



# CITY OF TOPEKA

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## Memorandum

**To: Public Health and Safety Committee**

**From: Brent Trout  
City Manager**

**RE: Topeka Property and Premises Enforcement and Improvement 2021**

The primary goals of a property and premises enforcement and improvement program are:

1. Safety of people
2. Protection of structures
3. Maintenance of an attractive environment
4. Maintain or increase property values

The primary guidance to staff as it relates to the accomplishment of these goals for the program is to be:

1. Straightforward, kind and fair to all concerned
2. Cost-effective
3. Fully integrated with other departments and services

The Public Health and Safety Committee has expanded on the goals to provide some metrics. The aspirational goals are the desired end state with the program. The desired end state may not be achievable without a great deal of expenditure and time. The desired goals of reducing sub-standard housing may take over 5 to 10 years from now to accomplish. The goals should to be re-evaluated annually based on data from the program implementation process.

**The driving force aspirational program goal is to improve the quality of structures and premises in Topeka, Kansas so that structures and premises violations are the exception rather than the rule. The desired metric for final success is to bring the number of substandard properties in Topeka down to 500 or less and maintain that amount. The accomplishment of this goal will motivate property owners to take care of their properties before City of Topeka enforcement departments intervene.**



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## **The Public Health and Safety Committee has identified four (4) City of Topeka Property and Premises Improvement Challenges:**

### **1) Reduce current substandard structures by 50% in 5 years –**

#### Summary of Actions:

Establish a system, within existing laws, to do complete interior inspections on all structures that appear to need it and staff is granted approval to inspect and/or upon request of the tenant. As part of that, establish a single visit complete inspection system that provides for one inspection and one write-up procedure for all violations. Include allowing inspectors to grant extensions to parties who are working on completion of the cited violations. Staff will refer those that need assistance to paid or volunteer laborers who can help those who need it. Staff will conduct in progress or courtesy inspections per the City Code in order to provide guidance to citizens in completing the corrections on their property. Establish processes and consequences such that citizens will want to take care of issues so that the City of Topeka does not even request access. The City will establish communitywide or neighborhood wide campaigns to better inform citizens of their responsibility to maintain their property.

Detailed staff processes currently in existence or will be developed to meet the challenge are:

- For the past 5 years, the (PMU) Property and Maintenance Unit has placed a focus on fair and consistent inspections with an attempt to identify all issues at initial inspection. Through training, supervision and expectation, the quality of inspections has significantly increased.
- In 2017 the PMU focused on a campaign to address the most serious housing violations within the community. The focus doubled the number of housing cases over previous years. When the PMU is fully staffed the PMU will again place a focus on the most serious housing cases and double the number of properties cited annually.
- PMU developed our relationship with the City of Topeka's Prosecutor's office with a primary goal of obtaining voluntary compliance before prosecution. This has resulted in a separate court docket for housing cases. The separate docket allowed both prosecution and the property owners to fully understand the code and its implications.



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- The court system needs to be set up to handle the increase in cases and arbitrate them quicker. Which will require additional time and resources from prosecution and municipal court dedicated to this issue. It will also require the City to work on identifying financial resolutions for those who are physically and financially unable to bring their property into compliance. The accomplishment of a reduction of substandard structures by 50% is not an attainable goal without significant financial support for those who are indigent and an increase in staffing to address all the properties in Topeka.
- The PMU developed and will continue to issue a courtesy notice designed to address housing violations in the winter. This allows staff to continue to cite properties during the winter months for exterior violations and give the property owners advanced notice of the issues that have been identified.
- The City will continue to utilize the Special Structures Unit within the PMU. This unit focuses on substandard structures that have reached a stage where demolition is possible. This unit is responsible for over 125 structures demolished by the city, 136 structures demolished by the property owner and 168 structures rehabilitated. We foresee an increase in owner rehabilitations over the next 5 years as the worst of the worst have already been addressed. The PMU took a big hit in 2020 and 2021 as a result of COVID and budget constraints. The City has reauthorized \$200,000 that was cut in the 2021 budget to allow for demolitions to continue in order to reduce the backlog. A budget increase is programmed in 2022 which will also allow the Special Structures Unit to address a large backlog of structures meeting the demolition standard. There is currently a potential for 33 properties in need of demolition without taking into consideration those properties that present themselves in 2022.
- THE PMU actively seeks training and new concepts both in state and throughout the country through communication with other PMUs. The Department of Neighborhood Relations applied for and won a \$750,000 grant to address PMU housing violations issued to property owners who met an income qualification level. This grant addressed 53 homes that were in substandard condition bringing those homes into compliance. Housing Services Division advised they will be applying for this grant again for 2022 funding.
- There are currently 237 housing cases out on warrant. These properties cannot be addressed until the owners are brought before the court. This number will continue to



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grow as PMU sends additional cases to prosecution. We will continue work with the Municipal Court and Police Department to execute these warrants as time allows.

- The PMU currently does complete interior inspections. There are times where the tenant does not want the inspectors to do an entire inspection, but they are encouraged and recommended. The PMU has developed check lists with all interior and exterior violations. This check list helps the inspectors to do a more thorough inspection. Past and future in-house training will focus on quality interior inspections with a focus of identifying all violations. The PMU encourages occupants to request a voluntary inspection when it is believed a violation exists.
- Establish a single visit complete inspection system that provides for one inspection and one write-up procedure for all violations. The PMU policy is to address all violations on a single inspection. This would include housing, sanitation, vehicles, graffiti and weeds. There are exceptions to this policy when an inspector is responding to a specific complaint and their workload for the day does not allow for an extended stay at the property. Currently our call load and low staffing has limited this approach.
- When an inspector cites multiple violations on a property during an initial inspection, separate violation notices are mailed to the owner for each type of inspection. Since each type of violation has its own laws and requirements, it is not feasible or productive to complete one violation notice for different forms of violations. Additionally lumping each type of violation into a single notice will be confusing to the property owner. In 2020 we sent out a total of 5,936 notices to properties with premises. Of those 5,936 notices 771 properties received more than one notice on the same date. That's approximately 13% of the notices we sent out. The current procedure will continue as this is the clearest way for property owners to understand the requirements.
- The PMU provides for extensions when requested. We have provided inspector contact information on all notices. If a property owner requests an extension, our staff asks for a plan of action and approves requests. Subsequent extension requests are approved by the field supervisor or division director if there is progress being made. Our ultimate goal is to gain voluntary compliance and not send the case to court.
- In addition to inspectors providing extensions the municipal court judge provides extensions to cases that make it to court. The judge gives direction to complete the violation and



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schedules a new hearing date. If an owner makes the repairs, the judge either dismisses the case or issues a lower fine. These extensions are not for repeat violators or landlords that have been to court multiple times.

- The PMU has partnered with various not-for-profit organizations to direct violators to their agencies if they cannot afford or are not capable of making the repairs. The PMU will direct any homeowner to volunteer groups when volunteer groups make themselves available. The PMU has and will provide properties to the City of Topeka Community Out Reach Program for volunteer repairs.
- Property Maintenance will provide both the interior and exterior check off list online for occupants to identify what are code violations when doing a self-check. The PMU will do voluntary/courtesy inspections when a tenant believes there is a violation. The PMU is limited on pre-rental courtesy inspections as a potential tenant does not have the right to provide access to the property until they become a tenant. No-cost consultations will continue to be available by phone, including viewing and commenting on submitted photos.
- The PMU will participate in any communitywide or neighborhood wide campaign. Ideally owners would address issues before they come to the attention of the PMU. This will require a change of the current norm within the community. The PMUs past, current and future actions are playing a key role in meeting this goal but will take other departments working alongside PMU to accomplish this goal.

## 2) Reduce Deterioration in Vacant Structures

### Summary of Actions:

Staff establishes procedures to advise owners of long-term vacant or soon-to-be vacant structures about “Mothballing” standards, encourages owners to implement and refers to resources for advice and assistance. This process would be implemented by Code staff and/or Vacant Buildings Registry vendor through communications accompanying already established communication. Staff would establish strategy with the police department to optimize vacant structure security.

Detailed Staff Processes currently in existence or will be developed to meet the challenge are:



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- The PMU partnered with ProChamps which initiated a vacant property and foreclosed property registration in 2020. Due to COVID and initial focus on foreclosures, the number of registered vacant properties is low. We will increase our focus on identifying vacant structures and getting them registered in 2021. In 2021 the PMU took over the vacant structures portion of the registry from ProChamps as we feel we can do this more efficiently and effectively.
- Vacant Property Registration will provide better contact information of the property owners, notification to the owners of all issues and a financial incentive for the owners to get the property in compliance and occupied.
- The PMU will establish a method to provide vacant property owners information on property maintenance and mothballing standards. The PMU will include an information packet to property owners, whose property is considered vacant. This action will allow this goal to be met.

### **3) Reduce the expense/revenue gap on abatement cases by 50%**

#### Summary of Actions:

Establish a system and culture whereby it is clear that COT expects owners to take full responsibility for their properties. This is likely to include implementing current capacity to increase fines for extended or repeat violations where good-faith efforts are not made as well as a referral system to paid or volunteer laborers who can assist, perhaps also neighborhood or block initiatives for maintenance.

Detailed Staff Processes currently in existence or will be developed to meet the challenge are:

- The PMU current practice for collecting fees is to bill the property owner. If the property owner does not pay or set up a payment plan within 30 days, the penalty fees are sent to collections and the actual cost of the abatement is sent to taxes. We are not permitted to send the penalty fee to taxes. After a year the tax fees are pulled and sent to collections.
- The PMU is open to any and all assistance with our current system and would request finance look for ways to better collect these fees.
- Establish a system and culture whereby it is clear that City of Topeka expects owners to take full responsibility for their properties. The PMU has the ability to forward cases for criminal



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prosecution as well as abate the property and charge fees for the abatement. The PMU has not used criminal prosecution for sanitation, vehicles or weeds in the past and we are working with the prosecution to start using this on chronic violators. This should assist in establishing a culture whereby it's clear, the City expects the owner to take full responsibility.

- The PMU would support an increase in fines for repeat violators. Currently the code allows for a \$100 increase on 2<sup>nd</sup> and subsequent violations in a calendar year. Staff would suggest raising the penalty by \$100 incrementally for each new violation in the calendar year. We need to be aware though that most of the people who do not pay are low income so this action may not have the desired impact of reducing the gap between monies billed and monies paid. Most if not all owners who can afford to pay do pay as they do not want to be sued or have the fees placed on their taxes. Increasing fines may increase the revenue the city brings in, but it will also increase the gap of what is billed and what is paid.
- The PMU will be send repeat violators to court as well. We believe this will cut down on repeat offenders if they have to go to court. Prosecution will need time to set up to handle this as it will be a significant increase in cases sent over.
- PMU is looking into "PMU Satisfy Your Bill Program" or a "PMU Past Debt Amnesty". We wanted to connect it to Clean Slate Day. Looking at possibility of lower total fines on a case if the owner pays in full. We would pick a 30 or 60 day period then maybe advertise by including inserts with our notices.
- Establish a referral system for paid or volunteer laborers who can assist, perhaps also neighborhood or block initiatives for maintenance. PMU will work with Community Engagement Division to develop this referral system.

**4) Improve the appearance of the community through management of uncultivated and overgrown vegetation such that the average resident or visitor would score Topeka's property appearance at least a 7 on a scale of 10. The Police Department would rate 80% or more of properties as "in compliance" with CPTED (Crime Prevention through Environmental Design) principles within 3 years at the same time reducing the amount of tree/shrub abatements by City Departments by at least 50% (Links with #2 above)**



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## Summary of Actions:

Initiative will require a minor amendment or new legal interpretation of the Code about vegetation that is over 12" that has turned into shrubs, trees or vines as well as a synch-up with a non-IPMC section of the TMC that addresses the same issue. It will also likely require a major community education campaign in conjunction with a major volunteer assistance campaign to bring our community back to this threshold standard. Optimal partnership with all departments who deal with exterior maintenance issues (Police, Engineering, Zoning, and Forestry...also KDOT) as well as a combined ticketing, billing and collections system would seem to be in order.

Detailed Staff Processes currently in existence or will be developed to meet the challenge are:

- To meet or initiate this goal all departments that have codes in the books will be held accountable for enforcing those codes before considering any amendments. The PMU is willing to be part of a team approach and this will be coordinated with support from the City Manager's office to lead a team effort in this area.
- The PMU recognizes the current wording within city code for grass and weeds which makes it difficult to address uncultivated brush and tree growth. The PMU would support an adjustment to the wording to allow the PMU to address the chronic and unique cases where our current codes just don't fit. The implementation of this change will require additional resources and staffing. We should be aware that this wording change will not in and of itself allow the city to address the issue. State law requires the city to abate all properties cited for grass/weed violations so removal of the volunteer trees will be more labor intensive and time consuming. PMU will also require the purchase of additional equipment for the abatement crews to address the addition of trees and shrubs to their responsibility.
- Police Department will have to be the ones to initiate a city wide CPTED initiative. Guidance for self-checking of a property related to CPTED guidelines will be made available to the community. It is not possible to evaluate 80% of all structures within the city in 3 years. Based on requests we will conduct the CPTED evaluations and accomplish as many evaluations as possible based on available staffing.
- The PMU has been proactive in gaining voluntary compliance and attacking the overgrowth issue. For the past two years post cards have been mailed to every weed violator from the





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past year asking them to maintain their property and be a part of the solution. We will continue this practice in the future.

- When citing properties for first offense for overgrown grass/weeds, we are placing door hangers on the property so they are aware of the violation before the letter comes in. This is done to encourage compliance before the follow up inspection. The door hangers are in both English and Spanish.
- We partnered with the Behavioral Insights Team (BIT) through What Works. BIT is a group of scientists who use wording to change behavior. In their study with our division they crafted violation notices designed to increase voluntary compliance. The study showed less than a .1% increase in compliance. Staff will continue to work on the language in our notices to increase understanding of the notices and gain compliance.
- For the past two years we have been calling, doing knock and talks and meeting with owners focusing on increasing compliance. With all of our proactive efforts to reduce the city having to mow, we still create a backlog for the abatement crews.

Upon review of these 4 aspirational goals, I believe the PMU will be doing their part in achieving these goals. PMU is excited to be a part of a larger solution to the city's blight and the overall appearance of our community. There are other departments including, Forestry, Engineering, Police, Fire, Planning (for zoning issues), Community Engagement and City Manager's office, that will need to be a part of the larger solution. The City Manager's office will continue to work with the Property Maintenance Unit to improve the appearance and standard of our properties and premises in the City of Topeka.