

January 4, 2024

To: Mayor and Members of City Council
From: Sheryl M.M. Long, City Manager
Subject: Report on the Department of Buildings & Inspections Code Enforcement Process and Chronic Offenders

202400012

REFERENCE DOCUMENT #202301979

On September 13, 2023, the Council referred the following for a report:

MOTION, submitted by Councilmember Cramerding and Councilmember Jeffrey, WE MOVE that the City administration prepare a report and compile data within 90 days regarding the property maintenance code enforcement program. The report should first outline the process that a complaint goes through to result in an order against a property owner, and provide summary data on caseload, including but not limited to the percentage of complaints that result in orders. WE FURTHER MOVE that the report outline the feasibility of compiling a report focused on chronic problematic properties and owners, with potential Top 10 compilations including: Property with Most Number of Orders; Property Owner with the Most Number of Orders; Property Owner with the Most Number of Properties with Orders, and; Property Owner being the Most Untimely in Resolving Order. (Balance of motion on file).

REPORT

The following reports (A) the background of the City' agencies with responsibility for property maintenance; (B) an overview of the property maintenance complaint process; and (C) statistical information on complaints, cases, and chronic offenders.

A. Property Maintenance Enforcement Agencies

The City has extensive property maintenance enforcement responsibilities ranging from building and housing code enforcement, tall grass and weeds, junk vehicles and scrap tires, to air quality standard. Enforcement obligations span various offices, departments, and agencies. Most complaints are routed to three departments: the Department of Buildings and Inspections, the Health Department, and the Fire Department. While the Health and Fire Departments serve critical roles, the Department of Buildings and Inspections (B&I) carries the highest volume of property maintenance enforcement matters for the City. Due

to resource and staffing constraints over the last several years all B&I inspectors have had to handle both permit and property maintenance enforcement duties. This arrangement did not allow for the level of desired service delivery. However, Council approved an additional 10 FTEs in B&I in FY24, which will allow for significantly more dedicated staffing time and energy for addressing code compliance in our City.

B&I enforces two bodies of safety codes: (1) the basic Ohio building construction standards and (2) the various City building and housing code standards. This includes the Private Lot Abatement Program (PLAP), the vacant building maintenance license program, the vacant foreclosed property registration program, the hazard abatement program, and the façade and fire escape inspection programs. Due to its breadth, B&I utilizes case tracking software, which enables the department to produce comprehensive reports.

B. Complaint Process & Enforcement

The City's code enforcement processes are primarily complaint driven. Cases begin with the public: community members, adjacent property owners, neighbors, and/or tenants. The City engages in proactively seeking out hazardous conditions in limited circumstances. For example, inspections and enforcement related to permits and licensing are initiated by the applicant. In addition, the City conducts inspections of a property through B&I's Residential Rental Inspection Program (RRI) when a particular property or owner qualifies because of a chronic failure to comply with property maintenance requirements. The total number of RRI cases initiated by the City is a fraction of B&I cases.

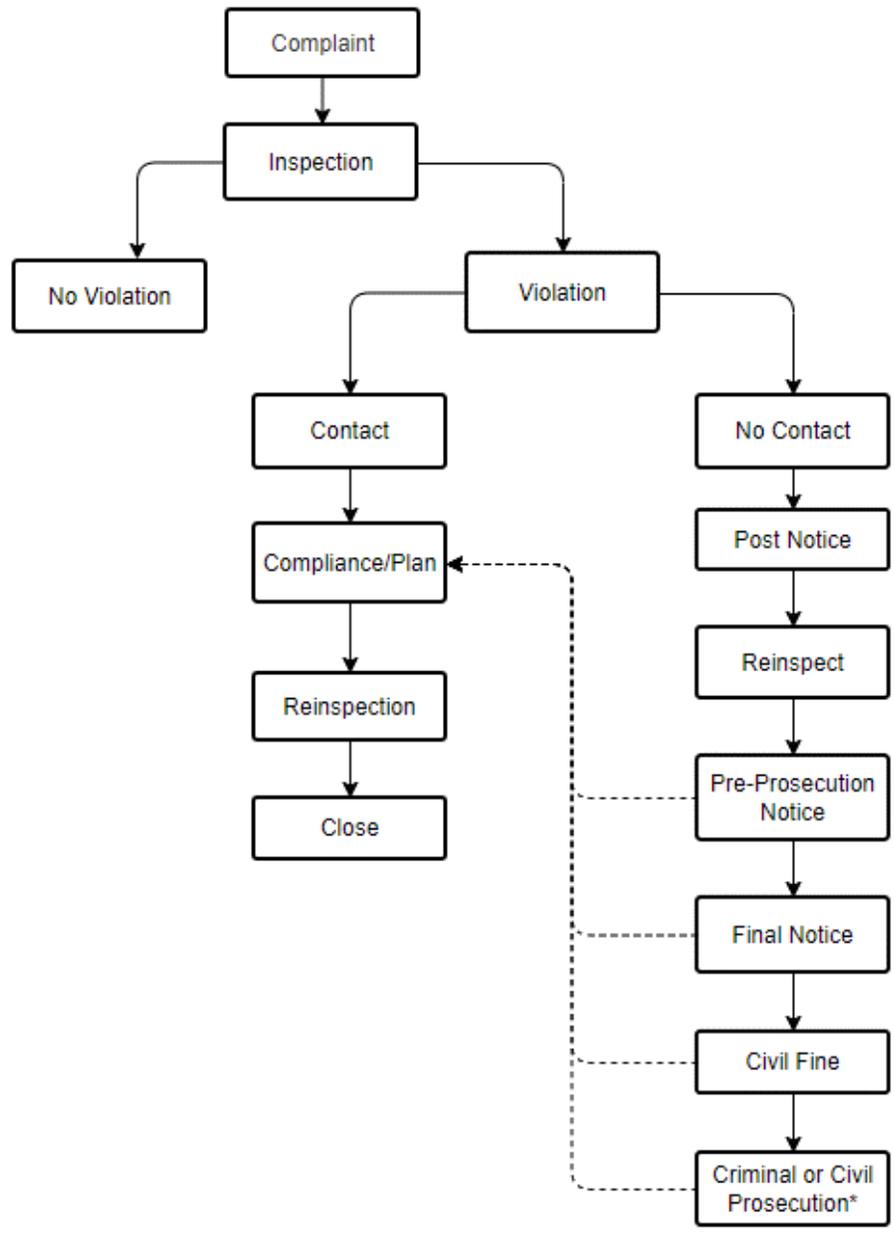
Except for PLAP cases, property maintenance cases follow a standard route: complaint, inspection, notice, and, if necessary, enforcement. Complaints can be submitted to B&I through several channels: telephone, electronic mail, the City's website, an app or in person. However, the City's general help line (3-1-1) or website (<https://cagis.hamilton-co.org/311/>) are used the most. PLAP cases have a distinct process because the City abates the violation if the owner does not.

Once a complaint is made, it is routed to the inspector assigned to the area. The inspector will verify the hazardous condition and issue orders directing the owner to contact the inspector and abate the condition. If there is no contact the orders are posted at the premises to ensure the owner receives notice.

If the owner fails to abate the identified violations, the case progresses to enforcement. An inspector will reinspect after the compliance period lapses. If the issue remains outstanding, the inspector sends a letter to the owner requesting a pre-prosecution meeting to discuss the case. If the letter and meeting do not successfully resolve the violation, a final notice is issued before punitive action begins. B&I may issue escalating civil citations to the owner or advance a matter to hazard abatement, depending on the urgency and severity of the underlying violation. If citations are not successful in achieving compliance, B&I may refer the case for civil or criminal prosecution. At any time in the process, if the owner abates the violation or communicates a reasonable work plan, B&I pauses punitive action and seeks to achieve compliance with the owner. In limited circumstances, the City will pursue civil or

criminal prosecution on an expedited basis to address emergency life-safety hazards like no water or no heat.

The following flow chart helps to illustrate the general enforcement process.



* Civil or criminal prosecution must be approved by both the Director of B&I and the Chief of Quality of Life in the Law Department prior to filing

NOTE: This chart does not reflect the process for PLAP cases which have a distinct process for litter and weed violations.

C. Complaint and Case Tracking Reporting

In a typical year, B&I manages around 18,000 cases and conducts 57,000 code enforcement inspections. B&I also conducts an additional 64,000 permit inspections each year. The total caseload is based on cases already open and new complaints received. The public submits approximately 7,400 complaints each year. Sixty percent of complaints can be verified and result in the City issuing an order to correct the violation. Complaints that cannot be verified by an inspector are closed. The forty percent of complaints that cannot be substantiated are often the result of the inspector's inability to gain access to review the condition or it has been abated by the time the inspection occurs.

The following data is from January 1, 2020 to December 6, 2023. The results do not aggregate related persons or entities. Potential connections necessitate investigation and every B&I code enforcement case would require verification to ensure equal results for ranking. Finally, the Hamilton County Land Reutilization Corporation is not included in these results since the nature of its mission is to hold and rehabilitate very distressed structures.

Top Ten Addresses with Most Orders (Person in Control/Owner is in Parentheses)

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|---|--|
| 1. 200 W. Galbraith Road (RRE Williamsburg Holdings LLC) | 6. 835 Poplar Street (Cincinnati Metropolitan Housing Authority) |
| 2. 1035 Parkson Place (H&E Enterprise LLC) | 7. 2000 Westwood Northern Boulevard (Shelton Gardens 2018 LLC) |
| 3. 2830 Harrison Avenue (H&E Enterprise LLC) | 8. 1120 Garden Street (Yossef Haver & Haver Lital) |
| 4. 2026 Eleanor Place (Mt. Auburn Housing Inc.) | 9. 1990 Westwood Northern Boulevard (Reids Valley 2018 LLC) |
| 5. 3030 Forest Avenue (Cincinnati Metropolitan Housing Authority) | 10. 924 Hawthorne Avenue (Avi Ohad) |

Top Ten Individuals with Most Open Orders (Number of Addresses with Open Orders in Parentheses)

- | | |
|--|---|
| 1. Cincinnati Metropolitan Housing Authority (162) | 6. Vision and Beyond (44) |
| 2. Avi Ohad (140) | 7. Fay Limited Partnership (43) |
| 3. RRE Williamsburg Holdings LLC (119) | 8. Candlewood-Renata (34) |
| 4. Wallick Communities (62) | 9. Glen Meadows Apartments Limited Partnership (32) |
| 5. Model Management (52) | 10. JKV Workforce I LLC (32) |

Top Ten Individuals with Most Addresses with Open Orders

(Number of Open Orders in Parentheses)

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|--|---------------------------------|
| 1. Cincinnati Metropolitan Housing Authority (131) | 6. Fay Limited Partnership (28) |
| 2. Avi Ohad (50) | 7. OTR Holdings Inc. (24) |
| 3. RRE Williamsburg Holdings LLC (41) | 7. Vision and Beyond (24) |
| 4. Model Management (40) | 9. Cincinnati Webb I LLC (19) |
| 5. JKV Workforce I LLC (29) | 10. Wallick Communities (17) |

Top Ten Individuals with Longest Average Days to Compliance

(Average Number of Days to Compliance in Parentheses)

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|--|--|
| 1. Vision and Beyond (350) | 7. Vinebrook Homes (188) |
| 2. Fay Limited Partnership (313) | 8. Cincinnati Metropolitan Housing Authority (164) |
| 3. Candlewood-Renata (311) | 9. Cutter Historic Apartments LLC (105) |
| 4. NREA VB VI LLC (275) | 10. Wallick Communities (105) |
| 5. RRE Williamsburg Holdings LLC (248) | |
| 6. Avi Ohad (201) | |

cc: Emily Smart Woerner, City Solicitor
Art Dahlberg, Director of the Department of Buildings and Inspections