

LowellStat Performance Report

January 2012

Subject: 21D Ticketing



Ticketing for non-criminal violations (21D violations) is an important tool in a robust enforcement strategy to increase public safety and quality of life. As background, the 21D process was designed to allow cities and towns to issue tickets for code of ordinance violations and in some cases the state sanitary code as opposed to going through the more complicated and slow process of issuing criminal citations. Violators have the option of paying the fines or appealing the tickets to the proper authority.

Although the City has had the legal authority to begin this ticketing process, tickets were not issued until 2008 in Inspectional Services. Record keeping was inconsistent up until the reorganization that led to the creation of Development Services. However, LowellStat was able to gather records and analyze existing data with a reasonable degree of certainty in a number of subject areas.

Analysis of our ticketing procedures revealed a number of issues:

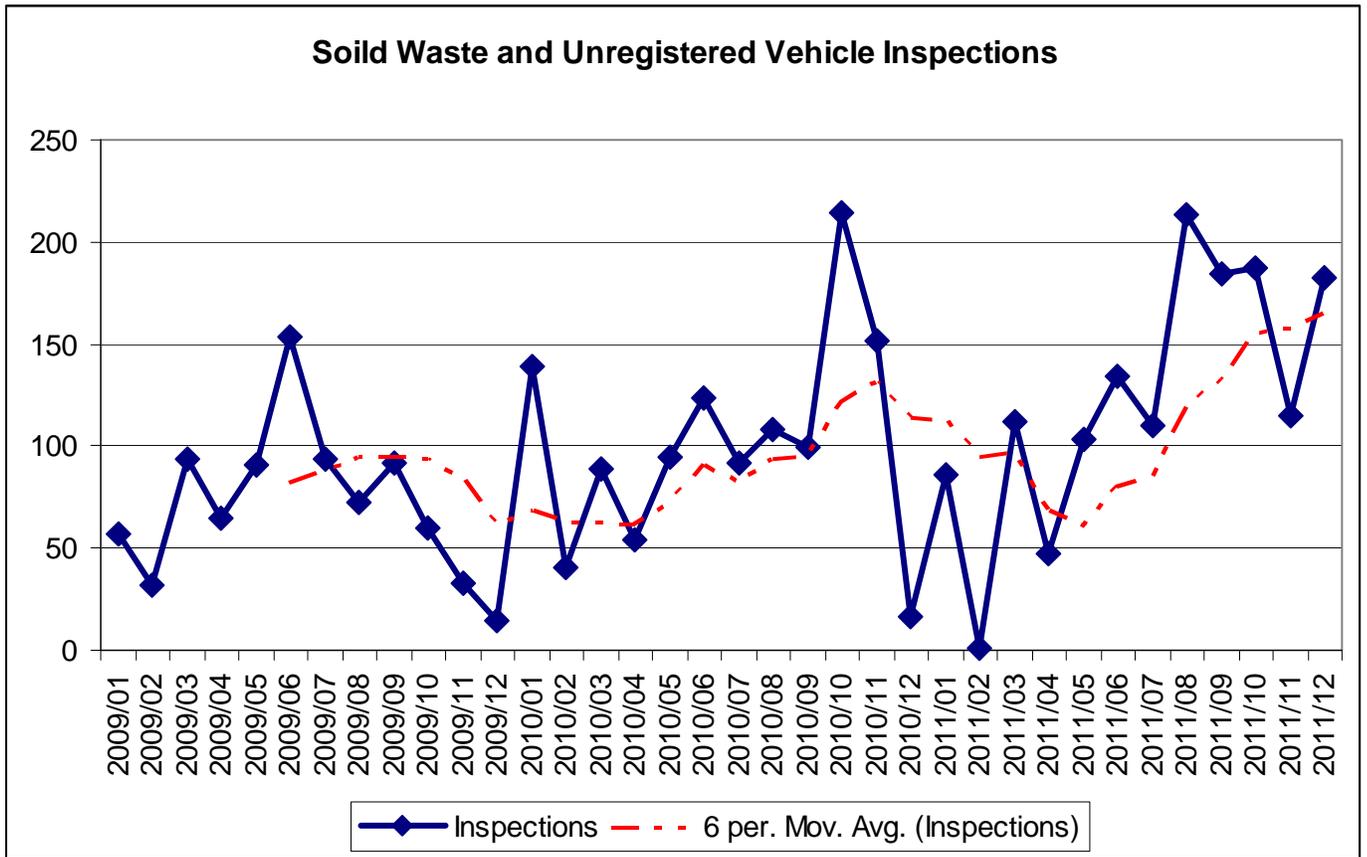
1. The City ticketed and issued fines for only three types of violations: trash, unregistered vehicles, and violations of the vacant/foreclosed building ordinance.
2. The number of tickets being issued were significantly lower than the number of tickets being issued in similar communities.
3. Appeals of tickets were processed through the overburdened district court, creating a delay in the disposition of those tickets.
4. No procedure existed for tracking the issuance and disposition of tickets.
5. A large number of tickets and fines remained unpaid, denying the city of revenue but more importantly diminishing the integrity of the enforcement process.

As a solution, LowellStat made several recommendations, including:

1. Expanding the type of violations that tickets are being issued for and expand the duties of health inspectors

First, Development Services staff redesigned tickets to allow inspectors to issue tickets for a number of other violations, including External Minimum Maintenance violations and Snow & Ice violations. Inspectors now have more tools available to address these important quality of life and safety concerns. Through ticketing Development Services has been able to successfully resolve many of these problems that would have lingered if not addressed through this process.

Development Services has also been able successfully integrate health inspectors into the enforcement of the City's ordinances. The result has been more consistent and effective enforcement without necessarily adding to the payroll. As can be seen in the graph below, the number of complaint-related inspections has been consistent and improving since being absorbed into Development Services in the spring of 2011. The drop off in November of 2011 can be attributed to fewer complaints as well as key personnel being absent, however this does not appear to be a trend and upward momentum has resumed.



2. Adopt M.G.L. Chapter 40U to establish a Municipal Hearing Officer

With fewer resources and staff to handle court business, the district courts in Massachusetts have been forced to prioritize how they devote their resources. The result has been a decreased ability to hear appeals related to the issuance of 21D tickets. For the City of Lowell, this meant that cases would linger in an unresolved status, proving to be an inconvenience to the alleged violator, city staff, and affected neighborhoods.

To combat this, the City Council unanimously adopted Chapter 40U to establish a Municipal Hearing Officer to adjudicate these appeals. The Law Department has implemented this program to great success. Appeals are now heard during both business and evening hours to enhance customer service and a number of tickets have been appealed since the beginning of the year. In an effort to increase efficiency, the Law Department has consolidated Parking Appeals under the Municipal Hearing Officer program, and looks to add appeals for violations of the fire code as well.

3. Collect previously unpaid fines through the lien process and better track the issuance of tickets in order to ensure another backlog of unpaid fines is created

Analysis through the LowellStat program found that initially approximately \$300,000 in unpaid fines was outstanding. Perhaps more importantly, the statutory authority to put these fines on owners' tax

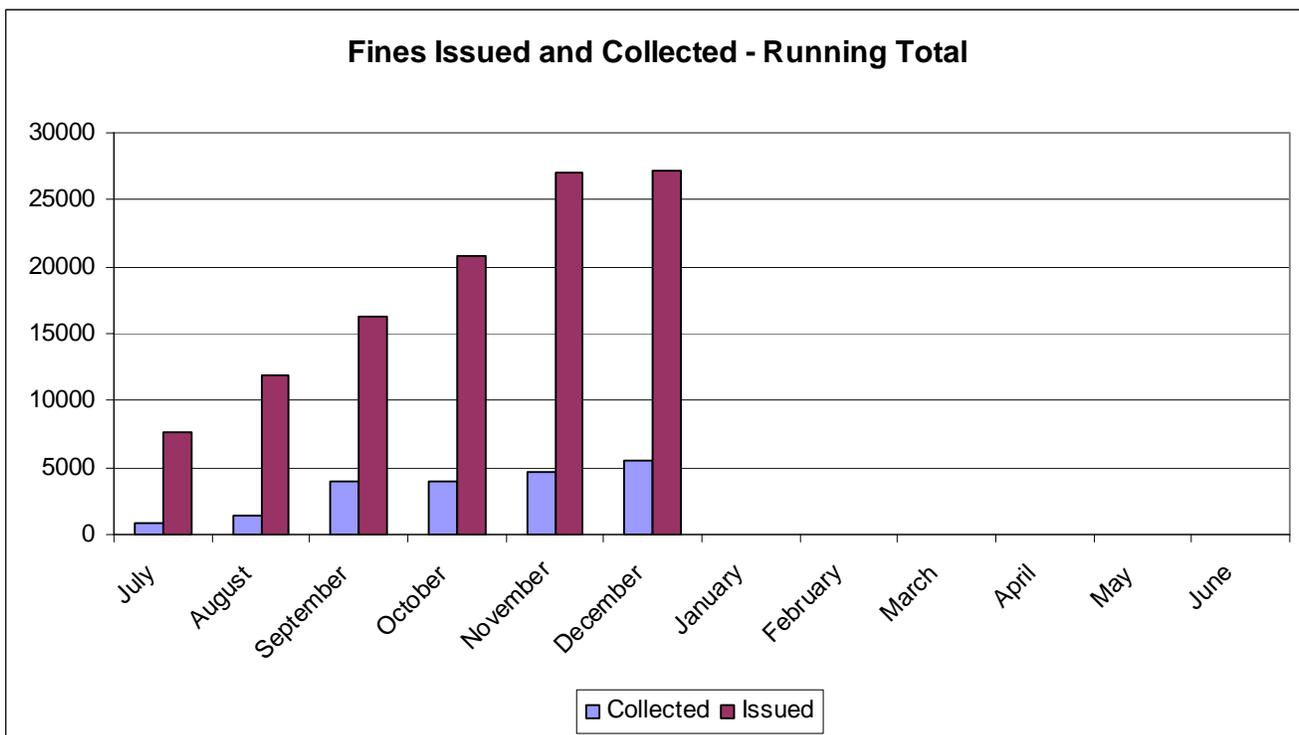
bills was revealed, giving the City more enforcement power. Upon this discovery LowellStat began working with MIS, Treasurer, Law, and the Chief Financial Officer to start the collection process. Initially, final demand letters were sent out, and after a period of time the decision was made to convert these fines into tax liens.

Development Services has led the effort in placing liens and collecting these unpaid fines. Currently, over \$71,000 has been recovered through this program. This lien process is also important for holding banks and other large lenders accountable. This has proven extremely effective in bringing a number of neglected properties into compliance with the City's vacant and foreclosure ordinance.

More importantly, Development Services has put policies in place that will keep this type of backlog from happening in the first place, which is a much more effective policy tool than trying to collect these fines long after the date they are due.

The graph below illustrates this and a number of other important points. First, the amount of fines that have been issued for violations not related to vacant and foreclosed properties is now much more in line with similar communities. This can be attributed to the:

- 1) Increase in types of inspections that are being ticketed
- 2) The expansion of health inspector duties to include ticketing, including trash
- 3) Increased productivity of inspectors



What is also noticeable is that gap between the fine amount of the tickets issued is significantly more than the amount collected. LowellStat feels that this is to be expected at this point in time. Since previously there was such lax enforcement in collection of these fines, violators are probably still under the impression that they can not pay the fine or appeal and they will not be held accountable. As these liens are being placed and violators realize they will be held responsible, they will soon realize that

they must address these fines and correct the issue.

Future Improvements

Although tickets are being issued for a number of other violations, not all of them have been integrated into the MUNIS system and they are being tracked manually through spreadsheets. This limits our ability to both track and analyze data from these tickets. LowellStat is working with Development Services and MIS to address this issue. Also, inspectors are more proficient in the MUNIS system and are doing a much better job in entering data, however room still exists for improvement in order to more accurately capture, track, and analyze data on inspections and subsequent tickets. Inspectors are currently undergoing training to improve in this area and we will monitor their progress in LowellStat meetings. Finally, enforcement of these violations is being extended to the Lowell Police Department which adds even more enforcement personnel on the street at any one point and time.