

WORKPLAN

OBJECTIVE #1

City Attorney's Office and Inspections Division staff will review the TRA criteria developed by the City Attorney's Office to determine whether criteria are appropriate, and amend, if necessary.

STATUS: Completed.

OBJECTIVE #2

Inspections Division staff will be trained on TRAs by Legal Aid.

STATUS: Completed.

OBJECTIVE #3

Inspections Division, in collaboration with the City Attorney's Office, will continue to review the Inspections Division Intent to Condemn Buildings list to determine whether any properties on this list are appropriate for TRA actions.

STATUS: Ongoing.

OBJECTIVE #4

The City Attorney's Office, in collaboration with the Inspections Division, will continue to evaluate all properties on which the property owner's rental license is in jeopardy because the property is in substandard condition, to determine whether a TRA action is appropriate.

STATUS: Ongoing.

OBJECTIVE #5

During the TRA Pilot Project period, the Inspections Division will establish a test program of inspection of rental units in the City, using the procedure for obtaining consent to inspection recommended by the City Attorney's Office, and with the

cooperation of the owners of several rental buildings. Inspections Division will report its results to the Community Development, Public Safety & Regulatory Services, and Ways & Means committees in September, 2001.

STATUS: The Inspections Division completed a test program using the procedures recommended by the City Attorney's Office, including ordinance language that would require owners to obtain written consent from tenants, and returning the consent cards to Inspections. After the test, the Inspections Division felt that this process was too cumbersome for the inspectors. The Inspections Division has determined that it will notify and obtain consent from tenants prior to a rental licensing inspection. If consent is not received, Inspections will seek administrative warrants to allow inspections.

OBJECTIVE #6

The City Attorney's Office will initiate TRA actions on properties that have been identified as candidates for TRA action, on a pilot project basis, from the period of July 1, 2001 through August 31, 2001. During this period, the City Attorney's Office will continue to prosecute housing code violations as criminal offenses, on those violations referred to the office by the Inspections Division. Following this period, the City Attorney's Office will report back to the Community Development, Public Safety & Regulatory Services, and Ways & Means committees in September, 2001, on the relative effectiveness of each procedure.

STATUS: Completed Pilot Project.

It is difficult to make comparisons between the data for criminal prosecution actions versus TRA actions for a variety of reasons, including the length of the reporting period and the nature of the respective actions. We processed a much larger sample of criminal matters than TRA matters during the relevant period, since 803 matters involving rental property were referred for review for criminal complaints. Out of the 803 criminal referrals, 564 complaints were drafted, 35 are in the review process, and 204 were not issued (failed to meet guidelines). We believe that this is a high number and may be indicative of our need to conduct targeted training for inspectors. In contrast, 72 TRA requests were received, 8 were declined (did not meet guidelines), and 59 complaints were drafted and issued.

With respect to the results achieved, of the 564 criminal complaints drafted, 336 or approximately 60% of the cases, resulted in an order for abatement. The specific number of cases where abatement occurs is not immediately known because the court does not retain jurisdiction once a defendant has pled guilty and paid a fine. In 241 cases, the defendant paid a fine to the court, typically in the amount of \$50 to \$200 per count charged. Of the remaining 156 matters, bench warrants were issued in 40 cases because the defendant failed to appear. The remaining matters were dismissed.

Of the 59 TRA complaints drafted, 45 or 76% resulted in an immediate order for abatement. Eight (8) are scheduled for initial appearances in the future and 12 are pending a further court hearing to insure compliance with the court's order. Since the TRA action is a civil action, the court retains jurisdiction to monitor the defendant's progress until compliance is achieved. The court awarded sanctions and/or attorney's fees directly to the City in 18 instances, varying in amount from \$50 to \$1,500.

It is also instructive to note that of the 564 criminal complaints drafted, 81, or 14% primarily involved orders relating to health and safety issues (i.e., fire, electrical, etc.). However, 44, or 75% of the TRA complaints drafted involved health and safety orders as the primary reason for seeking the TRA.

Finally, the City completed one emergency tenant remedies actions (ETRA), based on lack of heat in a four-unit dwelling during December and January. Based on an out of state, non-compliant property owner and the lack of a local rental contact, the court appointed Project 504 as an administrator for the property. The administrator successfully restored heat to the units and completed other emergency repairs, including repair of the security doors to the building.

The trends supporting the policy reasons for the pilot project continue to be encouraging. Results to date are summarized in Attachment B.

OBJECTIVE #7

Inspections Division and City Attorney's Office will present a proposed administrative adjudication ordinance and procedures to the City Council for consideration.

STATUS: Completed. Administrative Enforcement and Hearing Process Ordinance (M.C.O. Title I, Chapter 2) was enacted by the City Council on September 14, 2001. Administrative enforcement of code violations has begun on a pilot project basis with license code violations. A hearing officer panel has been selected, and to date, one (1) matter has been referred for hearing. On August 15, 2002, the City Attorney's Office met with representatives of the Minneapolis Police Department License Unit, Zoning, Inspections, and Construction Services divisions of Regulatory Services to encourage greater use of the administrative enforcement process in their areas of operation.

OBJECTIVE #8

Inspections Division will review policies and procedures related to compliance periods on code violations, and, if appropriate, will alter its procedures to shorten initial

compliance deadlines, and to avoid extensions of deadlines thereafter, where appropriate.

STATUS: Completed. The Inspections Division reviewed its minimum due date policy for all violations and determined that the current policy provides a good baseline for a reasonable compliance period. The policy provides for extensions on due dates when the property owner is deemed to be making progress toward completing the work, or if a hardship situation exists. The minimum due date policy is available for review from the Inspections Division.

OBJECTIVE #9

City Attorney's Office and Inspections Division will review M.C.O. § 249.50, authorizing the City to rehabilitate properties and assess the costs of rehabilitation against the property, to determine whether the ordinance should be amended and will report to the Community Development, Public Safety & Regulatory Services, and Ways & Means committees in the appropriate cycle in September, 2001.

STATUS: Completed. The City Attorney's Office and the Inspections Division reviewed M.C.O. 249.50, which allows the City to rehabilitate property found to be a nuisance and assess the cost against the property. Since the current ordinance limits the rehabilitation cost to no more than the cost to demolish the building, we considered asking the City Council to raise the rehabilitation cost to 50% of the after rehabilitation market value. However, we discovered that no process currently exists that would allow the City to rehabilitate properties pursuant to this ordinance and that no revolving fund has been established for this purpose. Therefore, unless either the Inspection Division or another City department or agency determines that it will begin rehabilitating properties under this ordinance, we do not recommend using this ordinance as a tool to rehabilitate nuisance properties. On June 26, 2002, the City Council directed the City Attorney's Office and Inspections Division to further evaluate M.C.O. 249.50. On September 12, 2002, representatives from the Inspections Division and City Attorney's Office met with Council Members Ostrow and Zerby regarding the proposed amendment. The Inspections Division reached the same conclusion regarding the inability to utilize the ordinance.

OBJECTIVE #10

Inspections Division will enforce the City's reinspection fee requirement imposed by M.C.O. § 244.190, and will propose through the City's IGR process that the City's 2002 legislative program include support for legislative changes allowing the assessment of these fees in the event of nonpayment by the property owner. Inspections Division will report its analysis and recommendations to the Community Development, Public Safety & Regulatory Services, and Ways & Means committees in September, 2001.

STATUS: The Inspections Division proposed legislation to the Intergovernmental staff that would have allowed the assessment of reinspection fees in the event of nonpayment by the property owner. The City Attorney's Office has proposed this change to the City's IGR staff again.

OBJECTIVE #11

Inspections Division will meet with representatives of the MCDA, NRP and the appropriate County tax collection agency to analyze the feasibility of the MCDA acquiring and rehabilitating properties otherwise subject to condemnation and demolition.

STATUS: In collaboration with the MCDA, NRP and Hennepin County, the Inspections Division is part of the newly established Minneapolis/Hennepin County Collaborative on Vacant, Boarded and Tax Forfeit Buildings and Properties, that will meet on a regular basis to establish and monitor plans for all vacant and boarded buildings within the control of the City of Minneapolis, and will report its activities to the City Council and to the Board of Commissioners of Hennepin County. Resolutions passed by both the City Council and the Hennepin County Board of Commissioners established a list of tasks that the staff team will pursue as follows:

- **Maintain an accurate inventory of all vacant and boarded buildings in the City of Minneapolis;**
- **Identify potential barriers to productive reuse of vacant and boarded buildings (e.g., zoning restrictions, building code requirements, contamination);**
- **Devise strategies to prevent at-risk buildings from being boarded and to quickly return privately owner structures to productive reuse, drawing on private development interest where possible;**
- **Develop criteria for public acquisition of privately owned, non-delinquent abandoned or boarded structures; and**
- **Work to further streamline the tax forfeiture process by aligning City and County systems.**

The staff team has been meeting on the fourth Tuesday of every month. Communication between the City and County employees responsible for boarded and vacant buildings has improved with the result that the two agencies are now sharing boarded building lists. The work team will present a report to the Hennepin County Board in October 2002 regarding the issue of identifying and removing barriers to rehabilitating vacant and boarded properties.

