implemented it could reduce the amount of full property searches that were conducted by the Greensboro Legal Department.

Recommendation Number 5 for the Housing Process – All initial housing appeals should be conducted with the same staff member for equity reasons.

The City of Greensboro should make all initial housing appeals go to one individual. By having initial appeals go to one individual it makes sure that each person is given the same opportunity in the same environment. The City of Winston-Salem makes sure that each property owner meets with the code compliance supervisor for the initial housing appeal. The City of Winston-Salem does this for equality reasons. With each property appeal having the same environment it allows for the city to avoid variables that might give two different conclusions to the same type of appeal.

Recommendation Number 6 for the Housing Process –Give inspectors less latitude in providing extensions.

Currently, the code compliance inspectors can give up to 270 days in extensions. This amount of time is longer than most of the benchmark cities. The City of Raleigh gives its inspectors the ability to give an extension of 20 days. The cities of Durham and Salisbury allow their inspectors to give an extension of 30

days. The City of Winston-Salem does not give inspectors the ability to give extensions and only gives this ability to its department director.

The City of Greensboro could explore reducing the amount of days in extensions that it allows its inspectors to give. However, reducing the amount of extensions that inspectors give does not mean individuals will receive fewer extensions. The City could allow for inspectors to give limited extensions while all other division extensions would be granted by the department director. Also, if a case arrives at the Minimum Housing Standards Commission it has the opportunity to give extensions.

Recommendation Number 7 for the Housing Process – Use lis pendens instead of doing multiple full title searches.

No other benchmark city completes multiple full title searches just to see if any new owners are found. Late in the housing process, the City of Greensboro does another full title search to see if there are any other owners. All the benchmark cities do a lis pendens early in the housing process. Use of lis pendens allows for any new or current owner to know any liens, levies, or procedures taken out on the property. All the benchmark cities do not complete another full title search late in the process because they have completed a lis pendens, which communicates to any owner the actions taken out on the property.

Recommendation Number 8 for the Housing Process – Give an individual within the Code Compliance Division the responsibility of quality control of the processes. This individual would be given the responsibility of making sure processes were followed correctly.

The City of Greensboro is the only benchmark city that proceeds with a last review from their Legal Department. A majority of the benchmark cities commented that once the process has gone this far either there was no need for a final review because a final decision had been made or that their legal department had already checked the information.

In fact, most benchmark cities had quality control procedures in place when it came to reviewing demolition cases. For example, the City of Charlotte has an employee inside the Code Compliance Division that makes sure that all legal and ordinance procedures are followed before a vote on a demolition occurs. The individual makes sure the process is followed correctly without having to continually burden the legal department. This alternative seems to allow for a cheaper and possibly faster alternative than having to go back to the City's Legal Department for assistance. In addition, this position does not have to be limited to the housing program area.

Recommendation Number 1 for the Lot Cleanup Process– Take a photo of the violation(s) the first time the inspector arrives on the property.

Currently, the inspectors take photos of a potential violation(s) before the contractor cleans a property. By taking a photo early in the process, the staff can record a violation(s) and store it in a case file. Each time the staff visits the site they could take a photo as evidence of progress by the owner. If any problems happen to arise from the case, the staff can reference the pictures in its case file.

Recommendation Number 2 for the Lot Cleanup Process– Stop sending certified mail to property owners with a lot cleanup violation, or only send certified mail when an estimated cleanup cost exceeds a given amount.

The City of Raleigh does a property search and sends out certified mail further down in the process than the City of Greensboro and this only happens if the estimated cleanup costs are \$500 or above. None of the other benchmark cities send certified mail. All the other cities send a first class letter to the person on the tax record and/or post the property.

Hopefully, by eliminating certified mail or reducing the amount of certified mail that goes out on lot cleanup cases, the City can expedite a case and lower its costs (benchmark cities said that sending certified mail was too expensive for the amount of lot cleanup cases they handle). Any move away from certified mail on most lot cleanup cases could be replaced by notifying with first class mail and/or posting a property.

Recommendation Number 3 for the Lot Cleanup Process—Eliminate full property searches on lot cleanup cases.

No other benchmark city does a second property search for lot cleanup cases. Many of the cities believe that sending a first class letter and posting the property are sufficient to contact all of the potential owners of one property. In other words, they feel there is no need to do an additional property search, which in the case of Greensboro is a full property search, to locate other owners because the due diligence has already been completed.

Currently, the full property search process takes the City of Greensboro 19 days to complete. If first class mail or posting the property was conducted it would help to shorten the 19 day wait.

If the City of Greensboro eliminated full property searches for lot cleanup cases this could leave more time for the Property Management Division to conduct full property searches for housing cases (if the responsibility for full title searches on housing cases were moved from the Legal Department to Engineering and Inspections' Property Management Division).

Recommendation Number 4 for the Lot Cleanup Process— Give property owners 10 days to comply with a lot cleanup order instead of 15 days.

The City of Greensboro gives property owners 15 days to come into compliance with a lot cleanup violation. The 15 days starts from the time the letter is sent to the property owner. Almost all the benchmark cities in this study give property owners 10 days to comply. The City of Winston-Salem gives its citizens 9 days to comply.

The following recommendations are in the process of being implemented or have been implemented:

Recommendation – Provide new internet cards to inspectors because the cards used in Fiscal Year 2011-2012 were not adequately working.

After Budget and Evaluation staff spent time with Greensboro code compliance staff in the field it became apparent that their internet cards were not working sufficiently, so they could complete their administrative tasks in a timely manner. Once Budget and Evaluation staff had travelled to the other benchmark cities it became obvious that the other cities had the same problems with the same internet cards. All of the benchmark cities had stopped using the deficient internet cards, which the City of Greensboro was using, and had started using different cards that seem to be working much better.

After reporting about the new internet cards that the other cities were using the City of Greensboro Code Compliance Division changed internet cards. At last report it seems the new cards are working well.

Recommendation – Start migrating to the use of tablet computers once laptop computer contracts have expired.

In the course of visiting the benchmark cities, Budget and Evaluation staff noticed that Durham was starting to use tablet computers (i-pads) instead of laptop computers out in the field. The following are the two reasons Durham reported that they have moved to using tablet computers:

- 1) The tablet computers were easier to carry in the field and could be carried into the evaluation sites. In addition, the tablet computers could also be used as a camera.
- 2) The tablet computers are much cheaper than a laptop computer and a digital camera together, which inspectors were carrying before the switch to tablet computers.

The City of Durham believes the tablet computers help their inspectors to become more efficient and they are cheaper to use. In addition to Durham, Salisbury and Raleigh are evaluating purchasing tablet computers. The cities of Charlotte and Winston-Salem became aware of Durham's use of the tablet computers during our trips to those cities.

Recommendations If Code Compliance Remains a Predominately Reactive Service

Recommendation – Study moving to a direct hierarchical command structure for quick response.

Currently, the code compliance division supervisor reports to two planning manager positions. Both managers are managing the Code Compliance Division along with many other duties. The two managers report code compliance information to the department director. In a reactive service, with compliance issues/problems appearing often, it would seem that a direct hierarchical command structure that has the head code compliance supervisor reporting straight to the department director would allow for quicker turnaround on difficult decisions. It seems that this organizational structure would be better for quick decisions because of the frequent issues that could come up and need for leadership from the director in a reactive strategy.

Recommendations If it Changes to a Predominately Proactive Service

Recommendation – Explore changing the Code Compliance Division to provide a proactive service that seems to highlight a focus on being more interactive with the community/neighborhoods.

The City of Durham has created a department, by the name of Neighborhood Improvement Services, which is made up of code enforcement, community engagement, and human relations. These three divisions were brought together because of their similar nature in actively working to listen to the citizens' needs while also educating the citizens on city policies. All three divisions work actively together which helps each to obtain its goals. The following is a passage from the City of Durham's Neighborhood Improvement Services Department's website:

“The Neighborhood Improvement Services Department works to preserve and improve quality of life conditions for Durham residents, and to encourage active participation in neighborhood redevelopment and public policy and decision making dialogue.

The department is responsible for enforcement of quality of life ordinances and state statutes including the City's Minimum Housing Code; Nonresidential Code; Weedy Lot, Abandoned and Junk Vehicle ordinances; and the State of North Carolina's Unsafe Building Statute.

The department's rapid responders, known as the Impact Team, remediate non-compliant housing properties; abate public nuisances, such as litter, graffiti, illegal dumping, and abandoned shopping carts; and conduct neighborhood service projects. The department's Community Engagement staff provides outreach and education to Durham residents and community organizations.

Guided by the City's Strategic Plan, the department helps ensure that Durham has thriving, livable neighborhoods by providing the highest quality of services to engage and educate the community, eradicate blight, ensure safer neighborhoods, and enhance neighborhood revitalization."

The City of Charlotte's Neighborhood and Business Services Department houses the Code Enforcement Division. In total, the Neighborhood and Business Services Department is responsible for the following services that "help to make Charlotte's neighborhoods and businesses healthy and vibrant":

- Minimum housing code enforcement
- Nuisance code enforcement
- Zoning ordinance enforcement
- Non-residence building code enforcement
- Affordable housing financing
- Rehabilitation services
- Business corridor revitalization
- Infrastructure investments
- Neighborhood leadership and organization development
- Business attraction and retention
- Youth engagement
- Small business opportunity and development
- Workforce development
- Public/private partnerships
- Transit corridor development

Similar to Durham, the City of Charlotte's Neighborhood and Business Services Department provides a proactive level of service to community/neighborhoods. In fact, the department has service area teams that are located in different district offices around the city. This allows for members of the department to be based in the community/neighborhood they work in. The department said the following about its decentralizing of services:

"Decentralizing these services provides a greater opportunity for utilization of education and awareness about the programs. In addition, we will continue to build upon our collaboration with the Charlotte Mecklenburg Police Department (CMPD), leveraging City resources to address issues most important to the community."

Members of the service area teams are placed in city buildings (e.g. old libraries, etc) in neighborhoods with the police department. By placing the two departments together it will hopefully help them work together to better solve a community/neighborhood's issues/problems.

Recommendation – Provide educational opportunities to the public on how to remain or come into compliance.

One approach to the proactive strategy is using education. Education of the public takes many different forms. The following are two examples of education that some communities use:

- Teaching code compliance classes in the community
- Using pamphlets that demonstrate methods to coming into compliance and where to get assistance to come into compliance

The above education methods could be beneficial. These methods could help the division to avoid further code compliance violations and help quicken the pace in which violations are brought into compliance.

Recommendation – Create performance measures that make sure that the Code Compliance Division is remaining proactive.

If a proactive approach is decided then performance measures will probably need to be put in place to track the division's performance. The following two performance measures could be used to monitor the division's commitment to a proactive approach.

- 1) Percent decrease in complaint calls
- 2) Percent proactive cases

Further Methods of Study

This study concentrated most of its efforts on quantifiable data or processes that were studied through site visits in the following cities: Charlotte, Durham, Greensboro, Salisbury, Raleigh, and Winston-Salem. Additional areas of study that could be explored in the future include looking at areas of the process that are qualitative like staff interaction with the public and with each other to see if stakeholder expectations are being met and all possible efficiencies are being obtained.