



# **IMPERFECT TOOLS**

## **LEGAL ISSUES DEALING WITH RENTAL PROPERTY**

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# Scope of discussion

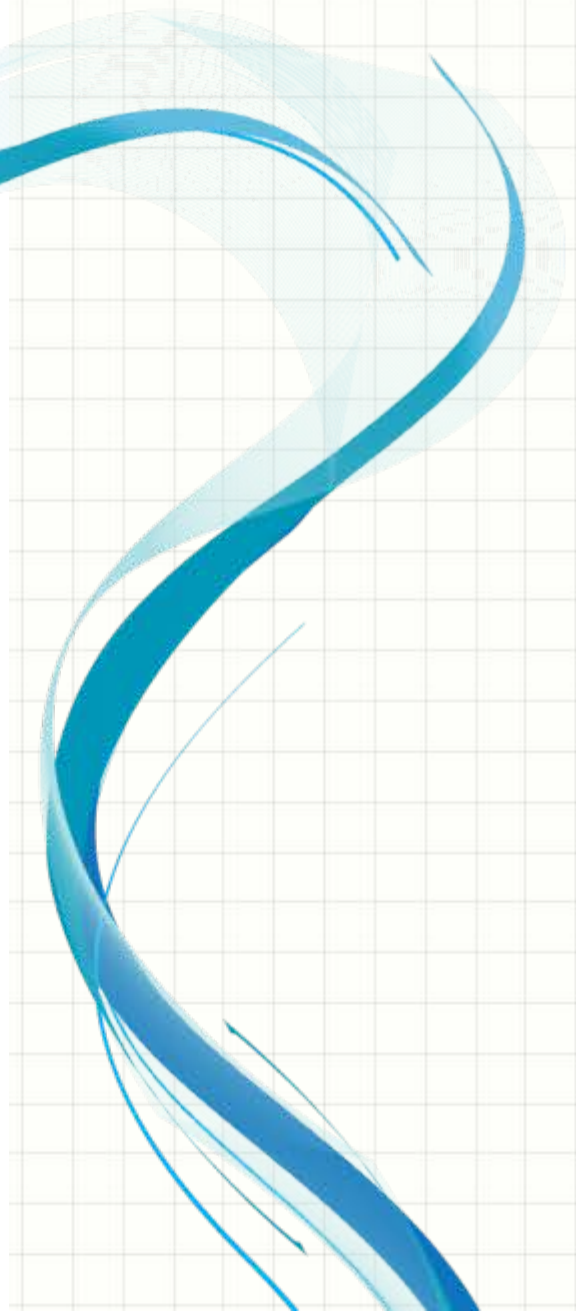
- Regulation of existing properties
- not zoning or land use for new projects



# Types of Problems

I. Condition/Maintenance

II. Use



## Rental Property Problems—Causes

Undercapitalization by Owners

Transient Nature of Tenants

Market Trends—the Next New Thing



# Two Approaches to Regulation

Criminal

Civil

# Criminal

- Prosecution of local ordinances and adopted codes, such as building codes and International Property Maintenance Code
- Same standards apply to ordinance violation cases and armed robbery cases:
  - Proof beyond a reasonable doubt
  - Privilege against self-incrimination
  - Right to counsel
  - Right to indigent defense
  - Probable cause and search and seizure





# Civil

## Public Nuisance

- The hazard affects all who come within its sphere
- Enforcement—Superior Court or Municipal Court; may be brought by District Attorney or City Attorney

# Civil

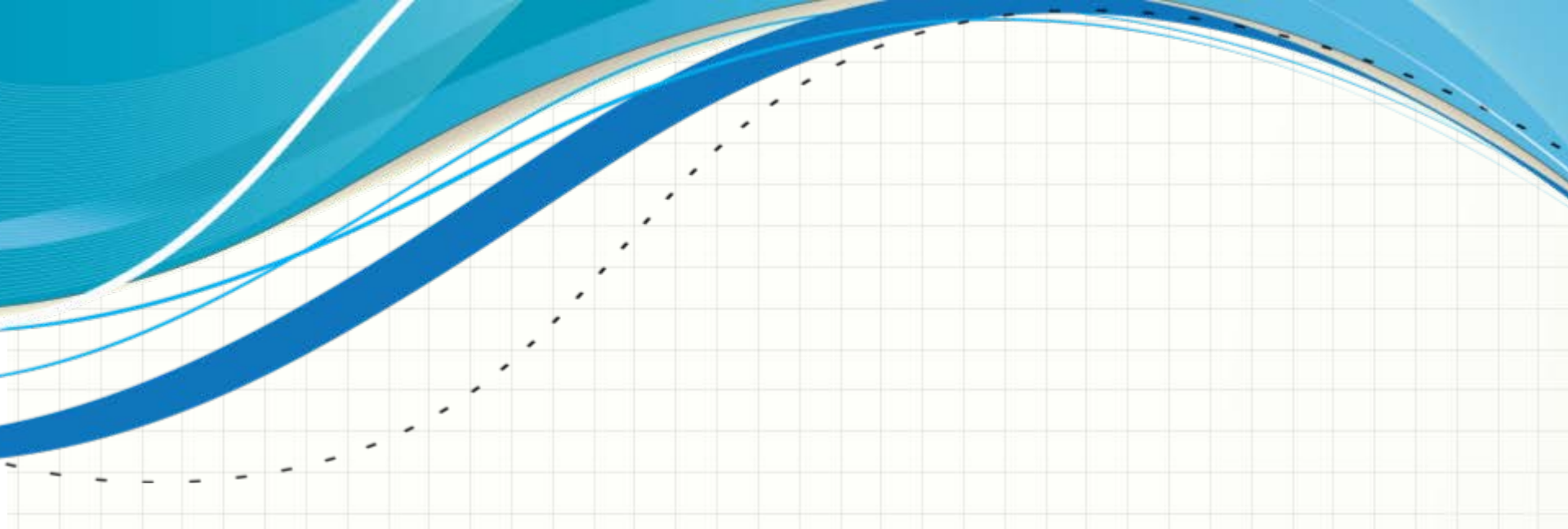
## Statutory Nuisance Abatement

Jurisdiction can be in Municipal Court

Notice to owners—expensive research for  
“heir property”

Government may have to pay for  
demolitions—poor chance of recovery





# Rental Registration—Dead on Arrival



# Attacking the Symptoms



# CRIMINAL TOOLS



International Property Maintenance Code –can be very effective

Quality of Life Local Ordinances:

- Trash: accumulation of refuse, trash can placement
- Front yard parking
- Junk vehicles
- Fences
- Home occupations
- Over occupancy – multifamily/single family

Animal control



# Civil Tools

Funding for demolition program

Classification and prioritization of nuisance properties

Land bank authority to dispose of abated properties



# Process

- Operate in a nondiscriminatory manner
- Consider use of zone patrolling
- Train officers in probable cause, search and seizure, evidence gathering and testimony
- Who will prosecute?





## Process, continued

Make the Judge part of the team

Keep elected officials informed

Compliance! Compliance! Compliance!

Incentives to come into compliance

# Observations

- These are people—not hardened criminals. Everybody has a backstory
- Prosecutor must be free to exercise discretion in the interest of justice
- Use planning tools, housing studies, community redevelopment, utility development, etc.



**QUESTIONS?**