

Solving Chronic Nuisance Problems (Summary)

This is a summary of the 30-page manual by John H Campbell, published by Campbell-Delong Resources Inc. The manual gives community strategies to deal with residents of houses who create blighted property or have behavioral problems.

Part 1: The Dynamics of the Problem: A nuisance exists when the use of a property interferes with the rights of others. Tolerant, responsible neighbors might move away in response.

Physical Nuisances: Violations of local building, housing, health or sanitation codes. Due to negligence or bad behavior this often creates an eyesore.

Behavioral Nuisances: Often violations of criminal law, ranging from chronic noise to drug houses with violence.

Roles in Nuisance Houses:

Perpetrators: Cause the nuisance

Enablers: Roommates, friends, neighbors, landlords, property owners and managers who tolerate nuisance due to apathy or fear and inaction.

Guardians: Same people as in Enablers, but these people take action

Leaders: Guardians who take responsibility for solving the problem. They organize and mobilize other guardians, leading to action.

Common complaints with nuisance houses

- Local government seems powerless
- Efforts are often too little, too late to help people harmed by the nuisance
- Impacted communities' appearance clearly reflect chronic nuisances
- Community leaders periodically speak of new tools, but no change occurs
- Temporary successes (an arrested drug dealer) bring no long-term change
- Neighborhoods decline to the point of needing major renewal efforts

Defining Success: the Best Practices Solution

- Action is fast enough to prevent long-term damage to the community
 - Action impacts the key enabling factors which permit the nuisance. It begins with solving dangerous or high-priority problems (drug dealer, health hazards) and then changing the conditions that allow nuisances to persist (neglect, apathy, fear).
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Weak Links in the System Causes of local multi-agency ineffectiveness

Nuisance properties can have problems that span many government agencies (police, inspectors, social services, animal control, fire department, etc). The narrow category of problems each agency is aware of may never reach a level of concern, while the overall effect of the property on the community can be serious. If no one agency takes responsibility or coordinates with others, the nuisance may stay below each one's radar.

Oakland California in 1980 demonstrated the success of coordinating police with code enforcement when dealing with nuisance properties. In general, nuisance abatement success stories involve:

- Improved coordination between two or more groups or agencies
- At least one catalyst agency or person who spearheaded change
- The spear-header works to solve the whole problem, not just one facet
- The spear-header actually changes the thinking and policies of others to view a problem as a whole

Civil vs Criminal Law Nuisance problems involve civil and criminal crimes

Traditionally, in the courts, two different sets of remedies are prescribed for civil or criminal crimes. They are treated as separate entities. Traditionally, police are taught to concern themselves with criminal acts, not civil offenses. Campbell encourages us to abandon the idea that civil law is the only remedy to wronged individuals and criminal laws cover offenses against the state. He says use whatever works.

Community policing helps make this happen. There is routine communication between citizens and police, so that people in the community understand what police do, and can do, and they actively work with police to combat crime and nuisance houses. Police know that nuisance houses and criminal behavior are often linked, and so they take a greater interest in nuisance properties.

Landlords and Property Managers

Traditionally, landlords' only qualification for owning property is the money to buy it, and no management skills or responsibility is implied. Often landlords view criminal behavior of their tenants as purely a police concern.

Actually, a landlord should automatically be a "guardian". They can communicate early with problem tenants. If there is continued tenant misbehavior or criminal activity, the landlord should document it as evidence. Then evicting a drug dealer or tenant who habitually violates lease agreements or laws can happen before a neighborhood is affected.

Pressure Points: Beliefs of Enablers and Perpetrators

The traditional profile of a responsible citizen is not just a passive, law-abiding voter, but a vigorously-involved person who is willing to lead when neighborhood viability is threatened.

Perpetrators and enablers hold a set of beliefs, which cause harm.

- **Some drug dealers and their friends believe their behavior is harmless**
- **Some property owners believe trash, broken windows or rat infestation are nothing more than a personal choice about private property maintenance**
- **Occupants often don't realize their modification of property or negligent upkeep violate the law**
- **Some roommates and relatives who tolerate criminal behavior don't know they too can be evicted. They may also believe they have little power to change it.**
- **Some property owners are unaware that lax maintenance is illegal. They might also be unaware of the power they have to change tenant behavior**
- **Property owners may not realize how much more expensive it is to rent to problem tenants. Extra repairs and cleanup between tenants, decreasing property value, and declining desirability of the neighborhood all come with bad renters.**

In these cases, the problem may be solved just by educating them about laws

Campbell has written "Landlord Training Program: Keeping Illegal Activity Out of Rental Property". Some things to think about before becoming a landlord are:

- **Economic downturns can reduce the potential rent that can be asked , which may not be enough to cover routine maintenance of the property.**
- **If a rental property isn't fully investigated before buying, "surprise" repairs may be expensive, so that they aren't done, or make the property a losing investment**
- **Landlords all want to make money on their property, so the temptation is to defer maintenance to maximize profit. Eventually, to bring a house back to habitability, it can cost huge amounts of money.**
- **Some property owners think they can get away with poor property maintenance. This is true if roommates, relatives and neighbors don't take action, and if local code enforcement don't enforce maintenance codes.**

Part 2: The Path to Success

The position of the person who decides to solve the problem is less important than their ability to influence others to act.

Leadership Principles

1. Take full responsibility, viewing the problem as existing only because no one has done enough to solve it. The more people believing this, the more likely the problem will be solved
2. Define victory and focus on achieving these goals
 - Define the problem in terms of its impact on the neighborhood
 - Limit the scope. Start by saving one block, or solving one problem. A natural tendency of new leaders is to want a comprehensive solution to problem, including changing zoning, codes or tax structure, changing the culture of the police department, etc. Instead focus on things you can do right away.
3. In a nuisance property, draw a distinction between the apparent violations and the emotional impacts of those violations

Violations, to which laws apply, might be drug use, graffiti, speeding, loud noise, garbage build-up, property maintenance negligence, or breaking lease agreements. These are the data that can be documented and given to landlords or police.

Emotional Impacts might be fear, interrupted sleep, high stress, short tempers. These are indicators that violations are occurring in your neighborhood

4. Plan to lead, but don't do it alone. Coordinate a variety of people to have different roles in solving the problem. Multiple neighbors following the same course of action increase success
5. Include the full diversity in your neighborhood in your problem solving group. The last thing you need is for your problem-solving attempts to be misinterpreted as having a racial, socio-economic, or ethnic basis.
6. Plan for your own safety. Trying to change someone else's misbehavior can be risky. However, retaliation is less likely if a large group of diverse leaders unite in their action.

The Civil Force Continuum

Your problem-solving actions should begin with simple, low-pressure methods. If these don't work, escalate according to the Civil Force Continuum below:

1. **Communicate:**

- Talk with **neighbors** to see what their experience with the problem is. Find out what actions they have taken and whether they have documented anything. Organize and commit to action, and don't just talk about it.
- Talk with the **perpetrators or enablers** firmly, but calmly. Give them credible evidence for how their behavior affects you and your neighbors. If this seems too dangerous enlist the landlord, relatives, or police.
- Talk with **property owners or managers** and describe the problem. Include data such as pictures, police, animal control or code enforcement visits. You can find their contact info from tax assessor records.
- Contact **guardian agencies**, like code enforcement, police, animal control, welfare or social services, narcotics agencies, etc

2. **Educate:**

- Tactfully inform enabler landlords or owners of legal ways to control renter behavior. Ask them to examine their lease agreement to see if renters are following it. Mention the National Landlord Training Program. Ask them to speak to their renters about the problem.
- If the occupants ARE the owners, tactfully inform them of pertinent laws.

3. **Raise the Stakes:**

- Involve more people who can exert leverage on the perpetrator, like neighbors, relatives, code enforcement, police, etc.
- Make it clear to the perpetrators and enablers that allowing the misbehavior to continue is more trouble or costly than stopping it.
- Gather documentation of criminal and nuisance behavior from neighbors and make a formal complaint to guardian agencies.
- **Meet** with the public housing authority or code enforcement
- Consider contacting the mortgage holder or other entity with power over the property and practices
- If police, code enforcement or others with power to directly address the problem don't act effectively, write letters to people higher on the chain of command: the police chief, public works director, city manager or city council.
- Consider media coverage to expose the problem to more people

4. **Give a Final Warning:** Let the perpetrator or enabler know the next step is legal action. The idea is not to sue, but to raise the possibility
- A lawyer retained by the neighborhood should write a letter to the owner or landlord, which documents offending incidents or conditions on the property, identifies the nuisance laws that are being broken, and emphasizes the community organizations intent to sue, if the problems aren't remedied quickly.
 - As an alternative some cities have nuisance laws with well-defined steps, including warning letters, fines, property closure and eventually, property forfeiture. The city can then convey the threat of legal action to the offender.
5. **Civil Action:** Your community group or city takes legal action. Reaching this step is rare. In addition to the legal actions just mentioned, some cities use public shaming with signs on the nuisance property or media, identifying the owner by name.
- **General Nuisance Abatement** These are generally state laws, which list a broad array of nuisance offenses with their penalties. They give specific remedies for "harmed parties" and are often easier to apply than specific criminal codes.
 - **Chronic Nuisance Abatement** For the perpetual nuisance house owner, many cities have also more-detailed lists of nuisance offenses, along with graduated schedules of warnings, fines, and property control
 - **Narcotics Abatement** Drug Houses can often only be dealt with by county or state narcotics squads, and not local authorities

Conclusion:

Success in dealing with nuisance and drug houses depends on:

1. Individuals and agencies (guardians) taking responsibility for solving the problem
2. Enlisting and organizing a wide variety of community members to work together documenting problem behavior, communicating with each other, contacting guardian agencies, and persisting until the nuisance or drug house is abated.
3. Employing the Civil Force Continuum, having the will to go to step 5, if necessary.