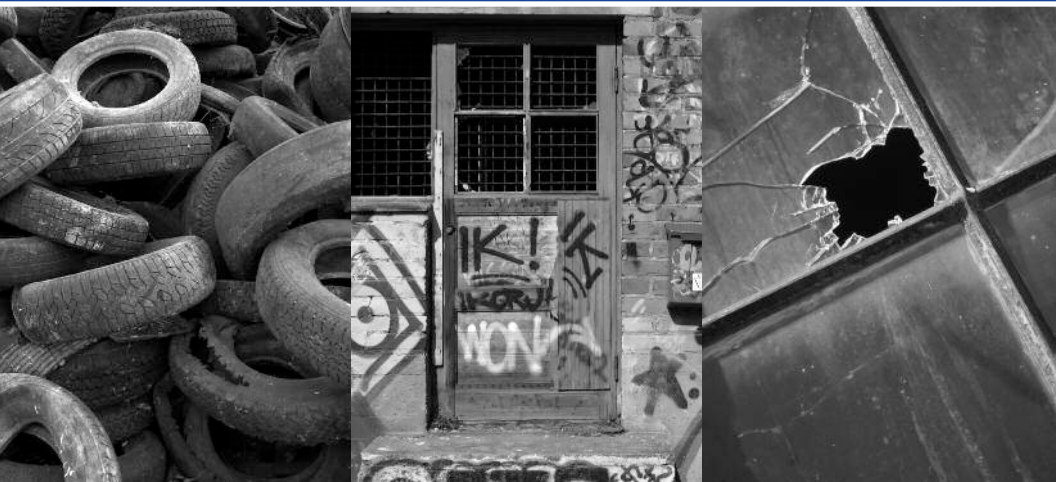


# Texas Problem Properties Toolkit

A RESOURCE TO HELP TEXAS COMMUNITIES  
ADDRESS PROBLEMS CREATED BY  
VACANT AND ABANDONED PROPERTIES

— 2010 Edition —



Created by:  
The Community Development Clinic  
at the University of Texas School of Law



COMMUNITY DEVELOPMENT CLINIC  
THE UNIVERSITY OF TEXAS SCHOOL OF LAW



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## INTRODUCTION

Vacant and abandoned properties harm Texas communities. They breed dumping, hazardous building conditions, drug activity, and other crimes. They threaten the health and safety of neighbors—and impose significant economic costs on the larger community by lowering property values and requiring costly code and police enforcement. One study in West and South Dallas, for example, found that vacant and other problem properties have lowered property values by approximately \$575 million, costing the city \$4.3 million a year in lost property taxes.

Property abandonment can occur in single-family, multifamily, industrial, and commercial properties. Common abandonment triggers include: liens and repair costs that exceed the market value of the property, property deterioration, and difficulty in obtaining financing for improvements. With the current foreclosure and financial crisis, property abandonment is a growing threat to communities across Texas.

Property abandonment causes different categories of problems for communities depending on the type and condition of the property: an abandoned home may transform into a drug house, while an abandoned industrial site may turn into an illegal dump. To successfully remediate these problems, a community needs to have a broad range of tools at its disposal. Fortunately, as more communities in Texas turn their attention to the problems of vacant and abandoned properties, there are a number of tools and strategies they can employ to address these problem properties.

For the past two years, the Community Development Clinic at the University of Texas School of Law has been researching best practices in Texas and around the United States for addressing problem properties. Our research has culminated in this toolkit, which summarizes the most effective strategies that Texas cities, neighborhood organizations, and other stakeholders can adopt to eliminate the harms created by vacant and abandoned properties. By targeting these properties,

local leaders can create safer and stronger neighborhoods, build more vibrant and economically sustainable communities, and provide new opportunities for success.

We welcome your feedback on this toolkit and would like to hear from you about what tools are working in your Texas community. Please feel free to contact us at [info@texasbar.org](mailto:info@texasbar.org) or [hway@law.utexas.edu](mailto:hway@law.utexas.edu).

We would also like to thank Bank of America for their support in printing this toolkit.

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# COMMUNITY ENGAGEMENT

Community engagement is critical to creating and implementing successful solutions to problem properties. There are numerous ways community groups can get engaged at the neighborhood, city, and state level:

- **Formation of informal and formal neighborhood partnerships** to assist the city with code enforcement and crime prevention. Through effective partnerships, neighborhood residents can work with the city to develop a list of priority properties, meet regularly with all relevant city departments to track progress, receive training to assist with actual enforcement, and educate fellow residents.
- **Creation of coalitions and task forces** to push for local and state policy changes to address problem properties and improve government responses.
- **Proactive monitoring** of the city's code enforcement process for accountability and efficiency.

## Solutions in Action

**Baltimore** has adopted a Community Bill of Rights, which grants community organizations the authority to seek injunctions to enforce a broad range of municipal code provisions when the city does not act.

In **Atlanta**, the city trains volunteer neighborhood deputies who patrol the neighborhood and send notices of code violations to property owners. If the conditions are not corrected, the deputies refer the cases to the city code enforcement department.

In **Dallas**, local CDCs and community leaders formed an informal coalition to address nuisance properties. In 2008, the coalition put together the Revitalizing Nuisance Properties Summit, which was attended by more than 100 community members and public officials.

In **Memphis**, neighborhood groups have created the Problem Properties Campaign to support neighborhoods' efforts to redevelop and improve neglected properties.

In **Providence**, community development corporations sit on the Nuisance Abatement Task Force along with representatives of various city departments. The task force meets semi-monthly to work on 20 problem properties nominated by the community, police, and others. The task force follows each property through resolution.

In **Cleveland**, the local housing court judge meets once a quarter with community groups to talk about problem properties, conducts site visits to see the problem properties, and distributes a newsletter to educate the community about tools to deal with problem properties.

In **Louisville**, Kentucky, the Neighborhood Roundtable identifies and tracks the ten worst properties. City inspectors conduct intensified inspections of these properties and generate a "before and after" report on each property.



## RENTAL PROPERTY REGISTRATION

Rental property registration can dramatically increase the ability of a city to enforce major code violations in rental properties and prevent the properties from creating dangerous conditions for the residents and surrounding community. Rental property registration programs require owners to register their rental properties with the city. The programs also typically give the city authority to inspect the premises. Through nominal fees assessed on each rental unit, registration programs provide resources for cities to conduct regular inspections at these properties and to then enforce violations.

While most rental property registration ordinances focus on code violations, some, like Houston's ordinance, are focused on fighting crime. Registration ordinances vary widely in terms of what types of rental properties are targeted (e.g., single family or multifamily), the amount of fees assessed, if any, and the frequency of inspections (annually or less frequently).

**Where To Find It:** Local city ordinances. Several Texas cities have adopted rental property registration programs, including Dallas, Carrollton, Hurst, College Station, Fort Worth, and Houston. San Antonio is pursuing the adoption of an ordinance.

## Texas Solutions in Action

**Dallas** has an expansive multifamily registration ordinance that targets both code and criminal violations. Properties of 3-plus units (newer properties are exempted) must pay an annual registration fee of \$2 a unit. An inspection is conducted at least once every 3 years; problem properties are inspected more frequently. If the property fails inspection, the fee increases. All leases must contain a crime prevention addendum, and the property owner must attend at least 3 annual crime watch meetings. Properties meeting certain security guidelines can obtain a voluntary “Gold Star” certification from the police department, which landlords can use in advertising for tenants. High-crime apartments trigger more stringent security requirements, criminal background check requirements, and more rigorous inspections.

**Carrollton** has a single-family and duplex rental inspection program. The annual registration fee is \$50 per rental unit.

**Fort Worth’s** rental registration program includes multifamily and single-family rental units, duplexes, and rooms being rented in an owner-occupied house. The annual registration fee for single-family and duplex units is \$200. The annual registration fee for complexes is \$24 for the first unit and \$8 for each additional unit.

**College Station** has adopted an ordinance requiring the registration of all single-family and duplex rental properties. The annual registration fee is \$15 per unit.

**Houston** has a mandatory registration requirement for all properties of 10 or more units but does not require a fee or inspection, except for high-crime properties. The police are required to develop a database of crime stats on each registered property. Through the City’s voluntary “Blue Star” Program, landlords can choose to participate in a three-phase security program and, upon passing, receive a blue star certification from the city. High crime properties trigger more stringent requirements including a mandatory inspection by police, a security remedial plan, a \$400 fee, and a follow up remediation inspection.

## RECEIVERSHIP

Receivership gives cities and community-based nonprofits the ability to rehabilitate dangerous properties when the property owner refuses to address the dangerous conditions, and can also give cities a tool to clear titles to problem properties. Receivership is used successfully in many cities and states across the country, including Baltimore, Cleveland, and New Jersey. Texas has three different receivership statutes that can be used to rehabilitate dangerous properties: hazardous property receivership, community receivership, and equitable receivership.

Under Texas law, when a property creates an imminent risk of harm to tenants and the surrounding community, a city or nonprofit housing organization can file a lawsuit and ask a judge to appoint a receiver to take over the property. The receiver then steps into the shoes of the owner. A receiver may collect rents, make repairs to the property, and rebuild the property with court approval. Depending on which receivership statute is utilized in Texas, the receiver can be an individual, a nonprofit organization, or other entity. The receiver has a lien on the property for the receiver's expenses, but the receiver is responsible for fronting the costs of rehabilitating the property. If the owner does not reimburse the receiver, the receiver can ask the court for permission to sell the property and is reimbursed out of the sales proceeds. Receivership is available for multifamily, single-family, commercial, and vacant properties.

### Texas Hazardous Properties Receivership

**Where To Find It:** Texas Local Government Code, Section 214.0031

Hazardous properties receivership is a new remedy created by the Texas Legislature in 2009 (SB 1449) that gives qualified nonprofit housing organizations the ability to fix up problem properties in their communities. Key components of the statute include:

- Texas cities and qualified housing organizations can bring a lawsuit and ask the court to appoint a receiver when properties pose a serious and

imminent public health or safety hazard. For example, a property with a roof caving in and exposed electrical wiring should qualify. The property owner must receive 30 days' notice before an action is brought.

- The housing organization must be certified by the city on an annual basis to bring receivership actions, must be a nonprofit, and must show a record of community involvement.
- Actions can be brought against abandoned homes, vacant lots, and rental properties (owner-occupied single family homes are ineligible).
- The court-appointed receiver can be an individual, nonprofit housing organization, or other entity with rehabilitation experience and appropriate capacity or resources. For multifamily properties, the statute limits when a nonprofit housing organization bringing the action can also be the receiver. The receiver has very broad powers to bring the property back into habitable conditions. Demolition is available as a remedy for single-family properties.
- If the owner does not assume control of the property or reimburse the receiver's expenses and administrative fee, the court can order a public or private sale of the property.
- The receiver has a lien for all court-approved expenses, is reimbursed first out of the sales proceeds, and may use the lien it holds as credit if purchasing the property.
- The purchaser of the property obtains title to the property free and clear of all liens and encumbrances—all other liens (except federal liens) are extinguished.
- The nonprofit housing organization bringing the action is eligible to purchase the property if it is less than four units.

## Community Receivership

**Where To Find It:** Texas Local Government Code, Section 214.003

Receivership under the community receivership statute is somewhat similar to hazardous property receivership, except that hazardous property receivership is more flexible with regard to who may bring an action and what happens to the property upon termination of the receivership. Only cities can bring a community receivership action—nonprofit organizations are ineligible. Actions can be brought against an owner of a property that is not in substantial compliance with municipal ordinances regarding: (1) fire protection; (2) structural integrity; (3) zoning; or (4) disposal of refuse. The court can then appoint as receiver an individual or a nonprofit with rehabilitation experience to rehabilitate the property. The receiver is charged with rehabilitating the property to meet minimum code standards. After a year, if the owner fails to assume control of the property or repay all the receivership costs, the receiver may petition the court to terminate the receivership and order sale of the property. The property in a community receivership action must be sold on the courthouse steps in a public auction. The receiver may bid on the property at the sale.

## Equitable Receivership

**Where To Find It:** Texas Civil Practice & Remedies Code, Chapter 64

With equitable receivership, the court uses its powers of “equity” to appoint a receiver to rehabilitate a property and remove dangerous housing conditions. Equitable receivership is similar to community and hazardous property receivership with a few key differences. First, in an equitable receivership action, only individuals registered to vote can serve as a receiver—organizations are ineligible for service. Second, equitable receivership may be more flexible in some regards. For example, the receiver can demolish multifamily properties if conditions warrant, whereas demolition is an ineligible activity in a hazardous property receivership action for multifamily properties with four or more units.

## Receivership Solutions in Action

**The City of Dallas** has brought several successful equitable and community receivership actions against derelict apartment complexes that posed health and safety hazards to the apartment occupants. Problems at the properties included faulty plumbing, exposed electrical wiring, and insect and rodent infestations. A receiver was appointed to improve the properties, and the court ordered one of the properties demolished. In South Dallas, Inner-City Community Development Corporation has also used community receivership to rehabilitate two multifamily properties and make them livable for residents. A local banker provided the rehabilitation funds.

**Baltimore**, Maryland, has the broadest receivership ordinance in the nation. A city or nonprofit can bring an action against any vacant property with an outstanding building violation notice. Once a receiver is appointed, the receiver's expenses become a super-priority lien on the property even before rehabilitation work begins. If the owner fails to pay off the lien, the receiver may foreclose on the lien and sell the property to a qualified developer to conduct the rehabilitation. In about 85 percent of the cases, the mere threat of receivership has resulted in the owner either making the repairs or voluntarily selling the property.

**Ohio** also has a broad receivership statute. Cleveland has used the statute aggressively to address residential problem properties in the city. The city brings up to 50 receivership actions per year against dangerous residential properties. If a property is deemed a public nuisance by the court, a receiver may be appointed. Nonprofits are eligible to bring actions and in most cases are appointed as receivers. The receiver has the power to demolish the property if circumstances warrant.

## VACANT PROPERTY ORDINANCES

Vacant properties inflict problems on communities. They harbor crime, weaken surrounding property values, and create special maintenance challenges. The recent surge of mortgage foreclosures has contributed to an even greater proliferation of vacant properties and the problems that come with them. There are three key tools to address the unique problems generated by vacant properties:

**Vacant Property Registration Ordinances:** These ordinances require owners to register vacant properties with the city. Other requirements may include a registration fee, proof of insurance, submission of a maintenance plan, and posting rules. Cities use the fees to beef up inspections and enforce health and safety codes on these properties. This tool has been enacted across the United States in cities such as Minneapolis; Chula Vista, California; Wilmington, Delaware; Cincinnati; Albuquerque; and San Diego. Texas cities adopting similar ordinances include Dallas, Arlington, and Baytown. These cities have taken a broad range of approaches in prescribing what types of vacant properties trigger the ordinance requirements.

**Foreclosed Properties Ordinances:** A foreclosed property can be a prime target for crime and vandalism, and yet the lender and trustee may fail to take steps to secure and maintain the property while it is vacant. Several cities, including Chula Vista, California; Boston; and Hollywood, Florida, have adopted special ordinances to address these problems. These city ordinances typically require lenders or trustees to register their properties with the city and maintain them until they are reoccupied.

**Vacant Property Coordinators:** A vacant property coordinator serves as a liaison and point person among the various city departments, agencies, neighborhood groups, and property owners in dealing with vacant properties. This approach has worked well for the City of San Diego over the past decade. Through its Neighborhood Code Compliance department, San Diego's vacant property coordinator is charged with: (1) maintaining an inventory of all vacant properties;

(2) coordinating efforts among city departments; (3) performing liaison tasks with the city's vacant property task force; and (4) communicating with community groups and local institutions.

**Where To Find It:** Local city ordinances. For examples, see Dallas City Code, Chapter 48B; and Arlington City Code, Vacant Structures Registration Chapter.

### **Dallas Downtown Vacant Building Registration Ordinance**

The Dallas ordinance requires owners of downtown vacant buildings to register their properties and pay a registration fee of \$75, an inspection charge of \$185, and a small additional fee per square foot of the building. Owners must submit a plan detailing a time schedule for correcting violations, a maintenance plan, or plans for renovations or sale of the building. The owner is required to submit an updated plan at least once every six months. Violations of the ordinance can result in criminal penalties, civil fines ranging from \$500 to \$2,000, and administrative penalties. The owner must carry commercial general liability coverage with a minimum combined bodily injury and property damage limit of not less than \$2,000,000 annually.



## Common Features of Vacant Property

### Registration Ordinances

**Property Registration, Fees, & Inspections.** Vacant property registration ordinances typically require the owner to register a property after it has been vacant for a certain number of days (ranging from 10 to 365 days). The owner must also pay registration fees (ranging from \$70 to \$6,000 per property) which are, in turn, used to cover the municipal costs of vacant property inspections authorized by the ordinance. The collection of fees allows a city to charge vacant property owners—rather than the taxpayer—for problems generated by these properties.

**Posting Requirements.** City ordinances can also require that owners post contact information or warning signs on vacant buildings. The contact information provides a point of contact for the building in the event of an emergency related to the vacant building, including fire or a serious police incident. A posted trespass warning may provide the basis for prosecution of those who enter the premises without authorization.

**Liability Insurance.** Several municipalities require that owners obtain a minimum amount of liability insurance on vacant buildings. In Cincinnati, the city requires the owner to maintain liability insurance in the amount of \$300,000 for residential properties and \$1 million for commercial or industrial properties.

**Vacant Structure Maintenance Plan.** Several cities require vacant property owners to submit a plan and timeline for how the owner intends to bring the property into code compliance, demolish the building, or return it to occupancy. Dallas; Arlington, Texas; Cincinnati; and San Diego all require maintenance plans.

## Solutions in Action

**Wilmington, Delaware's** vacant property registration ordinance has a sliding annual fee scale: the longer the property remains vacant, the greater the fee. The ordinance imposes a fee of \$500 for the first year, which increases by \$500 for each additional year the property remains vacant up to a maximum of \$5,000 if the property has been vacant 10 years or more.

**Baytown, Texas,** requires posting of a “Do Not Enter” and trespass warning sign at all entrances to vacant buildings. Baytown’s ordinance also requires that if boarding, fencing, and the use of electronic monitoring systems fail to keep unauthorized persons from entering or occupying a vacant building, the owner must have a watchperson on duty upon the premises continuously between the hours of 4 p.m. and 8 a.m.

**Chula Vista, California,** requires lenders, upon mortgage default, to inspect the property and to secure and maintain the property against vandalism and deterioration. Lenders must register the property with the city and hire a local property management company to maintain it, even before the foreclosure is complete. After foreclosure, if an interest in the property is transferred, the deed of trust must be recorded in the country records.

**San Diego** makes it illegal for a building to be vacant unless the owner files a “Statement of Intent” with the city. The Statement must include the following information: (1) expected period of vacancy, (2) maintenance plan during vacancy, and (3) plan and timeline for lawful occupancy, rehabilitation, or demolition of the vacant structure.

## CRIMINAL NUISANCE ABATEMENT

Criminal nuisance abatement gives communities a tool to shut down habitual criminal activity at problem multifamily properties. Nuisance abatement lawsuits can be filed by an individual or a city when a property is the source of recurring criminal activity (such as drug dealing by tenants and guests), and the owner has been notified of the activity but has failed to take reasonable security steps to stop the activity. The court can order the owner to eliminate the criminal activity and shut down the property if circumstances warrant. In Texas, there are two different types of criminal nuisance actions: (1) common nuisance; and (2) public nuisance.

**Where To Find It:** Chapter 125, Texas Civil Practice and Remedies Code.

### Common Nuisance

A common nuisance action can be brought under Texas law when a property is used for certain “habitual” criminal activity, including murder, drugs, gambling, prostitution, sexual assault, discharge of a firearm, and alcohol violations. Any individual, the state attorney general, or the district, county, or city attorney may bring an action against the property, the property owner, the manager, or the person using the property as a nuisance. The court can then order that the owner take specific steps to prevent future criminal activity; the court can also order that the property will be closed for one year. For multi-family properties, the court may also appoint a receiver for up to a year to manage the property. If the government has not taken action against a nuisance property and the residents in the area do not wish to bring a nuisance lawsuit by themselves, the residents can petition the district, city, or county attorney to meet about bringing a nuisance action. At least 10% of the registered voters in the election precinct of the property must sign the petition, or 20% of the voters in the adjacent precinct. The government still has discretion as to whether to bring the action. Hopefully government officials will agree to meet without a petition, but the petition is available just in case.

## Public Nuisance

A public nuisance action can be brought only when a property is being used for habitual gang activity. The action can be brought against the owner or manager of the property. The court can require specific steps the owner must take to prevent the future use of the property for gang activity.

### Texas Solutions in Action

In **Dallas**, nuisance abatement actions are brought through the City's SAFE Team. SAFE is a unit within the Dallas Police Department that was created to reduce criminal nuisances by integrating the police department, code enforcement department, fire department, and city attorneys.

In **Houston**, the FAST unit brings nuisance abatement actions. FAST is made up of the police department, the city attorney's office, the public works department, and the neighborhood services department. When repeated criminal activity is occurring, property owners are called in to discuss how to stop the criminal activity. When voluntary compliance cannot be achieved, the lawsuit may bring a nuisance abatement lawsuit under Chapter 125.

The **City of San Antonio** established DART (Dangerous Assessment Response Team) to address properties with repeated criminal activity or at least 2 years of uncorrected code violations. DART is coordinated by the City Attorney's office and is made up of the police department, the fire marshal, building inspectors, and the code enforcement department. Since its inception in April 2007, DART has abated about 30 properties and closed down 8 properties. The program has also resulted in more voluntary compliance.

## LAND BANKING

Land banks can be used to transform vacant and abandoned properties into affordable housing and community assets, which in turn foster greater community prosperity and strengthen a city's economic well-being. Land banking is the process by which local governments acquire title to properties, clear title, assemble properties, and control redevelopment of the properties for affordable housing or other functions.

In Texas, one of the biggest problems with abandoned property is the lack of clear title, which makes it very difficult if not impossible to sell the property, leading to long-term blight and related problems. In Texas, the Urban Land Bank program, under Chapter 379E of the Local Government Code, allows municipalities to acquire clear title to certain tax-foreclosed properties at little or no cost, outside of the regular tax foreclosure sale process. The statute enables cities to clear title to these properties and control their redevelopment as affordable housing.

### **Dallas Urban Land Bank Demonstration Program**

In 2003, the Texas Legislature passed pilot land bank legislation allowing the City of Dallas to bypass the regular tax foreclosure process for vacant, tax delinquent properties. The Dallas land bank acquired its first lot in 2005 and since then has acquired more than 400 lots. The land bank has more than 1,000 lots in the tax foreclosure pipeline and has sold more than 60 lots to non-profit and for-profit developers for construction of affordable housing.

Under Chapter 379E, cities can adopt an urban land bank after adopting a land bank plan and obtaining the permission of the other taxing entities. The city can then ask the tax foreclosure officer to sell or donate eligible properties to the land bank.

A property is eligible if: (1) the property is “upside down” (= the market value of the property is less than the amount due under the foreclosure judgment, including all taxes, penalties, interest, tax liens, court costs, and cost of sale); (2) the property is not improved with buildings; and (3) there are at least 5 years of delinquent taxes on the property. Community-based nonprofit housing developers have a right of first refusal to these properties. Special statutory provisions apply only to Dallas and Houston.

Currently in Texas, only Dallas has created an active urban land bank under Chapter 379. Houston also has an active land bank, called the Land Assemblage Redevelopment Authority, as part of the city’s Project HOPE. Houston, however, is not utilizing the special provisions under Chapter 379 regarding tax-foreclosed properties.

In addition to tax-foreclosed properties, Texas home rule cities and nonprofit organizations can also acquire mortgage-foreclosed properties and bank these properties for redevelopment as affordable housing or other functions. Several Texas cities, including Houston and Dallas, are utilizing National Stabilization Program grants from the federal government to bank mortgage-foreclosed homes, to renovate them, and either rent or resell them as affordable housing.

**Where To Find It:** Texas Local Government Code, Chapters C-E

Dallas Urban Land Bank:

[http://www.dallascityhall.com/housing/land\\_acquisition.html](http://www.dallascityhall.com/housing/land_acquisition.html)

Houston Land Assemblage Redevelopment Authority:

[www.houstontx.gov/lara/](http://www.houstontx.gov/lara/)

## CODE ENFORCEMENT

Code enforcement can be a powerful tool to address problem properties if the system is working well. Code enforcement is the set of procedures that cities use to compel property owners to comply with government health and safety standards and other property standards. Cities adopt different local ordinances (or “codes”) to address things like housing conditions, dumping, and fire safety. When government officials inspect a property and find a violation of a code, they serve notice on the owner. If the owner fails to correct the violations, a city in Texas can bring an administrative action in a hearing officer’s court, or a civil action in municipal or district court. Depending on the type of action, the court can issue fines, order demolition, or require the owner to take certain actions.

**Where To Find It:** Local city codes; Texas Local Government Code, Chapters 54 and 214; Health & Safety Code, Chapter 342

### Evaluating Your City Code Enforcement System

The first step to create an effective code enforcement system is to conduct an assessment of the current system and how it functions. An evaluation, such as an audit by an outside consultant, will provide city officials and community advocates with a better understanding of the problems areas in the system and provide information on how to improve the system.

Questions to ask in the audit include:

- How long does the enforcement process take on average from initiation to completion?
- What percent of properties are brought into compliance?
- Is there comprehensive coordination among city departments?
- How does the city deal with code enforcement liens? Does the city foreclose on these liens?
- Is assistance provided to lower-income homeowners who do not have the financial means to bring their homes into compliance with code?

## Best Practices for Code Enforcement:

### **Use administrative enforcement actions to address more minor problems.**

In Texas, under Chapter 54 of the Local Government Code, a city may bring an administrative or civil action against an owner whose property is not in compliance with code standards. It is typically more efficient for cities to utilize administrative enforcement actions for minor code violations.

**Develop an integrated, accessible information management system.** Critical to effective code enforcement is the utilization of a well-run, comprehensive information management system that integrates information from all city departments pertaining to the property, including tax, police, utility, and code records. The system should be available, at least in part, to community organizations so that neighbors of vacant and abandoned properties can track progress of code enforcement actions, and to researchers to allow for the mapping and tracking of trends related to abandoned and other problem properties.

**Effective coordination across city departments.** A city's code enforcement system will be more effective if it is coordinated with other city departments and agencies that are regularly in the field, including the police department, fire department, utility companies, animal control, and public works department.

**Foreclose on code liens for non-owner-occupied properties.** The threat of foreclosure alone can serve as an effective deterrent in getting recalcitrant rental property owners to finally bring their property up to code. Foreclosing on liens also enables the city to put abandoned properties back into safe, productive use. Even when allowed under the law, however, lien foreclosure should not be used against low-income homeowner occupants who cannot afford to bring their property up to code—the government should instead provide financial assistance to assist the owners with bringing the property up to code.

In certain instances, Texas cities have the authority to record liens against a property when the owner does not pay for the costs, fees, and penalties associated with code



enforcement, and can then foreclose on these liens. For liens related to clearing weeds and debris, a city can foreclose on the liens under the Health and Safety Code. For other nuisance abatement liens, such as liens arising from demolition, building repairs, and boarding up a building, Chapter 214 of the Local Government Code allows a city to foreclose on the liens only if the property is not homestead property, the owners are under 65, the taxes are more than 180 days delinquent, and the building on the property has been demolished.

**Targeting.** An effective code enforcement system will not only pursue violations on a complaint-driven basis but will also create priorities through proactive and strategic targeting practices intended to further substantive policy goals. Examples include concentrating efforts in certain at-risk neighborhoods, setting up a target list of the worst problem properties, and prioritizing certain types of violations. With the foreclosure crisis, some cities have turned to proactively tracking all properties entering the foreclosure process, since these properties have a high rate of vacancy and related code issues.

**Set performance measures.** An effective code enforcement system is one that is effective from the bottom up and utilizes specific performance measurement targets based on properties actually brought into compliance rather than the number of citations issued. Specific targets allow cities and the community to determine whether the systems are working.

**Engage community members, neighborhood groups, and CDCs in code enforcement.** Since many neighbors and community members have a stake in maintaining properties in the area in good condition, they are often willing to help with the enforcement process in order to prevent blight in their neighborhoods. Volunteers can be trained to help track code violations, notify owners, and provide information to property owners about bringing properties into compliance. Atlanta; Cleveland; and Pearland, Texas, have used this approach successfully.

## Code Enforcement Solutions in Action

**Philadelphia's Neighborhood Information System** is accessible to city staff, community development corporations, and other community-based agencies that have contracts with the city. Certain parts of the system are also available to the public at large. The system tracks a wide array of information related to properties, including the date of purchase, purchase price, tax delinquency status, city code violations, and utility terminations.

**Pearland, Texas**, utilizes volunteers to assist with code enforcement. Volunteers are trained and must commit to at least 2 hours a week.

**In Louisville, Kentucky**, the Neighborhood Roundtable identifies the ten worst properties in their areas. City inspectors conduct intensified inspections of these properties and generate a before and after report on each property.

**In Atlanta**, the city trains dozens of volunteer "neighborhood deputies" who patrol the neighborhood and send notices of potential code violations to property owners and occupants. If the conditions are not corrected, the deputies refer the case to the city code enforcement department. The program costs just \$80,000 to run, the same cost as hiring two full-time housing inspectors.

**The City of Cleveland** employs "housing specialists" who provide counseling and assistance to landlords to help them achieve compliance.

**In Dallas**, the city prosecutes the vast majority of code violations through an administrative proceeding called the Hearing Officers Court. About 2,000 citations are processed each month through this system.



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