



Cleveland at the Crossroads

TURNING ABANDONMENT INTO OPPORTUNITY

Recommendations for the Prevention, Reclamation, and
Reuse of Vacant and Abandoned Property in Cleveland

A NATIONAL VACANT PROPERTIES CAMPAIGN
ASSESSMENT REPORT SUBMITTED BY:

Alan Mallach, Lisa Mueller Levy, and Joseph Schilling

Prepared for Neighborhood Progress, Inc. • JUNE 2005



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ACKNOWLEDGMENTS

The Assessment Team and the National Vacant Properties Campaign

The National Vacant Properties Campaign is a collaborative effort of Smart Growth America, the International City/County Management Association (ICMA), and the Local Initiatives Support Corporation (LISC). They launched the Campaign in 2003 to help communities prevent abandonment, reclaim vacant properties, and revitalize communities. One of the Campaign's primary goals is to provide communities with an array of technical assistance services. LISC coordinates the Campaign's technical assistance program. For more information about technical assistance and other Campaign activities, please visit www.vacantproperties.org.

The assessment team included Alan Mallach, Director of Research for the National Housing Institute, Lisa Mueller Levy, Director of Technical Assistance for the National Vacant Properties Campaign and Knowledge Sharing Director for LISC, and Joseph Schilling, Professor in Practice from the Metropolitan Institute at Virginia Tech and Director of Policy and Research for the Campaign. Each member of the team participated in the four-day assessment visit and conducted supplemental research and interviews. They also drafted specific sections of the report consistent with their areas of expertise.



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SETTING THE STAGE

Meeting Cleveland's housing goals through vacant property revitalization

Eric Hoddersen, *President, Neighborhood Progress, Inc.*

During the past several years Cleveland's civic, private, philanthropic, and community development leaders have forged a campaign to repopulate and rebuild the city, to encourage new people to move into Cleveland neighborhoods, and to encourage existing residents to remain and invest. The success of this campaign depends on our ability to make Cleveland more competitive in the regional marketplace by ensuring that its neighborhoods are places where people want to live. We must influence the choices people make by offering

- ▶ housing products, styles, and amenities that are on par with suburban housing;
- ▶ a variety of retail goods and services;
- ▶ safe and attractive neighborhoods; and
- ▶ high-quality schools for their children.

As the *Cleveland Plain Dealer* documented in a series of articles during the summer of 2004, the problem of vacant properties and abandoned buildings is now reaching crisis proportions in the city, potentially undermining the significant progress made over the past 10 years. Abandoned property has a direct impact on the choices people make about where to live. People want to live in an attractive neighborhood, free of blight. Abandoned property – usually in varying stages of deterioration – discourages people from buying nearby homes.

Abandoned property also sends the wrong signal to the private market, discouraging investment that could contribute to rising property values and the city's long-term economic health:

- ▶ People want their homes to maintain value. Abandoned property reduces the potential sales price and market value of nearby homes.
- ▶ People want to live in safe neighborhoods. Studies have demonstrated that streets with vacant or abandoned houses have crime rates twice as high as those without vacant homes.
- ▶ People want to live near good schools and good city services. In virtually every case, abandoned property is tax delinquent. The loss of potential tax revenue affects both city services in general and revenue for schools in particular.

Vacant and abandoned property represents a double-edged sword for the decline and rebirth of any city. For example, vacant property is both an *outcome* of population loss and an ongoing *cause* of the problem, as it discourages new people from moving back. Yet vacant property also represents an *opportunity, offering* raw material from which to build new housing, new retail centers, parks and greenspace, and other amenities that will attract residents back to Cleveland neighborhoods.

To reverse population decline and to remain competitive within the region, Cleveland needs safe and attractive neighborhoods with a range of housing options for people of all income levels. Cleveland needs to reclaim vacant and abandoned property in order to provide upward of 1,000 new and renovated homes annually. Cleveland's primary challenge is how to transform vacant and abandoned properties from a liability into an asset: land for neighborhood revitalization through a partnership of local government, community organizations, and the private development community.

This report not only documents the problems but contains a series of recommendations that build on Cleveland's strengths and identifies national best practices that Cleveland can incorporate in its effort to prevent and reclaim abandoned property for sustainable reuse. It is our hope that these recommendations will stimulate discussion and collaboration between local government, community development corporations, foundations, and the private sector around a shared course of action.

Cleveland's primary challenge is how to transform vacant and abandoned properties from a liability into an asset: land for neighborhood revitalization through a partnership of local government, community organizations, and the private development community.



INTRODUCTION

At the request of Neighborhood Progress, Inc. (Neighborhood Progress), a team of practitioners and experts from the National Vacant Properties Campaign (NVPC) carried out a strategic assessment of the systems in place for returning the city of Cleveland's vacant, abandoned, and blighted properties to productive use. We interviewed more than 50 individuals and reviewed numerous reports and documents, starting with a study visit in April 2004. Neighborhood Progress convened an informal steering committee of local vacant property practitioners, representing community development nonprofits and intermediaries, local universities, and local government officials and staff to help guide the assessment process. The steering committee met periodically over the course of nine months to provide us with input and feedback on our report and preliminary findings. This assessment report synthesizes our research and summarizes our recommendations. The report is divided into five sections, reflecting the critical steps that city officials, business leaders, nonprofit institutions, and community development corporations (CDCs) should take to prevent, reclaim, and reuse Cleveland's vacant and abandoned property:

- ▶ define and document the problem,
- ▶ change the ground rules for owners of vacant properties,
- ▶ increase the acquisition and redevelopment of vacant property,
- ▶ create a property information system, and
- ▶ build a comprehensive, coordinated vacant property action plan.

Under each of these essential steps, the report explains the critical challenges and provides potential strategies for improving Cleveland's ability to address vacant and abandoned property, while highlighting programs and strategies from other U.S. cities that may be models for Cleveland's future efforts. More technical information and analysis of these strategies can be found online at www.vacantproperties.org and www.neighborhoodprogress.org.

In our many conversations, meetings, and interviews, we found Cleveland's public, private, and nonprofit leadership ready to confront the city's vacant property challenges. We are confident that the recommendations presented in this report can serve as a foundation for selecting priorities and moving those recommendations to action over the coming years.

Alan Mallach, *National Housing Institute*

Lisa Mueller Levy, *Local Initiatives Support Corporation*

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The steady abandonment and loss of structures in the city of Cleveland undermines neighborhood stability, erodes property values, imposes growing cost burdens on the city, and compromises the persistent efforts of city government, CDCs, and others to build a stronger Cleveland for future generations.

PART I.

Defining and documenting Cleveland's vacant property challenges

Cleveland faces an abandoned property crisis. The steady abandonment and loss of structures in the city of Cleveland undermines neighborhood stability, erodes property values, imposes growing cost burdens on the city, and compromises the persistent efforts of city government, CDCs, and others to build a stronger Cleveland for future generations.

No one knows precisely how many vacant and abandoned properties exist in Cleveland today. Estimates range from 10,000 to as many as 25,000. Abandoned properties often include single-family homes, apartment buildings, commercial buildings – many in the heart of downtown – and industrial properties. Cleveland also has numerous blighted properties, some vacant and others occupied. If aggressive steps are not taken now to rehabilitate these vacant and substandard structures, they could become abandoned in the near future. Although some areas contain higher concentrations of vacant and abandoned properties, hardly any neighborhood, even the most stable, is free of their blighting influence.

The ever-changing dynamics of property vacancy and abandonment make it difficult to quantify their precise impacts and to devise effective strategies for reclamation. Yet the evidence shows that Cleveland's problems with vacant and underused properties are steadily worsening. Foreclosures are soaring because of subprime lending and the region's persistently slow economic growth. Although exact numbers are not readily available, the number of homes lost through foreclosure each year in Cleveland appear to substantially exceed the amount of new housing being built.

Vacant properties impose massive costs, both fiscal and social, on the city of Cleveland, its citizens and its business community:

- ▶ **Abandoned properties lower the property values of surrounding properties.** A study in Philadelphia, where property values are comparable to those of Cleveland, found that the presence of *one* abandoned property on a city block caused the market value of each of the other properties on the block to be lowered by \$6,500.
- ▶ **Abandoned properties cost the city money.** Every year, Cleveland spends roughly \$2 million to board-up, clean-up and demolish abandoned properties. Additional untold millions are spent in costs for additional legal services, enforcement actions, court hearings, inspections, police and fire calls.
- ▶ **Abandoned properties are magnets for criminal activity and fires, whether accidental or deliberately set.** In some cities, well over half of all fires start in abandoned buildings.
- ▶ **Abandoned properties accumulate dust, debris, and vermin, affecting community health and increasing the incidence of diseases such as asthma.**

WHAT ARE VACANT PROPERTIES?

No uniform policy or consistent definition of a vacant or abandoned property exists. The National Vacant Properties Campaign (NVPC) considers vacant properties to include a wide range of residential, commercial, and industrial buildings and vacant lots that exhibit one or both of the following traits:

- ▶ the site poses a threat to public safety (meeting the definition of a public nuisance), or
- ▶ the owners or managers neglect the fundamental duties of property ownership (e.g., they fail to pay taxes or utility bills, default on mortgages, or carry liens against the property).

Vacant properties can include abandoned, boarded-up buildings; unused lots that attract trash and debris; vacant or under-performing commercial properties known as greyfields (such as under-leased shopping malls and strip commercial properties); and neglected industrial properties with environmental contamination known as brownfields. The NVPC also monitors deteriorating single-family homes, apartments with significant housing code violations, and housing that remains vacant for long periods of time, as these are indicators of future vacancy and abandonment. State laws and uniform building codes further refine what constitutes an abandoned building, but these vary from jurisdiction to jurisdiction. Often these structures have been unoccupied for over a year, are beyond repair, and pose serious danger to public safety.

How Cleveland confronts the challenge of vacant properties during the next five years will have a dramatic impact on the future of the city and its neighborhoods. Cleveland stands at the proverbial crossroads that compel immediate action.

The city's current vacant property crisis is not due to lack of effort by local stakeholders. Indeed, over the past few decades, Cleveland has taken many steps to address these problems and rebuild the city's fabric. Cleveland's strong network of CDCs and the close working relationship between city government and the CDC community are the envy of many larger, economically more powerful cities. The city's land-bank program, first established in 1976, has received national acclaim as a pioneering effort to reuse vacant land productively. The results of these efforts are visible across the city in new housing developments and shopping centers, and in revitalized neighborhoods with rising market values.

Economic conditions, sprawl, predatory lending, and the aging of the housing stock are driving the current crisis. As Professor Tom Bier from Cleveland State University has explained, the metropolitan economy continues to perform poorly while communities on the outer edges of the region consume land and attract jobs away from the urban center and its core communities. The region's lack of land suitable for immediate development, inequitable taxation policies, and poorly performing schools further push businesses and homeowners out of Cleveland and its inner ring suburbs. These factors are largely beyond the control of anyone in the city.

At the same time, internal factors have hindered the city's ability to effectively respond to the crisis, including the fragmentation of governmental authority and responsibility; the lack of adequate property information systems; the absence of a strong, clear, housing preservation policy; and the need for new property acquisition tools – both legal and financial – to deal with today's conditions.



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PART II.

Changing the ground rules for owners of vacant and nuisance properties

The challenges

Cleveland's efforts to resolve the current vacant property crisis are aggravated by its own ground rules (ordinances, regulations, and policies) and systems that govern the ownership of vacant and nuisance properties. The current rules actually facilitate and reward the neglect of ownership responsibilities, while frustrating the efforts of responsible owners and redevelopers.

First, a combination of factors – most notably budgetary constraints – has hampered the city's inspection and code enforcement system. Inspection and enforcement are not keeping pace with the spread of blight, vacancy, and abandonment. It is common for properties to remain vacant for several years without an interior inspection. Even after being inspected and condemned, a property may then remain in that condition for several more years without either rehabilitation or demolition. For a variety of reasons, the city does not inspect a vacant building unless it poses an imminent threat to public safety. However, as Housing Court Judge Raymond L. Pianka noted, "a house that's indefinitely vacant – even if otherwise secure and not open to casual entry – is inherently dangerous to surrounding neighbors." When the city does take more formal enforcement action, the enforcement process is often too lengthy and cumbersome to be effective against sophisticated slumlords. The bottom line is that, in the absence of aggressive code inspection or the credible threat of abatement or demolition, owners of vacant property in Cleveland have little motivation to repair and maintain their property. As one respondent commented, under the current system "it's just too easy to own a vacant property in the city of Cleveland."

Second, the same "ground rules" that make it easy for the bad actors to neglect their property also make it difficult for Cleveland CDCs and other capable parties (including individual families as well as redevelopers) to acquire and recycle these properties for sustainable reuse. CDCs report that absentee owners of vacant property frequently set unrealistically high sale prices when they are approached about selling their property, prices that make adequate restoration difficult or impossible. When CDCs pay these higher prices in the interest of moving forward, the stage is set for more artificially inflated sales in the neighborhood. In reality, many of these properties would have a negative market value if the full extent of needed repairs, coupled with delinquent taxes and other liens, were fully taken into account. The absence of code inspections and the lack of aggressive enforcement actions contribute significantly to this problem. Moreover, this lack of enforcement facilitates the practice of "flipping," in which unscrupulous investors in vacant property make superficial, cosmetic repairs and then "flip" the property to an unsuspecting homebuyer for an inflated price.



In spite of the fact that Cleveland has a plethora of repair and rehabilitation programs, respondents noted that there were still insufficient home-repair resources for responsible owners who are seeking to hold onto and maintain their properties...

Third and finally, although Cleveland has significantly increased the amount of new housing being constructed, in part by using the city's land bank to channel vacant land to a strong network of production-oriented CDCs, less attention has been given to rehabilitation of existing properties and to the private owners of the city's thousands of problem properties, both at-risk and already vacant. The Housing Court's docket indicates that a growing number of owners, especially those with single-family homes, lack the resources, expertise, and physical ability to make the necessary and often relatively minor repairs. Cleveland could do a much better job integrating its repair and rehabilitation programs throughout the entire inspection and code enforcement process. Somehow the word does not always reach the most deserving owners, and some of the application processes and eligibility criteria make these programs difficult to use and administer. In spite of the fact that Cleveland has a plethora of repair and rehabilitation programs, respondents noted that there were still insufficient home-repair resources for responsible owners who are seeking to hold onto and maintain their properties, particularly in cases where owners have limited income or marginal credit.

Changing the ground rules for private property owners is long overdue, and should include targeting problem properties and their owners for enforcement while at the same time building a support system to prevent abandonment by helping responsible owners preserve their property.

Recommendations

I. Conduct a comprehensive assessment of the city's code inspection and enforcement system.

Three entities form the backbone of Cleveland's code enforcement system: the Building and Housing Department, the Code Enforcement Division in the Law Department, and the Cleveland Municipal Housing Court. These entities often work independently of each other and within relatively narrow program parameters. The Cleveland Housing Court recently underwent an assessment of its handling of code enforcement cases that identified overlapping actions and duplications of effort; the Court has already begun to institute new procedures to cut costs and save time. A similar assessment of the Building and Housing Department and Law Department could achieve greater operational efficiency throughout all stages of the enforcement process. In addition, the assessment should explore different models for transforming the existing complaint-dependent and reactive enforcement program to a system that strategically targets resources.



2. Design and implement a comprehensive code enforcement strategy around strategic community development and neighborhood priorities.

Cleveland's code enforcement system is primarily driven by citizen and neighborhood complaints. While maintaining the capacity to respond to enforcement complaints, we recommend that city officials redirect the bulk of code enforcement resources to special enforcement activities based on neighborhood-driven revitalization plans or other important policy priorities. Working with neighborhood groups and local CDCs, the city could devise a vacant properties action plan that could more efficiently target its limited enforcement and inspection resources. The action plan should include in-depth inspection protocols and remedy-selection policies that could enhance the consistency of code enforcement and the overall accountability and credibility of the city's enforcement program. The new property information system could also assist in targeting enforcement actions, directing rehabilitation resources, and focusing abandonment-prevention efforts.



- ★ Tucson established the SABER (Slum Abatement and Blight Enforcement Response) Team as a strategy to focus code enforcement and nuisance abatement in key target areas in conjunction with other neighborhood revitalization strategies. SABER brings together the resources of nine city departments, each of which shares responsibilities relating to the enforcement and prosecution of slum and blight laws. By institutionalizing interdepartmental cooperation and coordination, SABER facilitates a more effective response to the problems of vacant and unsecured buildings.
- ★ Baltimore is taking a more systematic approach in attacking the city's 16,000 vacant properties through TEVO – Targeted Enforcement Toward Visible Outcomes. TEVO focuses the Housing Department's code enforcement energies on derelict properties within transitional neighborhoods that have market potential – approximately 6,000 substandard, vacant, and boarded-up row houses. Using a team approach involving inspectors and prosecutors, TEVO aggressively pursues the owners in these neighborhoods through an assortment of traditional enforcement actions.

3. Establish a vacant property maintenance and registration ordinance.

Several municipalities in Ohio – most notably Columbus and Cincinnati – have adopted vacant property registration ordinances. Registration ordinances basically require owners of properties that have become vacant or abandoned for a certain length of time (e.g., six months or more) to register formally with the local government. Such registration ordinances provide the local government with a point of contact in case the property becomes a public nuisance, and they encourage the owner to devise a timely rehabilitation plan by imposing a sliding fee: the longer the property remains vacant, the greater the fee. Specific provisions of the ordinance could include the following:

- ▶ a requirement that vacant property undergo a thorough interior and exterior inspection to document the condition of the property;
 - ▶ a sliding scale under which the registration fee increases with every year the property remained vacant;
 - ▶ a Vacant Property Owner Responsibility Code, including stringent standards for cleaning and boarding properties;
 - ▶ provision of full contact information by owners of vacant properties, including a requirement that out-of-county owners designate a local agent to act on their behalf;
 - ▶ minimum insurance requirements for vacant properties;
 - ▶ a requirement that certain owners post a bond that is forfeit in the event the city is required to demolish the property; and
 - ▶ provisions that any unpaid fee or cost under the ordinance would become a municipal lien against the property and/or against the individual (depending on what state law permits).
- ★ Wilmington Delaware enacted a vacant property registration ordinance with a sliding annual fee scale that goes up to a maximum of \$5,000 if the property has been vacant 10 years or more. Chicago enacted vacant properties ordinances that include requirements that owners provide contact information and maintain minimum levels of insurance, and establishes minimum technical standards for boarding buildings.
- ★ The city San Diego created a Vacant Property Coordinator to implement and administer its vacant property abatement ordinance. The VP Coordinator is charged with a variety of responsibilities: (1) identifying vacant properties throughout the city; (2) maintaining a list or data base of properties; (3) administering the city's abatement ordinance to clean and secure vacant properties; (4) coordinating efforts among city departments (e.g., code compliance, police, and the city attorney's office); (5) communicating regularly with community groups, the real estate industry, and financial institutions; and (6) performing liaison tasks with the city's vacant property task force.

4. Establish an aggressive, targeted nuisance abatement program to prevent vacant properties and reclaim abandoned properties, including direct foreclosure on nuisance abatement liens. The city should use its nuisance abatement powers more aggressively, not only for demolition, but also for the stabilization and repair of substandard properties with numerous housing code violations. The Building and Housing Department has its own administrative procedures through which the designated city official can declare buildings public nuisances and proceed to have city crews or a contractor clean or repair properties, board and secure abandoned buildings, and perhaps even demolish them. With sufficient resources and training, the department could significantly expand its nuisance abatement program. Moreover, by foreclosing directly on nuisance abatement liens, the city can recover the costs associated with these activities.

5. Expand the use of civil enforcement actions by the Law Department as a tool against problem properties, both occupied and vacant. Cleveland can take a variety of enforcement action depending on the facts and circumstances of the particular property. Unfortunately, it seems the enforcement system tends to use certain remedies almost exclusively, such as criminal prosecution or administrative abatement. Although these remedies work for most enforcement cases, in some instances these penalties and the powers of the court or hearing body are insufficient to gain compliance. Civil enforcement actions are well suited to more complex cases that involve slumlords and flippers of real property, who often intentionally hide or are difficult to find, thus rendering criminal enforcement proceedings ineffective. Civil enforcement actions also offer a wide range of potential remedies, such as injunctive orders, the appointment of receivers, assessment of costs and civil penalties, and execution and foreclosure of judgment liens.

6. Expand the use of receivership as a strategy with respect to nuisance properties. Receivership, a powerful tool to gain control of problem properties and restore them to productive use, is only rarely used in Cleveland. The obstacles to using receivership need to be identified so it can become a more useful strategy for abating or even acquiring nuisance properties. Possible obstacles include limited capacity, problems with the state statute, or inadequate access to financial resources. The recent acceptance by the Cleveland Housing Court of foreclosure cases suggests a new opportunity for receivers to obtain clear title.

- ✳ Baltimore created a partnership between the city, the Community Law Center, and CDCs to use vacant property receivership as a priority strategy. Actions have been brought against owners of more than 300 properties. In roughly half of the cases, the owner took action to rehabilitate the property rather than allow the building to go into receivership.

7. Develop a strategy to address the rising tide of residential foreclosures in Cleveland. Foreclosures are becoming an epidemic in Cleveland, with severe consequences on nearby homeowners and their neighborhoods. The cause and effect of foreclosure and abandonment is a complex relationship that is difficult to determine. Abandonment may precede foreclosure, or in some cases it may result from foreclosure.



No data currently exist that identify the precise number of homes abandoned in Cleveland due to foreclosure. No doubt some homes are condemned before foreclosure, while some might be saved through foreclosure.

A strategy to address this issue is urgently needed, beginning with a study on foreclosure activity and an analysis of the problem to identify the trends, patterns, and key entities involved. It is unclear whether the city, CDCs, or others in Cleveland have enough information to develop a sound, cost-effective strategy. We believe that a detailed analysis of the foreclosure patterns in the city is needed before an effective intervention strategy can be developed. (See suggested parameters for a foreclosure study in Section IV, Number 6). Some of the elements that may be included in such a strategy are as follows:

- ▶ expansion of the battle against predatory lending to include development of competitive products for refinancing and home improvement lending through partnerships between local lenders, the city, and CDCs;
- ▶ initiation of foreclosure prevention programs;
- ▶ creation of special enforcement teams (ideally through the Ohio Attorney General and/or the Cuyahoga District Attorney) to investigate and prosecute fraudulent lending, appraisal, and legal practices under relevant state and federal laws.
- ▶ Expedition of judicial procedures for clearing titles to low-value properties whose owners cannot satisfy liens.

8. Increase efforts to make mortgage companies accountable. As the number of foreclosures continues to rise, the number of properties that fall under the control of banks and mortgage companies will also increase. Lenders often do not assume legal possession of property during the foreclosure process. Instead, they assert control of debt collection without actual possession of property. They too often ignore the deteriorating condition of the property because their lien is insured or guaranteed upon foreclosure. The city, county, and courts need to devise a strategy for making financial institutions accountable for maintaining these properties during the foreclosure process. Where lenders have legal possession, the city should aggressively act against them as they should against title owners of properties. The city should also explore ways in which

it can deal with the problems created when foreclosures have been initiated, but where the mortgagee refuses to take a deed in lieu of foreclosure, or fails to pursue buying the property at Sheriff's Sale; or buys it and holds the deed covertly.

9. Augment the support system for owners of “1 to 4” dwelling units. Small privately owned properties represent the lion's share of affordable rental housing in Cleveland, where two-thirds of all tenants live in “1 to 4” family buildings, nearly three-fourths of which were built before 1950. Providing assistance and support to landlords and homeowners who want to maintain their properties can both preserve affordable housing and prevent vacancy and abandonment. Potential strategies may include any of these:

- ▶ increased access to affordable financing for acquisition, refinancing of existing debt, and upgrading, including strategies to couple financial assistance to owner accountability for future maintenance of the property;
 - ▶ development of additional home-repair financing options for homeowners on fixed income and those with marginal credit;
 - ▶ tax benefits for rehabilitation and upgrading; and
 - ▶ training, technical assistance, and mentoring for landlords.
- ★ New York City provides a variety of support services to landlords. Its support services are paralleled by the financing offered by the Community Preservation Corporation, a nonprofit lender established by a consortium of banks and insurance companies to focus on acquisition, refinancing, and improvement lending for small and medium-sized multi-family properties.

Ultimately, preservation and prevention comprise a philosophy as well as a strategy. Recognizing that not all buildings are worth preserving, the city and its partners should develop sound criteria to determine which should be preserved, and from that, an overarching strategy to see that these buildings are preserved. In the absence of such a strategy, the city will continue to lose more units than it can create through new construction, in ways that will continue to destabilize neighborhoods and undermine revitalization efforts.



PART III.

Increasing the property acquisition and redevelopment pipeline:

Providing stronger public sector tools and building greater CDC capacity

The challenge

Cleveland has been a national pioneer in the creation of property acquisition tools for revitalization, including the city’s land bank and “spot blight” eminent domain. The use of these tools has been a key element in the successful efforts of CDCs and others to rebuild their neighborhoods over the past two decades. Today, however, as conditions and challenges have changed, these tools are no longer as effective as they once were in generating a sufficient pipeline of properties for redevelopment, particularly in light of the city’s ambitious goals for both housing and non-residential redevelopment. There is an urgent need to take a fresh look at these tools, and identify how existing tools can be rethought and new strategies added to address the challenges of rebuilding Cleveland and its neighborhoods. The most pressing priority, however, is to get the tax foreclosure process back on track. The tax lien sale program has interrupted the flow of vacant properties into the land bank. Corrective action has been proposed and needs to be implemented.

Property acquisition by the public sector – the city’s land bank – is vital, but it cannot be seen as the only means by which to acquire properties for redevelopment and revitalization. As the market in Cleveland has become stronger, the ability of CDCs – either directly or through intermediaries – to complement the city’s efforts with their own acquisition strategies has become more and more important.

Reinvigorating the city’s land bank and providing it with the additional tools it needs to be effective, must be combined with building greater sustained capacity on the part of the city’s CDC community to conduct property acquisition and land assembly activity. While Cleveland has a large number of CDCs, the great majority have only limited capacity to undertake these tasks. Unless this issue is confronted, revitalization efforts in the greater part of Cleveland’s neighborhoods will continue to be constrained by limited managerial capacity and financial resources.

There are a number of options that can be pursued with respect to how, or where, this capacity should be developed. Two alternatives are (1) to create a single central entity to provide land assembly services to CDCs, or (2) to enhance the land assembly capacity of a small number of existing CDCs, which would then provide services to other CDCs as well as continuing to do their own assembly activities. We believe that creating a single entity has clear advantages, not least of which is avoiding the potential conflicts that might arise within a CDC in terms of prioritizing its efforts. We have not addressed the question of how the entity should be organized, or where it should be lodged, but rather have focused on the substance of its mission. Regardless of which

approach is pursued (or whether a combination is pursued), there should be clear production goals and outcomes established over a defined time period, combined with a periodic evaluation to determine whether mid-course adjustments are needed.

Recommendations for the public sector

1. Increase the intake of properties into the land bank by getting the property tax foreclosure process back on track. Barring unusual exceptions, properties that become eligible for tax foreclosure should be swiftly foreclosed. Changes to the process should include a number of elements, including these:

- ▶ restoration of the full capacity of Cuyahoga County to carry out tax lien foreclosures in volume and in timely fashion;
- ▶ establishment of procedures to prevent bulk lien sales of potential land-bank properties;
- ▶ consideration of a special program for CDC acquisition of tax lien certificates on properties for redevelopment;
- ▶ decreased time between tax delinquency and foreclosure;
- ▶ procedures to speed the conveyance of properties to the city after foreclosure, such as elimination of the requirement for judicial sales when the amount of the tax lien is greater than the fair market value of the property; and
- ▶ exploration of the use of the Housing Court as a venue for tax foreclosure.

2. Restructure the land bank to incorporate the following changes:

- ▶ **Amend the policy of only taking vacant land (except where buildings are taken as part of a simultaneous reconveyance to a CDC) into the land bank.** This policy significantly limits the number of properties potentially available to the land bank, and therefore available for redevelopment. Although liability and maintenance issues cannot be underestimated, they have been successfully addressed by land banks in other cities around the country. By taking buildings as well as vacant lots, the land bank is also more likely to take title to valuable properties – albeit a small number – whose sale should cover any additional maintenance costs the land bank will incur.
- ★ **The Genesee County Land Bank in Michigan takes all properties that are available through tax foreclosure. By selling the small number of valuable buildings it takes each year, it makes enough money to cover a significant portion of its operating cost.**
- ▶ **Establish sound risk management practices to minimize liability associated with taking vacant buildings into the land bank.** These practices should include effective protocols for regular cleaning, boarding, sidewalk repair, and other property treatments.
- ▶ **Expedite the process by which CDCs can obtain properties from the land bank.** Some CDCs have reported delays in withdrawing property from the land bank, delays that jeopardize opportunities for redevelopment. An assessment of the step-by-step



procedures for property reacquisition should be conducted to identify logjams and impediments. The city should develop clear policies to guide disposition of properties from the land bank, and should establish priorities on the basis of those policies with respect to specific areas, end users, and projects. Development of these policies and priorities should be approved by the City Council, and authority delegated to the land bank to convey individual properties without further Council action.

- **Provide additional staff and consultant resources to expand the land bank.** The recommendations in this section to expand the scope of the land bank’s activities will call for additional city staff and consultant resources. The city should make this “staffing-up” a priority. Not only will this commitment of time and resources improve the quality of life for city residents, it could generate additional revenues to cover additional staff and consultant costs.
- **Ensure that the land bank is coordinated with the industrial land bank being developed by the city’s Department of Economic Development.** If the city and its neighborhoods are to be redeveloped in a comprehensive, well-planned fashion, planning for reuse of residential and industrial land should be integrated into a common framework.

3. Restructure the spot-blight taking process, creating a formal, tightly organized process and eliminating delays, to make the process both speedy and predictable. The spot-blight taking process has the potential to become a significant source of properties for redevelopment by CDCs and others, and is a critical tool to acquire key missing pieces in land assemblies, where the majority of the

properties are obtained through tax foreclosure or voluntary conveyance. However, CDCs that have tried using the process report frustration over the nearly two-year process involved. The city should conduct an assessment of the spot-blight taking process and restructure the program accordingly. The process must be formalized, so that end users of the properties can be certain that the properties that enter the process will be taken (or voluntarily conveyed), within a manageable time frame.

4. Initiate a policy of collection by foreclosure of the city’s demolition, board-up, and other nuisance-abatement expenses. The city should act directly, rather than certifying the liens to the property tax bill and making collection dependent on the Cuyahoga County tax foreclosure process. This should both raise more money for the City of Cleveland and expedite the movement of more properties into the land bank.

5. Establish a brownfields acquisition and remediation program in partnership with the Port Authority and the Cuyahoga County Brownfields Program. Brownfields represent a major land resource in Cleveland, which can be used more readily today as a result of both legal changes and resources available at the state and federal levels of government. The city should explore how it can best take advantage of these opportunities in a prudent and responsible fashion, making sure that the city is operating within a single coordinated brownfields strategy. Perhaps the city’s new industrial development land bank can be a catalyst for greater coordination and integration within the city and between the city, port authority, and county.

Recommendations to build the support system for CDC property acquisition

1. Design and create a property acquisition and land assembly program.

Neighborhood Progress has already created a pilot Land Assembly Program that is working with six of its funded CDCs. Perhaps Neighborhood Progress and a coalition of intermediaries and CDCs can explore expanding this initiative to serve all CDCs, the City of Cleveland, and others seeking redevelopment opportunities. The goal of such a program should be to make the property acquisition and assembly process more efficient. The establishment of a new entity, perhaps as a subsidiary of Neighborhood Progress or another existing organization, should be explored for the purpose of acquiring and holding title to property for redevelopment. The core activities of the program should include the following:

- ▶ collaboration with individual CDCs to use the GIS-based mapping capacities of the property information system and neighborhood revitalization plans to develop property acquisition and land assembly strategies for each participating CDC;
- ▶ development of priorities for property acquisition and land assembly activities;
- ▶ property research in priority areas, including ownership, value, and title conditions;
- ▶ environmental due diligence, including site assessments, for brownfield properties;
- ▶ technical assistance for environmental remediation activities;

- negotiation with owners and lien holders of properties for acquisition;
- title-clearing legal actions after buying liens from lien holders; and
- taking of title on behalf of CDCs or others, and reconveyance of properties to end users.

Additional activities of the program could include these:

- support services, either on a case-by-case or ongoing basis, to the City of Cleveland with respect to different elements of the land bank's operations, such as brownfields assessment;
- service as a receiver with respect to properties for which the entity, or others, brings receivership actions;
- facilitation of the purchase of tax lien certificates by CDCs, putting them in a position to initiate foreclosure and title transfer;
- retention of properties as a land bank for varying periods; and
- establishment of programs, or contractual arrangements with CDCs and others, to clean, maintain, repair, or otherwise deal with vacant properties being held for future development.

2. Establish a property acquisition and land assembly fund to provide speedy, flexible access to resources for property acquisition and land assembly by CDCs. This fund is already being developed within Neighborhood Progress, with support from LISC and the Enterprise Foundation.

- The fund should be designed so that in addition to supporting acquisition for specific, well-defined projects, it can also be accessed for more long-term land assembly and land-banking activities by well-established CDCs with the demonstrated capacity to convert those assemblies into successful projects over time.
 - The fund should be set up to provide strong CDCs with credit-line financing, so that it can draw down funds expeditiously to carry out private acquisitions.
 - The fund should be capitalized at a level that will make possible a significant increase in the level of CDC property acquisition
- ★ New Jersey established a new fund, the PLAN (Predevelopment Loans and Acquisition for Nonprofits) Fund, to support CDC acquisition efforts. Capitalized at \$10 million, it will provide credit lines for acquisition and land-banking efforts by CDCs with solid track records, as well as more conventional predevelopment loans for specific projects. Developed by the Housing & Community Development Network of New Jersey, it is managed by The Reinvestment Fund in Philadelphia.



PART IV.

Developing property information systems

The challenge

In order for the city to frame an effective strategy to address the problems of vacant and abandoned properties, it needs to get a better handle on the problem itself:

- ▶ What is the magnitude of the abandoned property problem in the city, and in each neighborhood?
- ▶ What are the trends?
- ▶ What are the “triggers”: what factors, such as foreclosure, tax liens, and code enforcement, are associated with increases in abandonment?
- ▶ What are the outcomes of intervention, such as code enforcement or nuisance abatement?
- ▶ What are the redevelopment opportunities being created as a result of vacancy and abandonment?

None of this information is currently available to decision makers or practitioners in Cleveland. The city lacks a reliable, comprehensive body of baseline information on real property. Data on the condition, value, and ownership of real property is not available from any single system, while information about vacant and abandoned properties must be assembled one parcel at a time from a myriad of county and city offices, each of which operates a unique data system for a limited purpose. Policymakers, planners, developers, and others engaged in property transactions need to be able to assemble and map reliable real property information if they are to make firm decisions and commitments.

We believe that the lack of this information is one reason why vacant properties have not been addressed with the urgency they deserve. The city’s decision makers do not have accurate data on the number of vacant properties, where they are located, what costs the city incurs each year to deal with them, or the extent to which they diminish property values and destabilize the city’s neighborhoods.

An initiative to respond to this challenge is presently underway. Neighborhood Progress and the Enterprise Foundation are supporting an expansion of the CANDO data system sponsored by Case Western Reserve University. For the past 13 years CANDO has collected, maintained and disseminated city, county, Census and other data on neighborhood demographic, economic and market conditions. The system is updated regularly and is available online to the public. What’s been missing is the ability to provide real property research on a parcel-by-parcel basis. The expanded system will be parcel-based, and will have GIS mapping capability. Development of this system is still challenged by the need for more cooperation among the various governmental

source agencies to provide the data in usable form. However, preliminary conversations have taken place between the University and the various city departments to obtain additional data.

Recommendations

1. Build capacity within city government to better maintain its property data, with particular attention to vacant properties and city-owned properties.

Information does not manage itself. Once a system has been designed, the capacity must be put in place within city government to maintain it and see that decision makers and practitioners get the information they need when they need it. The property data base must track code enforcement and other actions affecting these properties in an accurate and timely fashion.

2. Link city and county data bases – including property ownership, liens, code enforcement and nuisance abatement, property tax status, court records, and property conveyances – into a single property information system such as the CANDO system. All of this information and more is currently being gathered and entered into computers by many different offices at the city and county level. Table 1 shows the range of information that should be included in this system.

★ Two good examples of systems that link property information from a wide variety of sources into a single information system are Neighborhood Knowledge Los Angeles, developed by a team at UCLA for the city and other community stakeholders, and the Neighborhood Information System, developed by the University of Pennsylvania in Philadelphia. The Case Western Reserve CANDO system has the potential to be an equally useful resource.

3. The system should include an early-warning capacity for problem properties.

Properties at risk of abandonment should be tracked to focus outreach and intervention efforts, both to prevent abandonment and speed the process of gaining control of properties. An early-warning system could flag situations such as the following:

- ▶ recurrent code violations associated with a particular property,
- ▶ recurrent criminal complaints or activities associated with a particular property,
- ▶ accumulation of liens on a property in excess of market value,
- ▶ increases in the number of tax-delinquent properties in a particular area,
- ▶ utility shut-offs or payment defaults, and
- ▶ evictions.

★ The City of Philadelphia and NKLA have developed early-warning systems along the lines recommended here.

4. Design the new parcel-based components of the system to ensure that they are regularly updated and available to a wide range of users in a user-friendly format. In order to be effective, the system must be accurate, timely, and usable:

- ▶ All data in the system should be current and regularly updated in as close to real time as possible.
- ▶ Data should be available online in a format readily accessible to any interested users (confidential data can be password-protected if necessary).
- ▶ Data should be available in a variety of formats, including individual property data, lists of properties sharing common characteristics, and GIS-based maps for areas ranging from individual blocks to council districts. Maps are critically important for one of the system's important uses, as a tool for property acquisition and land assembly.
- ▶ Orientation and training sessions should be offered to potential users, both within and outside city government, including lay leadership of neighborhood organizations and city and CDC staff, to maximize use of the system.
- ★ **The Minneapolis Neighborhood Information System, a system designed by a team at the University of Minnesota for the city of Minneapolis and the city's neighborhood councils, provides ongoing training and technical support to system users in the city and the community, including training courses and provision of faculty and graduate students to undertake specific analyses on behalf of the community using the system.**

5. Conduct two studies to raise public awareness and enhance the community's understanding of the issues currently facing the city.

First, Cleveland needs a baseline assessment of the number and distribution of vacant and abandoned properties in the city, their economic and social costs. The assessment should address these costs for the city as a whole and in terms of specific neighborhoods and small areas. Second, the city and its key partners should analyze city and county foreclosure trends to determine the reasons for foreclosure, the outcomes of foreclosure, and a basis for effective intervention in this area. The analysis should address the number and proportion of each of these elements:

- ▶ foreclosures by jurisdiction, community, or neighborhood;
- ▶ foreclosures of owner-occupied dwellings;
- ▶ foreclosures by type and location (e.g., tax, mortgage, judgment);
- ▶ foreclosures on income-producing property;
- ▶ foreclosures on vacant land or abandoned property;
- ▶ foreclosures filed and number completed on individual properties within a span of time (in other words, how often properties go through foreclosure every decade);
- ▶ foreclosed properties where the total amount of liens collectible against proceeds of sale exceed the Fair Market Value;
- ▶ sales confirmed by court to lenders; and
- ▶ sales to lenders who delay or never file a deed with the Recorder of Deeds;

At the present time, the Common Pleas Court data system does not record the address or permanent parcel number of property in foreclosure. The Court's data system must be upgraded in order to conduct the recommended analysis.

TABLE I. Elements of a property information system

CATEGORY	KEY INFORMATION	DATA SOURCE
Basic property information	<ul style="list-style-type: none"> • Land and building use(s) • Structure type • Number of floors • Square footage • Zoning • Valuation 	<ul style="list-style-type: none"> • City property records; ClevelInfo; supplemented by survey
Property tax status	<ul style="list-style-type: none"> • Tax arrears (duration and \$ amount) • Tax liens (number and \$ amount) 	<ul style="list-style-type: none"> • County Auditor; ClevelInfo; Metroscan
Other municipal liens	<ul style="list-style-type: none"> • Utility liens (number and \$ amount) • Nuisance abatement liens (number and \$ amount) 	<ul style="list-style-type: none"> • County Auditor; City Treasurer; ClevelInfo
Nuisance abatement actions	<ul style="list-style-type: none"> • Nuisance abatement actions by type • Receivership status 	<ul style="list-style-type: none"> • City Building & Housing Department (B&H) • Housing Court
Code violations	<ul style="list-style-type: none"> • Complaints • Citations • Court actions arising from uncorrected violations 	<ul style="list-style-type: none"> • B&H • Housing Court
Vacancy and abandonment	<ul style="list-style-type: none"> • Utility shut-offs • Mail stops and forwarding • Visual evidence of neglect 	<ul style="list-style-type: none"> • Public utilities • U.S. Postal Service • Surveys or citizen reports
Crime	<ul style="list-style-type: none"> • Crime reports at specific addresses • Crime reports on block 	<ul style="list-style-type: none"> • Police department
Improvements	<ul style="list-style-type: none"> • Number and type of building permits issued • \$ value of permits 	<ul style="list-style-type: none"> • B&H
Conveyances	<ul style="list-style-type: none"> • Change in ownership • Price of conveyance • Nature of mortgage financing, if any 	<ul style="list-style-type: none"> • County Recorder and/or County Auditor
Lien Foreclosures	<ul style="list-style-type: none"> • Mortgage and tax lien foreclosure filings • Data fields for address and permanent parcel number of the subject property • Lien amount and case status • Sheriff's sales 	<ul style="list-style-type: none"> • County Prosecutor • County Court • Housing Court • County Sheriff

PART V.

Building a comprehensive, coordinated vacant property action plan

The challenge

Although this report contains many strategies, programs, and initiatives with individual value and benefit, these will only be effective if carried out as part of a coordinated, comprehensive strategy in which all of the key participants – city and county agencies, CDCs, intermediaries, lenders, and others – are at the table, working together to pursue common goals and objectives. Cleveland already has many examples of effective cooperation and coordination, whether within city government, among CDCs, or in the corporate and philanthropic sectors.

This assessment report can serve as the catalyst for change by challenging outmoded assumptions and rethinking existing approaches. Our advice and recommendations can only travel so far, however. The next and most important step is to translate the ideas in this assessment report into action. The ultimate responsibility for action rests on the shoulders of the region's leaders, policy makers, businesses, civic and nonprofit groups, and citizens. Ideally, these stakeholders will come together, review this document, adapt it, and devise priorities and action steps in collaboration with one another. They will need to think strategically about ways to use this report to generate momentum and build consensus among a broader array of parties.

We believe that the process of building a vacant property strategy has already begun through this assessment process. Rather than spending a great deal of time and energy developing an all-encompassing strategy, we believe that greater coordination and integration can be achieved through gradual steps, many of which ideally will grow out of the process of implementing the actions recommended in this report. With effective leadership and broad cooperation around specific activities – such as building the property information system, creating a platform for state law reform, and addressing the foreclosure epidemic – a coordinated strategy will emerge.

Recommendations

I. Build public awareness of the severity and the economic and social costs of the vacant and abandoned property problem in the city of Cleveland. Civic and business leaders, along with elected officials, should engage in a community-wide campaign to focus attention on the need for making vacant property revitalization a top priority for all Clevelanders. Neighborhood Progress and members of this assessment's advisory committee should mobilize support for developing an aggressive strategy to deal with vacant properties, beginning with an in-depth analysis of the social and economic costs that vacant properties present for the city and perhaps even the region.

This assessment report, together with its baseline survey, could serve as the key tool in such a promotional campaign. The campaign should include these components:

- documentation of the true social and economic costs of vacant properties;
- dissemination of the results of this analysis – solid information and recommendations for action among Cleveland stakeholders and concerned citizens; and
- groundwork for a community-wide vacant property “summit” to be held late in 2005 or early in 2006.

2. Foster interdepartmental cooperation within city government by creating an interdepartmental vacant property working group that can coordinate city activities (and perhaps resources) to implement vacant property strategies.

The working group should bring together, at a minimum, the city’s departments of law, community development, building and housing, and planning. The mayor should appoint a key official to chair the working group, giving that individual the authority to coordinate interdepartmental vacant property efforts. Such a working group could develop action plans that focus limited resources on priority neighborhoods or form special enforcement teams against a certain category of complex cases.

- ★ The city of Pawtucket, Rhode Island created an interdepartmental council that includes seven departments to coordinate their vacant and abandoned property efforts. The city created a full-time position to provide ongoing staff support to the council around this issue. The city credits their coordinated strategy, coupled with state law reforms that they were able to obtain, for a dramatic reduction in the number of abandoned properties in the city.

3. Create an ongoing vacant property committee or revitalization task force that brings together city and county government, intermediaries, CDCs, and others to act as a catalyst for change and track progress.

There is a critical need for a place or forum where those directly engaged with this issue can come together on a regular basis to share information, to provide support for the many institutional changes being proposed, and to track progress in implementing changes. This should be a relatively informal body, open to a wide range of organizational representatives engaged in vacant property issues, such as private-sector home builders and developers as well as representatives from the county and the Cleveland First Suburbs Consortium.

4. Create smaller, targeted working groups around specific priority elements of the strategy that cut across city departmental or organizational lines.

Within the vacant property revitalization task force, these working groups would be made up of representatives of those organizations, public or private, with a specific task or role in implementing that particular activity. Some of these may include the following:

- design and implementation of the property information system;
- creation of a platform for state law reform in areas affecting vacant properties;
- development of strategies for addressing the epidemic of homeowner foreclosures;

- development of a city-county brownfields strategy; and
- development of an effective receivership strategy.

5. Build a state-wide coalition for vacant property law reform. State laws affect the ability of the city or CDCs to implement certain vacant property reclamation and enforcement strategies. State law reform is critical to providing the city with stronger tools, greater flexibility, and more effective remedies. As experiences in Indiana, Michigan, and New Jersey have shown, vacant property law reform is a winnable issue at the state level, capable of generating bipartisan support. Cleveland stakeholders should work with public officials, civic leaders in other cities across the state, and with key state-wide organizations to build a specific, realistic agenda for legislative action, and a strong coalition to advocate for its passage by the Ohio Legislature. In fact, the National Vacant Properties Campaign, Cleveland Neighborhood Development Coalition, Miami Valley Regional Planning Commission, and Neighborhood Progress are working with a state-wide coalition of practitioners and policymakers to convene a national and statewide vacant property forum in Columbus – now set for October 24th and 25th, 2005.



Cleveland stakeholders should work with public officials, civic leaders in other cities across the state, and with key state-wide organizations to build a specific, realistic agenda for legislative action, and a strong coalition to advocate for its passage by the Ohio Legislature.

CONCLUSION

Since our preliminary study visit in the spring of 2004, the city of Cleveland, the CDC community, the housing court, local universities, and civic leaders have already begun to move forward on several ideas shared in this report:

- ▶ With the sponsorship of Neighborhood Progress and the Enterprise Foundation, Case Western Reserve University recently completed the merger of the CANDO and ClevelInfo data bases, and intends to develop this system into the type of single data intermediary envisioned by this report.
- ▶ Neighborhood Progress has created a Land Assembly Program that is working initially with six CDCs on a pilot project to identify at-risk properties in their areas, and to develop and implement property acquisition and land assembly priorities and strategies.
- ▶ In Ward 19 Cleveland's community development department inventoried all vacant properties and identified different enforcement strategies and reuse options for these sites.
- ▶ The city and county have begun to work together to resolve some of the issues that have impaired the tax foreclosure process, and the county has begun to rebuild its staff capacity to handle tax foreclosures.
- ▶ Neighborhood Progress, in conjunction with LISC and the Enterprise Foundation, has begun putting together a land assembly fund, to assist CDC efforts in property acquisition and land assembly.
- ▶ A Vacant Property Steering Committee, convened by Neighborhood Progress, has met regularly since spring 2004.
- ▶ Based on its work on this subject over the past year, Neighborhood Progress has developed a unique conceptual framework that outlines a comprehensive approach for dealing with vacant and abandoned property (See *Strategies for Vacant and Abandoned Property* posted at www.neighborhoodprogress.org and at www.vacantproperties.org.)

These initiatives demonstrate that Cleveland already has a high level of energy, innovative leadership, and a strong commitment to address the city's vacant and abandoned properties crisis. We hope that this report will provide both support and direction as the city, its CDCs, intermediaries, foundations, lenders, and others move forward.

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The National Vacant Properties Campaign's mission is to help communities prevent abandonment and reclaim abandoned and vacant properties. The Campaign focuses on properties – homes, factories, stores, and vacant lots – that are not legally occupied, show signs of neglect or pose a public nuisance.

The Campaign is pursuing four core activities:

- developing a national network of vacant property practitioners and experts;
- providing tools and research;
- developing persuasive arguments for property reclamation; and
- building the capacity of local, regional, and national practitioners and decision-makers through technical assistance and training.

The National Vacant Properties Campaign is a project of Smart Growth America (SGA), the International City/County Management Association (ICMA), and Local Initiatives Support Corporation (LISC). The Campaign is funded by the generous support of the Fannie Mae Foundation, the US Environmental Protection Agency, the Ford Foundation, and the Surdna Foundation.

For more information and to get involved visit the website at <http://www.vacantproperties.org>