



Leveraging Code Enforcement for Neighborhood Safety

Insights for Community Developers

MetLife Foundation





MetLife Foundation

LISC COMMUNITY SAFETY INITIATIVE

LISC is the nation's leading community development support organization. Since 1980, it has provided grants, loans and business expertise to community development corporations from one end of the country to the other. In that time, LISC has raised \$7.1 billion from the private sector to invest in community development initiatives, helping 2,800 groups develop 196,000 homes and 27 million square feet of commercial and community space.

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METLIFE FOUNDATION

MetLife Foundation, established by MetLife in 1976, is a long-time supporter of LISC's community revitalization programs. In 1994, the Foundation made a \$1 million leadership grant to pilot the Community Safety Initiative. MetLife and the Foundation have also made below-market rate loans and grants of almost \$71 million to the organization. MetLife Foundation supports health, education, civic and cultural programs throughout the United States. For more information about the Foundation, visit www.metlife.org.

ACKNOWLEDGMENTS

LISC thanks the MetLife Foundation for its generous support of the MetLife Foundation Community-Police Partnership Awards, a program administered by LISC's Community Safety Initiative. Drawing on the best-practice strategies employed by award winners over the last five years, this paper is part of a series examining innovative approaches to community safety partnerships. CSI also acknowledges the US Department of Justice Community Capacity Development Office, State Farm, JPMorgan Chase and JEHT Foundation for their critical support to CSI that further enhances these learning tools.

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AN INTRODUCTION TO CODES-POLICE-COMMUNITY PARTNERSHIPS

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Effective enforcement of building and housing codes is a key ingredient in many neighborhood revitalization efforts. Community developers have found that the long-term success of their revitalization work often hinges on cleaning up or redeveloping problem properties that deter investors, frustrate existing residents and generally contribute to an environment of fear, disorder and crime. Law enforcement also understands the important relationships of crime, blight, and code enforcement. Under the rubric of the “broken window theory”, social scientists have documented the opportunistic nature of crime, showing that vacant properties and dilapidated buildings become magnets for crime. Applying the techniques of problem-oriented policing, more law enforcement agencies today use a place-based approach to tackle these neighborhood hot spots by deploying special nuisance abatement teams with assistance from their code enforcement partners.

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The most effective partnerships for community revitalization involve code enforcement agencies – the housing, health, zoning, and building inspection departments found in most municipalities, as well as law enforcement – police and prosecutors – and community developers. By working together, each of these organizations can do more to clean up and permanently transform poorly-maintained and dangerous properties than they can do on their own.

In spite of several encouraging successes, real collaboration among law enforcement, community developers and code enforcement is still not “business as usual” in most cities. This paper explores what these partnerships can accomplish, how to structure them, and how to maintain them over time.

RESULTS

More effective code enforcement

- ▶ In Delray Beach, FL, joint police and code enforcement inspections reduced code violations by 61% between 1998 and 2003.

Elimination of hot spots

- ▶ In Tacoma, WA, increased enforcement of the building code allowed the Drug House Elimination Task Force to shut down a row of notorious taverns in the Hilltop neighborhood, which were then redeveloped into new stores including a \$4.5 million investment in a Rite Aid pharmacy.

Property owners engaged in solving the problem

- ▶ In North Little Rock, AR, the SAFE program helps landlords understand housing maintenance standards and effective tenant screening techniques to decrease the potential for development of crime hot spots in non-owner occupied properties.

Streamlined processes

- ▶ In Lincoln, NE, joint work by neighbors, code enforcement officers and police led to a streamlined violation and prosecution process, including a change to the law that allowed the police to issue tickets for property violations.

Financial benefits

- ▶ Between 1992 and 1997, the work of a multi-agency Nuisance Response Team focused on Auburn Boulevard in Sacramento, CA, resulted in a \$21 million increase in home values, an \$8 million increase in commercial property values and a 10% increase in sales tax receipts.

WHY BOTHER WITH CODE ENFORCEMENT?

Code enforcement should be in your community development toolbox if the problems in your neighborhood include:

- ▶ unsightly properties covered with trash, weeds, graffiti, abandoned vehicles, etc.;
- ▶ poorly-maintained properties that may contain sub-standard or dangerous conditions like leaky roofs, broken plumbing, vermin, etc.;
- ▶ non-conforming or non-permitted nuisance businesses such as auto repair and junk yards;
- ▶ overcrowded properties;
- ▶ criminal activities of owners and tenants, such as drug dealing; or
- ▶ vacant or abandoned properties.

Once you have determined that you need code enforcement to help achieve your goals, the challenge is how to facilitate the coordination of code enforcement and law enforcement resources and then synchronize this enforcement partnership with community development projects and priorities. With dwindling budgets and fewer staff, many code enforcement agencies maintain a backlog of code enforcement complaints. Convincing them to join a special task force or concentrate inspection staff in a particular neighborhood – let alone enlisting them as long-term partners with police and community developers – is not an easy ask. So why bother?

Depending on local priorities and resources, engaging code enforcement in existing police-community collaborations generates a host of benefits for all partners, including the elected officials representing the targeted neighborhoods. The police gain access to the special nuisance abatement powers of the building official or zoning administrator. Code enforcers can leverage the investigative expertise and databases of police to track down recalcitrant landlords. Community development organizations gain legal tools to tackle visible signs of dilapidation and neglect and—in some cases— to facilitate the transfer of

property to more responsible owners. This transformation of persistent neighborhood liabilities into positive assets is perhaps the most powerful outcome of integrating code enforcement, law enforcement and community development activities. Elected officials appreciate the results and positive press that stem from these successes, and existing residents and new investors alike feel better about safer and more attractive neighborhoods.

In terms of organizational success, partnerships with code enforcement create three major assets: improved communication, new tools and better follow-through.

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Improved Communications. In most communities, fire, housing and other code inspectors all operate separately from each other and from the police, creating a series of gaps for the most negligent property owners to slip through. Bringing these groups together, even informally, allows for an exchange of information that will make it easier to target repeat offenders and may allow for escalation of enforcement actions and penalties. From the perspective of community developers, bringing both code and law enforcement to the table at the same time allows the community to clearly communicate its priorities to both agencies at the same time. This, in turn, makes it easier for community members to participate. By streamlining the process through which neighbors can report criminal activity, code violations and other nuisances, three-way partnerships reduce or eliminate bureaucratic hurdles to sharing information.

New Tools. Each membership of the police-code-community partnership brings its own approach to a problem. In the business world, these are known as *comparative advantages* – the

THE SEPARATE REALMS OF CODE ENFORCEMENT AND LAW ENFORCEMENT

Code enforcement is a process local governments use to gain compliance with land use and property regulations, such as zoning, uniform building and fire codes, health and housing codes. Typically, code enforcement departments inspect properties, issue notices of violations, and work with property owners and other responsible parties to bring these properties into compliance. Many code enforcement programs have teams of inspectors dealing with hundreds of cases that involve a wide variety of violations.

Most code enforcement processes depend on citizen complaints. Unlike police who go out into the community to look for criminal violations, comparatively small code enforcement staffs rely on other eyes on the street – whether private citizens or other government employees including the police – to alert them to potential problems.

The most important difference between the cultures of law enforcement and code enforcement is the process and the pace with which they deal with violators. Police are empowered to arrest people on the spot or after lengthy behind-the-scenes investigations. In criminal cases, the fundamental constitutional rights of the accused require that prosecution proceed swiftly.

Because code enforcement focuses on how people use their real property, the U.S. and state constitutions require that governments provide a minimal level of due process before they can take action, so code enforcement systems are designed to work with property owners. Except when there is an immediate threat to public safety, enforcement agencies pursue legal remedies only when the owner has failed to comply within a reasonable period of time. In many cases, the effort to be fair to property owners can create loopholes that stubborn violators exploit to make the process last even longer. As a result, community groups and nonprofit developers often feel that the owners of nuisance properties get more due process than neighborhood residents.

The culture of code enforcement has some advantages. Because they rely on a separate set of administrative and civil legal remedies, they can provide police and community developers with new weapons in their efforts, such as nuisance abatement, to combat blighted and problem properties as places that attract crime. Sometimes the very pace of code enforcement actions and the multiple layers of action – from warnings to citations to injunctions to fines to criminal prosecution – can be used to persuade property owners to comply and become active participants in community revitalization strategies.

special capacity, resources and skills inherent to each organization. From the perspective of community developers who have never worked with code enforcement agencies, they may seem to have the same comparative advantages as the police, but there are important distinctions between the police and code enforcement officers that make them particularly

valuable for communities seeking to build their way out of crime. As a community police officer from Tacoma, WA, put it, “the electrical inspector has shut down more drug houses than any cop.” Table 1 lists a few of the comparative advantages of police and codes officers.

Table 1. Comparative advantage of law enforcement and code enforcement.

| Law enforcement officers can... | ...while code enforcement officers can... |
|--|--|
| Based on <i>probable cause</i> , search individuals and their property for evidence of a crime | Based on <i>reasonable cause</i> , inspect properties for evidence of code violations. |
| Issue citations for criminal violations | Issue notices for fire, zoning, health, housing and/or building codes violations. |
| Pursue eviction of tenants for criminal activity | Pursue enforcement actions against property owners and other responsible parties for failure to maintain their property. |
| Cite or arrest individuals whose criminal activities constitutes a public nuisance | Pursue administrative or civil enforcement actions against the owner/responsible parties when the condition of their property constitutes a public nuisance. |

Note: State and local laws govern the specific powers of police and code enforcement personnel. The scope of these powers varies from state to state. Check with your local municipal attorney to learn more about the distinct powers of these agencies in your community.

Community developers also bring important comparative advantages to these partnerships. Whether their goal is to rebuild or rehabilitate, community development organizations can solve problems of crime and blight over the long term by reclaiming or redeveloping the most difficult properties and converting them to attractive affordable housing or commercial space for new businesses. Community developers' unique relationship with neighbors also allows them to distinguish between "problem" property owners and those who would like to comply with community standards but don't have the resources to do so, allowing the public officials to focus their efforts where they are most needed.

Follow-through. It can be frustrating to discover that on top of all of the effort that goes into identifying, citing and/or arresting violators, it is often necessary to track those efforts and provide additional information to ensure the original problem is resolved. Because of their ongoing involvement in the neighborhood and their ability to organize follow up on city processes, and to exert sustained pressure on property owners, existing community-police partnerships can greatly improve the chance that code violators will take care of their properties.

These models are on a continuum of involvement ... starting with a simple exchange of information and moving to more strategic partnerships as they build trust, familiarity and confidence.

STRUCTURING A PARTNERSHIP WITH CODE ENFORCEMENT 2

There are as many ways for communities, law enforcement and code enforcement agencies to work together as there are neighborhoods, ranging from informal partnerships that may achieve immediate results to long-term, institutionalized programs. They may start with the entrepreneurial activities of a single police officer, community leader or creative prosecutor. With or without the support of their organizations, these problem-solvers come together to forge new ways of working together, creating solutions that are often very effective both at resolving community issues and at building trust among the partners. As partners seek to do more together, whether as a natural evolution of their work or with external pressure, they may create more formal programs that bring a new set of challenges along with long-term benefits.

Looking at the successful strategies employed by past winners of the MetLife Foundation Community-Police Partnership Awards, five models for police-code-community partnerships emerge. These models are on a continuum of involvement, and many communities have progressed from one to another of these relationships over time, starting with a simple exchange of information and moving to more strategic partnerships as they build trust, familiarity and confidence.

► **Organize to gather information.** On the simple end of the spectrum, the community can organize itself – on its own or with the leadership of a community police officer or code enforcement inspector – to identify problem properties and encourage the processing of cases more effectively. This often involves some education about what kinds

THE ROLE OF THE PROSECUTOR AND MUNICIPAL ATTORNEY—A CRITICAL LINK IN CODE ENFORCEMENT AND POLICE PARTNERSHIPS

Prosecutors and municipal attorneys can provide police and code enforcement agencies with essential legal guidance and also enforcement firepower. Local district and city attorney offices may represent both the police and building/housing inspection departments. Depending on state and local laws, they may also prosecute and litigate cases on their behalf. Given their experiences with both law enforcement and code enforcement, these attorneys are often in pivotal positions to understand the important legal, policy, and political issues that may arise when these two groups seek to work together. They are ideally positioned to build bridges between police and code enforcement.

It is helpful to understand the different types of prosecutorial agencies. For example, state attorneys generals and county district attorneys typically handle felony and misdemeanor criminal cases—they rarely litigate code enforcement cases. However, state or county prosecutors can pursue special civil actions against chronic properties that have become havens for illegal drugs and gangs as special civil cases under nuisance abatement laws. Many law enforcement agencies and prosecutors have leveraged these nuisance abatement powers to form their own task forces.

A growing number of municipal attorney offices also have special code enforcement units that handle judicial and administrative actions against property owners for violations of housing, building and zoning codes. They advise code enforcers on the scope of their legal powers to inspect and investigate, often train staff on how to prepare cases, and also file civil and criminal code enforcement cases.

of information code enforcement agencies need in order to prioritize and pursue a problem property.

In its early stages, the *Free to Grow* program, a police-community partnership in Lincoln, NE, relied on this strategy. Program staff conducted “knock-and-talk” home visits to make observations and gather information about neighbors’ concerns that they then reported to the Department of Building and Safety and other core team members for enforcement. *Free to Grow* program staff took responsibility for keeping a log of violations and progress in each case. Just a bit further down the spectrum, the code enforcement agency can take steps to streamline its case management process, often relying on a community organization or community police officer to collect and filter complaints.

- ▶ **Determine priorities jointly.** While most code enforcement programs are typically driven by complaints, a growing number of these agencies are finding ways to prioritize certain places, whether as the result of high-profile cases or the organizing of effective community organizations. Setting priorities together is often a first step toward joint task forces, but it can also be a relatively simple step for agencies that have little experience of working together or working with community input.

Community developers are often the catalysts for this approach. By sharing their own priorities – often in the form of neighborhood maps showing community assets, hot spots and redevelopment areas – community developers combine a request for focused resources with a demonstration of their own commitment to a place. This combination is inspiring to individual enforcement personnel and compelling to public sector managers. This was the case in Kansas City, Missouri, where the Twelfth Street Heritage Development Corporation coordinated a complementary deployment of code enforcement, law enforcement and community resources to turn around problem properties that were thwarting broader neighborhood revitalization efforts.

- ▶ **Joint inspections.** Joint inspections by police and code enforcement officers are an efficient way to gather information about potential code and criminal violations and leverage the respective enforcement powers of each partner. For example, housing inspectors can inspect properties under a lesser legal standard than police. However, having police participate in housing inspections may raise questions about the officer’s search

and seizure powers. Careful coordination, with ongoing involvement of a municipal attorney or prosecutor is an important step of effective joint enforcement.

The Edison neighborhood in Kalamazoo, MI, combined joint inspections with a streamlined complaint process. A team of inspectors responds to complaints about hot spots filed by neighbors and other people with “eyes on the street” such as postal workers. Neighborhood Enforcement and Assistance Teams include police detectives, community officers, representatives from the city’s drug enforcement team and housing inspectors. By visiting sites together, these teams can address both criminal activity and quality-of-life issues at the same time. A Kalamazoo County Neighborhood Assistant Prosecuting Attorney coordinated the teams, further assisting them by assembling the hot spot information sheets, following up on complaints and prosecuting violations.

- ▶ **Task Forces.** Multi-agency task forces bring together representatives from a set of public agencies on a regular basis to solve problems. At the outset, task forces are usually designed to focus resources on a limited geographic area or a particular type of problem for a short period of time. A good example is the Auburn Boulevard Nuisance Response Team that operated in Sacramento, CA, in the 1990’s. This collaborative of code enforcement and police worked to identify problem properties and coordinate enforcement activities. They met monthly to discuss responses and assign problems to teams of agency staff, who then used existing agency resources to address issues.

Task Forces can also be set up as ongoing structures to deal with agency coordination over a larger area. Providence, RI, provides an excellent example of the long-term task force. In a joint venture between the city and the state Attorney General, the Providence Nuisance Abatement Task Force, meets about twice a month to work on a rotating agenda of about 20 properties nominated by community members, police officers, and others. The task force, which includes representatives of the city’s Fire, Police, Inspections &

Standards, and Housing departments, the Mayor’s office, the Solicitor’s office, the Weed and Seed program, community development corporations, as well as a Deputy Attorney General, works together to determine how to address problems, presents a united front to property owners, and follows each property through resolution for at least six months. Combined with Rhode Island’s strong nuisance abatement statute, the task force has been very effective at gaining compliance from property owners without having to rely on expensive and time-consuming litigation.

- ▶ **Reorganizing Municipal Agencies.** On the most committed end of the spectrum is a strategy that permanently assigns code enforcement and law enforcement staff based on the needs of revitalizing neighborhoods. Law enforcement might recognize this as an integration of police problem-solving principles while code enforcement officials might view it as a proactive code enforcement strategy. More cities are now experimenting with such community-based models that place codes, police and prosecutors into targeted neighborhoods.

This model is in use in Little Rock, AR, where teams of police, code enforcement, and other city staff work out of Neighborhood Alert Centers throughout the city. The Centers were initially formed by citizens and public agencies as a way to forge stronger connections between public agencies and communities seeking to rebuild and preserve their identities in the face of violence and crime. Since the first one was rushed into opening after a young man was murdered in 1991, residents have enthusiastically supported the Centers, advocating for more public resources to open additional ones and even raising additional private money to support them. Police and code enforcement officials based in the Centers have a much stronger sense of the needs and issues in their neighborhoods. In addition, public employees known as Neighborhood Facilitators coordinate with neighbors and community organizations to prioritize and facilitate public agency responses.

GROWING A SUSTAINABLE PROGRAM

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... residents begin to lose their sense of fear and feel empowered to help themselves and each other ... increasing the rate of progress

Informal partnerships can be very effective, but for their innovations to effect lasting change, the individuals and their organizations often must find a way to move toward more formal, fully-coordinated activity. This transition is often a big hurdle, and there are probably hundreds of good partnerships that never make it past this stage. They will continue to operate as long as the individual collaborators hold their current positions, but it is common to see these partnerships wither as people move on.

Certain preconditions make it more likely that a community can forge these individual alliances into a partnership that is sustainable in the long-term. In the experience of many communities, the most common one is a public safety crisis that temporarily reduces the barriers to cooperation and creates a demand for new solutions. A public commitment to supporting neighborhoods can also be a good starting point. This commitment could take the form of an elected official's public statement or a more concrete dedication of resources in the form of:

- ▶ a law enforcement agency with a strong commitment to the principles of problem-oriented policing, especially those that empower officers to evaluate local problems and work with the community to design solutions;
- ▶ a neighborhood prosecuting attorney program, in which municipal attorneys work directly with neighborhood groups to establish prosecutorial priorities and coordinate public resources;

- ▶ a proactive code enforcement agency armed with a rental property inspection ordinance and code enforcement sweeps targeted to critical neighborhoods; or
- ▶ an office of neighborhood services that is designed to facilitate and amplify community members' communications with public agencies.

Community developers are in a position to leverage these public commitments by working with their elected leaders to advocate for additional resources to create more extensive partnerships. They can also act as conveners and coordinators of such efforts, using their credibility as neighborhood-based institutions to garner critical support from residents and public officials.

SECONDARY BENEFITS

A healthier, safer neighborhood free of drugs and criminal activity may offer plenty of reason to institute new partnerships with code and law enforcement, but there are additional benefits to consider that may be especially persuasive to local government officials.

Community trust. As partnerships between public agencies and community developers begin to achieve visible results and improve quality of life, residents begin to lose their sense of fear and feel empowered to help themselves and each other, adding new support for public agency staff and increasing the rate of progress. As the Neighborhood Officer in Cincinnati observed, it was "unbelievable when we got people who lived on the street to help, when they knew that we weren't blowing smoke." This is particularly powerful in neighborhoods with a history of distrust between residents and police.

Increased revenues, reduced costs. A cost-benefit analysis of the Auburn Boulevard project in Sacramento, CA, found that the efforts of a multi-agency Nuisance Response Team increased tax revenues and reduced criminal justice costs to county agencies over an 11-year study period. Tax revenues from property values, sales tax receipts and hotel tax receipts all went up as problem properties were rehabilitated and the area became more attractive to investors, renters and tourists. At the same time, overall crime on Auburn Boulevard decreased by 32%, while increasing by 39% on a nearby street which researchers used as a control area.

Allies beyond the task at hand. In Kansas City, MO, the Swope Community Builders attracted an H&R Block national technology center and its 300 jobs to their neighborhood thanks to their strong relationship with the Kansas City Police Department. The captain of the KCPD metro division wrote a personal letter to the company's CEO assuring him that crime in the neighborhood was actually lower than at other sites under consideration, and that the partnership between KCPD and Swope Community Builders would help ensure a safe environment in the future.

WORKING WITH MULTI-AGENCY PARTNERSHIPS

Partnerships between public agencies require rules and structure that ensure transparency, accountability and good communication, often more so than in partnerships between public agencies and community organizations. It can be easy for the needs and interests of community organizations to be overwhelmed by the bureaucratic processes and political conflicts that may arise when public agencies attempt collaboration. But community organizations, including community development corporations, are also in a strong position to help their public partners through these transition points. The following are a few of the most common hurdles, and how community developers can play a role in keeping the law enforcement-code enforcement-community partnership moving forward.

► **Scarce resources.** Community developers and public agencies alike are familiar with the struggle to do more work with ever-diminishing resources. Community developers can facilitate their relationship with public agencies by understanding each partner's capacity to help and coordinating strategic deployment of existing resources. For example, a code enforcement agency may have unique tools but is often limited to a staff of a dozen people covering an entire municipality. Community developers can also help by advocating for increased funding and ensuring that elected leaders understand the expected results of the partnership.

... communities that have tried this approach have found the unique powers and tools of code enforcement to be essential to the clean-up, repair and rebuilding of their neighborhoods.

► **Personnel changes.** Staff transitions are to some extent inevitable, particularly within police organizations. Community developers can help by assuring the institutional stability of the partnership in the face of change, either by providing it themselves or advocating for the involvement of other partners. For instance, prosecutors and code inspectors are typically more likely to stay in one position over several years. Also, informed elected officials can be helpful in sustaining partnerships and maintaining their integrity in times of transition.

► **Internal disagreements.** Community organizations may be well positioned to enlist an intermediary to facilitate discussions among competing public agencies. A City Manager or local government CEO could play this role as one did in Palmdale, CA. There, the City Manager forged a model program, Partners Against Crime (PAC) by formalizing the informal working relationship of the County Sheriff and code enforcement staff. Organizations completely

outside of government, such as a local university or community foundation, can also bring together independent-minded entities. For instance, in Winston-Salem, NC, the State University's Center for Community Safety has played a catalytic role in working with city agencies to improve the effectiveness of a pre-existing multi-agency partnership known as Operation Impact.

- ▶ **Misaligned goals.** Maintaining a common understanding about the mission and goals of the partnership is often the most important role of a community developer, who lives with the concrete evidence of the problem and its successful solution. But as partnerships become institutionalized in the structure of public-sector agencies, it can be helpful to create formal written memoranda of understanding (MOU) among the major players, including both city agencies and community partners. MOUs can be a simple way to set out goals, responsibilities and commitments in a way that is both transparent and flexible. A process guide or manual is another tool that can be used to educate new members of the partnership as they come on board. By outlining such concepts as the technical action steps of the program, a protocol for joint inspections, or the process for filing cases in court, the process guide helps to ensure that a larger group of partners continues to work together smoothly.

POWERFUL ALLIANCES FOR CHANGE

The challenges of initiating, developing and maintaining partnerships among community developers, the police and code enforcement agencies can be daunting. However, communities that have tried this approach have found the unique powers and tools of code enforcement to be essential to the clean-up, repair and rebuilding of their neighborhoods. Experience has shown that there is no cookie-cutter solution that will work in your community, but we hope the notes and guidelines presented here are a starting point as you consider the best ways to approach these partnerships. In addition, we encourage you to look into the CSI's MetLife Foundation Community-Police Partnership Award paper series, available at www.lisc.org. These individual case studies of the communities we cite and many more highlight important details and nuances that show how these partnerships work and what has made them successful over time.

ADDITIONAL RESOURCES

- ▶ LISC Online Resource Library www.lisc.org/resources
- ▶ American Association of Code Enforcement www.aace1.com
- ▶ California Association of Code Enforcement Officials www.cace1.org
- ▶ International Code Council www.iccsafe.org
- ▶ National Vacant Properties Campaign: www.vacantproperties.org
- ▶ International City County Management Association: www.icma.org/vacantproperties
- ▶ *Bringing Buildings Back—From Abandoned Properties to Community Assets* by Alan Mallach (National Housing Institute, 2006)
- ▶ *Code Enforcement—A Comprehensive Approach* by James Hare and Joseph Schilling (Solano Press, 1995) (2007 edition underway)
- ▶ *Reclaiming Abandoned Pennsylvania II—From Liability to Viability* by Karen Black (Housing Alliance of Pennsylvania, 2004)

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