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Code Enforcement Deployment Today: Is it Strategic?

A graduate project submitted in partial fulfillment of the requirements

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By

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Abstract

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The purpose of this paper is to investigate what strategies are being used by cities to deploy code enforcement. While there is some literature on various aspects of code enforcement, there are no studies on current code enforcement deployment. That said, there is a well-documented history on the commencement of code enforcement and federal housing programs which have an intersectional relationship. Federal funding was made available to cities for the use of code enforcement and it was used as a means for cities to execute “slum” clearance and redevelopment. This study proposes to conduct mixed methods research to investigate current code practices and identify themes using both quantitative and qualitative research by administering a questionnaire, and conducting interviews and document analyses to identify how many cities, have a documented code enforcement policy implementation strategy and any strategies being used by cities to deploy code enforcement. This study will focus the study on a purposive sample of the 88 cities in Los Angeles County, with a sampling unit that consists of city leadership, specifically the mayor and council, city manager, community development manager, and the code enforcement manager for each city.

Keywords: code enforcement, regulatory policy, policy implementation, deployment, strategy

Introduction

Code enforcement is an important function of government and can commonly be found as a department in municipalities. The purpose of this department is "the prevention, detection, investigation and enforcement of violations of statutes or ordinances regulating public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs" (California Association of Code Enforcement Officers, n.d., What is Code Enforcement, para. 2). While the scope of responsibilities that fall under code enforcement has expanded today, the main business of a code enforcement department is to identify violations of the municipal code and enforce it through the issuance of citations to violators. An important task that code enforcement departments address is ensuring that houses and other dwellings are maintained to a high enough standard suitable for occupancy. In short, without the enforcement of these codes, homeowners would not be accountable to maintain safety standards, and the state of the housing stock could fall into disrepair.

Like many regulatory enforcing departments, code enforcement is not well-received by the public (CACEO, 2016). This could be the case because property owners begin their interactions with the departments after they have received a notice of violation (NOV), which state if they do not remedy the issue, the NOV will result in a fine. Consider the perspective of a property owner who has an interaction with code enforcement. Without a strategy on code enforcement deployment, it could appear to a property owner, that they are being targeted by the code enforcement department when they receive a "stop work" notice, an NOV, or an administrative citation. They may be ignorant to the fact that certain improvements to their properties require permits and inspections to ensure the standard of building codes are met. Or they may not be aware of certain health codes that require the upkeep of vegetation.

Without a clearly documented strategy on how to deploy code enforcement, it could be argued that some residents or neighborhoods are being inequitably targeted. Studies of inequitable implementation of regulatory enforcement have been found in other areas of discipline, but not in code enforcement (Balazs et al., 2012; Brazil, 2018; Martenies et al., 2017; Konisky & Reenock, 2013, 2018; Pratt, et al., 2015; Switzer & Teodoro, 2018; Su, 2019). The unequal implementation of other regulatory policies shifted the direction of this study to investigate the purpose of code enforcement, the history of code enforcement, and current practices. As the history of code enforcement was reviewed, several surprising issues surfaced. For instance, funding for cities to deploy code enforcement was tied to federal funding for housing programs (Collins & Shester, 2013; Milgram, 1993). Moreover, systematic inequities relate back 75 years to the start of code enforcement and the implementation of federal housing programs (Birmingham, 1999; Bristol, 1991; Chronopoulos, 2014; Collins & Shester, 2013; Elliott & Quinn, 1983; Grisby, 1964; Kahler & Harrison, 2020; Zipp, 2013).

The history of code enforcement is documented, and there are some studies on specific aspects of code enforcement. Code enforcement in municipalities is not a commonly studied subject. There is a literature gap in the area of public policy studies published in respect to current practices on current code enforcement practices.

The purpose of this study is to add to the scholarship on code enforcement in municipalities. Specifically, this study aims to investigate what strategies are being used by cities to deploy code enforcement of both residential or commercial code issues. Cities' code enforcement efforts are restricted by the number of code enforcement officers they employ and the number of hours that can be worked. Because resources vary in each city, the amount that can be allocated to code enforcement varies. Code enforcement officers are an important

resource for each city. For example, if a city only employs three part-time code enforcement officers, then it is limited by the number of hours that can be worked. As such, code enforcement is an important resource for cities that should be deployed strategically, and it is important to understand how this resource utilized. Input from the city council, along with the city manager, community development director, and code enforcement manager will be imperative to understanding the inner workings of code enforcement in cities. The following questions come to mind in response to the literature review. Are historic practices of inequity being carried on today? Have code enforcement departments split from those historic practices or are they simply reactive to resident complaints? This study aims to use mixed methods to conduct qualitative, exploratory research, along with a brief quantitative section, in order to identify how many cities, have a documented code enforcement policy implementation strategy and any strategies being used by cities to deploy code enforcement. While this study does not have a hypothesis, it does seek to answer questions on the subject, like:

- Do cities have a documented strategy on how to deploy code enforcement?
- Do cities deploy any sort of strategy when carrying out code enforcement?
- Are current code enforcement deployment practices exclusively reactionary?

Background

Housing standards and housing stock have been a concern for the federal government since the late 1800s, when Congress commissioned an investigation on “slums” in cities (Milgram, 1993). Although housing jurisdictionally takes place in cities and cities fall under the purview of states to govern, the federal government identified housing as a federal issue. The federal government had more financial means to offer solutions, like the federal laws, programs, and funding which was eventually made available to cities (Milgram, 1993). The purpose of this funding was to assist cities in removing substandard housing, building a new housing stock, and maintaining the standard of these homes (Collins & Shester, 2013; Grisby, 1964; Milgram, 1993). Furthermore, “slum” clearance and redevelopment monies eventually made its way to city budgets around the mid-20th century and remained for approximately 25 years (Birmingham, 1999; Bristol, 1991; Chronopoulos, 2014; Collins & Shester, 2013; Elliott & Quinn, 1983; Grisby, 1964; Kahler & Harrison, 2020; Milgram, 1993; Zipp, 2013).

“Slums” did not come into existence as accidental occurrences. “Slums” were eventualities of discriminatory real estate industry standards and planning practices, that segmented housing of undeveloped areas arbitrarily through the use of restrictive covenants (De La Cruz-Viesca et al., 2018; Redford, 2017). Restrictive covenants were private contracts between the buyer and seller and accompanied the titles to a property. Restrictive covenants were used to place limitations on access using both race and economic class. From its inception, Los Angeles County has a long standing history of housing segregation, which included race and economic class (Redford, 2017). When the Home Owners Loan Corporation surveyed Los Angeles County in 1939 almost 50 percent of neighborhoods had restrictive covenants in place that prohibited racial groups from ownership and residing in those communities (Redford, 2017).

Racial restrictions were listed in covenants, specifying who could own or live in the properties. These covenants had clauses that included language that actively exclude races by listing out all races that were barred from living in communities. Other language passively excluded groups by listing for “Caucasians only.” These restrictive covenants were enforceable in court.

To divide regions by class, developers assigned arbitrary values to undeveloped parcels within tracts to target specific economic class. This was accomplished by requiring a specified minimum amount of money that had to be spent to build the home in a certain tract (Redford, 2017). These arbitrarily assigned values were assigned within tracts, and also specified the style of home that was permissible to be built streets apart, within the same tract. Some examples of this include, a required \$10,000 to \$25,000 to build in 1912 in the foothills of Los Angeles north of Los Feliz. On Western Avenue, south of Venice Boulevard buyers were required to spend no less than \$3,000 on the build in 1903. In a less affluent area of Los Angeles, near East Adams Boulevard and Compton Avenue, buyers in 1903 were only required to spend \$1,000. By placing these restrictions on buyers, the neighborhoods were planned out and predetermined by developers.

Around the same time, money was made available for cities to deploy code enforcement (Collins & Shester, 2013; Milgram, 1993). The purpose of code enforcement was to maintain the health and safety of housing stock and to prevent areas from becoming blighted, which is in line with the goals of the federal housing programs during this same time period (Collins & Shester, 2013; Milgram, 1993). Code enforcement was inequitably used as a tool to clear black neighborhoods and make way for the urban renewal of commerce and industry (Birmingham, 1999; Bristol, 1991; Chronopoulos, 2014; Collins & Shester, 2013; Elliott & Quinn, 1983;

Grisby, 1964; Kahler & Harrison, 2020; Zipp, 2013). An example of a “slum” clearance in Los Angeles occurred in a neighborhood called Chavez Ravine in 1949 (De La Cruz-Viesca et al., 2018; Lopez, 2009). The City of Los Angeles removed over a thousand Mexican American families to build and develop low-rent housing, but eventually Dodger Stadium was built at the site (Lopez, 2009). With housing only being available in small segregated segments of cities for the black and other non-white population, “slum” clearance severely decreased the housing stock available to this population.

The review of the history of code enforcement prompted several questions. The intent of this study to review the history and investigate how code enforcement departments operate today. This is of importance for multiple reasons. First, it is important to identify if the inequitable practices of the past are still occurring. Second, is to identify if code enforcement is being used as a tool against minorities and the poor. Third, from the perspective of the limited resources a city has at its disposal, it is important to understand how cities choose to deploy code enforcement. Last, the landscapes of cities have changed with the rise in homelessness, and it is important to ensure that all residents in their respective communities are getting the same level of service delivery in respect to code enforcement. While code enforcement is not a popular subject of study, it effects many people in cities today, and the effects of the implementation or the disregard of implementation have long lasting social impacts on communities.

Literature Review

This literature review will explore several topics interrelated to code enforcement. First, this study will start with a definition of code enforcement to help the reader understand what it is and what the purpose is of this department of government, which exists in municipalities across the country. Because code enforcement policies are a type of regulatory policy, regulatory policies and their authority will also be defined. Municipal structures and their governing authorities are also defined. Next, the origins and early stages of code enforcement will be discussed. Following that, federal housing policies, housing practices, and “slum” clearance, and their consequences will be reviewed, because of the relationship between them with code enforcement. This will include examples of inequitable practices from across the country and Los Angeles. Moving into current practices, literature on inequitable implementation in regulatory policies will be reviewed. The findings from these studies will acquaint the reader with current practices of inequitable policy implementation that exist today. Last, current code enforcement scholarship and literature gaps will be discussed.

Defining Code Enforcement

Code enforcement is an important function of government and can commonly be found as a department in municipalities. The purpose of the department, according to the California Association of Code Enforcement Officers (CACEO), is "the prevention, detection, investigation and enforcement of violations of statutes or ordinances regulating public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs" (CACEO, n.d., What is Code Enforcement, para. 2). Code enforcement departments gain compliance either voluntarily or through adjudication. Code enforcement departments are reliant on and get their legitimacy through regulations, like land use and zoning

ordinances, health and housing codes, uniform building and fire code policies, rules, regulations, and permits (CACEO, n.d., What is Code Enforcement). Local governments have jurisdiction over public safety, education, water, land-use, and development within their geographic boundaries.

Historically, public nuisance torts were only put forward in court by the state, as a means to protect the public rights of its people (Brownwell, 2010). The types of public nuisances that states protected the public against were unrestricted access to public roads and waterways. In later years, regulatory policies have been used to regulate industries to minimize the negative impact on the public in regards to the bi-products of industry, like environmental pollution, hazardous waste, health and safety hazards, and discrimination (Scholtz, 1984). Today, public nuisance claims can be aided by having a statute that defines what a nuisance is or by using common law (Tisher, 2013). In order to cite property owners and be able to escalate a case all the way through to adjudication, the citations must be properly cite the rules, laws, etc. of which the property owner is in violation. The policies which code enforcement departments use are regulatory policies.

Regulatory Policy and Enforcement of Regulatory Policies

Regulatory policies are public policies that regulate industry and business with the goal of protecting citizens and promoting social goals for the community. Public policy refers to the actions taken by government for the purpose of solving problems for its citizens in order to improve their quality of life. Public policies aim to encourage or discourage certain behaviors for the same purpose as quality of life improvements, discourage or encourage certain behaviors to create a safe community. Eisner et al. (2018) defines the purpose for regulatory policy with five explanations, while recognizing the authority of the government agency and how that agency

could exercise their authority. The five explanations are not mutually exclusive and are as follows:

1. Regulations are public policies enacted to further the “public interest.”
2. Regulations constitute efforts to prevent or compensate for market failure.
3. Regulations are created in response to industry demands for wealth transfers.
4. Regulations are the product of agencies captured by regulated industries.
5. Regulations are introduced to shape the competition among regional political economies (Eisner et al., 2018, p. 4).

While elected officials create and enact policy, it is the role of the administrator to enforce policies, and they do so based on their interpretations. Administrators have tremendous power in the public policy implementation process because of the discretion they can use when enforcing policies. If administrators choose, they can govern in a way that is representative of the beliefs and values of the groups they govern. However, this has not been the standard operating practice. Elected officials and administrators in local government were not always representative of the populations they led. In response, the Civil Service Reform Act of 1978 set forth to correct underrepresentation in the civil service workforce, through the recruitment of a workforce that was more representative of the communities they serve (US Department of Labor, 1978). While researching administrative discretion and representative government, Sowa and Selden found that more positive policy outcomes are attributed to administrators who perceive their roles as having more discretion to make decisions that are representative of minority interests (2003). Because of the tremendous power administrators wield, social equity becomes even more important. Social equity accountability refers to the responsibility of administrators to make equity an equal priority to efficiency and then taking steps to promote fairness, giving everyone

representation and the opportunity to participate and be heard in the political process (Johnson & Svava, 2011).

In municipal government, the head administrator is the city manager and the governing body is the city council. Svava (2001) identifies a complementary relationship that is possible between politics and administration. With mutual respect, council members and city managers can work together, by allowing city managers the space to help shape policy and council members to oversee implementation. The typical flow of orders goes from the governing body, which is the City council to the head administrator, which is the city manager. The city manager then gives direction to staff. This hierarchy is outlined in city charters and city municipal codes, as are the reporting relationships. While a city manager cannot vote like a council member to enact policies, but city managers can initiate policy making and policy making (Zhang & Feiock, 2010). City charters and city municipal codes do not place limits on how the city manager can assist the city council.

The Development of Code Enforcement

The predecessors to housing codes, are tenement laws, which were designed to protect public safety and health. The New York City tenement law was the first tenement law, passed in 1867, in response to the cholera epidemic sweeping the city (Elliott & Quinn, 1983). This law was passed as an effort to reduce the density of the population in the City. In an effort to stem the cholera outbreak, the law was passed to address health and safety concerns, by focusing on overcrowding and standards for sanitary facilities and water supply with the maintenance of the dwellings.

Two developments in housing codes were made in 1941. One of the development was that the City of Baltimore passed an ordinance on Hygiene and Housing, mandating that “every

dwelling and every part thereof shall be clean, and free from any accumulation of dirt, filth, rubbish, garbage, or similar matter” (Lieb, 2018, p. 75). The ordinance also required dwellings to be maintained by owners, stating the standard was that they should be suitable for human habitation. The passage of this ordinance started the first municipal code enforcement campaign in the country.

The goal of this public policy was to encourage property owners to maintain their properties to a suitable standard and if they did not, it allowed the City to hold them responsible for disregarding the law. During this time, when code cases went to court, they were a challenge to adjudicate because magistrates tended to be easy on landlords who had violated housing codes (Lieb, 2018). A typical magistrates’ day was described as a full day of varied cases on domestic disputes, burglars, and panderers, and magistrates did not take violations of housing codes seriously.

The other development was that the Douglas Commission developed the first housing code in St. Louis (Elliott & Quinn, 1983). This code differed from past tenement legislation because it was a more developed, systematic method to stop blight and rehabilitate dwellings and maintain the housing stock. In addition, the St. Louis Planning Commission developed a 25-year plan to act as a guide for the City’s development. In the housing section of the plan, a three-part strategy was outlined to address the city’s housing issues. “Slum” clearance and reconstruction were identified as the strategy for the most obsolete areas. Rehabilitation and code enforcement were identified as tools for less blighted areas. Last, zoning ordinances were applied to new residences.

St. Louis further developed their code enforcement practices around the mid-1950s, with the City’s implementation of a pilot code enforcement program in two all-white neighborhoods.

This pilot program was implemented after passing the minimum standards housing law and completing a survey of the housing stock in the City. The results of the survey were that one half of the stock was classified as in good condition, one quarter of the housing stock was classified as needing reconstruction, and the other quarter was classified as needing rehabilitation.

Early on, code enforcement was not applied uniformly in cities (Elliott & Quinn, 1983; Grisby, 1964). Economic reasons were cited as a justification for underenforcement of municipal codes, because it was not economically feasible to bring deteriorated structures up to code. Code enforcement efforts were systematically concentrated in white neighborhoods with the nicer housing stock areas, and occasionally in areas needing reconstruction when complaints were made.

Following more legislation, St. Louis expanded their code enforcement practices. In 1954, the federal government amended the Housing Act to allow cities the ability to apply for federal assistance for urban renewal (Elliott & Quinn, 1983; Milgram, 1993). In 1965, federal funds for code enforcement became available through the Federally Assisted Code Enforcement (FACE) program, reimbursing large cities up to two-thirds the cost of the program. FACE was designed to stop residential blight in neighborhoods (Elliott & Quinn, 1983), however the federal assistance was only offered in areas that can be rehabilitated and was not meant for “slum” clearance. The City applied the program to “slums” and as a result, they were only able to achieve 70 percent compliance. At the same time, having been empowered by the Civil Rights Movement, minority groups became more vocal about participation in public programs and their housing needs. In late 1965, a group of property owners in a less affluent area, marched on City Hall in St. Louis, threatening a tax strike, to force the City to start administering code enforcement rules for building, zoning, and sanitation in their neighborhoods.

The application of the FACE program in St. Louis was fraught with mismanagement. The City ignored the service needs of minority communities for code enforcement, while focusing on clearing “slums,” which was out of bounds for allowable projects in the FACE program. In the end, the FACE program was not successful, and this was attributed to the misidentification of the target areas for the program during the application phase.

History of Federal Housing Policies, Housing Practices, and “Slum” Clearance

Federal housing policy is an area where inequitable enforcement of regulatory policy distinctly shaped the outcomes for society. Housing standards and housing stock has been a concern for the federal government. The federal government became involved by commissioning a report on “slums” in 1892, when they paid \$20,000 to investigate “slums” (Milgram, 1993). Although housing jurisdictionally takes place in cities and cities fall under the purview of states to govern, the federal government identified housing as a federal issue. The federal government had more financial means to offer solutions, like the federal laws, programs, and funding that was later made available. This funding would eventually make its way to cities for “slum” clearance and redevelopment (Collins & Shester, 2013; Milgram, 1993).

“Slums” were a byproduct of restrictive covenants, discriminatory housing practices that segmented the housing market by race and economic class (De La Cruz-Viesca et al., 2018; Redford, 2017; Rose, 2016). While Jim Crow laws were segregation laws that were implemented in the South, restrictive covenants, which are also known as contracts, conveyances, and restrictions (CCRs) were used throughout the United States. Real estate developers would buy large plots of land, divide the parcels up, and sell them to private parties to build their own homes. In order to “protect” their investments, the developers would attach restrictive covenants to ensure the neighborhoods remained “all white,” and the homes were built on each parcel had

minimum required building costs. These developments were advertised using phrases like, “nothing but first class residences permitted,” “high class,” “carefully restricted,” and “suitably restricted” to communicate covertly that the neighborhood would be for “whites only” (Redford, 2017). Around the early twentieth century, other methods, like racial zoning ordinances did not hold up in court, but restrictive covenants did, because they were seen as private contracts between a buyer and seller, that were attached to the deed of a property (Redford, 2017; Rose, 2016).

Los Angeles was no different than other cities across the United States, in their efforts to segregate housing. When the Home Owners Loan Corporation surveyed Los Angeles in 1939 almost 50 percent of neighborhoods in Los Angeles County had restrictive covenants in place that prohibited racial groups from ownership and residing in those communities (Redford, 2017). Racial restrictions were listed in covenants, specifying who could own or live in the properties. These covenants had clauses that included language that actively exclude races by listing out all races that were barred from living in communities. Other language passively excluded groups by listing for “Caucasians only.” Palos Verdes was an exclusive community designed for wealthy white residents. The language in the Palos Verdes brochure read, “there are the usual restrictions prohibiting Negroes, Asiatics, and people other than the white or Caucasian race, except in the capacity of the domestic servants” (Redford, 2017). Pasadena was established without restrictive covenants, but later the community worked to implement them. Neighbors went door-to-door, collecting signatures on restrictive covenants and later filed them with the county.

To divide the region by class, developers would sell a parcel and require a specified minimum amount of money that had to be spent to build the home (Redford, 2017). Some examples of this include, a required \$10,000 to \$25,000 to build in 1912 in the foothills of Los

Angeles north of Los Feliz. On Western Avenue, south of Venice Boulevard buyers were required to spend no less than \$3,000 on the build in 1903. In a less affluent area of Los Angeles, near East Adams Boulevard and Compton Avenue, buyers in 1903 were only required to spend \$1,000. By placing these restrictions on buyers, the neighborhoods were planned out and predetermined by developers. These restrictive covenants were enforceable in court.

The number of dwellings available and the physical state of those dwellings was of particular concern. After World War II, housing and urban issues were of great importance and high on the U. S. domestic political agenda (Collins & Shester, 2013). The federal government enacted Title I of 1949 Housing Act to revitalize American cities with urban redevelopment and “slum” clearance. The goal of the legislation was to provide suitable and decent living for “all” American families, by eliminating substandard housing through “slum” clearance (Milgram, 1993). Title I authorized \$500 million in capital grants and \$1 billion in loans to finance planning projects for the land acquisition and land clearance. Later, the parameters and funding for the program were expanded to include non-residential projects, like hospital and university expansions. Around the same time, funding was made available to cities for code enforcement and planning (Collins & Shester, 2013). State legislation authorized the creation of local public agencies (LPAs). LPAs had the authority to the identify areas of blight. This was a tremendous amount of power, having the authority to categorize areas as “slums” and slate them for demolition. The next step in the process was to obtain the approval from the Housing and Home Finance Agency (HHFA), which later became Housing and Urban Development (HUD). Then, local governments would use both grants and loans to proceed with the “slum” clearance and redevelopment. It could be said that categorizing areas as “slums” was a very lucrative, economic benefit for cities, to change the landscape of their cities. Cities were able to use federal

funding to demolish “slums” and at the same time, they were able to shrink the housing stock available to the non-white population. Tragically, the destruction of African American and other minority communities were disproportionate and housing developments were not redeveloped and made available for the same community. This happened in a time when the majority of housing options were designated for “whites only.”

Consequences of Federal Housing Policies, Housing Practices, and “Slum” Clearance

There is evidence that “slum” clearance was racially motivated, targeting mixed-race, black and minority neighborhoods. Robert Moses headed the Committee on Slum Clearance in New York City in the 1950s (Chronopoulos, 2014). Moses justified “slum” clearance and pushed projects through by publishing twenty-six “slum” clearance brochures, documenting the varying sites targeted for clearance with pictures. Upon review, many observed that Moses targeted mixed-race and working-class neighborhoods for “slum” clearance projects. The pictures, did not show conditions that would categorize them as “slums.” This did not stop Moses, he changed his rhetoric, and labeled those areas “blighted” with the claim, that they should be demolished, because they could later become a “slum.”

The City of Los Angeles was one of the first cities to apply for Housing Act funds in 1949. The City applied for \$110 million dollars to build 10,000 low-rent units on 11 sites throughout the City. In 1949 residents of a Los Angeles Mexican American community called Chavez Ravine learned their community was slated to become one of the sites for public housing. Chavez Ravine had the highest number of Mexican American property owners in Los Angeles, many of the families had veteran husbands and sons who fought and died in World War II (Lopez, 1999). Developers bought all of the land in Chavez Ravine. The City aided the developers in the process when they declared the neighborhood a blight and a “slum,” and when

they enacted eminent domain. After a ten-year battle with the residents and homeowners, more than 1,100 families were displaced (De La Cruz-Viesca et al., 2018; Lopez, 2009). In the end, the project fell through and the City purchased the land from the developer, and later developed it into Dodger Stadium (Lopez, 2009).

The City of Columbia's Planning Department issued a report in 1965 about the neighborhoods surrounding the University of South Carolina (Kahler & Harrison, 2020). The report identified areas that were blighted, and attributed minority group problems, poverty, and crime as reasons. In the end, Ward One and Wheeler Hill, two neighborhoods, largely occupied by African Americans were cleared without relocating the residents (Chronopoulos, 2014; Heathcott, 2008). Other universities took advantage of Title I, acquiring land bordering their respective universities, which were categorized as "slums" or blighted. These acquisitions did result in geographically larger universities but did not add to the stock of affordable housing for the communities whose dwellings were demolished. It is important to note that this was all happening during a time when Jim Crow practices were enforced, and the expansion of universities expanded the geographic area and the social benefits of that area available to "whites" only. Wiping out the "slums" resulted in wiping out minority communities (Zipp, 2013). Politicians were motivated to drive minorities from their communities, and they were able to accomplish this by using federal funds. This did not leave many options available for the African Americans, as they were relegated to specific parts of town to live, which were crowded and had limited availability before the demolition of neighborhoods.

Pruitt-Igoe was a public housing project that was started in the 1950s. The project was originally designed and planned as thirty-three, eleven-story buildings, as a low-income segregated housing project (Birmingham, 1999; Bristol, 1991). One third of the residences were

to be filled with white residents and the remaining two-thirds of the units would be filled with African American residents. By the time the project was completed, the Supreme Court made a ruling against the practice of segregation, putting an end to the plan for filling the housing development. White families did not take up a third of the units as planned and the units were eventually filled predominantly with African American residents.

The project was fraught with problems from the opening in 1954 because of the shoddy construction. Doorknobs were reported to break upon initial use, windowpanes that shattered due to wind pressure, and kitchen cabinets that were made from the thinnest plywood. By 1958, the units and elevators were in such a state of disrepair that tenants staged a nine-month rent strike in protest of the living conditions. HUD responded by leveling the three interior buildings with dynamite in 1972, at which time the 10,000 residents that lived there were 98% African American. They finished leveling the remainder of the project by 1976. The reason cited for demolishing the project was a “design flaw.”

Inequitable Implementation of Regulatory Policies

The literature review has shown a history of inequitable implementation of federal housing program policies and code enforcement. Inequitable implementation of other regulatory policies will be explored next, which has been a challenge in many areas of government (Balazs et al., 2012; Brazil, 2018; Martenies et al., 2017; Konisky & Reenock, 2013, 2018; Pratt, et al., 2015; Switzer & Teodoro, 2018; Su, 2019). The findings from these studies are grouped together by the trends identified in the studies. While the reviewed studies identify the variables as poor, Hispanic, black, and low-SES, the variables sound interchangeable.

People with low socio-economic status have been disproportionately impacted by traffic and air pollution, have less access to safe drinking water, and experience negative health impacts

because of these environmental issues (Balazs et al; Martenies et al., 2017; Pratt, et al., 2015). A study focusing on people in the Minneapolis-St. Paul metropolitan area of Minnesota found that people with a lower socio-economic status (SES) and minorities were found to be disproportionately exposed to traffic and air pollution (Pratt, et al., 2015). This disproportionate exposure put these people at a higher risk for adverse health effects. Martenies et al. found disproportionate inequities in the negative health impacts and health burdens experienced by Hispanic and low-income residents living in communities in Detroit, Michigan (2017). The study by Balazs et al. focused on San Joaquin Valley in California community water systems and found that communities with higher proportions of low SES residents have higher levels of arsenic in the water (2012).

SES and racial and ethnic make-up, specifically black and Hispanic communities have been indicators to predict safe water (Switzer & Teodoro, 2018). In another study, Switzer and Teodoro found that a community's racial, ethnic and SES make up can be used to predict water quality (2018). Specifically, Hispanic and black populations had the strongest Safe Drinking Water Act (SDWA) violations. Access to clean water is a basic human need.

Poor, Hispanic communities, have experience inequitable enforcement of environmental policy (Konisky & Reenock, 2013, 2018). The analysis of compliance of the Clean Air Act showed agencies located in areas with poor Hispanics were not audited for compliance, uncovering a compliance bias and a systematic non-detection of violations (Konisky & Reenock, 2013). This is especially true in more rural areas where there are no social justice organizations to support the community (Konisky & Reenock, 2018). Findings from this study show inequity in Hispanic communities, but not in African American communities (Konisky & Reenock, 2013).

Law enforcement is another area where policies have been enforced inequitably. One study's findings showed that neighborhoods with black residents, individuals between 20-35 years, and areas with higher percentages of more renter-occupied housing have higher rates of parking tickets (Brazil, 2018). Su found evidence that higher traffic fines per capita were received in counties with Hispanic majority and low income compared to other counterpart counties (2019). In these areas where there is inequity in policing, the communities feel targeted by law enforcement (Brazil, 2018). For communities that feel targeted by police, building police-community partnerships can be used to change perceptions in the community. By building police-community partnerships can give more groups an opportunity to participate and be heard in the process, along with training to yield better public service.

Departments with community policing programs are positively perceived by the community (McCandless, 2018). Departments that needed more ethics training and received it, were perceived more positively by the community. Departments are perceived more positively when reinforcing that police are respectful and act in good faith in the community through ethics training. With a historical pattern of inequitable enforcement of regulatory policies, which continues to be carried out in some areas, it is important explore current code enforcement practices to understand if the same inequities exist today.

Code Enforcement Today

Municipal governments have to consider public service priorities and financial resources when considering service delivery. A central question explored in the study of public administration and democracy is who or what governs in local government. When you add the variable of spending, the question gets even more complicated (Hajnal & Trounstone, 2010). There is a high level of competition among cities for mobile capital, an important resource to

prevent local economic decline. Meaning, politicians cannot levy high taxes to provide generous social benefits for the poor or needy, at the risk of alienating the wealthy residents or losing businesses (Minkoff, 2009). On average, cities spend 9.6% of their annual budgets on programs that are redistributive. However, local politicians have to consider their constituent base and reelection in their policy making.

Cities are facing significant problems with decreasing revenues and rising expenditure costs (Hajnal & Trounstein, 2010). One revenue source for many cities comes from the code enforcement department, via fines resulting from code violations (Martin, 2014). Some cities have a strategic plan, and all cities have a general plan, which include a housing element. These plans may include the housing stock and the conditions of these dwellings. They may also include code enforcement in the plans. What is not clear, is if code enforcement is identified and elaborated on with strategies for deployment in any of these plans.

Municipalities are compelled to prioritize services as they manage expenses with incoming tax revenues (Hirokawa & Gonzalez, 2010). In doing so, prioritization should be addressed strategically and proactively, rather than in a reactionary fashion. Municipalities should have a distressed property remediation plan to prevent commercial properties from deteriorating (Bacher & Williams, 2014). Once that plan is in place, the municipality should incorporate the plan into the general plan to assist in remediating distressed properties. Having a plan and ordinances to regulate and monitor vacant and abandoned properties, assists in abating abandoned properties. These property ordinances should include both residential and commercial buildings.

Code compliance is important because it is a tool for maintaining properties, property values, and encouraging economic development. Local governments have observed there is a

correlation between neglected properties with unkempt yards, garbage accumulation, and unsightly and dangerous structures escalating neighborhood blight (Hirokawa & Gonzalez, 2010). The City of Chula Vista passed an ordinance that required mortgage lenders to register properties that have gone into foreclosure and to ensure the properties remain compliant with local housing codes (Martin, 2014; Hirokawa & Gonzalez, 2010). As a result of the ordinance, the City was able to collect one million dollars from code citations from this ordinance.

Vacant and abandoned buildings are an issue for municipalities because they have a negative financial impact as a result of lost property tax revenue (Kondo, et al., 2015). In turn, less tax revenue to the city budget, results in less monies to pay for services for residents. Deteriorating buildings continue to have negative impacts on communities because they attract criminal activity, pose a fire risk, attract more broken windows, trash, vandalism, and graffiti. Municipalities focus on health and safety issues by adopting public nuisance ordinances, that help cities take action, condemning the most dilapidated and unsafe buildings. Municipalities can use state definitions to define what a public nuisance is, or they can define it themselves within the municipal code. The City of Philadelphia passed a Doors and Windows Ordinance, requiring property owners to have working doors and windows, as a method of remediation, which is lower in cost than demolishing buildings to reduce crimes inside and in the area surrounding abandoned buildings (Kondo, et al., 2015).

Another argument made against vacant and abandoned buildings is that they pose significant health and safety issues from communities (Kondo, et al., 2015; Tisher, 2013). Many municipalities use public health, safety, and welfare ordinances, i.e., public nuisances to enforce these standards (Tisher, 2013). And, municipalities use the strategy of registries to track and monitor vacant buildings (Hirokawa & Gonzalez, 2010; Kondo, et al., 2015; Martin, 2014;

Tisher, 2013) with 800 registries in over 43 states (Tisher, 2013). These registries are used as a tool to remediate vacant and abandoned buildings. Some laws encourage demolition while others promote rehabilitation of these properties (Tisher, 2013). Municipalities use vacant building registries to give property owners a nudge to maintain and return buildings to a productive building.

Successful code enforcement systems are proactive, using resources to both encourage and require compliance in maintaining their properties (Howe, 1981). It is also recommended to seek solutions that work for each community, as each community has its own political and physical landscape, and organizational setting. One way to improve the perception of code enforcement among the public is through education and positive interactions with property owners. Neighborhood lawn management and education from code enforcement officers has played a role in policy compliance and had a positive impact (Sisser, et al., 2016). Of 17 cities audited, approximately 88% of cities had lawn irrigation policies that limited or restricted lawn irrigation in some way. This study found that 94% of these same cities have grass height and weed ordinances. The results of this study also found evidence that code enforcement officers generally relied on complaints from neighbors.

Another method that can be used for code enforcement is community prosecution. Community prosecution emerged in the 1990s and emphasizes community engagement with problem-solving and partnerships (Worrall & Wheeler, 2019). Community prosecution focuses mainly on programs targeting low level crimes, including code enforcement. Code enforcement focuses on improving and maintaining healthy, safe communities. Code enforcement offices have a range of responses to remediate code compliance issues from issuing notice of violations (NOVs) to issuing an administrative citation, and finally prosecution. An NOV is like a warning,

which opens up the conversation between the recipient and the issuing municipality. An administrative citation is a ticket that has a fine associated with it. Community prosecution is another strategy that can be used with code enforcement. Community prosecution involves partnerships with various government agencies and community-based groups (Nugent-Borakove & Fanflik, 2008). These partnerships use various enforcement methods and problem-solving techniques to address crime and public safety issues, while encouraging community involvement.

Like many regulatory enforcing departments, the business of code enforcement is not well-received by the public (CACEO, 2016). Consider property owners who have interactions with code enforcement, it could appear to them, that they are being targeted by the code enforcement department when they receive a “stop work” notice, an NOV, or an administrative citation. Without a clearly documented strategy on how to deploy code enforcement, it could be argued that some property owners or neighborhoods are being inequitably targeted.

What is unknown is how cities are prioritizing the deployment of code enforcement. Are the past practices of inequitable service delivery and enforcement still being unknowingly carried out? Is there some strategy tied to the deployment of code enforcement?

Methods

Code enforcement is a finite resource for a city, and it is important to determine how this resource being utilized. There are studies that examine inequities in policy implementation, but there are not any studies that explore code enforcement and policy implementation strategies. This study proposes to use mixed methods to conduct qualitative, exploratory research, along with a brief quantitative section, in order to identify how many cities have a documented code enforcement policy implementation strategy and any strategies being used by cities to deploy code enforcement. While this study does not have a hypothesis, it does seek to answer questions on the subject, like:

- Do cities have a documented strategy on how to deploy code enforcement?
- Do cities deploy any sort of strategy when carrying out code enforcement?
- Are current code enforcement deployment practices exclusively reactionary?

Sample

This study will focus the study on a purposive sample of Los Angeles County. The sample size consists of the 88 cities within Los Angeles County. Los Angeles County has a diverse population of nearly 10 million residents, roughly made up of 49 percent Hispanic, 26 percent White, 15 percent Asian, and 9 percent Black (U.S. Census Bureau, 2020). The percentage of persons over 25 years with a Bachelor's degree or higher is 32 percent and 14 percent of residents in Los Angeles County are considered in poverty (U.S. Census Bureau, 2020).

A questionnaire will be distributed to each city and interviews will be conducted with the mayor and council, as well as the city managers, the community development managers, or the code enforcement managers from the 88 cities. This unit of analysis was selected because

together, they lead each city and they are responsible for the actions of the staff. Council members enact policies and city managers are responsible for leading staff to carry them out. Each party should be able to communicate code enforcement strategies and practices in their respective cities.

Data Collection

The study will collect data using three methods, from several separate sources. It is possible for the City Council or the City Manager to be new to the City and to be unaware of the existing official strategies and only know how the code enforcement department works in practice. The study will collect two types of data, primary and secondary data. The primary data will be collected first by distributing a questionnaire, with a few close-ended questions and then by conducting interviews, with open-ended questions; the secondary data will be collected by conducting document analyses.

A few steps will be taken to increase the likelihood of receiving participation. The questionnaires will be sent out to both the city council and city managers to increase the chances of receiving an answered survey. When scheduling the interviews, the preferred mode for the interview will be in person, but to accommodate the participants' schedules, a telephone interview option will be offered. Upon receiving agreeance to participate, confirmation emails will be sent to each person. Each confirmation email will include the interview questions in advance, along with a request for their strategic plan, housing elements, located within the general plan, and any other documents that may address a strategy on code enforcement.

Questionnaire

A brief questionnaire with a few close-ended questions will be distributed. The results will convey the percentage of cities with a formal code enforcement strategy. The questionnaire will also distinguish where the plan is located among city documents.

Interviews

The semi-structured interview will last approximately 30 minutes in duration. A questionnaire, consisting of nine questions has been devised to ensure all questions are covered, but the interviewer will also allow for flexibility as they speak. The interview will consist of 8 open-ended questions. Before the start of the interview permission will be requested to record the interview for the sole purpose of transcribing the content to ensure the content is accurate for analysis.

By interviewing the City Council and City Manager from each city, we should be able to get an understanding of what city leadership think should happen in the code enforcement process. By speaking to Community Development Manager, or the Code Enforcement Manager, we should be able to get an understanding of what they are directing and what is actually happening in practice. If the City does not have a strategy for deployment, questions 6-8 will enlighten us on the process of code enforcement and it will possibly enable us to identify any themes occurring. The interviews should allow us to gain insight on how often the department works with the homeowner to resolve the issue, each step of the way, if they offer extensions on deadlines, and if there are any other ways they work with homeowners to gain compliance.

Document Analyses

This section of the study entails conducting an inductive analysis of secondary data by reviewing housing elements, which are subsections of the general plan, strategic plans, and any other documents that may address strategies on code enforcement. The specifics of how this data

will be collected was addressed earlier, when the confirmation emails were discussed. For any documents that were not collected as a result of the email request, a California records request will be made to collect the aforementioned documents. Reviewing the strategic plans, housing elements, and any additional documents will inform us if there is a documented unofficial strategy for the deployment of code enforcement. This section of the study will also help identify themes.

Limitations

There are limitations with the study due to the sample, which was chosen for convenience, as opposed to a random sampling. The sample poses a problem with the reliability of the results because the sample is not necessarily representative of cities in other county, in the state or across the country. That said, the results of this study could not be expected to be consistently duplicated in other studies exploring the same phenomena.

Ethical Considerations

While participation in this study is completely voluntary, the results of this study could identify themes in the participating cities. The confidentiality of the collected data will be protected, and the participants responses will not be revealed. Pseudonyms will be developed to protect the confidentiality of each participating city and participant from that city.

Conclusion

The purpose of this paper is to expand scholarship on code enforcement in municipalities by investigating what strategies are being used by cities to deploy code enforcement. There is a well-documented history on the commencement of code enforcement and federal housing programs which have an interrelated relationship. This qualitative study proposes to conduct interviews and data analysis to investigate current code practices and identify themes.

It is anticipated that there will not be evidence from this study of past inequitable practices being carried out. It is anticipated that most cities in this study will not have a strategy for deploying code enforcement. Instead, it is believed that cities are operating exclusively in a reactionary basis and are not systematic at all. It is also anticipated that the direction and emphasis for how code enforcement is used is strongly dependent upon the direction of the city council.

This study is important in understanding one aspect of local government, code enforcement. Once studies are able to find themes, further exploration can be made. And with further exploration, it can be determined if there are inequitable practices in code enforcement policies. Race, income, and SES status are areas that should be studied in respect to code enforcement implementation. If inequities in implementation are identified, it will inform decision making and allow elected officials to create policies and strategies to deploy code enforcement equitably in the community.

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Appendix A

1. Does the City have an official code enforcement implementation plan?
2. Can it be found in any of the following documents?
 1. Housing element (found within the General Plan)
 2. Strategic Plans
 3. A stand-alone document
 4. Other

Appendix B

Interview Questions

1. Does the City have an official strategy for implementing code enforcement and can you tell me about it?
2. How does the City deploy code enforcement?
3. Do the code cases in the City occur throughout the entire City?
4. Are there areas the City has to concentrate on?
5. Why is that?
6. What is the process for code enforcement issues? i.e. if the City receives a call complaining about overgrown vegetation, how would it be handled within the code enforcement department?
7. How many warnings are given before an administrative citation is issued?
8. Do you know the percentage of code cases that are resolved before they get to the Administrative Citation level?

Appendix C

Document Analysis (for researcher)

1. Document type:
 - a. Housing Element
 - b. Strategic Plan (found within the General Plan)
 - c. A stand-alone document
 - d. Other: please specify_____
2. Does it address code enforcement?
 - a. Yes
 - b. No
3. Is there a strategy for employing code enforcement?
 - a. Yes
 - b. No