

Cracking Code Enforcement:

How Cities Approach Housing Standards

Introduction

Code enforcement plays a vital role in housing policy, affecting both residents' health and safety and the cost of providing and maintaining housing.¹ Housing codes cover the safety and quality standards for individual dwelling units and, in many cases, provide other tenant protections, while building codes govern the construction and maintenance of all physical structures more broadly. Most cities enforce these through a single code enforcement department.² Examining how cities write and enforce their housing codes can offer important insights into their priorities. Moreover, the goals and mechanisms of code enforcement have been vigorously debated, with stakeholders from a wide range of perspectives opining on how code enforcement agencies can best meet the needs of tenants and landlords while avoiding adverse or unintended consequences.³

¹ See generally *Code Enforcement*, LOC. HOUS. SOLS., <https://www.localhousingsolutions.org/housing-policy-library/code-enforcement/>

² See e.g., N.J. Stat. Ann. § 52:27D-119 (2021); THE HOUSING CODE OF THE CITY OF NEWARK § 18 (2021). This structure is intuitive since these forms of property-related code enforcement are logically related, but they also have important distinctions in purpose and scope: building codes broadly govern the design and construction of buildings, while housing codes specifically regulate housing units. Some cities, such as San Diego, California, maintain a separate division focusing on the housing code. Conversely, a few cities, such as Tulsa, do not have a stand-alone housing code at all, instead employing regulations that apply to both residential and non-residential properties. See, TULSA CODE OF ORDINANCES § 101.2 (2021). Elsewhere, housing code enforcement is coupled with other city functions. The Minneapolis Commissioner of Health, for example, has a significant role in housing code enforcement, including the power to conduct lead inspections. Other cities, such as Phoenix, Arizona; Durham, North Carolina; and Milwaukee, Wisconsin, have incorporated code enforcement into their neighborhood services programs, suggesting an approach to code compliance that emphasizes collaboration with landlords and community stakeholders.

³ See Nicole Summers, *The Limits of Good Law: A Study of Housing Court Outcomes*, 87 U. CHI. L. REV. 145 (2020); Kathryn A. Sabbeth, *(Under) Enforcement of Poor Tenants' Rights*, 27 GEO. J. ON POVERTY L. & POL'Y 97 (2019); *Cities for Responsible Inv. & Strategic Enfr't, The Power & Proximity of Code Enforcement: A Tool for Equitable Neighborhoods* (2019); Meredith Greif, *Regulating Landlords: Unintended Consequences for Poor Tenants*, 17 CITY & CMTY 658 (2018); David A. Super, *The Rise and Fall of the Implied Warranty of Habitability*, 99 CALIF. L. REV. 389 (2011); Samuel Bassett Abbott, *Housing Policy, Housing Codes and Tenant Remedies: An Integration*, 56 B.U. L. REV. 40 (1976); Bruce Ackerman, *Regulating Slum Housing Markets on Behalf of the Poor: On Housing Codes, Housing Subsidies and Income Redistribution Policy*, 80 YALE L.J. 1093 (1971).



This brief contributes to scholarly and policy debates on code enforcement. We identify three key dimensions along which code enforcement regimes vary: their relative emphasis on hazards in individual housing units or neighborhood blight; reliance on proactive or reactive triggers for inspection and enforcement; and more cooperative or more punitive approaches to landlord compliance. We contextualize this variation within the scholarly literature on code enforcement and, drawing from an analysis of forty cities' code enforcement regimes as well as conversations with key stakeholders, explore how these priorities and approaches are reflected in local governments' actual code enforcement regimes.

Conceptual Framework: Three Dimensions of Code Enforcement

We focus on three dimensions of code enforcement. The first is the relative priority different code enforcement regimes give to neighborhood quality (or “blight”) or to protecting tenants from hazardous conditions inside dwellings. The second is the degree to which code enforcement agencies operate proactively or reactively. Finally, different code enforcement regimes place more emphasis on punitive or on cooperative approaches to enforcement. None of these distinctions is absolute, and most cities aim to strike a balance along each dimension. Nevertheless, resource constraints often force cities to prioritize some of the aims of code enforcement over others, and variations across code enforcement regimes suggest that cities' code enforcement priorities and approaches do vary in practice.

Neighborhood Quality and Individual Tenant Protections

All code enforcement regimes assess violations, at least to some degree, at both the neighborhood and building levels. But concern for each emerge both from unique local concerns and market conditions and from different movements within the history of urban policy. A relative emphasis on one or the other may reflect different priorities. Blight has long been a focus of movements concerned with public safety and with urban economic development, from “Urban Renewal” efforts beginning in the early twentieth century through “broken windows” policing and its contemporary expression in Crime Prevention Through Environmental Design (CPTED). Code enforcement against blight often targets “vacant lots, abandoned buildings, and houses in derelict or dangerous shape, as well as environmental contamination,”⁴ under the belief that these conditions directly affect residents' quality of life and encourage crime and disinvestment by signaling a lack of concern for disorder. The primary objective of a blight-focused code enforcement system is thus to improve neighborhood quality by improving safety, property values, and the overall neighborhood environment.

In the 1960s and 70s, a “tenants' rights revolution” brought renewed attention to the habitability of rental housing,⁵ focusing not on external displays of disorder or abandonment but on the health and safety consequences of tenants' lived environments. Emphasizing the link between substandard housing and health risks, such as lead poisoning and asthma,⁶ tenants' advocates called for greater attention to the conditions inside

4 Joseph Schilling & Jimena Pinzón, *The Basics of Blight: Recent Research on its Drivers, Impacts, and Interventions*, VACANT PROP. RSCH. NETWORK 1 (2016), https://vacantpropertyresearch.com/wp-content/uploads/2016/03/20160126_Blight_FINAL.pdf

5 Super, *supra* note 3; Abbott, *supra* note 3.

6 *Up to Code: Code Enforcement Strategies for Healthy Housing*, CHANGLAB SOLS. (2015), https://www.changelabsolutions.org/sites/default/files/Up-tp-Code_Enforcement_Guide_FINAL-20150527.pdf



individual buildings.⁷ The force with which a specific regime targets blight or, instead, particular types of violations at the building level will also have consequences for landlords, tenants, and neighborhood residents.

Proactive and Reactive Enforcement

Code enforcement has historically been reactive, responding to complaints from individual tenants or neighborhood residents through systems like 311. This responsive structure has benefits: it gives residents an outlet through which they can voice concerns to enforcing agencies and seek redress, while providing agencies with a way to find out about hazards they might not otherwise discover. Ideally, reactive code enforcement regimes are also efficient for enforcing agencies, allowing them to focus resources on active violations, in contrast to systems based on random inspections.

Reactive systems assume that the most urgent violations will generate complaints. In practice, however, reactive code enforcement risks favoring those more likely to make complaints—often wealthier, white residents.⁸ More marginalized tenants, meanwhile, may not be aware of their rights or know how to file complaints. Individuals who are wary of law enforcement and government intrusion or fearful of landlord retaliation may be less likely to report code violations, even when suffering from the effects of substandard housing. People living in illegal housing structures (for example, basement or garage apartments in cities where these dwellings are prohibited) may also be reluctant to contact code enforcement if doing so is likely to lead to their eviction and displacement—with few affordable alternatives—when a violation is discovered. Without support from

and collaboration with other housing agencies, code enforcement departments may not be able to provide solutions to these dilemmas.

Scholars and advocates have thus begun to emphasize the potential benefits of shifting to more proactive code enforcement regimes.⁹ While the features of particular regimes might vary, in general, proactive code enforcement relies on systematic and planned inspections rather than responding to complaints. More recently, code enforcement regimes have begun to incorporate the use of predictive algorithms, which can strike a balance between the randomness of scheduled inspections and the reactivity of complaint-driven systems.¹⁰ Proponents point out that proactive models do not rely on tenants' assertiveness (and thus avoid reproducing preexisting power imbalances) and are better able to detect violations before they become severe. More proactive models, however, are more costly and difficult to administer.¹¹ Accordingly, even cities that have begun shifting to more proactive code enforcement systems usually retain a balance between the two approaches¹²—for example, adopting proactive systems that focus regular, targeted inspections towards severe or repeat offenders. Proactive regimes also run the risk of bringing increased enforcement to communities where government attention may have unintended or adverse consequences—such as the closure of low-cost housing for immigrant or other marginalized communities who may not be able to find other affordable places to live.

⁷ See, e.g., Sabbeth, *supra* note 3.

⁸ Marilyn L. Uzdavines, *Barking Dogs: Code Enforcement Is All Bark and No Bite (Unless the Inspectors Have Assault Rifles)*, 54 WASHBURN L.J. 161 (2014).

⁹ CITIES FOR RESPONSIBLE INV. & STRATEGIC ENF'T, *supra* note 3; CITIZENS HOUS. PLAN. COUNCIL, *EQUITABLE ENFORCEMENT* (2021).

¹⁰ Katharine Robb, *Hiding in Plain Sight: Tackling Housing-related Public Health Problems Using Existing City Data and Machine Learning*, DATA-SMART CITY SOLS. (March 22, 2021).

¹¹ Uzdavines, *supra* note 8.

¹² Jake Wegmann & Jonathan Pacheco Bell, *The Invisibility of Code Enforcement in Planning Praxis: The Case of Informal Housing in Southern California*, 13 FOCUS 20 (2016).



Bias on the part of housing inspectors or of neighbors making complaints can result in code enforcement agencies over-enforcing some portions of the housing code—such as occupancy limits—or underenforcing other health and safety protections.¹³ Discrimination in code enforcement is a risk under both proactive and reactive code enforcement models, though each can present different challenges. Reactive regimes may be more vulnerable to neighbor bias, which proactive regimes can more easily mitigate. Proactive regimes, meanwhile, require careful attention to avoid bias and promote equity through program design.

Cooperative and Punitive Enforcement

Code enforcement requires landlord compliance. Whether and when enforcement should rely on “carrots” (cooperative or incentive-based compliance mechanisms) or punitive “sticks” is a matter of debate. “Carrot” approaches most often operate through direct subsidies to landlords, though they might also take the form of tax incentives or discounts on municipal fees. In addition to incentivizing compliance, these subsidies can also offset costs that landlords might otherwise pass on to tenants.¹⁴ Cooperative approaches may provide landlords with non-financial resources, such as training programs, to facilitate compliance.¹⁵ Our conversations with key stakeholders in New York suggest that these informational programs may be especially helpful to small landlords. Training

programs can ensure landlords both understand and can connect to resources that will help them meet their obligations.¹⁶ More broadly, evidence suggests that communicating with landlords early and effectively can boost compliance and reduce the administrative burden on cities.¹⁷

A significant part of the appeal of carrot-based approaches is that they can provide assistance to landlords who are motivated to comply but lack resources;¹⁸ identifying these landlords without inducing moral hazard is a key design challenge. Making reliable determinations about which property owners to target for subsidies or discounts requires keeping detailed and accurate information on landlords—a capacity many jurisdictions currently lack—and may require tracking violations and police service calls and classifying landlords accordingly.¹⁹

Because not all landlords are law-abiding or motivated to use subsidies to improve the quality of their properties, code enforcement regimes also (in all cases we observed) include stricter and more punitive sanctions. In some cases, these approaches may be more effective: a randomized study by the San Diego Police Department, for example, found that landlords who were threatened with a nuisance violation by a police officer were more likely to comply than others who were offered information and assistance.²⁰ In many jurisdictions, these measures are reserved for severe or repeat offenders. The necessity of a

13 Stefan H. Krieger, *A Clash of Cultures: Immigration and Housing Code Enforcement on Long Island*, 36 HOFSTRA L. REV. 1227 (2008).

14 William G. Grigsby, *Economic Aspects of Housing Code Enforcement*, 3 URB. LAW. 533, 535 (1971); Ackerman, *supra* note 3, at 1097; Richard S. Markovits, *The Distributive Impact, Allocative Efficiency, and Overall Desirability of Ideal Housing Codes: Some Theoretical Clarifications*, 89 HARV. L. REV. 1815, 1839 (1976); Greif, *supra* note 3.

15 BUREAU OF JUST. ASSISTANCE, U.S. DEP’T OF JUST., KEEPING ILLEGAL ACTIVITY OUT OF RENTAL PROPERTY (2000); BUREAU OF POLICE, CITY OF PORTLAND, THE LANDLORD TRAINING PROGRAM: KEEPING ILLEGAL ACTIVITY OUT OF RENTAL PROPERTY (4th ed. 1991); Stephen L. Mylett, *The Effective Landlord Training Program* (Jan. 2007) (unpublished administrative research paper, Leadership Command College Corpus Christi Police Department) (on file with the Scholarly Works at Sam Houston State University).

16 Kristin Grunow, Chris Murray & Justin Storch, *Neighborhoods in Transition: An Evaluation of Milwaukee’s Code Compliance Program*, in LA FOLLETTE SCHOOL WORKSHOP REPORTS 1 (2001); Alan Mallach, CTR FOR CMTY PROGRESS, RAISING THE BAR: A SHORT GUIDE TO LANDLORD INCENTIVES AND RENTAL PROPERTY REGULATION (2015).

17 Elizabeth Linos, Lisa T. Quan & Elspeth Kirkman, *Nudging Early Reduces Administrative Burden: Three Field Experiments to Improve Code Enforcement*, 39 J. OF POL’Y ANALYSIS & MGMT. 243-65 (2019).

18 See Mallach, *supra* note 16, at 12.

19 *Id.*

20 John E. Eck & Julie Wartell, *Improving the Management of Rental Properties with Drug Problems: A Randomized Experiment*, 9 CRIME PREVENTION STUD. 161 (1998).



balance between carrots and sticks also arises because code provisions that nominally punish landlords can end up burdening tenants—for instance, when landlords shift the costs of compliance onto tenants or screen tenants so as to minimize their own obligations under the housing code.²¹ For example, unscrupulous landlords may rent to families in violation of occupancy limits, but tell them to sign the lease in such a way that does not disclose the violation. If a code enforcement official discovers a violation, the landlord may then evict the tenants alleging that they broke the lease.

Findings and Discussion

No code enforcement regime operates entirely at one end of any of these dimensions. But resource constraints and varying priorities cause local governments to make tradeoffs among these priorities in practice. Using this conceptual framework, we gathered information about various aspects of code enforcement by reading local housing codes and local agency websites from forty cities, aiming for diversity in size and geography.²² We supplemented this research with conversations with key stakeholders in local government, research, and affordable housing provision.

21 Grief, *supra* note 3. Based on interviews with and ethnographic observations of 57 landlords in Cleveland, Ohio, Grief documented the unintended consequences of residential nuisance and water billing laws. The study found that “[t]o mitigate perceived risk, many landlords screened tenants based on characteristics they associated with high water bills or nuisance violations—including unemployment, large household size, and housing subsidies—which have been associated with lack of access to stable housing.” Grief observed that a variety of other “landlord practices that undermined housing quality and stability were also common, including excessive surveillance, hassling and threats, and unwillingness to make repairs in order to conserve resources.” *Id.* at 659.

22 The following cities were included in our study: Arlington, Tex., Atlanta, Ga., Avalon, N.J., Baltimore, Md., Berkeley, Cal., Boston, Mass., Boulder, Colo., Brooklyn Center, Minn., Burlington, Vt., Detroit, Mich., Chicago, Ill., Cleveland, Ohio, Durham, N.C., Erie, Pa., Gainesville, Fla., Greensboro, N.C., Houston, Tex., Indianapolis, Ind., Los Angeles, Cal., Milwaukee, Wis., Minneapolis, Minn., New Haven, Conn., New York City, N.Y., Newark, N.J., Norman, Okla., Oakland, Cal., Phoenix, Ariz., Philadelphia, Pa., Pittsburgh, Pa., Portland, Or., Rochester, N.Y., Roseville, Minn., San Antonio, Tex., San Diego, Cal., San Francisco, Cal., Syracuse, N.Y., Seattle, Wash., Tulsa, Okla., Washington, D.C.

We first examine how code enforcement regimes divide their focus between blight and conditions hazardous to individual households. We look to both the kinds of violations targeted under a particular regime and how these violations are classified to understand differences in regimes’ priorities and purposes. Next, we explore the triggers for inspection under different regimes, laying out the mechanisms through which violations are identified and acted on to uncover varying degrees of proactivity. Finally, we highlight some of the more cooperative and more punitive approaches local jurisdictions have taken to induce landlord compliance.

How Cities Define and Classify Violations

A relative emphasis on neighborhood quality and tenant protection is often visible in the text of housing codes themselves. Many cities—primarily larger, coastal ones—have strong tenant protections in their codes, including a multitude of provisions designed to ensure habitability. For example, the Washington, D.C. housing code lays out minimum requirements for how much square footage should be allotted to each occupant in a housing unit,²³ and San Francisco, California’s code describes minimum room dimensions.²⁴ The New York City code addresses lead-based paint hazards,²⁵ mold,²⁶ and pest abatement.²⁷ Although most big cities have these kinds of tenant protections in their codes, it is not always apparent how they will be enforced. The Minneapolis, Minnesota code addresses this concern by giving its Commissioner of Health an explicit role in tenant protection, including the power to conduct lead inspections.²⁸

23 D.C. CODE MUN. REGS. tit. 14 § 402 (2017).

24 S.F. HOUSING CODE § 502 (2021).

25 N.Y.C. ADMIN. CODE § 27-2056 (2014).

26 N.Y.C. ADMIN. CODE § 27-2017 (2014).

27 *Id.*

28 MINN. CODE OF ORDINANCES § 240.30 (2020).



Other housing codes place relatively more emphasis on blight removal and exterior conditions like graffiti and debris. We found many examples in smaller or mid-sized cities. For example, the New Haven, Connecticut housing code includes a robust set of anti-blight measures, with an introductory policy declaration stating that “the continued existence of such blighted lots and buildings contributes to the decline of neighborhoods.”²⁹ Some larger cities like Detroit also have a strong focus on blight removal in addition to their tenant protection provisions.³⁰ These variations may be attributable to broader market conditions or to the relative prevalence of single-family homes in smaller cities.

How Cities Devise Triggers for Inspection

An examination of the triggers for inspection contained in municipal housing codes revealed a wide range of proactive and reactive mechanisms. Overall, reactive approaches dominate. In San Antonio, Texas, for instance, code enforcement officials are given the ability to conduct proactive inspections based on reasonable cause, but there are no policies in place to actually require them to do so.³¹ As a result, San Antonio and many other cities rely almost exclusively on complaints to trigger inspections. These complaints often come from tenants themselves, although some cities, including Durham and Greensboro, North Carolina, will also conduct inspections based upon a petition of at least five non-tenant residents.³²

Nevertheless, many cities incorporate proactive code enforcement mechanisms. The most straightforward proactive approach in a tenant-focused code enforcement system would be to inspect every building and housing unit in a city on a uniform schedule; however, this is generally infeasible due to constrained municipal resources. Despite this challenge, some cities are able to maintain tenant-focused proactive code enforcement systems by using variable inspection schedules. For example, in Burlington, Vermont, the timing of a unit’s next inspection depends on how many violations were found at its last inspection; if a unit has no violations, it gets inspected every five years, but the timeline gets progressively shorter the more violations a unit has—all the way down to annual inspections based on major violations.³³ Other cities are able to maintain a citywide proactive approach by randomizing inspections. In Seattle, for instance, all rental units are subject to random inspections, with each unit undergoing inspection at least every ten years.³⁴ Finally, we observed that some cities with a strong emphasis on eliminating blight—including Roseville, Minnesota and Erie, Pennsylvania—implemented these systems by having inspectors regularly drive through neighborhoods in search of external code violations.³⁵

²⁹ CITY OF NEW HAVEN CODE OF GEN. ORDINANCES § 9-51 (2020).

³⁰ See DETROIT CITY CODE ch. 3, div. 1 (2019); Detroit also has specific tenant protections, including regulation of lead-based paint hazards in apartments. See *Id.* ch. 8, art. XV, subdiv. B (2019).

³¹ SAN ANTONIO PROP. MAINTENANCE CODE § 104 (2018).

³² DURHAM, N.C. CODE OF ORDINANCES § 10-239(e)(1) (2020); GREENSBORO, N.C. CODE OF ORDINANCES § 11-39(a) (2021).

³³ BURLINGTON CODE OF ORDINANCES § 18-19 (2020).

³⁴ SEATTLE CODE OF ORDINANCES § 22.214.050 (2021).

³⁵ Catey Traylor, *Taking a Proactive Approach to Code Enforcement*, MUNICIPAL (Dec. 16, 2017), <http://www.themunicipal.com/2017/12/taking-a-proactive-approach-to-code-enforcement/>



In other cities, targeting for proactive inspections occurs based on the past performance of individual properties. In Minneapolis, for example, budget constraints made a fully proactive system impossible; instead, the city implemented a selective enforcement program that required landlords to obtain rental licenses and then targeted those with the worst compliance records.³⁶ Similarly, the city of Brooklyn Center, Minnesota has instituted a “performance-based” system where units with more past violations and criminal activity are subject to more frequent inspections.³⁷ Some cities have made creative use of technology to develop innovative proactive approaches. In Syracuse, New York, for example, a demonstration program used tools such as machine learning and data mining to help the city target blight by identifying potential future vacancies.³⁸

How Cities Balance Carrots and Sticks

While most cities rely on a combination of carrots and sticks to ensure code compliance, we found significant variation in both the degree of reliance on each and the design of compliance mechanisms. On the collaborative end of the spectrum, cities provide a variety of incentives through code enforcement designed to encourage compliance. Collaborative-minded cities tend to emphasize “compliance” over “enforcement;” some even specify that penalties are not intended to be punitive but rather to bring buildings into compliance.³⁹ Additionally, many cities try to tailor inspections so that they facilitate compliance. For instance, most cities do not charge fees to landlords for the cost of conducting inspections

absent a violation; many cities also allow landlord self-certification for certain types of required compliance.⁴⁰ Cities such as San Antonio and Washington, D.C. approach code enforcement with a tiered strategy, prioritizing violations posing an imminent health and safety hazard but triaging lesser violations and encouraging voluntary compliance before the city inspects and certifies a violation.⁴¹ Finally, cities have provided financial incentives for landlords to promote compliance, such as cost-sharing programs to finance capital projects, property tax incentives, and allowing landlords to recover the costs of other repairs.⁴²

Many cities have put into place programs that work cooperatively with landlords, with various levels of targeting. In the 1980s Syracuse, in response to old and deteriorating housing stock, revamped code enforcement by providing resources and tax incentives for landlords to revamp and rehabilitate housing, while simultaneously increasing penalties for non-compliance.⁴³ Syracuse implemented specific programs for owner-occupied rental housing, which tends to have fewer units and be located in lower-income neighborhoods.⁴⁴ In Alameda, California, code enforcement officers trained in a cooperative compliance model help income-eligible owners with repairs and rehabilitation.⁴⁵ New York City has a targeted program that provides informational assistance to landlords of

36 Robin Powers Kinning, *Selective Housing Code Enforcement and Low-Income Housing Policy: Minneapolis Case Study*, 21 FORDHAM URB. L.J. 159 (1993).

37 CITY OF BROOKLYN CENTER CODE OF ORDINANCES § 12 (2019).

38 Sheila U. Appel et. al., *Predictive Analytics Can Facilitate Proactive Property Vacancy Policies for Cities*, 89 TECH. FORECASTING & SOC. CHANGE 161 (2014).

39 See, e.g., GREENSBORO, N.C. CODE OF ORDINANCES § 11-42 (2021).

40 See, e.g., N.Y.C. ADMIN. CODE § 27-2056.4 (2014) (allowing self-certification for lead-based paint hazards in specified circumstances).

41 See *Lifecycle of a Housing Code Inspection*, WASHINGTON, D.C. DEP’T OF CONSUMER & REGUL. AFFS., <https://dcra.dc.gov/service/lifecycle-housing-code-inspection> (last visited Oct. 29, 2020, 6:44 PM); *Targeted Tiered Enforcement*, CITY OF SAN ANTONIO DEV. SERVS. DEP’T, <https://www.sanantonio.gov/ces/About/Prioritization> (last visited Oct. 29, 2020).

42 See *Cost Recovery Programs*, L.A. HOUS. & CMVT. INV. DEP’T, <https://hcidla2.lacity.org/rental-property-owners/cost-recovery-programs> (last visited Nov. 17, 2020).

43 Sarah H. Ramsey & Frederick Zolna, *A Piece in the Puzzle of Providing Adequate Housing: Court Effectiveness in Code Enforcement*, 18 FORDHAM URB. L.J. 605, 609-10 (1991).

44 *Id.* at 609.

45 *Up to Code*, *supra* note 6.



small and medium sized buildings.⁴⁶ Milwaukee, Wisconsin implemented a mandatory landlord training program that helps landlords learn the responsibilities that the code imposes on them.⁴⁷

Another way cities promote voluntary compliance is by providing free, direct assistance to landlords. Some, such as Milwaukee, have free landlord training programs that teach landlords how to prevent illegal activity and comply with the housing code.⁴⁸ Phoenix allows neighborhood volunteers to assist with code compliance, with volunteers assisting in projects such as graffiti removal, tree planting, and providing emergency temporary cooling for residents without air conditioning.⁴⁹ Most cities conspicuously post enforcement, inspection, and certification requirements on their website and detail landlords' precise duties as a low-cost method of facilitating code compliance⁵⁰—although some, including some larger cities, do not post comprehensive information on code compliance for landlords.⁵¹

Most code enforcement regimes also have punitive dimensions. Every city imposes fines for code violations, and some will also charge owners for administrative and adjudicatory costs associated with enforcing violations, including annual or per-inspection fees. Cities generally classify violations as citations or misdemeanor penalties, although most cities allow for criminal prosecution in some circumstances.⁵² Atlanta, Georgia placed code enforcement under the control of the Police Department in 2012, with one Councilman saying of the change: "Once you have police showing up to say, 'fix that or go to jail,' you're going to get things done."⁵³ Cities can also revoke permits or licenses for code violations.⁵⁴ For serious violations, most codes grant cities the right to take immediate remedial action, which can include taking control of the property or demolishing the building if necessary.

⁴⁶ *Landlord Ambassador Program*, N.Y.C. HOUS. PRES. & DEV., <https://www1.nyc.gov/site/hpd/services-and-information/landlord-ambassador-program.page>

⁴⁷ *Landlord Training Program*, CITY OF MILWAUKEE DEP'T OF NEIGHBORHOOD SERVS., <https://city.milwaukee.gov/DNSPrograms/lltp48>

⁴⁹ *Volunteer with NSD*, CITY OF PHX., ARIZ., <https://www.phoenix.gov/en/programs/volunteer> (last visited November 19, 2020, 3:05 PM).

⁵⁰ See, e.g., *Inspection Information*, WASHINGTON, D.C. DEP'T OF CONSUMER & REG. AFFS., <https://dcra.dc.gov/node/1245251>; N.Y.C. DEP'T OF HOUS. PRES. & DEV., *ABCs of Housing* (2019); *Common Land Use Violations*, BOULDER COUNTY, COLO., <https://www.bouldercounty.org/property-and-land/land-use/zoning/land-use-code/common-land-use-code-violations/>

⁵¹ See, e.g., *Buildings*, CITY OF CHI., <https://www.chicago.gov/city/en/depts/bldgs.html> (last visited November 18, 2020, 8:00 AM); INDIANAPOLIS DEP'T OF BUS. & NEIGHBORHOOD SERVS., <https://www.indy.gov/agency/departments-of-business-and-neighborhood-services>

⁵² See e.g., SAN ANTONIO PROP. MAINTENANCE CODE § 106.3 (2018); BURLINGTON CODE OF ORDINANCES § 18-31(2)

⁵³ Bill Torpy, *City Gets Tough on its Eyesores: Police Direction is Expected to Give Codes Agency More Punch*, ATLANTA JOURNAL-CONSTITUTION, Jan. 29, 2012, at B1.

⁵⁴ See, e.g., MILWAUKEE CODE OF ORDINANCES § 200-31 (2016); CITY OF BROOKLYN CENTER CODE OF ORDINANCES § 12-901 (2019).



Conclusion

Code enforcement poses a variety of challenges as cities grapple with how to design and implement equitable, efficient, and responsive regimes that balance the needs of tenants, neighbors, property owners, and communities. This brief has illustrated some of the tradeoffs inherent in code enforcement and the wide range of approaches that jurisdictions take to manage important tradeoffs: focusing enforcement attention and resources at the neighborhood or building level; taking a more proactive or reactive approach to code inspections; and striking a balance between punitive and collaborative measures to bring landlords into compliance. Further innovations—such as the use of virtual inspections—will open up new possibilities and raise even more questions about how to enforce housing codes equitably and effectively.

The pandemic has both raised the stakes and exacerbated the challenges of code enforcement: tenants who must spend more time at home are more vulnerable to the hazardous conditions in their surroundings, while many landlords and housing agencies face resource constraints that make compliance and comprehensive enforcement more difficult.⁵⁵ Local governments across the country are figuring out how to lead their cities through a recovery process that protects public health and economic vitality. Innovative, effective, and efficient code enforcement has an important role to play. Understanding how different cities have responded to the challenges of code enforcement can help local governments design and adapt their code enforcement regimes to meet both urgent and evolving needs.

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⁵⁵ Liz Kozub, *We Will Need Code Enforcement Now More Than Ever: Three COVID-19 Responses to Protect Neighborhoods*, CTR. FOR CMTY. PROGRESS: CMTY PROGRESS BLOG (May 12, 2020), <https://www.communityprogress.net/blog/code-enforcement-reasons>