The Effects of Vacant and Abandoned Property – Part II, A Public Nuisance
Vacant and Abandoned Properties

A PUBLIC NUISANCE
Learning Objectives

Upon completion of this lesson the participant will be able to

• Identify vacant and abandoned properties
• Describe and list the crimes or potential opportunities for crime taking place on the properties
• Employ key resources to collaborate within community to solve the problem
• Develop problem solving actions
Abandoned Properties
A Public Nuisance

Empowering line officers and community

“make something positive happen!”
Target Audience

This course is intended for Law Enforcement officers who…

• Occupy the front lines
  - on streets
  - in neighborhoods

• Deal with properties and citizens who directly deal with negative aspects of abandoned properties
Abandoned Properties

• How is this a concern for modern day law enforcement? Is it a concern?

• Distinguishing abandoned properties (yes there are differences)

• Some effects of abandoned properties

• Generating Action in problem solving process

• Resource, enforcement, and corrective actions
Is This a Concern for Law Enforcement?

Quality of Life

- Wasted Resources
- Loss of Tax Revenue
- Safety Concerns
- Health Concerns
- Premise Liability
- Garbage Dumps
- Property Value
- Unattractive
- Nuisance
Is This a Concern for Law Enforcement?

Crime

- Narcotics Use, Sale, Manufacture
- Juvenile Delinquency
- Stolen Property
- Juvenile Runaways
- Sex Offenders
- Trespassing
- Vandalism
- Dumping
- Burglary
- Prostitution
Magnets for Crime

“…blocks with unsecured [vacant] buildings had 3.2 times as many drug calls to police, 1.8 times as many theft calls, and twice the number of violent calls” as blocks without vacant buildings

Austin Texas NCJ Number: NCJ 145937
Magnets for Crime?

- Crime rates on blocks with open, abandoned buildings were *twice* as high as rates on control blocks without open buildings.

- Of the open buildings, 83 percent showed evidence of illegal use by prostitutes, drug dealers, property criminals and others.

- Forty-one percent of abandoned buildings could be entered without the use of force.
What Does it All Mean?

• It is an activity generator
• Repeat calls for service
• “Broken Windows” theory
• Unsafe Neighborhoods? Perception is Reality
• City/County governments spend millions of tax dollars to mitigate and abate
Define and Distinguish “Abandoned” Properties

What is an abandoned property? How can I tell the “bad” ones from the “not so bad ones.” Is there such a thing?
We Know the Classic Signs of Abandonment……right?

- Severely neglected lawns
- Accumulated mail or flyers
- Posted “for sale” signs
- Boarded windows or doors
- Posted notices of mortgage or tax foreclosure of seizure of property
- Significantly tagged or vandalized
- Electric and utilities off
Will the real Public Nuisance Please Stand Up?

What do they look like?
Public Nuisance
Magnets for Crime - Grow Houses

- In Cape Coral, Florida arrest made at abandoned home
- Used as elaborate Grow House
- Feet away from a middle school
Environmental Cues - Grow House
Environmental Cues - Grow House

- More than one air-conditioning unit in operation
- Windows and blinds that are never open
- Frequent loading and unloading of equipment, especially at night
- Hauling garbage away in personal vehicles
- Toys as props, but never any children
- Gates and "Beware of Dog" signs
- Little traffic, except for odd hours, weekends and nights
Magnets for Crime - Prostitution

• Neglected homes become hotbeds of prostitution
• Neighbors complain
• Neighbors in fear
• Captive in home
• Human trafficking
• Police expected to respond
Magnets for Crime?
Sex Offenders

- Privacy
- Anonymity
- Ability to circumvent/confuse registration process
- Time to plan and observe potential victims
Magnets for Crime

the rest of the menu

- Stolen Property Warehouse
- Juvenile Delinquency
- Illicit Activities
- Trespassing
- Dump Sites
- Vandalism
- Truancy

Port Richey, Florida – Activity Generator, Repeat Calls for Service
Generating Action

Problem Solving Resources & Methodology
Moving the “Flywheel”…in the Right Direction

“Making Something Happen”
Framework for Generating Action

• Partnerships with stakeholders
• Must be collaborative effort
• Identify and classify the problem/property
• Consider best options for situation
• Utilize key resources
  – Who/what are they?
  – What can I expect?
Identifying Key Resources for Effective Collaboration

Code Enforcement and Government Agencies

- Housing Department
- Health Department
- Zoning Department
- Building Inspections
- Law Enforcement
- Prospectors
- Community Developers
Other Key Resources

Resources

• Financial / Lending Institutions
• Community Members
• Citizen Action Committees
• Elected Officials
• Non-Profit Organizations
• Local Initiatives Support Corporation
Problem Oriented Policing

Applied Conceptually

Underlying Conditions

- Incident
- Incident
- Incident
- Incident

Problem

- Police Response (Strategic)
- Public Response
- Private Response
**Applied Concept**

*Underlying Conditions* = Abandoned Home in Community “X” Seemingly at the Nucleus of Calls for Service “Hot-Spot”

- Loitering
- Stolen Property
- Health Concerns
- Drug Use
- Vice Crimes
- Trespass
- Burglary
- Juvenile Delinquency

**Police Response** (Strategic)

**Code Enforcement & Government Resources**

**Banks**
**HOA/CDD**
**Neighbors**
**Community Based Orgs.**
Comparative Advantage of Law Enforcement and Code Enforcement

*Law Enforcement Can*

- With probable cause, search individuals and property for evidence of a crime
- Issue citations for criminal violations
- Pursue eviction of tenants for criminal activity
- Cite/ arrest individuals whose criminal activities constitutes a public nuisance
Comparative Advantage of Law Enforcement and Code Enforcement

*Code Officers Can*

- With cause, inspect properties for evidence of code violations
- Issue notices for fire, zoning, health, housing and/or building codes violations
- Enforce actions against property owners/ responsible parties for failure to maintain property
- Pursue administrative/civil actions against the owner/responsible parties when the condition of their property constitutes a public nuisance
PROBLEM SOLVING ACTIONS
Determine Ownership

• Without identifying the owner of a property, the neighbors or city/county often bear the cost and responsibility of maintaining that property.

• Knowing the true owner of a property may provide the possibilities of access to the property, assistance with maintenance and repairs, financial reimbursement, and accountability.
Abandoned vs. Foreclosed Properties
Determining Ownership

• Properties vacant for extended periods of time make it difficult for municipalities to identify and locate the responsible parties in order to enforce building codes, collect property taxes, and serve notice of legal actions.

• In cases of foreclosure the property shifts hands from the homeowner to the lender or loan servicer. This also presents its own unique challenges.
Data Sources for Property Ownership Information

• City/County Treasurer
• City/County Property Appraiser
• Register of Deeds
• Mortgage Electronic Registration Systems (MERS)
  – https://www.mers-servicerid.org/sis/
  – www.mersinc.org
• Florida Division of Corporations
  – www.sunbiz.org
Gaining Lawful Entry

• Mortgage companies often hire “Field Servicers” property preservation companies to provide boarding and maintenance services on vacant properties owned by the mortgage company.

• Agreements with the field servicers can make it possible for community members to gain lawful access to the vacant properties in their neighborhoods.
  • To identify a field servicer use the MERS system at www.mers-servicerid.org/sis
Minimizing Spillover Effects
Municipal Codes

• Many municipalities have adopted codes that require servicers to maintain vacant properties during the foreclosure process.

• “Receivership Programs” are also effective at reducing spillover, bringing properties up to code, and in some cases assist a willing owner to regain lawful possession.
Municipal Code Example
Accountability for “Servicer Companies”

Pasco County Florida – CO 10-49

- Registration of all foreclosed properties with Code Compliance Division
- Maintenance Requirements
  Servicer must be within 30 miles
- Security Requirements
- Inspections
- Enforcement & Accountability

http://www.municode.com/
Mortgage lenders must determine occupancy and if abandoned must…

- Exercise abandonment clause of contract
- Register property with the city
- Obtain local servicer company
  - Weekly inspections required
- Post local servicer company 24/7 contact info on property
Receivership Programs

When neither a property owner nor other lien holders can submit a realistic plan to quickly rehabilitate the property…

• Court can appoint a receiver entity in possession to expedite rehabilitation

• Have Receiver sell the property to an entity that can complete repairs

• Can sell the property and use proceeds to satisfy liens
Enforcement/Violations

Codes/Courts

Determination
- Abandoned/Foreclosure
- Occupied/Known Owner

Warning Notice
Determination of Violation
Compliance Period (or)
  - Typically 14-30 days
Pay Civil Penalty
Foreclosure
  - Notify Servicer Entity

Law Enforcement

Determination
- Abandoned/Foreclosure
- Occupied/Known Owner

Warning Notice or
Citation/Fine
Actionable Referral to
Code Compliance
### PASCO COUNTY CODE ENFORCEMENT

#### DETERMINATION OF VIOLATION

<table>
<thead>
<tr>
<th>Case/PID #</th>
<th>Subject Site</th>
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<tbody>
<tr>
<td>Inspection Date</td>
<td>Parcel I.D. #</td>
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<tr>
<td>Owner - Last</td>
<td>First</td>
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<tr>
<td>Address</td>
<td>City</td>
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<tr>
<td>Occupant - Last</td>
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<tr>
<td>Address</td>
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You are hereby notified that you are in violation of Section 42-1 of the Pasco County Code of Ordinances. The undersigned officer has determined that one or more of the following conditions existing on the subject site constitute a nuisance and/or threat to public health, public safety, economic welfare, and/or general welfare by reason of one or more of the following conditions:

- [ ] Grass, weeds, brush or undergrowth exceeding 12 inches in height, debris or any noxious material of any kind that tends to be a breeding place or haven for snakes, rodents, insects or vermin of any kind or character or that tends to be a breeding place for mosquitoes or that tends to create a fire hazard endangering the lives and property of the citizens of the county. 42-1(a)(1)

- [ ] Public Safety Violation: ______________________________________________________

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**WITHIN 14 DAYS** of the posting of this notice YOU MUST:

- [ ] Clear the lands of grass, weeds, brush or undergrowth exceeding 12 inches in height, debris or any noxious material of any kind that tends to be a breeding place or haven for snakes, rodents, insects or vermin of any kind or character, or that tends to be a breeding place for mosquitoes, or that tends to create a fire hazard endangering lives and property. For lands that are one acre or more, a 30-foot-wide strip mowed along the common boundaries with a developed parcel is required.

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If you fail to clear the site and/or complete other corrective action described above within 14 days, Pasco County will do so and the County's cost of such site clearing/mowing and/or corrective action plus applicable costs and penalties will be assessed against the site as a special assessment lien. **THE AVERAGE LIEN TYPICALLY EXCEEDS $250.00.** The lien will continue to accumulate interest until satisfied.

This notice was POSTED [ ] or PERSONALLY SERVED [ ] to ______________________________________ on ____________________

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Defendant's Signature __________________________ Date ____________________

Officer / Badge Number / Phone Extension  
Code Enforcement (727) 847-8171  
7530 Little Road, Ste. 142 (813) 996-7341, ext. 8171  
New Port Richey, FL 34654 (352) 521-4274, ext. 8171
# PASCO COUNTY ORDINANCE VIOLATION

## WARNING NOTICE

<table>
<thead>
<tr>
<th>Case #</th>
<th>Location</th>
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<th>Inspection Date</th>
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The above named did violate of the following Pasco County Ordinance(s):

- [ ] Signs in the Right-of-Way 601.10B [IV]
- [ ] Lack of Posted Address 82.29 [V]
- [ ] Inoperative/Unlicensed Vehicles 106.54 [III]
- [ ] Unsecure Swimming Pool 530.4 [VI]
- [ ] Commercial Vehicles 530.19 [IV]
- [ ] Occupational License 102.41 [III]
- [ ] RVs, Boats and Trailers 530.5 [II]
- [ ] General Storage (junk/debris) 530.10 [II]
- [ ] Prohibited Signs 601.4 [III]
- [ ] Right-of-Way Use Permit 311.1 [II]
- [ ] Tree Removal without Permit 602.4 [VI][VII]
- [ ] Commercial Use of Right-of-Way 82.1 [VI]
- [ ] Development without a Permit 306.19A [VII]
- [ ] Illegal Fill 703.1 [VI]
- [ ] Fence Violations 530.15 (waterfront) / 530.16 (maintenance) / 530.1613 (barbed wire) [III]
- [ ]
- [ ]

Facts Constituting the Probable Cause:

________________________________________

Necessary Corrective Action to Comply:

________________________________________

**If not corrected prior to reinspection, civil penalty (including surcharge) for various classes listed below**

Class I = $155  Class II = $130  Class III = $80  Class IV = $55  Class V = $30  Class VI = $500  Class VII = $250

Failure to correct the above referenced ordinance violation(s) within ____________ calendar days can result in the issuance of a citation to appear in county court and may include fines up to $500 per offense plus court cost.

☐ Notice Mailed

<table>
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<th>Signature of Violator</th>
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**Officer**

<table>
<thead>
<tr>
<th>Badge #</th>
<th>Code Enforcement Division</th>
<th>(727) 847-8171</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>7530 Little Road, Ste 140</td>
<td>(800) 368-2411</td>
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<td>New Port Richey, FL 34654</td>
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**rev 0407**
Abandoned Mobile Homes

• An abandoned mobile home may be transferred to the property owner providing land for the home.

• In Florida, abandoned mobile homes may be titled to the original landlord upon proof and application of abandonment and right to repossess.
  – Landlords may take possession after reasonable time and proper notification.
Other Community Resident Options
Stakeholder-Active Collaboration

There are options available for communities to take some control over the condition of vacant properties. This process, whatever the form, helps stabilize a community, preserving its attractiveness, and helping to preserve home values.
Other Community Resident Options

Stakeholder – Active Collaboration

There are a number of other options that allow a community to exert some control over vacant properties in the communities. It allows a community to control the condition of vacant properties and act immediately when conditions deteriorate. This helps stabilize the community ensuring its attractiveness and preserving home values.
Land Banks

- Properties entering a land bank usually comes through the tax foreclosure process.

- Excellent website for state enabling legislation guidance

- *Land Bank Authorities: A Guide for the Creation and Operation of Local Land Banks*
Demolition

A recent study by the University of Michigan found that a $3.5 million investment in demolition over 3 years resulted in an increase in surrounding property values of more than $112.5 million.
Some Factors Justifying Demolition

Include

- Missing Doors
- Missing Windows
- Structure is open to elements and/or dangerous in some other way
- Unstable outer structure such as collapsing roof, deteriorating stone/brick, siding that is coming off of the structure
- Structure partially or fully burned
Collaborative Problem Solving
• Abandoned properties have a profound effect on all stakeholders.

• There are a number of options available to problem solvers to “generate action.”

• The process requires collaboration.

• The process can (even in small successes) make residents, government, and investors alike feel better about safer and more attractive neighborhoods.
For additional information contact
Florida Regional Community Policing Institute
RCPI
3200 34th Street South
St. Petersburg, Florida 33711
727-341-4581
E-mail: RCPlinfo@spcollege.edu

This project was supported by Grant No. 2009-D1-BX-K030 awarded by the Bureau of Justice Assistance to St. Petersburg College. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.