



## **GOOD NEIGHBOR ORDINANCE SUMMARY & FREQUENTLY ASKED QUESTIONS**

**April 2, 2009**

### **Background**

City codes include minimum standards for property maintenance (weeds, trash, neglected or non-existent landscaping, parking and inoperable vehicles, etc.). These codes fall under the City's Administrative Hearing process and are handled by Code Enforcement Inspectors. Problem behaviors, such as loud parties, disturbing the peace, traffic violations, and threatening or other nuisance activity, are addressed by the Police.

Most residents in Greeley care for their properties and are good neighbors. Those landowners who do get a citation for weeds, trash, etc. usually take care of the matter promptly. A few residents behave in ways that require police attention. Most of those who either get tickets or property citations also correct their violations or behaviors in a reasonable manner. A smaller, but very troublesome group of individuals, however, do not respond to enforcement actions and significantly impact neighbors and consume a disproportionate amount of City attention and resources. The "Good Neighbor" Ordinance addresses those difficult properties and individuals.

### **What does the Good Neighbor Ordinance (GNO) do?**

The GNO is set up to address chronic violators of city nuisance codes as it relates to property conditions, behaviors, or a combination of both types of cases. The GNO calls for the tracking of cases which have numerous enforcement responses over time, creating a mechanism to formally designate properties or individuals as 'chronic offenders,' applying progressive penalties, increasing City inspections of these properties, and creating a publicly accessible data base to post designated offenders for use by consumers.

### **How does the process work?**

Currently, property violations and law enforcement actions are logged into City case management systems. Now, addresses and individuals from both data banks will be compared. When there is excessive response to a particular property or resident, these cases will be reviewed to see if a pattern of legitimate calls for City enforcement has occurred.

If more than two City citations have been issued within a 4-month period, the City will send a "caution" letter to the land owner and residents (if different addresses), alerting them to the multiple citations, and advising of the potential of the GNO chronic offender.

designation. The goal is to encourage the parties to promptly address the issues that generated the citations and avoid further City attention.

As the **citations** are considered through the hearing and court process, if they result in findings of guilt or liability, a “warning” letter will then be issued to the same parties, advising them that a GNO designation could be imminent if additional violations occur.

If there are three **convictions** related to code violations or law enforcement actions within one year, or five within an 18-month period, City staff can present the property and/or individual to the Administrative Hearing Officer for designation as a “chronic offender.”

Formal notice is given to the property owner/resident for this hearing. **The burden is on the City** to prove that there are multiple convictions for the address and/or individual that warrants the designation.

**What if my tenant accumulates two citations before I realize there is a potential problem? It doesn't seem fair that these could count as “two strikes” against me if those citations become convictions.**

If the citations relate to property code violations, you will automatically be mailed a notice at the same time the tenant receives notice or when the property is posted. That is the current process.

If the violations relate to law enforcement actions, such as a loud party, assault, or other type of behavior issue, you may be contacted in the course of police response to that event; however, that is not automatic. The intent of the ordinance is to encourage landlords to address problem property situations as soon as they become aware that there is an issue. The Administrative Hearing Officer will review the efforts by the landlord to respond in a timely and appropriate way to nuisance and property and tenant issues once aware of them. Depending upon the facts of the case, it could be certainly be considered an “affirmative defense” if a landlord can demonstrate that appropriate actions were pursued once aware of a problem situation.

A landlord may be able to stay on top of rental properties more easily in a couple of other ways:

- Become acquainted with the neighbors next to the rental property and provide them your contact information. Encourage them to call you if they experience problems with the condition of your rental property or the tenants;
- Consider enrolling in the City’s “Operation Safe Stay” program. In this program, landlords participate in 4-hrs of special City training related to safety and codes. Participants sign an agreement to conduct background checks on prospective tenants and adhere to certain management practices for their rental units. Program participants will have their rental properties entered into a police department data base and weekly call data is reviewed and passed on to landlords on matters related to police response to their properties. The program training is free and conducted twice each year.

### **What if a property or individual is designated as a chronic offender?**

The property address or name of the individual will be placed on a public registry that will be maintained on the City website. The property will be the subject of focused City patrols and, with additional convictions, additional fines are likely. If these additional measures still do not correct the problem, a citation can be written for failure to obey the order of the Administrative Hearing Officer and, at that point, the Municipal Judge could order jail time.

### **How can they be removed from the chronic offender list?**

After a twelve-month period with no further City violations a property and/or individual is removed from the data base.

### **How is a rental property with several individual units treated?**

Property code violations, such as weeds, relate to the entire property, if it is managed as a single site. However, for purpose of counting multiple violations, each unit is considered separately if the violations are clearly related to the individual unit. As example, if the resident in Unit A throws a loud party and gets a ticket that is one event; if the resident in Unit B in the same complex gets a citation for an illegal home occupation, it would also be considered one event. Individual units will be tracked separately for the purpose of accumulating violations.

### **Does this only affect rental properties?**

No, this applies to all properties in the city.

### **What if it is a rental property and the tenant is responsible to keep it clean?**

Property code violations are handed to the occupant of the property or posted on the door if no one is home, and a letter mailed to the land owner of record. If the landlord brings a copy of a lease that specifies the tenant's obligation to maintain the property into the Code Enforcement office, the tenants can be issued the specific citation. The Hearing Officer, depending on the facts of the case and the violation, can then remove the landlord from the Notice of Violation. If the tenant does not address the problem, however, and the Hearing Officer authorizes the City staff to correct the problem condition (e.g. weeds) a lien would be placed against the property.

### **What if the landlord is trying to address the problem, but doesn't have a cooperative tenant?**

The City wants to support efforts of landlords who are making reasonable and assertive efforts to address problem conditions. The ordinance specifically calls out such landlord efforts as "affirmative defenses" that will be considered in the evaluation of the property as a potential chronic offender.

Also, a landlord can **self-report** a troublesome tenant without penalty. The self-report is acceptable one time during a lease period per type of violation (e.g. the landlord can report a tenant for trash one time, a party one time, etc. as an "affirmative defense"). The City does not want to be the 'default' manager of private lease conditions, so

expects the landlord to respond appropriately when tenant citations are issued, especially if they are repeat violations.

### **Do other cities have this kind of ordinance?**

Yes, and the City looked at their experience closely before proposing this type of ordinance in Greeley. Other college towns like Boulder and Ft. Collins have found these types of ordinances extremely helpful in alerting landlords early in the process about troublesome tenants who are negatively impacting neighbors as well as giving neighbors some hope that chronic issues have a measured approach for getting addressed. It has been the experience of those communities that many notices go out and most issues get addressed at that stage, with very few ever needing to progress to the “public nuisance” stage, as they are called in those communities. The potential for that designation has provided important cooperation in resolving most issues early.

### **Is this ordinance retroactive?**

No. The provisions of the Good Neighbor Ordinance will technically apply only after the effective date of the ordinance (mid-April). Staff has suggested a May 1 actual start date to allow ample time to share this information with the community and special interest groups.

### **Will this ordinance be reviewed?**

Yes. Because this is a new process, and the City is interested in assuring there are no unintended consequences, the process will be reviewed monthly by the City’s Neighborhood Building Blocks (NB2) Team, a coalition of staff divisions which is responsible for supporting neighborhood well-being. At the end of one year, the City will reconvene the citizen task force that helped craft the ordinance to review the effectiveness of the ordinance and report back to the City Council. The City wants the process to be transparent and responsive so welcomes feedback on the effectiveness of the new ordinance.

### **Where can a copy of the ordinance be obtained?**

It will be posted on the City of Greeley website ([www.greeleygov.com](http://www.greeleygov.com)) by the end of March, 2009 and copies of the ordinance and further information can be obtained by calling the City of Greeley Code Enforcement Office at 350-9833 or the City Attorney’s Office at 350-9757.

Information on Operation Safe Stay can be obtained by calling the Community Development Office (350-9780) or the Greeley Police Department: Officer Rafael Gutierrez at 351-5362, Officer Mark Fogue at 350-9659 or Officer Jim Henkel at 350-9622.