

# **Summit County Abandoned and Vacant Property Task Force:**

## **A Report to the Community**



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## **Introduction**

On October 20, 2008 Summit County Council unanimously passed a Resolution sponsored by Councilman Cazzell Smith that established an Abandoned and Vacant Property (AVP) Task Force aimed at addressing the increasing problem of abandoned and vacant properties in Summit County. The mission of the Abandoned and Vacant Property Task Force was to examine and recommend plans for Summit County that will:

- 1) Support the goals of property protection and economic growth.
- 2) Promote civic responsibility and engagement in maintaining local neighborhoods and participating in governmental and community-wide efforts to reduce the number of abandoned and vacant properties, thereby encouraging economic stability.
- 3) Expand public appreciation and support for policies that safeguard the visual environment, and actively encourage participation by the private business sector, public schools, home-owners' associations and other non-profit organizations in such endeavors.
- 4) Develop methods of decreasing the detrimental effects of neighborhood blight and decay by making recommendations to Summit County Health District and Summit County Building Department regarding code enforcement.
- 5) Encourage public support of and collaboration with government agencies to aid in the consistent enforcement of the building codes and reporting of abandoned and vacant properties.
- 6) Explore ways to improve neighborhood vistas by maximizing use of abandoned or vacant lots and estates, while reducing the incidences of blight, trespassing, and other illegal activity.
- 7) Promote awareness, participation, and literacy regarding the effects of neighborhood blight and decay, throughout the community.
- 8) Prevent properties from becoming abandoned and vacant by addressing the needs of homeowners who may experience the loss of properties through foreclosure or other actions.

The membership of the Task Force included representation from the following:

- 1) Summit County Council
- 2) Summit County Executive Office
- 3) Summit County Fiscal Office
- 4) City of Akron Mayor
- 5) City of Barberton Mayor
- 6) City of Cuyahoga Falls Mayor
- 7) Summit County Office of Consumer Affairs
- 8) Summit County Health District
- 9) Lending Institution
- 10) Insurance Industry
- 11) Real Estate Industry
- 12) Not-for-profit Builder's Organization
- 13) Community-Based Development Organization
- 14) Other Advisory Groups

The fifteen (15) member Task Force, chaired by Summit County Council member Cazzell Smith, has met regularly in 2009 to discuss ways to combat the problem of abandoned and vacant properties in Summit County. It is the hope of the members of the Task Force that the information contained here within this document will enlighten, encourage and stimulate even more deliberate efforts to address this ongoing crisis in our communities.

# **Summit County Abandoned and Vacant Property Task Force: A Report to the Community**

## **Executive Summary**

Abandoned and vacant properties are becoming an increasing problem in Summit County. **A vacant property is defined as a chronically vacant or uninhabitable property for which the owner is taking no active steps to return the property to the market.** (*Ohio Vacant and Abandoned Properties Study Research Design*)

Abandoned and vacant properties create costly problems for communities. Abandoned and vacant properties are a barrier to reducing crime, encouraging private investment and enhancing the well-being of neighborhoods. For Summit County, abandoned and vacant properties have posed public safety problems, lowered property values and contributed to neighborhood blight. The solutions to this problem are neither easy nor quick. In Summit County we have reached a point where more aggressive steps must be undertaken to deter the continued deterioration of our neighborhoods. Countywide collaboration is imperative to address this prevalent problem and all must share the goal of putting troubled properties to productive use for residents and the community as a whole.

The Summit County Abandoned and Vacant Property Task Force is the vehicle that has been used to encourage more dialogue and begin to tackle the complex and costly problems abandoned and vacant properties create. The purpose of this report is to recap the findings, recommendations and suggested strategies for implementation from the Summit County Abandoned and Vacant Property Task Force.

The following four (4) recommended goals were identified by the AVP Task Force and will be discussed in this report:

1. Develop a centralized system for tracking abandoned and vacant properties
2. Enforcement of existing codes and the recommendation of more effective legislation
3. Identify and make recommendations regarding the best use of funding streams which can be used to address the problem and seek other resources to prevent abandonments and vacancies due to foreclosures and other major causes
4. Develop strategies to implement alternate uses for existing abandoned and vacant properties

## **I. The Problem:**

Summit County has experienced an epidemic of abandoned and vacant property unseen in decades. The causes of which are numerous and complex but identifiable. The identified causes are:

1. Predatory Lending
2. Job Loss / Income Reduction
3. Population Loss / Stagnation
4. Social Issues / Changes

### **1. Predatory Lending**

Predatory and irresponsible lending practices have been identified as the trigger of the economic recession resulting from continued deregulation and inadequate oversight by federal and state agencies. The practice of extending easy credit with little or no verification of applicant income or property appraisals lured many to secure fraudulent loans which were impossible to repay.

Deregulation of the banking industry along with allowing lenders to self evaluate their compliance with the Community Reinvestment Act (CRA) opened the door for the marketing of a deceptive loan product. Presidents and CEO's of mortgage companies gave testimony to Congressional Committees touting their desire to make housing affordable for all Americans. Yet, the loan product which was being pandered to low-to-moderate, credit-impaired borrowers, was designed for failure.

Adjustable rate mortgages (ARMs) and interest only mortgages suggested to buyers that they could afford more house than was realistic. In some cases, the ARMs had significant interest rate increases that doubled or tripled a borrower's mortgage after a few years of ownership, oftentimes with the details buried in the fine print or outright deception.

Hybrid loans and other risky loans became almost a norm as there was an insatiable appetite by investors for "highly rated" bundled mortgage securities. Mortgage brokers, hungry for new clients, shopped for appraisers that would generously appraise properties. The inevitable collapse of the "straw house" mortgage market has become the leading cause for the economic recession seen today, as lenders who have swung to the opposite extreme are fearful of generating new loans. The resulting paralysis has caused a national real estate bust. Millions of homeowners are faced with properties that are now valued significantly lower than the remaining mortgage. As a result, some owners are walking away from their property. As ARMs and interest only loan payments sky rocket, millions have been unable to pay their mortgages, resulting in a record number of foreclosures. Foreclosures are one of the most common causes of abandonments and vacancies.

The following is an excerpt from the report released on January 20, 2010 by Ohio Attorney General Richard Cordray and the State Foreclosure Prevention Working Group which is comprised of ten (10) other state attorneys general:

*One in four homeowners with a mortgage owes more than their home is worth. The unemployment rate is 10% nationally, with millions of additional Americans either out of the workforce or underemployed. Hundreds of thousands of homeowners have “pay option” ARM mortgages that are ticking time bombs for payment shock, when these loans reset to much higher payments. Despite efforts of servicers, homeowners, and the government, the foreclosure crisis continues to worsen. These signs point to more foreclosures in 2010 than in 2009.*

Based on the aforementioned information regarding the expected increase in foreclosures, property abandonment and vacancies will more than likely continue to increase too.

## **2. Job Loss/Income Reduction**

The tightening of credit and the huge investment losses by individuals, pension plans, governments and corporations, has translated into massive job losses and further foreclosures, abandoned and vacant property, unpaid property taxes, homelessness and loss of consumer confidence.

While economists in the United States had projected a number of 10,000 jobs lost in December 2009, the actual number was approximately 85,000. This number shows that while the jobs lost were not as extreme as they were in December of 2008 (700,000 jobs lost), the economy is still fragile and is not coming back as quickly as was anticipated by the government and economists. While job loss has stagnated overall since 2007 and 2008, it is critical to emphasize the fact that businesses, corporations, and companies are hesitant to hire and the economic climate has made it quite difficult to find any work besides temporary employment.

## **3. Population Loss/Stagnation**

For Northeast Ohio, demographic trends have aggravated the housing market and economic woes. The overall population of Summit County has not seen a significant change in perhaps the last thirty (30) years.

## **4. Social Issues/Changes**

Social changes have lead to more households with fewer individuals occupying the household. More single member households exist than ever before. Family units are more frequently fragmented by divorce or separations. With so many single wage earning households, job losses are felt most acutely and are more likely to result in abandoned and vacant homes.

Abandoned and vacant properties affect the displaced but also affect the entire community on psychological, economic and public health levels.

- Psychologically, abandoned and vacant properties can add to a sense of insecurity for neighbors of such properties. Abandoned and vacant properties have become the target of arsonists, thieves, drug cookers and vandals. As homes are broken into and lawns are not maintained, the psyche of the neighborhood can slip to worry and concern. People become

wary of walking their neighborhoods. Neighbors begin to fear the loss in property value that abandoned or vacant homes create for them and their neighbors. The overall sense of quality of life can be diminished.

The following paragraphs from an article published in the *Akron Beacon Journal* on November 16, 2008 conveys the worries and concerns property owners have about abandoned and vacant properties in their neighborhoods:

***“Ron Perry feels surrounded.***

***Across the street from his home, there are two vacant houses – both with overgrown lawns. Behind him, there’s another one. And just around the corner sits yet another abandoned home, this one with plywood covering the porch. For Perry, who has lived in Akron’s Goodyear Heights neighborhood for nearly 50 years, it’s depressing and unsettling sight.***

***He and his neighbors still take pride in their properties. And they bemoan the increasing number of vacant eyesores that not only have become targets for drug dealers and other criminals, but also have damaged the psyche of the community itself.”***

In that same article, Bob Genet, the Mayor of Barberton and also an AVP Task Force member, says:

***“Even in some of your nicer areas, if you get one or two vacant houses, it can be detrimental to the health of the neighborhood. It can tear down a neighborhood real quick.”***

- There are also public health issues associated with abandoned and vacant properties. Unsecured properties can become harborage for rodents, raccoons, skunks and other wildlife. Lawns of tall weeds can exasperate hay fever and asthma. Abandoned swimming pools and clogged rain gutters provide habitats for mosquito larvae. Vacant and unsecured properties pose as an attractive nuisance to children posing significant safety risks. Abandoned and vacant properties can also become illegal dump sites for garbage and scrap tires.
- Economically abandoned and vacant properties hurt the displaced, neighboring property values and property tax receipts. Just as services become most critical, the tax base has become weakest because abandoned and vacant properties do not contribute to the tax base. Abandoned and vacant properties waste valuable space that could be used in other productive ways and create a fiscal drain on communities. All levels of government are feeling the effects and are contributing to job losses, wage cuts and wage freezes. A high percentage of abandoned and vacant properties become its own impediment to community development as investors are leery of sinking funds into property improvements and property purchases.

## II. What is being done locally to respond?

Summit County began to observe and respond to many of the trends earlier than the rest of the country. Predatory lending practices were on the radar locally before it was national news. Numerous activities, although often uncoordinated, have been activated:

- On May 5, 2003, Summit County Council unanimously passed a Resolution that created the Summit County Home Foreclosure and Predatory Lending Task Force to review the current problem of predatory lending, subprime lending, home foreclosures and sheriff sales within the county. One of the Task Force recommendations was the establishment of a government-operated Office of Consumer Affairs to provide education and outreach on consumer-related issues, to alert consumers of unfair and deceptive practices, and to assist consumers with the resolution of their complaints. In 2006, the Office of Consumer Affairs began assisting residents with the Summit County Foreclosure Prevention Partnership Program that, along with other government agencies, housing counseling agencies, banks, realtors, attorneys, non-bank lenders and many others, has hosted foreclosure prevention clinics, introduced foreclosure flyers in court lawsuits and created foreclosure data reports and maps. In addition, the Foreclosure Prevention Partnership Program provides residents with foreclosure assistance information on the Summit County web site and offers foreclosure intervention on an individual basis.
- Economic development departments, zoning offices and health districts often secure vacant properties that are easily accessible to children or vandals. These efforts have come at great expense. The County Department of Development exhausted its housing demolition budget early in the calendar year.
- The County of Summit has been awarded \$3,767,144 in Neighborhood Stabilization Program (NSP) Funds as a result of the Housing and Economic Recovery Act (HERA) of 2008 to address abandoned and foreclosed properties. The Summit County NSP program includes the following eligible uses: purchase and rehabilitate, demolition, land banking, redevelopment and administrative costs. The Summit County program believes that a balance of rehabilitation and new construction will have a greater impact than a single approach to abandoned and foreclosed properties.

The Summit County NSP program identified 25 census block groups as “areas of greatest need”. The identified census block groups meet the LMI area designation ( below 80% of median income), had a high Foreclosure-Abandonment Risk Score (HUD) and had experienced a proportionally large number of foreclosures. These areas have been significantly impacted by the foreclosure crisis with the effects of foreclosed properties spreading beyond individual property boundaries to affect the surrounding properties. The “areas of greatest need” identified are located in the City of Barberton, the City of Norton, Springfield Township, Copley Township, Twinsburg Township and the Village of Lakemore.

The County of Summit has engaged six community partners to complete program activities in the “areas of greatest need.” By limiting the geographic area, allowing flexibility in the project type and selecting partners who demonstrated that they had the organization capacity to assist us in the successful completion of the NSP program, we will have a greater impact than a less focused approach to the program.

- Legislative actions:
  - Summit County – On September 29, 2008, Summit County Council unanimously passed a Resolution that created the Foreclosure Education and Prevention Fee that provided funding for the Office of Consumer Affairs and the Sheriff’s Foreclosure Task Force to take steps to fight the ongoing mortgage and foreclosure crisis and predatory lending practices of some lenders and brokers through education and enforcement. The fee is paid only when properties are purchased at a Sheriff’s Sale and where approximately 95% of the properties are purchased back by the lender.
  - State of Ohio – The passage of the Ohio Homebuyers’ Protection Act gave the Ohio Attorney General enforcement authority over abusive lending practices on or after January 1, 2007 by loan officers, mortgage brokers or non-bank lenders.
    - The Governor’s Foreclosure Prevention Task Force issued a report with 27 recommendations on how Ohio could stem the foreclosure crisis. The task force’s number one recommendation was for a public awareness campaign and in March 2008, the “Save the Dream” campaign was introduced. Numerous state laws have been passed that give local municipalities the ability to deal with foreclosure properties. One prime example is the creation of land banks with Substitute Senate Bill 353.
  - Federal – The passage of the Mortgage Forgiveness Debt Relief Act of 2007 allowed the exclusion of income realized as a result of modification of the terms of the mortgage, or foreclosure on your principal residence.
    - Protecting Tenants at Foreclosure Act is a federal law that provides protections for tenants whose landlords are in foreclosure on or after May 20, 2009.
    - The Obama Administration’s *Making Home Affordable* programs were designed to help homeowners with their mortgage payments.
  - Court System:
    - Foreclosure Mediation – The Ohio Supreme Court Dispute Resolution Section has provided local courts with a step-by-step direction to launch foreclosure mediation programs. As of January 2009, all 88 counties in Ohio offer foreclosure mediation. In Summit County, the Court of Common Pleas, General Division operates a mediation program that provides the opportunity to mediate civil cases with a court mediator.

### **III. Goals and Strategies for Enhancement/Collaboration/Expansion**

The County of Summit Abandoned and Vacant Property Task Force has reviewed best practices from other communities and tapped local resources in order to recommend the following goals and strategies for tracking, preventing, mitigating and rehabilitation of abandoned and vacant properties:

#### **GOAL #1 – Develop A Centralized System for Tracking Abandoned and Vacant Properties**

Multiple agencies collect data that can be useful in measuring the extent of existing abandoned and vacant properties and may assist in forecasting future abandoned and vacant properties. Data from utility shut-offs, unpaid water and sewer bills, housing complaints, foreclosure filings and tax delinquencies can help to bring into focus the extent of the problem. Unfortunately most of this data sits in separate silos that are not easily integrated.

Identifying vacant or abandoned property is a more involved process than just checking to see if a foreclosure notice has been posted. Because foreclosure is a process, and often a lengthy one, the question of whether or not a property is truly abandoned or vacant at a given point in time requires the analysis of several important sources of data, such as utility shut off notices, unpaid water and sewer bills, housing complaints, foreclosure filings, and tax delinquency notices. Unfortunately, the sources of that data usually reside within multiple agencies and / or companies, rendering a coherent analysis very difficult, time-consuming and expensive to conduct.

#### **How to Address This Problem: Project Methodology**

Solving this problem requires the development of a methodology for accessing and analyzing large amounts of detailed data from multiple agencies at once, and producing useful reports from that data. To do that, it will be necessary to create an Abandoned and Vacant Property Database.

This database would have several goals. These include developing and maintaining a current abandoned and vacant properties inventory, tracking the progress of putting such properties back into productive use, forecasting future abandoned and vacant properties trends, and assisting city and county planning efforts through the effective use of geographic information systems (GIS) and other analytical tools.

Reports which might be generated from such a database include profiles of any specific abandoned and vacant properties in Summit County which may be required. Such profiles and other reports would summarize all relevant information for each abandoned and vacant property, which would promote the efficient use of both Neighborhood Stabilization Program (NSP) and other public resources, as well as accelerate the ability of county agencies to identify NSP-eligible projects.

To create such a database, the AVP Task Force recommends utilizing one of its partner agencies, the Summit County Health District (SCHD), to serve as the host of the database effort. As a public agency that is intimately involved with protecting the health of the community that it

serves, the SCHD receives and processes a vast amount of confidential data from various sources (other government agencies, health care providers, laboratories, etc). In addition, the SCHD operates multiple clinics and provides essential services off-site, both of which require the maintenance of patient records and the efficient, secure access to protected data.

Because of its need to receive, transmit, and analyze large volumes of sensitive data, the SCHD has already made a major investment in building the kind of technological infrastructure which the AVP database will require. This makes the SCHD a logical partner in this proposed effort. Utilizing these assets in partnership with the SCHD will allow the county to realize significant savings when constructing the database.

The SCHD can make two critical components available to the database effort, including:

1. **SAS Business Intelligence Personal Server B** – This highly-advanced statistical analysis software package will form the core of the database effort. In addition to its statistical analysis capabilities, this SAS package allows users to develop and automatically generate tables and graphics, and places them into custom-designed report formats for easy distribution. During the early stages of the project, the SCHD can make available some of the 20 concurrent user licenses it possesses to partners in the AVP project.
2. **ArcView GIS** – This state-of-the-art mapping software program will allow AVP project staff to create detailed maps using results generated from the database.

By utilizing existing resources as outlined above, costs for setting up and running the database can be held to a minimum. Other than the possible purchase of a small number of additional SAS licenses, the bulk of project costs will be in the form of staff time for creating and updating the database.

### Elements of the Proposed Database

The second step in the creation of the database is the identification of data elements required.

Listed in the chart to the right are a number of detailed data sources which are candidates for inclusion in the AVP database. Entries in the shaded sections of the table possess one or more data elements which will likely be required but have yet to be specifically identified.

Data source	Owner / supplier	Years available	Lowest geographic level available	Confidential* or public use
Home Mortgage Disclosure Act	FFEIC	1999-2008	Census tract	Public use
Birth certificates	ODH	1990	Address	Confidential
Death certificates	ODH	1990	Address	Confidential
Clinic data	SCHD, AHD, BHD		Address	Confidential
Census / American Community Survey	US Census	1990-2008	Block group	Public use
US Postal Service	USPS	2006-2009	Census tract	Public use
Sewage treatment systems	SCHD, AHD, BHD	1991-2009	Parcel/Address	Public use
Private water systems	SCHD, AHD, BHD	1991-2009	Parcel/Address	Public use
Nuisance Complaint Investigations	SCHD, AHD, BHD	1991-2009	Address	Public use
<b>Fiscal Office</b>				
<b>Sheriff's Office</b>				
<b>Akron Police Department</b>				
<b>Suburban police departments</b>				
<b>Clerk of Courts</b>				
<b>Municipal Courts</b>				
<b>Akron Public Utilities Bureau</b>				
<b>FirstEnergy</b>				
<b>University of Akron</b>				
<b>DOES</b>				
<b>Cuyahoga Falls utilities</b>				
<b>Barberton Water</b>				
<b>Twinsburg Water</b>				
<b>NEORS</b>				
<b>Landlord-Tenant data</b>				

\* Confidential data may, in some instances, become public use if aggregated at higher levels of geography

Goals of the AVP Database – The AVP database development plan contains three primary goals to be achieved in the short-term, near-term, and long-term, respectively, as discussed below:

1. **AVP short-term goal** – At the outset of the project, the database will be constructed as a so-called static database. This means that baseline data and periodic updates by project participants will be submitted to SCHD project staff according to a predetermined schedule. SCHD project staff will then manually create the database and add and/or update existing data as they are received. Once the information contained in the database is current, SCHD project staff will generate updated versions of a series of tables, maps, and reports which participating agencies will help create in advance.
2. **AVP near-term goal** – Once time and available resources allow, the project’s hardware and software infrastructure will be expanded to allow participating agencies to interact with the database in real-time. In this scenario, participating agencies will access the database remotely to upload new or updated data themselves, again according to a predetermined schedule. Agencies will also be able to access a “dashboard” interface with the database which will allow them to analyze data remotely, and then generate and download both standardized and custom reports as needed.

A second expansion which is envisioned under this goal is to add remote GIS capability to the project’s infrastructure. Participating agencies which currently have access to their own GIS software will be able to choose data elements and level of geography and generate both standardized and custom maps themselves on the spot.

To meet these goals, three specific expansions of SCHD’s current technological infrastructure will be necessary. The first expansion will be to move from SCHD’s current SAS Business Intelligence (BI) Personal Server B to SAS Enterprise Business Intelligence Server and adding a SAS Group 1 Server. Pursuing these upgrades would add 30 more concurrent users to the system and provide remote (web-based) access as well as standardized and custom report generation to all users.

To add the interactive GIS capability mentioned earlier to the system, a third software package, called the “SAS Bridge to ESRI” would be necessary. This software, also a SAS product, would allow the SAS system to share data and information with participating organizations that run Environmental Systems Research Institute’s (ESRI) ArcView GIS software.

3. **AVP long-term goal** – Ultimately, the long-term goals of setting up the proposed system would be to create an interactive database which serves the needs of the practitioners who use it on a regular basis, and also allows the public access to important information as well.

Adding public access to the proposed system would require one of two strategies: either setting up a separate, web-based system in addition to the system discussed in the near-term goal section, or working with a community partner which already provides a public access database.

In Northeast Ohio, the most logical choice for a community partner would be Case Western Reserve University’s on-line database system, called Northeast Ohio Community and Neighborhood Data for Organizing (NEOCANDO), which can be found at <http://neocando.case.edu/>. According to the description of NEOCANDO found on its

website, NEOCANDO, it is a “free and publicly accessible social and economic data system of the Center on Urban Poverty and Community Development...NEOCANDO allows users to access data for the entire 17 county Northeast Ohio region, or for specific neighborhoods within the region. Academic researchers, community and economic development professionals, public officials, neighborhood activists, business leaders and concerned citizens of all types can easily use this system to explore aspects of the area such as population trends, poverty, employment, educational attainment, housing and crime.” Forming a partnership with NEOCANDO would require negotiating a formal data sharing agreement. Such an agreement would be beneficial for both parties; NEOCANDO would be able to add a large amount of vital information to their already-impressive collection of regional data, while a partnership would allow Summit County to use NEOCANDO’s existing technological infrastructure to provide essentially unlimited public access to its information. Members of the Task Force met with representatives from NEOCANDO at Case Western Reserve University. It was mutually determined that discussions should continue with a goal of forming a partnership to collect data that could be shared.

### **Citizen Reporting Via The Website**

Another component in the development of a centralized tracking system for abandoned and vacant properties would include the establishment of a county centralized direct on-line reporting of abandoned and vacant properties. This system would allow Summit County residents to assist in the identification of those properties that present a blighting influence on their neighborhoods. The information collected would be used to not only track abandoned and vacant properties, but to forward the citizen’s complaint to the appropriate agency to determine if the property is secured and if there are any housing code violations.

## **GOAL #2 – Enforcement of Existing Codes & the Development of More Effective Legislation**

As part of its review, members of the Abandoned and Vacant Property Task Force visited two (2) specialty courts in the State of Ohio—the Cleveland Housing Court, which is part of the Cleveland Municipal Court, and the Environmental Division of the Franklin County Municipal Court based in Columbus. The two courts, which were established by the Ohio General Assembly, function as follows:

### **Cleveland Housing Court**

- Territorial jurisdiction—City of Cleveland and Bratenahl.
- Part of Cleveland Municipal Court.
- One judge; current is The Honorable Raymond L. Pianka, who has been in office for 14 years.
- Court has exclusive subject matter jurisdiction to hear civil and criminal cases to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation except that it has concurrent jurisdiction of matters also within the jurisdiction of a mayor’s court.
- Types of cases:
  - Evictions.
  - Restraining orders.
  - Motions to Compel Repairs.
  - Rent Deposits.
  - Injunctions/Temporary Restraining Orders.
  - Permanent injunctions.
  - Remunerations.
  - Contempt.
  - Receivership.
- Court offers voluntary mediation free of charge to willing landlords and tenants.
- Many individual owners brought into court are assigned a Housing Specialist.
- Housing specialists may assist:
  - Elderly and low-income owners who require help in addressing property citations.
  - Transitioning a cited property to a new owner where the current owner is unable to address problems.
  - Advise defendants in foreclosure of their options, including a deed in lieu of foreclosure, short sale, etc.

- Court’s broad jurisdiction allows a big picture approach to housing cases.

### **Environmental Division of Franklin County Municipal Court**

- Territorial jurisdiction – Franklin County and portions of Franklin County municipalities lying outside of Franklin County.
- Part of Franklin County Municipal Court.
- One judge; current is The Honorable Harland Hale, who has been in office for 6 years.
- Court has exclusive subject matter jurisdiction to hear civil and criminal cases to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation except for evictions and landlord and tenant cases and matters also within the jurisdiction of a mayor’s court, with which the Environmental Division exercises concurrent jurisdiction. Court has concurrent jurisdiction with Franklin County Court of Common Pleas in: (1) felonies relating to air, ground or water pollution; and (2) review or appeal of administrative decisions relating to local building, housing, air pollution, sanitation, health, zoning, property maintenance or safety ordinance.
- Types of cases:
  - Violations of local building, housing and zoning codes.
  - Vicious Dogs.
  - Animal Cruelty.
- Court’s monetary jurisdiction in civil cases is unlimited.
- Court conducts its own arraignment hearings in criminal cases due to exclusive jurisdiction over certain matters.
- Court’s broad jurisdiction allows a big picture approach to housing and environmental cases.

### **County of Summit Courts**

The criminal justice system in Summit County is divided into three municipal courts and the Summit County Court of Common Pleas. All have varying territorial and subject matter jurisdiction as follows:

#### **Municipal Courts**

- Territorial Jurisdiction established by Ohio Revised Code.
- Monetary jurisdiction is \$15,000 and under.
- Types of cases:
  - Civil actions.
  - Recovery of personal property.

- Contracts.
- Sale of personal property.
- Enforcement of judgments.
- Evictions.
- Temporary protection orders.
- Public nuisance.
- **Akron Municipal Court**
  - Territorial jurisdiction in Bath, Richfield, and Springfield townships, and within the municipal corporations of Fairlawn, Lakemore, and Mogadore.
  - Six judges.
- **Barberton Municipal Court**
  - Territorial jurisdiction in Coventry, Franklin, and Green townships, within all of Copley Township except within the municipal corporation of Fairlawn, and within the municipal corporations of Clinton and Norton.
  - Two judges.
- **Stow Municipal Court**
  - Territorial jurisdiction in Boston, Hudson, Northfield Center, Sagamore Hills, and Twinsburg townships, and within the municipal corporations of Boston Heights, Cuyahoga Falls, Hudson, Munroe Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, and Macedonia.
  - Two judges.
- **Cuyahoga Falls Mayor's Court**
  - Territorial jurisdiction in Cuyahoga Falls.
  - One magistrate.
  - Types of cases:
    - OMVI (Operating a Motor Vehicle while Intoxicated) cases involving the violation of a Cuyahoga Falls ordinance.
    - Traffic cases involving the violation of a Cuyahoga Falls ordinance.
    - Criminal OMVI and traffic violations on state highways located within boundaries of Cuyahoga Falls.
    - Violations of a Cuyahoga Falls Ordinance.
  - Appeals may be taken to Stow Municipal Court.

- **Court of Common Pleas**

- Territorial jurisdiction: Summit County.
- Original jurisdiction in all civil cases exceeding \$15,000, including property foreclosures.
- 10 judges.

The Task Force recommends that the courts located in Summit County investigate the idea of creating one or more specialty courts to deal with housing issues. This would allow a single judge in each of the courts to handle the housing issues within that court's jurisdiction, therefore leading to consistency and expediency in the disposition of the cases. Additionally, it may be desirable for the courts to explore the possibility of creating a specialty docket court that would encompass all jurisdictions and would handle housing issues for all of the courts. As suggested above, there are several advantages to creating specialty courts to deal with housing related issues:

- One judge will develop an expertise in managing housing cases.
- One judge will have the ability to coordinate housing resources, such as community groups, and address housing cases with a big picture approach.
- Property owners, renters and persons with other housing issues will become aware that they are accountable to one court and that there are resources available through that court to address or prevent a reoccurrence of the problem that brought them there in the first place.

There are also a few disadvantages to the docket court approach:

- Difficulties in diverting all housing cases under one judge.
- The judge handling housing cases may retire, thereby taking the experience with housing issues with him or her.
- Jurisdictional issues between the courts would need to be examined and resolved.

The Task Force believes that the advantages of creating one or more specialty courts far outweighs the disadvantages and that discussions with the municipal courts and Court of Common Pleas should be undertaken as soon as possible. One potential solution is to create a pilot project in the Akron Municipal Court, since it has jurisdiction over the largest city in Summit County and with six judges, a better opportunity to create a specialty housing court.

**GOAL #3 – Identify and Make Recommendations Regarding the Best Use of Current Funding Streams Which Can Be Used to Address the Problem and Seek Other Resources to Prevent Abandonment and Vacancies Due to Foreclosure and Other Major Causes.**

The Task Force identified two (2) strategies to achieve this goal. They are as follows:

1. Create land banks
2. Provide education and assistance to homeowners to maintain at-risk properties

**1. Create Land Banks**

The negative impact of vacant, abandoned and blighted properties in Summit County may be helped through the use of land banks.

- Land banks may be created to transform abandoned, vacant and tax-foreclosed properties into productive use.
- Land banks create a planning tool for long-term community development to revitalize targeted neighborhoods
- Land banks may improve tax revenues, expand housing opportunities, remove public nuisances, reduce crime, safety and health issues.

While there are financial challenges facing political subdivisions today, the creation of a land bank program offers benefits that could push our county closer to restoring some of its more economically distressed areas.

Summit County should support the passage of House Bill 313, which provides the ability for the creation of a County Land Bank Reutilization Corporation (CLRC). The tools available in the pending legislation will open up a laundry list of possible solutions to foster an effective countywide land bank program.

Summit County should explore the possibility of utilizing the Neighborhood Stabilization Program (NSP) funds as a source of funding for the creation of a land bank program.

**Provide Education and Assistance to Homeowners**

The education of homeowners who receive a foreclosure lawsuit from the courts is essential in preventing abandoned and vacant properties as many homeowners vacate soon after receiving the lawsuit. To reduce the number of abandoned properties, the AVP task force hosted three foreclosure prevention clinics in Akron, Barberton and Cuyahoga Falls to provide help to those homeowners struggling with late mortgage payments or facing court foreclosure. The foreclosure process can last several months, and by keeping homeowners in their home during this time, not only does it reduce the number of vacant properties, but also gives the parties ample time to reach a possible resolution. The AVP Task Force recommends that future foreclosure prevention clinics continue under the leadership of the County of Summit Office of Consumer Affairs who

is currently working with other government offices, housing/counseling agencies, legal services and local banks on six (6) upcoming “Surviving the Economy” clinics to take place starting in March 2010. The following is taken from the State Foreclosure Prevention Working Group Report:

States should consider expanding counseling programs or implementing temporary foreclosure mediation or other measures. Given the number of homeowners facing foreclosure or likely to face foreclosure in the next 12-24 months, it is likely that many will fall through the cracks of even the best implemented system for working out mortgage loans. Counseling programs have played and continue to play a key role in providing assistance at the state and local level. Expanding or at least sustaining these programs is essential to meeting the growing challenge. In addition, a number of states and local governments have developed innovative mediation or other requirements for servicers and homeowners to meet prior to the completion of a foreclosure. Continuing to develop creative and efficient processes to support the use of foreclosure alternatives is critical, particularly as servicer performance, market conditions, and foreclosure prevention programs are evolving constantly.

## **GOAL #4 – Develop Partnerships to Implement Alternate Uses for Existing Abandoned & Vacant Properties**

The Task Force identified three (3) strategies to achieve this goal. They are as follows:

1. Green Spaces/Community Gardens
2. Rehabilitation or the removal of uninhabitable buildings
3. Continued Collaboration with the Green Policy Task Force

### **Green Spaces/Community Gardens**

As discussed earlier in this report, in the present day economy vacant and abandoned properties are becoming detrimental both emotionally and physically in many neighborhoods and cities throughout the country, the state, and in Summit County. Urban gardening is a way to fill in these vacant lots. The green space is not only nice to look at, but it also brings communities together for the common goal of tending the garden, and growing fresh produce that can be consumed by the gardeners, and sold at local markets to produce revenue. It is highly recommended that Summit County adopt urban gardening as a way to beautify vacant lots as well as bring communities together based upon the success other cities in Ohio have had with their urban gardens.

In Cleveland, 188 vacant lots in the city and surrounding suburbs were transformed into gardens that not only beautified the area, but have also produced over \$1 million dollars worth of fresh vegetables that have been a healthy food source for the community gardeners as well as for local food banks. Defiance and Hicksville have also filled vacant lots with community gardens. The garden participants also benefit from having pride in their work, their community, and having access to fresh produce. Excess produce is also sold at farmers markets or donated locally.

The fresh produce and the beauty of the green space are not the only benefits. These gardens have brought many members of many communities together and involved them in taking care of food producing gardens they can be proud of. It also creates an opportunity for people of all ages to learn together and work together. There are important environmental, financial, and social values that come with urban gardens. The community gardeners save an average of over \$200 a season by consuming the food produced by their gardens. Local food banks benefit from donated produce, and some may be sold at local markets. Green space is sustainable and benefits the local environment.

A shared sense of responsibility within a community brings people of diverse social and economic backgrounds together which strengthens networks. Attitudes are also improved as a result of the neighborhood gardens and organizational and leadership skills are enhanced. Residents of the community may also become more involved in other neighborhood issues such as beautification projects, crime reduction and an overall interest in improving their community as a result of the unity and responsibility created from the neighborhood gardens.

The City of Akron has recently initiated Akron Grows, a community program to promote and encourage urban gardening. Initially, eight (8) vacant, city owned lots were selected for use as community gardens. In a press release Mayor Don Plusquellic stated, "We recognize, especially in today's economy, the need for people to put affordable, fresh food on the dinner table; the city itself also has a need to put vacant lots to productive use. I'm excited to watch Akron Grows spur community involvement and serve as an educational opportunity for our kids."

### **Rehabilitation or Removal of Uninhabitable Buildings**

The County is utilizing local non profits and local governments to address foreclosed, vacant or abandoned properties with NSP funding. The majority of the units will be purchased, rehabilitated and sold to qualified families. To qualify for the program persons must make under 120% of the area median income. A family of four (4) can not earn more than \$74,025.00. All homes are rehabilitated in accordance with state and local codes and the Ohio Residential Rehab Standards. If the unit is unable to be rehabilitated due to the cost, the unit may be demolished and a new unit constructed.

To address foreclosed vacant, abandoned, and blighted properties, the City of Akron has been utilizing the Neighborhood Stabilization Program. The City's mission is to obtain eligible property and make it a viable residential property within the neighborhood. Given the choice between leaving a blighted property in a neighborhood or utilizing available funding to provide neighborhood stabilization, the City chose the latter. The intent is to rehabilitate viable properties or if the property is too far in disrepair, demolish the property. The City of Akron reviews NSP eligible property within a neighborhood context. Properties are identified by members of the Planning Department and are assessed for purchase and recommended disposition of the property.

The end product is either a rehabilitated property or viable vacant land for residential new construction. Utilizing the request for targeting areas of need per the HERA Act of 2008, 5 neighborhoods were selected to receive this funding. To date, the City has reviewed over 200 properties and purchased approximately 50. Of that, 10 properties are slated to receive rehabilitation treatment and at least 7 properties are recommended new construction. Though homeownership is desirable, there is also an understanding the need for decent rental property; there may be some units that meet this eligible activity.

The next phase is targeting through a marketing campaign Homebuyers who have received the NSP required 8 hours of training by a HUD-certified provider. These potential homebuyers will benefit by having a home that is newly constructed or rehabilitated in a decent, safe and sanitary manner. The end product is a "move up home, at a start up price". If necessary, homebuyers may qualify for financial assistance towards the purchase of the property. Any direct beneficiaries of the NSP must meet the provision of the act of having an area median income of less than or equal to 120%.

The Task Force recommends that the County continue to look for opportunities to reclaim blighted properties and rehabilitate them into more productive and desirable use.

### **Collaboration with the Green Policy Task Force**

The Summit County Green Policy Task Force, Chaired by Councilwoman Ilene Shapiro, was established to examine and develop plans and other methods to advance Summit County as a more sustainable and environmentally conscious place to live and work.

On September 23, 2009, the Abandoned and Vacant Property Task Force met with the Summit County Green Policy Task Force to discuss possible collaborations where the two (2) groups could work together to share ideas and resources. Under the Task Force, three (3) subcommittees were created which enhanced the depth of resources, talents and reach of the Task Force as it focuses on green initiatives. The three (3) subcommittees of the Green Policy Task Force include:

- Destruction and Demolition
- Community Engagement and Education
- Green Business Certification

Among the ideas discussed included: land banking and pursuing wetland grants to develop green spaces and razing and re-building housing in areas such as Summit Lake in Akron and Lake Anna in Barberton; and developing pilot projects using recycled and re-use materials in Neighborhood Stabilization Projects in Akron and Summit County. Continued discussions with the Green Policy Task Force are encouraged to jointly address ways to reduce the abandoned and vacant property situation and to create environmentally friendly areas in Summit County.

## **Conclusion**

An Ad Hoc Committee should be created to ensure continued discussions regarding the feasibility of implementation of the aforementioned recommended goals and strategies. The Ad Hoc Committee would be made up of key partners in the implementation of the goals. Therefore a Committee should include representatives from the Summit County Executive's Office, Summit County Council, Summit County Fiscal Office, Summit County Clerk of Courts, Summit County Health District, Consumer Affairs, and the City of Akron. The Ad Hoc Committee should regularly present progress reports to the Summit County Council's Long-Term Planning Committee in collaboration with the County Executive.

The AVP Task Force members feel that these goals are steps in the right direction for addressing the issues associated with abandoned and vacant properties. We need to keep taking positive steps, whether big or small, toward looking for remedies to address and reduce the effects of this problem. As community leaders and concerned citizens of Summit County, this problem should stay on our radar. The recommended Ad Hoc Committee can be a means to assist us in doing so.

# ***A Special Thanks from Councilman Cazzell Smith, Chair of the Summit County Abandoned and Vacant Property Task Force***

A special thanks to all the members of the Summit County AVP Task Force for graciously volunteering their time to research and discuss solutions to the ever growing problem of abandoned and vacant properties in Summit County.

I sincerely appreciate all of your efforts, and I'm sure your work will not go unnoticed by the community leaders and citizens of Summit County. I encourage you to continue your involvement in the community, and together we can keep Summit County a safe and beautiful place in which to live.

Additionally I would also like to extend a special thanks to the following individuals and organizations that were valuable resources to the Task Force:

The Honorable Judge Raymond L. Pianka, Cleveland Municipal Court  
The Honorable Judge Harland Hale, Franklin County Municipal Court  
Donna Skoda, Summit County Health Department  
Rick Marountas, Summit County Health Department  
David Kaplan, Kent State University  
Michael Schramm, NEOCANDO, Case Western Reserve University  
Darlene Mims, Chief of Staff, Summit County Council

Sincerely,

*Cazzell M. Smith, Sr.*

## **SUMMIT COUNTY ABANDONED AND VACANT PROPERTY TASK FORCE MEMBERS**

- |     |   |  |
|-----|---|--|
| 1.  | Russell M. Pry<br>Alternate: Holly Miller                   | County of Summit Executive                                       |
| 2.  | Cazzell Smith<br>Alternate: Tim Crawford                    | County Council Member<br>County Council Member                   |
| 3.  | John Donofrio<br>Alternates: Shelley Davis and Ray Valle    | Summit County Fiscal Officer                                     |
| 4.  | Mayor Donald L. Plusquellic<br>Alternate: Thomas Tatum      | Mayor of Akron   |
| 5.  | Mayor Robert J. Genet<br>Alternate: Diane Sheridan          | Mayor of Barberton<br>Planning Director                          |
| 6.  | Mayor Don Robart<br>Alternate: Jonathon Dailey              | Mayor of Cuyahoga Falls  |
| 7.  | Cynthia Sich<br>Alternate: William Miller                   | Director, Consumer Affairs<br>Consumer Affairs Investigator      |
| 8.  | Robert S. Hasenyager, M.S., R.S.<br>Alternate: Terry Tuttle | Summit County Health District                                    |
| 9.  | Louise Gissendaner  | Senior Vice President<br>Fifth Third Bank (NE Ohio)              |
| 10. | Steve Broderick   | Owner, Broderick Insurance Agency                                |
| 11. | Lolita Adair  | Owner, Lolita Adair Realtors                                     |
| 12. | Justin S. Meiser  | CFO, Neighborhood<br>Development Services Inc.                   |
| 13. | Grady Appleton<br>Alternate: Don Whited                     | Executive Director, East Akron<br>Neighborhood Development Corp. |
| 14. | Chuck Wiedie  | City of Hudson   |
| 15. | Len Huddleston  | Owner/Partner<br>Design Construction Services, LLC               |

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