



Memo

DATE: May 18, 2010

TO: Mayor R.T. Rybak
City Council President Barbara Johnson
Councilmember Don Samuels, Chair of Public Safety & Health Committee
Councilmember Elizabeth Glidden, Chair of Regulatory, Energy & Environment Committee
Councilmember Betsy Hodges, Chair of Ways and Means Committee

FROM: Rocco Forté, Director of Regulatory Services & Emergency Preparedness
Alex Jackson, Fire Chief

CC: Henry Reimer, Director of Inspections, Minneapolis Development Review
JoAnn Velde, Deputy Director of Housing Inspections
Tom Deegan, Manager of Problem Properties Unit
Bryan Tyner, Fire Marshal
Cherie Penn, Assistant Fire Chief
John Fruetel, Assistant Fire Chief

RE: Examination of Fire Department Housing Inspections

The current division of the City's housing inspections responsibilities was initiated beginning in 2005. The Fire Department took responsibility for inspecting buildings with four or more dwelling units, and those with mixed-use (commercial and residential - a total of 3583 properties). Regulatory Services retained responsibility for inspecting residential buildings with 1 to 3 dwelling units (16,051 properties). In exchange for taking these additional responsibilities, several Housing Inspector positions were shifted from Regulatory Services to the Fire Department, along with annual funding. In 2009, \$810,435 was shifted from Regulatory Services to the Fire Department.

The shift in workload and funding was designed to improve productivity of inspections and more efficiently use Fire Department staff resources. The shift mitigated the need for Fire Department budget cuts and potential layoffs of Firefighters. City rental license inspections were brought to a five year cycle schedule from the previous seventeen year rotation projection.

In 2009, concerns were raised by Regulatory Services regarding the performance of the Fire Department's housing inspections program, in both terms of quality and quantity. Systematic and individual performance issues were also raised. Regulatory Services and the Fire Department recommended that all housing inspection responsibilities be returned to the Housing Inspections Services division of Regulatory Services. Policymakers decided to extend the division of responsibilities another year, and directed the

Fire Department to periodically report on its performance. A new Letter of Agreement¹ was enacted to govern this arrangement.

In the agreement, the Fire Department committed to full and proactive enforcement of the building and housing maintenance codes, including active engagement of residents in at-risk buildings in resolving complaints and concerns. Also, the Fire Department committed to aggressive enforcement of complaints – with expectations for follow-up and resolution, as well as to inspect a minimum of 735 residential buildings per year.

The current Letter of Agreement governing the Fire Department’s housing inspections program was signed by Rocco Forté, Director of Regulatory Services and Emergency Preparedness and Fire Chief Alex Jackson on April 13, 2009, and calls for a re-examination by Director Forté, Chief Jackson, the City Council and Mayor after one year. Fire Marshal Bryan Tyner submitted the 2009 Fire Prevention Bureau Rental Licensing Inspection Report², dated February 16, 2010 (revised May 5, 2010).

The Fire and Regulatory Services Departments have conducted a joint assessment of this program and have identified aspects of the program that are meeting expectations, as well as performance deficiencies that need improvement.

Quantity of Fire Department Inspections

The Fire Department conducted a sufficient quantity of rental license inspections in 2009. The Fire Department’s report of Feb. 16 (revised May 5, 2010) indicates that 825 buildings received license inspections, of which 765 were ultimately approved for rental licensure. This exceeds the minimum required 735 rental license inspections stated in the Letter of Agreement.

Fire Department Inspections Schedule

The Fire Department commenced a five year rotation for rental license inspections in 2005, with the plan to complete the first round in the 2009 license year. A rental property owner is issued a provisional license until the property passes the rental license inspection. The Fire Marshal has identified 343 multi and mixed use buildings that have not had a rental license inspection. These remaining provisionally licensed buildings will be inspected in the current license year and the first round of rental license inspections will be completed by March 31, 2011.

The Fire Department is behind schedule despite having conducted a sufficient quantity of rental license inspections. This is happening because the Fire Department is repeating inspections for buildings that previously passed inspection rather than completing a first inspection of all provisionally licensed buildings. In 2009, 69% of the rental license inspections the Fire Department conducted had previously received a license inspection. The Fire Department has identified this issue and has developed a plan to address it.

Regulatory Services and Fire Departments have jointly developed a plan for tiered housing inspections, to be implemented upon completion of the first round. Under this plan, properties with a history of code violations or illegal conduct on premises will be inspected more frequently than professionally managed

¹ Attachment A

² Attachment B

properties without a history of problems. Both departments are set to commence tiered inspections in April 2011.

Fire Department Housing Code Enforcement

The Letter of Agreement compels the Fire Department to engage in full, proactive and aggressive code enforcement, and to implementation of the standard operating procedures established by Regulatory Services.

Objective measures of the quality of housing inspections include the number of orders written and citations issued. Orders are written when an inspector identifies a code violation at an initial inspection. The order typically states a deadline for abating the violation. Citations are issued for violations that are not abated within the timeframe specified in the order.

Deadlines and extensions are set by policy and are based on the severity of the violation. Safety and health violations have shorter compliance timeframes compared to livability or nuisance types of issues. Aggressive enforcement will result in a higher number of both orders and citations.

	Number of Rental Properties Receiving License Inspection	Number of Rental Properties Receiving Complaint Inspection	Number of Orders Issued to Rental Properties	Number of Citations Issued to Rental Properties	Revenue
2008 – Fire Department	725	629	4,752	169	\$56,600
2009 – Fire Department	825	1065	4,294	110	\$45,900
2008 – Regulatory Services *	1890	487	20,450 (not including 7811 nuisance orders)	1820	\$997,400
2009 – Regulatory Services *	2659	5584	26,618 (not including 7941 nuisance orders)	2491	\$1,214,600

* Regulatory Services’ numbers do not include enforcement activity at owner occupied or vacant properties.

Some of the differences between the Fire Department and Regulatory Services orders and citation numbers may fairly be explained by the difference in condition between large multi-unit buildings, which tend to be more professionally managed, and small multi- and single-family rentals, which are more challenging. But this factor cannot alone account for the difference in orders and revenue between the two operations.

The Fire Department indicates that its low numbers are also a result of the fact that only 31% of its 2009 license inspections were conducted at provisionally licensed buildings.

The low number of citations and revenue generation is itself an objective indicator that the Fire Department is not adequately enforcing code violations. The Fire Department’s inspections on average resulted in one citation for every 39 orders issued. In contrast, one out of 11 Regulatory Services’ orders resulted in a citation.

Fire Department Housing Inspections Training

Training practices set up when the program was established in 2005 have been discontinued. No training for housing inspections was conducted in 2009. Evidence of lack of training can be seen in inadequately drafted orders which cause difficulties for building and development review officials. The Fire Department administration has recognized that an ongoing, comprehensive training program is needed and will be implemented in 2010.

Individual inspector performance is another indicator of quality inspections. Additional training, coaching and progressive discipline is used to improve performance when measurements do not meet expectations. Since the housing inspections program began, Regulatory Services has used progressive discipline 56 times, and the Fire Department has used this process once.

Compliance with Policies and Standard Operating Procedures

Since 2006, the Regulatory Services Council Liaison has received inquires and complaints on a number of the Fire Department buildings from Council and neighborhood meetings. Investigations of these complaints reveal numerous examples where policies and standard operating procedures were not followed. Examples of substandard inspections include serious violations not written up; failure to follow up on orders that were issued in a timely manner; inspections cancelled and not rescheduled; failing to address serious safety issues; and allowing occupancy of an unsafe, uninhabitable dwelling.

Conclusion

This evaluation points to three key areas where the Fire Department's housing inspection program requires improvement: training, performance management (which includes policy compliance and progressive discipline), and developing a systematic practice of prioritizing rental license inspections.

Next Steps

The Fire and Regulatory Services Departments jointly recommend a reorganization of the City's inspections management responsibilities. The reorganization is modeled after the successful Minneapolis Development Review initiative. Under this new organizational structure, the Fire Captains would continue to be responsible for rental license inspections of mixed-use and large rental buildings. These inspections would be conducted pursuant to Regulatory Services standard operating procedures. The Fire Prevention Bureau inspections operations would be transferred and managed by Regulatory Services.

- a. The Fire Captains will continue to conduct inspections at both commercial and residential occupancies of four or more units.
- b. The Fire Department and Regulatory Services will maintain inspection data and share such data on a quarterly basis. The Fire Department will track inspection data and activities of the sworn ranks of the Fire Department. Regulatory Services will track inspection data and activities for the Fire Prevention Bureau. The Fire Department and Regulatory Services shall agree on a common methodology for gathering, maintaining and reporting out on inspection data.
- c. The Fire Department and Regulatory Services shall coordinate inspection activities for all applicable codes including but not limited to the Fire Code, Building Code, Housing Maintenance Code, all applicable National Fire Protection Association (NFPA) standards.

- d. The Fire Department and Regulatory Services will coordinate an annual inspection training program for the sworn and civilian ranks.
- e. The Fire Department will determine adequate inspection levels for the Fire Department based on the geographic location or needs of the Fire Department to ensure that all commercial inspections, fire code inspections and housing maintenance code inspections are completed in a tiered inspection program.
- f. Regulatory Services will determine inspection schedules and timelines for all housing maintenance code enforcement issues. The Fire Department and Regulatory Services will coordinate consistent enforcement timelines on all other codes.
- g. The Fire Prevention Bureau, under the direction of Regulatory Services, will be responsible for inspection of all new buildings prior to issuance of the certificate of occupancy.
- h. The Fire Prevention Bureau will have a hazardous material inspector trained to conduct all inspections at 302 facilities on an annual basis. This person will work under the direction of the Regulatory Services Emergency Preparedness.
- i. There will be a re-organization of all staff assigned to the Fire Prevention Bureau. Staff will be assigned based on their core competencies to be determined by Regulatory Services.
- j. The Fire Prevention Bureau, under the direction of Regulatory Services, will act as advisors to sworn Fire personnel on code questions.
- k. The Fire Department and Regulatory Services shall execute a letter of agreement providing for the above terms in addition to monthly status meetings to ensure adequate progress.
- l. The Fire Department, Regulatory Services and the City Attorney's Office will identify and draft all ordinance changes necessary to implement the new organizational structure.

- **Attachment A**

CITY OF MINNEAPOLIS REGULATORY SERVICES

and

CITY OF MINNEAPOLIS FIRE DEPARTMENT

LETTER OF AGREEMENT

Operating Procedures – Housing Inspections of 4 Unit and Above Buildings

The above-entitled Parties desire to confirm the following agreement:

This agreement serves as an extension of the current housing inspections operations of the Fire Department and Department of Regulatory Services. Regulatory Services will send \$810,435 to the Fire Department to fund housing code inspections of buildings with four or more units.

The Fire Department will assume full responsibility for 4+ units – curb-to-alley. Regulatory Services will continue with responsibility for 1-3 units – curb-to-alley

The Fire Department will assume total responsibility for all aspects of 4+ unit inspections, including but not limited to:

- Constituent communications
- Elected official communications
- 311 communications
- Inspections
- Re-inspections
- Violations
- Administrative citations
- Hearings
- Assessments

The Fire Department agrees to inspect a minimum of 735 residential buildings per year, with monthly reports sent to the Department of Regulatory Services detailing the amount of:

- Buildings inspected
- Housing code orders issued
- Administrative citations issued
- Administrative citations collected

The Fire Department agrees to submit an annual Housing Inspections – Fire Department progress report with all statistics for a calendar year by February 15 of the following year.

The Fire Department agrees to meet specific quarterly performance benchmarks – set by Regulatory Services – and report quarterly to the City Council and Mayor on their progress and performance levels. The Fire Department commits to departmental implementation of standard operating procedures established by Regulatory Services.

The Fire Department commits to full and proactive enforcement of the building and housing maintenance codes; including active engagement of residents in at-risk buildings in resolving complaints and concerns. The Fire Department commits to aggressive enforcement of complaints – with expectations for follow-up and resolution.

The Fire Marshal will continue to attend management meetings of Regulatory Services to ensure lines of communication regarding procedures are open and procedures are being followed. The Fire Marshal will work with 311 to clarify procedures for the proper referral of calls related to 4 units and above buildings.

The Fire Chief and Assistant City Coordinator for Emergency Preparedness & Regulatory Services will institute monthly meetings to discuss operations and procedures for housing inspections; compliance with contracted agreement; and performance of housing inspections. The Fire Chief commits to meet monthly with Council Members who wish to review complaints in their ward and discuss processes, procedures and resolution to complaints.

After one year, the efficacy of housing inspections in the Fire Department and Regulatory Services will be re-examined by the Assistant City Coordinator for Emergency Preparedness & Regulatory Services, Fire Chief, City Council and the Mayor.

**FOR THE DEPARTMENT OF
REGULATORY SERVICES:**

FOR THE FIRE DEPARTMENT:

Rocco Forté 4/13/09

Rocco Forté Date
Assistant City Coordinator, Emergency
Preparedness & Regulatory Services

Alex Jackson 4-13-09

Alex Jackson Date
Chief

• **Attachment B** •



Minneapolis Fire Prevention Bureau

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Bryan D. Tyner, Fire Marshal (612) 673-3270

February 16, 2010 (Revised May 5, 2010)

2009 Fire Prevention Bureau Rental Licensing Inspection Report

Total Number of Properties Fire is Responsible for Inspecting: **3,583**

Total Number of Buildings Inspected in 2009 (Full Rental License Inspections) **825**

Number of Dwelling Units Inspected in 2009 (Full Rental License Inspections): **13,226**

Total Number of Violations Issued in 2009 (Full Rental License Inspections): **2,648**

Total Number of Violations Issued in 2009 (Full Rental License Inspections and Complaint Inspections combined): **4,294**

Total Number of Rental Dwelling Licenses Approved: **765**

Total Number of Rental Licenses Not Approved: **60**

Licensing Goals for 2010: **735 (Full Rental License Inspections)**

Thank you,

Bryan D. Tyner
Fire Marshal
Minneapolis Fire Department