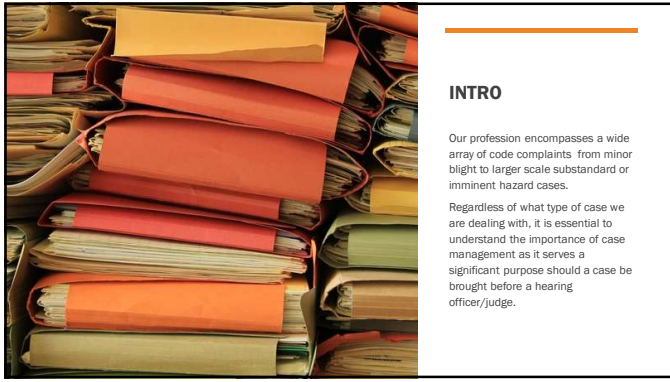
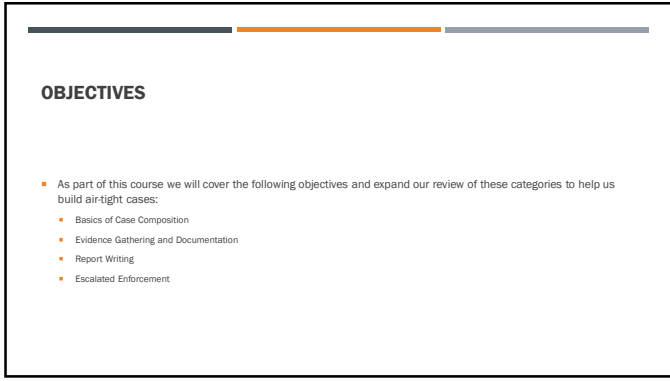





1



2



3



THE CODE OF HAMMURABI


PHOTO COURTESY OF WORDPRESS.COM

Laws/code used in ancient Mesopotamia by the Babylonian King Hammurabi.

It set standards comprised of 282 edicts.

Within these edicts we find severe penalties for what we would consider today as "substandard housing".

4



AN EYE FOR AN EYE

229
If a builder builds a house for someone, and does not construct it properly, and the house which he built falls in and kills its owner, then that builder shall be put to death

230
If it kills the son of the owner, then he shall pay, son for son, to the owner of the house

231
If it kills a slave of the owner, then he shall pay slave for slave, to the owner of the house

232
If it ruins goods, he shall make compensation for all that has been ruined, and inasmuch as he did not construct properly this house which he built and it fell, he shall re-erect the house from his own means


233
If a builder builds a house for someone, even though he has not yet completed it; if then the walls seem toppling, the builder must make the walls solid from his own means.

5

WHY AN AIRTIGHT CASE?

Airtight case: a case that has no weakness, flaw, loopholes, and does not allow the opportunity for a scored argument that may lead to a defense advantage.

- Remember: We as inspectors/code enforcement officers have full culpable knowledge of anything and everything we see on site and/or anything we happen to capture on our photographs.
- Getting into the habit of treating our cases as if they may end up in a court of law or administrative hearing keeps us focused on ensuring that we are not only properly inspecting but properly documenting our every interaction related to our cases so-as-to be unassailable.



6

NO REINVENTING THE WHEEL

- Mistakes typically occur from lack of informational substance.
- Time wasted
- If its there, use it!!

7

Data tells the real
STORY

8

Case Documentation

Why is it Important?

Many times code enforcement officers are given more credibility due to the nature of their profession, but it is also vital that this ideal is not abused or taken for granted. Therefore proof for any parties in an escalated case is crucial.

9

AND.....

Because it provides information needed to help assist the property owner, property manager, authorized agent, or tenant should you be out.

It provides a synopsis of the status of the complaint and parameters of the violations for internal customers.

10

CASE INTAKE



COMPLAINT RECEIVED



CONTACT INFORMATION



LOCATION

11


CASE DETAILS

Mode of submittal

- In person
- By phone
- By App
- Do you archive in your file

Complainant relation and Contact

- Who submitted complaint
- Tenant
- Occupant
- Owner
- Property Manager
- Agency Rep



**CITY OF GARDEN GROVE
CODE ENFORCEMENT**

COMPLAINT FORM / REQUEST FOR AN INVESTIGATION

Date: _____ Taken By: _____

Address: _____

Additional Details: _____

Residential Commercial Vacant

Counter Called In Self Initiated Referral

Other: _____

*All complaints are anonymous and complainants may elect not to provide contact information.

Complainant Name: _____ Phone: _____

May contact complainant for additional information or to schedule inspection

DESCRIPTION OF COMPLAINT

Business Garage Conversion Overgrown Vegetation

Building Maintenance Landscape Waste Trench and Ditches

Business License Inoperative Vehicles Trash Cans in Public View

Short-Term Rental Outdoor Storage Other: _____

For Code Enforcement Use Only

Assigned To: _____ Date Assigned: _____ Case Number: _____

12

CASE DETAILS CONT'D

What is the nature of the complaint?

Priority 1 – Imminent


Priority 2 – Stop Work Order (SWO), Substandard Housing, Nuisance, Land Use

Priority 3 – Minor – Graffiti, Trash and Debris, Overgrown vegetation, Inoperables etc.

13

CASE DETAILS CONT'D

- What type of property
 - Commercial
 - Residential
 - ADU
 - Other



14

CASE DETAILS CONT'D

Location

- Garage
- Rear yard
- Within commercial building
- Business Park
- RV
- Encampment

Number of occupants – if known at time of submittal

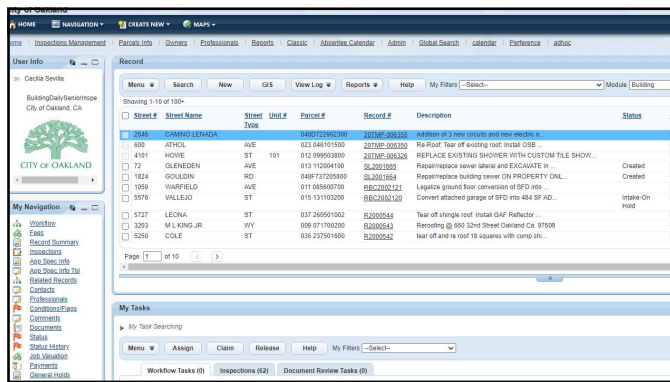
15

DATA SYSTEM ENTRY

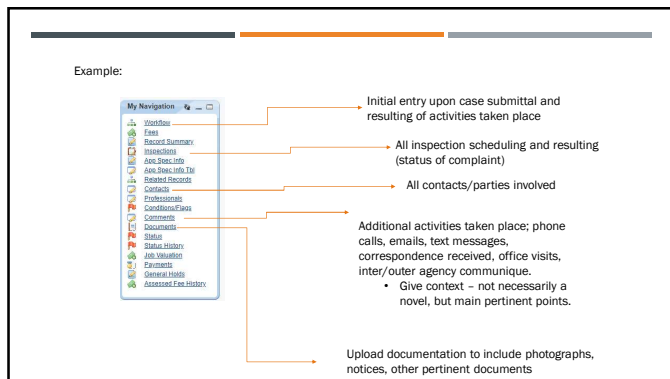
Ensure all required documentation is reflective of the complaint received.

- Enter all contact information in the set data system tabs
- Correspondence in the form of emails can be attached if the system you work with allows it. The alternative would be to cut and paste content into a "comment" or "summary" section and/or save the email into the case working file.
- All phone, text, and in person communication should also be documented in your data system and reflective of the date and all parties involved.

16



17



18

DO DOCUMENT.....DON'T PONTIFICATE

Personal opinions, statements, beliefs should be left out.

Remember, its not you against a property, its you serving as a representative of the respective jurisdiction that you serve and enforcing set adopted codes/regulations. Stay within the professional realm.

19

BEFORE YOU GO OUT : DO YOUR HOMEWORK

20

RECORDS

Review your data system info;

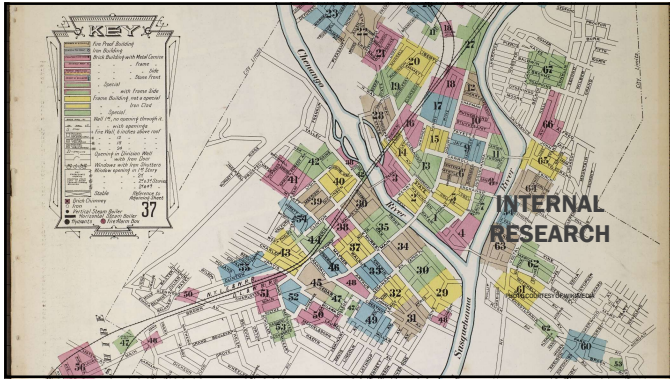
Microfische

Sandborn Maps

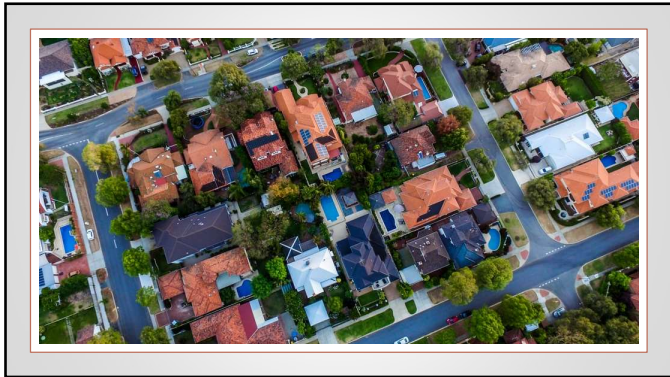
Liens/Previous Code Activity

GIS

21




22




23

OPEN/ACTIVE PROJECTS

- Pull Plans for review
- Review Conditional Use Permits (CUP)
- Review any other open or active project such as:
 - Public Works
 - Engineering
 - Fire
 - Business Licensing
- Are they frequent flyers?





24

WHAT IS AN INSPECTION?

An inspection is a visual or tactile assessment of a property that may include measurements, testing of electrical, mechanical, and plumbing equipment, building types, gathering of photographic evidence, records review and research and corrective action necessary to bring a property into compliance.

28

THE MOST IMPORTANT PART OF AN INSPECTION IS THE EVIDENCE GATHERED/CONFIRMED!



29



EVIDENCE

30

IMPORTANCE OF PROPER PHOTOGRAPHIC EVIDENCE

How many of you have been called to cover a case or have inherited a case?

31

NAME THE VIOLATION IN PICTURE A

32



33

**NAME THE VIOLATION
IN PICTURE B**

34



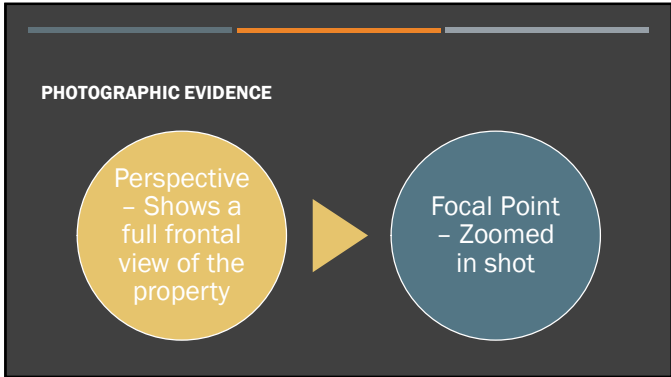
35

**NAME THE VIOLATION
IN PICTURE C**

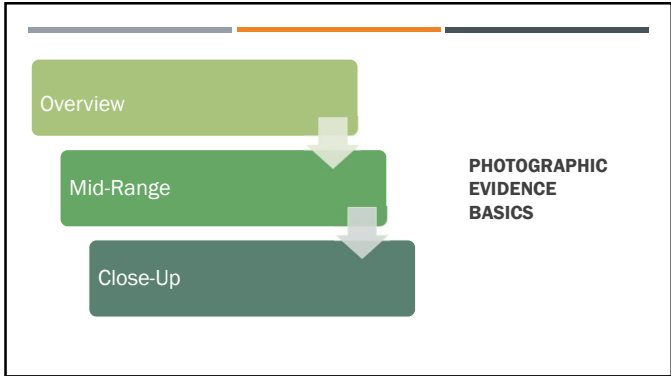
36



37



38



39

“OVERVIEW” EVIDENCE PHOTOGRAPHY

Provides a “zoomed-out” view of the overall property in question as to give a general idea of how the property sits and its relation to other points of reference such as:

- Highways
- Creeks
- Neighborhood make-up
- Entries/Exits

Overview photographs include:

- Front yard
- Side yards
- Rear yards

40



“MID-RANGE” EVIDENCE PHOTOGRAPHY

- Demonstrates the relation of where the violation is located such as:
 - Living Room
 - Bedroom
 - Hall bath
 - Master bath
 - Dining Room
 - Kitchen
 - Exterior walls
 - Foundation
 - Roof
 - Etc.,

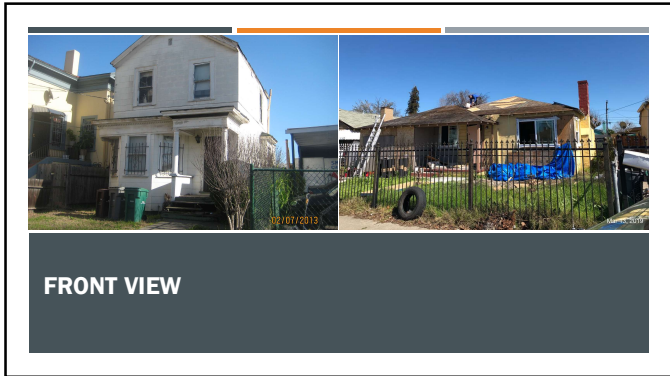
41



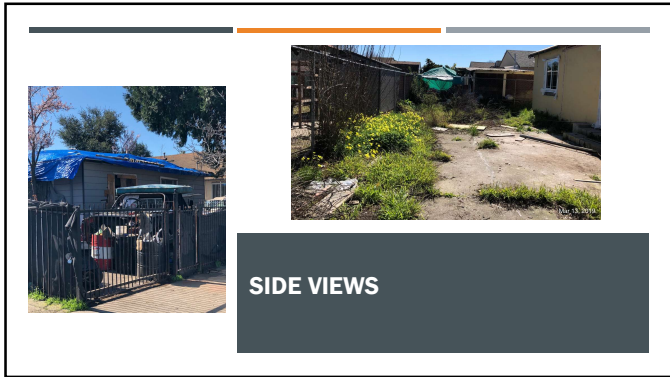
“CLOSE-UP” EVIDENCE PHOTOGRAPHY

PROVIDES A CLOSE-UP VIEW OF THE VIOLATION IN A “ZOOMED-IN” VIEW TO HIGHLIGHT THE VIOLATION ITSELF.

42



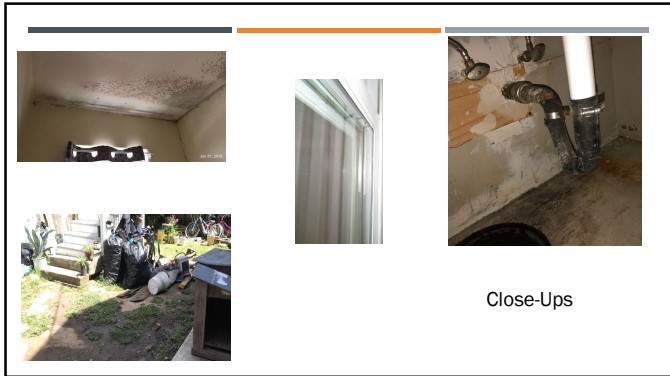
43



44



45



46

INSPECTION RECORD

- Establish an accurate record of events and findings
- Let them be solid
 - Unassailable (unquestionable)
- Ensure that you can recall events by means of proper documentation and data entry
 - This is especially important when relaying information to management/supervision/Legal
- Always log in date and time of events
- Document all party interactions
- Paint the picture

47

ESTABLISH A TIMELINE

FOR REPEAT OFFENDERS OR LACK OF COMPLIANCE AS YOU BUILD YOUR CASE, DOCUMENT – DOCUMENT-DOCUMENT!

48

Violation Verification

- Verbal Warnings
 - Knock & Talks
- Door Hangers
- Notices of Violation
- Correction Notices
- Administrative Citations

49

Issuing the Notice and/or Citation

- Authority
- Applicable Codes
- Notice Content
 - Applicable information
 - Wording of violation(s)
 - Compliance action
- Posting, personal service, mail etc.

50

VIOLATION NOTICE

City of Birmingham, Michigan
Department of Building Inspection

Notice Issued To: _____ Address of job: _____
Address: _____ Notice Date: _____
Inspection Date: _____

The following listed items were noted at the above job, address, and do not comply with the Birmingham City Code:

You are further notified that you are required to correct conditions listed, and all such work shall be complete within _____ days from the date of this notice. Action will be taken against you for violation of the City Code if you fail, neglect or refuse to comply with this notice within the time limits herein set forth.

Call (205) 644-3669 when above corrections have been made.

51

PROVIDE GUIDANCE/DIRECTION

The use of standard language allows for what "shall" happen or what "shall" be done.

Ex: "Obtain all necessary permits within such time."

Descriptive Language allows for specific direction of what "shall" be addressed.

Ex: "Obtain all necessary permits to address the following alterations: bath remodel, gas line installation, window installation."

52

KNOW HOW TO APPLY YOUR CODES

- STATE
- LOCAL
- BUILDING

Michigan Residential Code 2015
 Michigan Building Code 2015
 Int'l Property Maintenance Code 2015
 Michigan Electrical Code 2017
 NFPA 70, 2017
 Michigan Mechanical Code 2015
 Michigan Rehab Code 2015
 Michigan Plumbing Code 2015
 IPC 2019
 Michigan Accessibility Code 2009
 A117.1, 2009
 Michigan Life Safety Code 2012
 (NFPA 101)
 Michigan Fire Sprinkler Code 2013
 Michigan Fire Alarm Code 2013
 Michigan Chimney/Fireplaces/Vents/ and Solid Fuel-burning Code 2015
 NFPA 211, 2013
 Michigan Fire Wall Code 2015
 NFPA 221, 2015
 Michigan Energy Code 2015
 ASHRAE 90.1, 2013
 2010 ADA Standards

53

FOLLOW-UP INSPECTIONS

- Re-create first inspection if possible – review your initial inspection notes.
- Obtain new updated photographs
- What of new code violations?
 - Amended Notice – possible time reset
 - New case?

54

PARTIAL COMPLIANCE

- Extensions - Allow for reasonable time
 - Based on case facts
- Verify that permits have been obtained
 - In progress
 - Pending Final
 - Field Corrections

55

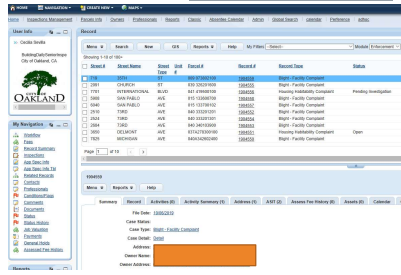
PENALTY ASSESSMENT

- Do you bill after first inspection?
- Do you bill at re-inspection?
- Re-inspection fees?
- Citation issuance
- Liens
- Stop work orders

56

DATA DOCUMENTATION AND CASE MANAGEMENT

- Inspection Resulting
- Documentation
 - NOVs
 - Stop Work Orders
 - Billing Request
 - Notice and Orders
 - Notice to Vacate



57

61

62

COMPLIANCE/NON-COMPLIANCE

- Have the violations been abated/corrected?
- Outstanding fines?
- Administrative hearings and fees
- Civil or Criminal prosecution
 - Receiverships – court-appointed tool to assist creditors to recover funds in default
 - Injunctions – court order requiring a person to do or cease doing something specific: permanent injunction, temporary injunction, and preliminary injunctions

63



List the steps you would take to when you receive a complaint of a vacant dwelling that is open and accessible with an addition to the rear of the property (an enclosed porch that appears to have been used as sleeping room). Start from the complaint to formal notice.

64


FORMALITIES

- Address
- Owners
- Assessor Parcel Numbers
- Case Number
- Date
- Inspection Date

65

MEAT AND POTATOES

- Violations
- Supporting Codes



66

**CORRECTIVE ACTION
- TIMEFRAME-
PENALTIES**

- Who
- What
- When
- Where
- Why
- How
- Fees

67

**CLEAR OF
POTENTIAL
CLAIMS/LIABILITIES**

- Be clear
 - “The tenants” - Names
 - “The attorneys for the tenants” - Names and are they representing the same individuals
 - “The Property owners” - Who and is there more than one?

68

**CLEAR OF POTENTIAL
CLAIMS/LIABILITIES**

- Opinions/Observations
 - Instead of saying - The shed is being rented out
 - Use: I observed items that are indicative of habitation such as; mini fridge, bedding, microwave, etc

69

CLEAR OF POTENTIAL CLAIMS/LIABILITIES

- Necessary protections
 - Instead of just : "I inspected the property and found"
 - Give substance: " I inspected the property from the sidewalk (public-right-of-way)"

Or

- "I inspected the property from _____ with Fire Inspector _____ and Officer _____ or Code Inspector _____"

70

WHY DO WE NEED REPORTS IN CODE ENFORCEMENT?

71

BECAUSE THEY SHOW A TIMELINE OF EVENTS

Necessary to gain compliance

Assist in referrals to escalated enforcement

And/or

6 MONTHS AGO

NOW

72



73

CASE LAW AND ACCURACY IN REPORTING

- Ogborn v. The City of Lancaster
 - Notification to tenants if and when they will be directly impacted
- Nightlife Partners v. City of Beverly Hills
 - Due Process for escalated enforcement
 - Reasonable Timelines
 - Abatement Actions
 - Notifications

74

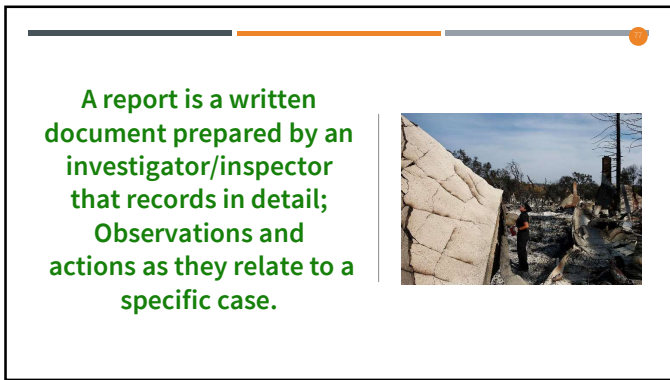
The quality of your report says a lot about your investigation and your level of competency.

 A circular inset image shows a man with a mustache wearing a police uniform and a hat, looking slightly to the side. The background of the slide is white with a horizontal bar at the top consisting of grey, orange, and grey segments.

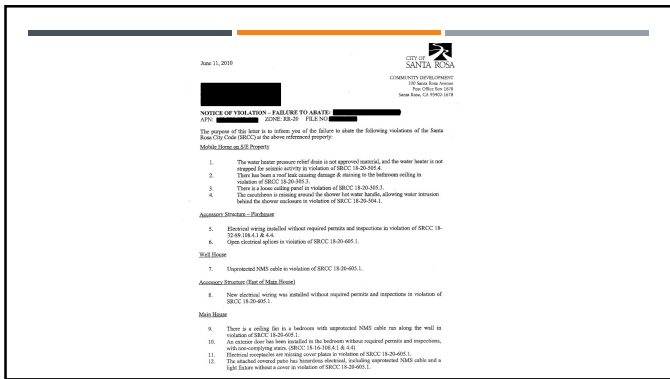
75



76



77



78

WHO SEES YOUR WORK?



Media



Insurance Companies




Partner Agencies



Supervisor

82



Poorly written/sloppy report suggests poor/sloppy investigative skills to the reader

83

STANDARD OPERATION PROCEDURAL MANUAL (SOP)

Do you have one?

If not, and at minimum, do you have a procedure set?

If none, its time to develop one with the help of your legal team

84

REPORTING CONTENT

Reports will vary from agency to agency, however, they parallel in content.

Report content should always be:

- Factual
- Accurate
- Clear
- Concise
- Complete
- Timely

85

FACTUAL

Reader of report must have an exact and literal representation of the case.

A factual report provides an objective accounting of relevant case facts.

Conclusions, if present, must be based on objective facts articulated in the report.

86

ACCURATE

No inconsistencies or discrepancies between what took place and documentation in report.

Any inaccuracy may jeopardize credibility of entire report.

Accuracy is achieved by carefully, precisely, impartially, and honestly recording all relevant information.

87

CLEAR

Report must speak for the investigator leaving no doubt/confusion with reader.

Proper organization of information.

Facts & events presented in sequential, chronological order of occurrence.

Clear & logical tie to each case event

88


CONCISE

- ✓ Brief but contains all relevant information
- ⊕ Accuracy, completeness or clarity shouldn't be sacrificed for brevity.
- ⚠ No excessive wordiness.
- 📄 Word selection (direct & in plain English)
- “ Sentence structure & grammar (short but complete sentences, no fragments, run-ons)
- 📌 Relevant information

89


COMPLETE


- Report contains all relevant information & facts so that reader does not need to contact writer to gather additional information.
- Users able to mentally place themselves at scene
- Actions are described
- Statements are supported by details
- Both supporting & conflicting information is presented
- Standardized forms often used as face sheet to force investigator to provide basic information.



90

TIMELY

 Report is submitted in a timely fashion.

 Support and good will in community can be lost if action toward resolving a case is delayed by untimely reports.

91

91

Report Breakdown

Property
Description /
Owner
Information

Background
Info

Conditions
Observed

License,
Permit,
Plans Or
Records
Inspection


Applicable
Codes

Required
Action

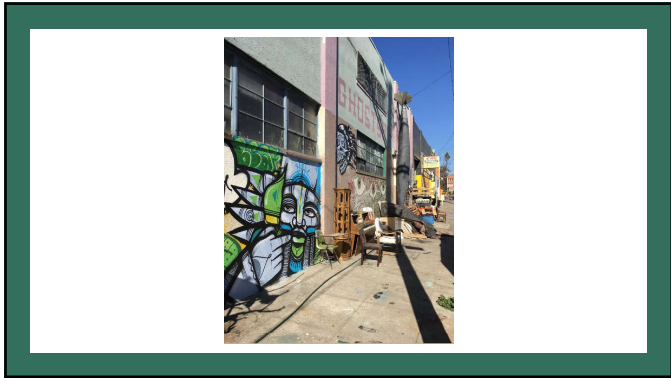
This is a legal document that may be submitted to the court or recorders office and is subject to public record.

92

LET'S TEST OUR SKILLS...



93



94

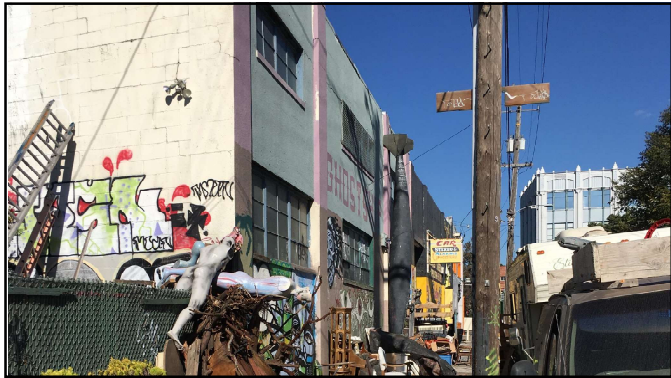


95

SPOT THE TRUTH

- Interviewer v. Interviewee
- Review case
- What are facts/assumptions?

96



97

**HEARINGS/
COURT**

- Are you aware of your appeal process?
- Do you feel comfortable putting together a staff report?
- Do you know what a staff report entails?
- What about courtroom etiquette?
- And what of depositions?
- How about warrant writing and execution?

98

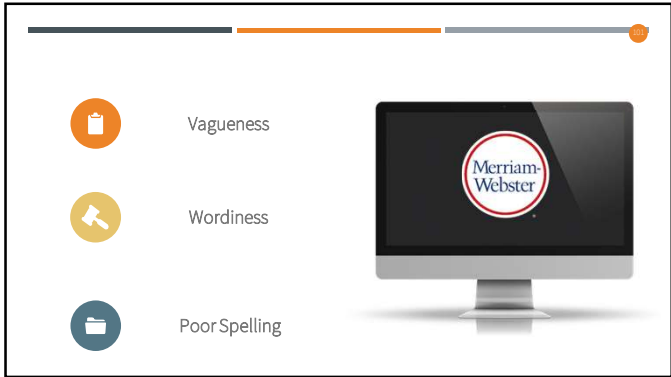
INTEROFFICE MEETING PROCEDURES

- Meetings with directors
- Meetings with city attorney's office
- Response to other departmental inquiries; councilmember, mayor
- Know who these key players are.

99



100



101



102

KNOW THE "WHY" OF PROPER CASE MANAGEMENT

- Successful presentation of cases and success in upholding your case
- Liability, lengthy litigation, loss of administrative hearing, loss of court case
- Distrust in your abilities, work ethic, and opens you up for harassment claims
- Leads to efficient decision making/stipulation
- Assists with escalated enforcement.

103



104



THANK YOU!
 Sonya Shearer, MEd,
 Certified Code Enforcement Officer
 ICC Certified Building Inspector
 ICC Preferred Provider Instructor
 sonyas@sonyashearercounseling.com
 224-704-9331

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