

June 4, 2019

# Top 10% of Crime and Disorder Properties

Community Housing, Neighborhood Development and Public  
Safety Committee

June 4, 2019



# Brief Review

Revision of 160A – 424 (effective Jan '17) made substantial changes in inspection programs:

- RUCO programs disallowed
- Minimum housing inspections can be made due to:
  - (<sup>\*</sup> = high degree of difficulty)
  - Actual knowledge of unsafe conditions
  - Complaints or requests for inspections
  - Property has rolling history of >4 verified violations of housing codes <sup>\*</sup>
  - Property located within a targeted area designated as blighted <sup>\*</sup>
  - Safety hazards that pose threats to occupant
  - Violations of local ordinances visible from outside the property
- Top 10% of Crime and Disorder properties are not on that list
- Working group consisting of J. Carlyle, K. Steele, T. Tricot, L. Loosemore & M. McNair



# Top 10% of C&D Properties Constraints

HPPD must conclude 4 step process before consideration of Inspection

1. The landlord must be notified of any crimes, disorders, or other violations that will be counted against the property.
2. The landlord must be given an opportunity to attempt to correct the problems.
3. Law enforcement personnel from the jurisdiction must assist the landlord in addressing any criminal activity, which may include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime.
4. If the jurisdiction's law enforcement department "does not cooperate in evicting a tenant," presumably by failing to provide written or verbal testimony in eviction proceedings, the tenant's behavior or activity at issue "shall not be counted as a crime or disorder problem as set forth in the local ordinance."

Source: Periodic Inspections, Permits, and Registration of Residential Rental Property: Changes in 2017 By C. Tyler Mulligan

5. Additional questions remain on when special fees/registration and permits can be applied.

# Conclusions from GS 160A - 424

After much review, consultation and discussion we must conclude there is no language in GS 160A – 424 that establishes reasonable cause to inspect a property in the top 10% of C&D properties. However, effective options remain:

1. Local Codes staff will drive by top 10% C&D properties to see if any code violations are visible from the outside.
2. The HPPD and other departments may make referrals to Local Codes if they observe substandard conditions in a property. Lori has conducted several trainings with the HPPD.
3. Council has asked our local delegation to General Assembly to add language to the statute that makes appearance on the top 10% of C&D properties probable cause for an inspection...but sequence questions could remain.



# Recommendations

1. Forego a top 10% ordinance at this time.
2. Staff will check properties on top 10% list for visible violations
3. Still need to determine if registration/permits is workable
4. Staff will report on inspections of properties in the top 10% of C&D properties.
5. Due to code enforcement activity over the last 3 years, formal identification of target areas is not needed.