

Code Enforcement

as a Tool for Safe, Equitable & Affordable Housing

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EXECUTIVE SUMMARY

Housing code enforcement regulates health and safety issues across neighborhoods and places. Enforcement practices include significant discretionary power at the hands of enforcement officers, opening the door for the possibility of uneven enforcement and outcomes. While discretionary actions could lead to more empathy and consideration for addressing violations, it could also increase housing instability or have a disparate impact on some communities. These concerns are amplified within rental housing. To address these questions related to uneven enforcement and uneven outcomes of code enforcement processes in rental housing, this project engages in an in-depth analysis of code enforcement practices in five mid-sized cities in Illinois, as well as Chicago. We evaluate rental property regulation and the application of code enforcement processes to assess the extent to which discretionary enforcement increases housing stability and access to quality neighborhoods.

Using the diverse characteristics of mid-sized cities and their diverse approaches to code enforcement as a model for understanding of enforcement processes and their consequences for a diverse set of market actors, residents, and civil society, we posed the following questions:

- Q1:** How different are municipal codes concerning residential housing nuisances across middle-sized cities in Illinois?
- Q2:** What are the demographic characteristics of the neighborhoods in which code violations are being written and enforced? What are the types of penalties being leveraged by neighborhoods?
- Q3:** What are the individual and collective consequences of code enforcement activity for market actors, residents, and civil society?
- Q4:** What opportunities exist within the governance of code enforcement to minimize harms and disparate impacts while ensuring health, safety, and welfare of residents?

Our approach to answering these questions included a multi-phased research process that drew heavily upon the Community Voice Method [CVM] framework, as well as elements from the Cities RISE study conducted in New York. The overall goal was to blend the typology-based case study approach associated with the Cities RISE study with the CVM approach of

using documentary style videos to capture stories and facilitate conversation among a diverse set of code enforcement stakeholders. Our approach involved four phases:

- 1:** A scan of local code and ordinances to develop an understanding of local regulations and where they differ;
- 2:** The development of a neighborhood typology to identify and compare the types of neighborhoods and housing markets throughout Illinois;
- 3:** In-depth case studies at the local government level employing semi-structured documentary video interviews;
- 4:** And, description and dissemination of findings through this report and documentary video footage.

Our analysis reveals a code enforcement system that addresses health and safety issues, but which sometimes falls short due to constraints surrounding funding, capacity, and a lack of powerful accountability measures for negligent property owners, especially those who are willfully nonresponsive. Due to these constraints and paths of least resistance, we argue that code enforcement processes incentivize the protection of property value over the enforcement of internal health and safety through an emphasis on reactive enforcement driven by complaints and a focus on exterior property and building conditions. We also note the targeted application of code enforcement as a tool for blight reduction focused on low-income neighborhoods of color. This creates an environment where more vulnerable neighborhoods are both *overpoliced* and *overenforced* without the necessary support and resources to address the root causes of housing, health, and safety issues.

We identify the following strategies to center health and safety as well as transparency and accountability in code enforcement:

- 1:** Increase institutional linkages between code enforcement staff and human services staff, particularly social workers, to mediate complex compliance issues;
- 2:** Incentivize the adoption of local government rental licensing programs to create stronger incentives and consequences for landlord compliance and noncompliance;
- 3:** Build accountability through citizen oversight;
- 4:** Centralize and standardize the collection of code violation data and use during lending and/or underwriting processes; and
- 5:** Embed equity as a necessary policy framing for code enforcement action.

INTRODUCTION



Despite the U.S. Housing Act of 1949’s declaration that all American households have the right to a “decent home and suitable living environment,” communities across the United States have struggled to provide that right, especially for low-income households of color.¹ The number of households living in poor-quality housing has not changed over the past 20 years, and households of color remain disproportionately impacted by poor-quality housing as both renters and owners.² A key instrument for addressing poor housing quality is local government code enforcement. Code enforcement officers are uniquely positioned to both understand a community’s housing conditions and to uphold property owner accountability for safety and health standards. A spate of recent news accounts and policy reports in Illinois and beyond call into question whether code enforcement practice effectively addresses these two areas. Critics suggest that a reactive enforcement posture coupled with a focus on enforcement of exterior conditions and symptoms of blight do not always translate into safe and healthy housing conditions for occupants. This critique argues that code enforcement administrations serve as regulators of *property value* through exterior fixation instead of regulators of *property health and safety* through holistic inspections and mitigation.

In this report, we examine housing code enforcement practices in Illinois from multiple perspectives – that of code enforcement administrations and local governments, property owners and landlords, and community institutions. We draw from these perspectives to identify both challenges as well as practices to uphold, focusing on both the *intended outcomes* of code enforcement action as well as the *unintended consequences* that sometimes result. Drawing both from statewide information as well as a series of local cases, we find that code enforcement administrations strongly value the ideals of addressing both property value as well as health and safety. However, through a combination of a largely reactive stance, scarcity of resources to mitigate causes of code infractions, and the concentration of severe need in a small fraction of vulnerable neighborhoods, code enforcement practices can address some of the most extreme health and safety violations, but struggle to provide preemptive support and regulation that might prevent future serious violations. Code enforcement action is needed throughout cities; however, we observe that there is substantially more code enforcement action and need for support in a small number of neighborhoods. Furthermore, these neighborhoods tend to display heightened patterns of demographic and social vulnerability for residents, meaning the stakes associated with code enforcement are much higher both with regards to health and safety, but also with regards to housing stability. In this report we identify a series of lessons learned from code administrations, property owners, tenants, and community organizations to bring health, safety, and housing stability more clearly into focus.

1. von Hoffman, A. (2000). A study in contradictions: The origins and legacy of the Housing Act of 1949. *Housing Policy Debate*, 11(2), 299–326. <https://doi.org/10.1080/10511482.2000.9521370>.

2. Wedeen, S. (2023, August 1). *Greater Assistance Needed to Combat the Persistence of Substandard Housing*. Joint Center for Housing Studies. <https://www.jchs.harvard.edu/blog/greater-assistance-needed-combat-persistence-substandard-housing#:~:text=In%202021%2C%205.7%20percent%20of,homeowners%20living%20in%20inadequate%20housing>.

THE CODE ENFORCEMENT PROCESS AND ECOSYSTEM



Housing code enforcement has been described as “law in action.”³ Within the local government context, municipal code enforcement involves code enforcement officials operating across a highly uneven and diverse tapestry of neighborhoods and living situations.⁴ Implicit in code enforcement practices is a blending of objective health and safety concerns with highly subjective social and cultural norms.⁵ While code enforcement activities are vital for protecting individual and collective public health, safety, and wellbeing, the potential harms caused by implicit bias and differential treatment are great,⁶ and the material consequences and stakes grow increasingly higher. An example of these heightened stakes is the proliferation of crime-free housing ordinances and nuisance ordinances throughout the nation.⁷ Many of these emerging enforcement tools link housing code enforcement and code enforcement violations to criminal law enforcement in new ways that raise concerns about access to housing, landlord and tenant rights, and housing stability for vulnerable tenants. Understanding the evolving landscape within code enforcement systems and related ordinances brings up two important areas of concern: uneven enforcement and uneven outcomes.

The Code Enforcement Process

The code enforcement process may look different based upon the institutional design and rules present in a given local government. We summarize key steps in the code enforcement process, noting that these may differ greatly at the local level (Figure 1, page 9). Like other forms of law enforcement, code enforcement action can be *reactive* – triggered by the pulling of a building permit or a code complaint from a tenant, resident, or another local government entity, or *proactive* – occurring as the result of mandatory or voluntary periodic inspection (typically for certain multifamily buildings). While many local governments employ a mix of proactive and reactive strategies, we note that most communities are reactive by default and employ proactive strategies as resources and local initiatives allow.

Regardless of whether a code is being enforced for a *reactive* or *proactive* reason, the response is typically that a code enforcement officer will be assigned to conduct an inspection. Depending upon the nature of the complaint or grounds for inspection, this may involve examination of the exterior or interior of the property. In addition, although that inspection may focus on the issue at question, code enforcement officers may also look for evidence of violations beyond the initial reason for the inspection. Given the extensive nature of building codes and related ordinances, the goal is not typically 100% adherence to code

3. Ross, H. L. (1995). Housing Code Enforcement As Law In Action*. *Law & Policy*, 17(2), 133–160. <https://doi.org/10.1111/j.1467-9930.1995.tb00142.x>.

4. Diver, C. S. (1980). A theory of regulatory enforcement. 28(3), 257–299.

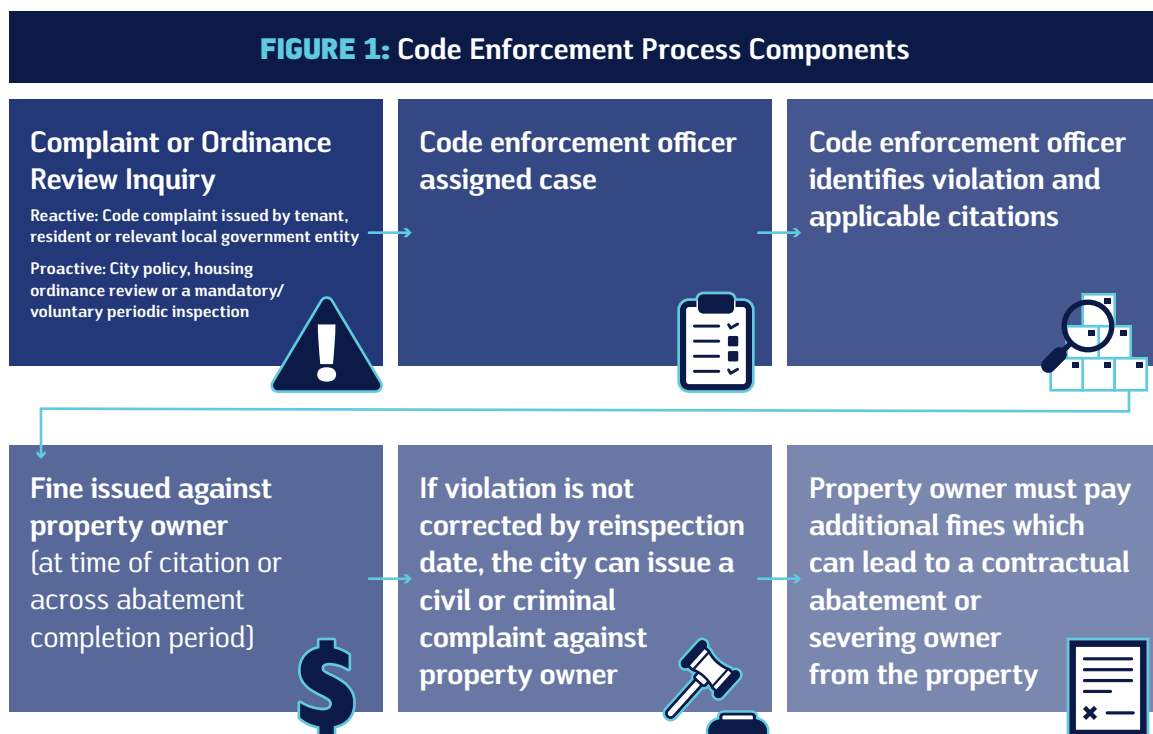
5. Krieger, Stefan H. (2008) “A Clash of Cultures: Immigration and Housing Code Enforcement on Long Island.” *Hofstra Law Review*. Vol. 36: Iss. 4, Article 3.

6. Hirsch, A. R. (1998). *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960*. The University of Chicago Press.

7. Werth, E. (2013, August). The Cost of Being “Crime Free”: Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinances. <https://www.povertylaw.org/wp-content/uploads/2019/09/cost-of-being-crime-free.pdf>.

standards, but rather a subjective standard for property aesthetics, safety, and maintenance. Code enforcement officers must use their discretion in order to identify which potential violations require citation.

If a code enforcement officer identifies a violation of the code requiring a citation, the citation will typically state a time period for abatement and reinspection. This time period may be a matter of days or weeks. A fine may also be levied against the property owner either at the time of citation or over time if abatement of the issue is not completed. If the violation has not been corrected by the time of reinspection, the city may proceed with a civil or criminal complaint against the property owner which may result in additional fines and which may compel abatement or severing the owner from the property if warranted.



Process Questions and Concerns

One set of concerns involves the discretion of local government code enforcement officials, who may enforce codes differently based upon the racial or socioeconomic status of tenants, landlords, or the neighborhood in which the property is located. Robin Bartram in her 2022 book *Stacked Decks: Building Inspectors and the Reproduction of Inequality* describes the ways in which these biases are often applied to achieve what she calls “stabs at justice” in Chicago’s code enforcement ecosystem.⁸ Such differential enforcement may be desirable from

8. Bartram, R. [2022]. *Stacked Decks: Building Inspectors and the Reproduction of Urban Inequality* [1st ed.]. University of Chicago Press.

an equity perspective – it may recognize and help to minimize the impacts of hardships for tenants and landlords based upon their situation. Conversely, such discretion may increase the potential for housing instability, eviction, and displacement. Given the documented history of bias within local government regulation,⁹ policy evaluation can help to uncover when and where such regulatory discretion is racialized, the consequences for tenants, landlords, and government, and the ways in which such discretion addresses or exacerbates local government and neighborhood equity concerns.

The second area of immediate concern which motivates this report involves the contribution of code enforcement to evictions during the latter phase of the COVID-19 pandemic. During the most acute phase of the pandemic, renters were protected by an uneven patchwork of federal, state, and local eviction moratoriums, many of which expired around 2021. Likewise, the COVID pandemic created new challenges for effective code enforcement administration, given the nature of lockdowns and health and safety risks associated with entering and inspecting dwelling interiors. The patchwork of eviction moratoria during the acute phase of the pandemic led to questions about whether code violations and regulations might become a more predominant basis for evictions to proceed, since these were not typically covered under the eviction moratoria. When we began this research, this called into question whether we might find evidence for an uptick in nuisance and code enforcement violations being used as a lever to remove tenants during the continually evolving public health crisis.¹⁰

In response to these two domains of concern, we evaluated local government property regulation, related housing ordinances, and information on enforcement actions and outcomes to assess the extent to which the discretion present in enforcement actions has the potential to impact health and wellbeing at the household and community level, housing affordability, housing stability, and access to resource-rich neighborhoods, particularly for people of color. Our goal is to use evaluation methods to inform code enforcement approaches that avoid targeting on the basis of race or income, avoid displacement, maintain affordable rental units, and provide landlords with opportunities to secure financial resources for property improvements. To accomplish this, we examined code enforcement practices throughout the state of Illinois – conducting some analysis statewide, some for a subset of “midsize” cities with a population between 50,000 and 500,000, and some through a series of in-depth local case studies. Through additional funding provided by the State of Illinois Institute of Government and Public Affairs, we were also able to add Chicago and Decatur as comparative cases.

The novelty of this approach brings together Illinois policy advocates and researchers already working around housing issues, which allowed us to use a range of traditional and emerging techniques for policy analysis, including surveys, spatial analysis, and documentary

9. Rothstein, R. (2017). *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright Publishing.

10. Layser, M. D., Greenlee, A. J., et al. (2021). Mitigating Housing Instability During the COVID-19 Pandemic. IGPA Policy Brief available at: https://igpa.uillinois.edu/wp-content/uploads/2022/05/PolicySpotlight_HousingInstability.pdf

filmmaking, to create a unique and durable record of code enforcement practices and their implications throughout the state. The goal of working with a diverse set of evidence and diverse modes of collecting it are focused on not only *telling a story* about the impacts of code enforcement in Illinois, but also creating new capacity for action extending from our engagement. The action-oriented approach we take to this work is also informed by the broader set of issues revealed in the 2019 Governing Magazine investigation *Segregation in the Heartland*.¹¹ The accounts documented across this series shine light on enduring patterns of segregation and inequity for Illinois communities outside of the Chicago, with a focus on institutional barriers to addressing inequality. We see in our approach to this report a potential model for future policy research to action pipelines to address challenging issues in Illinois and beyond.



Broader Context and Academic Significance

As communities across the United States initiate conversations about inclusionary zoning and equitable housing reform, a parallel and interrelated conversation needs to occur around equitable code enforcement. Existing scholarly conversations connect local government police powers such as zoning and code enforcement with histories of racial capitalism, segregation, and exclusion.¹² More equitable code enforcement holds the potential to use day-to-day interactions with government as an opportunity to repair previous harms, understand community concerns, and connect these issues to broader visions for community change and governance.

Advancing action around equitable code enforcement requires a more active recognition of code enforcement as a policing activity and recognizing the potential benefits and harms

¹¹. Vock, D. C., Charles, J. B., & Maciag, Mike. Segregated in the Heartland: An Investigative Series. (2019, January 14). Governing. <https://www.governing.com/archive/gov-segregation-series.html>.

¹². Satter, B. (2009). Family Properties: How the Struggle Over Race and Real Estate Transformed Chicago and Urban America. Metropolitan Books.

of this type of interaction with residents.¹³ Past studies of code enforcement policy argue that there is frequently a divide between the regulatory work of city planners and the day-to-day activities of code enforcement. City planners tend to be concerned with broader regulatory issues, especially those related to zoning, but lack the grounded insight which code enforcement officials gain from navigating and viewing social relationships within day-to-day interactions in public and private space. Both zoning and code enforcement sit along the spectrum of local government police powers. While national attention has recently been drawn to extreme cases of bias and disparate treatment, particularly of people of color at the hands of the police, more subtle forms of violence may exist within zoning and code enforcement. A recent push towards inclusionary zoning across many U.S. cities also reveals the complex political narratives intertwined with leveraging local police powers via zoning and code enforcement to rationalize the separation of population groups by income and race. As Richard Rothstein pointed out in his 2017 book *The Color of Law*,¹⁴ turn of the century zoning theories included using zoning to maintain “harmony” between racial groups by segmenting these groups into separate neighborhoods.

Modern code enforcement is the responsibility of local government. While some codes, particularly building codes, are relatively uniform in nature, each government has the authority to adopt localized ordinances, particularly those that deal with nuisances or other specific community concerns regarding housing quality and tenancy. These local variations reflect collective local values, and the differential enforcement of such codes in different neighborhoods within the same city reflect local administrative and political priorities. These forms of law in action matter greatly for how communities see themselves as served by or subject to local government, and also have important economic consequences for both renters and landlords.

From a historical perspective, policing via nuisance laws and other basic forms of code enforcement predate zoning in the United States. Such codes were initially designed to separate “noxious” industrial uses from residential areas. Tenement reform laws at the turn of the last century defined minimum health and safety standards for residential living environments, particularly those inhabited by some of the most vulnerable residents to prevent the spread of disease and what was considered immoral and base behavior. This dual rationale was rooted in genuine public health and safety concerns but also in xenophobia, particularly against immigrant communities who were struggling to find space, representation, and power within rapidly expanding industrial cities. A second major expansion of code enforcement within government came amidst postwar urban expansion in the 1950s and 1960s.¹⁵ Code enforcement became part of a broader project of modernizing cities and local

13. Wegmann, J., & Bell, J. P. (2016). The invisibility of code enforcement in planning praxis: The case of informal housing in southern California. *Focus*, 13(1), 10.

14. Rothstein, R. (2017). *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright Publishing.

15. von Hoffman, A. (2000). A Study in Contradictions: The Origins and Legacy of the Housing Act of 1949. *Housing Policy Debate*, 11(2), 299-326. <https://doi.org/10.1080/10511482.2000.9521370>.

government and was also a major driver shaping the application of urban renewal in central cities throughout the U.S. From its inception, code enforcement has simultaneously been about ensuring public health and safety, but also about codifying “good” behavior, “good” neighborhoods, and applying normative middle-class values to the regulation of residential living environments. While distinct from building code and housing ordinances, crime free and nuisance housing ordinances represent a next generation of regulatory incentives for good behavior, although with steeper sanctions or consequences for landlords and tenants who commit infractions.

In addition to standing questions about the fine line between health and safety and imposing moral judgements upon the residential living environment, for more than 40 years, scholars have described the unevenness by which codes are enforced and the ways in which code enforcement is frequently used as a tool to drive racial and income segregation and neighborhood change, including gentrification and rent increases.¹⁶ Recent accounts remind us that codes tend to be biased against low-income communities and communities of color¹⁷ and that code enforcement and nuisance ordinances are often used as a lever to force the eviction of tenants.¹⁸ Studies also connect disparities in code enforcement to ongoing public health disparities.¹⁹

The correlation between poor housing conditions and negative public health outcomes has long been known, spurring tenement reform efforts during the early 1900s to prevent the spread of infectious diseases, among other reasons (see above). More recent research has expounded on how poor housing conditions affect individuals and families, leading to poor health and other negative outcomes, such as educational attainment and employment.^{20, 21} In addition, “[s]ubstandard housing quality and environmental risks are disproportionately concentrated in communities of color, which is the direct result of historic redlining and discriminatory housing policy, zoning decisions and land-use practices. These conditions widen the health inequity gap across several metric including incidence of disease and mortality.”²² As discussed throughout this report, code enforcement can play a critical role in addressing racial inequities in securing healthy and safe homes as well as protecting the general public health.

Consequently, we view code enforcement as being an applied legal practice rooted in both objective and subjective standards for resident wellbeing. We also see in this history the ways

16. Hartman, C. W., Kessler, R. P., & Legates R. T. (1974). Municipal Housing Code Enforcement and Low-Income Tenants. *Journal of the American Institute of Planners*, 40(2), 90-104. <https://doi.org/10.1080/01944367408977455>

17. Kinning, R.P. (1994). Selective Housing Code Enforcement and Low-Income Housing Policy: Minneapolis Case Study.” *Fordham Urban Law Journal*, 21(1993-1994): 159-198.

18. Garboden, P. M. & Rosen, E. (2019). Serial Filing: How Landlords use the Threat of Eviction. *City & Community*, 18(2), 638-661. <https://doi.org/10.1111/cico.12387>.

19. Stacy, C., Schilling, J., & Barlow, S., et al. Recommendations for Strengthening Code Enforcement for Public Health: Findings from a Health Impact Assessment in Memphis, Tennessee. https://www.urban.org/sites/default/files/publication/99191/recommendations_for_strengthening_code_enforcement_for_public_health_2.pdf.

20. U.S. Department of Health and Human Services. Quality of Housing - Healthy People 2030. <https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/quality-housing>.

21. Sabbath, K. A. (2019). (Under) Enforcement of Poor Tenants’ Rights. *Georgetown Journal on Poverty Law and Policy*, XXVIII(1). https://www.law.georgetown.edu/poverty-journal/wp-content/uploads/sites/25/2020/01/05_Sabbath_Article_v2.pdf.

22. Anyanwu, C., & Beyer, K. M. (2024). Intersections among housing, environmental conditions, and health equity: A conceptual model for environmental justice policy. *Social Sciences & Humanities Open*, 9, 100845.

in which code enforcement and related practices have the capacity to influence property values as well as transactional relationships within housing. These open up an opportunity to ask a simple question related to whether code enforcement practice is ultimately more effective at addressing economic relationships within housing or concerns related to health and wellbeing. While this may be a simple question, we understand that any answer to the question is far more complex, particularly when thinking about the confluence of policy, markets, and vulnerable residents. Taking the property value versus health and wellbeing question into account, we see the potential for the application of code enforcement to deepen existing disparities, particularly within socially and economically disadvantaged neighborhoods, but also the potential for code enforcement practices to reveal forms of cultural navigation and competency which represent a model that could inform other areas of governance.

This framework builds upon prior efforts to take an equity-driven view towards understanding code enforcement practices. Cities for Responsible Investment and Strategic Enforcement (Cities RISE) initiated by the New York State Office of the Attorney General examined code enforcement practices across sixteen cities using a mix of quantitative analysis and interviews with code enforcement officials to develop process maps for code enforcement. The initiative also identified pain points, opportunities, and best practices amongst the communities that they examined.²³ We build upon this framework, applying a more intensive multi-stakeholder approach to understanding code enforcement practices in middle-sized cities in Illinois.

²³ Cities RISE. (2019). The Power & Proximity of Code Enforcement: A Tool for Equitable Neighborhoods. https://hesterstreet.org/wp-content/uploads/2019/07/CR-Phase-I-_Equitable-Code-Enforcement-report_FINAL-JUNE-2019.pdf.

RESEARCH QUESTIONS

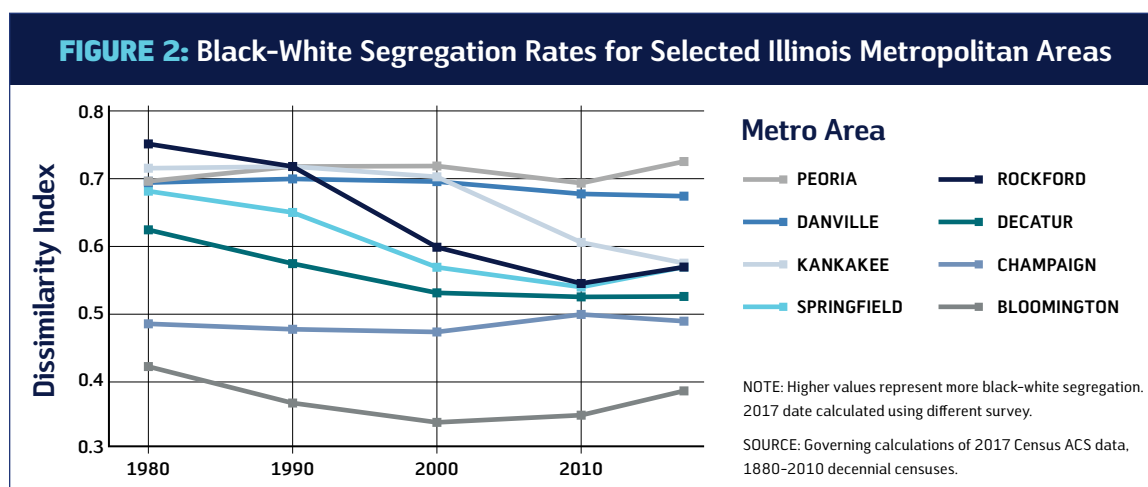
We use the diverse characteristics of mid-sized cities in Illinois and their varied approaches to code enforcement as a learning model for understanding the code enforcement process as well as its consequences for market actors (developers, landlords and property investors), residents, and community institutions. We pose the following questions to structure our inquiry and policy learning:

- 1:** How different are municipal codes concerning residential housing and residential nuisances across mid-sized cities in Illinois?
- 2:** What are the demographic characteristics of the neighborhoods in which code violations are being written and enforced?
- 3:** What are the individual and collective consequences of code enforcement activity for market actors, residents, and communities?
- 4:** What opportunities exist within the governance of code enforcement to minimize harms and disparate impacts while ensuring the health, safety, and welfare of residents?

CODE ENFORCEMENT IN ILLINOIS



There are a total of 28 mid-sized cities in Illinois which retain 2.3 million people - 21 percent of the state's population. For many of these metropolitan areas, segregation remains a central concern. Governing Magazine's multi-part series Segregation in the Heartland placed a spotlight on cities in Illinois outside of the Chicago metropolitan area noting that several central mid-sized cities fall within the top third of the most segregated metropolitan areas in the United States (on the basis of black-white segregation). In many of these cities, segregation remains similar to levels observed 40 years ago (Figure 2).



Many of these Illinois cities are actively reforming their approaches to enduring problems, including racial segregation and inequity. Changes in approach to code enforcement are documented amongst these reforms. The city of Champaign, for instance, argued in part that decades of “hands off” and reactive code enforcement necessitated a 100 percent demolition and rehabilitation of the city’s Bristol Place neighborhood — a low-income, predominantly minority renter neighborhood.²⁴ In 2017, Peoria, Illinois, initiated a new community-based approach to code enforcement, that included a “100 blocks in 100 days” campaign during which code enforcement officers sought to walk door to door to introduce themselves to local residents. Decatur, Illinois, expanded the role of its municipal courts in 2012 to divert code enforcement cases from the county circuit court, and instituted new changes to the court process including a fine forgiveness program, a voluntary landlord registration system, and an option to fulfill community service hours in lieu of paying court fines.²⁵ During the 2015 mayoral election, this court program came under fire as a number of landlords and residents complained that it was “inequitable and unnecessarily punitive.”²⁶ In the 2019 mayoral race, the court program was scrutinized again as candidates pointed out that property violations were concentrated in low-income neighborhoods.²⁶ Current opinions

24. CNU Illinois. (2014). CNU Illinois Charter Awards. <https://www.cnuil.org/ca-win-2014>.

25. Lisi, T. (2019). Decatur’s administrative court gets new critics in mayor’s race. Herald-Review.com. https://herald-review.com/news/local/govt-and-politics/decatur-administrative-court-gets-new-critics-in-mayors-race/article_23371041-3bf6-5a4b-8f23-b934fb16679b.html.

26. Petty, A. (2015). City manager gets an earful on administrative court. Herald-Review.com. https://herald-review.com/news/local/govt-and-politics/city-manager-gets-an-earful-on-administrative-court/article_5898c73b-8b43-502c-b984-710b75f8a084.html

on the court program remain mixed, with some landlords finding the current system more appropriate and some homeowners living next to violators believing that remedial action is not occurring in a timely fashion.²⁶

This type of evidence points to the community desire to establish new and different relationships between the police powers associated with code enforcement and the types of outcomes observed, particularly those impacting low-income communities and communities of color. At the same time, Illinois, along with other states throughout the country, has seen a proliferation of crime-free and nuisance housing ordinances over the last decade that align the police powers of code enforcement officers with those of traditional law enforcement. Prior work by the Shriver Center on Poverty Law notes the adoption of crime free and nuisance ordinances by more than 100 local governments in Illinois. Their work — as well as other research²⁷ — points to ways in which such ordinances can have a disparate impact on low-income and minority residents, criminalize struggling households, reduce the local supply of affordable housing and, where adopted by majority-white communities, can become part of a strategy for regulating racial integration.²⁸ Policy evaluation can help to support the fair and equitable application of nuisance and crime-free ordinances by identifying individual consequences for housing occupants (such as increased rates of eviction) and collective consequences (such as the perpetuation of racial and economic segregation) as well as the governance processes related to code enforcement that drive these phenomena.

Our approach to examining code enforcement involves looking at practices in the state at multiple scales:

State:

Working in partnership with the Illinois Association of Code Enforcement (IACE), a professional organization for code enforcement officers, we surveyed code enforcement officials throughout the state to understand their perspective on code enforcement trends, barriers to effective enforcement, and desired changes to code enforcement practice.

Mid-Sized Cities:

Working at the census tract level, we used demographic data for the state's 28 mid-sized cities to develop a neighborhood typology focused on local housing types, economic characteristics, and symptoms of distress. While the racial and ethnicity characteristics of neighborhood residents were not used in developing the typology, we assessed the racial and ethnic characteristics associated with each housing submarket type to identify implications for code enforcement. The types of cities represented include the core cities of metropolitan

²⁷ Prochaska, Jenna. (2023). Breaking Free From "Crime-Free": State-Level Responses to Harmful Housing Ordinances. UIC Law Open Access Faculty Scholarship. 926. <https://repository.law.uic.edu/facpubs/926>

²⁸ Werth, E. (2013, August). The Cost of Being "Crime Free": Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinances. <https://www.povertylaw.org/wp-content/uploads/2019/09/cost-of-being-crime-free.pdf>.

statistical areas like Peoria, Rockford, and Champaign, as well as Chicago suburbs such as Mount Prospect, Oak Lawn, and Evanston. We also conducted a code scan across these cities, reading their code in detail to identify the nature of rules and regulations, associated penalties for violations, and overall information about where and how code enforcement action is administered within the local government.

Case Studies:

We focused on a series of case study cities throughout the state for which we conducted a more in-depth analysis, conducting interviews with local code enforcement administrations, landlords and tenants, and community organizations. Supplementary funding from the University of Illinois' Institute of Government and Public Affairs allowed us to add two cities (Chicago and Decatur) to our case studies – these additional cases provide important contrasts to the mid-sized cities our initial funding focused on. For the case study jurisdictions, we submitted Freedom of Information Act (FOIA) requests to the local governments in these communities to gain access to property-level documentation related to code enforcement violations. We mapped these violation data and overlaid them on the housing typology developed for mid-sized cities to examine patterns related to where code violations were being recorded and their relationship to the type of housing present and prevailing demographic characteristics of neighborhood residents.

To structure how we talk about this substantial amount of interrelated information, we start at the broadest level presenting findings from our survey of code enforcement officers, proceed to then present findings from our housing typology and its overlay with data for case study communities, and then add insights from our interviews with code enforcement officials, landlords and tenants, and community organizations.



Survey Results

We received a total of 45 responses to our statewide survey of code enforcement officers. The survey was disseminated by the Illinois Association of Code Enforcement to its membership, which represents property maintenance, housing, and code enforcement inspectors across the state of Illinois. We asked code enforcement officers a mix of both closed- and open-ended questions about the nature of their jobs and their local government, sources of funding, and changes brought on by the COVID-19 pandemic. We report statistics derived from survey responses (where appropriate) and synthesize analysis from the open-ended responses we received.

Jurisdiction size influences the scope, nature, and capacity for proactive code enforcement.

Of the responses we received, 31 (68 percent) came from officers working in jurisdictions with populations of 50,000 or less. Given the initial scope of our project (Illinois communities with a population between 50,000 and 500,000), we begin by disaggregating some survey results by city size.

Code enforcement within smaller cities (with a population less than 50,000) is more heavily influenced by limited financial and staff resources while bigger cities (with populations greater than 50,000) have comparatively greater capacity to implement varying approaches to code enforcement. Smaller cities typically have smaller code enforcement departments with limited staff time and resources (Figure 3a dept size, page 21; Figure 4a staff time in small dept size, page 21), resulting in reactive code enforcement – greater reliance on complaints to identify violations (Table 1). When comparing the proportion of inspections that result in code violations, smaller cities have a higher proportion of code violations from inspections in owner-occupied units (Figure 5, page 21).

TABLE 1: Approach to Enforcement

Enforcement Approach	Smaller Jurisdictions	Larger Jurisdictions
Complaints only – phone calls, website, emails	16	5
Proactive only – systematic inspections, inspectors driving around	0	0
Mixed – reactive and proactive	15	7

FIGURE 3A: How Many Employees Work in Your Department?
(Smaller Jurisdictions)

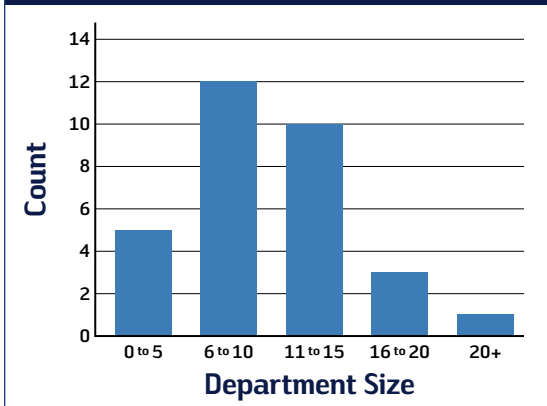


FIGURE 3B: How Many Employees Work in Your Department?
(Larger Jurisdictions)

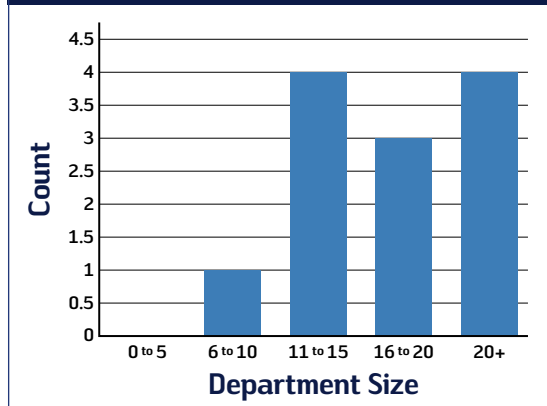


FIGURE 4A: Percentage of Staff Time Dedicated to Code Enforcement
(Smaller Departments)

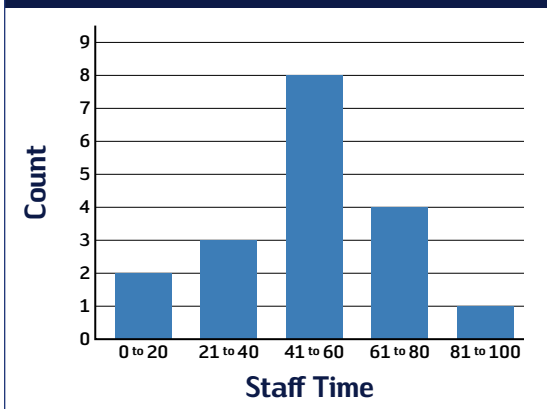


FIGURE 4B: Percentage of Staff Time Dedicated to Code Enforcement
(Larger Departments)

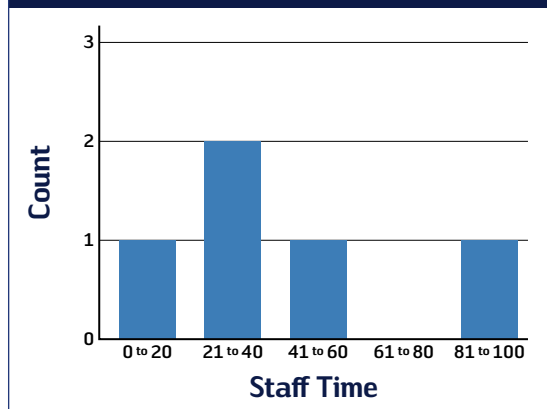
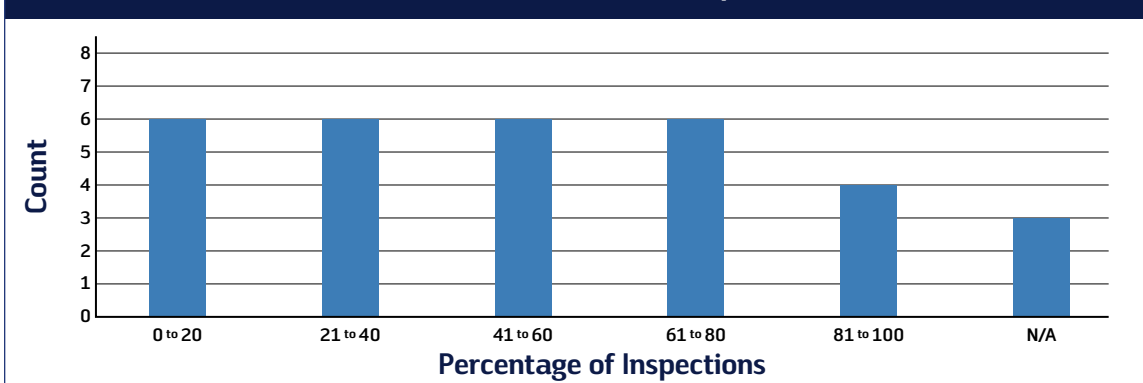


FIGURE 5: What Percentage of Your Residential Field Inspections end with Code Violations for Owner-Occupied Units in 2021?

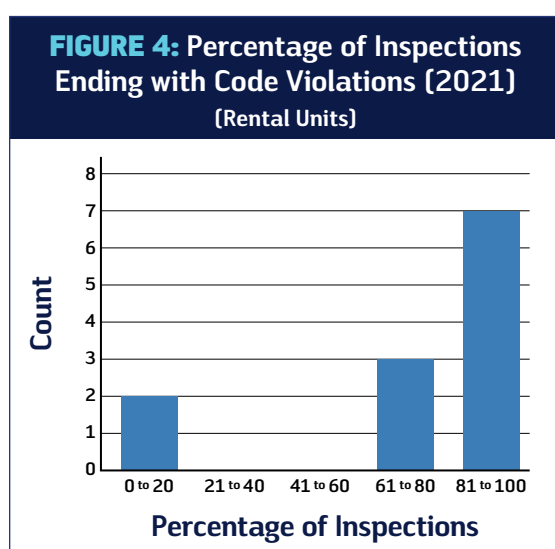


It is common for cities to rely on general city budgets to fund code enforcement activities. Smaller cities, however, also tend to depend on fines and fees to generate revenue for code enforcement (Table 2). This funding structure potentially feeds their reactive approach to code enforcement, as the budget and resource constraints limit their ability to be proactive in their enforcement activities. Additionally, focusing on fines and fees unintentionally creates an incentive for a punitive approach to code compliance, to monetarily sustain the enforcement activities.

TABLE 2: Sources of Funding for Code Enforcement Departments

Funding Source	Smaller Jurisdictions	Larger Jurisdictions
General city budget	30	11
General city budget + CDBG	1	6
General city budget + Fines or fees	7	2
General city budget + Fines or fees + CDBG	1	2
Fines and fees (bldg. dept helps cover gap)	0	1

By contrast, cities with populations above 50,000 have larger departments that are dedicated to code enforcement activities (Figure 3b, page 21). This allows them to spend 40% to 60% percent of staff time on average to identify violations and implement code compliance practices (Figure 4b, page 21). Enforcement officials from larger jurisdictions also more frequently report the use of both reactive and proactive approaches to identifying code violations (Table 1, page 20).



Larger jurisdictions also reported a greater focus on code enforcement targeting rental properties (Figure 4). Additionally, they are more likely to utilize CDBG funding, along with the general city budget, to fund their code enforcement activities. This creates the potential for some targeting of code enforcement action to those neighborhoods in which a greater proportion of CDBG dollars are spent.

Lastly, code enforcement officials from larger jurisdictions report a greater local government capacity to adopt and enforce more ordinances over time (Table 3, page 23). Most larger cities have nuisance ordinances and landlord registration programs. However, the smaller cities demonstrate a greater likelihood of adopting community-based programs associated with

code enforcement like partnering with nonprofits, developing educational materials such as a resource guide or newsletters, and neighborhood clean-up days with neighborhood groups.

TABLE 3: Jurisdiction Capacity Across Program Ordinance Types

Funding Source	Smaller Jurisdictions	Larger Jurisdictions
Landlord registration program	10	11
Nuisance ordinance	25	12
Fair housing ordinance	6	7
Crime free ordinance	10	7
Community-based projects or programs	12	8
Fine forgiveness programs	4	1

Code enforcement focuses on property exteriors

The nature of code violation tends to be related to the exterior features of a property such as the housing conditions or the appearance of the yard. In terms of interior violations, the survey showed that the most common types of violations were related to poor maintenance of essential systems and utilities like heat complaints and outdated smoke detectors [Table 4].

TABLE 4: Commonly Reported Violations

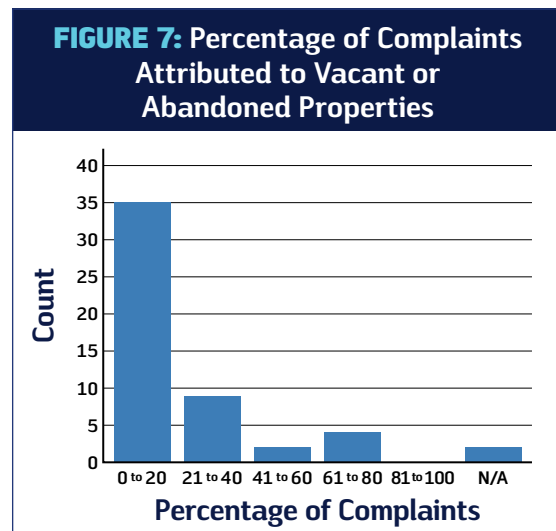
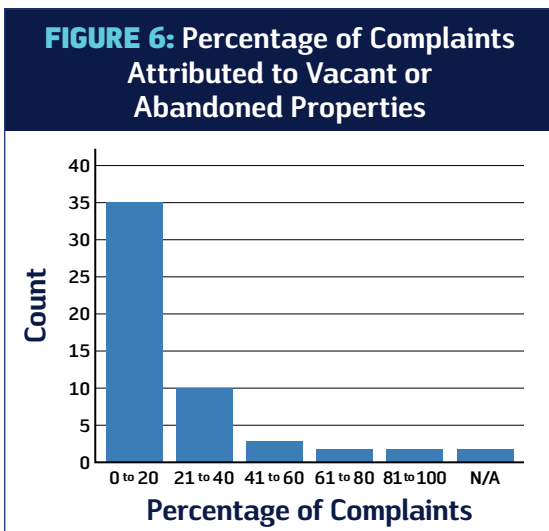
Tall grass, weeds, bushes, dead landscaping, yard appearance	30
Garbage, litter, and debris	12
Illegal construction, accessory structure related, windows, outdoor storage, exterior building repair	10
Working without a permit or working outside of construction hours	5
Inoperable or unlicensed vehicles and vehicle parking	4
Temporary signage	2
Property maintenance/graffiti	2
Interior-heat complaints or out of date smoke detectors	2
Sanitation, drainage, and grading	2
Noise violations	1
Snow removal	1
Hoarding	1
Note: Original survey text - <i>What are the most common code violations in your jurisdiction?</i>	

The most commonly reported violations include tall grass, bushes, overgrown landscaping, and issues related to garbage, litter, or debris. The survey results also suggested some code

violations related to exterior building repairs, illegal construction practices, and accessory structures. Some code enforcement officers also reported hoarding behaviors as an increasing type of code violation which creates unsafe and unsanitary conditions leading to health and safety risks.

Code enforcement serves as the gateway to disposition of vacant or abandoned properties

Code enforcement can be used as a tool to address issues related to vacancy and abandonment, predominantly in shrinking or declining communities that see higher rates of disinvestment. This can include actions from issuing citations or orders to demolish buildings. The survey results showed that less than 20% of complaints as well as violations are from vacant or abandoned properties (Figures 6 and 7).



The COVID-19 pandemic further limited the capacity for proactive code enforcement

The pandemic brought changes in the code enforcement process, resulting in a slowdown of routine inspections and shift to working from home. Many property owners faced financial hardships and building material shortages that hindered the ability to resolve violations. As a result, many cities deferred maintenance requirements, provided supportive measures through fine waivers, and introduced safety measures including virtual inspections (via video conference software) and conducting limited in-person inspections while using personal protective equipment.

Code enforcement officers noted that the pandemic opened up the potential for technology to shift more code enforcement practice away from in-person interactions – this includes

greater use of property complaint portals, email communication, and, the more robust use of technology to track code violations. Code enforcement officials also noted that, as a greater share of individuals worked from home during the pandemic, they observed evidence of an increase in neighborhood surveillance, as evidenced by an increase in citizen complaints resulting in code violations or citations.

Lack of resources and motivation are significant barriers to resolving code violations

Many property owners and residents face financial barriers to resolving code violations. In addition to that, many survey respondents indicated behavioral barriers that prevent tenants or property owners from addressing the code violations. This included the lack of motivation to resolve violations or the feeling that resolving violations is not a priority. Some survey respondents raised issues regarding willingness or desire to resolve violations as a barrier, opining “laziness” or “lifestyle patterns” that make it difficult to address violations. Although only representing a minority of respondents, these noted barriers highlight potential negated and biased perceptions code enforcement officers might have of homeowners and tenants. Additionally, there can be a lack of resources, education, and knowledge about maintenance standards that contribute to these barriers. Without the adequate awareness or guidance, tenants and property owners may struggle to comprehend the code enforcement requirements (Table 5).

TABLE 5: Barriers to Resolving Violations

Barrier	Responses
Money	13
Attitude towards resolution	6
Lack of resources or awareness	3
No access granted by tenants	2
Time	1
Lack of communication	1

Note: Original survey text - *In your opinion, what are the barriers to property owners resolving code violations?*



Place Analysis

Code enforcement represents a local form of action – each local government chooses which code standards to adopt and enforce. One goal of our research is to understand ways in which code enforcement action may be linked across communities, despite the differences in what is enforced.

To accomplish this, we developed a housing typology for the state of Illinois that allowed us to compare neighborhood-level housing conditions across the state. We identified five different housing submarket types that are differentiated in terms of the physical and economic qualities of the housing they contain. The typology looks at a range of factors related to housing tenure (owning versus renting), accessibility (types of housing units available), cost structure and burden, age of the housing stock, and density. After preparing data for every census tract in Illinois, we used statistical clustering algorithms to identify five different housing submarket types present throughout the state. Because costs and conditions are uneven throughout the state, we used USDA commuting zones to create subregions within the state to which the typology values are controlled to. This allows us to compare values within each commuting zone *relative* to other values in that zone while also taking into account their similarity to values in other zones (Table 6, page 27).

TABLE 6: Illinois Housing Market Clusters

STUDY AREA TRACT CLUSTERS					
POPULATION	1	2	3	4	5
Tracts	119	43	143	263	153
Population	429,455	136,514	676,749	1,251,841	873,041
Housing Units	165,841	65,397	294,000	492,408	317,563
CHARACTERISTICS					
Owners (%)	40.13%	31.20%	47.27%	73.17%	82.07%
Studio/1 Bedroom Units (%)	16.04%	36.79%	22.02%	8.38%	5.03%
5+ Bedroom Units (%)	3.14%	3.45%	2.08%	3.68%	9.94%
Structure > 20 Units (%)	4.23%	21.74%	24.49%	5.08%	4.21%
Median Household Income	\$ 38,562	\$ 39,023	\$ 65,070	\$ 76,963	\$ 121,035
Median Gross Rent	\$ 857	\$ 820	\$ 1,121	\$ 1,237	\$ 1,554
Median Owner Costs	\$ 848	\$ 1,047	\$ 1,316	\$ 1,352	\$ 1,932
Median Home Value	\$ 96,894	\$ 145,005	\$ 207,409	\$ 220,632	\$ 343,169
Cost Burdened Households (%)	39.49%	38.02%	32.80%	28.54%	22.64%
Median Year Built–Owner Occupied	1944	1947	1973	1970	1982
Median Year Built–Renter Occupied	1948	1962	1978	1972	1982
Housing Vacancy Rate (%)	14.17%	14.51%	7.87%	5.73%	4.21%
Population Density (People/Sq. Mile)	7,042	9,017	5,319	4,162	2,819
Unit Density (HU/Sq. Mile)	2,574	3,998	2,320	1,592	1,039
RACE/ETHNICITY (Not Included in Cluster Typography)					
White (%)	48.93%	70.25%	65.52%	74.96%	79.20%
Black (%)	26.67%	17.11%	12.70%	7.09%	5.04%
Asian (%)	1.18%	5.77%	10.93%	7.79%	11.07%
Latino (%)	39.01%	6.12%	19.27%	18.97%	6.56%
NOTE: Reading across rows, blue colors indicate lower values and red colors indicate higher values.	High density, low income, mixed, oldest building stock, high vacancy	High density, low income, rental, newer rental buildings, high vacancy	Medium-to-high density, multi-units, middle income (mixed)	Medium density, owner occupied, middle-to-high income	Low density, owner occupied, high income, newest building stock

Based upon the previously described characteristics, we identified five different housing submarket types within the state of Illinois:

- Cluster 1:** is a housing submarket comprised of high-density housing located in comparatively low-income neighborhoods. The housing in this cluster is on average the oldest housing in the state, with both owner-occupied and renter-occupied housing units with a median build date in the 1940s.
- Cluster 2:** is a housing submarket comprised of high-density housing in low-income neighborhoods with a strong rental housing presence. Rental buildings, however are newer when compared to Cluster 1, but vacancy rates are high and similar to those present in Cluster 1.

- Cluster 3:** is a housing submarket comprised mostly of medium-density multi-unit structures. This cluster has a relatively high proportion of large multi-family units, and nearly double the average income when compared to Clusters 1 and 2.
- Cluster 4:** shares some similarities with Cluster 3, particularly with regards to housing unit density. However, Cluster 4 is dominated by owner-occupied medium density units, a lower housing vacancy rate, and lower rates of cost burden when compared to Clusters 1, 2, and 3.
- Cluster 5:** has the highest share of owner-occupied housing, low rates of housing vacancy and housing cost burden, and higher share of larger units. This cluster also contains the lowest population and housing unit density and has on average the newest housing in the state with 1982 being the median year of construction.

While the demographic characteristics of residents were not used to create this housing typology, we wanted to examine whether certain racial or ethnic groups were more (or less) exposed to different housing submarket types.

- Cluster 1:** which contains older, high-density housing and which experiences high vacancy rates contains the highest proportion of African American and Latinx households when compared to the other cluster and the lowest proportion of white population when compared to other clusters.
- Cluster 2:** is more mixed, but contains a relatively average proportion of population by race when compared to the demographics of the other mid-sized city clusters but with lower proportions of Asian-American households when compared to clusters 3-5.
- Cluster 3:** contains the highest proportion of Latinx households when compared to the other clusters.
- Cluster 4:** contains a high share of the white population, and a comparatively lower share of the African American and Latinx population.
- Cluster 5:** contains the highest share of the white population, a moderate share of the Asian-American population, the lowest share of the African American population, and a low share of the Latinx population relative to other clusters.

Taken together, this typology underscores a very basic point – whether by choice or by necessity of housing choices, racial and ethnic groups are unevenly exposed to the five housing submarket types we have identified throughout the state of Illinois. This has

important ramifications for understanding the code enforcement process and related outcomes. Heightened enforcement activity in a given cluster might signal not only the presence of a disparate share of housing quality issues, but also represents a potential housing stability risk for residents in that cluster.

While the typology we constructed allowed us to categorize all housing submarkets within the state of Illinois, we next wanted to examine some selected cases of how code enforcement action overlapped with these submarket types. Since code enforcement is carried out at a local level, and each community is responsible for maintaining their own code enforcement ecosystem, it was not feasible to acquire data for every community in the state. Instead, we focused on a series of six case study communities where we spent more time looking at code enforcement records and action.

Using publicly available data as well as Freedom of Information Act (FOIA) requests, we requested property-level information on code enforcement actions for our seven case study communities. Our initial hope was to be able to acquire uniform records across all communities and to develop a schema that would allow us to directly compare types or categories of enforcement action across communities. We found in practice that there was wide variation in the nature of code enforcement records maintained by local governments, and that these data were sufficiently different that it was impossible to develop a crosswalk that might allow for comparison across places.

TABLE 7: Code Enforcement Data Sources and Years Analyzed

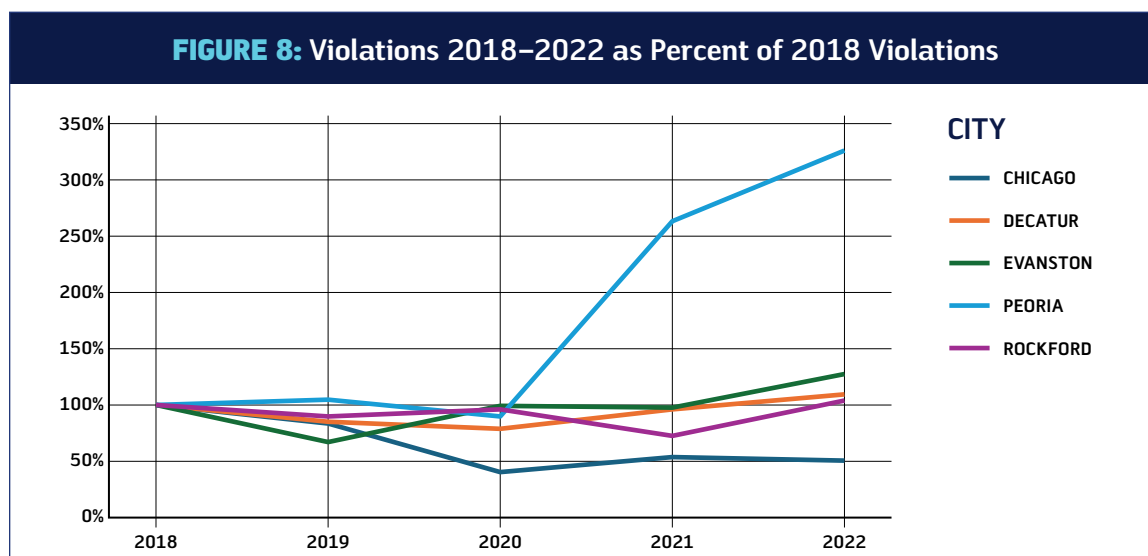
City	Data Source	Years	Total Records	Analyzed Years	Analyzed Records
Aurora	FOIA Request	2015-2017	32,905	2015-2017	32,905
Chicago	City Website	2006-2024	1,918,707	2018-2022	350,232
Decatur	FOIA Request	2015-2022	30,454	2018-2022	18,048
Evanston	FOIA Request	2018-2022	5,344	2018-2022	5,343
Peoria	FOIA Request	2015-2022	55,822	2018-2022	42,184
Rockford	FOIA Request	2015-2022	67,224	2018-2022	42,250

To work with the substantial amount of information we received from publicly available records and FOIA requests, we chose to focus on a basic lowest denominator – the number of unique enforcement cases opened at the neighborhood level. The majority of the responses to our FOIA requests would allow us to produce basic counts, with some ledgers containing multiple records updating each enforcement case, and many containing only the most recent status available. For those ledgers containing multiple records per violation, we reduced the data available to the first incidence of that violation within the data, so each case would

only be counted one time. This allowed us to look across a range of communities at the relative number of code enforcement cases occurring within each housing submarket type that we identified.

While our FOIA requests focused on data from 2015–2022, we received mixed responses, and found that the best overlap in data availability was for the years 2018–2022. Therefore, we focus on the subset of the overall data we received that best covers this time period, substituting earlier data in the case of Aurora, Illinois, where more recent data was not made available following our request (Table 7, page 29). The total number of records analyzed for this time period ranged from 5,343 unique code violations for Evanston to 350,232 violations reported for the city of Chicago.

Given some of what we heard in initial conversations with code enforcement stakeholders, we were also curious about changes in violations over time. The COVID-19 pandemic represented a major challenge for code enforcement administrations, as many local governments sought to limit contact between code enforcement officials and residents, particularly inside homes. Looking at the trends, code enforcement action remained relatively stable for most of our case study communities, with some dips around 2020 and 2021, likely due to the COVID-19 pandemic. There were notable exceptions, however – Chicago has seen a notable decline in overall code enforcement cases as well as a total reduction in the number of code enforcement officers listed as the citing officer for violations. Peoria has seen a major upswing in enforcement action, part of which may be attributable to a major update in both code enforcement policy and reporting after 2020 (Figure 8).



To provide a sense of the spatial distribution of code enforcement cases in relationship to housing submarket clusters, we provide maps that show them side by side (Figure 9, pages 31–32). While each case study community contains its own pattern of violations,

visual inspection indicates clusters of violations near historic urban cores. In some cases, particularly Decatur, Peoria, and Rockford, there is a substantial visual overlap between higher densities of code enforcement cases, and Cluster Types 1 and 2. Conversely, Cluster Types 4 and 5 contain relatively few cases, which may be explained in part by their lower density housing, and in part by the characteristics of the housing they contain.

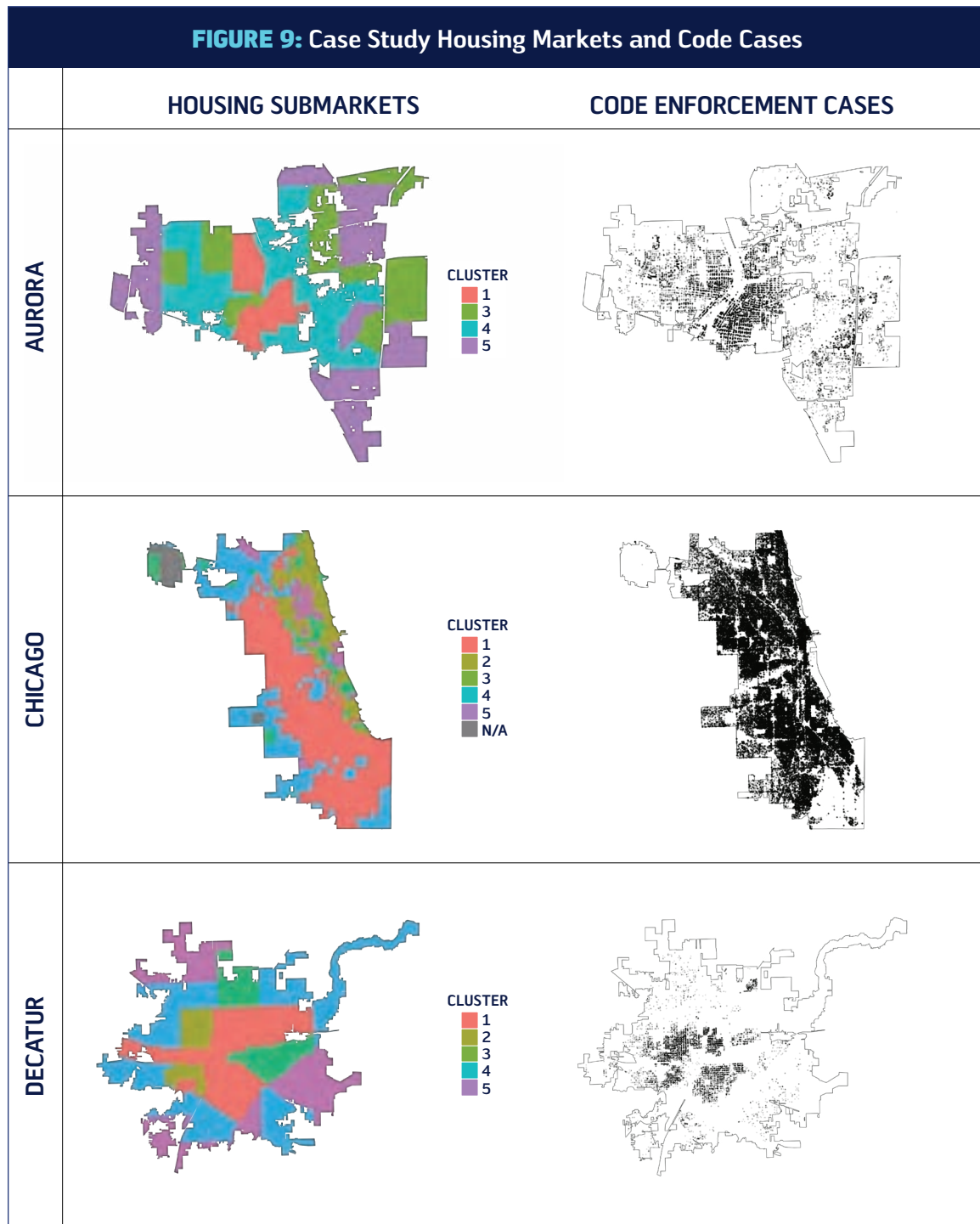
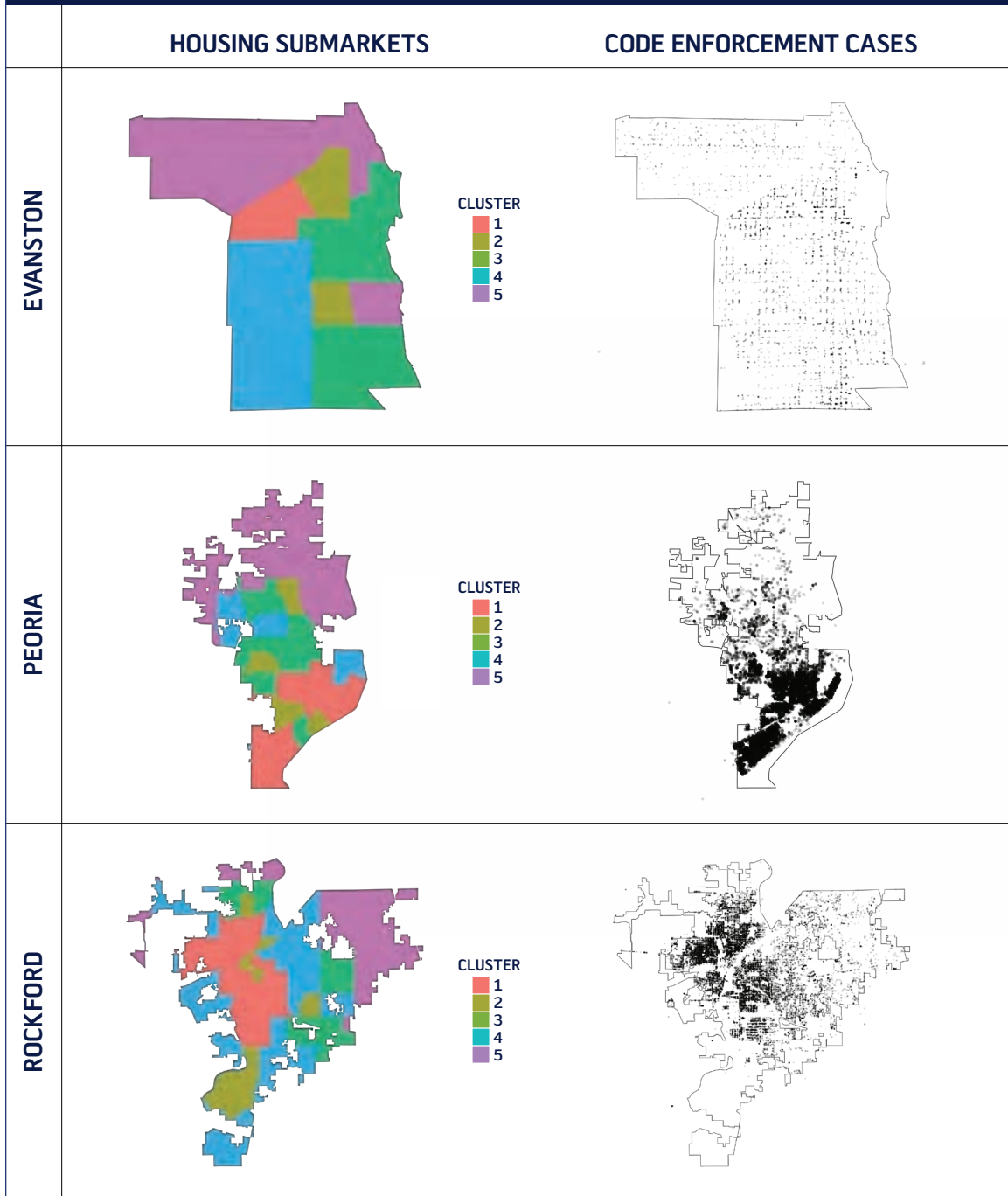
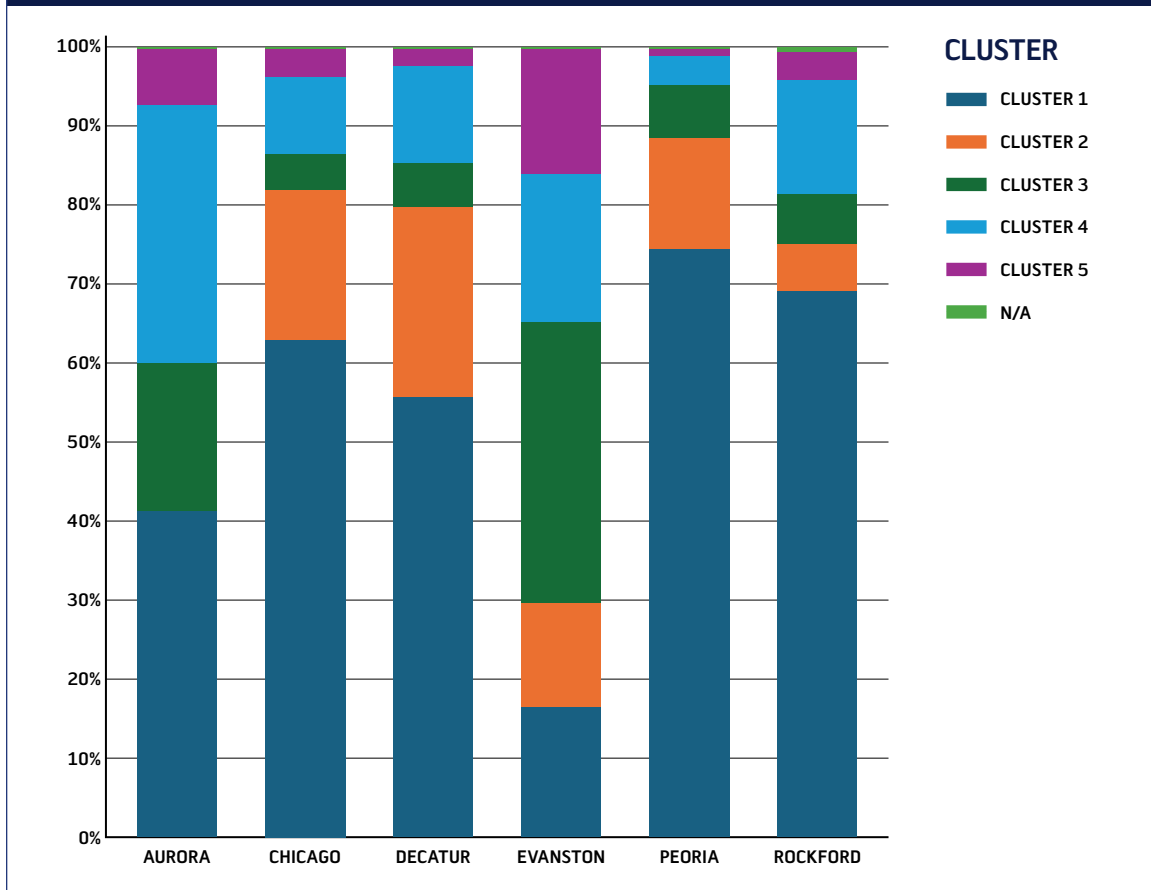


FIGURE 9: Case Study Housing Markets and Code Cases (continued)



To show these spatial relationships more clearly, we analyzed the distribution of code enforcement cases based upon the housing submarket they fell within. With the exception of Aurora and Evanston, the majority of code enforcement cases fell within Cluster Type 1 submarkets, and in the case of Peoria, three of every four code enforcement cases fell within Cluster Type 1 submarkets.

FIGURE 10: Case Study Community Share of Violations by Cluster



To help account for the varying number of potential housing units in each cluster, we normalized the total number of housing code violations to the number of housing units present within each Cluster type in 2019 (Figure 10). After accounting for the number of housing units, across the board Cluster 1 submarkets contain the highest number of code cases and violations per housing unit, in most cases more than double those in the next highest category. With the exception of Chicago, the newer, relatively low-density housing in Cluster 5 housing submarkets has the lowest relative rate of code violations.

TABLE 8: Violations per housing unit by Housing Submarket Cluster

Submarket	Aurora	Chicago	Decatur	Evanston	Peoria	Rockford
Cluster 1	0.96	0.47	0.95	0.50	1.58	1.21
Cluster 2	0.00	0.16	0.68	0.23	0.72	0.36
Cluster 3	0.30	0.24	0.23	0.13	0.17	0.24
Cluster 4	0.36	0.16	0.14	0.19	0.20	0.21
Cluster 5	0.08	0.17	0.05	0.11	0.03	0.08

Taken together, our housing typology and analysis of relative violation rates helps shed light on where code enforcement activity is most prevalent – housing submarkets with the oldest and most distressed housing conditions. Given the purpose of code enforcement action, it makes sense that we would see increased violations and attention paid to clusters with the greatest potential for blight. At the same time, it is important to note that the individuals who tend to reside in these housing submarkets also tend to be on average low-income, housing cost burdened, and are more likely to be a racial or ethnic minority, reflecting forms of vulnerability that are frequently a concern for both policy and practice. While code enforcement actions are not necessarily explicitly targeting people with these characteristics, the housing they tend to occupy predisposes them to greater contact with the code enforcement ecosystem.

INTERVIEW RESULTS



To supplement our place analysis, this research project included semi-structured interviews with 36 code enforcement stakeholders in our case study areas. We define code enforcement stakeholders as those who oversee engage with, or are impacted by code enforcement. This included code enforcement officers or officials, community organizations and non-profit housing providers, landlords, and tenants. These interviews were conducted using the Community Voice Method which involves the use of film to produce small documentary style films. Traditionally, these films are shown to small focus groups in order to put stakeholders who are often not at the same table in conversation with each. More in depth discussion of this method can be found in Appendix B. Due to methodological challenges, which are discussed in the Appendix C, the short films were not brought back to focus groups. Instead, these short films are used on the project’s website as a way of documenting the ongoing and challenging conversations surrounding code enforcement practices.

Key Issues and Challenges

Our analysis of the 36 interviews resulted in five broad themes: perceptions of code enforcement; reactive stance; compliance burdens; cross-cutting issues; and social mediation.

Perceptions of code enforcement

SELF-PERCEPTIONS

Code enforcement officers who were interviewed expressed pride in their occupation, stating that code enforcement is an integral part of establishing safe housing and healthy neighborhoods. They mentioned approaching the job with empathy and educational engagement at the forefront of every interaction. Officers and public officials who oversee enforcement departments understand their jobs as a crucial aspect of neighborhood safety and stability with one official saying:

“We talk about public safety and during budget time, its police, fire, then infrastructure. And I continuously bring forward and try to make the point that the Fire Department does an excellent job putting out fires; the work of the code enforcement division [...] can prevent those fires from happening by getting in, making sure infrastructure are safe, making sure smoke detectors are there, making sure egress is there. There’s so much public safety on the front end, proactively that quality code enforcement can do. Same thing with police and public safety: police do an excellent job solving crime and responding to crime, but that proactive piece of creating healthy neighborhoods where crime is less likely to occur is what you need a strong code enforcement and Community Development Department to do.”

– Code enforcement officer

Enforcement interviewees also noted unique perspectives they bring to their position and how their lived experiences guide how they respond to violations and engage with residents. One interviewee shared how their experience as a mother allowed her “to see different perspectives of people’s situations, as I do their rental inspections or as it relates to how they feel about the circumstances of their situations [...] I try to do the best of my ability and help as many people as I can.” Another officer, who has been in code enforcement leadership positions for many years, sees the desire to help others as an integral part of who he is and of the many officers that do this work. Interviewees emphasized that they are more than violation finders, and that it’s crucial that the community understand that.

Although enforcement officers and officials understand the value and importance of their work, they believe that the general public sees them as penalty seekers looking to penalize property owners to the fullest extent, motivated by the desire to enhance revenue. “It’s the great misconception,” one code enforcement officer told us. “This isn’t a money grab. This is a health, life, safety service that municipalities give to those who are renting.” In fact, code enforcement fees and fines themselves would likely never be set at a level that could recover the cost of enforcement. As another code enforcement officer says, “as much as people think or say that we just do code enforcement so we can write tickets, get revenue, it is a money suck [...] We can’t set the fines high enough to recover our cost.” Sufficient funding to address code violations to ensure the health and safety of residents does not exist in any municipality we profiled, leading code enforcement to adopt reactive strategies by necessity. Code enforcement officers see themselves as crucial actors in the housing and neighborhood stability ecosystem operating under consistent funding and resource stress. They approach their work with empathy and understanding, but recognize that there aren’t enough resources available.

LANDLORD PERSPECTIVES

Landlords’ perspectives of code enforcement differed depending on the type of landlord. While private landlords interviewed saw enforcement predominantly as a burden or government regulator with undue power, non-profit or public landlords looked to enforcement officers as partners or collaborators. Public or non-profit landlords were more likely to recognize the value of inspections and broader code enforcement activity, although they also reflected on the burden of administrative adjudication or court processes. While private landlord complaints reflected power struggles or challenges surrounding the value of property regulation, public landlords were more likely to complain about systems and processes as opposed to the inherent value of code enforcement.

One private landlord expressed pride in claiming that he knew building codes better than

the inspectors themselves, stating that code enforcement officer knowledge was based on perfunctory education rather than experience working in construction:

“I got tired of arguing with the home inspectors and went and took the home inspector class just so I didn’t have to argue with them anymore. [...] they’ve never been in construction and they have no knowledge, but they got a degree that says they can do it, you know what I mean, because they took a forty-hour class. We do have a lot of problems with that, I think most guys do.”

— *Private Landlord*

There is an inherent power struggle between code enforcement officers and property owners focused on the disconnect between enforcement strategies and perceptions of how these actions relate to health, safety, and building codes. Private landlords we spoke to frequently did not understand the police powers associated with code enforcement or how enforcement strategies were consistent with those powers. For instance, one landlord stated “I don’t know what gives them the authority” when discussing the time restrictions that code enforcement gives landlords in order to make necessary repairs.

Public and non-profit landlords expressed a different perception of code enforcement. For example, one former public housing staff member stated:

“The experience [in another city] was actually really good, and I think in that particular case, there is always value in having the city come through your products, particularly when you’re in this space of affordability. Because there’s beliefs about affordable housing and having the city come through and do inspection [...] on your rental housing was really pretty important to me. It got people inside your units so when they had a conversation about the quality of your unit, [...] it set expectations for the quality of rental product in the market.”

— *Former Public Housing Staff*

A non-profit leader expressed an understanding of code enforcement as an intervention necessary to guarantee tenants are provided safe, affordable housing that is up to code. “We’ve gone in to do inspections before we can provide services and rental assistance, and there have been places that didn’t have furnaces [...] and they’re [the landlords] saying “Well, it’s summer, so they can move in and we’ll get a furnace put in here before it’s winter. [...] They’re definitely not safe and livable units.”

TENANT AND COMMUNITY ADVOCATE PERSPECTIVES

While code enforcement officers are perceived as bothersome and revenue-driven by private property owners and landlords, tenants interviewed expressed concern that interactions with code enforcement or even simply asking landlords directly to provide repairs would result in retaliation or an increase in rent. This left tenants in a position in which they felt they could not or should not communicate repair issues and instead deal with the issues on their own. One tenant described what they felt was a “mutual understanding” that because the apartment was being rented below market rate that it limited what the tenant could ask for in regard to repairs, saying “I think I am hesitant sometimes to make asks of my landlord. I tend to try to handle problems on my own because I don’t want to be a squeaky wheel.” This tenant expressed her belief that bringing her concerns up might cause the landlord to see her as a difficult tenant and not want to rent to her anymore. Since she would be unable to find a comparable apartment for comparable rent, she stated that she would rather make the repairs herself than remind the landlord of their responsibility.

Sometimes landlords are unwilling to make repairs. Although tenants might know code enforcement is an option to deal with nonresponsive landlords, some tenants don’t see it as worth the time or the risk. Instead, they incur the cost of making the repairs themselves. One community advocate, speaking about her own experiences as a renter, described having to use her own money to pay for repairs *and* ask permission to make the repairs that the landlord was unwilling to make:

“When it came to repairs and everything that needs to be done on the property it just wasn’t getting done unless I paid for it myself. And I’m talking major repairs. Things that weren’t my fault. Normal wear and tear from being in the property for so long [...] just were being ignored, and that bothered me. I’m like this is an excessive amount of money for me to be paying, and it’s not my property. I have to ask permission [...] to get things done that she’s supposed to be getting done [...] or fixed with the property.”

— *Community advocate and tenant*

An unfortunate perspective on code enforcement that came from both tenants and community organizations is that code enforcement is ineffective at addressing issues related to quality of life within properties, especially for the most egregious landlords, and can often lead to increased precarity for more vulnerable residents. In some circumstances, even if a rental unit has been cited as uninhabitable, a landlord might continue to rent it, as one interviewed tenant experienced. Particularly bad landlords seem to not fear the consequences of code enforcement, signalling that enforcement strategies themselves do not properly hold landlords, or housing providers, accountable for the safety and health of their tenants.



“I think they were not effective in addressing the issue. [...] I think they were sort of like little gnats flying around the landlord – he did not care. And I think that’s the case with a lot of the bigger landlords who [...] are, you know, running some of the problem properties.”



– *Community advocate*

Tenants and community advocates have complicated and nuanced perspectives of code enforcement. Although most see the utility of code enforcement, they understand it as an insufficient tool for the breadth of health and safety issues in the home and in the community. In the worst circumstances, they perceive code enforcement officers as having prejudiced perspectives and outlooks towards lower-income households of color. One tenant, a Black woman, described having child services called on her by code enforcement after contacting them to file complaints about emergency health and code violations in her apartment. She then perceived code enforcement as racist and unwilling to effectively assist her and her family who were experiencing harm at the hands of a particularly negligent and egregious landlord. Another community advocate shared a common perception that code enforcement is a tool used for gentrification in lower income, neighborhoods of color. In these cases, code enforcement is seen as possible arbiters of increased harm in situations of unsafe and unhealthy housing.

Reactive Stance

Code enforcement officers and inspectors believe the best way to ensure safe, quality rental housing stock is through proactive inspections. However, few departments are able to provide these consistently and at scale. Limited funding and staffing constraints plus the sheer number of properties make it difficult for code departments to complete annual inspections. Some municipalities, like Evanston, have devised systems striving for proactive inspections of all rental units by prioritizing specific geographies in a multi-year approach. One code enforcement manager said that she encourages inspectors to proactively inspect the outside of neighboring properties while addressing complaints received in a reactive manner. However, if complaints are predominant in certain areas of the municipality, this is unlikely to provide a comprehensive approach to enforcement.

Given the limitations of code enforcement departments based on funding, staffing, and realistic workload, departments are primarily reactive – one officer estimated that, with approximately 11,000 rental units in their jurisdiction, the department has the capacity to address only 200 to 500 rental units annually (two to four percent). As this officer pointed out, code enforcement does not fund itself. This creates a cycle of reactivity due to funding and staffing shortages. In most cases, departments respond reactively by inspecting rental units that have

received complaints or previous violations with the idea that by addressing these early, the rental units will not deteriorate further as if they would if unaddressed. This intervention point is an opportunity to interrupt the decline of non-compliant structures to prevent them from becoming vacant and abandoned. Vacant and abandoned structures produce unsafe and dangerous conditions and negatively impact a community's property values and quality of life.

Compliance Burdens

Reactive code enforcement practices involve an exterior or interior inspection prompted by a complaint issued by a tenant or neighbor. If a violation is found, the property owner receives a warning or citation with a deadline by which to remedy or repair the violation. If the violation is not fixed, the landlord or property owner is fined. For small landlords, this fine can compound the problem by adding another financial burden to the cost of making the repair. For the tenants occupying the rental unit, the cited code violations can result in housing instability. While the property owner is penalized with the citation, fine, and possibly a court appearance, tenants experience a major life disruption with temporary or permanent displacement from their home. In requiring that landlords and property owners meet the standard of having their rental units up to health, safety, and building codes, the most precariously housed residents can be displaced.

To address compliance concerns while avoiding displacement or housing health concerns, some municipalities provide small home improvement grants. Most often, these grants are for low-to-moderate income homeowners. Small landlord repair programs are much harder to come by. These programs assist residents with repairs but have limited funding and scope. They often do not assist landlords and are not designed to address the full repair needs of the home. Additionally, grant cycles are increasingly competitive. Interviewees noted that some repairs, like tuckpointing, are a significant expense for aging housing stock leading to the possibility of a multiplier effect where fines and needed repairs pile up beyond the possibility of intervention or mitigation. When rental units are cited as uninhabitable, the property owner must remove the unit from the market and tenants are displaced. Not receiving rent from one or more rental units can greatly impact the landlord's ability to pay for the necessary repairs.



“It really just is the cost of these buildings and maintaining a hundred-year-old two- or three-flat is out of the reach of a lower income person, even if they're bringing in rental income. Then the tenant stops paying rent and they're facing a double whammy of trying to evict a tenant from a property while trying to bring in some additional income. At the same time, the city is not sympathetic: they want the code violation cured.”



— *Community organization representative*

Cross-cutting Issues

NEED FOR SOCIAL SERVICES

“We might have an issue where the children are home alone. [...] Maybe it’s trafficking, you know, maybe there’s some child abuse or some domestic abuse that’s going on or something, you know, and we’re the first ones seeing it. [...] Like if I could have a social worker on staff with my inspectors, who is here maybe just to answer calls or to go out with my inspectors if we think there might be an issue – that would be ideal, right? Isn’t that what everybody wants?”

– *Building & Inspection Services Manager*

When code enforcement officers complete interior inspections, they interact with residents in uniquely personal ways; other municipal employees are rarely inside the home of residents, which can indicate a variety of needs related to health and safety. While code enforcement departments are not funded to the level necessary to adequately address all present code violations in a given city, officers are also not trained or funded to provide social service interventions. In the absence of other opportunities for social service intervention, code enforcement is put in the position of a first responder. To address and prepare for these instances, the Illinois Association of Code Enforcements, a trade association, provides quarterly training to members, including education on social issues like recognizing human trafficking. Even with training opportunities like this, code enforcement officers do not have the ability to resolve the issues they encounter on the job. Situations like domestic turmoil, abuse, and behavioral health conditions are beyond the purview of code enforcement and frequently outside the scope of services provided by the average municipality. These services are most often handled by public or non-profit entities and, in the state of Illinois, township government.

“Because of the relationship with our [homeless services] Continuum of Care, we know what resources [are] in our community. We see someone who is struggling, we know who to point them in the direction of. Sometimes that is the tie that code enforcement departments throughout the country also lack is understanding your goal should be preventing homelessness, not causing it. So if you don’t have those relationships and tools, you’re putting your employees in a terrible spot where they have to now choose between making this family homeless or looking the other way when there could be a code violation, that could be a safety concern.”

– *Community Development Director*

AFFORDABLE HOUSING CRISIS

Every city analyzed has a shortage of affordable housing, reflecting national trends.²⁹ Often the housing available to low-income renters is what is referred to as “naturally occurring affordable housing,” older housing stock that is typically more run down, has received limited rehabilitation or repair and might be out of code compliance. “The biggest problem in trying to resolve someone’s housing matter is that there isn’t anywhere for them to move,” said one community organization representative. “There isn’t enough rental housing in this state for low and extremely low-income renters and it is incredibly difficult for them to pick up and move.” This tension is present as inspectors go about their work. Code violations on apartment units owned by small “mom and pop” landlords can remove a rental unit from use until a repair is performed to return it to the market. Repairs necessary to bring a rental unit into compliance can be expensive, especially for small landlords operating with small profit margins. The removal of an apartment or rental unit from the market adds further financial hardship as the landlord or property owner is also losing this rental income. When fines are levied as part of a punitive response, the financial burden can be insurmountable and rental units fall into further disrepair, impacting the health, safety, and property values of the surrounding neighborhood.

“If you’re a homeowner and you have a problem in your unit, you want to take care of it while it’s a small problem and deal with it so it doesn’t get really big. Well, that’s not oftentimes the case [with rental units]. [...] They just let small problems deteriorate until they get big problems and worse and then [...] it gets to such a point where they have to actually even abandon buildings. In some ways, [the city] loses as much affordable housing just by abandonment because of poor maintenance issues than they do for any of the other kinds of reasons. And then that leads to less affordable housing and higher rents.”

— *Community advocate*

“I think tenants have and have been given the information to know how to [report code violations]. [...] Sometimes where the issue comes in is then the city comes out and says “Well, you’ve got to leave your residence,” and that’s not the expectation. The expectation is “Oh, I’m going to say this and they’re going to make my landlord fix whatever the problem is.” But if the problem is something that has to be done within this amount of time and the landlord doesn’t do that, then the property is deemed unfit.”

— *Community organization representative*

29. National Low Income Housing Coalition. (n.d.). Out of Reach: Illinois. <https://nlhc.org/oor/state/IL>

Community stakeholders also expressed frustration at the lack of consequences for the most neglectful landlords. “The building inspectors were not [...] empowered to, didn’t have the tools to really do anything to shut these folks down,” a community advocate told us. She expanded, “They would impose fines and the fines would never get paid and they didn’t really have any other recourse.” There are insufficient mechanisms to hold non-responsive landlords, especially the most egregious, accountable. Essentially, many community stakeholders feel like there are no real “teeth.” As the system currently stands, there are limited ways to ensure that a landlord is held accountable beyond citations, fines, and court dates.

Social Mediation

In response to code enforcement’s incapacity to respond to all barriers a property owner or tenant might face when addressing violations, many code enforcement departments build and foster collaborative relationships with community organizations and service providers to more wholistically address issues they encounter during the inspection process. Regardless of an enforcement officer’s ability to adequately intervene with the correct services, some code enforcement departments build and foster collaborative relationships with community organizations to alleviate the many barriers or challenges associated with adequately addressing violations.

Code enforcement officers interviewed noted a variety of examples when social mediation was a more fruitful tactic for resolving code violations than issuing citations and fines, noting that it is not always a “slumlord” or absentee landlord who has not fixed the cited issue; many smaller landlords do not have the capital to provide repairs. Code inspectors stated that they recognize that there are often complex issues impacting a property owner’s ability to respond to violations. A code inspector referred to “soft skills” as a tool many inspectors or officers deploy when traditional methods fail. Talking to the property owner in detail about the nature of repairs needed, providing information about repair programs, and connecting the owner with local non-profit organizations or social service programs build relationships with community members; these tactics also affirm that the code enforcement department is interested in resolving issues and maintaining safe, healthy homes for everyone. One inspector recounted a situation where a property owner had a large amount of “junk” and automotive debris stored on their lawn; after speaking with the property owner and using conflict resolution skills, the inspector was able to meet with the property owner’s next of kin to coordinate the removal of the debris, and connect the property owner with a community outreach team to improve the owner’s quality of life.



“The city is very good to us. They do reach out ahead of time, kind of give us a good heads up so we can get little things tweaked. And most of our properties, it’s minor things. [...] So they usually come out, give me a little inspection, show me my deficiencies, and give me 30 to 60 days to then contact that landlord and that property manager.”



– Staff member of a non-profit organization that provides supportive housing

Community stakeholders from organizations that provide affordable housing and supportive housing expressed the importance of relationship building and social mediation in resolving code violations. Staff from the Peoria Housing Authority (PHA) discussed their communication with code enforcement officers about internal inspection processes and notification from officers when a unit that is part of the Housing Choice Voucher program receives a violation. This “streamlined” communication allows the PHA and code enforcement to respond to complaints as quickly as possible and assure that properties are returned to compliance. Supportive housing providers also describe these relationships with code enforcement officers as crucial to keeping their properties in compliance when providing housing for people recovering from substance use disorder or mental health conditions. Communicating with the local code enforcement department about common issues around dumpsters and proper storage of garbage while being responsive to other citations allows these organizations to maintain respectful relationships with code enforcement and communicate that their clients are doing what they can and act as mediators between residents and code enforcement.

Municipal officials interviewed indicated that code enforcement is perceived as an arm of government’s policing powers, sometimes with negative connotations. A perception that code enforcement officers cite violations to generate revenue rather than provide safety has led Peoria’s Community Development Department to prioritize opportunities to engage with Peoria residents at social and community events. Community engagement like installing smoke detectors in housing often occupied by recent immigrants to the area demonstrates the department’s goal is safety. The department is able to circumvent a recalcitrant landlord while providing education on renters’ rights, healthy homes and safe living conditions.³⁰

Rental registrations provide local governments with the opportunity to track and monitor the city’s rental housing stock.³¹ Code enforcement departments utilize registries in

³⁰. Peoria’s Community Development Department set up a Rehousing Account and hired a housing manager to assist displaced tenants resulting from code enforcement’s work; tenants can get assistance with emergency housing, a security deposit or stay in a hotel while the code violations are resolved or repaired.

³¹. Of our six case study sites, four currently have rental registration or rental license programs. Those places are Aurora, Evanston, Joliet, and Peoria. The way these programs’ function differs substantially from place to place. While Aurora has a required rental *licensing* program with yearly exterior and interior inspections, Peoria’s rental *registration* is required but owners must perform their own inspections. Interviewees noted that the program in Peoria is poorly enforced.

doing proactive inspections on an annual or semi-annual basis. Rental registries provide municipal governments with an idea of the number of rental units owned by landlords and who is responsible for the maintenance of these units. Registries also verify that rental housing stock is meeting the minimum requirements for being habitable. “Code enforcement has a stark responsibility when it comes to making sure that people can live in a quality place and be safe in there,” said one code enforcement officer. “The communities that do not have rental registration programs, that housing stock tends to be poorly maintained.” This provides a more comprehensive picture of the rental housing market and a glimpse into possible problem/absentee/neglectful property owners.

“The rental registration? I personally resent it. Because [...] Apartments pay almost two thousand dollars a year for rental registration because it’s per unit and we have 84 units in that building. I don’t know what we’re getting for our money. I suppose it helps pay for code enforcement in the neighborhoods, which is important. But two thousand dollars? For a non-profit for housing for homeless, for people who have disabilities? I resent that it is so cumbersome to get them registered. I don’t have the time.”
— *Non-profit owner*

Non-profit and affordable housing developers interviewed expressed frustration that rental registration fees are not discounted for non-profit organizations or developers of affordable housing, whose budgets and operating funds are limited compared to for-profit entities.

IMPLICATIONS FOR POLICY AND PRACTICE



Code Enforcement: More Effective at Sustaining Property Value Than Addressing Ongoing Housing Safety Issues

Extensive interviews with various stakeholders of code enforcement show that enforcement officers and public officials are dedicated professionals who strive to make housing in their communities safer and property values more stable. Unfortunately, code enforcement as it is currently practiced and structured simply does not effectively address the complex needs of modern-day housing quality and safety regulation. Due to this shortfall, code enforcement ultimately fails to hold negligent landlords accountable and increases tenant precarity. Despite the best of intentions from the many parties that work in or oversee code enforcement, this report identifies frustrations and challenges that must be addressed by various scales of government.

Our analysis points to a need for a systemic shift in code enforcement. Despite enforcement officers' and public officials' best intentions, health and safety outcomes in rental units remain disparate across factors like space, identity, and income. Lower income minority neighborhoods bear the burden of both unsafe rental housing *and* increased code enforcement attention, which can put tenants in severe precarity. Regardless of this increased enforcement attention, negligent landlords often continue operating without significant consequence, especially when the city lacks sufficient proactive measures that address interior concerns. This forces tenants to either continue renting in unsafe and unhealthy housing or, at the extreme, lose their housing due to condemnation, demolition, or raised rents related to mandated improvements. Through multiple years of conversations with various stakeholders of code enforcement, analysis of building codes, and spatial analysis of code enforcement action, we've found that in order for code enforcement to effectively address issues of substandard rental housing there must be a shift from the enforcement of *property value* to the enforcement of *health, safety, and accountability*. This requires a shift that centers care and attention to people and households, not strictly to property.

Code enforcement focuses predominantly on blight reduction with little focus on how and why blight occurs and how substandard housing might socially, physically, and psychologically impact tenants and neighbors. In many ways, the current structure and practice of code enforcement acts as an insufficient band aid for the complex systemic issues that cause widespread poor-quality housing. Although building codes do require certain health and safety standards, most code enforcement actions and violations are related to exterior issues that might impact visual perceptions of the neighborhood and could result in decreased property values. This includes violations like improper trash disposal, litter and clutter in yards, fence violations, abandoned cars, and grass that exceeds height limitations. Code

enforcement rarely has access to the interior of a home resulting in enforcement officers essentially being regulators of property value instead of property safety. Even when code enforcement engages in more positive and proactive activities, like community clean ups and notifications of a job well done, they remain focused on surface level exterior aesthetic improvements that predominantly benefit landowners. Although code enforcement cannot alone solve the issue of poor housing quality, and considering that shoring up property values through exterior improvements is certainly a piece of the puzzle in enhancing neighborhood stability, moving the approach of code enforcement towards a human and care centered approach could help municipalities better address health and safety concerns which can impact households for generations.

While a care centered approach is necessary for tenants and small, especially elderly, landlords, a significantly more proactive approach, with the option of severe penalty, is still needed for negligent landlords or slumlords. As community organizations, advocates, and tenants point out in our case study communities, there seems to be little that code enforcement can do to actually hold the most egregious landlords accountable. In the case of one tenant, a landlord rented them a property that had been condemned. Without proactive measures that hold absent landlords accountable before major issues arise, the only action for accountability that seems to be possible in many communities is legal action, condemnation, or receivership. Ultimately, these are inefficient tools utilized when it's already too late for meaningful change.

Our housing system relies on the market to provide a significant portion of housing that is affordable to moderate- and low-income households, often through naturally occurring affordable housing. As a result, private landlords play a critical role in ensuring healthy, safe and sound housing, although modern code enforcement processes do not sufficiently ensure that this is actually happening. Below we suggest a series of interventions that help to build a system that is more empathetically and proactively responsive to the health and safety of households, especially tenants, and more vulnerable, smaller landlords while also building systems of recourse against negligent property owners.

These suggested interventions include hiring social workers or counselors to work alongside traditional code enforcement officers to assist in the more complex compliance circumstances, especially those that require significant tenant-landlord mediation or referrals to services and resources to assist either party. We also suggest the implementation of rental licensure programs at the local level paired with uniform data tracking to be housed ideally at the state level. This data base would include licensure information, as well as code violation data. Finally, we suggest that municipalities with rental licensures, or even rental registration programs, build out rental housing commissions or oversight boards. These commissions and boards would function similarly to already existing planning or zoning commissions and would

regulate the licensing or registering of rental properties, respond to complaints from tenants and code enforcement officers, and have the power to levy fines or revoke licenses when landlords create or ignore unsafe housing conditions.



Interventions for Health and Safety Centered Enforcement

A Necessary Initial Reframing

Before engaging in our suggested interventions for health and safety centered code enforcement, we believe it is important that we first reframe and expand our understandings of landlords and what it means to provide landlord incentives and recourse. Although landlords and their specific ecosystem were not the explicit focus of this research, they are a major housing provider in the United States and often mediate or influence the social interaction and procedural systems related to code enforcement and housing regulation. Landlords must be understood as businesses that provide major human services and which require sufficient oversight and regulation to protect tenants, who are akin to clients or customers. We must also distinguish between types and scales of landlords in order to appropriately build responsive mechanisms that provide recourse for those who are negligent and assistance for those who don't have adequate resources.

REFRAMING LANDLORDS AND UNDERSTANDING THE IMPACT OF SCALE

Much like we call for the reframing of code enforcement as a tool for health, safety, and accountability, we see a deep need to reframe landlords as not just businesses but businesses

that provide crucial human services. Just as a medical professional, a barber, or a nail technician must be licensed or board certified to show they have the skills and knowledge to provide safe services to their patients or customers, landlords should also be required to show that they can provide safe housing for their tenants. And just like a prospective patient can look up a health care professional's state license, tenants and municipalities should be able to look up a landlord's license and practice history before renting or before granting a local license to rent.

The reframing of landlords as providers of services that include necessary health and safety measures must also include an intentional distinction between types and scales of landlords. It is well documented that landlords with larger portfolios, especially corporate owners, tend to have more frequent and more serious code violations.^{32, 33, 34} In our interviews, large investor landlords were identified as the major source of substandard housing issues in case study communities. The size and scale of a landlord directly impacts the safety and health outcomes of their tenants and should be taken into account by local municipalities and states when designing and implementing various policy and program interventions, including those we suggest below.

Expanding Both the Stick and the Carrot

Various reports and articles call for a shift in code enforcement from reactive and punitive to proactive and collaborative. While our research and analysis reaffirm this need, we believe it is important to distinguish when punitive action might be necessary. Research in Chicago³⁵ shows that code enforcement officers are often willing to work with property owners to reach compliance, especially those that are low-to-moderate income. Our conversations with code enforcement officers and public officials reflect this approach, as well, highlighting that the issue with effective code enforcement does not necessarily surround the actions of officers themselves but instead reflects larger systemic failures that must be addressed in order to support healthy housing and healthy landlord/tenant relations. This includes increasing the impact of more punitive measures for investor-type negligent landlords, while also expanding code enforcement officers' capacity to compassionately assist more vulnerable tenants and small landlords.

Reflecting on our discussion of reframing landlords as crucial service providers and understanding distinctions of scale, we believe that proactive actions with the possibility of punitive measures are necessary when dealing with larger, investor landlords who are

32. An, B. Y., Jakabovics, A., Orlando, A. W., Rodnyansky, S., & Son, E. (2024). Who Owns America? A Methodology for Identifying Landlords' Ownership Scale and the Implications for Targeted Code Enforcement. *Journal of the American Planning Association*, 1–15. <https://doi-org.proxy2.library.illinois.edu/10.1080/01944363.2023.2292674>.

33. Mallach, A. (2006). Bringing buildings back: From abandoned properties to community assets: A guidebook for policymakers and practitioners. Rutgers University Press

34. Travis, A. (2019). The Organization of Neglect: Limited Liability Companies and Housing Disinvestment. *American Sociological Review*, 84(1), 142–170.

35. Bartram, R. (2019). Going Easy and Going After: Building Inspections and the Selective Allocation of Code Violations. *City & Community*, 18(2), 594–617. <https://doi.org/10.1111/cico.12392>.

engaging in speculative activity, especially in lower-income neighborhoods. Below we suggest rental licensure programs that can assist communities in better regulating rental property standards, as well as an expansion of small landlord rehab and repair dollars to assist well-meaning landlords in improving habitability. We also suggest the hiring of social workers or counselors to work alongside code enforcement officers to assist tenants who have been impacted by negligent landlords, mediate tenant/landlord relations, and help smaller landlords access resources to maintain their property.

In-House Mediation

Code enforcement should consider diversifying the types of hires they make. Code enforcement often attracts and hires former police officers or those with trade and construction experience.³⁶ This results in a city department that is appropriately staffed by professionals interested and knowledgeable about building structure and safety, but perhaps less knowledgeable about the health and socio-economic systemic barriers to safe housing and the impacts of housing precarity. Officers with this particular professional and educational background are also unlikely to have experience with mediation, an often-necessary tool mentioned by our interviewees when discussing tenant/landlord or neighbor-to-neighbor tensions. Although it seems that training on mediation is becoming more common for code enforcement officers, hiring staff who have extensive understanding of the systemic barriers and everyday challenges that complicate lives of vulnerable people and communities could significantly assist code enforcement in reaching compliance with violations and dealing with difficult tenant/landlord relationships.

Social workers or experienced clinicians should be hired to work in code enforcement departments as a resource for officers to access when necessary. As discussed previously, code enforcement officers have noted feeling like first responders when entering homes for inspections and unaware of what to do if they encounter challenging code compliance circumstances or even larger domestic issues. A tenant noted having the Illinois Department of Human Services called on her after she reached out to code enforcement for assistance with a non-compliant landlord, showing that sometimes code officers even take on the responsibilities of being a mandated reporter despite not having the required training to do so responsibly. Hiring a social worker, counselor, or other professional trained in mediation and mandated reporting in house would alleviate some of these concerns.

Much like the current move to incorporate mental health practitioners in policing, incorporating a social worker or clinician into code enforcement departments would significantly assist in responding to and managing more serious or complicated violations.

³⁶. Admin. (2017, February 21). Careers in Code Enforcement. <https://www.iccsafe.org/content/careers-in-code-enforcement/>.

This would be especially critical for situations that might involve or lead to a crisis or some types of harm (homelessness, for example) or require working with someone, tenant or property owner, who experiences a type of vulnerability. In some situations, it might be necessary to have a “case manager” who oversees a compliance case.

It should be noted that due to complications of being a mandated reporter, we do not suggest that social workers or counselors be hired as code enforcement officers. Instead, we suggest that they be hired as an in-house resource that is available to code enforcement officers on an as needed basis. Providing in-house mediation resources may also help during times, as described in some of our interviews, where serious cases are offloaded to local non-profits to handle.

In order to transition code enforcement into a system that centers care and safety of households, enforcement departments must hire professionals trained in and committed to tackling complex and interrelated social problems, promoting trust, and improving the lives of those who are most vulnerable. Housing is a complex web in which code enforcement is one tool for addressing safety and stability. In order to strengthen that tool departments must hire or work with professionals that can assist in transitioning the tool from a property focus to a human focus.



Rental Licensing: Local implementation with state level oversight

Despite extensive research and policy and program analysis on the importance of proactive code enforcement, our case study places remain complaint based even when they desire to be more proactive. This is often due to funding issues, as well as not having the right tools available to address housing issues before they become larger problems or crises. Code enforcement officers are rarely inside rental properties even though interior inspections are crucial to recognizing and sufficiently mitigating health and safety issues. This is why we join the call for code enforcement to utilize more proactive measures and require regular

interior inspections. Although many reports and policy advocates call for the institution of rental *registrations*, we believe that a rental *licensing* program is better suited to address the most egregious landlords. We also suggest that rental licensing program data be collected and housed in a state level data management system, allowing for municipalities to understand a landlord's practice record in other communities before granting them a license to rent. Below we suggest the implementation of a rental licensure program that is paired with uniform data collection and expanded small landlord repair grants.

LOCALLY-BASED LICENSURES WITH STATE OVERSIGHT

Rental licensing programs exist throughout the state of Illinois, predominantly in small jurisdictions. Often passed as an ordinance at the local municipal level, although Cook County has a rental licensing program for their unincorporated communities, a rental licensing program requires landlords to obtain a license to practice in the municipality, to renew their license annually, and to agree to annual inspections. Licenses are usually revoked by administrative adjudication or by court order. We suggest a licensing program instead of registration due to stronger accountability measures for negligent landlords.

Similarly, just like a business license or medical practice license that can be revoked for violating codes, laws, or engaging in malpractice, private landlords, who are our country's major housing provider, should also be required to maintain a license to practice or operate their business in any state or municipality. Beyond accountability, the major benefit of a rental licensing program is the ability for data sharing across municipalities. This would make it more difficult for a negligent landlord in one municipality to purchase and rent properties in another. In order for a system like this to adequately work, there would need to be additional state level oversight. We suggest that like medical or law practice, each state have a rental board that oversees municipality rental licensing programs. Although licenses would be managed at the local level, like business licensing in most states, this rental board would assist municipalities in building and overseeing their licensure process and house and manage all licensing data.

EQUITY-BASED LICENSURE PROGRAM

It is possible that a licensure program could negatively and disparately impact smaller landlords if not developed with equity in mind, and reports warn against this possible impact.³⁷ To address these concerns and to develop an equitable licensure program, we suggest that licensure programs fully exempt owner-occupied rentals and that departments

37. Miao, G., Young, V., Hartman, W., De La Vega, C., Nguyen, J., Rojas, N., & Glass, P. (2022, November). A Guide to Proactive Rental Inspections. https://www.changelabsolutions.org/sites/default/files/2022-11/A-Guide-to-Proactive-Rental-Inspections_FINAL_20221031A.pdf.

and officers work diligently to avoid the overenforcement of small landlords. Given that small landlords are traditionally more responsive to complaints and more flexible with tenants,^{38, 39} communities should make it a goal to sustain landlord diversity and build a licensure program that equitably responds to their needs. This is crucial for landlord diversity as well as maintaining affordable housing stock, avoiding foreclosures, and limiting the possibility of evictions. If over-enforced, small landlord managed buildings could result in the flipping of rental units to large investor owners which could result in more code violations, higher rents, or gentrification.^{40, 41, 42, 43, 44}

LANDLORD TRAINING AND PROFESSIONAL DEVELOPMENT

Rental licensing also allows for the opportunity to require landlord trainings before being allowed to rent. Requiring regular trainings for landlords can assist in building knowledgeable housing providers while also incentivizing positive relationship building between landlords and code enforcement officers. We suggest annual health and safety trainings for landlords that focus on light, sanitation, ventilation, heat and air, and other housing and public health safety requirements related to the municipality's code. Fair housing and tenant-landlord ordinances (if any) could also be covered. This should be seen as ongoing professional development for landlords.

Expanding Federal, State, and Local Dollars to Assist Well-Meaning Small Landlords

Preserving our existing housing stock is necessary in order to maintain both market rate and affordable housing supply. As housing supply continues to not meet housing demand, especially for low-income households,^{45, 46} code enforcement plays an even more crucial role in assisting communities in sustaining their market rate and affordable housing stock. In order for code enforcement to effectively address health and safety issues, along with exterior aesthetic issues, communities need to continue to invest in or develop small landlord repair grant or low-interest loan programs. These are recommendations that reaffirm several existing reports that highlight the need for code enforcement systems that better support lower-

38. Balzarini, J., & Boyd, M. L. (2020). Working With Them: Small-Scale Landlord Strategies for Avoiding Evictions. *Housing Policy Debate*, 31(3-5), 425-445. <https://doi-org.proxy2.library.illinois.edu/10.1080/10511482.2020.1800779>.

39. Raymond, E. L., Duckworth, R., Miller, B., Lucas, M., & Pokharel, S. (2018). From Foreclosure to Eviction: Housing Insecurity in Corporate-Owned Single-Family Rentals. *Cityscape: A Journal of Policy Development and Research*, 20(3), 157-188.

40. An, B. Y., Jakobovics, A., Orlando, A. W., Rodnyansky, S., & Son, E. (2024). Who Owns America? A Methodology for Identifying Landlords' Ownership Scale and the Implications for Targeted Code Enforcement. *Journal of the American Planning Association*, 1-15. <https://doi-org.proxy2.library.illinois.edu/10.1080/01944363.2023.2292674>.

41. Mallach, A. (2006). Bringing buildings back: From abandoned properties to community assets: A guidebook for policymakers and practitioners. Rutgers University Press

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income or smaller scale landlords.^{47, 48, 49} Not only would this funding help to maintain housing stock but, when paired with incentives to keep the rentals affordable, this could help to build and maintain affordable housing stock.

Accountability Through Citizen Oversight

Despite the fact that code enforcement officers interact regularly with private and public property in their day-to-day work, code enforcement is rarely discussed in housing and community development task force meetings. A review of two years of minutes from thirty boards and commissions failed to reveal a single mention of code enforcement. Although code enforcement is integral to maintaining housing and property standards, it appears to be siloed from meaningful community policy conversations. Just like simple non-threatening repair needs are dealt with between landlords and tenants, there is an implicit belief that health and safety violations are also dealt with in this contractual way. Between the lack of inclusion of code enforcement in community discussion of housing and community development, as well as insights from our tenant interviews about making repairs on their own, it's clear that communities rely on the landlord-tenant relationship to adequately and sufficiently regulate itself instead of imposing local or state level regulations and requirements.

RENTAL COMMISSIONS AND TENANT REPRESENTATION

Due to this, we suggest that, along with the implementation of a rental licensing program, municipalities build a rental housing commission or board, much like a planning or zoning commission, to oversee the dissemination of rental licenses, hold the power to revoke licenses, and act as a mediating entity for those with code violations prior to administrative adjudication or court. Not only would this commission provide additional oversight to a community's absentee or negligent landlords, but it could also assist well-meaning landlords and tenants in reaching compliance. The commission can be punitive when necessary while also lending a helpful hand to those who most need it. The board should predominantly represent local tenants and tenant organizations which would also meaningfully challenge normative municipal commissions, boards, councils, and even meeting attendees which are predominantly representative of homeowner and landlord perspectives. It could also assist in overcoming usual power dynamics. As one code enforcement officer noted, landlords often have the upper hand over tenants when it comes to addressing and mitigating code violations. Providing a tenant-weighted oversight board could help to minimize this unequal power distribution.

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Centralizing Data and Using it in Lending and/or Underwriting

A crucial piece of creating a rental licensure program that is implemented locally, but overseen at the state level, is the possibility for a centralized data base that tracks not only licenses but also code violation data. In completing the quantitative side of this research through FOIAs of code violation data, we found that all data sets were unique. How code violations were documented, described, and categorized was different from municipality to municipality despite that most places use similar, if not the same, building health and safety codes. If the state is able to fund and create a rental licensing and code violation oversight board or commission, then effort could be put into developing a centralized code violation and licensure data base that allows for consistent data across places. This will help policy analysts and researchers better track and understand the status of property across the state.

Cooperative and voluntary statistical efforts like this have been successfully implemented before. The Federal Bureau of Investigation's Uniform Crime Reporting system collects crime statistics from "nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies"⁵⁰ and represents 96.3 percent of the American population.⁵¹ This reporting system has been administered by the FBI since 1930 with the purpose of providing reliable data and is used by a myriad of policy stakeholders and researchers as a leading social indicator. Processes and systems that can be replicated to expand the public's access to good data exist. Code enforcement and rental registration or licensure data should be uniformly and cooperatively collected in order to assist policy makers and researchers in analyzing the status of housing quality in the United States. A data set like this would also help to address some of the well documented shortfalls of the American Housing Survey inadequacy index.⁵²

With the addition of a centralized database, this information could then be used in the commercial lending and underwriting process. We see this as another opportunity to provide "sticks" for absentee or negligent property owners. If lenders or underwriters have access to code violation and licensure data, they will be able to more accurately assess the risk of lending to a negligent or absentee landlord. This could result in higher interest rates or even denial of mortgages if a landlord is found to have a history of code violations, forced condemnations, or previously had their rental license revoked. Not only does this provide sticks, but also incentivizes landlords to maintain their properties, avoid violations, and renew their licenses so that their business is not negatively impacted financially.

⁵⁰. United States Department of Justice - Federal Bureau of Investigation. (2010, October). Summary of the Uniform Crime Reporting Program. <https://www2.fbi.gov/ucr/killed/2009/aboutucr.html>.

⁵¹. Id.

⁵². Newman, S. J., & Garboden, P. M. E. (2013). Psychometrics of Housing Quality Measurement in the American Housing Survey. *Cityscape*, 15(1), 293–306. <http://www.jstor.org/stable/41958971>.

Equity as the Necessary Backbone of this Reframing

Our code violation data and cluster analysis show that neighborhoods with the oldest housing stock and the highest rates of code violations also house the highest proportions of low-income households of color. This means that poorer households of color are more exposed to both health and safety issues and increased code enforcement. This is supported by additional research that shows that Black and Hispanic households, renters and homeowners alike, are more likely to live in inadequate housing.⁵³ What our and others' research show is that the stakes are high when it comes to building a code enforcement system and process that better serves a community's most vulnerable residents and their right to safe and adequate housing. Recent reports emphasize local tenant protection measures, such as habitability laws, are necessary to ensure landlords and municipal agencies uphold the safety and quality living conditions of vulnerable residents.⁵⁴

Right now, code enforcement process works as it is designed – code enforcement exists, despite code enforcement officers' and officials' best intentions, to shore up property values through exterior policing of property. Code enforcement is both designed and incentivized to police aesthetics over interior health and safety issues. When health and safety issues are addressed, it is done on a reactive basis and code enforcement officials have few tools to actually hold landlords accountable. Interview and survey data show that tenants and code enforcement officials both want a process that assists them in holding negligent landlords accountable, in better mediating the social relations of property leasing, and maintaining a standard of health and safety in their communities. Unfortunately, the current paradigm of local property governance doesn't support a code enforcement process focused on equitable access to housing health and safety. Whether structural or intentional, it is a fact that lower-income neighborhoods of color are more exposed to various forms of policing, including code enforcement. Our current paradigm does not incentivize local code enforcement to reframe their approach. We must transition from a policing of physical property aesthetics to addressing systemic housing health and safety issues.

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QUESTIONS FOR FUTURE RESEARCH



Below are broader topics related to this work and which require more research and conversation with state and local representatives. These cover regulatory challenges and the political barriers, whether perceived or real, that can complicate implementation. Although these topics fall outside the limits of this project, they are related and we believe it is important to address them.

Real Political Barriers or Simply Perception?

Regulation of housing or property, especially rental property, through registration or licensure is generally seen as politically infeasible due to challenges from landlords and other powerful political influencers. Given that the private market provides a large majority of our housing, including affordable housing, local municipalities are reluctant to institute rules and regulations that might drive development elsewhere. Similar fears have been noted in research surrounding various housing interventions, like inclusionary housing policies. Due to this fear, rental registrations or licensure programs might fail to move beyond initial conversations despite the fact that communities throughout the state and the country have successfully implemented these programs. As one former public housing staff member noted:

“Here in [city], as we were having these conversations [about licensure], they were really derailed. And the Realtors Association, the Rental Apartment Association, said “we absolutely are opposed to rental licensure and rental inspections [...] the city moving to a requirement for all rental product was, in my eyes, a good thing. Locally, it was not viewed that way. It was viewed as government intervening in [...] the landlords’ right to rent a unit. But I do think given the condition of rental housing in our market, particularly in low-income neighborhoods where the housing was often unhealthy for people to live in, it was a good move [...] to try to get folks to be part of this annual licensure and inspection by the city.”

— *Former Public Housing staff*

Several reports and research initiatives exist that highlight the need to transition code enforcement from reactive to proactive, with many suggesting registrations or licensures with an equity focus. Further research is necessary to understand the politics of regulating housing to help us comprehend what gets in the way of scaling up existing infrastructure, especially considering the ongoing affordability and quality crisis plaguing the United States housing supply. Are there unique qualities to places that are able to adopt and scale up registration or licensure programs? What organizing and coalition building structures exist that help successfully implement these programs?

Funding the Work

Funding is a regular challenge for code enforcement officers, with some officials noting that city leaders might not understand the utility of code enforcement in the same way they understand and support police and fire in budget decisions. We saw this in our interviews, which is reflected in the interview output section of this report. Code enforcement does not fund itself, so the development of new programs and initiatives must come with identified funding sources in order to sustain a proactive approach focused on interior health and safety.

As was noted by interviewees, an answer to funding issues could simply come down to reallocating or shifting existing funds. Code enforcement, when done well, can be a preventative action and reduce future municipal expenditures. As one interviewee mentioned:

“Fundamentally, when people talk about defunding the police, I hear it differently than the way that some people portray it. What I hear that meaning is that there are proactive approaches that you can do to lessen the need for police response. And I think that code enforcement is probably one of those most important things [...] I’m not saying we cut police officers, but I’m saying is that a code enforcement is a far cheaper resource that if we can proactively address that situation early, keep the house that’s vacant, boarded up so that it doesn’t become a safe haven for drug users, drug dealers, that type of thing, then that neighborhood, that particular property is going to generate less criminal activity in that neighborhood.”

— *City Management Official*

At the very least, some of our suggested initiatives could provide supplementary revenue for code enforcement departments. Rental licensure programs usually require an annual fee. This fee could be structured to fund the addition of necessary code enforcement officers to cover increased inspection needs.

Finally, there should be additional research into how federal funds are being used for code enforcement and the best practices for that use. Community Development Block Grants are often used by code enforcement departments for targeted enforcement in qualified census tracts. More research is needed to understand how those funds serve low-income households, especially when qualified census tracts are more likely to experience negative externalities of over policing and overenforcement. Another funding source that could be utilized and needs additional research is the use of Medicaid and health care funding for effective health and safety centered enforcement.^{55, 56} This funding has been identified as

55. Miao, G., Young, V., Hartman, W., De La Vega, C., Nguyen, J., Rojas, N., & Glass, P. [2022, November]. A Guide to Proactive Rental Inspections. https://www.changelabsolutions.org/sites/default/files/2022-11/A-Guide-to-Proactive-Rental-Inspections_FINAL_20221031A.pdf.

56. Green and Healthy Homes Initiative. [2021, October 11]. Potential Medicaid Strategies to Improve Services to Children at Risk of Lead Exposure. <https://www.greenandhealthyhomes.org/wp-content/uploads/HMA-GHHI-Potential-Medical-Strategies-to-Improve-Services-to-Children-at-Risk-of-Lead-Exposure.pdf>.

a potential resource for healthy housing initiatives, particularly for services for children who have been exposed to lead. Although the use of Medicaid dollars is more limited in scope in regard to this work, states have the ability to allocate Children’s Health Insurance Program (CHIP) dollars toward health services initiatives (HSIs) to improve the health of eligible children.⁵⁷ These funds, used in conjunction with CDBG dollars, could be strategically implemented to address significant health and safety issues in low-income neighborhoods and help to transform the pattern of overenforcement to holistic intervention. This would require collaboration at the state level to develop a code enforcement health and safety program that would be implemented at the local level.

Protecting Affordable Housing Supply

Most naturally occurring affordable housing is affordable due to its age and older conditions. When communities consider building programs that work towards cooperative accountability, they must also consider the impacts effective enforcement might have on affordability. Future research should consider the impacts of the loss of affordable housing from both underenforcement (future condemnation and demolition) and the overenforcement (rising rents, growth of investor owners, and gentrification). From a practice perspective, enforcement departments should consider partnering with local affordable housing providers and housing authorities to assist small landlords into becoming voucher eligible properties. This could be the requirement of small landlord low-interest loan or grant programs who assist landlords that house voucher eligible households.

⁵⁷ Medicaid and CHIP Payment and Access Commission. (2019, July). CHIP Health Services Initiatives: What They Are and How States Use Them. <https://www.macpac.gov/wp-content/uploads/2019/07/CHIP-Health-Services-Initiatives.pdf>.

CONCLUSION



Through our mixed-method analysis we found that code enforcement processes, as currently practiced, focus on exterior violations with the purpose of increasing or stabilizing property values. Healthy and safety issues, which are often internal, are difficult to know about and difficult to address given funding and capacity constraints.

This forces code enforcement into a reactive stance with even the proactive measures being targeted within the domains of external conditions. Code enforcement, despite officers' and officials' best intentions, becomes a tool for blight reduction through the shoring up of property values. Of course, this is also a necessary tool in the process of community revitalization and maintaining healthy and stable housing, but it cannot function as the sole approach for stabilizing neighborhoods and bettering housing.

Due to code enforcement's focus on blight reduction through external inspections, we found that most violations in our case study places are concentrated in Cluster 1, or neighborhood types that housed a higher concentration of lower income families and people of color and the highest rate of older housing. This means that low-income neighborhoods of color are experiencing increased enforcement which could, without an equity focus and careful mitigation strategies, lead to increased housing precarity. The complexities of responding to code enforcement with accountability for the landlord and protection for tenants was a common reflection in our interviews. In order to build a code enforcement process that truly benefits tenants in lower income neighborhoods of color, code enforcement processes and systems must change and be reframed to include measures that actually hold egregious landlords accountable, provide opportunities and resources for small landlords who are trying their best, and keep stable, safe, and affordable housing available for low-income tenants.

Along with an initial reframing of landlords and the expansion of resources, we suggest the hiring of professional mediators, the adoption of rental licensure programs, the centralization of violation and licensing data at the state level, the development of tenant oversight in code enforcement, and the inclusion of an equity framework in all code related work. Nothing we suggest here is new or a reinvention. Instead, we are calling for property owners, particularly those serving as landlords, to receive the same kind of regulation and oversight that most care providers and many professional businesses must deal with in order to legally operate. The business and regulation of housing health and safety cannot be siloed or enacted piecemeal. Our suggestions for including tenant oversight and the hiring of professional mediators reflects ongoing work currently in the United States to build accountability boards and alternative responses for policing. **A reinvention of the wheel does not need to take place in order to build a code enforcement system that is more effective in response to complex housing concerns.**

APPENDIX A:

Chicago's Troubled Building Initiative Description

The Troubled Buildings Initiative (TBI) is a program of the city of Chicago which seeks to repair and rehabilitate troubled and abandoned buildings and stabilize neighborhoods, especially on Chicago's South and West sides. Its goal is to prevent properties from becoming vacant, while also preserving “naturally occurring affordable housing.” When buildings have unresolved code violations, building owners go through the housing court process. For owners unable or unwilling to make repairs, a receiver is appointed to pay the cost of repairs while a lien is placed on the property. The TBI program is a model intervention for resolving chronic code issues and returning vacant and abandoned structures to use as rental housing.

Through the TBI, buildings are assessed to determine if they have mortgages, liens, or are in foreclosure and to prioritize physical issues to be addressed. Depending on the building's status in housing court and if the owner wishes to make repairs, the non-profit organization, Community Investment Corporation (CIC) works with the city to bring the building into compliance. If the building owner prefers to sell, CIC finds and trains a new owner who is willing and able to make repairs and bring the building back into use as rental housing.

The success of the initiative has led Chicago to create a Community Receivership program, expanding the opportunity for local residents and entrepreneurs to contribute to their neighborhood's stabilization while preserving naturally occurring affordable housing. While the Troubled Buildings Initiative has successfully preserved 17,000 apartments in its first fifteen years,⁵⁸ many others were demolished.

Interventions before buildings become troubled, vacant, and abandoned are necessary to stem the loss of naturally occurring affordable housing. Funding repair programs and property maintenance courses for small landlords could prevent many buildings from deteriorating to the point of code violations and housing court. Additionally, equitable lending practices for residents on the South and West Sides could keep multi-unit buildings in the hands of small neighborhood landlords invested in the quality of their buildings as well as their neighborhoods overall. With the efficient work of the TBI, Chicagoans in all parts of the city could have access to safe, affordable, and health rental housing.

⁵⁸ Chicago, Illinois: *The City's Troubled Building Initiative Renovates and Preserves Deteriorating Apartments* | HUD USER, n.d.

APPENDIX B:

Methodology

The methodology for creating this action-oriented policy research draws heavily upon the Community Voice Method framework (Cumming and Norwood, 2012), as well as elements from the Cities RISE study conducted in New York (Cities RISE, 2019). The overall goal is to blend the typology-based case study approach associated with the Cities RISE study with the Community Voice Method's approach to using documentary video to facilitate conversation on sensitive subjects with diverse groups stakeholders who would be unlikely to engage each other in conversation in either public or private settings.



The Community Voice Method adopts an iterative process of documentary video interviews, spatial analysis and mapmaking, and community response to describe potentially contentious issues amongst multiple stakeholders. By blending traditional policy analysis methods such as GIS and spatial analysis with ethnographic approaches such as documentary video, the method focuses on iteratively listening to multiple perspectives on a policy issue, validating those stories using available quantitative and administrative data, and curating interview video footage into a documentary narrative designed to spark further community conversation and dialog. (Norwood and Cumming, 2012). As Cumming, et al. (2021) discuss,

this approach is important not only from a process perspective, but also has the potential to make appreciable improvements on policy and governance outcomes by developing a dialog between actors who may not typically interact or communicate with each other.

The Community Voice Method was initially developed to aid in informing policy-based action around environmental justice issues in North Carolina (Cumming, and Norwood, 2012). The method has been adapted to explore other types of issues. For instance, Cutts, Greenlee, et al. (2020) utilize the method to examine multiple stakeholder perspectives on environmental gentrification in postindustrial midwestern cities. Learning comes in the form of interviews and iterative analysis and is validated via intermediate “cuts” of the documentary, as they are viewed by new participants and those individuals have the opportunity to add their own perspective through recorded responses. This iterative process continues until there is convergence in the perspectives related by new interviewees as they respond to draft video cuts. Final outputs from the method include the final documentary video itself, and a set of takeaways crafted by the “producers” – the research team that has facilitated the community voice process. (Cumming and Norwood, 2012).

The Cities RISE method also makes use of interviews with code enforcement officials, but first develops a sociodemographic typology to identify case sites which are then explored in further detail. In this approach to exploring differentials in code enforcement, amongst the sixteen cities examined in the state of New York, four distinct place types were identified based upon eight sociodemographic qualities of those cities – total population, white residents, median household income, poverty rate, unemployment rate, residential vacancy rate, renter occupied units, and rent burden. The four selected case study cities were identified based upon their representativeness of different place types. For each case study city, the authors conducted site visits and interviews with local code enforcement officials, supplemental interviews with community leaders, and ride-alongs with code enforcement officers. Based upon these materials, the authors created process maps for the code enforcement process, and identified corresponding pain points, opportunities, and best practices attached to different phases of the process. Outcomes included the process maps and a set of principles focused on equitable code enforcement.

We blend aspects of the city typology approach employed by Cities RISE with deep case development informed by the Community Voice Method framework. We blend these approaches in order to create a cross-sectional view of code enforcement in middle-sized cities in Illinois while also developing more in-depth accounts of dynamics within these types of places. Learning can come both through comparison between places, and between place types. We take an approach that does both. We divide our approach into three distinct phases – code scan and place analysis, typology-driven case development, and description and dissemination. Each phase is described in more detail below.

Phase 1: Code Scan and Place Analysis

Description: We began with a cross-sectional examination of local government ordinances and nuisance laws across mid-sized cities in Illinois to inform the development of a data-driven sociodemographic typology of middle-sized cities in Illinois based upon the Cities RISE approach. This cross-sectional scan allowed us to assess the commonalities and differences that exist across the residential codes and nuisance ordinances enforced in these 28 places, as well as some of the commonalities and divergences in place demographic qualities.

We developed a preliminary sociodemographic typology for the 28 middle-sized Illinois cities using principal component analysis and hierarchical clustering resulting in the identification of five distinct place types described in our report.

We developed a survey targeting code enforcement officers and disseminated to code enforcement officers throughout the state. This survey resulted in statewide context about the composition of code enforcement officers, drivers of violations, and the impact of the COVID-19 pandemic on code enforcement operations.

For our 28 mid-sized local governments, project staff acquired current copies of their local codes and ordinances and completed an inductive coding process to develop a database of common regulations as well as areas where codes differed substantially. After developing this database, the research team conducted a set of initial video interviews with code enforcement officers and administrative officials. These preliminary interviews were recorded via Zoom as a form of early data collection preceding further case development. The goal of these interviews was to gain perspective on how code enforcement happens within these communities, to develop an interpretative frame for assessing the ordinance database codes, and to synthesize types of neighborhood and place-specific concerns which code enforcement officers see during the code enforcement process.

Key Outputs: A sociodemographic typology of mid-sized cities in Illinois. A cross-sectional database and analysis comparing codes and nuisance ordinances across middle-sized Illinois cities. Statewide survey results. Informal video interviews (not included in our subsequent reporting and analysis) to aid in the interpretation and comparison of the code database and place typology.

Phase 2: Typology-Based Case Development

Description: The place types identified in Phase 1 informed the selection of 6 case study locations where more intensive analysis and engagement occurred. For each case location, additional documentary interviews were conducted, again with code enforcement officials and local government administrators, but also with nonprofit and community leaders, property

owners and landlords, and tenants, all informed by the Community Voice Method approach. Interviews were conducted both in person and via Zoom based upon the comfort and availability of interview subjects. Individual interviews were combined with data collected in Phase 1 to produce preliminary documentary video narratives. Further responses were solicited from those who wished to share their reactions to the documentary content. Interview compensation was offered to all interviewees.

Output: Documentary video clips sharing insights from case study communities.

Phase 3: Description and Dissemination

Description: Phase 3 attempted to leverage the draft documentaries created in the 6 case study locations to inform a broader inter-city dialog amongst the 28 mid-sized local governments in Illinois. We invited code enforcement officers and staff from our case study communities to view documentary video clips, and offered the opportunity to reflect, comment, and record responses to the insights coming from others in the code enforcement ecosystem throughout the state.

The videos, process maps, and spatial analysis generated through this iterative process will be shared at the Housing Action Illinois statewide conference for housing officials and advocates, and videos will be made available online with this report. Following the publication of this report, we will produce three scholarly journal articles – one describing code enforcement process dynamics throughout mid-sized cities in Illinois, one describing our housing typology and related findings, and one describing the modified method by which the policy insight from the project was derived.

APPENDIX C:

Research Notes and Limitations

Reflecting upon our research process, there are several insightful research notes related to our process and the outcomes we were able to identify.

Research Approval: The academic members of the research team have used the Community Voice Method in several other research contexts related to interrogating environmental justice and gentrification and the impact of arts and creative activity on Illinois communities. Like most research projects conducted in a university setting, this project was subject to review and oversight of University of Illinois at Urbana-Champaign’s Research Board. Prior video-based methods were determined to be no more than minimal risk and exempt from ongoing IRB oversight. However, this project was determined to be more than minimal risk and required the full review and oversight of the Institutional Review Board. Cited in the IRB rationale for full oversight was the sensitive nature of our interaction with code enforcement officers and the potential for them going “on the record” to cause potential professional harm.

Methodology: We ultimately found that the concerns raised by the IRB were well-founded. While we had no trouble building connections to engage code enforcement officers and managers or to complete our anonymous survey of code enforcement officers, we encountered greater than anticipated challenges in getting both response and administrative permission for code enforcement officials to speak with us. We also found that our video-based methods designed to help build trust and bridge administrative and community conversations about sensitive subjects actually heightened tension and concerns for some code enforcement officials. As ethical researchers, we allowed the comfort level of all of our participants to guide our engagement with them; however, a substantial number of our interviewees within official positions either elected to not be recorded or did not give permission for their interviews to be shared publicly.

Our initial proposal called for separate analysis and storytelling narratives for case study communities. We ultimately made the decision to pool voices from across cases to address some of the unevenness in responses in our case sites. This meant that we ultimately pivoted to a proposed end product – a consolidated narrative describing and analyzing the perspectives of code enforcement stakeholders for mid-sized communities in Illinois.

Contention: As we reflect on the aims of the project, we see that the bridge-building intention of our video-based approach met the realities of the nature of code enforcement work – sometimes contentious, frequently challenging, and easy to misconstrue. In reporting out our findings, we recognize that we were unable to represent as many voices of code enforcement officers through interviews as we wished to due to this sensitivity.

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– DEDICATION –

We dedicate this report to the memory of housing advocate and scholar **Janet L. Smith, Ph.D.**, Professor of Urban Planning and Policy and Co-Director of the Nathalie P. Voorhees Center at University of Illinois at Chicago. Janet's relentless support of safe, decent, and affordable housing for the residents of Illinois continues to inspire our own pursuit of knowledge and insights for policy change.



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