

DART

Dangerous Assessment Response Team

A multi-team approach to address nuisance properties

Overview

- A multi-agency task force designed to target the worst of the worst nuisance properties in the City
- Proactive unit
- Primary directive is to identify and investigate these properties and abate the nuisance through a coordinated and comprehensive approach
- Utilize all available remedies to abate

Goal

- RECLAIM
 - disrupt and displace criminal/vagrant element
- RESTORE
 - abate all code violations
 - demolish if applicable
 - broken windows theory
- REVITALIZE

Composition

- Code Compliance
 - dangerous premises
 - code compliance
- Police Department
- Development Services
 - Electrical, plumbing, mechanical
- Fire Marshal's Office
- Health Department
- Community Initiatives
- Animal Cruelty
- Alcohol & Beverage Commission
- Adult/Child Protective Services
- DEA/US Attorney's Office
- City Attorney's Office

Available Remedies

- Code enforcement
- Building code enforcement
- Fire code enforcement
- Health code enforcement
- Criminal enforcement
- Animal enforcement
- TABC
- Social services
- Legal action

Legal Remedies

- **Common Nuisance Statute**
 - declares property to be a common & public nuisance due to habitual criminal activity
- **Public Nuisance Statute**
 - declares property to be a public nuisance threatening life, health, safety, property
- **Alcoholic Beverage Commission Statute**
 - declares property to be a public nuisance due to habitual criminal activity and liquor violations
- **Dangerous Structures and Code Compliance City Codes**

Target Properties

- Targeted properties determined by team
 - priority properties for each department
 - team prioritizes
- Target all nuisance properties
 - criminal (drugs, prostitution, gang, weapons, assaults)
 - red flags
 - vacant
 - fire hazards
 - clubs, bars, homes, stores, vacant lots, apt complexes, motels, bars, restaurants, taquerias, gang homes, gangs

Process

- Target property is identified
- Each department researches property for history of:
 - complaints
 - violations
 - enforcement efforts
 - offense reports
 - fire reports

Process

- Team meets to gather and review all information provided
- Target date scheduled for team inspection & investigation
- Team reviews results of investigations or inspections
 - Determination made as to demands
 - City atty reviews for legal course of action
- Property owner noticed to meet with city attorney

Process

- Team determines any special needs at property
 - Owner issues – Elderly owners – concerns of elder abuse - Adult Protective Services? Social Services? Hoarding issues?
 - Relocation issues – need for DHS involvement?
 - Animal Care Services?
 - Haz-Mat concerns – meth lab? asbestos concerns?
 - Level of drug activity – need for DEA or US Attorney involvement?
 - High risk property – weapons involved – SWAT involvement necessary prior to inspection?

Process

- Meeting held with property owner and team members
 - violations
 - liability
 - terms for compliance
- Result from meeting:
 - voluntary compliance
 - settlement agreement
 - action plan
 - refuses to comply
 - lawsuit filed encompassing all violations

Litigation Outcomes

- CRIMINAL NUISANCE LAWSUIT
 - Property declared common nuisance
 - permanent injunction prohibiting any further criminal activity
 - close and board property for one year- no persons allowed on premises
 - post performance bond
 - attys fees, court costs, investigation expenses
 - disconnect all city supplied services
 - contempt action
 - Revoke liquor licenses

Litigation Outcomes

- Public Nuisances and Dangerous Structures
 - permanent injunction prohibiting or requiring specific action
 - declaration of public nuisance
 - order repair or demolition
 - allow city to enter and abate at owner's expense
 - Fines up to \$1000/day in violation
 - attys fees, court costs, investigation expenses

Litigation Outcomes

Alcoholic Beverage Commission

- Declare bar/restaurant common nuisance
- Upon a declaration of a common nuisance
- Court may suspend, deny renewal, or revoke permit

PUBLICITY COMPONENT

- Press Releases following successful abatements
- Press Conferences to announce major lawsuits
- Media Inquiries handled by City Attorney's Office
- Ridealongs by media

Unique Aspects of DART

- Not limited to properties with criminal activity
- Able to address habitual code problem properties
- Ability to ensure complete abatement if needed by means of demolition rather than just closure

EMERGING ISSUE: HOARDERS

- **ANIMAL HOARDERS**
- **TRASH HOARDERS**

ANIMAL HOARDERS

- Brought by Animal Care Services through complaints from neighbors
- Animal Care is point on this investigation
- Code Enforcement
- Health/Vector Control
- Generally find excessive dogs and cats either in very poor condition or dead
- Limit is 5

ANIMAL HOARDER

- Remove the animals in poor condition
- Remove dead animals
- Cite the owner for cruelty to animals
- File charges with DA's office if meet criteria
- Vector Control
- If acidity (as determined by Fire Haz Mat team) from urine/feces affected sheetrock, foundation – take to BSB with recommendation of demolition

TRASH/JUNK HOARDER

- Code Enforcement is point
- Adult Protective Services
- Child Protective Services
- Community Initiatives
- Health
- Vector Control
- Veterans Affairs (if applicable)

OUTSIDE STORAGE HOARDERS

- Code Enforcement is point
- Code cites for outside placement violations
 - Violator taken to Building Standards Board for violation of Property Maintenance Code
- Dumpsters provided for removal of items at no cost

RESOLUTION TACTICS FOR HOARDING

- PROVIDE NEEDED SERVICES TO OWNER/TENANT IF REQUIRED
 - REMOVE CHILDREN/ADULT FROM PROPERTY
 - ORDER TO VACATE
 - VECTOR CONTROL
 - CITY PROVIDES DUMPSTERS FOR REMOVAL AT CITY COST
 - CITY PROVIDES BULK PICKUP AT NO COST

RESOLUTION TACTICS FOR HOARDING

- **CTJ WITH OWNER/TENANT TO DISCUSS SITUATION AND REQUIREMENTS FROM CITY**
 - If tenant occupied and tenant not willing to address issue, owner requested to remove tenant and clean property to avoid 54 suit
- **PLACE ON 369 PROGRAM IF OBTAIN VOLUNTARY COMPLIANCE**

RESOLUTION TACTICS: 369 PROGRAM

- PLACE ON 369 PROGRAM IF OBTAIN VOLUNTARY COMPLIANCE
 - 30 days to remove 30%
 - 60 days to remove 60%
 - 90 days to complete 90%
 - 100th day – reinspection to determine substantial abatement
 - 120th day - reinspection

RESOLUTION TACTICS FOR HOARDING

- Extend time if substantial compliance being made at 369
- If at the conclusion of the time period “substantial compliance” not met – file Ch. 54 suit to obtain order to allow city to clean property & judgment for costs if owner fails to abate within ordered time period.

ETHICS OF DART

REACTION

- DEMAND FOR ACTION VERSUS OPPOSITION
- HISTORIC VERSUS POLICE/CODE
- HOUSES DON'T COMMIT CRIMES VS BROKEN WINDOWS THEORY

INFLUENCE

- CONTACT WITH COUNCIL
- OFFERS TO ATTORNEYS, INVESTIGATORS

RIGHT THING TO DO?

- REMOVING ELDERLY/CHILDREN
- REMOVING ANIMALS

Questions?
