



## **Final Report**

### **Implementation of Nuisance Abatement Points System Recommendations**

Submitted to:

Mayor Lovely A. Warren

The Rochester City Council

The Nuisance Steering Committee

Conducted by:

Strategic Community Intervention LLC

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STRATEGIC COMMUNITY INTERVENTION LLC (**SCI**) is a practitioner-based multi-disciplinary consulting firm. We work with public, private, and not-for-profit clients to identify and analyze operational and policy issues which are deemed essential to the strategic progress of a community or organization.

**SCI** specializes in three specific areas of practice:

- Community participation and community leadership development.
- Government reform and modernization.
- Strategic repositioning and program redesign.

**SCI** uses collaborative decision-making to mobilize people from diverse backgrounds and interests to produce positive, sustainable outcomes. We especially work with clients who are leading an organization or community through change. Our approach results in leadership that arrives at the most appropriate and transformative solutions, and stronger, more effective communities and institutions. **SCI's** work is guided by practitioners with extensive and successful professional experience in each of our areas of practice.

## ACKNOWLEDGEMENTS

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STRATEGIC COMMUNITY INTERVENTION LLC (**SCI**) was pleased to conduct this work to fully implement a new approach to the City of Rochester's Nuisance Abatement that will strengthen and enhance this legacy program which is designed to improve the quality, value and safety of all City neighborhoods. This evaluation was conducted within the contractual scope of services and time constraints. During our investigation, we interviewed many key current and past City staff who are charged with implementing and administering this system; as well as representatives of neighborhood and business organizations.

After we have presented these findings to the Mayor and City Council, we will urge them to hold a series of community hearings to allow public comment on the implementation of the new approach to Nuisance Abatement.

A project of this magnitude could not be successfully undertaken without the support and cooperation of many people. Our deepest gratitude is expressed to Gary Kirkmire, our liaison in both phases of this project. He facilitated the requests for data and meetings with key personnel, and he provided valuable insight into the operations of the Nuisance Abatement programs and allied City services. Gary's deep and extensive knowledge with the Nuisance Abatement system was an invaluable resource, and his timely responses to our requests were deeply appreciated.

We are equally appreciative of the guidance provided by the Nuisance Steering Committee members: Councilmember Jacklyn Ortiz, NBD Commissioner Baye Muhammad, NSC Administrator David Hawkes, NSC Lieutenant Robert Hill, and Nuisance Abatement Attorney Sara Valencia. The newly appointed NSC Director Daisy Rivera Algarin joined these proceedings in the final months. This steering committee was a beneficial resource. We also thank David Hawkes for his additional assistance in coordinating meetings with his NSC colleagues.

Much thanks to Mayor Lovely A Warren for her faith in **SCI's** ability to produce quality results, and for responding to our requests in a timely fashion.

Finally, we are very appreciative to the members of the Nuisance Design Advisory Committee for accepting the invitation to provide advice and counsel to the redesign process. We felt very strongly that this vehicle would be a concrete demonstration of the City's commitment to substantive reform. From the beginning of Phase II until the completion of this report, we received strong input from this committee, which represents a cross section of our community. Now that this work is completed, we have recommended to the Mayor that she comprise her own Advisory Committee to insure that the redesign effort continues until each objective is achieved.

Much time and thought have been devoted to understand the reforms that would be necessary to make the Nuisance Abatement Points System uniform, equitable and effective. We have proposed a coordinated series of improvements, which will achieve these three outcomes, if enacted as a package. A relative small amount of dollars are required, but a tremendous amount of cooperation and collaboration by City government and citizens will be required for successful and complete implementation. We believe the will to achieve these outcomes exists, and the **SCI team** will continue to do its part to work with all parties to insure that they happen.

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# INTRODUCTION

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## I. PROJECT SCOPE & CURRENT STATUS

In July 2016, **STRATEGIC COMMUNITY INTERVENTION LLC (SCI)** completed an evaluation of the City of Rochester's Nuisance Abatement Points System (NAPS)<sup>1</sup>. The conclusion was that this program, first initiated in 1998, was overdue for change in several aspects of its operations. The basic programmatic objectives were deemed to be relevant, but certain operational applications needed to be substantially upgraded.

The Mayor and City Council were interested in determining whether this program had been administered in a “uniform, equitable and effective manner.” (Request for Proposals, September 2015). From its inception, the program was intended to identify and resolve nuisance behaviors “which substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the City, property values, and the public health, safety and welfare.” The Mayor was empowered to “impose sanctions and penalties for such public nuisances.” (Sec. 3-15 of the City Charter). The power of municipalities to abate public nuisances is well established in Common Law, as long as those governments do not take actions against offending property owners or individuals which are arbitrary or capricious, or which do not afford the protections of due process of law.

After an intensive analysis of the programmatic data, including reviewing the hundreds of properties against which nuisance points had been assessed between January 2009 to February 2016, and after conducting extensive interviews and meetings with the individuals who are intimately engaged with NAPS –including city staff, neighborhood leaders and property owners—**SCI** found that there were **correctible** areas of the operations which, when upgraded, would substantially address the lack of uniform and consistent application, and which would greatly reduce operational inefficiency. These correctible steps were incorporated within a series of recommendations that are detailed below. We urged the Mayor and Council to go beyond merely receiving and accepting these recommendations, and to make implementation of them an immediate priority.

We uncovered nothing in our review that suggested that the nuisance points approach was not a vital tool in the city's strategies to stabilize and revitalize its neighborhoods. Despite the fact that a number of citizens had real concerns about the execution of NAPS strategies, especially concerning blighted properties which were not being remediated or removed in a timely manner, we found few people who believed that this current system was deficient to the point of being dismantled. In fact, there was a persistent belief that the system could be fixed, that it could be “mended rather than ended.” This continuing manifestation of faith from the weary public provided the springboard for the City to capitalize on. Without hesitation, the Mayor and the Council authorized Phase II, and retained **SCI** to undertake the redesign of NAPS.

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<sup>1</sup> The term **NAPS** is an acronym developed by **SCI**, which is a term of convenience for the sole purpose of writing this report. It is not intended to suggest a re-branding of the program. However, the City is free to adopt the acronym for its own usage, as it sees fit.

This redesign is centered on the nine recommendations in the initial report:

1. Appoint a full-time Director who will oversee all Neighborhood Service Center (NSC) operations, including communications, reporting and training.
2. Develop a training program for all City personnel involved in the nuisance abatement process that is consistently and uniformly administered and maintained.
3. Identify and implement a new software program that will provide regular, up-to-date and consistent accounting of nuisance abatement activities.
4. Appoint one attorney within the Law Department who will work full-time on nuisance cases which require legal intervention.
5. Refocus enforcement and adjudication of the Nuisance Abatement Point System to place an equal emphasis on quality of life and penal code violations.
6. City-wide nuisance advisory boards should be implemented based on the model project that has operated in the Southwest Quadrant for several years.
7. Revise the current schedule for the assessment of nuisance points, to more forcefully address those high-level violations which require the most attention.
8. Address the overlap of violations that currently exist in Section 3-15 and Chapter 13A of the City Charter, in a way that better communicates the City's nuisance abatement efforts.
9. Investigate ways to hold individual violators responsible for nuisance behaviors.

The full initial report can be accessed at:

<http://www.cityofrochester.gov/article.aspx?id=8589969591>

Alternatively, type the report title, **Nuisance Abatement Point System Evaluation**, into your browser.

**W**e initially proposed strategies for eight of the recommendations, deciding to leave number 4 for resolution by the Law Department. The Mayor ultimately decided that #1 would be immediately undertaken by her office. The status of both recommendations is included in this report.

In addition to the seven remaining recommendations, we added an **eighth** one: to conduct a series of meetings to better inform the community about the redesign of NAPS, and to create a vehicle for community engagement that would operate throughout the process. We also revised #5, to add re-instituting a Waiver system, which was inadvertently omitted from the initial recommendations. The objectives expressed in #5 are implicit in #7 & #8 and will be adequately addressed.

Work began on these implementation strategies in November 2016, and this report provides a full description of actions which the City must take to complete the redesign of NAPS to meet the requirements of its users and the expectations of the general public.

What follows is a further review of the City's recently implemented recommendations. After that are all of the summary recommendations for this work listed in order, which have further details contained within corresponding strategies in this report. At the end of the report, final conclusions are drawn, which includes one additional recommendation that was beyond the scope of this study, with brief **SCI** team bios and the Appendices thereafter.

## II. RECOMMENDATIONS RECENTLY ACTED ON BY THE CITY

Before discussing the strategic areas, and associated recommendations, for the eight items that constituted the work plan for **SCI**, it would be appropriate to indicate the status of the two that remained with the City.

### A.1 HIRE A DIRECTOR

In February, the Mayor announced the appointment of a Director of the Neighborhood Services Centers, in response to our recommendation for the return to a centralized command structure for nuisance abatement programs. **Daisy Rivera Algarin**, a longtime employee of the Neighborhood and Business Development department (NBD), who had been the project manager for the North Clinton Avenue Revitalization as well as other neighborhood targeted programs, was appointed to the position. She will report directly to the NBD Commissioner.

This is an extremely important job, and it cannot effectively be done by a single person. In our Strategy #2 recommendations, we have recommended one approach to providing these resources. The Mayor and NBD Commissioner may have other ideas, and we encourage that this be given the fullest consideration. The first year in particular will be very daunting, and it is very clear that she cannot do it without additional resources at her immediate disposal. We urge the Mayor to consider immediate steps for providing these resources.

### A.2 CHANGE THE POSITION TITLE TO NUISANCE PROGRAM DIRECTOR FROM NSC DIRECTOR

We are also recommending a change in job title and description be implemented, from NSC Director to **Nuisance Program Director**. Ms. Algarin will be doing more than supervising the Neighborhood Service Centers. She will also have the responsibility for overseeing the new strategic redesign of NAPS that are inherent in the recommendations that are contained in this report. This will require skillful collaboration with the various department heads who are an integral part of the NAPS process, to insure that the resources they bring into this process are appropriately leveraged (e.g., the training of civilian and uniformed Nuisance personnel, the training of citizen-volunteers, and the design and implementation of new reporting protocols.) Very few new dollars will be allocated to achieve these recommendations, which is why the leveraging of existing internal resources will be so important. The current job description, which does not mention NAPS at all, should be revised to reflect the additional responsibilities.

The Mayor is to be commended for quickly embracing our initial recommendation to create and fill the Director's position. While we are mindful of the fiscal challenges she has to deal with, we believe that she must find the way to bring the redesign of the Nuisance Abatement Program (NAPS) to full fruition. Giving the Director the tools to do the job, in a thorough and complete way, will clearly communicate the City's commitment to making these reforms happen.

A brief review of the organizational history of the Nuisance Abatement program, dating back to its NET days, will provide context for this recommendation. Our evaluation concluded that one of the major contributing causes of the lack of consistency and uniformity in the execution of the nuisance abatement process was the absence of an authoritative leader to provide the day-to-day oversight, counsel and strategic direction to the staffs in the four Neighborhood Service Centers. For the first decade of the existence of NAPS, these functions

had been under the auspices of the NET program, which had a director that reported directly to the Mayor. In 2008, the NET offices were consolidated and re-branded into the Neighborhood Service Centers (NSC), and the position of director was abolished. A second consolidation occurred a year later, merging Community Development, Economic Development and the NSCs into the new department of Neighborhood and Business Development. Four operational bureaus reported to the new NBD Commissioner, with the NSCs organized in the Bureau of Neighborhood Preservation. Because a bureau head for Neighborhood Preservation was not appointed, the four NSC Administrators were left to report directly to the Commissioner.

The failure to fill that position is inexplicable, and it placed an unimaginable burden on the new Commissioner. NBD carries out the most visible and strategically important public development functions, and the Commissioner must represent the Mayor among several hundred businesses citywide, and with government leaders at the state and federal levels. The Commissioner cannot be expected to expertly perform those duties without the appropriate level of staff support. That point was obviously reflected in the appointment of the other three bureau heads. Yet, in the case of the nuisance issues, it was decided that four people would report directly to him rather than one.

A review of the prior administrative structure informs us of the importance of a central command structure. In addition to overseeing a large staff located in several offices strategically located across the City, the former NET directors also served as the Mayor's chief liaison to the neighborhoods and the person responsible for keeping an open channel of communications between the Mayor, Chief of Police and the residents on quality of life and neighborhood preservation issues. The importance of these tasks cannot be overstated. This central command structure allowed for a consistency in application of the nuisance law and regulation, and the opportunity to identify and intervene in problems before they became difficult to manage. It insured that all of the centers were operating consistently, and that any deviations from standard operating procedures, however meritorious or urgent, would have to be cleared through the proper channels.

Given the nature of the nuisance abatement process, where new cases with unique extenuating circumstances from various parts of the city arise almost daily, a well-defined process, consistently applied, is essential if trust in the system is to be maintained. The NSC offices cannot be left to resolve matters on their own, as they were under the NBD reorganization. On more than one occasion, persons who owned multiple properties in different parts of the city reported that resolution of similar circumstances differed from NSC offices they dealt with.

The reinstatement of the Director's position addresses part of the problem. However, the scope of that job expands vastly beyond overseeing the four Neighborhood Service Centers. For all of the reasons stated above, both in terms of past history and current operational demands, the job title and job description must accurately reflect the director's scope of authority.

We understand that the City has received recommendations from another consultant regarding the restructuring of certain operations within NBD, and we will await the outcome of those. However, we believed that the issues surrounding the appointment of a Nuisance Program Director is separate and apart from any other analysis, and we make our recommendation accordingly.

## Summary Recommendations

**A.1** With the appointment of the new Director, additional resources should be provided to insure the successful implementation of the numerous tasks that must be completed, especially in Year 1. This includes the creation of at least one new support position, and the ability to leverage existing staff to perform critical tasks (as described in Strategy #2.)

**A.2** To more accurately identify the job with the mission of the program, the job title should be renamed, **NUISANCE PROGRAM DIRECTOR (NPD)**. The current job description should be revised to reflect the extensive job responsibilities.

### **B.1 ASSIGNMENT OF A FULL TIME ATTORNEY TO NUISANCE CASES**

We recommended that one attorney in the City's law department be assigned exclusively and full-time to work on nuisance cases, as had been the case when NAPS originated. The actual practice in recent years has been to designate a "nuisance attorney", but that person also handled other cases within the department. Also, other attorneys could be assigned nuisance cases. While this practice guaranteed the availability of legal counsel and guidance to the NSCs and others in the process, there was always the possibility of getting different perspectives. More importantly, the process could be delayed while waiting for an attorney to fit this into an already overcrowded schedule. Based on interactions with key stakeholders, **SCI** has concluded that having one attorney devote his/her full attention to NAPS improves program efficiency and assures that nuisance cases can expedited in a more timely fashion.

Since the redesign phase began, the designated nuisance attorney has taken another legal position outside of City Hall. Another attorney has added nuisance matters to an existing full portfolio of cases. The Corporation Counsel has expressed support for the recommendation for an exclusive and full-time nuisance attorney, but he cannot accommodate this recommendation within current budget constraints.

While we greatly empathize with his dilemma, we must again reiterate to the Mayor the absolute necessity of creating this position, and within the coming fiscal year. If the redesign is to produce a NAPS that operates in a "uniform, equitable and efficient manner", then all parts of the system must be transformed together. The legal analysis is extremely important in determining which approaches should be taken to ameliorate and resolve nuisance cases, particularly regarding some of the new approaches that are recommended in this report. Part-time legal advice will greatly delay and restrict these matters. We again urge the Mayor to provide the funds and authorization that are necessary to appoint a full-time attorney for nuisance abatement cases.

### Summary recommendation

**B.1** The Mayor should find the resources to restore the full-time attorney in the Law Department who is devoted exclusively to NAPS. There is no one attorney who currently devotes all of her/his time to nuisance abatement duties.

# **SUMMARY RECOMMENDATIONS FOR THE REDESIGN OF THE CITY OF ROCHESTER'S NUISANCE ABATEMENT POINTS SYSTEM (JUNE 2017)**

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As a result of this work in each of these implementation strategies, **SCI** produced the following summary recommendations:

## ***City of Rochester follow-up recommendations***

**A.1.** With the appointment of the new Neighborhood Service Center Director, additional resources should be provided to insure the successful implementation of the myriad tasks that must be completed, especially in Year 1.

**A.2.** to more accurately identify the job with the mission of the program, the job title should be renamed, **NUISANCE PROGRAM DIRECTOR (NPD)**. The current job description should be revised, to reflect the extensive job responsibilities

**B.1.** The Mayor should find the resources to restore the full-time attorney in the Law Department who is devoted exclusively to NAPS. There is no one attorney who currently devotes all of her/his time to nuisance abatement duties.

## ***SCI recommendations for strategy implementation***

### **1 Community Engagement**

**1.1** The Mayor should appoint a Nuisance Advisory Committee to meet on a quarterly basis with the Nuisance Program Director, to review the status of the NAPS redesign. This Committee is to be distinguished from the Nuisance Quadrant Advisory Boards.

**1.2** The City's Communication Department should create an on-line presence for the Nuisance programs, such as a dedicated website and other appropriate social media tools. This would be in addition to any information that will be extracted from the new reporting instruments.

**1.3** In addition to social media, there should be printed promotional materials that describe the nuisance abatement process. These materials should be available at major City facilities like the Neighborhood Service Centers, RPD Section Offices, Recreation Centers, and other facilities frequented by the public, as well as available for city-wide distribution.

**1.4** In launching the NAPS redesign initiatives, the Mayor and NPD should host public meetings where citizens can fully understand the changes to the NAPS program, and further invite citizens to continuously engage with City Hall around this most important program.

### **2 Creating a new NAPS Training Program**

**2.1** The City should implement a training program for all personnel who are engaged with NAPS. These include all personnel – civilian and uniformed- who work from

the Neighborhood Service Centers (NSC), RPD Patrol officers and command staff who are not NSC Lieutenants and CPOs; RFD Fire Safety and Training personnel; Animal Control Officers; DES refuse inspectors; and lawyers who are assigned nuisance cases. The RPD personnel, with the exception of those assigned to NSCs will be trained consistently through the RPD Training Academy. All civilian personnel will be trained under a new regimen that will be managed by the Nuisance Program Director.

- 2.2** The City will create a new position, **Training Coordinator**, who will be responsible for the overall coordination of the NAPS training regimen, and the management of the internal City field trainers. The Coordinator will also be responsible for the training of all NAPS civilian personnel. The Coordinator will report directly to the NPD. **Whether this function is located within the Bureau of Human Resources Management or elsewhere in the City's organizational structure, our recommendation is that it is urgently needed to carry out a critical NAPS redesign initiative.**
- 2.3** **SCI** has developed the training regimen for civilian employees. Training should begin as soon as possible after our recommendations are accepted and approved. Because of the amount of work that must be completed in Year 1, and given the time that will be required to hire and orient the Training Coordinator to these extensive duties, we recommend that **SCI's** training consultant be retained to facilitate the completion of these tasks.
- 2.4** We are very sensitive to avoiding the creation of a new bureaucracy around training. **SCI** is therefore recommending the use of volunteer in-house staff, who are knowledgeable about NAPS, to deliver key aspects of the training. This practice would be modelled after the current RPD practice of utilizing its personnel as field training officers. The Mayor must explicitly endorse and encourage the deployment of existing staff to achieve these outcomes.
- 2.5** In order to insure that NAPS training does not interfere with NAPS and other departmental operations, we have developed a training schedule to be followed.

### **3 Creating a New NAPS reporting system**

- 3.1** **SCI's** task was to identify a system that would provide – for the first time ever – accurate and up-to-date reporting on all nuisance abatement activities in the City of Rochester. In the course of our review, we were informed that there is a long-term plan to replace their land management system, which has become obsolete. The Building Information System (BIS) is an important component of this system. This replacement will take several years to complete. The reporting needs of NAPS cannot be delayed that long. We are recommending the implementation of a new application that focuses on nuisance reporting.
- 3.2** **SCI** proposes a two-phase process:
  - a.** Design a tool similar to the Vacant Map which is utilized by the Inspection and Compliance Service bureau. This new tool will allow City staff and city residents to view nuisance abatement data on the City's website. Creating this Nuisance Map can be accomplished within a 30-45 day timeframe, and this

information will be constantly maintained by NSC staff, to insure that all data is accurate and up-to-date.

- b. To meet the long term need for a nuisance reporting system, we recommend the City purchase and install a customizable cloud-based municipal software program that will provide data analytics as a useful management tool, in addition to the baseline reporting that will be initially available through the Nuisance Map. There are several good systems that will meet these needs, but we examined one that is being widely used by other New York municipalities. **Municipity** is also recommended, because it is installed and serviced by a local vendor who has worked with the City on other IT solutions.

- 3.3 As our examination was drawing to a close, we learned that the City may have the opportunity to participate in a “Building Blocks” initiative under the auspices of the New York Attorney General’s campaign to address the growing statewide inventory of foreclosed and vacant properties. There are some benefits to participating in that initiative, but this does not address the City’s long term IT needs. “Building Blocks” is not an application system, and it therefore cannot be a replacement for BIS. We recognize the City’s determination to implement a new land management system, and our recommendation should not be viewed as a threat to those plans. We believe that it is in the City’s best interest to invest in a system that is dedicated to nuisance program activity, and which can be implemented much quicker than the proposed land management system. As important, the information that will become a part of the **Municipity** database can be transferred into the new Land Management system, so the investment will not be wasted.

#### 4 Reconciling the Overlap between Sec. 3-15 and Chapter 13 A

- 4.1 Using the shared system with ICS data on nuisance dispositions for properties and MCVB data on hearing dispositions, a map of properties and individuals that are currently (or historically) involved in nuisance cases, including specific (classified) information on open nuisance cases should be developed and made available. The City may gain quick credibility by responding to the community need for consistent information about disruption of quality of life in Rochester’s neighborhoods with publicly available reporting on both nuisance abatement points and municipal tickets.
- 4.2 Property owners should be required to “appear and adhere” when they are involved in the Nuisance Abatement Point System. Sanctions (e.g. fines) could be assessed for non-participation in meetings or failing to adhere in good faith on measurable goals in the abatement plan. A benchmark value for these fines is \$250, the price of the “failure to appear” fine for MCVB hearings.

The prevalence of repeat violators can in part be alleviated by improved reporting and alerts to decision-makers. This will facilitate timely initial face-to-face meetings around abatement. Instructions for this meeting (e.g. information on essential stakeholders, abatement history) would be laid out in the abatement plan.

- 4.3 Clarify within the law the chain of command and protocol for decision-making. The Nuisance Program Director should have central role.
- 4.4 Introduce additional options for resolving a case outside of “close or do not close”, using Section 3-15. An example is a judgement on an acceptable abatement plan, to prevent closure of property after hearing finds that nuisance exists. Codify rules for negotiating all corrective actions, especially those requiring discretion that is outside of typical 3-15 closure.

## **5 Develop an effective Point Waiver System**

- 5.1 Reinstate the Nuisance Points Waiver System policy that was allowed to expire several years, with one major exception: To decrease the number of non-waivable offenses from four to three. After consultation with NSC staff, guns and dangerous weapons were removed from the list.
- 5.2 Decisions about who will be eligible for waivers will remain within the province of the NSCs, but all recommendations will be reviewed by the Nuisance Program Director prior to becoming final. Final approval for waivers will reside with the Director. This review will determine that the waiver policy is being applied uniformly and consistently.
- 5.3 The Waiver policy should be codified in Section 3-15 by City Council action, to insure that it possesses the legal authority beyond an administrative procedure.

## **6 Develop Citywide Nuisance Advisory Boards**

- 6.1 The City created a demonstration program in 2010 that introduced peer review in the nuisance abatement process. This project was utilized in the Southwest Quadrant, and it was applied only to cases involving bars and nightclubs. Based on the positive feedback this project received, **SCI** recommends that it be replicated citywide, and that these boards expand the current focus beyond entertainment establishments to engage in all types of nuisance cases.
- 6.2 Each quadrant will have its own board, comprised of between 7 and 9 volunteers, drawn from the ranks of citizens, landlords, business operators and residents. The boards should be assigned staff resources by the NSC administrators.
- 6.3 Case referral to the boards will be determined by the NSC Administrators and Lieutenants, based on their assessment that peer review may be useful in determining the outcome. No case will be referred that has not achieved the threshold of points that trigger this level of action. In some circumstances, property owners may petition for their cases to be heard by the board.
- 6.4 Board members will be appointed by the Mayor, in consultation with the Nuisance Program Director. Their terms will be filled on a staggered basis, to insure continuity in operations. Members will be entitled to serve no more than two terms. Board members' service will commence after they have completed a training and orientation session.

## **7 Develop a new Nuisance Points Schedule**

- 7.1** Revise the Nuisance Point schedule from the current 6-point/4-point/3-point model, to a 10-point/6-point/4-point model. Time limits and thresholds remain the same (12 points in 6 months; 18 points in 12 months).
- 7.2** The new 10-point category would include: Controlled Substance, Marihuana, Firearms/Dangerous Weapons, Disorderly Conduct and Exceeding Occupancy Limits. Our initial review determined that 85% of the total points issued were in these first four categories. Exceeding Occupancy Limits is being added at the direct request of the Fire Department, which has expressed increased concerns about the potential loss of life due to overcrowding in entertainment venues.
- 7.3** Remove Property Code and Refuse Code Violations from the Nuisance Point schedule and process, and continue to enforce them through the Municipal Code Violations Bureau.
- 7.4** Implement a Points Confirmation Process to be overseen by the Nuisance Program Director. This enhanced record-keeping and documentation effort will ensure that there is multi-level accountability, from the NSC Offices to City Hall, with respect to nuisance points issued, and the disposition of nuisance cases.

## **8 Investigate the creation of Individual Accountability**

- 8.1** Revise the language in Sec. 3-15, paragraph C (2) (b) that currently places the full weight for nuisance violations on the listed owner of the property, to allow for nuisance abatement efforts to be assessed against tenants, lessees and other non-owner individuals.
- 8.2** From cases being adjudicated at the Municipal Code Violations Bureau, create a listing of ticketed violators who are tenants and non-owners who have accumulated multiple violations at the same address. The lists would identify repeat violators, defined as those who have accumulated three or more sustained violations.
- 8.3** The City should work with housing organizations to create a “model lease” which spells out the rights and responsibilities of both tenants and landlords. It should further work with property owners to only rent out properties with a signed lease, and to advocate for the use of the “model lease agreement.”
- 8.4** The City is currently reviewing revisions to Sec. 90-20, which requires building owner registration. This regulation does permit the use of corporate names. We urge the City Council to require the actual name(s) of the owners. It is also considering the designation of a property manager who lives within the zip code areas between 13020 and 14925. These places of residence can be as far east as Syracuse, as far west as Buffalo and Niagara Falls, and as far south as the Southern Tier and Binghamton. Even owners who live within these zip code areas can designate themselves as the property manager. We urge that these revisions go much further, and restrict the areas where the property manager can live. Some municipalities allow no more than 15 miles from the City limits. In

nuisance cases, it would seem to be prudent to have an agent who can be quickly convened for abatement meetings.

**It is urgent to implement these recommendations as soon as possible, given the level of frustration and impatience that exists within the community for NAPS reform. In addition, the City should routinely review the NAPS program every 2-3 years, to insure that it continues to meet the needs and expectations of the communities it serves.**

## **STRATEGY 1: CONDUCT COMMUNITY MEETINGS & ENGAGEMENT**

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### **I. SCOPE AND METHODS**

At the time **SCI** submitted its recommendations, we did not know that we would be retained to help implement them. A central part of our practice is devoted to community engagement. We are dedicated to the belief that no public project should be undertaken without engaging the stakeholders in its design and outcomes. Planning **with** people, rather than **for** them or as their proxy, is structured into our work.

Before any work was undertaken on the recommendations, we conducted community meetings in each City quadrant during the week of November 14 -17. Outreach was conducted with the persons and organizations who had actively participated in Phase I, as well as to representatives of neighborhood and business associations who had not participated. Nearly 100 people attended these meetings to gain a deeper understanding of the next phase. Participants had the opportunity to provide additional insights, as the bulk of time was devoted to questions and answers. Each person was asked to complete a survey (See Appendix A).

More importantly, they could indicate whether they wanted to serve on the Nuisance Design Advisory Committee, which was being appointed by **SCI** to provide guidance to the redesign effort. More than 40 people were interviewed by a team consistently of Johnson, Cox-Cooper and Burch-White. From these were chosen 21 people representing a diversity of interests and geographic areas. (See Design Advisory Committee Roster, Appendix B)

### **II. RESULTS**

Orientation sessions for the Committee were conducted on January 9 and 11, where the expectations for their service were spelled out. Between January and May, there were 10 meetings with the Advisory Committee. Because of the members' work schedules and professional responsibilities, each session is generally offered twice, at different times and locations to facilitate attendance. These sessions have been held at the Five Star Bank on Westfall Road (southwest), the Greater Rochester Regional Transit Systems offices on East Main Street (northeast), and at City Council chambers. There has been nearly 100% participation at these sessions, and a survey of the members revealed the following:

- 100% of participants found the orientation material sufficient to inform the discussion.
- The recommendations of greatest importance were reported as registering the property owners' contact; introducing peer-review advisory boards in each quadrant; developing a map of nuisance properties/individuals.
- Participants were excited about: looking into resolutions outside of property closure, improved process efficiency, and better information availability.
- Participants were concerned about: the system being underused, repeat violators remaining unresolved, and establishing a clear expectation for all involved.
- 90% of participants found that the final **SCI** recommendations are likely to impact them positively, or very positively.
- Most participants found the meetings to be effective for gaining their input.
- Committee members were rewarded by the structured engagement on the issues to help problem-solve.

## **II. SUMMARY RECOMMENDATIONS**

As a result of this experiment with engaging citizens in the oversight of NAPs, we are recommending the following:

- 1.1** The Mayor should appoint a Nuisance Advisory Committee to meet on a quarterly basis with the Nuisance Program Director, to review the status of the NAPS redesign. This Committee is to be distinguished from the Nuisance Quadrant Advisory Boards.
- 1.2** The City's Communication Department should create an on-line presence for the Nuisance programs, such as a dedicated website and other appropriate social media tools. This would be in addition to any information that will be extracted from the new reporting instruments.
- 1.3** In addition to social media, there should be printed promotional materials that describe the nuisance abatement process. These materials should be available at major City facilities like the Neighborhood Service Centers, RPD Section Offices, Recreation Centers, and other facilities frequented by the public, as well as available for city-wide distribution.
- 1.4** In launching the NAPS redesign initiatives, the Mayor and NPD should host public meetings where citizens can fully understand the changes to the NAPS program, and further invite citizens to continuously engage with City Hall around this most important program.

## **STRATEGY 2: DEVELOP NUISANCE TRAINING REGIMEN**

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### **I. SCOPE AND METHODS**

**SCI's** Phase I review of the city's nuisance abatement points system revealed that there has not been a standardized training process in the program's 20 year existence. In Phase II, **SCI's** Strategy 2 focused on the design of a formalized training regimen for all city personnel involved in NAPS implementation. To solicit input into what a comprehensive NAPS training program might look like, the **SCI** Training Consultant conducted interviews with the Rochester Police Department (RPD) Chief of Police, Deputy Chief of Operations, Deputy Chief of Administration and the RPD Training Director; Neighborhood & Business Development Commissioner, Inspection & Compliance Services (ICS) Director and Neighborhood Service Center (NSC) civilian and uniform staff.

In an early meeting with the Director of the Bureau of Human Resources Management (BHRM), it was discovered that this department did not provide the kind of training that would be required for civilian nuisance personnel. The assumption that we would be able to design a program that could be implemented with existing city personnel had to be revisited. The most immediate ramification was that civilian training would become much more complicated.

**SCI** conducted a national review of best practice nuisance abatement programs to find examples of cities which trained its nuisance personnel. Of the 12 cities reviewed 8, had some form of training, (e.g. field trained by mentor officer, internal module training, law enforcement basic training, etc.). None had a formal, standardized training regimen. (See listing of Best Practices Cities for training, Appendix C for detailed information and key training contacts in other cities).

While we were unable to identify best practices for nuisance abatement training nationally, we learned of a relevant model already in operation in City Hall: a training program for Code Enforcement Officers in the Inspection and Compliance Services Bureau. The twenty four month probationary training is delivered in four modules designed to provide Code Enforcement Officer (CEO) trainees with both classroom and hands-on experience in the duties and responsibilities of the position. The CEO curriculum covers roles and responsibilities, work order processing, ticketing, management information systems, code enforcement processes, guidelines and procedures, interdepartmental shadowing experiences, residential, commercial, new and existing building construction, etc. Adapting this model for NAPS use greatly reduces the time that it would have taken to design a program from scratch. Rochester could become the first city to develop formalized training for nuisance abatement personnel.

### **II. RESULTS**

The current nuisance abatement RPD training is conducted in the New Recruit Academy, a six-month training authorized by NYS Department of Criminal Justice Services. The Academy is inclusive of other regional law enforcement entities (e.g. Monroe County Sheriff's Dept., and other law enforcement agencies in the greater Rochester region). NAPS training for RPD recruits only consists of a full academy lecture, where nuisance abatement is "touched on" under the content area, *Community Relations*. Other NAPS topical areas are conducted in "Post Academy." CPOs, experienced in the NAPS process, provide on-the-

ground training for new recruits in post academy sessions. Recruit training on how to write a nuisance ticket is one example of CPO field training. Representatives from other city departments, such as Fire and Law, also offer academy sessions on NAPS, relative to their departmental responsibility. RPD in-service and professional development is conducted at the Academy on a bi-annual basis.

NSC administrators described their orientation to the Centers' work in general, and NAPS specifically, as "trial by fire." Administrators report they were either trained on the job by seasoned Lieutenants and/or support staff. They say that over time, they have instituted place-based NAPS processes based on their background and experience, respective workload, resources and community needs.

Additional units involved in the execution of NAPS are the departments of Law and Fire and Division of Environmental Services (DES). Interviews were not conducted with representatives of these departments; however, interviews with other city officials indicate that while these units have processes and protocols in place to guide nuisance abatement functions, there is no indication that any facilitate formal NAPS training.

While the NAPS program does require public knowledge and participation, there are no comparable trainings that occur on the civilian side.

NSC Administrators say orientation to and administration of nuisance abatement within the Centers is both fragmented and shortsighted. They say the "revolving door" of personnel changes, in both civilian and uniform leadership, has created a sometimes separate and divided work culture. Broadly, they expressed the need for standards, guidelines and formal orientation to nuisance abatement to foster uniformity and reflect purpose and intent. They endorse training that promotes nuisance abatement as a proactive versus punitive strategy, and engages residents, property owners and community groups in resolutions. They feel the work of the NSCs should reflect rulings that demonstrate "value added" and that a collaborative approach to the work is needed both within the Centers and among external NAPS partners to ensure a unified front.

The absence of training for Center support staff, and the existing disconnect among them and support staff in other departments, contribute to breakdowns in communications and documentation. Interviewees overwhelmingly agreed that an effective and efficient NAPS system depends on standardized training for Center and other support staff responsible for the intake, documentation, processing, and recording inherent in NAPS processes. In addition, support staff across all the interdependent departments involved in the System need to work under the same data processing guidelines.

### **III. RECOMMENDATIONS**

#### **i. SCHEDULE OF RECOMMENDED NUISANCE ABATEMENT POINT SYSTEM DEVELOPMENT**

Key elements in standardizing a training regimen include: establishing an oversight structure; developing tiered training models and curricula; creating training programs to disseminate learning to the field; establishing a timeline for implementation; and managing the implementation work plan.

In order to organize this process, we have developed a schedule for all training activities that are to be conducted in Year 1. It outlines the recommended timeframe for training all city personnel involved in NAPS practices. Adherence to this timeline is critical in demonstrating the City's commitment to the redesign process. This will become a major responsibility for the new NSC (or NPD) director. See the full Development and Implementation Schedule in Appendix D.

## **ii. CREATE A TRAINING COORDINATOR POSITION**

We have previously addressed the extensive duties of the newly appointed Director. The training requirements for Year 1 are too enormous to be effectively implemented by her alone, especially in the absence of any involvement from BHRM. These circumstances necessitate the creation of the new position of Training Coordinator.

Reporting directly to the Director, this position will be directly responsible for all of the civilian NAPS training and for coordination with the RPD NAPS training activities. Among the major responsibilities for this position, which are discussed in full detail in following sections, are: the development of the Training of Trainers (TOT) Model for the City, the coordination of participants and curricula, and managing training delivery schedules. While the Coordinator position may not be filled in time for the initial training activities, due to internal decisions about filling this position, the justification for creating this position is well-documented. It is central to the training regimen development and implementation processes. You can find the full NAPS Training Coordinator recommended duties in Appendix E.

Because of the financial implications of this recommending, we had preliminary discussions with the Mayor, which examined different approaches to filling this critical position. While the City has the option of hiring from within its current ranks or conducting an external search for the training position, either route will impact the recommended timeline. The external hiring process for this position would take several months to complete, given the requirements of the Civil Service system. Both an internal and external hire would need to have knowledge, background and experience to execute the duties as outlined. The internal hire would need to be brought up to speed on the project and would essentially need to hit the ground running on the start-up work. Unless this person already has extensive training expertise, this may be an unreasonable expectation. We are recommending that the training not wait several months, that it begin immediately upon the acceptance of the recommendations in this report. The smooth implementation of the training activities will affect almost every facet of the NAPS redesign.

One consideration for meeting these earlier requirements is to maintain the involvement of **SCI's** training consultant during the start-up phase. She has designed each element of this training, and she could assist in the orientation of the Coordinator, especially if that position is filled through an internal transfer. We believe that this is a cost-effective and strategic way to proceed.

## **iii. TRAINING REGIMEN**

With the resolution of the Training Coordinator position, the development of the multi-tiered NAPS training regimen would be next steps in the process. A Training of Trainers (TOT) model is needed to ensure sustainability of the NAPS training regimen. The model

suggests it is not enough for the Training Coordinator to have indigenous, in-depth knowledge of nuisance abatement, but they also need to know how best to educate other professionals on the topic. The model would enlist personnel that have background and knowledge in NAPS administration and experience in adult training as certified NAPS trainers. Taking this approach creates system resilience in the face of turnover by establishing a network of trainers to continually grow and provide critical knowledge. This system has an advantage over one that relies on outside parties that have difficulty training on the nuances of the work.

This cadre of trainers would be responsible for delivery of the NAPS field training as part of the initial and ongoing orientation, training and professional development of personnel within their respective departments. A total of 5-6 trainers are required to meet the training needs for all civilian personnel. RPD has the largest number of staff to be trained, and it will use its own Field Training Officers to do its training. The CPOs who are assigned to the NSC offices will be trained with their civilian counterparts.

NSCs would have at least 3-4 trainers with the remaining 1-2 training slots allocated to Fire Safety, Law, and Animal Control. Certified NAPS Trainers would be responsible for 3-4 trainings (includes in-services), for a total of 24-32 hours in Year. The ratio of trainers to trainees should be kept low.

The TOT is a highly specialized model which will require simultaneous development with the NAPS Field Training Model described below. The Training of Trainers Model centers on a continuous cycle of internal organizational learning. It begins with a group of practitioners with a broad, interdepartmental understanding of the Nuisance Abatement system, who are trained on how to effectively pass systems knowledge to department-level experts. Those department level trainees in turn become trainers within their departments, armed with the broad systems knowledge required to give context to the content expertise required in their specific work. NAPS Training of Trainers (TOT) and Field Training Manuals will be conveyed to the City under separate cover.

The NAPS Field Training Model is the crux of this new training program. It consists of five modules, each with specific learning objectives and target audiences, aimed at generating understanding of all relevant NAPS processes that participants will utilize. The modules advance from “Nuisance Abatement Points System Overview; “Nuisance Activity, Arrest & Crime Reports”; and “Assessment, Points Assigned & Owner Notification”; then on to “Nuisance Communication, Waiver, Abatement Plan Timelines, and City Monitoring”; concluding with “Chronic Nuisance Properties, Assessment of Cumulative Points & Other Violations Content”.

The suggested training format allows for a flexible and fluid design that provides a comprehensive orientation to the nuisance abatement system, while at the same time allowing for “pull outs” to facilitate targeted training for departments and volunteers implementing specific program components.

The five training modules are based on the nuisance abatement phases in **SCI’s** Process Map, City of Rochester Nuisance Abatement Point System Chart (located in Appendix F). The process map establishes a matrix that outlines these various steps that are available to resolve Nuisance Point cases. The process map can become a tool that is available to both staff and citizens to gain a better understanding in what actions can be and have been taken to remediate nuisance properties.

The NAPS Field Training model will be developed by the NAPS Orientation & Training Committee (NOTC). These committee members will be representative of departments involved in the nuisance abatement points system, and they should have background and experience in NAPS execution within their respective department. This committee would 1) write the field training manual and curriculum; 2) provide ongoing reflection and feedback of the effectiveness of the model; and 3) develop routine updates and revisions based on administrative changes to the program. A Field Training Manual proposed format matrix has been developed to guide the development of this document.

NOTC members would be expected to devote 60-70 hours during the initial 2-3 months start-up period in development of the field training regimen. Due to the intensive volunteer time commitment involved, a strong pool of members is required to share the load of duty. These committee members would also be eligible for the TOT and could serve as certified trainers within their respective departments, thereby reducing the field of volunteers needed. The full details of these assignments will be worked out by the Training Coordinator, or the Training Consultant, whoever will be engaged at the start-up.

Nuisance abatement is a community-wide responsibility. At this level, a training to replicate and expand the Southwest Nuisance Advisory Board (NAB) is recommended (See **SCI's** Strategy 6). Replication of this process should necessitate a regimen of volunteer training.

Several city departments are responsible for the nuisance abatement process. Uniform standards and policies are critical in ensuring personnel within and across departments understand the intent and purpose of the nuisance abatement as a quality of life strategy, as well as expectations and staff roles and responsibilities in the execution of NAPS. Training that is comprehensive in scope and delivery and provides guidelines, protocols, strategies and tools to support staff responsible for administering the program is critical to consistent and efficient citywide implementation.

City entities that currently engage in some aspect of nuisance abatement efforts include the Police Department, Neighborhood Service Centers, the Law Department, the Fire Department, Animal Control, Inspection and Compliance Services, and the Department of Environmental Services (DES). Each department plays a primary, as well as collaborative, role in the various steps available to resolve nuisance point cases. Since the Inspection and Compliance Services bureau already operates its own training, we are not recommending that it be folded into the Nuisance training regimen. We are also recommending that the DES ticketing protocols be removed from Sec.3-15, thereby eliminating any training requirements for its personnel.

An estimated 598 staff will require training in Year 1. Approximately 80% of these are RPD personnel not assigned to the Neighborhood Service Centers. The RPD has its own training facilities, staff and curriculum, so it is not the focus of these recommendations. We are satisfied with the adjustments it is making in its overall training for new recruits and existing patrol officers that will provide a better focus on the RPD's role in NAPS.

The training content will vary, depending on the level of engagement of departmental personnel. For example, training for RPD patrol officers will differ from that provided to the RFD's Fire Safety personnel. Obviously the most intensive training will involve the personnel who work out of the Neighborhood Service Centers (NSCs).

Comprised of both civilian and uniform personnel, NSCs are most intricately involved in processes of nuisance point assessment/ assignment and interfacing with property owners to enable resolution. As such, they are critical personnel to the NAPS process and are a top priority for training. NSC Customer Service Representatives handle initial intake, perform routine office operations, and embody Center values. Administrative Assistants handle nuisance activity intake, prepare referrals for review by Administrators and Lieutenants, and coordinate submissions to the Nuisance Advisory Board. Support staff is also responsible for recording and monitoring NAPS case events via prescribed data systems.

NSC Administrators work in conjunction with RPD Lieutenants to review reports, work with property owners, community leaders and other city departments to find solutions to nuisance issues and assess and assign nuisance points. Crime Prevention Officers (CPOs) are also an integral part of the nuisance resolution and abatement process, and they are responsible for providing field training for new RPD recruits in the nuisance abatement process.

#### **iv. PLAN OF ACTION**

The “NAPS Year 1 Development and Implementation Schedule” outlines the timeframe and formats for training all NAPS personnel. The first set of training will involve the NSC personnel, followed by personnel in other NAPS related departments. The next RPD recruit class does not enroll until October, and it will not conclude until the spring of 2018. Some RPD in-service training will begin this fall. It is important that all personnel in the process have a consistent and unified instruction on the broad and focused principles of nuisance abatement, even if they are being trained at different intervals.

We recognize the challenges of starting a training regimen from scratch. Given the lack of existing staffing for that training within the City, and given the amount of start-up time and skilled expertise that is required, we strongly encourage the City to accept the recommendation that **SCI’s** Training Consultant be maintained to facilitate the start-up process. She will not only develop and implement the initial training regimen, but can also assist in the orientation of the newly-hired Training Coordinator.

One option the City may be considering is transferring an existing staff to undertake the training functions. While an internal hire might have a working knowledge of NAPS processes and operation, an immediate grasp of each element of our comprehensive training regimen, including the Training of Trainers (TOT) model and adult education skills for training the staff volunteers, might be harder to find within City ranks.

To fully implement these recommendations, the City would incur the salary and benefits for one full time staff person, budgeted at the level of Bracket 20-22. If the training consultant is retained, we would negotiate her hours billed at **SCI’s** rate, based on the scope of work that is agreed upon for this engagement. We estimate that 150 hours would be required to complete all aspects of this assignment. We cannot accurately determine the number of hours that would be required to complete all aspects of this assignment, until a decision is made on retaining our services.

The City has an opportunity to fill a void that has existed since the inception of the nuisance abatement program: to provide consistent, uniform and professional staff and volunteer training, to anchor a program that is vital to its neighborhood revitalization efforts.

#### IV. SUMMARY RECOMMENDATIONS

- 2.1** The City should implement a training program for all personnel who are engaged with NAPS. These include all personnel – civilian and uniformed- who work from the Neighborhood Service Centers (NSC), RPD Patrol officers and command staff who are not NSC Lieutenants and CPOs; RFD Fire Safety and Training personnel; Animal Control Officers; and lawyers who are assigned nuisance cases. The RPD personnel, with the exception of those assigned to NSCs will be trained consistently through the RPD Training Academy. All civilian personnel will be trained under a new regimen that will be managed by a Training Coordinator, under the supervision of the Nuisance Program Director.
- 2.2** The City will create a new position, **Training Coordinator**, who will be responsible for the overall coordination of the NAPS training regimen, and the management of the internal City field trainers. The Coordinator will also be responsible for the training of all NAPS civilian personnel. The Coordinator will report directly to the NPD. **Whether this function is located within the Bureau of Human Resources Management or elsewhere in the City’s organizational structure, our recommendation is that it is urgently needed to carry out a critical NAPS redesign initiative.**
- 2.3** **SCI** has developed the training regimen for civilian employees. Training should begin as soon as possible after our recommendations are accepted and approved. Because of the amount of work that must be completed in Year 1, and given the time that will be required to hire and orient the Training Coordinator to these extensive duties, we recommend that **SCI’s** Training Consultant be retained to facilitate the completion of these tasks.
- 2.4** We are very sensitive to avoiding the creation of a new bureaucracy around training. **SCI** is therefore recommending the use of volunteer in-house staff, who are knowledgeable about NAPS, to deliver key aspects of the training. This practice would be modeled after the current RPD practice of utilizing its personnel as field training officers. The Mayor must explicitly endorse and encourage the deployment of existing staff to achieve these outcomes.
- 2.5** In order to insure that NAPS training does not interfere with NAPS and other departmental operations, we have developed a training schedule to be followed.

## **STRATEGY 3: DEVELOP NUISANCE REPORTING SYSTEM**

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### **I. SCOPE AND METHODS**

During our initial evaluation, we found that there was no centralized reporting system that collected and retained all of the activities from the various City entities engaged in nuisance abatement efforts, nor which definitively described how cases were finally resolved. These staff were going about their jobs, and only communicating with each other when necessary. We concluded that: “records are often separately generated in the departments within the NAPS system, often maintained separately, and not consistently shared across departmental lines except on a case-by-case basis.”

City officials, including the Mayor and City Councilmembers, were often frustrated in their inability to provide up-to-date status reports on particular nuisance properties. Neighborhood leaders were equally frustrated in their inability to get much needed information. Ironically, all parties were committed to neighborhood revitalization, and the failure to address these blighted properties in a timely manner was undermining cooperation between them.

NSC personnel and their allied City Hall colleagues were also frustrated by reporting mechanisms which compartmentalized data that could not be easily shared across departmental lines. The irony is that reports were being prepared, and action steps were being executed, but these files could only be shared manually – and inefficiently. This slow, “siloesd” reporting system was the antithesis of a system that should have produced uniformity, consistency and transparency. No longer can the City afford to keep departments tasked with the same goals in unintentional silos. The City will need to make a determination of what data is relevant in view of the broader inter-dependent operations of City departments focused on improving quality of life in Rochester’s neighborhoods.

We recommended the implementation of a reporting system that could capture, analyze and retain all NAPS data, and which would be easily accessible to every person who was intimately involved in nuisance abatement –City staff, elected officials, neighborhood leaders, property owners, business operators and neighborhood residents. In this implementation phase, our task was to identify a software program that could produce such a reporting system, and to identify the data that should be contained within it.

**SCI** retained a highly-experienced Information Technology professional to lead this strategy, and to identify an appropriate system. He is personally knowledgeable about the capabilities of the City’s IT department, having served as a Programmer, Applications Manager and Director for more than 20 years combined. He currently serves as the head of the IT department for a major health systems provider.

**SCI** met with City staff to understand the current IT systems operational environment, and to better understand the current reporting requirements for NAPS data. We also met with community groups and internal users to identify elements that are required to meet the end-user and community expectations. This provides a road map for expectations that can be used to ensure that user’s expectations are incorporated in a final solution.

We also surveyed several of our “Best Practices Cities”, to determine their reporting methodologies. From that review, we identified a system that meets Rochester’s needs.

## II. RESULTS

**SCI** believes the best approach to a solution is aligning the business workforce with technology and systems that provide for efficient and effective workflow while providing residents with meaningful and relevant information that enforces laws and improves neighborhoods. The City's current nuisance reporting systems are not aligned with each other, and they do not permit access to external users. Internal (NAPS staff) and external (City officials and citizens) have demanded--and would greatly benefit from-- a system that makes basic information available across departmental lines and to the public. We have identified a two phase solution to a comprehensive reporting system that will achieve both outcomes. The City has identified a long-term solution, by moving to an entirely new application system, but its solution is well beyond the scope of the nuisance system and will take many years to fully implement. While we agree that this long term systems overhaul could be the ultimate answer to a host of the City's IT needs, we strongly believe that the demand for a new NAPS reporting system cannot wait that long, and it should stand on its own merits.

The City currently uses the Building Information System (BIS) to house its NAPS data. BIS is a legacy application that runs on an IBM mainframe platform. End-users maintain data in BIS using a legacy "Green screens", not modern state-of-the-art graphical user interface (GUI) display screens such as is used today with the modern Microsoft Windows. The application is an in-house system that was custom designed and maintained by City IT staff (including **SCI's** consultant) and has been maintained by internal systems and programming staff for more than 30 years. The system contains an estimated 100 files which total over 10 million records. BIS tracks building permits, code enforcement, zoning districts, zoning approvals, Certificate of Occupancies, Special Mailings, Open Cases, Closed Cases, and Business Permits.

The City IT department has proudly designed and maintained many of its own systems and programs going back to the 1970's. These systems and programs were written and maintained to meet the alignment of the workforce and its work flow. However, the City IT department shifted its focus to commercial off the shelf (COTS) systems approximately 10 years ago.

During this same period, a new administration began shuffling and realigning departments and staff. With these shifts also came a reduction in programmers and staff who had the knowledge to enhance and modify legacy systems such as BIS.

These changes brought many challenges for the IT department. It became challenging for the department to keep the legacy software aligned with the workflow needs of the business. These challenges created silos and disparate systems which did not operate at an unacceptable level of efficiency. Departments begin to use spreadsheets and other department level means for managing and reporting data. The value of a good system is that it provides a centralized area for collecting, managing and reporting of data. **SCI** has taken these shifts into consideration while seeking solutions.

Because of our familiarity with BIS, **SCI** knows that it will be difficult, if not impossible, to construct a new NAPS reporting system based on this antiquated framework.

We are not alone in this assessment. Recently the City engaged The Novak Group, based in Cincinnati, to conduct a thorough review of the operations of the Neighborhood and

Business Development Department (NBD), which is the home department for nuisance abatement activities. Novak concluded that BIS was approaching the end of its useful life, for two reasons:

- a. The Neighborhood Service Centers (NSC) rely heavily on two software programs, BIS and Lagan, which is used by the 311 system to receive and track citizen complaints. The NSCs have access to this data; they also log and track their data into BIS. However, BIS and Lagan cannot communicate with each other, thereby complicating the NSCs' ability to create comprehensive reporting.
- b. As a custom, in-house designed program, BIS is supported by SAS, a language known only to a few people currently remaining at City Hall. As those few begin to age out of the workforce, maintaining –or upgrading–BIS will become virtually impossible.

Novak recommended that the City undertake a process to identify a new software program to replace BIS. <sup>2</sup> **SCI** recognizes the shortcoming of BIS, not only because of the Novak report but from our meetings with the City IT department, and the Inspection & Compliance Services department staff. They have demonstrated to **SCI** the current mainframe “Green Screens” and coding system being used to manage data in the current BIS system. The IT team has expressed that they have limited resources and knowledge to support this BIS system. It is **SCI's** judgment that a solution must be identified and put into place soon – before more staff are displaced or retire.

The IT director further shared the plans for migrating to a new comprehensive land management software system, which has numerous portals (mapped out in Appendix G). She was quick to emphasize that nuisance abatement reporting would be a very small part of this overall system, and she estimated that it could take 3-5 years to install. However, from our experience, these timeframes become greatly expanded.

### III. RECOMMENDATIONS

We cannot emphasize strongly enough the importance of implementing a state of the art nuisance reporting system. NAPS staff need this tool to perform their jobs more efficiently. The Mayor and City Councilmembers who are in frequent contact with their constituents about the elimination of blighted properties will greatly benefit from having immediate access to this type of data. The community's demand for updated nuisance data will be satisfied.

As an **immediate** step, **SCI** proposes the expansion of an approach that has been implemented by the Inspections & Compliance Services Bureau, and which is already in the planning stage for NAPS. The approach includes expanded modifications to an existing Statistical Analysis Software (SAS) program to extract additional information from BIS. This extracted information can be used by the City IT Department's Geographic Information System (GIS) team or the Neighborhood & Business Development GIS specialist to produce a new report that can be viewed by internal and external customers. This information will be displayed on the City's website in the same manner as vacant properties and open cases. Design and implementation is estimated to take up to 120 hours of resource time from City

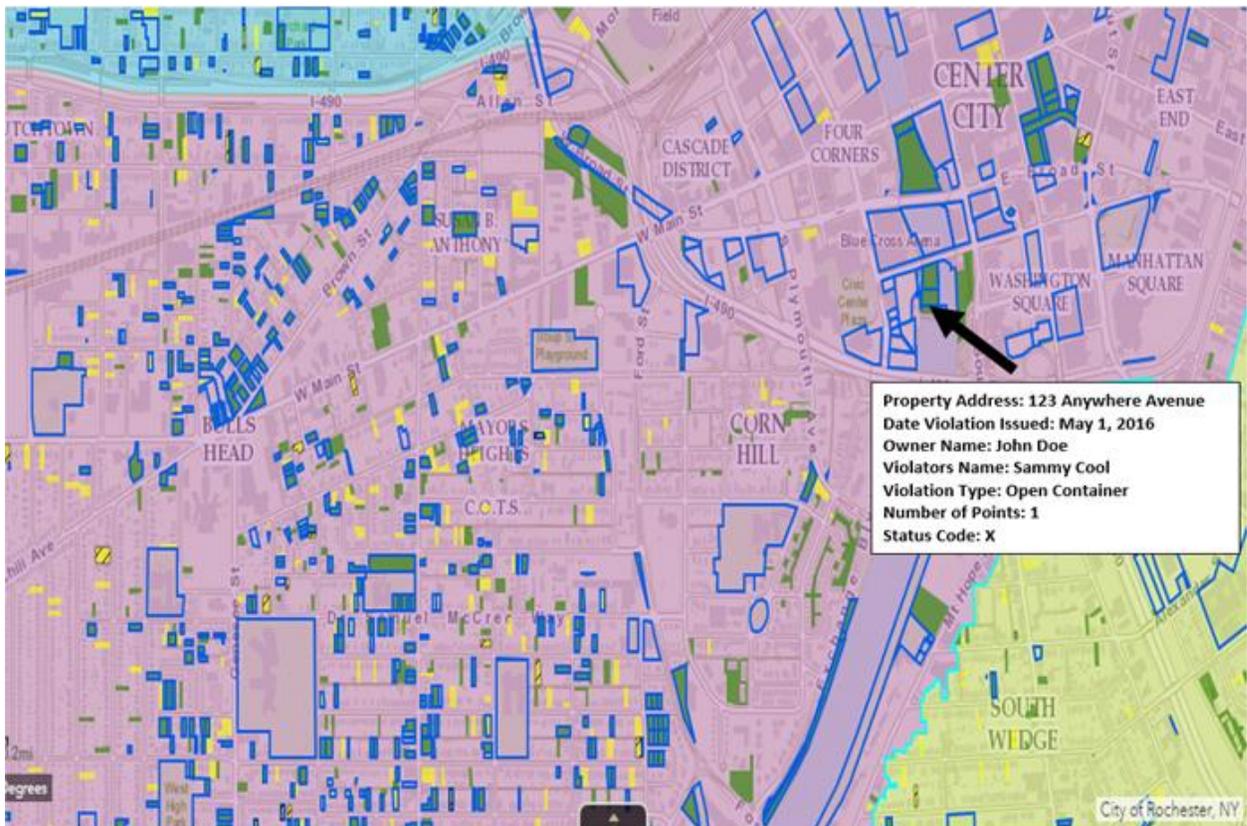
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<sup>2</sup> The Novak Group, City of Rochester Department of Neighborhood and Business Development Organizational Review and Strategic Plan (Draft), June 20, 2016

IT staff and an additional 40 hours of GIS programming time. We believe that this new reporting tool can be operational 30 days after the submission of our report.

Figure 3.1 below shows a prototype of how information on a nuisance property would be obtained from the City of Rochester Website following the completion of the immediate step. This information would be obtained in the same manner that vacant property is currently made available to the public via the City's Website. Citizens would be able to search by address or point and click on a GIS map to view nuisance information.

**Figure 3.1:** Nuisance Reporting Map



Data fields to be extracted and reported on the City Website include:

- Property Address
- Date Points Issued
- Date Points Expire(d)
- Owner Name
- Violators Name
- Violation Type
- Number of Points
- Status Code
- Administrative Hearing Date
- Administrative Hearing Outcome

In conjunction with the design of the second phase of this recommendation, current information on nuisance points attached to a property (and its status/disposition) can nearly immediately be made public through an existing online tool named the Property Information Application via the Inspection and Compliance Services office. This system will act as a one-stop-shop for all relevant information regarding enforcement of violations at a particular property.

Nuisance points attached to a property may be linked to, and populated in, the Property Information System. Internal and external stakeholders will be able to go to [maps.cityofrochester.gov/propinfo](https://maps.cityofrochester.gov/propinfo) and get up-to-date information on nuisance points, the specific violations, and the current disposition of the nuisance case. The property information system is already being regularly used and updated by City staff and the public. Persons with any mobile device will have instant access, and any other person without such access can be updated immediately upon request. NSC staff will be charged with the responsibility of regularly updating that site. While there are inherent limitations to this technology, most notably the absence of critical data analytics, for the first time, nuisance data will be publicly available without restriction.

Concurrently with bringing this new tool on line, we are recommending that the City immediately implement a permanent solution to this problem. We believe that a system that is initially focused on providing a higher level of NAPS reporting and analysis, and which is equally accessible to the public, should be installed. We believe this system is a wise investment as its initial scope will be to replace the existing, disconnected and inconsistent nuisance reporting system. This system is estimated to cost up to of \$200,000, but it is a minor price to pay for finally being accountable to the community and reliable for staff on such a major area of need.

We recommend the installation of a new software program that can be designed to meet the City's precise needs. We do this with the knowledge that the City is already making plans to migrate to a new comprehensive land management software program. However, this is a multi-year venture which involves many other city services. Nuisance abatement is viewed as a very small part of this framework. The Mayor must decide if it is worth the time and effort that has already been spent in redesigning the nuisance abatement system, to expend an additional sum to meet the community's expectation for a state-of-the art, transparent and openly accessible NAPS reporting system.

**SCI** has identified a system that is currently being used by many municipalities in New York and beyond. It provides the functionality and reporting that administrators, end-users, and

residents have identified as a priority. It is customizable, cloud-based municipal software which ranks among the top code enforcement software. It is supported by a local value added reseller, General Code. General Code is a leader in Content Management Solutions and Codification Services and is currently working with the City of Rochester on Laserfiche. This system trades under the name of **Municipity**.

Yonkers, NY, which is a comparable size to Rochester, has used it for almost 10 years. The Director of Building Inspection state that they “utilize just about every feature that **Municipity** provides except for the Zoning and Site plan modules”. Yonkers finds the system quite useful and effective in serving all of their Building Department needs. Benefits of using this particular software, in Yonkers as well as other municipalities, includes interagency collaboration, data sharing capabilities and workflow integration.

In Watervliet, New York, a complaint point system was installed where each complaint/violation type was assigned a point value (life/safety complaints had a higher value than high grass for instance) and then if a property had too many points in an 18 month period, other fines and fees resulted. While Watervliet is not a comparable size to Rochester, it provides an illustration of the system’s ability and its functional capacity to meet the requirements set forth for the City of Rochester. This software is also used in nearby Brighton, Canandaigua and Ithaca. Appendix H lists New York State and out-of-state municipalities that use **Municipity**.

This software program has a full ad-hoc reporting tool where you can design your own reports with graphs and charts, including the ability to create custom fields of data and report on that data. It also has the ability to map any data such as open complaints, or inspections failed.

**Municipity** has the ability to create workflows and add to any item. You can have workflows for permit processing that include functions such as planning and engineering reviews. You can also have workflows on a complaint that includes inspections, and then permit submission in order to correct the violation. Workflows can have predecessors so one item cannot start until other items are completed. Workflows can also have date requirements with warnings that pop-up if something isn't being completed in a timely manner.

The system tracks substantial information on a complaint; the address, owner, tenant or lease holder, description, inspections, fines, summons, court appearances, tasks, violations and related ordinance codes, document and pictures, etc.

This system is a commercial off the shelf system (COTS), thereby aligning with the City of Rochester IT Department’s paradigm.

Most importantly, it is a land management system with the option to install the code enforcement module first. Its value-added reseller (VAR), General Code, can assist with conversion of the existing Virtual Storage Access Method (VSAM) files on the City’s mainframe. It can also assist with project management, workflow design, reporting and monitoring.

Perhaps most important to the City’s IT Department, this system has the flexibility to be folded into a long-term Land Management solution.

**Municipity** is a more appropriate strategy because it begins replacing the system that manages the data while the limited but critical staff with knowledge are still in place. Data management is as important as reporting. **SCI** has identified the steps for assessing points and training requirements. The value of these activities is best realized when the internal users are using a state of the art system to input and manage the data. The system will provide for better data management, alerts and workflow for the Mayor to hold staff accountable and produce valuable report to the community.

As previously stated, this solution is estimated to cost upwards to \$200,000 with 20% annual recurring maintenance fees. The final price will be based on the number of files that must be transferred from the current system. Even so, this is a small price to pay for a system that can more accurately report on the current status of each nuisance case, and which eliminates all of the systems glitches that impede program efficiency, consistency and stability. It is a small price to pay for staff and customer satisfaction.

The City IT Department is providing support for the immediate solution, but it has plans for a long-term, more complex project known as Land Management (the structure of which is illustrated in Appendix G.) This plan is viewed with much caution by **SCI** because the scope of that project is well beyond the scope of a new nuisance system and does not prioritize or focus on nuisance or code enforcement issues that have plagued Rochester neighborhoods for far too long. **Municipity** provides a much faster and more direct path to solving the nuisance reporting issue while providing for long term system growth.

**SCI** has recently learned that the City of Rochester plans to apply for a Building Blocks grant, made available by the NYS Attorney General, which will provide a data analysis tool and potential funding up to one million dollar for innovation solutions. It is important to note that this is a good enhancement to the existing GIS platform, but does not replace that Building Information System (BIS). City residents, community leaders and neighborhood access point staff are suffering from a nuisance system that does not have appropriate functionality and reporting. The two-phase solution provided in this report will offer extended reporting capability that can assist with code enforcement that improves neighborhoods.

We recommend the immediate solution be completed 30 days after the acceptance of the report. Further, we recommend that the City embark upon a project to install and use **Municipity**, which has the flexibility to be folded into a long-term Land Management solution.

#### **IV. SUMMARY RECOMMENDATIONS**

**3.1** **SCI's** task was to identify a system that would provide – for the first time ever – accurate and up-to-date reporting on all nuisance abatement activities in the City of Rochester. In the course of our review, we were informed that there is a long-term plan to replace their land management system, which is becoming obsolete. The Building Information System (BIS) is an important component of this system. This replacement will take several years to complete. The reporting needs of NAPS cannot be delayed that long. We are recommending the implementation of a new application that focuses on nuisance reporting.

**3.2** **SCI** proposes a two-phase process:

- c. Design a tool similar to the Vacant Map which is utilized by the Inspection and Compliance Service bureau. This new tool will allow City staff and city residents to view nuisance abatement data on the City's website. Creating this Nuisance Map can be accomplished within a 30-45 day timeframe, and this information will be constantly maintained by NSC staff, to insure that all data is accurate and up-to-date. This is an immediate, but temporary, solution.
- d. To meet the long term need for a nuisance reporting system, we recommend the City purchase and install a customizable cloud-based municipal software program that will provide data analytics as a useful management tool, in addition to the baseline reporting that will be initially available through the Nuisance Map. There are several good systems that will meet these needs, but we examined one that is being widely used by other New York municipalities. **Municipity** is also recommended, because it is installed and serviced by a local vendor who has worked with the City on other IT solutions.

**3.3** As our examination was drawing to a close, we learned that the City may have the opportunity to participate in a Building Blocks initiative under the auspices of the New York Attorney General's campaign to address the growing statewide inventory of foreclosed and vacant properties. There are some benefits to participating in that initiative, but this does not address the City's long term IT needs. Building Blocks is not an application system, and it therefore cannot be a replacement for BIS. We recognize the City's plan to implement a new land management system, and our recommendation should not be viewed as opposition to those plans. We believe that it is in the City's best interest to invest in a system that is dedicated to nuisance program activity, and which can be implemented much quicker than the proposed land management system. Equally important, the information that will become a part of the **Municipity** database can be transferred into the new Land Management system, so the investment will not be wasted.

## **STRATEGY 4: RECONCILE OPERATIONAL OVERLAP**

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“Section 3-15: Abatement of Nuisances” of the Rochester City Charter  
& “Ch. 13A: Municipal Code Violations Bureau” of the Municipal Code of the City of Rochester

### **I. INTRODUCTION**

The purpose of this work was to shed light on the City of Rochester’s external and internal impacts of simultaneously assessing of nuisance abatement points and municipal tickets.

In the previous study published June 2016, we conducted process mapping, and discovered how the absence of a formalized inter-departmental reporting system is contributing to the perception of system inefficiency and lack of uniformity. The current reporting mechanisms, the Building Information System (BIS) and Microsoft SharePoint do not capture all of the activity and actions which flow through the Nuisance Point Abatement system.

One significant illustration of this point was the discovery of the nuisance-related violations that are being adjudicated in the Municipal Code Violations Bureau (MCVB), which is established in Chapter 13A of the City Charter. Several violations that are addressed through Sec. 3-15 are also covered by Chapter 13A, and many of them directly relate to the quality of life concerns that arise in City neighborhoods.

The following list of overlapping violations was compiled from Section 3-15 and Chapter 13 A:

- Noise
- Refuse Collection
- Amusements
- Fire Prevention
- Property Code
- Zoning
- Littering
- Animal Control

Violations are either assessed points under Sec. 3-15, or issued tickets under Chapter 13A. We have no evidence that any property or individual faced double jeopardy. However, the practical effect of this dichotomy is the perception of low or no activity in the nuisance type activities, which is clearly contradicted by the amount of ticketing activity. The interviews with neighborhoods particularly focused on this lack of Sec. 3-15 activity.

In terms of number of cases resolved, we found clearly that the assessment of tickets was a more frequently used tool for the enforcement of neighborhood quality of life. For example: of the eight violations above, there were only 244 nuisance incidences between 2009 and 2015, an average of 35 incidences per year. Yet for five of the violations (Amusements, Noise, Animal Control Littering, and Refuse) between 2014 and 2015, there were 17,775 tickets issued. Our limited observation was based solely on the volume of tickets issued, and without deeper analysis, it was impossible to assess the impact that the ticketing approach had on reducing the number of nuisance properties.

To this end, a comparative analysis was conducted of the operations and adjudication processes of the Nuisance Abatement Point System administered by the City Neighborhood

Service Centers and Inspection and Compliance Services, and municipal tickets primarily administered by the Municipal Code Violations Bureau.

## **II. SCOPE AND METHODS**

First, a literature review was performed on the relevant laws and policies outlined within both sections. This was necessary to map overlaps and understand the legal context that the programs operate within.

Second, the relative number of nuisance abatement point and municipal ticket instances were pulled from City records. They are currently housed on a Customer Information Control System database within the mainframe accessed from the Department of Inspection and Compliance Services. This was done to understand the scale of current enforcement for particular violations in both systems. Attention was paid to uniformity and consistency of application.

Third, the principals of both Inspection and Compliance Services and the Municipal Code Violation Bureau were interviewed (along with appropriate staff). This was done to understand the administration and adjudication of the violations.

Fourth, upon learning of the City's data integration needs from the previous three steps, research was done into the reporting system capabilities of commercially available platforms.

The primary research questions were:

- i. What decision-making is used to determine whether points are assessed or tickets or issued?
- ii. Are tickets issued to the property owner or the individual violator?
- iii. How does issuing tickets relate to curing the violations?
- iv. Are tickets being disposed of in a uniform and efficient fashion?
- v. Are there impediments to reporting the disposition of tickets in the new NAPS data system?

## **III. RESULTS**

Improved reporting will allow sharing of tickets assessed with both tenants and landlords, regardless of who was culpable. At the very least, ongoing monitoring and reporting of nuisance abatement case dispositions can be achieved with data sharing via collaboration with Neighborhood Service Centers, City Law, Police, Department of Environmental Services, Fire Department and the Municipal Code Violations Bureau. The entire universe of nuisance abatement data, including internal reports, could be determined to live on the shared data management platform.

The City may gain quick credibility via transparent response to community concerns about disruption of quality of life in Rochester's neighborhoods. The key to this is each City staff member having the ability to access, then instantaneously share up-to-date (and uniform) data with any stakeholder.

The MCVB has the greatest amount of contact with individual people that are connected with quality of life disturbances. With an integrated system, MCVB can easily report on properties that carry municipal tickets to relevant parties such as the Neighborhood Service Centers and Rochester Police Department, so that they can gain perspective on how to

counteract nuisances. Current verdicts (and history of verdicts) from the independent hearing examiner(s) can be used in myriad real-time decisions. For example, the Director would want up to date insight on whether or not to move forward with section 3-15 actions, or perhaps they want to provide context for abatement negotiations ahead of a staff meeting with property owners. This practice will upgrade the transparency of current city actions around 3-15 actions, which have exhibited incomplete or hard-to-access reports on decision-making, without a codified chain of accountability for decisions.

The leadership at the Municipal Code Violations Bureau has indicated that the highly structured progression of fines culminating in a face-to-face hearing has been effective and acceptable to both the offenders and the Bureau. They report that the key is the face-to-face hearing where people can have the rules explained to them. Most of the time, offenders were not aware of the laws and the direct interaction was required for them to fully understand what they had done, and why it was being punished. The Bureau likes this approach; leadership there ties this to reduced recidivism. However, current data on the individual violators is scant due to lack of integration with nuisance abatement reporting practices. There is a critical difference between the MCVB outcome at its conclusion (i.e. hearing over a fine) and the Nuisance Abatement Point System – it is not clear that the final outcome of the Nuisance Abatement system can consistently create accountability and equitable results for both the offender and the neighborhood.

#### **IV. RECOMMENDATIONS**

##### **i. UNIFORM AND EFFICIENT RESOLUTION OF MUNICIPAL TICKETS THROUGH MCVB**

In the short to medium term, we advise introducing an internal City data warehouse & map of properties and individuals that are currently (or historically) involved in nuisance cases, including specific information on open nuisance cases that is only accessible to the certain City staff. Hearing dispositions from the MCVB will be included. This step is aimed at providing a “level playing field” of information for all city departments involved. A data warehousing and sharing platform has been identified from **Municipity**. The data sharing that is possible within it will enable collaboration across departments necessary to tackle such a multi-faceted issue as quality of life in neighborhoods.

##### **ii. REPORTING IMPEDIMENTS**

Integrating data from the Municipal Code Violation Bureau in particular is going to markedly strengthen the Nuisance Abatement Point System. The trove of ticketing and hearing data will provide context to much of the day-to-day discretionary work that goes into nuisance abatement plans and actions. Additional reporting from MCVB data could bring about new flags or thresholds in the accumulation of points. These flags indicate the demand for additional problem solving, face-to-face meetings, and abatement planning. Action could be taken as necessary for repeat violators, which would be credibly tracked, publicly available, and easily accessed by decision-makers involved in assessing the sanctions.

The City’s particular interest should be to uniformly respond to citizen requests with the same information, and to boost internal awareness of the status of individual cases. MCVB data should be understood in the context of the overall two-pronged approach that the City of Rochester has taken to remediating nuisances and improving quality of life – tickets, and points.

Integrated record-keeping between NSC's and MCVB will also allow for ongoing, regular evaluations led by the Neighborhood Service Centers on egregious nuisance properties, and who was involved with them. This evaluation can regularly assess whether the system is meeting its goals on individual abatement plans and from a broad systems perspective. Specific reporting methods will need to be decided upon, but tracking individual "nuisance" tenants should be a priority. This will require the creation of a new regular report that should be disseminated to all essential stakeholders (e.g. landlord groups, neighborhood groups, police and code enforcement). Any individuals on the report would have all privacy and fair lease protections, but would have a public data trail of their behavior record within Rochester's neighborhoods and where they violated. This tenant report should be designed to highlight recurring offenders & newly flagged parties. With the report, officials can check current status of their abatement plan, and request face-to-face meetings as needed. This may be shared amongst all departments involved with neighborhood quality of life and crime enforcement. Neighborhood Service Centers should work especially closely with the Municipal Code Violations Bureau to share and report data on tenants.

### **iii. TICKETS ADJUDICATED BY MUNICIPAL CODE VIOLATIONS BUREAU AND RECIDIVISM**

Property code violations are being effectively dealt with through the MCVB adjudication pursuant to Chapter 13A. The Neighborhood Service Centers do not utilize the property code violations on a regular basis, which has a big impact on whether or not enforcement of the Nuisance Abatement Point System is uniform. MCVB staff indicated that the low numbers of property code violations in the nuisance system add to the real and perceived lack of uniformity in enforcement.

As such, we recommended work under Strategy 7 to remove all property code violations from section 3-15. The exception is where additional leverage was specifically requested by the City. The Zoning and the Fire departments indicated this, as it would provide an additional warning to the violator that a change is needed, and to provide additional structure around the abatement of the violation. Data sharing and management through a platform with capabilities of a system such as Muncicity will make this strategy of a multi-layer system tenable.

In the other areas, it is simply not needed, as it adds an additional level of reporting without an effective return. For example with the MCVB, the addition of nuisance points on their adjudicated violations is not required to achieve an acceptable outcome for neighborhoods that nudges people to improve community life. This situation is not to say that the MCVB does not play a critical role in the effective operation of the nuisance abatement system via data sharing on case dispositions on individuals in City Court hearings, but rather their adjudicated violations currently have effective resolutions.

### **iv. ASSESSMENT ON A PROPERTY OWNER VS. AN INDIVIDUAL VIOLATOR**

Improved, frequent monitoring backed up by a robust registry of past violations of both properties and individuals will enable effective face-to-face negotiation around abatement plans. Shared data (e.g. information on essential stakeholders, abatement history) will drive the agendas for meetings. The plan would be proactively made with clear goals, deadlines, and a regular benchmarking of metrics. The plan would lay out sanctions to be expected if the abatement plan is to be broken. This was alluded to in the previous section "Public Reporting of integrated nuisance abatement information".

Property owners should be required to “appear and adhere” when they are involved in the Nuisance Abatement Point System. Mandatory meetings are held with the property owners once the property has become a nuisance. The meetings set an abatement plan with follow-up at regular intervals. Sanctions (e.g. fines) could be assessed for non-participation in meetings or failing to adhere in good faith on measurable goals in the abatement plan. These sanctions would be subject to escalation for actively working against it, or lack of “good standing” with the Neighborhood Service Centers. A benchmark value for these fines is \$250, the price of the “failure to appear” fine for MCVB hearings. The MCVB has indicated that they would have extra capacity to handle additional hearings that may result from nuisance abatement efforts.

In “Strategy 8: Investigate creation of individual accountability,” we will be recommending that a registry of all property owners and managers be instituted, which will facilitate this recommendation. This is critical for follow-up on these recurring cases – that’s how MCVB has been successful in its adjudication and prevention of municipal tickets.

## **v. DECISION-MAKING**

We recommend that the City introduce additional legal and administrative options for closing a case outside of “close or do not close, using Section 3-15”: codify rules for negotiating all corrective actions, especially those requiring “discretion” outside of typical 3-15 closure (e.g. judgement on acceptable abatement plan to prevent closure of property after hearing finds that nuisance exists). The practicality of getting effective results from these binary closure actions is hindered when there are opportunities for offenders to avoid being held accountable, while non-offenders face inadvertent consequences of Nuisance Abatement actions.

In order to make this hands-on abatement system a reality in implementation, the City would have to clarify within the law the chain of command for decision-making. City Law Department indicates that legal counsel plays a larger role in decision-making than they are comfortable doing, as the leadership of Law Department would prefer this go to a quality of life/community services expert. The Law Department is not alone in that sentiment. By more precisely codifying how Neighborhood Service Centers and Neighborhood and Business Development assigns points and recommends abatement actions, this chain of command will enable clear actions that constitute a closure of a case or fulfillment of the abatement plan. The Nuisance Program Director will have central role. Additional options for the resolution of nuisance abatement cases must be explored and implemented.

## **V. SUMMARY RECOMMENDATIONS**

**4.5** Using the shared system with ICS data on nuisance dispositions for properties and MCVB data on hearing dispositions, a map of properties and individuals that are currently (or historically) involved in nuisance cases, including confidential information on open nuisance cases should be developed and made available. The City may gain quick credibility by responding to the community need for consistent information about disruption of quality of life in Rochester’s neighborhoods with publicly available reporting on both nuisance abatement points and municipal tickets.

**4.6** Property owners should be required to “appear and adhere” when they are involved in the Nuisance Abatement Point System. Sanctions (e.g. fines) could be assessed for

non-participation in meetings or failing to adhere in good faith on measurable goals in the abatement plan. A benchmark value for these fines is \$250, the price of the “failure to appear” fine for MCVB hearings.

The prevalence of repeat violators can in part be alleviated by improved reporting and alerts to decision-makers. This will facilitate timely initial face-to-face meetings around abatement. Instructions for this meeting (e.g. information on essential stakeholders, abatement history) would be laid out in the abatement plan.

- 4.7** Clarify within the law the chain of command and protocol for decision-making. The Nuisance Program Director should have central role.
- 4.8** Introduce additional options for resolving a case outside of “close or do not close”, using Section 3-15. An example is a judgement on an acceptable abatement plan, to prevent closure of property after hearing finds that nuisance exists. Codify rules for negotiating all corrective actions, especially those requiring discretion that is outside of typical 3-15 closure.

## **STRATEGY 5: DEVELOP EFFECTIVE POINT WAIVER SYSTEM**

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### **I. SCOPE AND METHODS**

From the late 1990's to approximately 2010 the City administered a Nuisance Point Waiver system, which allowed property owners to have nuisance points waived under certain circumstances, after discussion with, and review by, City officials. The actual date the policy ended could not be determined, as the City's records were incomplete.

During the first phase of our study, we were provided an undated copy of the City's previous Nuisance Point Waiver Policy and Process. Through our research and interviews, we were not able to specifically identify when the use of the waivers officially ended, or what rationale contributed to, and supported that decision. We were only able to identify a small number of current City and NSC staff who had prior involvement with the waiver process, due to staff turnover and transition over the years. There are no records of how many waivers were granted, nor is there any other significant historical data available. There is however, a copy of the original policy which is included in Appendix I.

We also discovered that a process of discretionary administration of the points system did exist, but that its application was not grounded in any existing policy, and varied from office to office. At least one of the Neighborhood Service Centers continued to offer waivers long after the process had seemingly ended.

### **II. RESULTS AND RECOMMENDATIONS**

A small number of NSC Lieutenants expressed opposition to the idea of a waiver, while others were in full support. Those who objected felt there should not be an opportunity for points to be removed once they are assigned. Those in support highlighted numerous actual instances they'd experienced in the field, which would have been very appropriate cases for consideration of a waiver.

Ultimately, there was majority support from City Law and NSC Administration for a new process, and agreement that there are benefits to both the City and property owners in having a Waiver System as an additional tool to provide a path to compliance and nuisance abatement. There was agreement that the ultimate goal of nuisance abatement efforts--and the Nuisance Abatement Points System--is compliance, and that the points system, by design, is an 'early warning system', and not one that is solely punitive in nature. By reinstating a waiver process, owners who had no recent history of problems at their property would be given an opportunity to resolve issues collaboratively, before they become chronic.

The undated City document referenced 'NET' (Neighborhood Empowerment Teams) and 'CEU' (Code Enforcement Unit), which indicates the document was developed sometime prior to the 2008 conversion of NET Offices into Neighborhood Service Centers. An exact date of the document could not be determined.

The document illustrates that in the previous model, waivers could be requested by property owners who had not received nuisance points in the preceding twelve months, as long as the violation in question was not one of the four 'non-waivable' offenses: Guns or dangerous weapons, underage alcohol sales, underage cigarette sales and exceeding occupancy limits.

Owners who received points and met the criteria would be sent a Nuisance Point Waiver Letter, instructing them to contact their area office Administrator or Lieutenant ‘within 10 days of the letter to discuss action plans for abating the nuisance activities’. (If owners failed to respond within the 10 days, the opportunity for a waiver was forfeited.) The joint conversations between the owner, Lieutenant and Administrator led to the completion of a Nuisance Point Waiver Program Agreement, which to be validated, required the signature and approval of all three parties. Nuisance points for that incident would then be waived, and sustained progress and compliance was monitored by the City.

The proposed Nuisance Point Waiver system is very similar to the previous one, with respect to the purpose, benefits and general process. The main differences that exist are related to the list of ‘Non-Waivable’ violations, which is reduced from four to three; and that the maintenance of all nuisance waiver records will be the responsibility of individual Neighborhood Service Centers, as opposed to a central/City Hall housing, as in the earlier model when the City’s Records Management unit existed and managed this process. Final approval for Waivers will reside with the Nuisance Program Director, who will review the recommendations submitted by the NSC Lieutenant and Administrator after they’ve negotiated waiver terms with the petitioning property owner.

Of the four previous ‘Non-Waivable’ violations, “Guns and Dangerous weapons” has been removed, and is eligible to be reviewed by the NSC Office. Compelling cases were made by several NSC Lieutenants for its exclusion from the list of Non-Waivable violations, with examples cited of guns being found at locations, but those same weapons not being tied to a particular owner or individual. In addition, they stated that in those instances, the property owners were cooperative in abating other nuisances and maintaining order at the location. The Lieutenants who were in support of having this violation be eligible for a waiver stated that in the scenarios they described, they expressed interest in having the option of considering a waiver, if it was requested by the owner.

The Nuisance Program Director should receive a monthly report listing all waivers requested, denied and recommended, as well as the compliance of waiver grantees with their abatement plans. This level of accountability represents an enhancement to the previous model, and will improve the process immensely. The Director would be aware of any trends across offices, and be more able to determine if the Waiver process is being administered uniformly and consistently.

The Waiver process should be formally incorporated within the City Code Section 3-15 through City Council legislation, as that will provide greater authority for all internal users, and greater clarity for citizens. In its previous version, this was an internal administrative process, which limited the public’s awareness of its guidelines and benefits, and likely contributed to its inconsistent application and ultimate ‘disappearance’ from practice and utilization.

We recommend that legislation for the new Nuisance Points Waiver Process should be submitted by the Mayor to the City Council within 45 days of the transmittal of this report, and that its incorporation into Section 3-15 should occur at the earliest possible date, but no later than 90 days. A new Nuisance Point Waiver Letter (NWPL) and Nuisance Point Waiver Agreement (NPWA) should be created by the Director, in consultation with her staff.

### **III. PROPOSED NUISANCE WAIVER POLICY – 2017**

- i.** All nuisance reports, regardless of point waiver eligibility, will be sent (via hard copy or electronic record) to the appropriate Neighborhood Service Center (NSC). Each NSC is responsible for maintaining its nuisance point records.
- ii.** The NSC Administrator and Lieutenant will review reports to determine if points can be assessed, based on Section 3-15. If points can be assessed, a further review of the property's history will be conducted.

The following determines if a property is eligible to participate in the waiver program:

- The property has not received any nuisance points within the last 12 months
  - The violation is NOT in one of these three categories, which are excluded from consideration for waivers
    - ✓ Underage alcohol sales
    - ✓ Underage cigarette sales
    - ✓ Exceeding Occupancy Limits
- iii.** The NSC Office sends Nuisance Point Waiver Letters (NPWL) to owners who meet the criteria to participate in the waiver process. If criteria is not met, a letter confirming ineligibility will also be sent. The owner is required to make contact with the NSC Administrator or Lieutenant within 10 business days to discuss the actions needed to successfully abate or prevent nuisance activities.
  - iv.** The owner must complete the Nuisance Point Waiver Agreement (NPWA). The NSC Administrator, NSC Lieutenant and property owner agree on all elements of the NPWA, and confirm the agreement with signatures. The agreement must be submitted to, and approved by, the Nuisance Program Director.
  - v.** The following will disqualify a property owner from participating in the waiver process:
    - Subject property has had points assessed against it within the last 12 months
    - The owner of the property fails to respond to the Nuisance Point Waiver Letter (NPWL)
    - The owner of the property fails to comply with any aspect of the NPW Agreement
    - Points assessed fall into any of the high-level categories identified in #2
  - vi.** The Nuisance Point Waiver Policy is associated with the property, and not the owner. A nuisance waiver can only be granted once per year, per property, provided no nuisance activity has occurred during that period.

### **IV. SUMMARY RECOMMENDATIONS**

- 5.1** Reinstate the Nuisance Points Waiver System policy that was allowed to expire several years, with one major exception: To decrease the number of non-waivable offenses from four to three. After consultation with NSC staff, guns and dangerous weapons were removed from the list.

- 5.2** Decisions about who will be eligible for waivers will remain within the province of the NSCs, but all recommendations will be reviewed by the Nuisance Program Director prior to becoming final. Final approval for waivers will reside with the Director. This review will determine that the waiver policy is being applied uniformly and consistently.
  
- 5.3** The Waiver policy should be codified in Section 3-15 by City Council action, to insure that it possesses the legal authority beyond an administrative procedure.

## **STRATEGY 6: DEVELOP CITY-WIDE NUISANCE ADVISORY BOARD**

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### **I. SCOPE AND METHODS**

The Southwest Quadrant Nuisance Advisory Board was introduced in 2009 as a pilot initiative, through City Council action. It was in response to concerns from quadrant business owners about inequities in the nuisance abatement system, and alleged unfair and uneven enforcement in minority communities.

This pilot had been in operation for six years at the time that **SCI** began its initial examination of NAPS. We found that the Advisory Board model was a productive and valuable part of the nuisance abatement system, and recommended this model for city-wide implementation. **SCI's** Phase II work focused on determining how best to expand this model city-wide.

Interviews were conducted as part of Phase II with existing Southwest Quadrant Nuisance Point Advisory Board members and the City of Rochester's Neighborhood Service Center Administrators from each quadrant. The interviews confirmed the need for this model, and specific strategy recommendations to assist its expansion city-wide were developed.

Recommendations in this section reflect the positive aspects of a citizen review board identified by **SCI** in Phase I of the project, as well as specific considerations offered by stakeholders interviewed in Phase II. These recommendations serve as core levels of organizational design and support needed to expand this program to the other three quadrants.

### **II. RESULTS AND RECOMMENDATIONS**

#### **i. THE SOUTHWEST NUISANCE ADVISORY BOARD SHOULD BE EXPANDED CITY-WIDE, ON A QUADRANT BASIS.**

We reviewed the design criteria and support systems that allow for the expansion of the board concept city-wide. There are several key aspects that would impact the expansion and roll-out to include:

- Number of Boards
- Membership Composition
- Meeting Frequency
- Case Referral Criteria
- Case Disposition
- Staff Support

#### **ii. CREATE NUISANCE ADVISORY BOARD IN EACH CITY-QUADRANT**

We recommend that there should be a Nuisance Advisory Board in each quadrant of the City of Rochester, aligned with the existing Neighborhood Service Centers. Some consideration was given to creating one city-wide board, but we concluded that such an arrangement would create an extremely challenging workload. Quadrant boards will also allow for diverse representation, and consistent application of a process and procedures in defined geographical areas.

#### **iii. THE NUISANCE ADVISORY BOARD'S COMPOSITION SHOULD BE REPRESENTATIVE**

To ensure inclusive and broad representation, it is recommended that each newly formed board’s composition should include both resident and business representatives, and their agendas should reflect both residential and commercial properties. The current Southwest board consists largely of business owners, and the current cases heard all center on bars and nightclubs. While this narrow focus has met the objectives of the pilot project, the city-wide expansion will require a broader composition and needed perspective from a range of neighborhood interests.

We recommend that the quadrant boards should consist of 7 or 9 members that serve a 2 or 3 year term. The size of each board may vary by quadrant, depending on the various interests that should be represented. Each board should have an odd number of members, to insure that decisions can be effectively arrived at.

In order to achieve stability, board members should be appointed to fixed terms, on a staggered basis, to insure that terms would not all expire at the same time. We also recommend that memberships be limited to two terms, in order to insure participation for all who would like to serve. Obviously, final decisions about board composition and the terms of service will be determined by the Mayor, or her designee, in consultation with the Nuisance Program Director. A summary of these key points are reflected in Table 6.1 below:

**Table 6.1 Nuisance Advisory Board Recommendations and Rationale**

<b>Nuisance Board Attribute</b>	<b>Description of Board Attribute</b>	<b>Rationale</b>
<b>Board Size</b>	Recommend the board size be 7 or 9 members	✓ The size allows for the board to have quorums even in the case of missing members. Odd number of members avoids the instance in which the board is deadlocked caused by a tie vote.
<b>Board Composition</b>	Recommend that board composition include the following representation: <ul style="list-style-type: none"> <li>▪ Business owners</li> <li>▪ Landlords</li> <li>▪ Commercial operators</li> <li>▪ Association leaders</li> <li>▪ Residents</li> <li>▪ Tenants</li> </ul>	<ul style="list-style-type: none"> <li>✓ A diverse composition allows for different perspectives to be on board and match the unique issues faced by NSC quadrant/area.</li> <li>✓ It’s recommended that the Nuisance Advisory Board be appointed by the Mayor after being nominated by the Director.</li> </ul>
<b>Term of Service</b>	Recommend board volunteers serve a 2 or 3 year term, on a rotating basis; limited to two terms maximum	✓ Term length allows for volunteers to serve while maintaining a successional level of knowledge base and leadership

**iv. THE DIRECTOR AND HER STAFF SHOULD DETERMINE OPERATIONAL RULES FOR THE BOARD**

The final organizational structure and rules will be determined by the Nuisance Program Director, in consultation with the NSC staff. What we are proposing are guidelines for their consideration. They are:

- a. Monthly meetings on scheduled dates and times; meeting notices should be posted on the newly created Nuisance website

- b. The development of procedural rules governing meeting agenda, number and types of cases that can come before the Boards, and the number of cases that can be heard at each meeting. For a suggested step-by-step process see Appendix J.
- c. Decide if the number of points assessed will determine the cases that will be heard; rules may be established limiting the type of cases that can come before the board
- d. Develop rules for disposing of cases
- e. Determining staff assignments for the boards
- f. Determining the kind of training for board members, and how that can be accommodated within the new training regimen spelled out in Strategy #2.
- g. In addition to the accumulation of points that exceed the threshold noted above, an individual can also request to present their case to the board

**v. CASES SHOULD BE REFERRED TO THE BOARD BASED UPON AN ESTABLISHED THRESHOLD OF POINTS**

The default process for referring cases to the boards should be based upon an established threshold number of points or severity of a problem occurring at a residential or business property. The threshold can range between 12 -18 in accumulated points that would trigger a referral to the board for review. This minimum threshold would allow the board to concentrate on problem properties that are in danger of becoming a public nuisance to a commercial or residential area.

There are two variations to this: the Nuisance Program Director and Lieutenant may decide to send a case to the board that does not meet the threshold because of extenuating circumstances. The other option is that an individual property owner may petition the board to hear the case. That request will be submitted to the advisory board, who will make the decision to hear the request in consultation with the NSC administrator. The preference for scheduling should be given to pressing cases that cross the threshold by exceeding minimum number of point noted above. All board agendas are prioritized and scheduled by the NSC Administrator in each quadrant.

The above priorities allow for the NSC office staff to focus on properties below the threshold to encourage compliance by continuing the practice of notifications and conferences with owners. In essence, the advisory board concept works to help compliance for properties with points that exceed the threshold while providing a forum for businesses and residents that have a grievance with assigned points.

**vi. THE NUISANCE ADVISORY BOARD SHOULD RECEIVE STAFFING & TRAINING SUPPORT TO SUSTAIN OPERATIONS**

The City of Rochester should commit to a providing the needed staff support to sustain operations of the Advisory Boards. The southwest NSC has been a model that we are recommending as city-wide program. The southwest NSC staff has supported their board on an ongoing basis. It is envisioned the expansion in scope (beyond businesses) and replication citywide will require additional staff support and resources. In addition, the Southwest Nuisance Advisory Board communicated the need for dedicated training and materials to familiarize board members of their responsibilities.

Staff support needs include:

- Nuisance Program Director \* – Oversight role to the Nuisance Advisory Boards & NSC Offices.
- NSC Administrator \* – Support and oversight role to the Nuisance Advisory Board in each quadrant.
- NSC Clerk \*\* – Administrative support role to the Nuisance Advisory Board in each quadrant.

*(\*) Salaried employee and expanded role is within scope of current job description and responsibilities.*

*(\*\*) Expanded staff role will require overtime pay for existing staff or a new part-time employee if clerk is a new hire.*

Training needs for Board members include:

- Nuisance Advisory Board Handbook and Training – A comprehensive Handbook should be developed, which instructs Members of their roles and responsibilities, as well as orients them to the Nuisance Abatement Points System. Additional training for this group should be considered as part of the City’s effort to train its internal staff on nuisance abatement procedures.

The financial implications of expanded staffing roles with the move to citywide Nuisance Boards will require the following expanded staff roles and resource needs for Neighborhood Service Center offices are primarily due to additional staffing and training personnel. For a matrix showing the full breakdown of financial implications, please see Appendix K.

**vii. TRAINING MATERIAL DEVELOPMENT & PRODUCTION**

The goal of replicating a process to other areas of the City of Rochester cannot be successful without a focus on volunteer training and capacity building. It may be necessary to inventory the lesson learned by Southwest Nuisance Advisory Board and seek their assistance in the development of a customized handbook that guides the citizen driven boards. The materials and methodology would need to include practical application and various scenarios to assist the board members with the learning curve they will face once assigned real cases. This board training process will be supported by the Training Coordinator that was recommended in Strategy 2.

Upon the adoption of these previous recommendations, we recommend the following Nuisance Board Training Process and Priorities:

- NSC Board Recruitment Process – 1<sup>st</sup> Quarter
- Nuisance Advisory Board Handbook developed – 2<sup>nd</sup> Quarter
- Orientation conducted for NSC Staff by Training Coordinator – 3<sup>rd</sup> Quarter
- Train the Trainer series conducted for Advisory Board members - 3<sup>rd</sup> Quarter
- Ongoing refresher training series conducted for new board members by individual Board Chair or Training Coordinator on an annual basis – Ongoing & Annual

The materials and methodology would need to include practical application and various scenarios to assist the board members with the learning curve they will face once assigned real cases. The training materials should include the following components:

- Customized Nuisance Advisory Board Handbook

- Training and Orientation Materials / Handouts Supplies
- Equipment
- Training Facility/Venues

### **III. SUMMARY RECOMMENDATIONS**

- 6.1** The City created a demonstration program in 2010 that introduced peer review in the nuisance abatement process. This project was utilized in the Southwest Quadrant, and it was applied only to cases involving bars and nightclubs. Based on the positive feedback this project received, **SCI** recommends that it be replicated citywide, and that these boards expand the current focus beyond entertainment establishments to engage in all types of nuisance cases.
- 6.2** Each quadrant will have its own board, comprised of between 7 and 9 volunteers, drawn from the ranks of citizens, landlords, business operators and residents. The boards should be assigned staff resources by the NSC administrators.
- 6.3** Case referral to the boards will be determined by the NSC Administrators and Lieutenants, based on their assessment that peer review may be useful in determining the outcome. No case will be referred that has not achieved the threshold of points that trigger this level of action. In some circumstances, property owners may petition for their cases to be heard by the board.
- 6.4** Board members will be appointed by the Mayor, in consultation with the Nuisance Program Director. Their terms will be filled on a staggered basis, to insure continuity in operations. Members will be entitled to serve no more than two terms. Board members' service will commence after they have completed a training and orientation session.

## STRATEGY 7: IMPLEMENT MORE EFFECTIVE POINT SYSTEM

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### I. SCOPE AND METHODS

During the first phase of our study, we determined that 85% of the total nuisance points issued from 2009 to early 2016 were assessed in just 4 of the 35 violations areas: Controlled Substance, Marihuana, Firearms/Dangerous Weapons and Disorderly Conduct. These violations continue to require significant City time and resources to combat, and after extensive discussions with NAPS personnel and the Design Advisory Committee, we analyzed potential strategies to make the process of assessing points more efficient and expeditious. Neither community interests nor neighborhood stabilization are served by a process that grinds on incessantly.

### II. RESULTS AND RECOMMENDATIONS

Nuisance abatement efforts will benefit from a revised point system that grants the ability to address and resolve nuisance issues more quickly, particularly in cases where voluntary compliance efforts have not been successful. Currently, enforcement actions are triggered when a property accrues **12** points in a six months period, or **18** points in a 12 month period. A new point system that utilizes the current time thresholds, but requires a lower number of incidents in that time period, will provide the opportunity for a quicker enforcement response. In addition, a system to raise the accountability for all representatives involved with the administration of nuisance points is warranted. We found too many instances where more than 18 points had been assessed without enforcement or record of disposition. The objective of NAPS is not to merely assess points, but to abate the nuisance. Our recommendation to increase the point value is accompanied by tools that insure that more focus will be placed on a successful resolution.

A greater emphasis will be placed on the four categories of highest enforcement highlighted above, with a new schedule permitting **10** points for the 'high' violations; **6** points for 'medium' violations, and **4** points for 'low' violations. This new model would replace the existing 6 point (high), 4 point (medium) and 3 point (low) schedule. Time limits and thresholds would remain the same as the current system. The implications of the proposed system are very obvious: it will take fewer incidences to trigger potential action, and the sooner nuisance properties are abated, the sooner neighborhood calm and stabilization is restored.

Merely increasing the point values will have no impact, without accompanying administrative changes that effectively leverages every facet of the nuisance abatement program. As stated in previous strategy recommendations, this leveraging will be accomplished by the installation of new reporting mechanisms, the uniform training of NAPS personnel, and better coordination between the NSCs and the MCVB regarding code violation ticketing and nuisance points assessment. All enforcement efforts will be linked to the **Process Map** that was designed in the first phase (See Appendix F), and a new **Points Confirmation Process** that will be a key feature designed into the new NAPS reporting system.

When the **Points Confirmation Process** is fully implemented, it will alert the designated NSC Office staff and Nuisance Program Director that the point threshold (12 points or 18 points) had been met for an individual property. The system would require the submission of an action plan from a NSC Administrator or Lieutenant at that point. If there is a reason why enforcement is not taken, a statement to that effect would have to be entered into the

record. The system will not allow a property to sit without enforcement action at the time the threshold is reached, and points cannot continue to accrue without an explanation notated on the record.

If the appropriate enforcement action is not submitted, the Nuisance Program Director will be alerted, and the NSC staff will have to explain this delinquency. Through this new bi-level accountability structure, the City is far more likely to prevent nuisance point cases from going unattended, and reaching unacceptable point totals without action or resolution.

Another important change will occur in the enforcement of fire safety. The Fire Department (RFD) has strongly urged that the violation for “exceeding occupancy limits” be moved into a higher enforcement category. Currently it is a medium level violations carrying **4** points. Under the new plan it will become a high level violation carrying **10** points. It is most frequently adjudicated under Chapter 13A, with a \$75 fine for the first offense. This penalty has proven ineffective, even in cases of multiple violations, especially for commercial establishments like bars, whose revenue from overcrowding will more than sufficiently cover the amount of the fine. The RFD has consistently and pointedly advocated for the inclusion of this violation in any enhanced enforcement, given the potential danger and loss of life in situations of overcrowding. Recent national tragedies of this nature have not yet occurred in Rochester, but the possibility of future incidents cannot be ignored, and should be prevented at all costs. RFD is currently working with the Law Department to raise the fine levels for such violations, as the current fine levels have not proven to be a deterrent to chronic violators they encounter. To address this problem, a higher level of nuisance points need to be assessed, in conjunction with the newly developed higher fine structure. Armed with these new tools, the RFD can decide which one to apply in a specific situation.

In addition to creating a new points structure, we also reviewed the violations areas which assess both points and tickets. The thirty five (35) violations can be organized into four categories: **1) public safety/violence, 2) business practices, 3) personal conduct and 4) property conditions.** Property conditions (property code and refuse violations) was determined to be sufficiently enforced and addressed through the Municipal Code Violations Bureau. Between 2014 and 2015, there were 8,840 tickets issued for property code violations, and only 6 incidences where points were assessed. For refuse collection during the same period, there were 589 tickets and 6 points assessment instances. The assessment of nuisance points for these two violations does not contribute to their more expeditious remediation, since points have never been consistently assessed. We are therefore recommending that these two violations be removed from Section 3-15 and placed under the sole purview of Chapter 13A.

The City should also consider points raised in meetings with both the NSC Administration and the Design Advisory Committee:

- Implement a *tiered points assessment schedule*, which corresponds to the severity of the violation/crime. Currently, a violation receives the same number of points, regardless of the circumstances and details. For example, a discovery of an ounce of a controlled substance results in the same amount of points as a discovery of 100 pounds of that controlled substance. A review of this matter, and the interpretation of the process for assessing points, is in order.

- Review the policy of assessing points in instances when multiple violations occur at the same time and same location. Current policy and guidance from the Law Department is to only assess the highest single point value (regardless of how many violations occurred).

Explore the possibility of ‘compounding’ point assessment/assessing points for each violation, with no limit per incident. This would provide a more true reflection of the impact of nuisance incidents and chronic problem locations, which should also lead to a quicker response and resolution.

Listed below Table 7-1 is the proposed Nuisance Point Schedule, which includes the 10-point/6-point/4-point levels. Property Code and Refuse Code Violations are no longer part of this schedule, per our recommendation to remove them from Nuisance Point process.

**Table 7-1:** Proposed Nuisance Abatement Point Schedule 2017

**10 Points (5 violations)**

NU101	CONTROLLED SUBSTANCE
NU102	MARIJUANA
NU107	FIREARMS/DANGEROUS WEAPONS
NU124	CHAPTER 240, DISORDERLY CONDUCT
NU203	EXCEEDING OCCUPANCY LIMITS

**6 Points (20 violations)**

NU103	GAMBLING OFFENSE
NU104	PROSTITUTION OFFENSE
NU105	POSSESSION OF STOLEN PROPERTY
NU106	ALCOHOL BEVERAGE CONTROL LAW
NU108	UNLAWFUL DEALING WITH A CHILD
NU109	SEXUAL PERFORMANCE BY A CHILD
NU110	VEHICLE DISMANTLERS
NU111	FALSIFYING BUSINESS RECORDS
NU112	FORGERY OF AND ILLEGAL POSSESSION OF A VIN #
NU113	ALCOHOL/CIGARETTES TAX LAW

NU114	WELFARE FRAUD
NU115	CRIMINAL DIVERSION OF PRESCRIPTION MEDICATIONS
NU116	FOOD STAMP FRAUD
NU117	IMITATION OF CONTROL SUBSTANCE
NU118	AGRICULTURE AND MARKETS LAW
NU119	OPERATING WITHOUT REQUIRED BUSINESS PERMITS
NU120	LOITERING IN THE FIRST DEGREE AND LOITERING FOR THE PURPOSE OF ENGAGING IN PROSTITUTION
NU121	SECTION 2024 TITLE 7, U S CODE
NU 122	SECTION 1324 a TITLE 9, U S Code
NU125	NOISE

**4 Points (8 violations)**

NU205	AMUSEMENTS VIOLATIONS
NU206	DANGEROUS ARTICLES
NU207	FIRE PREVENTION CODE
NU208	ZONING - COMMERCIAL VIOLATIONS
NU209	SANITARY CODE
NU301	LITTERING (MUNICIPAL CODE)
NU303	HOWLING DOGS (MUNICIPAL CODE)
NU305	DISRUPTION NEIGHBORHOOD

**III. SUMMARY RECOMMENDATIONS**

- 7.1 Revise the Nuisance Point schedule from the current 6-point/4-point/3-point model, to a 10-point/6-point/4-point model. Time limits and thresholds remain the same (12 points in 6 months; 18 points in 12 months).
- 7.2 The new 10-point category would include: Controlled Substance, Marihuana, Firearms/Dangerous Weapons, Disorderly Conduct and Exceeding Occupancy Limits. Our initial review determined that 85% of the total points issued were in these first four categories. Exceeding Occupancy Limits is being added at the direct request of the Fire Department, which has expressed increased concerns about the potential loss of life due to overcrowding in entertainment venues.

- 7.3 Remove Property Code and Refuse Code Violations from the Nuisance Point schedule and process, and continue to enforce them through the Municipal Code Violations Bureau.
- 7.4 Implement a Points Confirmation Process to be overseen by the Nuisance Program Director. This enhanced record-keeping and documentation effort will ensure that there is multi-level accountability, from the NSC Offices to City Hall, with respect to nuisance points issued, and the disposition of nuisance cases.

**We understand that the first three recommendations will require action by the City Council, to amend Section 3-15. Upon the acceptance of these recommendations by the Mayor, we urge that they can be conveyed to the Council for appropriate study and final action.**

## STRATEGY 8: INVESTIGATE CREATION OF INDIVIDUAL ACCOUNTABILITY

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### I. SCOPE & METHODS

Few issues have generated as much debate as the question of why nuisance points are routinely assessed against properties, and not against individuals who are creating the nuisances. Notwithstanding the fact that the law explicitly requires that the violation be assessed against the property, it is time to question if that provision can be amended to allow some sanctions against individuals who are clearly engaging in nuisance behavior.

By definition in Section 3-15, a nuisance is deemed to exist when one of 35 enumerated violations are committed “at, or immediately adjacent to, a building, erection or place”, and the penalty is assessed against those premises. The most severe penalty that can result from an unabated nuisance, specifically those which cannot be remediated through negotiation or conciliation, is the loss of the use of the property for a pre-determined period of time. This means a loss of income for the property owner, and the forced relocation of the tenants who occupy the nuisance property, whether or not they initiated or participated in the offending activities. Obviously, such dire circumstances could be avoided, when the penalty is more appropriately directed to individual violators, rather than to a property address.

The unforeseen, and unintended, consequences of this type of enforcement has been demonstrated in instances where victims of domestic violence have been evicted, because the landlord saw this as the most effective way to reduce police responses which led to nuisance violations. Victims of violence, often the mother of young children, were put in the untenable position of having to choose between possible homelessness, or continuing physical abuse at the hands of their tormentors. Many jurisdictions, including Rochester, have recently amended their nuisance ordinances to insure that nuisance points are not assessed in these situations.

A different type of situation has evoked similar concerns, when points are assessed against property owners or businesses where nuisance behavior has occurred *immediately adjacent* to a property or business, and not *on* the premises. The complaints escalate when the property or business owners or operators cooperatively work with the police to eliminate the nuisance, and instead get hit with nuisance points. In these situations, many of these businesses believe that they are being held accountable for behaviors beyond their control; while the police believe that these parties are not taking the proper steps to control the behavior of their patrons. The ordinance clearly does not absolve them of responsibility when they are not direct participants in nuisance behavior, as clearly specified in Paragraph C, 2(b) of Section 3-15: “The lack of knowledge of, acquiescence or participation in or responsibility for a public nuisance on the part of the owners, lessors, lessees, mortgagees, and all those persons in possession or having charge of [...] or having any interest in the property [...] shall not be a defense by such owners, lessors and lessees, mortgagees and such other persons.” (Emphasis added.)

Nuisance laws are not intended to be punitive, or confiscatory. Their strategic intent is to deploy tools and achieve outcomes designed to restore public safety and quality of life standards through voluntary cooperation. Only when the City and the offending parties cannot resolve the matter through negotiation will more stringent measures be utilized. If the ultimate objective is to identify and remove the source of the nuisance activity, creating measures that appropriately penalizes the real perpetrators of nuisance activities is essential.

There will be many instances where nuisance points will be assessed against the property, because the owner has not taken sufficient steps to remediate the problem, or to prevent its reoccurrence. On the other hand, there will be situations where the tenants, or other individuals, are the nuisance source, and they should be appropriately sanctioned. The City has the tools to effect both outcomes.

There is another factor which raises a “red flag” about the unintended consequence of aggregating numerous nuisance properties in challenged neighborhoods. Our original evaluation determined that there were more nuisance points assessed in the Northeast than in the other three quadrants. While this was surely a reflection of neighborhood demographics and aggressive citizen advocacy, something more concerning became evident:

“The focus on specific violations may be disproportionately affecting neighborhoods that already suffer from structural conditions that create lower quality of life, property values, public welfare, etc. Therefore, Nuisance Points may not be solving neighborhood issues in certain areas, only reinforcing structural conditions that lead to low quality of life (e.g., driving down property values), and undermining existing perceptions of “bad” neighborhoods that are not ripe for property investment.”<sup>3</sup>

**SCI’s** conclusion is consistent with some research that has documented the effects of this disinvestment and quality of life decline in challenged neighborhoods. A local study released in 2011 by the Center of Public Safety Initiatives (CPSI), at the Rochester Institute of Technology, uncovered the practice of corrections officials (NYS Parole and Monroe County Probation departments) dumping large numbers of parolees and probationers in Rochester’s Northeast quadrant. There was a monthly average of 1361 of these individuals living in the poorest part of the city. Many of these men and women are merely being warehoused in the poorest neighborhoods, often without the skills to become self-sufficient. This study examined the question of whether locating this many people who required a high degree of social services and supervision, would further de-stabilize an already stressed community.<sup>4</sup> Thus, adding the burden of high nuisance point enforcement to these challenged neighborhoods should be carefully assessed by elected officials and policy makers, particularly if the nuisance violations caused by these individuals are being routinely assessed against their places of residence.

## II. RESULTS

The proponents for “individual responsibility” seem to be making two arguments:

1. If an individual violator can be easily identified, as is the case in many of these situations when police are dispatched to the scene, and if it is clearly apparent that the property owner or business operator is not involved in the offense, the individuals engaged in the offending behavior should get the citation. Furthermore, if that behavior leads to an arrest, the disposition of this case in criminal court should negate the grounds for any nuisance declaration.
2. In challenged neighborhoods, the City should not take a “one size fits all” approach to nuisance abatement. While it appears that the least complicated route is to take action against the site where the nuisance behavior is committed, this approach has generated

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<sup>3</sup> Nuisance Abatement Point System Evaluation Final Report, July 2016, page 26

<sup>4</sup> John M. Klofas, Ph.D and Judy L. Porter, Ph.D, “Sustainable Communities and Corrections: The Impact on Local Populations”, Center for Public Safety Initiatives Working Paper # 2011-11.

much backlash from people whose cooperation is most desired. The City should seek to engage as many cooperating partners as possible, especially the owners of property who themselves may not reside on the premises and have not engaged in nuisance behavior. Treating those people as nuisance violators is no way to engage them in revitalization and turnaround initiatives. Taking affirmative steps to hold the real culprits responsible –whether tenants or patrons who engage in egregious behaviors, or owners or operators whose business practices produce nuisance properties – strengthen these practices.

Our research discovered “best practices” in communities where specific laws or regulations targeted individuals engaged in nuisance activities. Some of these, as is the case in Minnesota cities like Minneapolis and St. Paul, exist under the authority of state law, which explicitly allow enforcement actions to be taken against tenants as well as property owners. State College, PA, a college town where disorderly conduct is the most common crime, creates a Nuisance Rental Property Point List, a public list updated weekly, which lists the names of tenants who have been cited or arrested for nuisance behaviors. The State of Delaware allows for both owners and residents to be tried under the state’s Criminal Nuisance Abatement law.

We believe that Rochester should explore its legal options, including state legislation that would empower it to make changes within its existing authority to undertake more effective strategies to hold both property owners and their tenants more responsible, similar to places like St. Paul, Minneapolis, State College, Cleveland and Wilmington.

However, assuming that this statutory process may be lengthy, we have focused our attention on actions that the City will be able to implement on its own, and within a short timeframe.

### **III. RECOMMENDATIONS**

Following are a series of procedural changes to the Nuisance Abatement ordinance which would facilitate the move towards more individual accountability:

#### **i. Distinguish between cooperating and non-cooperating property owners**

The City should examine the language in Section 3-15, paragraph C (2) (b), to determine if it can be amended to distinguish between owners and operators who knowingly or otherwise overlook their tenants negative behaviors, and those owners and operators who closely monitor their tenants and maintain standards for orderly premises. The latter group would not be cited for the nuisance behaviors of their tenants or customers. The blanket inclusion of all property owners and business operators under this provision seemingly discourages the RPD and the NSCs from undertaking a more extensive investigation to identify the real culprits.

#### **ii. Create a registry of problem tenants**

As a part of our initial review of the overlap in eight nuisance violations contained in Section 3-15 and Chapter 13A of the City Code, we found that a large volume of tickets were being issued by several city departments that ended up in adjudication through the Municipal Code Violations Bureau (MCVB). These cases were being heard and disposed of, and none of these outcomes were being reflected in nuisance abatement records. Thus, the City was not getting any public credit for resolving a large number of nuisance cases. Neither was there

any understanding of how tickets and the resulting fines were contributing to a reduction in nuisance activity, if at all.<sup>5</sup>

Our current review has addressed this overlap in several ways, as previously discussed under Strategy 4 outcomes. We have identified a method for increased individual accountability. We have recommended that MCVB data will be included in nuisance activity reporting, and tracking individual nuisance tenants can be a priority. After all of safeguards regarding what information can be publicly reported have been established, the City will be able to create a listing of individuals whose cases have been adjudicated through the MCVB. This list should only identify repeat violators who would be defined as individuals who have had three or more sustained violations.

Separate categories of listing can be created, including one which lists residents by address and violations. These lists can be disseminated to all essential stakeholders (e.g., police, code enforcement, Neighborhood Service Centers (NSC), neighborhood and landlord groups). Any individuals on that report would have all privacy and fair lease protections, but would have a public data trail of their behavior record within city neighborhoods and where they violated. This tenant report should be designed to highlight recurring offenders and newly flagged cases. With this report, NSC officials will be able to request face-to-face meetings with the actual violators.

The NSCs should work especially closely with the MCVB to share and report data on tenants. The MCVB has the greatest amount of contact with individual people that are connected with the quality of life disturbances. With an integrated system, MCVB can easily report on properties that carry municipal tickets to relevant parties such as the NSCs and the RPD. This new reporting will provide a new tool in nuisance abatement. By more carefully identifying the real culprit for nuisance violations, this tool should create more positive interactions between the property owners and the NSCs.

This new reporting standard must be carefully implemented, so as not to infringe in any way upon an individual's fair housing rights, as protected under Title VIII of the Civil Rights Act of 1968, which prohibits housing discrimination in the sale, rental, lease or financing of a home or dwelling. Creating a record of tenants who engage in nuisance behaviors, which they have previously be warned against, and providing that information to landlords insures that only adjudicated violators will be sanctioned.

### **iii. Develop a “model lease agreement”**

One certain way of addressing the issue of tenant responsibilities is to stipulate the terms of occupancy in a written rental agreement. Many landlords engage in that practice, but there are those who operate with verbal agreements. Both written and verbal lease agreements are legally binding, but there can be no doubt about lease terms if they are contained in a written agreement that is signed by both the landlord and the tenant.

Working with the Housing Council at Pathstone, and other tenant rights organizations, the City should develop a “model lease agreement” that clearly delineate the rights and responsibilities for both tenants and landlords; and they should strongly urge landlords to incorporate these terms into their own lease agreements. Both the New York Attorney General and Pathstone, and many other statewide organizations, have published guidelines

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<sup>5</sup> Nuisance Abatement Point System Evaluation, July 2016, pp. 23-24  
*Strategic Community Intervention, LLC*

that spell out the terms of tenant's rights and responsibilities. Landlord responsibilities and rights are also spelled out.

When tenants understand at the time they enter into the lease how their rights are protected if they comply with all terms of the lease, and what behaviors can void the lease, this is one of the foundation blocks for protection against capricious and illegal landlord actions. We recommend that the City consider publishing a brochure, modelled after one that was published by the Washington State Bar Association entitled "Landlord/Tenant Rights". It is a four-fold, one sheet document that can be distributed through the NSC offices, or made available for distribution by neighborhood or landlord associations. See Appendix L for the full text and a link to the public pamphlet document.

#### **iv. Expand Rental Registry Requirements**

Another tool which the City is currently pursuing are regulations which allow for closer monitoring of property owners and managers. Many communities are adjusting to the increase in the number of absentee landlords, especially those who live great distances from the City, by strengthening requirements for registering rental properties. In the past, properties could be registered in the name of a corporate entity, and the name(s) of the physical owner could be kept off of the public record. A post office box could be entered, rather than the actual address where the owner(s) resided. In many cases, these owners lived out of state, (or even in another country). There were few requirements that these persons keep their information up-to-date, so being able to contact them for immediate resolution of nuisance problems became difficult, if not impossible.

Several communities have addressed this problem by prohibiting the use of corporate entities; and instead requiring owners to register in their own names, with their actual addresses, instead of post office boxes, and current business telephone numbers. Requirements include informing the municipalities within a specified time frame (e.g. 15 days) of any changes in this information, and failing to do so triggers a financial penalty. Absentee owners can also designate a property manager, who must live within a prescribed distance from the municipality, and these managers must comply with the same registration requirements as the owners. Having a registered property manager does not absolve the owners of their own registration requirements.

The City of Rochester is preparing to join this movement, by amending Section 90-20 of the Charter, which currently requires registration of all buildings, except one family and owner-occupied two-family dwellings, and others specifically exempted in the ordinance. However, there is no prohibition against registering in the name of corporations; these entities are required to list a property manager instead. We urge the City to follow the same procedures as cities like Albany, Niagara Falls and Syracuse, to require the names of actual owners on the registry,

We are also concerned that the City is providing too much geographical latitude to non-resident property owners, who live far beyond the city limits. If these owners designate themselves as the property manager, they can reside in areas bordered by Zip Codes 13020 to 14925 (as far east as Syracuse, west as Buffalo, and south as the Pennsylvania border). Most communities insist that owners managing their own property, or their designated managers, live within several miles of the property, e.g., 15 miles or less, rather than distances spreading more than 100 miles away. We believe that this provision will weaken what is proposed to strengthen the ordinance, and we recommend that it be revised.

In our investigation of Strategy 4 (exploring overlap of Section 3-15 and Chapter 13A), we found that the MCVB hearing appearances were reportedly quite ineffective when property managers were called in to be held accountable for absentee property owners. It has become clear that it needs to be the actual people involved in the incident present in the room to be effective. Additional accountability strategies are needed for property owners, particularly the absentee group.

The MCVB is effectively enforcing individual accountability for their violations, and their process is driven by increasing fines. In some, best practice cities, their bureaus decided to: a) directly fine tenants if found culpable; and b) owner fines could be passed on to tenants based on specific language in the lease agreement. Billing for police services was another approach taken by multiple best practice cities, including St. Paul, Minnesota.

It is important to keep separate the *assessment* of nuisance points and the verdict of the MCVB independent hearing examiners, and we discourage any triggering of nuisance points based on an MCVB verdict in any redesign. Plus, MCVB indicated that user errors in ticketing (e.g. incomplete filing of forms by the issuer of points) can lead to a technical not guilty verdict, even if a violation clearly occurred. Fines and points should be separate sanctions – and it is equally important to say that the nuisance points system ultimately isn't a punitive system, but a monitoring system backed up by a structured problem solving approach to neighborhood quality of life improvement.

#### **IV. SUMMARY RECOMMENDATIONS**

In conclusion, we are recommending four specific actions:

- 8.1** Revise the language in Sec. 3-15, paragraph C (2) (b) that currently places the full weight for nuisance violations on the listed owner of the property, to allow for nuisance abatement efforts to be assessed against tenants, lessees and other non-owner individuals.
- 8.2** From cases being adjudicated at the Municipal Code Violations Bureau, create a listing of ticketed violators who are tenants and non-owners who have accumulated multiple violations at the same address. The lists would identify repeat violators, defined as those who have accumulated three or more sustained violations.
- 8.3** The City should work with housing organizations to create a “model lease” which spells out the rights and responsibilities of both tenants and landlords. It should further work with property owners to only rent out properties with a signed lease, and to advocate for the use of the “model lease agreement.”
- 8.4** The City is currently reviewing revisions to Sec. 90-20, which requires building owner registration. This regulation does permit the use of corporate names. We urge the City Council to require the actual name(s) of the owners. It is also considering the designation of a property manager who lives within the zip code areas between 13020 and 14925. These places of residence can be as far east as Syracuse, as far west as Buffalo and Niagara Falls, and as far south as the Southern Tier and Binghamton. Even owners who live within these zip code areas can designate themselves as the property manager. We urge that these revisions go much further, and restrict the areas where the property manager can live. Some municipalities allow no more than

15 miles from the City limits. In nuisance cases, it would seem to be prudent to have an agent who can be quickly convened for abatement meetings.

# CONCLUSIONS

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With the issuance of this report, **SCI** concludes an exhaustive 16 months review of the Nuisance Abatement Point System. We have examined every aspect of NAPS operations. We have met with every person who has an integral role in administering and maintaining this system. We are firmly convinced that the recommendations that are outlined in this report will greatly strengthen nuisance enforcement in the City of Rochester in the immediate future. We are encouraged by the responses from the responsible parties to date.

The hard work of implementation lies ahead. Difficult as it might appear, these tasks will be greatly facilitated by collaboration and cooperation between City administrators, staff and residents who are intimately intertwined in the nuisance abatement network.

This report contains 35 interconnected recommendations, which must be effectively and totally implemented as a package. A couple of them will require the outlay of dollars, and all of them will require the commitment of much staff time. In order to achieve a truly redesigned Nuisance Abatement Point System, these should be viewed as important investments, not a drain on resources. These recommendations will also require a cultural re-acclimation of operational style and a greater sharing of inter-departmental resources. One example of this is the recommendation that training be provided by specially trained staff volunteers beyond the Neighborhood Service Centers.

This study emanated from the concerns of the Mayor and City Council that NAPS was not operating at optimal effectiveness. Armed with these recommendations, they have the basis for creating the environment and mechanisms that advance that important organizational goal

We believe that this redesign will be enhanced by the continued involvement of citizen advisors. We implemented the Design Advisory Committee (DAC) at the beginning of Phase II and benefitted from enthusiastic engagement throughout the process. We have strongly recommended that the Mayor appoint another committee, which may include some of the representatives from DAC among its membership. This new advisory committee can be quite helpful in reviewing the implementation of the redesign recommendations, as well as assisting in communicating the new direction of NAPS.

Finally, there was area that we did not pursue, as it was not included in our charge, but which came up occasionally in our meetings. We urge the Mayor to convene a **meeting of all City Court judges** to provide them an orientation on the Nuisance Abatement Points System. She should ensure they are aware of the purpose of the NAPS, and seek their input regarding how the assessment of points may factor into the opinions and rulings they render in eviction cases and landlord/tenant mediations. A sentiment we heard often from landlords during this study is that City Court judges do not give consideration to the assessment of nuisance points, particularly when said points are the result of poor tenant behavior. We believe the Mayor is one of the few people who can successfully bring this issue to the attention of the City Court judges.

**SCI's** assignment is over, but our work is not completed. As citizens who believe strongly that a good "quality of neighborhood life" is a right for all, regardless of their place of residence, we stand ready to assist the City in the achievement of this objective.

## **BRIEF TEAM BIOS**

Detailed resumes' for each team member were included in the Phase II proposal to the City, and are available upon request.

The Team Leader is **William A. Johnson, Jr.**, the CEO and Founder of **SCI**. He was the Mayor of Rochester (1994-2005) at the time that NET, NBN and the Nuisance Abatement Point system were designed and implemented. He appointed and supervised the first two NET directors, part of whose responsibilities were to administer the Nuisance Point system. He was the leader of Strategies #1 and #8.

The Deputy Team Leader is **Rodric C. Cox-Cooper**, who was the second Director of NET (2002-05), after serving as one of the first Administrators of a NET office (1997-99). He was engaged in the implementation and oversight of the Nuisance Point Abatement system from the time of its inception. He was the leader of Strategies # 5 and # 7.

**David L. Dey** was the Assistant Director of the Bureau of Neighborhood Initiatives at the City of Rochester from 1996-2002. He was closely involved with the design and implementation of the Neighbors Building Neighborhoods program (NBN), which closely interfaced with the NET program. He was the leader of Strategy # 6.

**Robert W. Elliott** is a former Mayor of Croton-on-Hudson, NY, and a former Deputy Secretary of State for New York, who supervised the Local Government Services Division. He is widely known by government officials across New York State and ideally suited to review best practices for municipalities in New York. He developed the New York "Best Practices" section of the original report. He was involved in researching "best practices" for Strategies # 2, # 3, # 7 and # 8.

**J. Cameron Hebda** is the lead research analyst and researcher, whose expertise in quantitative and qualitative analysis, survey and interview design and community outreach design was widely deployed in evaluation phase, and continue throughout the implementation phase. He was the leader of Strategy # 4.

**Lynda M. Bell**, who is an educator, curriculum developer and national training specialist. Ms. Bell has developed curriculum and training models to support the professional development of staff working in national education reform, community development and workforce development initiatives. She has most recently worked with the U.S. Department of Labor, Youth Services Division to train staff responsible for implementing best practice models designed to improve outcomes for hard to serve youth populations. She was the leader of Strategy # 2.

**Thomas Green, MSL, PMP**, a senior level technology executive with experience in strategic planning for information systems, system design, application management, computer programming, and project management. With more than 32 years of experience in the IT field, he was the Director of Information Technology for the City of Rochester from 2000-2007. He was the leader of Strategy #3.

**Bridgette Burch White** has more than 30 years of experience as a Communications and Public Affairs professional in the private, public and not-for-profit sectors. She served as Director of Communications for the City of Rochester from 1994-2005. She coordinated all of the logistical details of community engagement, including the meetings with the Design Advisory Committee.

# APPENDICES

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## Appendix A: Nuisance Design Advisory Committee Survey (6/1/17)

Strategic Community Intervention was hired by the City of Rochester to recommend how to implement key strategies for the redesign the Nuisance Abatement Point System. This process required meaningful engagement with the local community from a cross-section of city-wide community leadership on a “Nuisance Design Advisory Committee”. The committee met **SCI** regularly throughout this process to discuss updates of the work plan, and gather input into these developments. The full scope of activities was deliberated with the Advisory Committee.

The following survey is designed to get feedback on the Nuisance Design Advisory Committee process, and to supplement the findings in the meetings that were held. Please participate in the survey, which will take less than 10 minutes to thoroughly complete.

1. What is your name?
2. If you are affiliated with an organization or business, what is its name?
3. What would you have added to the Nuisance Design Advisory Committee, if anything?
4. What would you have changed with the Nuisance Design Advisory Committee, if anything?
5. Did the orientation material sufficiently inform you to enable effective participation in the discussion?
6. Which recommendations of the consultant to the City are of greatest importance to you?

Check all that apply.

- Develop an online presence for the program and other promotional tools
- Public meetings to educate citizens on program changes.
- Implement a training program with a Training Coordinator for all who are engaged with NAPS
- The implementation of a new application that focuses on nuisance reporting
- Develop a map and list of properties/individuals involved in Nuisance cases
- Hold an additional mandatory abatement plan meeting with the owner & tenant in egregious cases
- Clarify within the law the chain of command for decision-making
- Introduce additional options for resolving a case outside of “close a property or don’t”

- Reinstate the Nuisance Points Waiver System policy that was allowed to expire several years ago
  - Introduce peer-review Nuisance Advisory Boards in each quadrant as resource for point assessment
  - Higher 10-point categories for Controlled Substances, Firearms, Disorderly Conduct, Over-occupancy
  - Remove Property/Refuse Code Violations from the point schedule, continue to enforce via MCVB
  - Revise Sec. 3-15 to allow for abatement efforts to be assessed against non-owner individuals.
  - Register the actual property owner name(s) with contact information to use for nuisance abatement
  - Hold a meeting of all City Court judges to provide an orientation to NAPS
  - Other:
7. What, if anything, are you excited about for the Nuisance Abatement redesign?
  8. What, if anything, are you concerned about for the Nuisance Abatement redesign?
  9. What resources, if any, do you need to be better engaged with this project? Please rate how positively the final recommendations are likely to impact you [1 being not at all positively, 5 being very positive]
  10. Please rate the effectiveness of the community meeting(s) attended for gaining your input on the development of the Nuisance Design Advisory Committee [on a scale of 1 to 5; 1 being not effective, 5 being very effective]

## **Appendix B: Nuisance Design Advisory Committee Roster**

### **Ahl, David**

*Northwest Quadrant*

Affiliations: NYS Coalition of Property Owners & Businesses

### **Boone, Shirley**

*Northeast Quadrant*

Affiliations: NEAD

### **Candella, Jim**

*Southwest Quadrant*

Affiliations: Landlord / Property Owner

### **Carey, Chaundu**

*Northwest Quadrant*

Affiliations: Club Owner / Promoter / Nuisance Point Advisory Board Member

### **Cheema, Shakeel**

*Southeast Quadrant*

Affiliations: Muslim Business Association / Beechwood Neighborhood Association

### **Coffey, Mary**

*Southeast Quadrant*

Affiliations: North Winton Village Neighborhood Association

### **D'Alessandro, Mary**

*Southwest Quadrant*

Affiliations: NYS Coalition of Property Owners & Businesses / South Plymouth Avenue  
Business Association

### **Davis, Pamela R.**

*Northwest Quadrant*

Affiliations: Lyell-Otis Neighborhood Association

### **DeMott, John**

*Southwest Quadrant*

Affiliations: 19<sup>th</sup> Ward Community Association / SW Nuisance Advisory Board

### **Enright, Marsha**

*Northwest Quadrant*

Affiliations: Maplewood Neighborhood Association

### **Johnson, William S.**

*Southwest Quadrant*

Affiliations: Thurston-Brooks Merchant Association

### **Lembach, John**

*Southeast Quadrant*

Affiliations: Parks-Meigs Neighborhood Association / Monroe Village Task Force / Park Avenue  
Revitalization Committee / East End Business Association

**Lenane, David**

*Downtown Section*

Affiliations: Radisson Hotel

**Maye, Marvin**

*Southwest Quadrant*

Affiliations: South Plymouth Avenue Business Association

**Mayer, David**

*Southeast Quadrant*

Affiliations: Wadsworth Square

**Miller, Bryce**

*Southeast Quadrant*

Affiliations: North of East Main Neighbors United

**Peo, José**

*Northwest Quadrant*

Affiliations: Charlotte Community Association

**Russello, Vincent**

*Northeast Quadrant*

Affiliations: Northeast Neighborhood Community Council / Vineyards Neighborhood Association

**Santana, Carlos**

*Northeast Quadrant*

Affiliations: Action for a Better Community

**Valenti, Glynis**

*Southeast Quadrant*

Affiliations: South Wedge Planning Committee / South East Area Coalition

**Van Son, Annmarie**

*Northeast Quadrant*

Affiliations: Former NET Lieutenant / Neighborhood Leader

**Appendix C: Listing of Best Practices Cities for training**

<b>Best Practice Cities</b>	<b>Formal Nuisance Reporting System</b>	<b>Nuisance Reporting System Name</b>	<b>Formal Nuisance Training Program</b>	<b>Contact Person</b>
<b>A-Hot Springs, Arkansas</b>	Yes	Built by Internal IT	Field Trained by Mentor Officer	Jeff Strysner 501-321-6789 x-6622
<b>B-Minneapolis, Minnesota</b>	Yes			Diane Nelson Call between 6am-3pm 612-673-5925- L/M-3/9
<b>C-Birmingham, Alabama</b>	No			Admin: Jessica Ronny White 205-254-2313 L/M-3/17
<b>D-Hialeah, Florida</b>	Yes	Built by Internal IT	Certification by Local College	Admin: Caty 303-883-5832
<b>E-Louisville, Kentucky</b>	No			Admin: Angelique David 502-574-5850 Dennis Martin- Code Enforcement 502-574-1250- L/M-3/17
<b>F-Providence Rhode Island</b>	No			Admin: Crystal Noah Kilroy 401-680-5333-L/M-3/9
<b>G-Detroit, Michigan</b>	Yes	Blexted & Project SCOPE		Rodney Liggons 313-261-9947 Rodney Willson 313-989-4604
<b>H-Baltimore, MD</b>	Yes	BOLD & BINA		Christine Dunkerton 410-366-0922 -X117
<b>J-Austin Texas</b>	Yes	Motorola CSR & APD	Internal Training Modules	Shawn McKinzey- Code Enforcement 512-972-9807
<b>K-Piedmont Virginia</b>	Yes	IBR UCR	Law Enforcement Basic Training	Rick Arrington- State Crime Prevention 804-840-7784 www.dcjs.virginia.gov
<b>L-State College , PA</b>	Yes	Built by Internal IT connects to CRYSTAL Report	Field Trained by Mentor Officer	Tom King 814-234-7109
<b>M-Cleveland</b>	No			NEO-CANDO-Case Western

## Appendix D: NAPS Year 1 Development and Implementation Schedule

Development and implementation of the NAPS training regimen will require a well-thought-out work plan and timeline. While an acceptable amount of content, protocol and practice currently exist within the various divisions responsible for the program – organizing, coordinating and bringing these pieces together to create a standardized process – will require a schematic that includes the following rudimentary steps.

- I. Selection of NAPS Orientation/Training Committee
- II. NAPS Training Regimen & Training of Trainers Model & Curriculum Development
- III. NAPS Training Regimen & Training of Trainers Model & Curriculum Final Approval
- IV. NAPS Training & Training of Trainers Manuals & Curriculum Production & Packaging
- V. NAPS Training of Trainers (TOT) Facilitation
- VI. NAPS Year 1 In-service & New Hire Training Schedule

The chart below offers a work plan and timeframe for development and implementation.

<b>Time-frame</b>	<b>Activity</b>	<i>Nuisance Prog. Director &amp; Training Coord.</i>	<i>NAPS Orientation/ Training Comm.</i>	<i>RPD Cert. Trainers</i>	<i>NSC Certified Trainers</i>	<i>Law Dept. Certified Trainers</i>	<i>Fire Safety Certified Trainers</i>	<i>Animal Control Certified Trainers</i>
<b>June 2017</b>	NAPS Orientation & Training Committee Enlistment/Selection	X						
June-August	NAPS & TOT Models & Curriculum Development	X	X					
August	NAPS & TOT Models & Curriculum Production / Packaging	X	X					
September	NAPS Training of Trainers (TOT)	X	X	X	X	X	X	X
October	NAPS 1 <sup>st</sup> In-service / New Hire Training	X		X	X	X	X	X
November	NAPS 2 <sup>nd</sup> In-service / New Hire Training	X		X	X	X	X	X
December	NAPS 3 <sup>rd</sup> In-service / New Hire Training	X		X	X	X	X	X
<b>January 2018</b>	NAPS 4 <sup>th</sup> In-service / New Hire Training	X		X	X	X	X	X
February	RPD New Recruit Academy & Field Service Training	X		X	X			

## **Appendix E: NAPS Training Coordinator Recommended Duties**

- Develop Training of Trainers (TOT) Model
- Enlist and select personnel to participate in the TOT
- Oversee NAPS Orientation and Training Committee (NOTC) in development of Field Training Model
- Coordinate production of training manuals, curricula and supplementary training materials
- Facilitate delivery of the TOT
- Oversee Southwest Neighborhood Advisory Board (NAB) replication training
- Assist with NAPS community awareness campaign
- Manage Year 1 recommended training schedule
- Supervise manual and curriculum updates
- Oversee ongoing training of new hires, as well as in-service and professional development for existing staff
- Additional responsibilities within the city's human resources management structure, as required

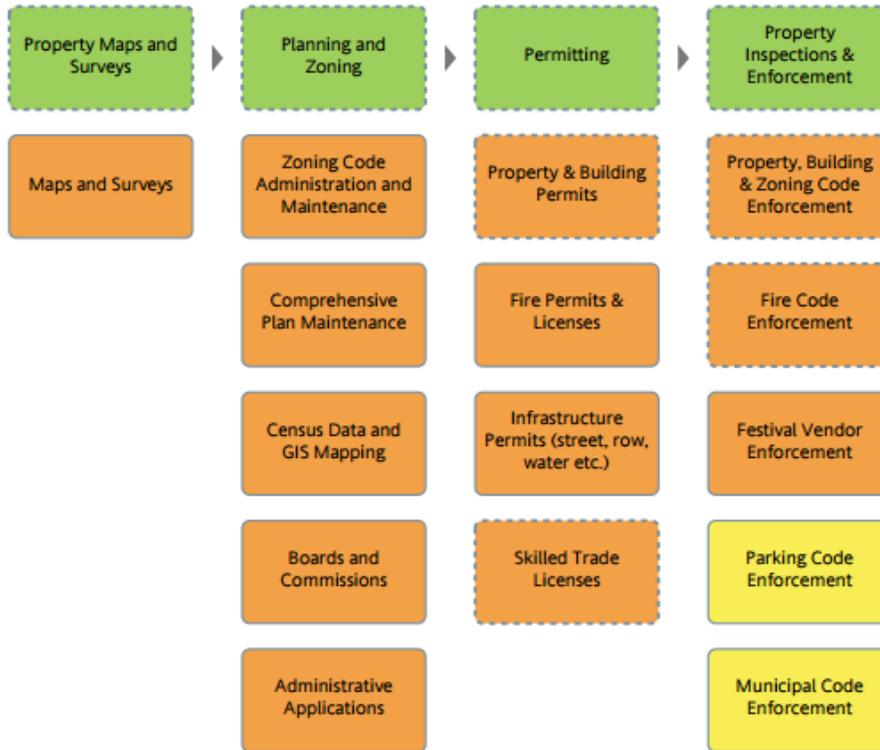
**Appendix F: Process Map, City of Rochester Nuisance Abatement Point System (as of June 2016)**

Process Phase	Step	Description
Nuisance Activity, Arrest & Crime Report	1	Nuisance Violations / Crime Committed Verified by Police Report(s)
	2	Crime Report (s) Filed by Officer
	3	Referral to Neighborhood Service Center
Assessment, Points Assigned & Owner Notification	4	Joint Review (Director & Lieutenant) to Determine Nuisance Violations & If Points to Should Be Assessed
	5	If a Bar / Entertainment Venue, Joint Review is Done by Nuisance Advisory Board, Recommends Points to Be Assessed (SW Only)
	6	Determination of Points Pursuant to 3-15B of the City of Rochester Charter
	7	Official Notice (Letter) to Owner with Charter Violations or Points Assessed to Property
	8	Official Notice (Letter) Request to Meet with Owner to Resolve Site Nuisance
Communication, Waiver, Abatement Plan Timelines & City Monitoring	9	Owner Attends Meeting with City Neighborhoods Service Center (NSC) Reps. Within 10 Days of Notice
	10	City Issues Waiver of Points When Appropriate
	11	If Not Waived, Owner Provides a Verbal to Address Nuisance Issues with Timeline(s) of Implementation
	12	NSC Agrees to Abatement Plan & Timelines. Agrees to Hold off Further Legal Action - Giving Owner Time to Comply
	13	City (Neighborhood Services Centers) Monitor & Confirms Owner Compliance by Reviewing Plan Dates or Actions within Timelines
	14	Points Are Removed by Staff Via the BIS (Business Information System) After 1 Year (12 Months) or Case Closure
Chronic Nuisance Properties, Assessment of Cumulative Points & Other Violations	15	NSC Lt. &/or NSC Administrator determine the properties for which they wish to pursue a Section 3-5 administrative nuisance abatement proceeding & submit a request/referral to the Law Department with supporting documentation.
	16	Law Department reviews the request & supporting documentation to ensure there is legally sufficient basis to commence an administrative nuisance abatement proceeding under Section 3-15.
	17	Pleadings & a Lis pendens are drafted, filed in the Monroe County Clerk's Office, & served on owner, mortgagee, & tenants. The pleadings provide notice of the nuisance acts alleged by the City & afford the owner, mortgagee & tenants the opportunity for a hearing. If no hearing is requested, said parties are considered to be in default & to have pled "no contest." In this instance, the Commissioner of Neighborhood & Business Development reviews the record & renders a Final Decision based on his or her review of the same.
	18	If a hearing is requested, it is held before an impartial hearing officer appointed by the Commissioner of Neighborhood & Business Development. The hearing officer issues a report to the Commissioner providing a recommendation as to whether the City met its evidentiary burden to establish the nuisance acts occurred.
	19	The Commissioner reviews the hearing officer's report, hearing testimony & exhibits received into evidence & renders a Final Determination & Order.
	20	A Final Decision or Determination of the Commissioner which orders a property closed is posted to the property. The Rochester Police Department is authorized by Section 3-15 (C)(4) to enforce this order 5 days after it has been posted.
	21	Persons found on the property during the closure period are subject to arrest for a misdemeanor pursuant to Section 3-15(C)(7).

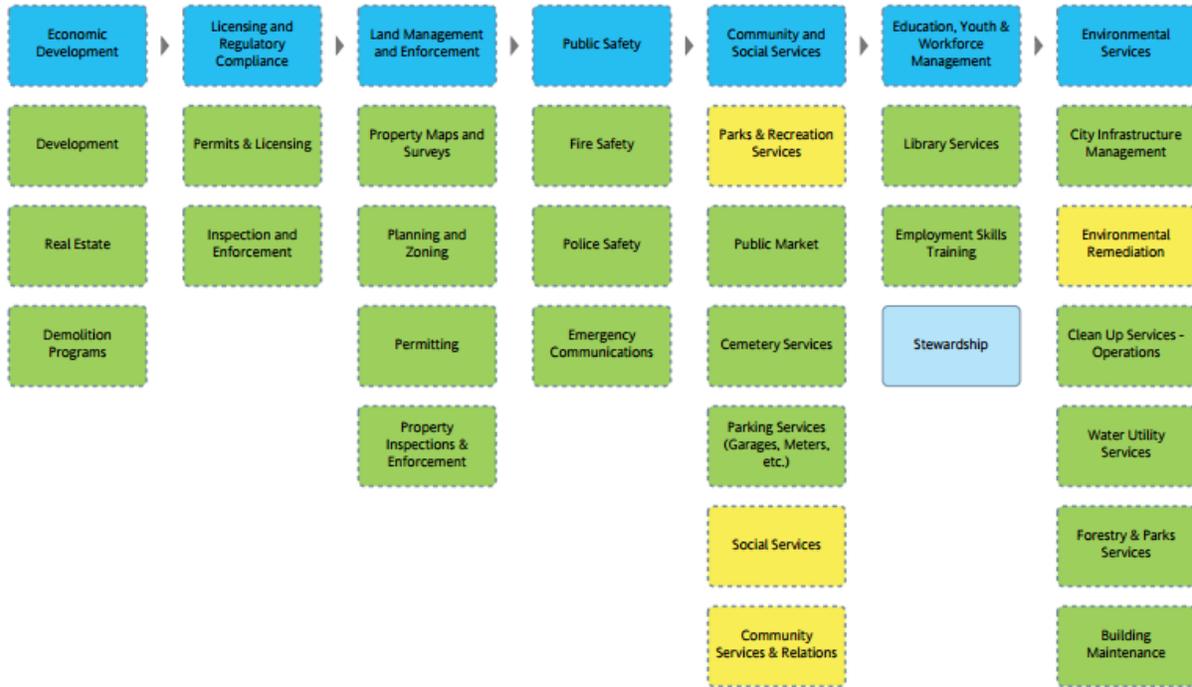
Source: City of Rochester Law Department & Strategic Community Intervention (2016)

# Appendix G: City IT Land Management System Architecture

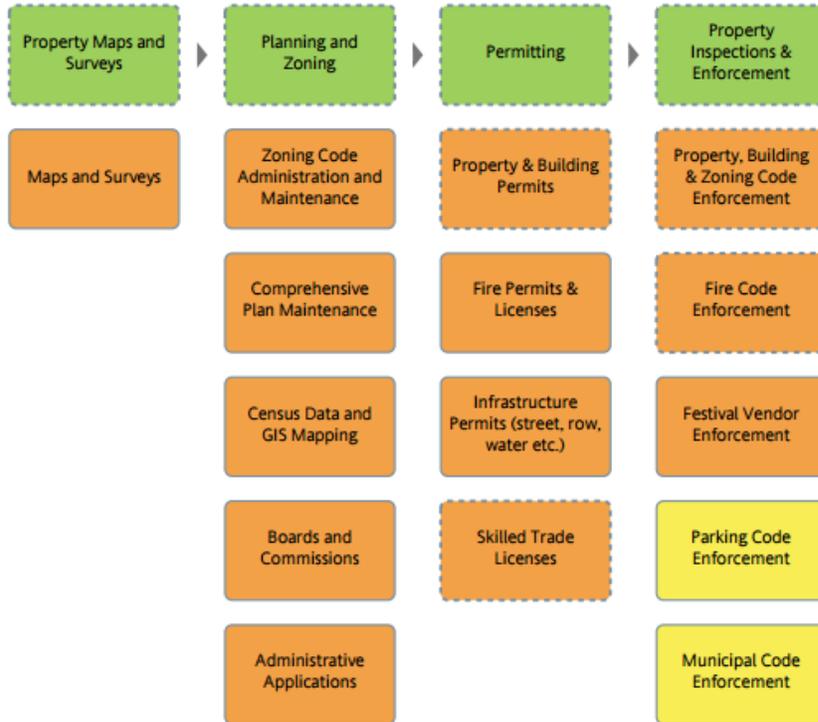
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## **Appendix H:** List of Municipalities Using Municipicity

### **In New York** - Some of the Larger Municipalities that use Municipicity:

1. City of Yonkers, NY- 199,766 Pop.
2. Town of Ramapo, NY - 125,595 Pop.
3. Town of Smithtown, NY - 117,801 Pop.
4. Town of Greenburgh, NY - 88,400 Pop.
5. Town of Clarkstown, NY - 84,187 Pop.
6. City of White Plains, NY - 57,870 Pop.

### **In New York** - List of all NY Municipalities that utilize Municipicity:

1. Ballston, NY
2. Beacon, City of
3. Beekman, Town of
4. Berkshire, Village of
5. Bronxville, Village of
6. Brookville, Village of
7. Carmel, Town of
8. Cedarhurst, Village of
9. Charlton, Town of
10. Chestnut Ridge, Village of
11. Cicero, Town of
12. Clarkstown, Town of
13. Coeymans, Town of
14. Cortlandt, Town of
15. East Hampton, Village of
16. Eastchester, Town of
17. Fishkill, Village of
18. Freeport, Village of
19. Galway, Town of
20. Garden City, Village of
21. Ardsley, Village of
22. Bedford, Town of
23. Brighton, Town of
24. Canandaigua, NY
25. Clay, NY
26. Clifton Park, NY
27. Cohoes, NY
28. Dover, NY
29. East Fishkill, Town of
30. Great Neck, Village, NY
31. Ithaca, NY
32. Kiryas Joel
33. Larchmont, Village of
34. Laurel Hollow, NY
35. Little Falls, NY
36. Lloyd, NY
37. Mamaroneck, Town of
38. Mamaroneck, Village of
39. Middletown, Town of
40. Monroe
41. Norwich, NY
42. NYSOPWDD - DASNY
43. Ossining, NY Town/Village
44. Port Chester, Village of

45. Port Jefferson, NY
46. Pound Ridge, NY
47. Rensselaer
48. Rye Brook, Village of
49. Sagaponack, Village of
50. Salina, NY, Town of
51. Smithtown
52. Southampton NY, Village of
53. Southeast, NY
54. Southold, NY
55. Unionvale, NY
56. Vestal, NY, Town of
57. Warwick, NY
58. Watervliet, NY
59. Glen Cove, City of
60. Greenburgh, Town of
61. Greenwood Lake, Village of
62. Halfmoon, Town of
63. Harrison, Town/Village
64. Hempstead, Village of
65. Kinderhook, Town of
66. Kingston, City of
67. Lansing, Town of
68. Larchmont, Village
69. Lawrence, Village of
70. Lewisboro, Town of
71. Lloyd Harbor
72. Long Beach, City of
73. Malta, Town of
74. Malverne, Village of
75. Marbletown, Town of
76. Mastic Beach, Village of
77. Milan
78. Milton, Town of
79. Mt. Kisco, Village/Town of
80. Mt. Pleasant, Town of
81. Mt. Vernon, City of
82. New Castle, Town of
83. New Paltz, Village of
84. New Rochelle, City NY
85. New Scotland, Town of:
86. Newark Valley, Village
87. North Castle , Town of
88. North Castle , Town of
89. North Salem, Town of
90. Northport, Village, NY
91. Olive, NY
92. Oneonta, City
93. Oswego, City of
94. Patterson, Town of
95. Peekskill, City
96. Pelham, NY
97. Perth, NY, Town of
98. Pleasant Valley, Town of:
99. Pleasantville, Village of
100. Putnam Valley, Town of

101. Ramapo, Town of
102. Red Hook, Town of
103. Red Hook, Village of
104. Rosendale, Town of
105. Rye, City of
106. Sag Harbor
107. Saugerties, Town of
108. Scarsdale, Town/Village of
109. Sleepy Hollow, Village of
110. Sloatsburg, Village of
111. Somers, Town of
112. South Hampton, Village of
113. Stony Point, Town of
114. Tarrytown, Village of
115. Tivoli, Village of
116. Wappinger, Town of
117. Wappingers Falls, Village of
118. Wawayanda, Town of
119. Westbury, Village of
120. White Plains, City of
121. Yonkers, City of
122. Yorktown, Town of

### **Outside New York**

1. Allegheny, PA
2. Beachwood, City of, OH
3. Belleville, NJ
4. Canton, CT
5. Clifton, NJ
6. Deal, NJ
7. Essex, CT
8. Falmouth, MA
9. Grayslake, IL
10. Hebron, CT
11. Homewood, City of, AL
12. Indepence, OH
13. Indiana, PA
14. Middletown, Town, PA
15. Milford, MA
16. Natick, MA
17. North Strabane, PA
18. Northampton, MA
19. Norwalk, CT
20. Old Saybrook, CT
21. Plymouth, PA
22. Southington, CT
23. Sterling, MA,
24. Swatara, PA
25. Tobyhanna, PA
26. Town of Branford, CT
27. Waterford, Town of, CT
28. West Boylston, MA
29. West Deer, PA
30. Westbrook, CT
31. Weston, CT
32. Windsor, CT

## Appendix I: City of Rochester *previous* nuisance point waiver policy & process

1. All nuisance reports, regardless of point waiver eligibility, will be mailed or faxed to the NET Code Enforcement Unit (CEU), City Hall, Room 007A, Fax #428-6287. The CEU is responsible for maintaining all nuisance point records.
2. CEU will review reports to determine if points can be applied based on 3-15. If points can be applied, a further review of the property's history will be conducted.

The following determines if a property is eligible to participate in the waiver program:

- ✓ The property has not received nuisance points within the last 12 months
  - ✓ Waivers will pertain to all nuisance violations except for the high level nuisance acts of underage alcohol sales, underage cigarette sales, premises overcrowding & firearm violations
3. CEU sends letters to owners who meet the criteria to participate in the waiver process. The owner is required to make contact with the NET Lieutenant or NET Administrator to discuss the actions needed to abate or prevent nuisance activities.
  4. The following situations will disqualify a property owner from receiving a waiver:
    - ✓ Property has had points assessed within the last 12 months
    - ✓ The owner of the property fails to acknowledge the Nuisance Point Waiver Letter (NPWL)
    - ✓ The owner fails to comply with the NPWP agreement
    - ✓ Nuisance activities that are labeled as high level acts, noted above
  5. As stated in the NPWL, an owner must contact their respective NET Lieutenant or Administrator within 10 days of the letter to discuss action plans for abating the nuisance activities. Owners are expected to sign a NET agreement action plan (copy attached). The agreement; whether approved or not, must be sent to the CEU for case disposition. CEU will mail a copy of approved agreements to owners, as a verification of acceptance, & file a copy in Records Management. CEU will also mail copies of non-approved agreements to owners who fail to comply. This will notify these owners of this action.

Each NET office must keep CEU informed of each step regarding the nuisance case in order to eliminate confusion. NET office staff shall use the NPWP Rejections/Update form (copy attached) to document/communicate case status to the CEU.

6. The Nuisance Point Waiver Policy is tied to the property, not the owner(s). A nuisance waiver can only be granted once every year, providing no nuisance act(s) have occurred within that time frame.

### ISSUING NUISANCE POINTS

Copies of Police Reports & Zoning Case Ticket referrals are received via inter-departmental mail. Only reports received by Lieutenants & Administrators are processed. Referrals from outside or unidentified sources are to be sent to the appropriate NSC office for review & referral (See Nuisance point referral sheet). Review each report & determine points based on the following information:

#### Waivable Points:

Cocaine Marijuana

Disorderly Premises

#### Non-Waivable Points:

Guns or dangerous weapons Sale of cigarettes to minor Sale of alcohol to minor

Over occupancy

Properties that are eligible for waivers must not have had any points within the last 12 months & do not include Non-Waivable items. Make sure to check both open & closed case history.

Properties that have violations with non-waivable points are not eligible for waivers under any circumstances.

Open a BIS case. Case Type = 9 (Nuisance); Case Source = U (RPD) Request a Notice & Order:

Primary inspector JD ;;;; Administrator Inspection date= Date of Report

\*\*\*Addendums: Reschedule date= 30 Days Comments: State number of points, date accumulated.

CR#, violation description & Name of store, person, etc.

E.g.: Twelve points accumulated as of 12/20/07;

CR# 07-0011222; sale cigarettes to minor; Matts Convenient Mart.

Load violations:

Primary Inspector ID; Administrator

Print Option N (no print) Load corresponding NU#:

Each of the following has a point value of 6:

NU0101 -Controlled Substances Offenses NU0102 - Offenses Involving Marihuana NU0103 - Gambling Offenses

NU0104- Prostitution Offenses

NU0105- Criminal Possession of Stolen Property

NU0106 -Alcoholic Beverage Control Law

NU0107 - Firearms & other Dangerous Weapons NU0108- Unlawfully Dealing with a Child

NU0109 - Sexual Performance by a Child

NU0110- Vehicle Dismantles

NU0111 -Falsifying Business Records

NU0112- Forger of & Illegal Possession of a VIN# NU0113 - Possession, use, sale or offer for sale of any Alcoholic beverage in violation of Article 18 of the

Tax Law, or of any cigarette or tobacco products in violation of Article 20 of the Tax Law

NU0114- Welfare Fraud

NU0115 Criminal Diversion of Prescription Medications NU0116 - Food stamp program fraud

NU0117- Imitation controlled substances NU0118 -The Agriculture & Markets Law

NU0119 - Operating a premises without a Business Permit

NU0120 - Loitering in the First Degree NU0121 -Prostitution

NU0122 - Sect 2024 of Title 7 of the United States Code NU0123 - Sect 1324A of Title 9 of the United States Code NU0124 - Disorderly premise. including fighting or lewdness (Assault)

NU0125 - Noise

Each of the following has a point value of 4: NU0201 - Property Code

NU0203 - Excess of Occupancy Limits NU0204- Refuse Collection

NU0205 -Amusements

NU0206- Dangerous Articles NU0207- Fire Prevention Code

NU0208- Commercial violations- Zoning NU0209 - Sanitary Code (Food Establishments)

Each of the following has a point value of 3:

NU0301 - Littering

NU0303 - Howling, Number of & Nuisances of Dogs

NU0305 - Disorderly Business

Add apartment number if included Units == Points

Comments: include name or business name, CR# & date

Use case summary cover sheet.

Next Business Day: Release Notice & Order; File\*

4 File should include:

-Case Summary Cover Sheet

-CR report

-Copy of waiver or non-waiver letter

If property is eligible for waiver, send a waiver letter to the Property Owner (Word Document form letter)

If property is NOT eligible for waiver, send a non-waiver letter to the property owner (Word Document form letter}.

1 Copy to Property owner

1 Copy to Business owner (if applicable)\* copy to BP file.

1 Copy to Administrator 1 Copy to Lieutenant

1 Copy in BIS case file

A certain number of approved waivers are received from the Administrator(s). You will receive a copy of the "Property Owner/City of Rochester Problem Resolution Agreement" sheet.

Cases are to be Administratively Shut down after adding comments. (\*\*See Nuisance Point Waiver Process)

Points on Nuisance cases expire after one year. They will be abated by the person holding the case. Usually the Administrator.

**Reporting Questionnaire:**

Waiver/Non-Waiver:

Case#:

Owner:

Mailing Address:

Occurrence Address:

Chapter Violated:

Nuisance No. Description:

CR/Ticket No.

Date of Occurrence:

Number of Points:

Suspect Name:

(If violation is related to the Operation of a Business)

NSC Office Address

NSC Office Phone

Area:

Administrator:

ID#:

## **Appendix J:** Process Steps for Cases to Come Before the Nuisance Advisory Board

Step #1 – Residence or business is issued a series nuisance points that total 12 within 6 months or 18 within a year.

Step #2 – Nuisance Program Director places the address on the Nuisance Advisory Board on a watch list

Step #3 – NSC Office issues nuisance points on the next infraction occurring at the property

Step #4 – NSC office sends an official notice to the residence or business owner, requiring them to attend a board meeting.

Step #5 - Nuisance Advisory Board reviews case and makes a recommendation to the NSC Staff regarding current points under consideration.

Step #6 – NSC Office notifies residence or business property owners of the board’s recommendation and the official point ruling. If the property continues having problems, the property will be placed on a Chronic Property Listing, requiring further intervention.

**Appendix K:** Additional City of Rochester Staff/Resources needed to expand the Nuisance Advisory Boards to each city quadrant

Number of Staff	Description of Role	Budget Implications	Rationale
<b>(1) Nuisance Program Director</b>	<ul style="list-style-type: none"> <li>• Ensure all needed staffing, volunteers &amp; resources are secured to the support the Nuisance Advisory Boards.</li> <li>• Assist with the resolution of open cases noted on reporting monthly status reports.</li> <li>• Oversight of disposition of chronic properties in collaboration with the Law Department</li> </ul>	N/A – Not Applicable, expanded responsibilities can be included in the role of the Nuisance Program Director	✓ Director’s role to focus on addressing chronic cases that also demand coordination with other city departments.
<b>(4) NSC Administrators to cover each office / quadrant</b>	<ul style="list-style-type: none"> <li>• Prioritize board cases &amp; monthly agendas</li> <li>• Expedite reporting of recommendations &amp; official decisions</li> <li>• Produce a monthly status report showcasing open cases</li> <li>• Address chronic properties in collaboration with the Law Department</li> </ul>	N/A – Not Applicable, expanded responsibilities can be included in the role of the NSC Administrators	✓ Administrator’s role to focus on providing board oversight & support along with scheduling & prioritizing board agendas & cases.
<b>(4) Part-time Clerk 3 with Typing to cover each office / quadrant</b>	<ul style="list-style-type: none"> <li>• Schedule meeting spaces &amp; cases on agendas</li> <li>• Record meeting minutes &amp; decisions that become part of the case files.</li> </ul>	Expanded Staff Role & Budget – Part-time Clerk 3 with Typing at 6 – 10 hours per month.	✓ Clerk’s role to focus on securing meeting spaces, recording agendas & minutes.
<p><b>Total Staff Expansion</b>            1 Part-time (PT) Clerk 3 with Typing @ 4 NSC Offices = 4 PT Clerk 3’s with Typing @ 6- 10 Hours per Month</p>			

## **Appendix L: Landlord/Tenant Rights Pamphlet Transcript from Washington State Bar Association**

### Landlord/Tenants Rights

#### **Upkeep and Repairs**

The landlord must maintain the premises in compliance with specific building codes and local ordinances; common areas must be kept clean and safe; facilities and appliances must be in reasonably good working order. Damage caused by weather, acts of God (such as earthquakes and accidents), or damage caused by unknown third parties are generally the responsibility of the landlord.

A tenant has certain responsibilities to keep the unit clean and safe, and may not deliberately or negligently destroy, damage, or remove any part of the premises and must notify the landlord (in writing) when major repairs are needed.

Once notified of a defective condition and unless circumstances are beyond the landlord's control, the landlord has a certain amount of time to make repairs:

- 24 hours to restore lost heat or water or remedy a condition that is imminently hazardous to life;
- 24 hours to provide hot or cold water, heat, or electricity;
- 72 hours to repair major plumbing fixtures and, if supplied by the landlord, the refrigerator, range, and oven;
- Not more than 10 days for other repairs.

#### **Withholding Rent for Repairs**

Except for the limited right to make minor repairs and deduct their cost from the rent, a tenant has no right to withhold rent. The cost per repair may not exceed certain limits and reasonable notice to the landlord is required.

#### **Insurance**

Unless the rental agreement provides otherwise, the tenant has no obligation to insure the premises. However, tenants should consider purchasing renter's insurance on personal property and liability insurance for claims by third parties (such as guests) for personal injuries occurring on the premises, since the landlord's insurance covers only the property.

#### **Pets**

Landlords may prohibit pets or establish their own rules or restrictions pertaining to pets. For example, landlords may require references and extra fees to cover special cleaning.

#### **Right of Entry**

In general, with tenant consent, a landlord has a right of entry to inspect the premises; make repairs; supply necessary or agreed services; or show the property to potential tenants, purchasers, or contractors. Entry is limited to reasonable times, and two days' notice of intent to enter is required. A landlord may enter the premises without the tenant's consent if an emergency or abandonment occurs, or if the landlord obtains a court order. A landlord may not abuse his or her right of access to the premises to harass a tenant.

#### **Eviction**

The action by a landlord to remove a tenant from a rental unit is known as an eviction or an "unlawful detainer." Some local housing codes define "just cause" for an eviction and outline procedures that must be followed.

In an eviction based on nonpayment of rent, a tenant may assert any claim for money owed the tenant by the landlord. The tenant's claim (sometimes known as an equitable defense or setoff) must be related to the tenancy, such as the tenant's payment of a gas bill that was the landlord's responsibility under the rental agreement.

In eviction actions strict rules and procedures must be observed. Generally, a legal eviction process involves:

- Proper notice. Before evicting a tenant, the landlord must serve the required eviction notices using proper procedures.
- Filing of a lawsuit. If the tenant fails to move out, a lawsuit must be filed to evict the tenant.
- Entitlement to a court hearing. If the tenant disputes the reasons for the eviction, the tenant is entitled to a court hearing.
- Sheriff's involvement. If the tenant loses the court hearing, the sheriff would then be ordered to physically evict a tenant and remove the property in the unit. Only the sheriff, not the landlord, can physically remove a tenant who does not comply with an eviction notice and only after an unlawful detainer lawsuit has been filed.
- Liability for attorneys' fees. In an eviction dispute, the successful party is entitled to recoup costs and attorney fees.

#### **Prohibited Eviction**

Landlords are generally prohibited from locking a tenant out of the premises, from taking a tenant's property for nonpayment of rent (except for abandoned property under certain conditions), or from intentionally terminating a tenant's utility service. Various penalties exist for violating these protections.

Retaliatory evictions are also illegal. A landlord may not terminate a tenancy or increase rent or change other terms of the rental agreement to retaliate against a tenant who asserts his or her rights under the Landlord-Tenant Act or reports violations of housing codes or ordinances.

### **Settlement of Disputes**

The landlord and tenant may agree to arbitration, asking a neutral party to settle the dispute. The process is usually quick and inexpensive, with the administrative fee shared equally unless otherwise allocated by the arbitrator. Landlord-tenant problems can also be resolved through informal mediation. In mediation, a third person intervenes between two disputing parties in an effort to reach an agreement, compromise or reconciliation. Intended to settle a dispute quickly and inexpensively, mediation can be requested by either a landlord or tenant and may be available without charge from city or county agencies. If they are dissatisfied with the mediation process, the parties may pursue legal remedies.

For a copy of the Landlord-Tenant Act or referrals to low-cost dispute resolution centers in your area, call the Washington State Office of the Attorney General at 800-551-4636.

### **Housing Rights Protection**

Various federal, state, and local laws and ordinances protect housing rights. The Federal Fair Housing Act of 1968 makes it illegal for a landlord to discriminate because of a person's race, sex, national origin, or religion. Some local laws forbid discrimination on the basis of age, marital status, physical and mental disability, personal appearance, sexual preference, family responsibilities, political affiliation, prior arrest or conviction record, source of income, or others.

Washington has a Residential Landlord-Tenant Act (RCW 59.18), which defines the minimum duties of landlords and tenants of residential dwellings. These laws also impose certain restrictions and provide remedies if one party fails to carry out a duty. The remedies include eviction, reduced rent, self-help repairs, the right to sue for money damages, and an award of attorneys' fees to the successful party. Generally, the provisions of the act may not be waived by the landlord or tenant.

Housing codes and other local ordinances have also been enacted in many communities to set minimum standards for living conditions and to further regulate landlords' and tenants' rights and duties. For example, the City of Seattle requires disclosure of specific information and prohibits certain lease provisions. For information on local ordinances, contact the city council, city attorney, or other official where you live. Landlords and tenants of mobile homes are subject to the rules of the Mobile Home Landlord-Tenant Act (RCW 59.20); a summary of this act is available from the Washington State Office of the Attorney General by calling at 800-551-4636.

### **Rental Agreement**

When a landlord and tenant agree to the terms for the rental of property, whether orally or in writing, a tenancy is created. The agreement between the landlord and tenant governing the tenancy is called a lease or a rental agreement. It establishes a tenant's right to use property for a specified length of time in exchange for payment of rent. The property owner is called the "landlord" or "lessor." The person who is entitled to occupy property is called the "tenant" or "lessee."

As with any contract, the rental agreement should be in writing to avoid misunderstandings and should contain all the terms agreed to by the parties. Before you enter into a rental agreement, you should read it carefully and discuss all of the terms and make sure any questions you have are answered. Any changes to the lease should be marked on the document and initialed by both parties.

The most common type of tenancy is a periodic tenancy — for example, a week-to-week or month-to-month tenancy. A periodic tenancy is automatically renewed unless either the landlord or the tenant gives written notice to terminate the tenancy at least 20 days prior to the end of the month. The tenancy cannot be terminated in the middle of any month unless the landlord agrees. Similarly, the landlord cannot terminate the tenancy except at the end of the month and only after twenty 20 days' prior written notice to the tenant.

Another type of tenancy, usually called a "tenancy for a specific term," is for a definite period of time, for example, a lease for one year. This type of agreement must be in writing and, if for longer than a one-year term, the signatures of the landlord and tenant must be notarized. The tenancy automatically terminates at the end of the specified rental period. Neither the rent nor the other rules of the tenancy may be changed during the specified period, except by agreement of both the landlord and the tenant. Except in particular circumstances like a major breach of the lease by the landlord, the tenant cannot break a lease.

Rental agreements for furnished homes or apartments should contain a detailed inventory of furniture or other personal property, along with a description of the condition of each item. The rental agreement should cover all of the specifics of the arrangements, including who is responsible for utility charges, upkeep, repairs, or alterations. Just because something is agreed to in a lease does not necessarily mean it is enforceable by the landlord. Some clauses may be illegal, such as a waiver of rights under the Residential Landlord-Tenant Act, or limitations on the landlord's liability for injury or damages.

### **Rental Precaution**

Before renting property, a tenant should inspect the dwelling to be sure it meets his or her needs and is in acceptable condition. Upon moving in, make a list of all existing defects or damages, with both the landlord and tenant signing and keeping a copy of this list. Any commitments made by the landlord (such as a promise to make certain repairs) should be written into the lease, and all blank spaces should be filled in or crossed out.

### **Rent Increase**

If there is a lease for a specified period of time, the rules of the tenancy, including the rent, may not be changed during that period. In the case of a periodic tenancy (such as month-to-month rental agreement), the rules, including the rent, may be changed upon 30 days' written notice. Rent increases cannot be in retaliation for the tenant's assertion of his or her lawful rights. The landlord may charge a late payment fee if the rental agreement expressly provides for the charging of a late fee.

### **Termination of a Tenancy**

In addition to the procedures to end a tenancy as previously explained, if a landlord seriously violates his or her obligations under the rental agreement, a tenant may be able to terminate the tenancy without liability. A landlord must follow certain procedures to terminate a tenancy. To terminate a periodic tenancy, a landlord must give at least 20 days' written notice prior to the end of the month. However, if the tenant violates his or her obligations, for example, by failing to pay the rent, the landlord may terminate the lease through eviction proceedings. When a tenant is being evicted because of a rule excluding children or because of conversion to condominiums, 90 days' notice is required.

If either party wishes to terminate the lease because of violations of the rental agreement by the other party, such action must comply with the terms of the agreement and landlord-tenant laws. A tenant who breaks a lease and moves without giving proper notice may be responsible for the rent for the balance of the term, and the landlord must make a reasonable effort to relet the premises in order to mitigate (or reduce) the damages. The liability and duties of each party vary depending on the terms of the rental agreement.

### **Deposit Requirement**

A landlord may require a deposit to ensure that the tenant takes care of the unit and complies with the terms of the rental agreement. Deposit requirements cannot be discriminatory, nor may a deposit be increased to retaliate against a tenant. A nonrefundable fee cannot be called a "deposit." A refundable damage or security deposit must be distinguished from nonrefundable cleaning fees. If a deposit or nonrefundable fee is charged, the lease or rental agreement must be in writing, and must include the terms and conditions under which any deposit will be returned. A deposit cannot be withheld for normal wear and tear. If a tenant pays a deposit, the landlord must provide a document describing the condition of the rental unit. The landlord is required to keep deposits in a trust account, and must also provide the tenant with a receipt and the name and address of the depository. Any interest earned on a deposit belongs to the landlord. The landlord has 14 days after a tenant moves out to return a deposit, or give a written explanation of why it (or any part of it) was not refunded. If a landlord does not comply, the full amount of the deposit must be refunded to the tenant, regardless of any claims by the landlord that the tenant is not entitled to a refund.

### **Landlord Obligations**

The landlord must provide and maintain the rental property, and must obey the rules of the rental agreement. The landlord (or his or her representative) must be accessible to the tenant and must:

- keep the premises up to code;
- maintain the roof, walls, and structural components;
- keep common areas reasonably clean and safe;
- provide a reasonable program for control of pests;
- provide necessary facilities to supply heat, electricity, and hot and cold water;
- provide reasonably adequate locks;
- maintain appliances furnished with the rental unit; and
- comply with any duties imposed by local laws.

The landlord may not knowingly rent property that is condemned. If a landlord fails to perform his or her duties, three types of remedies may be available to the tenant:

1. The right to terminate the rental agreement and move out after giving written notice to the landlord.
2. The right to initiate litigation or arbitration proceedings.
3. The right to make limited repairs and deduct their cost from the rent.

In general, before exercising any of the Landlord-Tenant Act's remedies, the tenant: (1) must be current in rent payments, and (2) must give the landlord written notice of the defective condition.

### **Tenant Obligations**

The tenant must:

- pay rent;
- keep the premises clean and sanitary;
- not damage or permit damage to the unit;
- dispose of garbage;

- properly use fixtures and appliances;
- restore the property to its initial condition, except for normal wear and tear at the end of the term; and
- comply with the rental agreement.

If the tenant fails to perform his or her duties, the landlord may seek to evict the tenant. If a tenant fails to maintain the premises, the landlord may:

- evict the tenant;
- make repairs and bill the tenant; and/or
- sue the tenant for damages or to force compliance with the rental agreement.

**The original document in the form of a 2-page public pamphlet can be found at the following URL:**

**[http://www.walandlead.com/files/documents/WLA\\_BASICCS/Washington%20State%20Bar%20Association%20-%20Landlord%20Tenant%20Booklet.pdf](http://www.walandlead.com/files/documents/WLA_BASICCS/Washington%20State%20Bar%20Association%20-%20Landlord%20Tenant%20Booklet.pdf)**