

Michigan Municipal League

Community Driven Nuisance Abatement



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Better Communities. Better Michigan.



PROJECT DETAILS:

NAME:

Community Driven
Nuisance Abatement

DATE:

2011-Present

LOCATION:

Detroit and Lansing

CATEGORIES:

Built Environment
Community Organizing

INSPIRATION:

In an age of diminishing municipal resources and increased vacancies, how can community groups and civic institutions work together to deal with the sharp increase in vacant and nuisance properties?

THE GIST:

A grassroots approach to identifying and potentially taking legal action against the private owners of nuisance properties that are having a negative impact on a whole community.



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Community Driven Nuisance Abatement

PROJECT SCOPE:

In 2011–2012, Michigan Community Resources and the Michigan Municipal League developed a legal program to assist communities in Detroit to hold negligent property owners accountable by filing nuisance legal actions on behalf of community groups. This program was a collaborative model where private law firms, community groups and residents partnered to address pervasively problematic properties that decrease resident and business morale and erode property values. This unique approach to nuisance abatement combines a neighborhood's knowledge of property conditions and nuisance activity with the strength of legal action. Though primarily tested in Detroit, the model is widely applicable in communities impacted by blight.

Overview:

A continuing downturn in the economy and shifting populations has created a cycle of decline in older cities like Detroit. Nuisance properties are not merely vacant eyesores but lay in stark disrepair, which often attracts and facilitates criminal activity. These dangerous properties are subject to action by the community at large because they create a nuisance that threatens the viability of an entire neighborhood rather than simply impacting the house next door. Looking for a means to assist community groups grappling with vacant properties, the Michigan Municipal League and Michigan Community Resources developed a strategy for addressing nuisance properties, with the possible option of legal action.

Accomplishments:

The pilot Nuisance Abatement Program assisted 35 neighborhood-based organizations to identify and document nuisance for over 125 properties. The program was successful in increasing the social and financial cost of holding property in disrepair thereby compelling the owner to abate the nuisance. In addition, project participants:

- filed 20 individual legal actions against nuisance property owners;
- convinced owners of 15 nuisance properties to improve them voluntarily;
- developed a system for identifying nuisance properties;
- leveraged tools to increase accountability of property owner to neighborhood by increasing the economic cost of neglecting maintenance of vacant properties;
- accelerated communication with property owners of nuisance properties and was able to reach non-legal settlements;
- The Southwest Detroit Business Association was able to put pressure on the city of Detroit to demolish a long vacant commercial structure negatively impacting their area through a letter writing campaign to city hall and the absentee owner of the property.
- A block club in Detroit was able to get a nuisance apartment building to meet its list of demands for improved property maintenance and security through increased pressure resulting in the a legal action against the owner.

Budget:

Variable. To bring a nuisance case from property identification to filing a suit, a minimum of \$1,000 is needed to fund title work, paperwork and potential court filing fees.

Funding:

Currently there is no active funding source to support community-driven nuisance abatement efforts. Grants and in-kind services, including legal assistance, may be available from nonprofits serving neighborhoods impacted by blight. Michigan Community Resources and Detroit Local Initiatives Support Corporation have distributed mini-grants (under \$5,000) to community groups to support similar projects.

Participants:

A successful nuisance abatement process must involve the active participation of individuals living close to a nuisance property. Given the amount of time and effort necessary to execute a long-term campaign, it is important to have a large group of volunteers to draw from, avoiding putting all of the organizing and execution on the shoulders of a few individuals.

Actions Taken:**1) DETERMINE GOALS:**

Each community has different goals based upon the severity of their nuisance properties. When determining the type of properties to address, decide on the most pressing needs and the most realistic outcomes given your group's capabilities.



2) DOCUMENT VIOLATIONS & INCIDENTS:

Develop a system for individuals living next to the problem property to log violations and criminal actions in an easy to read and uniform manner. Pass out sheets to residents for documenting incidents that include: time and date, description of offenders and license plate numbers of cars involved. These sheets will prove invaluable when making a case to police, building inspectors, or attorneys if legal action is ever necessary.

3) RESEARCH PROPERTY OWNERSHIP AND TAX RECORDS:

It is important to establish the ownership of the property in question. Your county treasurer is the place to start for property ownership. If a legal case develops, a title company will be needed for the most accurate ownership possible.

4) REPORT VIOLATIONS TO YOUR LOCAL MUNICIPALITY:

Stress to neighbors to always call 911 when a criminal act is taking place. It is important to establish a criminal track record to highlight the severity of a nuisance property. Issues dealing with the physical nature of the property and not human element are generally better directed to the city's property inspection agency.

- **Examples of activity to report to police:** drug dealing, illegal dumping, squatting, prostitution, gang activity.
- **Examples of nuisance to report to building inspecting agency:** open to trespass, unsafe elements, pestilence, blight, unsanitary conditions, graffiti.

5) ESTABLISH A CHRONOLOGY:

When preparing your information on a nuisance property, whether for contacting the owner of the property, city officials, or an attorney, it is important to arrange your records to establish a chronology of the nuisance the property is causing.

6) CONTACT PROPERTY OWNER:

Once you have established that a property is a nuisance to the community, it is important to contact the property owner in writing outlining the specific issues with the property and the actions you want them to take to remedy the situation. A sample letter can be found in the support documents.

7) CRITERIA FOR LEGAL ACTION:

If residents are unable to make headway with the property owner they should explore legal action. In order to move forward with a legal action, they should confirm that the property meets the criteria for legal action (in supporting documents).

8) CONFIRM COMMUNITY GROUP MEETS STANDARDS FOR LEGAL ACTION:

While a community group might have a building suitable for legal action, it does not mean that the group is suitable for the action. To be a part of a nuisance abatement legal case, the community group must have the capability of mobilizing residents; systematically identifying properties; have a history of implementing code enforcement tools; and the ability to act as receiver of the property if necessary.

9) FILE A LEGAL ACTION AGAINST NUISANCE PROPERTY OWNER:

If all other actions have not resulted in the desired results, at this point reach out to a pro bono legal coordinator, like Michigan Community Resources, to help you find an attorney. Your work, and the data you have collected to this point, will help establish the basis of legal action against the owner of the nuisance property.

Lessons Learned:

- Community group must have the capacity to mobilize neighbors to identify nuisance property and document physical signs of nuisance.
- Community group must have ability to prioritize nuisance properties.
- Legal action against a nuisance property must be supported by documentation of ongoing nuisance, including evidence that legal action is a last resort following a good faith effort to work with the property owner.
- Community group must have capacity to act as a property receiver or enlist a third party to act as a property receiver.
- Pro bono attorneys have limited time to give and can be in short supply.

Expert:

Samira Guyot, Michigan Community Resources, SGuyot@mi-community.org

Similar Projects:

Detroit Vacant Property Campaign

Documents:

- Nuisance activity log sheet
- Vacant property ownership search guide
- Sample letter to send to owner of nuisance property
- Criteria for moving forward with a community-based nuisance abatement lawsuit

The Center for 21st Century Communities

Building 21st century communities

Experts from around the world—in academic, business, and public sectors alike—agree that investing in communities is a critical element to long-term economic development in the 21st century. Michigan's future depends on its ability to attract and retain knowledge-based workers. Central to attracting this priceless commodity is *place*. Research proves that successful 21st century communities effectively leverage the assets summarized in this brochure. Learn more and stay engaged at mml.org.

Who we are...

The Michigan Municipal League is the one clear voice for Michigan communities. We are a nonprofit, but we act with the fervor of entrepreneurs; our people are dynamic, energetic, and highly approachable, passionately and aggressively pushing change to achieve better communities and a better Michigan.

What we know...

Never before have so many diverse interests, from academic researchers to the business community to government leaders, shared a single conclusion: Michigan's future depends on its ability to attract knowledge-based workers. And what is central to attracting this priceless commodity? *Place*, specifically vibrant 21st century communities.

What we offer...

Through its Center for 21st Century Communities (21c3), the League provides education, technical assistance, public outreach, and unprecedented access to experts and resources. The 21c3 is a "one-stop-shop" for communities interested in creating and sustaining livable, desirable, and unique places that attract the highly skilled, creative, and talented workforce of the next century.



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