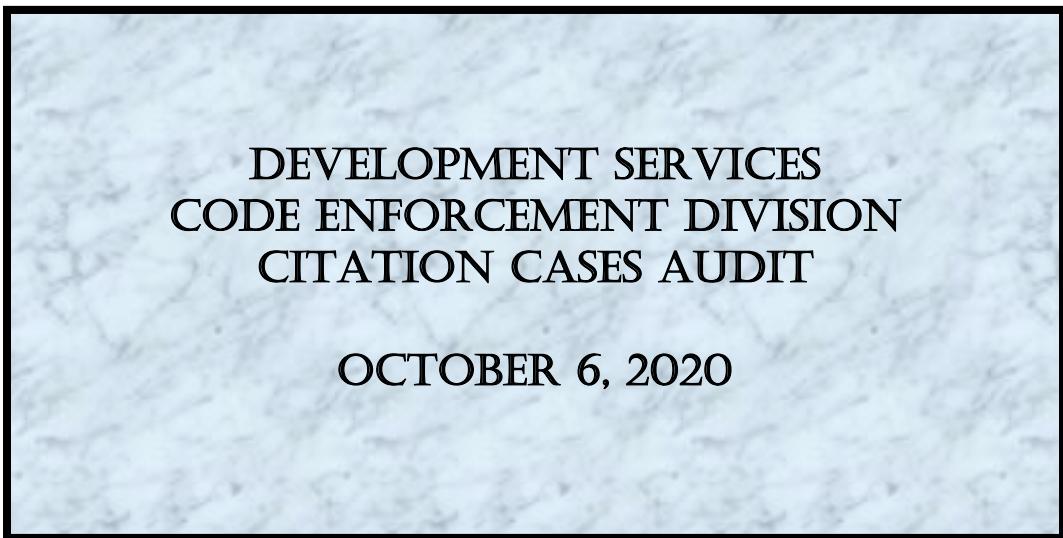


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Jim Williamson, CPA, CIA, City Auditor
Lori Rice, MBA, CIA, Audit Manager
Brett Rangel, MS, CIA, Audit Manager



MAYOR AND CITY COUNCIL

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<i>James Greiner</i>	<i>Audit Committee, Ward 1</i>
<i>James Cooper</i>	<i>Ward 2</i>
<i>Larry McAtee</i>	<i>Audit Committee, Ward 3</i>
<i>Todd Stone</i>	<i>Ward 4</i>
<i>David Greenwell</i>	<i>Audit Committee, Ward 5</i>
<i>JoBeth Hamon</i>	<i>Ward 6</i>
<i>Nikki Nice</i>	<i>Ward 7</i>
<i>Mark K. Stonecipher</i>	<i>Ward 8</i>



October 6, 2020

The Mayor and City Council:

The Office of the City Auditor has completed an audit to evaluate the adequacy of controls ensuring the timeliness and effectiveness of the code enforcement process for citation cases.

Based on the results of our audit, we believe that controls in place to ensure timeliness of code enforcement citation case processing were adequate and carried out during the period January 1, 2017 through June 30, 2019; however, improvements should be made to enhance process efficiency and effectiveness. Recommendations included in this report are summarized as follows:

- Current Department practice of visit/cite until abated for property maintenance violations is not as efficient as it could be at enhancing effectiveness of program. A policy decision should be made regarding how much time, effort and resources should be applied for property maintenance cases that are not abated following reasonable code enforcement activity. Potential benefits from reallocating inspector work efforts is detailed in Recommendation 1.
- Current geographic areas designated as “proactive” are not as effective as they could be and should be eliminated in favor of a more fluid approach of targeting areas in need of enhanced code enforcement. See Recommendation 2.
- Attaching pictures of yard parking violations to citations submitted to Municipal Court for prosecution could help maintain citizen confidence in enforcement practices. See Recommendation 3.
- Certain supervisory and review procedures could be improved to eliminate unnecessary time from the enforcement process. See Recommendations 4 through 6.
- Data collection should be improved to provide for accurate performance measuring, reporting, and monitoring. See Recommendations 7 through 12.
- Performance measures relating to proactive inspections and voluntarily abated violations should be redefined to reflect operating results more appropriately. See Recommendations 13 and 14.

EXECUTIVE SUMMARY: Audit Report 18-07b

The content and emphasis of items included in this report have been discussed with appropriate management representatives to assure a complete understanding of the observations arising from our audit. Management responses are attached to this report in their entirety.



Jim Williamson
City Auditor



Lori Rice
Lori Rice
Audit Manager

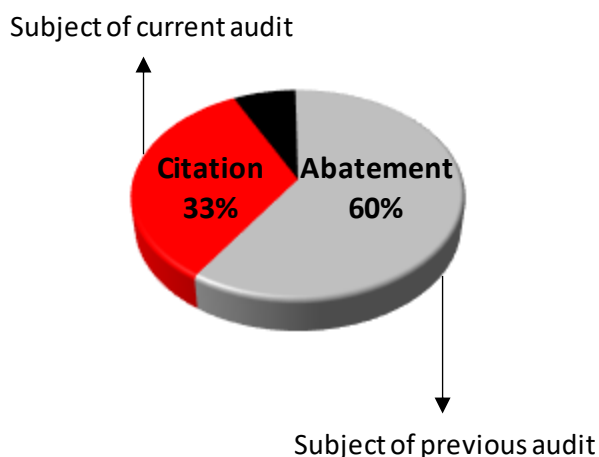
**DEVELOPMENT SERVICES DEPARTMENT
CODE ENFORCEMENT DIVISION
CITATION CASES**

AUDIT OBJECTIVE, BACKGROUND, SCOPE AND METHODOLOGY

The objective of this audit was to evaluate the adequacy of controls ensuring the timeliness and effectiveness of the code enforcement process for citation cases, for the period of January 1, 2017 through June 30, 2019.

The Code Enforcement Division (Department) within the Development Services Department is responsible for providing code inspections, abandoned building reviews, and abatement services to community residents and property owners so they can realize cleaner and safer

Exhibit 1: Compliance Effort



Source: Code Enforcement case data from Accela for 18 month period ended June 30, 2018

neighborhoods. Code violations are identified through complaints received from citizens and businesses, and through proactive¹ efforts. A case is opened upon the identification of a potential violation. Prescribed steps are taken to ensure the property owner is notified of the violation and given time to address it. If not addressed, the compliance effort taken by the Department depends on the violation type as allowed under State Statute, with most cases being either abated by the City or issued a citation. A previous audit was completed of code enforcement abated cases, with a report distributed on April 23, 2019. Analysis shown in the previous audit report depicts 33% of all code enforcement cases as a citation case (Exhibit 1).

Code enforcement citation cases that were either closed during the audit period, or remained open at June 30, 2019, totaled over 33,000, as shown in Exhibit 2. Analysis shows 70% of total inspection activity for citation cases is spent on property maintenance violations. Additionally, 69% percent of all property maintenance violations are self-initiated by the inspector.

¹Proactive efforts include an inspector’s self-initiation of cases for violations they have identified in their assigned geographic areas, and in those areas designated for proactive enforcement.

Exhibit 2: Volumes by Violation Type within Audit Period for Citation Cases

	#/% of Cases		% Self-Initiated	#/% of Inspections ²		#/% of Citations ³	
Property Maintenance ¹	10,662	31%	69%	68,048	70%	11,889	40%
Yard Parking	17,263	51%	80%	17,299	18%	16,891	57%
Zoning:							
RV/Trailer Illegally Stored	3,799	11%	56%	6,834	7%	740	2%
Other Zoning	2,219	7%	39%	4,508	5%	253	1%
	33,943	100%		96,689	100%	29,773	100%

Other violation types may be issued a citation but are excluded due to their nominal volumes.

Source: Accela and Incode Data

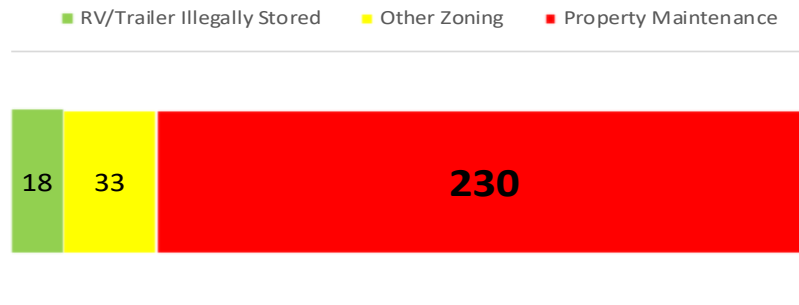
(1) Revised to remove duplicative cases assigned to property maintenance violations. See Comment 7.

(2) Number of inspections to address the violation as shown within Accela, Department's system of record. Does not include administrative activity, such as mailing a notice and administrative reviews. Inspections may have occurred prior to start of audit period.

(3) Number of citations issued within the audit period for the respective cases as shown within Incode, Municipal Court's system of record. Citations issued for property maintenance cases on inspections prior to start of audit period are not included.

A citation is issued upon confirmation of a yard parking violation, which immediately closes the case. No further action is taken by the Department on that specific violation occurrence. Upon confirmation of property maintenance, RV/trailer illegally stored and other zoning violations, however, a notice of violation is sent to the property owner with an assigned amount of time given to comply with code and follow-up inspections occur. Generally, follow-up inspections involve granting the property owner additional time to abate the violation or the issuance of a citation for non-compliance, depending on inspector judgement. The Department will continue to grant extensions and issue citations for respective violations until they are resolved. The average age to reach resolution² for confirmed violations is 230 calendar days for property maintenance cases (Exhibit 3):

Exhibit 3: Average Calendar Days to Resolution



Source: Analysis of cases resolved within audit period using Accela data.

Yard Parking is not shown here since abatement results are not monitored by the Department following the issuance of a citation.

² A case is considered resolved when it is abated by the property owner or determined to need some other course of action that may or may not require further Department involvement.

Reaching timely compliance is crucial to citizen satisfaction with code enforcement services, yet the Department's actions are limited given State Statutes do not allow abatement by the City without District Court order³. Therefore, a combination of two avenues to address the violation are used: recurring trips (i.e., inspections) to the property to encourage abatement, and the issuance of citations that carry fines and fees for non-compliance. We did not assess controls related to citation processing by Municipal Courts (MC) and the Municipal Counselor's Office (MCO). Additionally, we did not assess the effectiveness of escalating fines for repeated violations, as the population of such cases was insufficient to draw conclusions.

In April 2015, the Abandoned Building Coalition (ABC) was formed to explore strategies and provide recommendations to address vacant and abandoned buildings. In performing this work, the ABC considered property maintenance violations and citation issuances. In July 2016, the ABC's Summary Report was presented to City Council as a City Manager report; it is included here as Attachment A. In its report, the ABC concluded that adequate mechanisms were not yet in place to meaningfully induce or compel property owners to fix up their properties and current economic and political conditions would not allow for the changes needed to solve the issue. Therefore, we did not assess alternative code enforcement practices during our audit.

Procedures performed during this audit included interviews with relevant personnel in Code Enforcement, Municipal Courts and Municipal Counselor's Office; reviews of related City Ordinances, State Statutes and Department policies; analysis of Accela and Incode data; and assessment of performance monitoring and management oversight.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). GAGAS requires that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our audit findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The following section of this report includes recommendations intended to provide constructive suggestions for improving current processes to ensure the timeliness, effectiveness, and efficiency of the code enforcement process for citation cases. Included in the body of this report are management responses to each recommendation. Management responses are attached to this report in their entirety at Attachment B.

³ Petitioning District Court in property maintenance cases has been rarely attempted in recent years due to ineffectiveness, as properties remain non-compliant through the appeal process.

RESULTS OF WORK PERFORMED

Overall, controls in place to ensure timeliness of code enforcement citation case processing were adequate and carried out during the period of January 1, 2017 through June 30, 2019; however, improvements should be made to enhance process efficiency and effectiveness.

Recommendations relating to the following were included in our previous report, were accepted by management, and not repeated in this report, although still applicable:

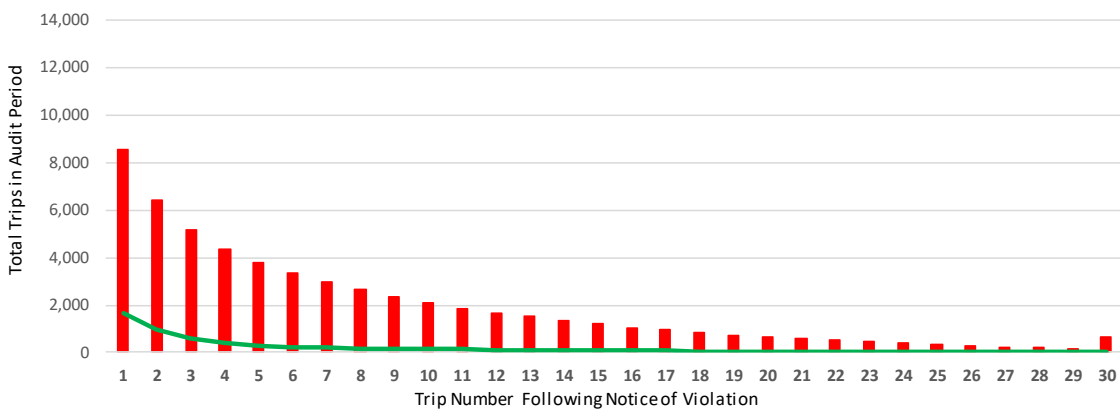
- Follow-up inspections should be performed on the scheduled date.
- Timeliness for each step of the code enforcement process should be monitored routinely, including the citation review.
- Create and monitor a report listing all open cases beyond a defined age.

Property Maintenance Enforcement Efforts

Comment 1

Current Department practice of visit/cite until abated for property maintenance violations is not as efficient as it could be at enhancing effectiveness of program. A total of 57,366 trips were made following the notice of violation issuance on property maintenance cases worked within the audit period. As shown at Exhibit 4, 8,500 of those trips were the first trip following notice, of which 1,600 violations were identified as having been abated. At the second trip following notice, another 6,400 trips had occurred with an additional 980 abatements being identified.

Exhibit 4: Number of Trips¹ to Achieve Abatement on Property Maintenance Violations



¹Trips = inspections

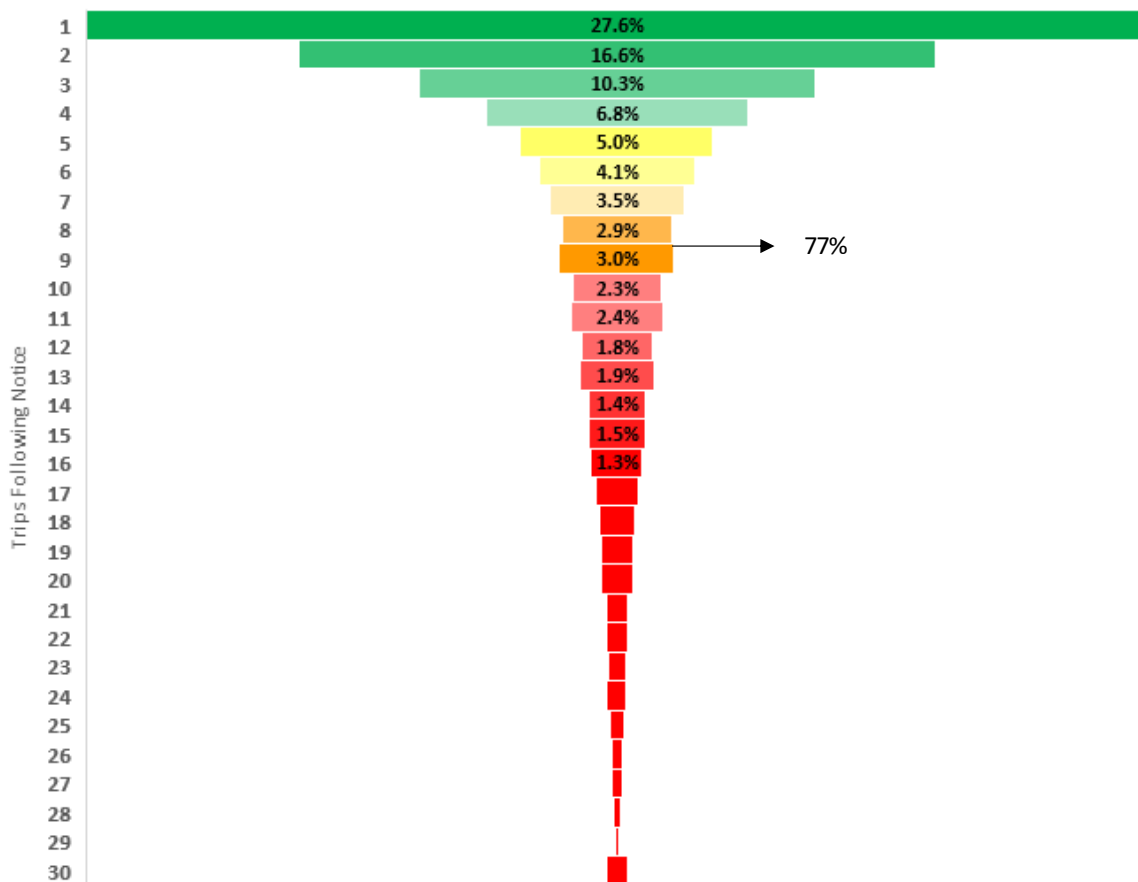
Source: Accela Data

■ # of Trips Following Notice
 — # of Abatements

The bar representing the 30th trip following notice contains all trips made on and following the 30th trip: Example - one violation had 50+ trips made on it, thus all trips following the 29th trip for that specific violation will be included in the 30th trip bar.

Exhibit 5 demonstrates that of the abated property maintenance violations within the audit period, 28% of those have occurred by the first trip following notice, and a total of 77% have occurred by the eighth trip. Abatement return on workload (i.e., trips) begins to diminish as more trips are made on each violation.

Exhibit 5: Abatement Rate¹ for Property Maintenance Violations

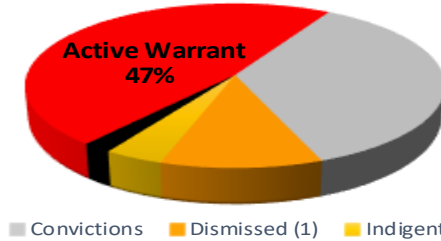


Source: Accela Data

¹Percent of total abatements at respective trip number where abatement was identified. Example: Of all abatements occurring in the audit period, 28% of those were identified at the first trip following notice, 17% were identified at the second trip following notice, etc.

Most citations do not result in convictions. Exhibit 6 shows 47% of citations issued for property maintenance violations during the audit period were in active warrant status at June 30, 2019, suggesting a significant number of property owners are not paying their fines/fees or appearing for court. Our analysis revealed that property owners do not abate their non-compliant properties at a higher rate after receiving a citation⁴.

Exhibit 6: Citation Status

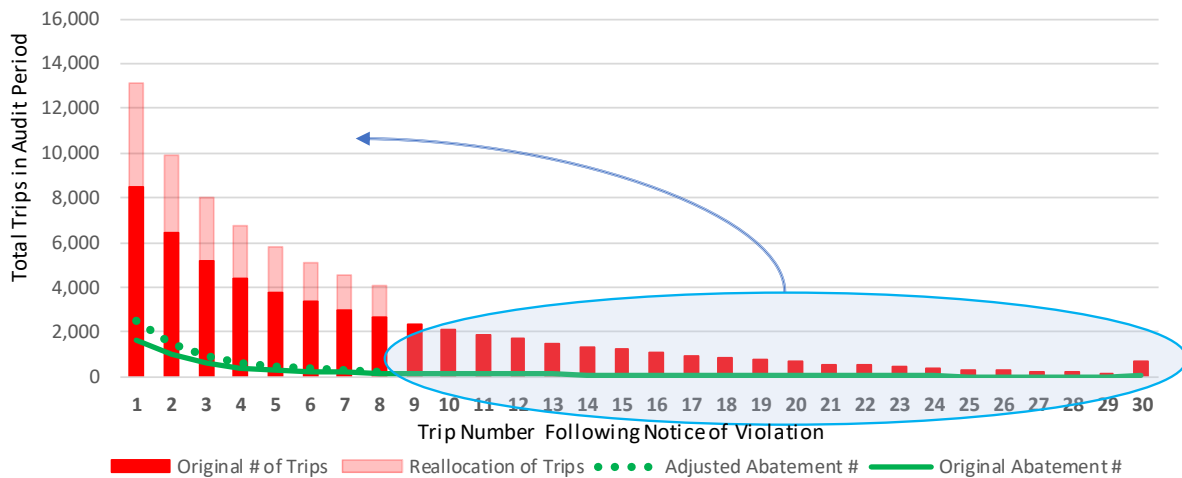


Source: Incode Data

(1) Most dismissed cases are related to citations issued to multiple owners of the non-compliant property.

Continuous effort on property maintenance violations not abated following reasonable code enforcement activity is an unproductive use of time. Analysis performed at Exhibit 7 shows that if limits were placed on the number of trips made following notice on a given violation, a reallocation of the remaining trip workload to newly identified property maintenance violations would result in an increase in total abatements based on success rates identified for each inspection. Thus, consideration should be given to discontinuing code enforcement efforts on property maintenance violations that are not responsive in favor of realizing an increase of abatements on newly identified violations.

Exhibit 7: Revised Abatements for Reallocated Trips on Property Maintenance Violations



Source: Accela Data

Example: Using 8 trips as the limit, a total of 20,173 reallocated trips would result in 1,082 additional abatements, realizing an abatement increase of 18%.

⁴ This is not intended to suggest citations are ineffective. Citations are simply one of the options available to inspectors in their effort to achieve abatement.

Recommendation 1

A policy decision should be made regarding how much time, effort and resources should be applied for property maintenance cases that are not abated following reasonable code enforcement activity. A table of projected pro-rata impact from limiting enforcement efforts to selected number of trips is provided at Exhibit 8:

Exhibit 8: Pro-rata Impact of Limiting Trips on Property Maintenance Violations

Property Maintenance Violations in Audit Period					Potential Annual Increase/(Decrease)	
# of Trips ^a	% of Abated Violations	% of Trips Remaining ^b	% of Citations Remaining	Average Age at Abatement ^c	Abatements ^d	Fine/Fee Collections ^e
6	70%	45%	53%	254	658	\$ (56,771)
8	77%	35%	43%	326	433	\$ (46,815)
10	82%	27%	34%	403	305	\$ (47,378)
12	86%	21%	27%	485	222	\$ (39,764)

^aTrips = inspections following notice of violation

^bFollowing the respective number of trips

^cIn calendar days, for those violations that were abated at the respective number of trips

^dEstimated based on violation abatement rates before and after the respective number of trips. See Exhibit 5.

^eEstimated based on citations issued during FY19, their fine and fee collections as of June 30, 2019, and net citation issuance rates before and after the respective number of trips.

Example: For property maintenance violations in the audit period, at the 8th trip following notice, 77% of those abated had already occurred and 35% of all trips made and 43% of all citations issued have yet to occur. The average age of violations abated by the 8th trip following notice is 326 calendar days. Should a limitation be set that no more than 8 trips are made following notice of violation, an additional 433 abatements could be realized annually with an anticipated net decrease in fine/fee collection of <\$46,815>.

Department Response 1

Agree with recommendation. By February 15, 2021, a policy decision will be made regarding how much time, effort and resources should be applied for property maintenance cases that are not abated following reasonable code enforcement activity.

Proactive Enforcement Areas

Comment 2

Current geographic areas designated as “proactive” are not as effective as they could be.

Geographic areas of the City in need of enhanced code enforcement activity were designated as proactive more than 15 years ago, at the direction of City Council. These areas have not been updated since that time. Proactive efforts are made throughout the City; however, inspectors are assigned these specific proactive areas with the directive of driving through them routinely

to identify property maintenance violations. Approximately 413 centerline miles are driven every month through proactive areas, with some showing no evidence of containing a significant number of confirmed property maintenance violations. See Exhibits 9 and 10 attached to this report.

Such diligence in areas that are not problematic may result in an unproductive use of time. Strategic targeting of enhanced code enforcement, however, could address violations in areas of need.

Recommendation 2

Management should eliminate the current designated proactive areas in favor of a more fluid approach of targeting areas in need of enhanced code enforcement. As shown within the Strategic Code Enforcement section of the ABC report at Attachment A, strategies for selecting areas for this effort could include:

1. Working with Planning Department in areas of City-supported revitalization (i.e., Strong Neighborhood Initiative); and/or
2. Economic Development/ Re-investment Areas; and/or
3. Highly traveled corridors.

Department Response 2

Agree with recommendation. By February 15, 2021, management will re-evaluate the current designated proactive areas and develop a more fluid approach of targeting areas in need of enhanced code enforcement. As shown within the Strategic Code Enforcement section of the ABC report at Attachment A, strategies for selecting areas for this effort may include:

- 1. Working with Planning Department in areas of City-supported revitalization (i.e., Strong Neighborhoods Initiative);*
- 2. Economic Development/ Re-investment Areas; and/or*
- 3. Highly traveled corridors.*

Workload Targets

Comment 3

Department's management of yard parking violation productivity could diminish citizen confidence. Productivity for yard parking violations is managed by the Department by designating the minimum number of citations for each inspector to write annually. While the 2019 Citizen Survey demonstrates the public is generally satisfied with the enforcement of yard parking regulations, the risk of eroding citizen confidence in the City's ability to equitably enforce City Ordinance exists if the public perceives the issuance of yard parking citations as influenced by the inspector's desire to meet volume expectations.

Currently, pictures are taken of each yard parking violation and reviewed by a supervisor for adequacy of evidence. However, the pictures are not submitted with the citation to MC for MCO to reference. Submitting these pictures as evidence would substantiate the validity of the existing violation, potentially removing doubt that productivity expectations may have influenced the decision to issue the citation.

Development Services has stated, within their most current Strategic Business Plan, a desire to pursue new technologies to improve efficiencies in preparation for any potential negative impact growing demand may have on citizen satisfaction with their services.

Recommendation 3

Management should investigate the use of eCitations, which utilizes a device and digital format to take a picture of the violation, electronically issue a citation and record the related information into the appropriate systems. However, there is a capital cost associated with the purchase of this technology. Should management decide against implementing eCitations, a method should be devised to share yard parking violation pictures with MC/MCO as citations are submitted for the filing of charges.

Department Response 3

Agree with recommendation. By August 15, 2021, management will investigate the use of eCitations, which utilizes a device and digital format to take a picture of the violation, electronically issue a citation and record the related information into the appropriate systems. As part of this investigation, management will consider the capital cost associated with the purchase of this technology. If management decides against implementing eCitations, a method will be devised to share yard parking violation pictures with MC/MCO as citations are submitted for the filing of charges.

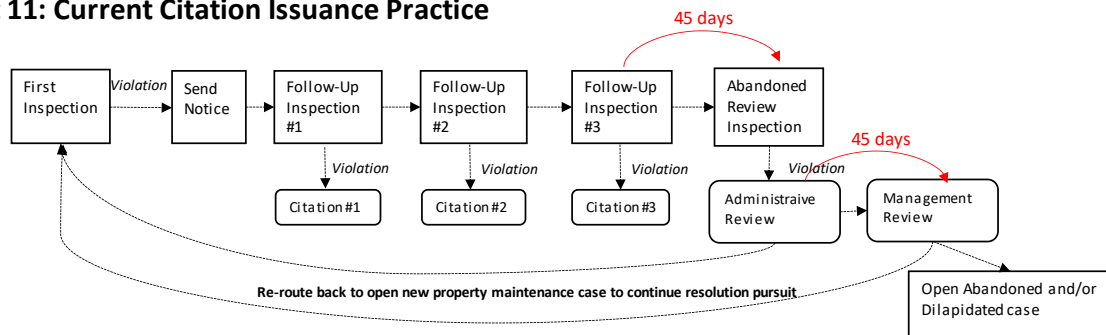
Process Timeliness

Comment 4

Unnecessary supervisory time is added to the enforcement process for property maintenance violations. As mentioned above, the inspector will issue a combination of extensions and citations for property maintenance violations until property owner abatement occurs. Current citation issuance practice requires an “abandoned review inspection” following the issuance of the third citation. At this specific inspection, the inspector determines if the violation still exists before passing the case to a supervisor for an administrative review. The administrative review determines if the property maintenance violation is extensive enough to be re-considered as an abandoned and/or dilapidated structure violation, in which case the supervisor passes the case to the Chief Code Inspector for a management review. The management review provides further assessment on abandoned/dilapidated status before the property maintenance violation is either closed and a dilapidated case opened to further work on the violation or is re-

routed back to continue abatement efforts within a new property maintenance case. This process is mapped at Exhibit 11:

Exhibit 11: Current Citation Issuance Practice



Depending on inspector judgement, extensions of time to comply may be granted instead of, or in addition to, issuing a citation. The above process map does not reflect granted extensions, but is used to illustrate the process when citations are involved.

Source: Discussion with Department

For closed cases during the audit period, Accela programming scheduled 2,363 (89%) of abandoned review inspections and 125 (62%) of management reviews at 45 days following the previous step in the process when these reviews could have been performed 15 and 44 days sooner, respectively. This resulted in unnecessary delays in property maintenance violation enforcement.

Recommendation 4

Work with the Information Technology Department (IT) to either ensure this inspection and review are scheduled timelier or remove these steps from the property maintenance case workflow if Recommendation 1 is implemented.

Department Response 4

Agree with recommendation. By February 15, 2021, management will work with the Information Technology Department (IT) to either ensure this inspection and review are scheduled timelier or remove these steps from the property maintenance case workflow if Recommendation 1 is implemented.

Comment 5

Untimely performance was found on administrative and management reviews for property maintenance violations. Of the 905 administrative reviews conducted on closed cases from May 2018 through audit period end of June 30, 2019, all were performed on average within seven workdays from the scheduled date and with a high of 51 workdays. Of the 203 management reviews conducted on closed cases within the audit period, all were performed on average within 15 workdays from the scheduled date with a high of 139 workdays. There is no

management oversight over the timeliness of these administrative steps. Their timely performance is necessary to ensure a timely property maintenance violation resolution.

Recommendation 5

Ensure all administrative and management reviews are performed on the scheduled date and provide adequate oversight to ensure timely performance. However, implementation of Recommendation 1 will eliminate the need for a management review step.

Department Response 5

Agree with recommendation. By February 15, 2021, management will ensure all administrative and management reviews are performed on the scheduled date and provide adequate oversight to ensure timely performance or eliminate the need for a management review step by implementation of Recommendation 1.

Comment 6

Unnecessary time is added to the citation process for certain zoning violations. Zoning code can be complex and difficult to interpret. Current practice requires the Department work with MCO to construct a Probable Cause Affidavit (PCA) to ensure adequate evidence and description of the violation exists prior to submitting each zoning citation to MC for the filing of charges.

The 'RV/Trailer Illegally Stored' (RV/T) violation comprises most of all zoning related citations issued. For the audit period, the Department submitted 740 RV/T citations to MC at 46 days on average following the issuance of the citation. Discussions with MCO revealed that RV/T violations are not as complex as most other zoning cases and do not require the creation of a PCA, saving about 44 days in the Department's processing of these specific citations.

Recommendation 6

Work with MCO to remove the PCA requirement for RV/T citations.

Department Response 6

Agree with recommendation. By February 15, 2021, management will work with MCO to remove the PCA requirement for RV/T citations.

Data Collection

Five occurrences were found where data collection efforts, or lack thereof, could result in inaccurate performance measuring and reporting, and impaired monitoring:

Comment 7

Department practice of assigning multiple cases to individual property maintenance

violations - As mentioned in Comment 4, three citations are issued on a property maintenance violation before administrative/management assessment, closure of the existing case in Accela and re-opening a new case to continue the process until abated. Accela provides no system link tying the related cases together, resulting in the inability to readily access historical activity for each respective property maintenance violation. This increases the risk of inaccurately measuring and reporting performance outcomes related to these violations and impaired performance monitoring.

Recommendation 7

Revise Department practice to ensure all activity for a given violation occurs on the same Accela case number.

Department Response 7

Agree with recommendation. By February 15, 2021, management will revise Department practice to ensure all activity for a given violation occurs on the same Accela case number.

Comment 8

Department practice of documenting citation information inconsistently - Citations are issued by the inspector by writing the pertinent information on authorized forms with pre-printed citation numbers. Prior to submitting the citation documents to MC for processing, the inspector will deliver them to a code enforcement supervisor for citation review. For all yard parking violations, the inspector will manually input the relevant citation information (i.e., citation number, car tag number etc.) from the pre-printed form on the respective case in Accela at the time of the inspection. For all other violation types, the relevant citation information is manually input into Accela only if it passes the citation review. As a result, review results (i.e., not enough evidence to support charge, inaccurate property owner information etc.) are inconsistently documented.

Inconsistent documentation of citation information creates the inability to completely and accurately measure and report on performance outcomes related to citation issuance.

Recommendation 8

In the investigation of eCitations, as discussed in Recommendation 3, attention should be given to ensuring complete and accurate data capture of relevant information for all issued citations. If eCitations is not capable, or should management decide against implementing eCitations, Department practice should be revised to require all data associated with each citation issuance be manually recorded within Accela, including citation quality control review results.

Department Response 8

Agree with recommendation. By August 15, 2021, as part of the investigation of eCitations, as discussed in Recommendation 3, attention will be given to ensuring complete and accurate data capture of relevant information for all issued citations. If eCitations is not capable, or management decides against implementing eCitations, Department practice will be revised to require all data associated with each citation issuance be manually recorded within Accela, including citation quality control review results.

Comment 9

Accela design deficiency - Data fields within Accela used to record the relevant citation information on the respective case are not associated with the inspection record and date the citation was issued on. The inability to connect pertinent date information to the respective citation increases the risk that timeliness of citation processing can't be accurately measured and reported on and properly monitored.

Recommendation 9

Work with IT to modify Accela to associate each citation issued with the respective inspection and date it occurred on.

Department Response 9

Agree with recommendation. By February 15, 2021, management will work with IT to modify Accela to associate each citation issued with the respective inspection and the date on which it occurred.

Comment 10

Pertinent date information for the citation review is not captured - The Department targets completing the citation review within two workdays from citation issuance so that the citation can be submitted to MC for a timely filing of charges. The date the review is completed is not documented. Additionally, MC does not date stamp the citation upon its receipt from the Department.

We estimated average citation review completion to be four to five workdays, for property maintenance and yard parking, respectively, which falls outside of the two-day target. Our calculation used the date of citation issuance compared to the date the citation was entered into Incode (MC's system of record), which may or may not represent the completion date of the citation review. Lacking pertinent date information on the citation review process increases the risk that citation review timeliness can't be accurately measured and reported on or properly monitored.

Recommendation 10

In the investigation of eCitations, as discussed in Recommendation 3, attention should be given to ensuring citation review completion date can be appropriately captured and stored so that process timeliness can be accurately measured. If eCitations is not capable, or should management decide against implementing eCitations, a method should be devised to record the date of review completion for each citation in Accela.

Department Response 10

Agree with recommendation. By August 15, 2021, as part of the investigation of eCitations, as discussed in Recommendation 3, attention will be given to ensuring citation review completion date can be appropriately captured and stored so that process timeliness can be accurately measured. If eCitations is not capable, or if management decides against implementing eCitations, a method will be devised to record the date of review completion for each citation in Accela.

Comment 11

Inspector use of “Special Case” designation - Each inspection performed has a result recorded within Accela to indicate the status of the violation: “Abated by the Owner”, “Extension Granted”, “Citation Issued”, “Special Case”, etc. The Special Case result is used when the inspector feels the case should be closed and there is not an existing status that adequately explains the reason for closing it. Of all property maintenance violations closed within the audit period, 7% (620 of 8,453 violations) were closed as Special Case. Department practice requires the inspector record a comment on the case in Accela explaining the Special Case designation; however, 20% of cases within our test sample had no respective comment. Inspector use of Special Case designations are not subject to supervisory review.

Without supervisory review, cases may not be closed appropriately, which could prevent accurate measuring and reporting on program performance related to the resolution of violations and could impair performance monitoring efforts.

Recommendation 11

Work with IT to revise Accela to require supervisory approval for the use of the Special Case inspection result and encourage inspectors to use other established result designations when appropriate.

Department Response 11

Agree with recommendation. By August 15, 2021, management will work with IT to revise Accela to require supervisory approval for the use of the Special Case inspection result and encourage inspectors to use other established result designations when appropriate.

Performance Measuring/Reporting/Monitoring

Comment 12

Department does not monitor rejected citations occurring through the citation review process. Citations rejected through the citation review are addressed individually with the respective inspector as they occur to ensure corrections are made, if needed, and to educate them on errors in judgement. Recurring rejections, however, could be indicative of inadequate inspector training or performance. However, the Department does not monitor cumulative citation review results to gauge how often they are occurring and their impact on overall performance.

Recommendation 12

Once citation review results are consistently recorded in Accela (see Recommendation 8), the Department should develop a report to assist in monitoring rejections and their impact on performance.

Department Response 12

Agree with recommendation. By August 15, 2021, once citation review results are consistently recorded in Accela (see Recommendation 8), management will develop a report to assist in monitoring rejections and their impact on performance.

Comment 13

Current LFR measures do not depict total proactive code enforcement activity. Two LFR measures are used to report on proactive activity: “# of proactive properties inspected monthly”, and “% of designated proactive area properties inspected at least once per month.” Current intent of both measures is to illustrate the number of properties within areas designated as proactive that are driven by during the reporting period. Actual inspections may, or may not, have been performed on those properties. Identified violations from that drive-by activity is not captured in these existing measures.

As discussed in Comment 2, proactive efforts occur throughout the city, not just in designated proactive areas. The Department’s proactive efforts would better be reflected by reporting on all violations that were identified from a self-initiated inspection, regardless of the area they were identified in, and how that compares to total violations identified. LFR measures should accurately and clearly reflect department performance to ensure well-informed decisions can be made.

Recommendation 13

Replace the LFR measures above with two that better depict total proactive (i.e., self-initiated) work being performed monthly, such as “# of property maintenance violations identified” and “% of property maintenance violations that are proactively identified.”

Department Response 13

Agree with recommendation. By August 15, 2021, management will replace the LFR measures used to report on proactive activity: “# of proactive properties inspected monthly” and “% of designated proactive area properties inspected at least once per month” with two that better depict total proactive (i.e., self-initiated) work being performed monthly, such as “# of property maintenance violations identified” and “% of property maintenance violations that are proactively identified.”

Comment 14

LFR measure “% of PM Violations Resolved Voluntarily” is incorrectly calculated and may be misleading. The Department calculates this measure by comparing the number of property maintenance violations recorded as being abated in the reporting period to the number of property maintenance violation notices sent in the same period. Three issues were identified in this calculation that could lead to a misrepresentation of what is being reported and inaccurate results:

1. Included as voluntary are those property maintenance violations abated following the issuance of a citation. This “voluntary” description may be misleading.
2. The numbers used for property maintenance violations abated in reporting period reflect cases versus violations; a single violation may have multiple cases involved. See Comment 7. This can overstate violation numbers, thus skewing measure results.
3. Using ‘property maintenance violation notices sent in reporting period’ will include those violations that may still be open and unresolved, which is invalid when assessing abated (i.e., closed) property maintenance violations.

LFR measures should accurately and clearly reflect department performance to ensure well-informed decisions can be made.

Recommendation 14

The following changes should be made to correct this LFR measure:

- Revise title to “% of Property Maintenance Violations Abated Prior to Citation Issuance” to clarify what is being measured; and
- Ensure numerator reflects only those property maintenance violations that were abated prior to being issued a citation; and

- Ensure numerator does not duplicate property maintenance violations through the count of cases versus violations; and
- Ensure denominator reflects only those property maintenance violations closed within reporting period that had been issued a notice.

Department Response 14

Agree with recommendation. By August 15, 2021, management will make the following changes to correct the LFR measure, “% of PM Violations Resolved Voluntarily”:

- *Revise title to “% of Property Maintenance Violations Abated Prior to Citation Issuance” to clarify what is being measured;*
- *Ensure numerator reflects only those property maintenance violations that were abated prior to being issued a citation; and*
- *Ensure numerator does not duplicate property maintenance violations through the count of cases versus violations; and*
- *Ensure denominator reflects only those property maintenance violations closed within reporting period that had been issued a notice.*

ATTACHMENT A

Abandoned Building Coalition Report



City Manager Report

The City of **OKLAHOMA CITY**

NO: 874

DATE: JULY 19, 2016

TO: THE MAYOR AND MEMBERS OF THE CITY COUNCIL

SUBJECT: ABANDONED BUILDING COALITION REPORT

In April 2015, the Planning Department convened an Abandoned Building Coalition (ABC) to explore strategies and provide recommendations to address vacant and abandoned buildings. The coalition included representatives from a broad group of stakeholders including local property owners, builders, developers, investors, neighborhood leaders, and state, county and local officials. The work of this group is summarized in the attached report

While the ABC was meeting and the report was being compiled, staff of various departments have been making improvements to the business processes for both the abandoned building program and other code enforcement activities. In addition, there are recommendations of the ABC which can be investigated with little financial investment and those will be undertaken in the near future. A summary of these actions is below, categorized by their subheading in the ABC report.

- Administrative and Regulatory Fees for Abandoned Buildings
 - A fee study will be conducted.
- Strategic Code Enforcement
 - Improved citation process
 - Issue citations more timely.
 - Escalate fines for non-compliance.
 - Pro-active neighborhoods for abandoned buildings.
- Alternatives to Conventional Boarding
 - This area will require more study as the identified solutions are costly and may require right of entry to property that the City does not currently have.

- Public Information and Data-Driven Approaches to Abandoned Buildings
 - OKC Connect App implemented 6/1/16. Integrates to Accela. Staff is continuing to work on other features to provide further details.
 - Voicemail discontinued in the action center to reduce confusion about complaints being received.
 - Continual updating of information available online
- Neighborhood Engagement on Abandoned Buildings
 - Will identify types of training that could be provided in partnership with Neighborhood Alliance for identification of code violations.

The attached ABC report also details other strategies that are more long term and have additional costs for implementation. Staff will continue to work on identifying legislative issues and programs that can be implemented as more funding is available to strengthen the City's focus on resolving the abandoned building blight.



James D. Couch
City Manager

City of Oklahoma City Abandoned Building Coalition

SUMMARY REPORT
June 2016

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INTRODUCTION

In April 2015 The Oklahoma City Abandoned Building Coalition formed to: a) consider viable next steps to solve the complex issues of abandoned buildings in our community and, b) serve as a recommending body to the City Council for changes to policies, procedures, systems or ordinances. The Coalition was comprised of a broad group of stakeholders including local property owners, builders, developers, investors, neighborhood leaders, and state, county and local officials. Coalition representation included the following organizations/groups:

- OKC I-89 school board
- Oklahoma County Assessor
- Neighborhood Alliance
- Oklahoma City Metropolitan Association of Realtors
- OKC Urban Renewal Authority
- Central Oklahoma Home Builders Association
- Oklahoma City Housing Authority
- U.S. Department of Housing and Urban Development
- Legal Aid
- Center for Economic Development Law
- City Planning
- Development Services / Code Enforcement
- Municipal Attorney
- City Council Ward 2

BACKGROUND

In July 2013 the Oklahoma City Council adopted an abandoned building study (“Study” or “The Study”), based on two years of research and analysis of current conditions, costs to the community and opportunities for change. The Study recommended a three-phased program in the following order:

- 1) establish a vacant and abandoned building registry to track offending properties and hold owners accountable;
- 2) pursue enabling legislation for cost recovery to offset economic losses; and
- 3) institute a land-bank repository for problem property redevelopment.

The Study also recommended financial incentives for owners/developers/investors to put properties back into productive use. In October 2013, based on the Study’s recommendations, the Oklahoma City Council adopted a vacant and abandoned building ordinance, which required owners of abandoned buildings to register their property, pay a registration fee, and submit a plan and timeline for occupancy or disposition of the building. Six months later the State legislature

enacted new legislation prohibiting registration of real property with certain exceptions, effectively dismantling Oklahoma City's vacant and abandoned building ordinance.

In March 2014, a delegation from Oklahoma City attended the 2014 Community Progress Leadership Institute, an invitation-only conference sponsored by the Center for Community Progress (CCP), the nation's foremost nonprofit organization working on the issue of abandoned buildings. Oklahoma City was one of only 10 US cities selected that year for participation in the institute. The Oklahoma City delegation focused on best practices from communities around the country that have had success at transforming problem properties into assets for revitalization. The delegation, upon its return, recommended the formation of an Abandoned Building Coalition ("Coalition") as a best practice for continuing to address the problem.

In May 2014, formation of the Abandoned Building Coalition was put on hold until the ordinance issue could be resolved.

In October 2014 Oklahoma City adopted a new abandoned building ordinance, based on the changes to state law, which narrowed the definition of an abandoned building, allowed for escalating fines for property maintenance violations, declared abandoned properties a nuisance, placed declared buildings on an official list, and allowed cost recovery for police and fire responses to abandoned buildings.

In January 2015, Oklahoma City began implementation of its abandoned building program, which added Municipal Code Inspectors, more aggressively enforced property maintenance violations, and collaborated with Police and Fire to track cost recovery fee data.

In April 2015, the Abandoned Building Coalition ("Coalition") held the first of six consecutive monthly meetings which focused on the following:

- Taxes, liens and foreclosure
- Code enforcement operation/procedure
- Positive and negative incentives, appropriate tools for reform
- Possible legislative, municipal and judicial solutions
- Citizen involvement, neighborhood participation and owner compliance
- Data gathering and information sharing.

ISSUE

Abandoned buildings are more likely to become problems for the community than occupied buildings. Dilapidated conditions common to abandoned buildings contribute to commercial and residential blight, market value decline, greater demand for public services, and a heightened public perception of danger or threat to safety and health.

According to the 2013 abandoned building Study, the number of abandoned buildings in Oklahoma City has grown substantially over the past decade. The Study suggests that without

practical and innovative solutions the problem will continue to grow. Local market conditions and tax structures unintentionally perpetuate the problem, favoring property neglect over investment.

The City of Oklahoma City (City) response to the issue to date either as a direct or indirect result of the 2013 Study includes: 1) Modest changes to state law and the Municipal Code (Code or The Code)¹; 2) Implementation of an abandoned building program; 3) Increased prevention efforts through more aggressive property maintenance enforcement; 4) Increased fines for property maintenance convictions; 5) New cost recovery fees for Police and Fire services to abandoned buildings; 6) Establishment of the Coalition for further study and recommendation of further action if needed.

The Coalition spent six months examining the issue, accomplishments to date whether and how best to proceed. The most important question it faced was whether the necessary legal, policy, organizational and financial mechanisms are in place to 1) induce or compel property owners to fix up their properties; or 2) sufficiently incentivize owners to put problem properties into more responsible hands.

The Coalition determined that adequate mechanisms are not yet in place to meaningfully affect the problem, and that current economic and political conditions do not allow for the type of sweeping changes needed to solve the issue. The Coalition also determined that the most viable next steps in the current climate should be the most practical. Based on these determinations, the Coalition has chosen to make the below recommendations because of their realistic potential to make a qualitative difference that if adopted and proven effective may serve as the basis for more substantive change when the conditions are right.

RECOMMENDATIONS

1) Administrative and Regulatory Fees for Abandoned Buildings

CURRENT CONDITIONS

- Administrative and regulatory fees may be but are currently not charged for Code enforcement work on abandoned buildings. A memorandum from the Municipal Counselor dated May 20, 2016 provides the means and procedures for assessing and recovering abandoned building abatement costs.
- An analysis performed by the City Planning Department in 2013 shows that the revenue from fees for abatement of “dilapidated” or “unsecured” buildings insufficiently covers the actual costs to administer those aspects of the Code Enforcement program. The deficit is compounded by the addition of the abandoned building program, which has newly added inspectors, caseloads and additional substantial costs.

¹ (Oklahoma City Municipal Code 2010, updated through May 2016)

- Fees are being charged for police and fire responses to abandoned building locations. These have not been in place long enough to determine whether they are effective at: 1) deterring criminal activity at or near abandoned building locations; 2) increasing the rate of owner compliance; or 3) covering the actual costs of police and fire responses to abandoned buildings.

PROPOSED ACTIONS

- 1.1. Development Services/Code Enforcement, in coordination with the Planning and Finance departments, should perform an analysis of the City’s current fee structure specific to dilapidated and unsecured buildings. Reasonable and allowable fee increases as may be warranted to more fully recoup abatement costs of dilapidated and unsecured buildings.
- 1.2. Consider assessing administrative and regulatory fees and interest on those fees for abatement costs of abandoned buildings. The fee structure should be based on actual costs and should include the number of inspectors and related administrative activities, including legal costs, admin support, vehicles, electronics and software, equipment, supplies, data management, etc.
- 1.3. Annually increase Code enforcement administrative/regulatory fees and property nuisance fees or fines by a nominal fixed rate or a variable rate tied to an outside measure, such as cost of living or inflation. For example, a 2% annual fixed increase on a fee set at \$500 today would result in a \$728 fee twenty years from now.
- 1.4. Pursue all available means for attempting to recover abandoned building abatement costs. A memorandum from the Municipal Counselor dated May 20, 2016 discusses options for abandoned building cost recovery.
- 1.5. Consider the suggestions of a citizen who attended the final Coalition meeting recommended that the City treat abatement of abandoned buildings and property maintenance neglect the same way the City treats other property-related nuisances, such as Tall Grass and Weeds, by abating the problem when the owner won’t and charging the owner for the abatements costs. The citizen stated this approach should be employed on property maintenance violations and on dilapidated/unsecured buildings that could be rehabilitated rather than being demolished or long-term boarded.

2) Strategic Code Enforcement

Strategic Code enforcement, also sometimes called enhanced Code enforcement, is an approach involving targeted efforts coordinated between the City and its neighborhoods for consensus-based outcomes. Strategic Code enforcement is recommended to function as a

component of a broader Code enforcement program, and should include the following elements:

- Proactive rather than reactive engagement
- Priority to specific areas and/or properties
- Engaged citizenry and actively participating neighborhoods
- Coordination between code enforcement and neighborhood groups
- Good data and monitoring systems
- Timely, accurate information-sharing among stakeholders and the general public.

CURRENT CONDITIONS

- The City's Code enforcement process is generally reactive and complaint-driven. Proactive Code enforcement is employed at certain times or under certain conditions, or in particular areas where the City is actively engaged in special programs or community-based initiatives.
- The City utilizes a best practice of assigning Code Enforcement Inspectors to geographic areas, which allows the officers to become knowledgeable about the properties and residents in the area they serve. Geographic assignment provides the opportunity for heightened public/private relationships and partnerships to develop.
- The City's Code Enforcement Inspectors and/or supervisors regularly attend neighborhood association meetings. They also participate in special group trainings organized in partnership with the Neighborhood Alliance to help citizens understand how the system works and to identify, report and follow up on code violations.
- The City has recently put greater emphasis on enforcement of property maintenance compliance as a preventative measure to reduce growth of the abandoned building problem. As a result, the number of property maintenance citations has doubled. As such, the total number of cases achieving compliance has also doubled.
- Increased enforcement, however, has not proven to increase the rate of compliance. Data shows that the compliance rate has been at about 50 percent for many years, and that the rate did not change following recent efforts for stepped up enforcement. It remains to be determined whether incentives or additional disincentives may have an effect on the compliance rate.

CONSIDERATIONS

- The City's Code Enforcement staff willingly interacts with the public, but these interactions are generally initiated by the citizen. A strategic approach equalizes the responsibility for communication, placing greater emphasis on the City for proactive citizen engagement.

- Despite good efforts of the City’s Code Enforcement staff to interact with the public, citizens regularly report dissatisfaction with code compliance case outcomes as well as frustration dealing with the process. Too often citizens feel disempowered presumably because they either misunderstand how to engage or lack understanding about how the system works.
- The City has limited powers, tools and resources currently available to effectively deal with abandoned buildings on a city-wide scale. For this reason, it makes sense for focused strategic enforcement to be adopted in specific areas, on a pilot basis. This is a best practice utilized by other municipalities.
- Because of the City’s limited tool set, and also because of general opposition to more aggressive enforcement, the City historically has opted to go after “worst-case” properties. Under a strategic approach, all violating properties within a limited geography are prioritized for enforcement. Also, neighborhoods within the select geography can help determine revitalization or compliance priorities.

Examples from other cities

A proactive, community-based approach to code enforcement is not a new concept. Some cities have adopted model programs that increase municipal capacity while empowering neighborhoods and residents to “police” their own specific problems. The following are examples of enhanced code enforcement programs or program components operated by other cities:

- In Fort Worth, the City trains neighborhood residents on the property code and how to identify and successfully report a violation. These trained ‘Code Rangers’ then identify code violations in their neighborhoods and notify City officials. The City then sends courtesy letters to property owners and residents regarding the possible code violation(s) in an effort to improve the appearance and safety of the neighborhood, encourage residents and property owners to maintain their homes in order to preserve property values and discourage crime, allow Code Enforcement Officers the opportunity to devote more time to chronic, dangerous or complicated issues affecting the neighborhood, and create a greater sense of community in each neighborhood by encouraging cooperation and increasing neighborhood pride.
- San Antonio has established Code Enforcement Teams or Units with escalating responsibility. Field units handle minimum property maintenance requirements on a reactive or complaint driven basis while Neighborhood Enhancement Teams are dedicated to proactive, coordinated enforcement in special project areas with emphasis on highly traveled corridors and inner-city reinvestment areas.
- The City of Cleveland has an ambitious partnership with its community development corporations (CDCs). Under a formal partnership agreement, CDC staff

survey their neighborhood to identify properties in need of inspection and abandoned properties, manage a process by which exterior “routine” complaints reported to the City are forwarded to the CDC, which attempts to achieve voluntary compliance with the owner. Priority complaints, such as vacant and vandalized structures, fire damage or lack of heat or water, are still addressed directly by the City. If the CDC is unsuccessful, it refers the matter to the City. This program requires funding, which is largely covered through the Community Development Block Grant program.

- Arvada, Colorado Code Officers help neighborhoods ascertain their specific needs/problems and develop community plans. Officers also train citizens to understand the code and compliance process. Once trained, citizens are allowed to "patrol" their neighborhoods for code violations and begin the compliance process.
- In Atlanta, the City trains volunteer 'neighborhood deputies' who patrol the neighborhood and send 'unofficial' notices of potential code violations to property owners and occupants. If the conditions don't change, the volunteers report the violation to the City.

PROPOSED ACTIONS

- 2.1.** Adopt a permanent, strategic component to the Code Enforcement program. The component would proactively identify code violations and strategically engage neighborhood residents. This is best suited for implementation in areas of limited geography, specifically in City-supported revitalization neighborhoods such as the Strong Neighborhoods Initiative areas.
- 2.2.** Develop ways to allow the public greater opportunity to provide feedback, and influence problem property outcomes.
- 2.3.** Promote a strategic approach to code enforcement through City-directed public awareness campaigns aimed at citizens, select neighborhood associations and community groups. This will help define the value of strategic enforcement and increase demand for services in focus areas.
- 2.4.** Expand partnership and outreach efforts with nonprofits and citizen groups. Work with local nonprofits or community development organizations in a collaborative approach with neighborhoods to solve problem property issues in community-directed ways.
- 2.5.** Lobby county and state officials to draw attention to the problems caused by abandoned properties, the merits of a strategic approach, and the need for tax-based incentives making this a high-profile issue in need of attention.

3) **Alternatives to Conventional Boarding**

CURRENT CONDITIONS

- The Oklahoma statute regarding boarding and securing of property is silent about what materials or methods can or should be used by a municipality.
- The Municipal Code requires all buildings to be secure. Code Enforcement has requirements for coverage, board type and thickness (wood or plywood) and fastener type (screws). There is no requirement for appearance or aesthetic treatment.
- The City's current boarding method ensures compliance at minimal expense. This avoids strain on the City budget (a positive, since most costs associated with code enforcement activities largely are not recovered) and also avoids potential legal action from property owners against the City for unreasonable cost and compliance requirements.
- The City's approach to boarding creates an opaque barrier that leaves the building as a visible emblem of disinvestment in the community.
- Code Enforcement is aware of alternative boarding solutions and has explored vendor products designed to reduce negative appearance and potentially enhance security. Until now, no solution has been determined worth adopting.

CONSIDERATIONS

- Important factors to alternative boarding include quality, aesthetics, integrity, impenetrability, longevity, ease of installation and relative cost.
- An alternative boarding approach that mimics the appearance of traditional windows and doors can enhance curb appeal and promote safety by allowing first responders to see inside the building in the event of an emergency.
- An alternative treatment that involves painting or masking boards (decals) to enhance property aesthetics may deteriorate faster than the boards themselves requiring higher levels of maintenance.
- An alternative boarding solution can have two tiers, a lower standard applicable to owners who bring their properties into compliance, and a higher standard applicable to the City's boarding activities. The low standard would consist of materials and methods readily available to the general public from a variety of vendors. The higher standard could be proprietary as long as a vendor is properly procured. The City may elect the higher standard to improve the way a secured property looks to the neighborhood.

- Any alternative approach to boarding and securing will do nothing to 1) address the root causes of property abandonment, 2) reduce the number of abandoned buildings in the community, or 3) help put abandoned properties back into productive use.

Alternative Boarding Examples

- Fresno, California requires that windows visible from any public right of way must be secured only with rigid transparent material such as clear Polycarbonate with a minimum of 3/8 inch to 1/2 half inch thickness.
- Nonprofits in Cincinnati and Chicago have experimented with enlisting local artists to paint faux facades or curtain-drawn windows on boarded-up homes as a way of making them less conspicuous. A nonprofit in Trenton, New Jersey has a “Windows of Soul” initiative that installs art on the windows of abandoned buildings.
- A company out of Flint, Michigan sells simulated window and door decals that can be affixed with common construction adhesive to cover plywood boards.
- A company out of Chicago offers alternative boarding products that utilize Polycarbonate window covers in a boarding system that the company claims is more secure than plywood while providing the aesthetic benefit of looking like normal windows.

PROPOSED ACTION

- 3.1. Code Enforcement should continue evaluating alternative boarding/securing solutions that will improve the appearance of boarded buildings, reduce a blighting influence, and reduce the crime and trespass associated with wood or plywood board ups.

4) Public Information and Data-Driven Approaches to Abandoned Buildings

CURRENT CONDITIONS

- In November 2015, the Municipal Court began implementing a higher fine structure for property maintenance violations as authorized by the new ordinance. Data has not been analyzed to determine whether the revised fine structure affects the compliance rate.
- Data gathered since implementation of the October 2014 abandoned building ordinance shows that while more aggressive enforcement increases the *number* of buildings brought into compliance, more aggressive enforcement does nothing to increase the *rate* of compliance (which remains at about 50% before and after the ordinance adoption). Increasing the rate of compliance is key to decreasing the number of abandoned buildings in the community.

- Code Enforcement maintains a wide range of valuable data related to abandoned buildings and problem properties. This data can be extracted and used by other City departments and the public, for real time analysis and decision-making regarding neighborhood revitalization.
- Both the City and Coalition have the desire for the City to improve the collection, management and sharing of data. The City continues to work on integrative solutions for new data compatibility, mining, mapping, and accessibility.
- Citizen expectations for timely resolution of problem property cases are often frustrated by a misunderstanding of the process required by law to bring properties into compliance. The public could benefit from improved access to Code Enforcement records and reports.
- Residents have the ability to report violations and follow up on cases through the City's Action Center by phone, website, or smartphone app.
 - The sheer volume of phone calls to the Action Center requires many citizens to leave a voicemail. In a world of increasingly instantaneous communication, studies are showing that people dislike using voicemail, especially for matters they consider time-sensitive or urgent. Return call wait time can be a source of frustration for some and a barrier to fluid communication.
 - The website provides a means to quickly report a violation and follow up on case status. For people without regular access to a computer, this solution is not the most convenient. The website status reports offer limited detail relative to what is available in the City's database.
 - The newest reporting and monitoring tool is a mobile app. The current version has a variety of flaws/limitations that inhibit feedback to the public. Principal among these is that citizen reports do not seamlessly integrate with the City's database. The City's Information Technology team is working on a solution.

CONSIDERATIONS

- The public should have access to as much data on nuisance properties as possible to assist them in better understanding their communities and directing their own strategic, community-based revitalization. Access to timely and more comprehensive complete case data can help residents and neighborhood organizations to be more aware of what is happening in their communities and help keep them informed and engaged.
- Citizens can and should be powerful allies in the City's work to address abandoned buildings and related property maintenance code violations. Providing them more information will help strengthen this alliance.

- The costs to roll out a better information sharing platform would be nominal. The City has the available tools and expertise to make data available to the public in a user-friendly way. Only modest upfront effort would be needed to write scripts or create the pages or platforms for public display. No new software is required except the possible adoption of a new mobile app.
- Visualizing data in graphic format makes it more immediately accessible and digestible. Property cases can be best presented geographically on a map with embedded data that users (City staff or the public) can pull up to create characteristics that might identify good candidates for rehabilitation, demolition, or some other intervention) and then sort the listings (for example, by number of code violations or recent change in assessed value) to create priority sequences for different programmatic responses.
- Citizens deserve real time access to the status of property cases including the full scope of the process, placement within the workflow, name and contact information of the inspector, and more informative comments with case updates.
- The City's effectiveness in reducing the number of abandoned properties can be enhanced by a greater ability to collect, manage, analyze and share timely, accurate and reliable data with other City departments and the public.
- Involving participation from citizens and agencies that address abandonment and other symptoms of distress on the ground is essential for lasting corrective action. The information needs of this audience - not just the needs of the City or a single department within the City - should always be a major focus for data collection, distribution and analysis.
- The most innovative communities around the country have deployed new ways of gathering and using data, new technologies, and new partnerships to maximize the impact of their work. As part of the effort, they have built a data infrastructure that can inform public and private investment to stabilize neighborhoods affected by conditions that lead to property abandonment and disinvestment.

PROPOSED ACTIONS

- 4.1. Develop an information sharing program that gives citizens greater access to Code Enforcement case data, particularly data on abandoned buildings and other nuisance properties.
- 4.2. Provide an online platform for citizens to better understand and track open cases through the process workflow in real time, and the ability to search closed cases on historically troubled properties.

- 4.3. Establish a web-based mapping tool that allows the public to visualize, navigate, search and interact with the property case data. The map feature could display the location of currently designated abandoned buildings and may allow the user to pull in property maintenance cases or other property-related nuisance cases.
- Properties could be shown as data points on the map.
 - Clicking a data point could bring up detailed information on the case, including process steps, place in the workflow, inspector name and contact information.
 - A separate link could display additional information on the property, such as physical condition, assessed value, ownership data, photos, other pending code enforcement actions, history of prior code enforcement cases, property transfers, utility connections, demographic and social data, crime incidents, etc.
- 4.4. The City should develop a more robust information campaign to better inform citizens on what constitutes a violation and how best to engage, report and follow up.
- 4.5. Improve the Code Enforcement mobile app to seamlessly integrate with the City's Code Enforcement database and provide better status reports to residents. This will improve administrative efficiency within the City and will allow citizens to stay better informed.
- 4.6. Continue to gather and analyze data to track the efficacy of new or pilot approaches to the City's Code Enforcement strategy.
- 4.7. Give specific attention to data-gathering and analysis concerning the affect property maintenance fines have on the rate of owner compliance. The Coalition is interested in whether and to what degree punitive measures such as increased fines act as a deterrent (or a negative incentive) to property maintenance violations. If so, the rate of compliance should increase following implementation of the higher fine structure. The Coalition is also interested in the effect of negative vs. positive incentives.
- 4.8. Code inspectors should make communication with residents a higher priority. Officer comments on cases should be more thorough and specific at a minimum and include condition and detailed status reports to facilitate monitoring and follow-up.

5) **Neighborhood Engagement on Abandoned Buildings**

The previous recommendations are focused primarily on what the City can do in a lead role. The Coalition recognizes that while the City has a major responsibility in solving the abandoned building problem, neighborhood organizations play a vital role at the level most closely affecting them, and to affect this change as an intermediary between citizens and local government.

Neighborhoods must be organized to direct change residents want to happen. They must connect with the City in a positive and proactive way, establishing priorities for

dealing with problem properties in their sphere of influence and working on outcomes with greater force than a single person or household. Either by reporting to the City's Action Center, communicating with elected officials, contacting the media, or working directly with property owners, neighborhood groups can have a revitalizing effect for their community.

For the purposes of this section a how-to guide or set of best practices for neighborhoods is better suited than a set of recommendations. The Coalition considers neighborhoods can do the following to self-direct solutions.

- A. Take responsibility
- B. Get organized
- C. Build capacity
- D. Identity/prioritize problem properties
- E. Identify particular violations
- F. Work with property owners to obtain voluntary compliance
- G. Report violations to the City (when voluntary compliance is unattainable)
- H. Follow up on code complaints until satisfied

A. *Take responsibility*

Residents and neighbors must consider how they can get involved to make a difference on the problem of abandoned buildings. Two important points should be kept in mind: 1) local government cannot solve the problem without community involvement; 2) if a problem property owner won't correct the problem, neighbors sometimes can. Both of these points are worth remembering when establishing outcome expectations. To solve the abandoned building problem, people closest to the issue must maintain focus, frame the issue, rally support, build capacity, and remain vocal and active.

B. *Get Organized*

A perceived problem is generally the strongest reason why people get involved. Organizing a group of active stakeholders is vital to making progress on community change. Leadership often emerges at an early level of group engagement. A practical guide for neighborhood organizing is provided by the Neighborhood Alliance at the following web link:

<http://nacok.org/association-tools/organizing-a-neighborhood-association/>

C. *Build organizational capacity*

Strength of an organization and its leadership (the ability to influence) is the primary reason why people stay involved. Capacity building at its most basic level occurs when the group develops the ability (knowledge, skills, relationships, and

resources) to define and work out problems unique to each circumstance. Some practical steps for building capacity follow.

1. Identify/ learn existing community assets, skills and capacities with respect to:
 - a) Talents and skills of group members / neighborhood residents;
 - b) Existing associations and networks (that may assist with the neighborhood's building concerns);
 - c) Businesses, galleries, attractions (non-residential assets that promote neighborhood revitalization);
 - d) Physical assets including land, landmarks, parks, buildings, facilities, equipment, public art, etc.; and
 - e) Local stories, history and knowledge.
2. Build internal capacity. Begin to interact with the neighborhood in ways that can involve and attract participation. This is the stage to begin identifying neighboring perspectives on properties of concern and people's willingness and availability to address the issue(s). Involve property owners, even the negligent ones, to collectively address the range of property-related issues in a coordinated manner.
3. Build external capacity. Form partnerships with stakeholders including the private sector (e.g. developers, business owners, adjacent neighborhood organizations, the Neighborhood Alliance, civic clubs, community development corporations and other nonprofit organizations, banks or other financial institutions, foundations or funding organizations, and local government agencies. Begin working with the municipality to craft a place-based code enforcement program.

D. *Identity/prioritize problem properties*

1. Develop and maintain a property list with owner information.
2. Prioritize which issues need the most attention. (These may or may not be the worst cases.) Focus on buildings most likely to turn around with least effort, on those worth concerted effort to save, or those with greatest reuse potential or value, or which have the greatest revitalizing potential for the block or neighborhood.
3. Achieve consensus on outcomes.
4. Manage expectations.

5. Be creative and realistic.
6. Define the tools/method(s) to be employed to solve the problem.

E. *Identify particular violations*

Getting to know the Code Enforcement inspector assigned to your area is a key to success. Building that relationship requires regular, positive communication.

Knowing how the perceived problem aligns with a specific violation of the municipal code is important when working toward solutions. The Municipal Code (Code) is available online at <http://www.okc.gov/code/>.

The following is a list and brief summary of the most common code violations related to abandoned buildings:

- *High Grass and Weeds:* The number one complaint from people across the city is high grass and weeds. City ordinance defines grass to be in violation when it reaches a height of 12 inches. Property owners are also responsible for maintaining alleys and right-of-ways adjacent to their property. Code Chapter 35, Section 63.
- *Exterior Property Maintenance:* Property owners are required to maintain their property in good repair. Examples include but are not limited to roofs, fences and painted surfaces. Code Chapter 24, Article IV.
- *Dilapidated and Unsecured Structures:* Dilapidated and unsecured structures not only pose a safety hazard to the community they are a violation of Oklahoma State Statutes. Dilapidated structures are those with foundation damage, collapsing roof, major structural damage and decay. Unsecured structures are those with broken windows, unlocked or open doors and holes in the roof or outer walls. Title 11, Oklahoma State Statute, Section 22-112 & 22-112.1.
- *Maintenance of Screening and Fencing:* All sight-proof screening (trees or other barriers) and fencing must be maintained and kept in good repair. Code Chapter 59, Section 11150.
- *Junk and Debris:* Property owners are required to keep their property, including alleys and right-of-ways adjacent to their property, clean and free from trash. Trash is defined as, but not limited to, refuse, litter, debris, or any other matter that is uncared for, discarded or abandoned. Code Chapter 35, Section 103.
- *Illegal Outside Storage:* Outside storage in a residential area is prohibited. The only commercial designation that allows outside storage is C-4. To find out about a property's zoning, log on to www.okc.gov/planning or call the Action Center at 297-2535. Code Chapter 59, Section 9350.47.

- *Graffiti:* It is against City ordinance to allow graffiti to remain on a property. The property owner is responsible for removing it. Code Chapter 35, Section 147.

F. *Work toward voluntary compliance*

Sometimes the best solution is the most neighborly. It may be reasonable to try contacting the current owner and providing a simple, friendly notice that improvement to the property is needed before turning the owner/property in officially. Committed neighbors may be willing to request permission from the owner to themselves abate the problem for the owner, i.e. cut the grass, clean the yard, secure the building, maintain the exterior, etc. If the owner cannot be reached or refuses help, enforced compliance may be necessary. Identifying the owner(s) of record may be a challenge. Neighborhood Alliance or City officials may assist.

Try to determine why the property is being neglected and tailor a response to the exact problem.

G. *Report code violations*

When reporting a code violation to the City, be as specific as possible and try to align the concern with the particular offence. Providing local officers with the relevant citation from the Municipal Code will greatly help. Also, report the physical address of the offending property as accurately as possible. Assistance can be provided by City staff from the Development Services or Planning departments.

Report the violation to the City's Action Center as follows:

- [Online service request form](#)
- Email action.center@okc.gov
- Call 405-297-2535 (the line is very busy, so an online request may be a better option)

Enforcement Process: Once a complaint is made a City inspector will go to the address provided to check the complaint. If a code violation is verified, the inspector will issue a notice to the property and property owner. Sometimes a courtesy notice is the first step. Other times official legal notice is posted. Enforcement action the City can take varies: In some cases inspectors write citations for violations such as exterior property maintenance and illegal outdoor storage; in other cases, such as overgrown lots, junk, or unsecured structures, the City can remedy the violation then bill the property owner for the work. Inoperative vehicles on private property or cars abandoned in the street can be towed away.

Anonymity: Problems reported to the Action Center may be made anonymously. The City is the complaining party – not you or your neighborhood. You don't have to give a name or phone number. Contact information is requested for purposes of

follow-up, but is not required. Providing your information, however, would become part of the public record and as such subject to open record requests.

H. *Follow up on Code complaints until satisfied*

Once a report is filed, a case number is assigned within approximately 24 hours. The case number can be tracked to follow its status through the process, either online, at:

<http://www.okc.gov/action/OnlineServiceRequest/Forms/CheckStatus.aspx>,

through the City’s mobile app, or more directly by contacting the Code Enforcement inspector assigned to the case.

PROPOSED ACTION

- 5.1. Work with Neighborhood Alliance to create a Neighborhood/Citizen’s Guide or Tool Kit to Abandoned Buildings and Problem Properties. The guide may develop into a program for neighborhood-based solutions to problem properties and strategic revitalization.

LOOKING AHEAD

The City has made valuable progress on the issue of abandoned buildings and is poised to make a greater impact as long as the issue remains a priority. Abandoned property solutions require complex, multifaceted strategies. No single tool or program will fix a problem that has taken decades to develop. True success depends on many factors, such as political willingness, meaningful incentivizes/disincentives for owners and investors, an assertive and engaged citizenry, and the strength and enforcement of effective laws/ordinances.

The Coalition has selected its above recommendations based on how likely they are to succeed in the current economic and political environment. These recommendations can be adopted quickly and achieve positive, measurable effects with no need for a significant, or ongoing financial commitment, no major changes to current process or policy and no changes to current law.

Future steps requiring more substantive changes or significant funding are certainly needed. Twelve of these have been identified by the Coalition to have relevance for the Oklahoma City context. The following actions are sequentially numbered to correspond to descriptions below.

CITY INITIATED

- 1. Expanded cost recovery
- 2. Abandoned property abatement fund
- 3. MAPs 4 Neighborhoods
- 4. Involuntary demolition

**STATE SPONSORED/
LEGISLATIVE**

- 5. Receivership authority
- 6. Revisions to property tax law
- 7. Abandoned building definition revised
- 8. Foreclosure authority

**CITY AND STATE/
COUNTY SPONSORED**

- 9. Direct/Indirect tax incentives
- 10. County/State Housing Trust Fund
- 11. Housing Court (municipal or county)
- 12. Land banking

1. **Expanded cost recovery:** The City is entitled to recover regulatory costs, police and fire costs, and other actual expenses incurred, including administrative costs, related to abatement of abandoned buildings, and interest on such amounts. There are various methods for the City to attempt to recover these costs. A memorandum from the Municipal Counselor dated May 20, 2016 discusses these methods. The City's current cost recovery approach should be modified to better recoup the public cost of property neglect and abandonment. Currently The City recoups only about 1/3 of its cost to enforce against dilapidated, unsecured and abandoned properties, requiring a significant ongoing public subsidy.

Municipal processes should be amended to attempt to recover a greater percentage of the cost for the City to operate and manage an abandoned building program to be recouped for the taxpayer. If municipal processes are insufficient to recover 100% of actual abatement costs, changes to State law may need to be considered.

2. **Abandoned property abatement fund:** The City could establish a City-sponsored abandoned property abatement fund. This could be capitalized from The City's annual budget, or, perhaps financed through revenue bond issuances, a voter-approved MAPS-for-neighborhoods type initiatives (described briefly in 3 below), or perhaps through micro-TIFs or other identified mechanisms. A revolving fund managed by a public trust could leverage private match to provide low interest loans for activities that put abandoned properties back into productive use. Eligible activities and expenses could include:
 - Real property acquisition
 - Site improvements and development hard costs
 - Related soft costs
 - Financing costs
 - Property title clearance
 - Nuisance abatement
 - Whole property rehab
 - Short-term operating reserves for income generating property
 - Reasonable administrative and planning costs.
3. **MAPS 4 Neighborhoods:** This concept continues the voter-approved 1 cent sales tax, focusing on creating quality neighborhoods. Council could direct improvements to specific neighborhoods that are a priority for revitalization and community development. A specific set-aside for an abandoned building abatement revolving loan fund could be included in the MAPS 4 funding package.
4. **Involuntary demolition:** This is a controversial tool. To be effective it requires a decision-making protocol for considering all relevant factors and alternatives. If demolition is deemed an appropriate strategy, some principles for designing a demolition priority system could include:

- Properties that meet a minimum threshold of physical deterioration and economic loss potential may be good candidates for demolition;
- Properties having historic or community value may not be good candidates for demolition;
- Demolition in heavily disinvested areas might focus on locations where there are specific reuse potentials;
- Demolishing a single building on one block where it is the only derelict structure, and cannot be rehabilitated efficiently in terms of cost-benefit, may have positive impact with respect to resident confidence, property values and future tax revenues; and
- Demolition priorities should be connected as much as possible to other activities that are taking place in the area as a whole.

5. **Receivership authority:** Receivership is a powerful tool for holding owners accountable for their properties or for gaining control of property where all other efforts have failed. Under this concept, an individual, government entity, or non-profit organization petitions the court to designate a receiver for the property to put it back into productive use. In respect to property right concerns, the owner would get ample notice and opportunity to take care of the property both before and during the court proceeding, and the owner would have the opportunity to regain control of the property after making the receiver whole for any direct costs or administrative expenses on the property. If the property has deteriorated to the point where the health, safety, and welfare of the public is endangered, this tool could provide the power for the receiver to take control of the property from the owner and share proceeds of any revenue stream used to restore the property to sound condition. The receiver may also transfer control of the property from one owner to another more suitable for the long term care of the property.

6. **Revisions to Property tax laws:** Local leaders and City officials could work with the County Assessor and Treasurer on changes to property tax laws. Examples would be to assess abandoned properties using a special measure for abandoned properties that is higher than the current assessment at “market” or “salvage” value, or to impose escalating tax penalties on properties the longer they remain in a dilapidated or abandoned condition. Both of these concepts would require changes to State law.

7. **Revised Abandoned Building definition:** The current definition allowed by statute allows enforcement of only the worst case properties. An example of an expanded definition may include criteria such as:

- The property has not been legally occupied for at least six months for a use permitted under zoning law and meets any one of the following additional criteria:
 - a) The property has signs of deferred property maintenance or is in need of rehabilitation in the reasonable judgment of a Code officer, and no appreciable maintenance or rehabilitation has taken place in the past six-months;

- b) Construction or rehabilitation work was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction or rehabilitation has taken place for at least six months as of the date of a determination by a public officer;
- c) At least one installment of property tax remains unpaid and delinquent on that property as of the date of determination by the public officer;
- d) The property has been determined to be a nuisance (based on meeting one of the City's nuisance criteria).

8. **Foreclosure authority:** The Coalition finds that the City could more effectively utilize powers of lien foreclosure as a means to affect the problem of abandoned buildings. The Municipal Counselor issued a memorandum on recovery of abandoned building costs on May 20, 2016. In it the Municipal Counselor discusses current foreclosure options: "The City may choose to file an action in district court against the property owner to obtain an *in personam* judgment against the owner, and then attempt to collect the judgment by executing a judgment lien against the owner's property. The City may also wish to attempt to recover the abandoned building abatement costs by attempting to foreclose its lien against the land under Title 42 (Liens).

The Coalition also recommends the City consider changes to Title 11 of the Oklahoma Statutes to authorize foreclosure of liens filed for abatement costs of abandoned buildings.

9. **Direct/Indirect tax incentives:** The following tax incentives are examples of economic benefits that could be provided to owners or investors of residential property in dilapidated or difficult-to-develop areas.

- Blight removal tax exemption. This option would incentivize the remediation of blight in defined priority areas with a provision that would penalize owner continuation of blight.
- Residential property improvement tax abatement. Generally this would provide a limited (i.e. 5-10 year) property tax freeze on the increased value of rehabilitated residential housing in defined focus areas.
- Residential income tax credit. This option would provide a limited time income tax credit to a property owner at a percentage of the owner's hard cost (materials) investment in housing rehabilitation or redevelopment.
- Short term capital gain reduction. This would deduct a percentage (i.e. 50%) of certain gains resulting from verifiable improvements as a portion of overall gains reported on the owner or developer's Oklahoma income tax return realized on property located in low income census tracts (where 51% of the tract population

has a household income at or below 80% of the area median income as defined by the most current U.S. census data).

- 10. County/State Abandoned Building Trust Fund:** A special trust fund program could be established to provide funding for rehabilitating abandoned, distressed or underutilized property to productive use. The fund could be a revolving loan supplemented by property tax increases either from the increment of assisted property value increases or through higher assessments on abandoned properties as described/recommended in strategy #6 above.
- 11. Land banking:** Land banking is a policy-driven activity or structure by which local governments acquire surplus properties and convert them to productive use or hold them for long-term strategic purposes. Land banks also may be quasi-governmental entities or non-profits specializing in land bank activities. Some land banks focus on properties stuck in complex property tax enforcement systems. Others are empowered by progressive property tax foreclosure laws. Land banking requires state legislative authority, primarily because legal and policy systems and structures at the state level create the incentives or cause the conditions for property abandonment. Oklahoma's current laws still allow certain land bank functions to be performed, but legislative changes would be needed to fully implement a land banking program.

ATTACHMENT B

Management Responses



MEMORANDUM

The City of
OKLAHOMA CITY



TO: Jim Williamson, City Auditor

THROUGH: Craig Freeman, City Manager *CF*

FROM: *BT* Bob Tener, Development Services Director

DATE: September 28, 2020

SUBJECT: Audit 18-07b Development Services Department Code Enforcement Division Citation Cases Audit

Following are management's responses to the status of recommendations outlined in the recent Development Services Department Code Enforcement Division Abated Cases Audit.

1. Agree with recommendation. By February 15, 2021, a policy decision will be made regarding how much time, effort and resources should be applied for property maintenance cases that are not abated following reasonable code enforcement activity.
2. Agree with recommendation. By February 15, 2021, management will re-evaluate the current designated proactive areas and develop a more fluid approach of targeting areas in need of enhanced code enforcement. As shown within the Strategic Code Enforcement section of the ABC report at Attachment A, strategies for selecting areas for this effort may include:
 1. Working with Planning Department in areas of City-supported revitalization (i.e., Strong Neighborhoods Initiative);
 2. Economic Development/ Re-investment Areas; and/or
 3. Highly traveled corridors.
3. Agree with recommendation. By August 15, 2021, management will investigate the use of eCitations, which utilizes a device and digital format to take a picture of the violation, electronically issue a citation and record the related information into the appropriate systems. As part of this investigation, management will consider the capital cost associated with the purchase of this technology. If management decides against implementing eCitations, a method will be devised to share yard parking violation pictures with MC/MCO as citations are submitted for the filing of charges.
4. Agree with recommendation. By February 15, 2021, management will work with the Information Technology Department (IT) to either ensure this inspection and review are scheduled timelier or remove these steps from the property maintenance case workflow if Recommendation 1 is implemented.

5. Agree with recommendation. By February 15, 2021, management will ensure all administrative and management reviews are performed on the scheduled date and provide adequate oversight to ensure timely performance or eliminate the need for a management review step by implementation of Recommendation 1.
6. Agree with recommendation. By February 15, 2021, management will work with MCO to remove the PCA requirement for RV/T citations.
7. Agree with recommendation. By February 15, 2021, management will revise Department practice to ensure all activity for a given violation occurs on the same Accela case number.
8. Agree with recommendation. By August 15, 2021, as part of the investigation of eCitations, as discussed in Recommendation 3, attention will be given to ensuring complete and accurate data capture of relevant information for all issued citations. If eCitations is not capable, or management decides against implementing eCitations, Department practice will be revised to require all data associated with each citation issuance be manually recorded within Accela, including citation quality control review results.
9. Agree with recommendation. By February 15, 2021, management will work with IT to modify Accela to associate each citation issued with the respective inspection and the date on which it occurred.
10. Agree with recommendation. By August 15, 2021, as part of the investigation of eCitations, as discussed in Recommendation 3, attention will be given to ensuring citation review completion date can be appropriately captured and stored so that process timeliness can be accurately measured. If eCitations is not capable, or if management decides against implementing eCitations, a method will be devised to record the date of review completion for each citation in Accela.
11. Agree with recommendation. By August 15, 2021, management will work with IT to revise Accela to require supervisory approval for the use of the Special Case inspection result and encourage inspectors to use other established result designations when appropriate.
12. Agree with recommendation. By August 15, 2021, once citation review results are consistently recorded in Accela (see Recommendation 8), management will develop a report to assist in monitoring rejections and their impact on performance.
13. Agree with recommendation. By August 15, 2021, management will replace the LFR measures used to report on proactive activity: “# of proactive properties inspected monthly” and “% of designated proactive area properties inspected at least once per month” with two that better depict total proactive (i.e., self-initiated) work being performed monthly, such as “# of property maintenance violations identified” and “% of property maintenance violations that are proactively identified.”

14. Agree with recommendation. By August 15, 2021, management will make the following changes to correct the LFR measure, “% of PM Violations Resolved Voluntarily”:

- Revise title to “% of Property Maintenance Violations Abated Prior to Citation Issuance” to clarify what is being measured;
- Ensure numerator reflects only those property maintenance violations that were abated prior to being issued a citation; and
- Ensure numerator does not duplicate property maintenance violations through the count of cases versus violations; and
- Ensure denominator reflects only those property maintenance violations closed within reporting period that had been issued a notice.

Thank you for your professional review of this program.

Exhibits

Proactive Designated Areas - Citywide

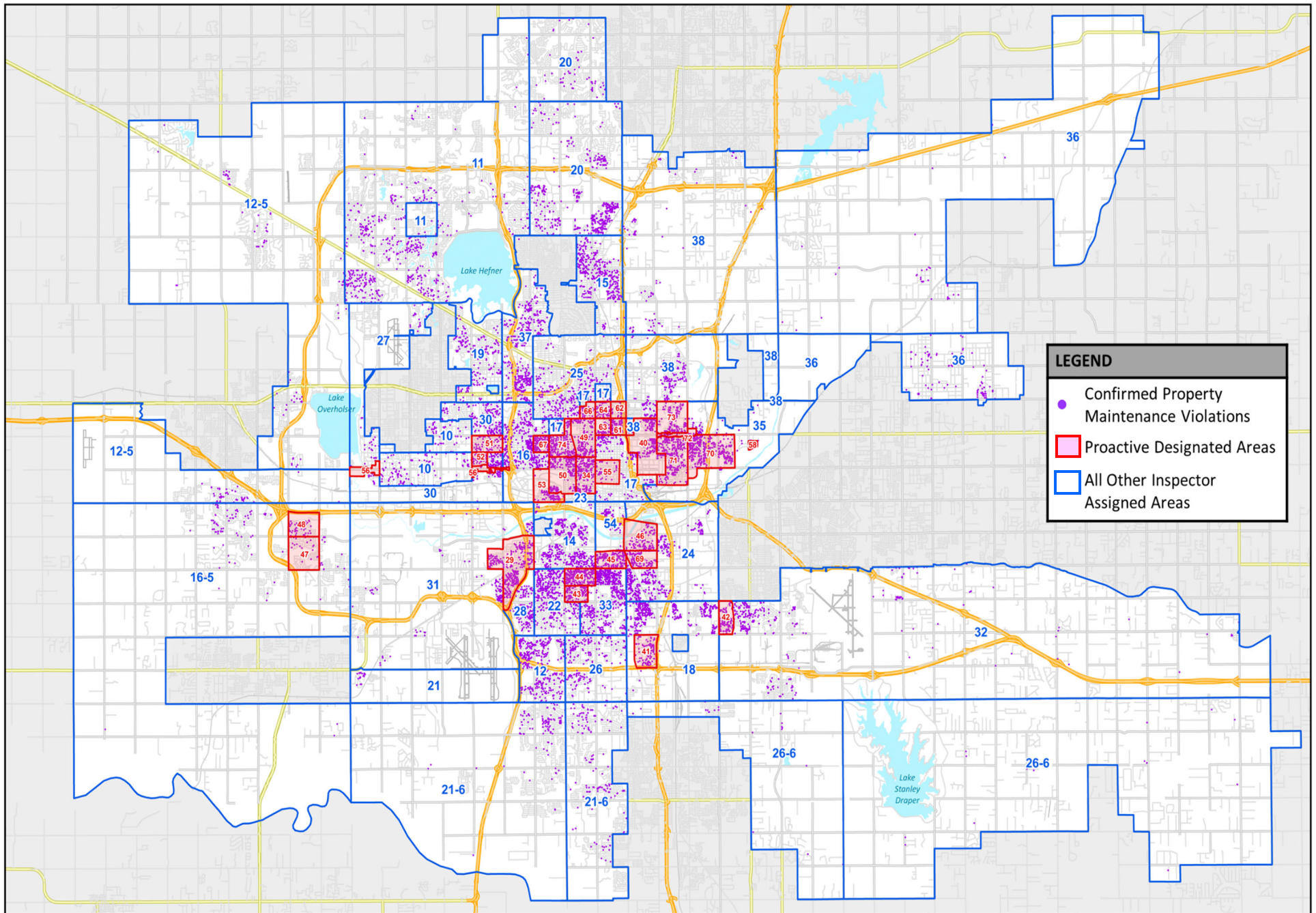


Exhibit 9

Proactive Designated Areas - Enlarged

