



**Property Law 101 and
Efficient, Effective,
Equitable Code
Enforcement for GA
Communities**

State Bar of Georgia

Atlanta, GA

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About Us



Center for Community Progress

- We are the only national nonprofit solely focused on building a future in which entrenched, systemic blight and vacancy no longer exist
- We serve communities through policy development, technical assistance, leadership development, education, and research
- Since 2010: Technical assistance has been provided in more than 150 communities & trainings have reached 1,000s of professionals

Presentation Agenda

Empowering Neighborhood Leaders

- I. What is the Problem?
- II. A Few Points on Property Law
- III. One Key Tool—Code Enforcement

123 Macon Street



A Few Points on Property Law

- I. Who Owns It?
**Who Has Rights?
- II. Can the Government Fix It?
** What is Due Process?
- III. History of Federal, State and Local Law that Divided Neighborhoods on the Basis of Race
- IV. Disconnects between Criminal and Property Law and Neighborhood Stabilization



*Photo Courtesy of the
Kalamazoo Land Bank Authority*

One Key Tool for Stabilization Code Enforcement: 123 Macon Street



123 Macon Street



123 Macon Street



The Existing Approach of the City of Atlanta

Article I: Inspections and Notices

- Notice to Owners (53% successful compliance)
- Criminal Citations; criminal service; criminal prosecution

Article III: Administrative In Rem Review Board

- When owners not located
- Clean and close, or demolish
- Lien can be filed (of little value or utility for vacant/abandoned)

Article V: Judicial In Rem Code Enforcement [*Not Used*]

- Judicial Proceeding
- Notice to all parties with an interest in the property
- Order for demolition
- Lien for all costs; super-priority status
- Can be transmitted to Tax Commissioner to enforce

The Existing Approach of the City of Atlanta



Article III In Rem Review Board Results

JAN. 2011-JUNE 2014: DEMOLITIONS ORDERED BY IN REM REVIEW BOARD = 461

JAN. 2011-JUNE 2014: DEMOLITIONS COMPLETED BY OWNERS IN RESPONSE TO BOARD ORDER = 14

FY 2013: DEMOLITIONS COMPLETED BY CODE ENFORCEMENT SECTION = 65

FY 2013: PUBLIC FUNDS EXPENDED TO COMPLETE 65 DEMOLITIONS = \$1,271,013.04

FY 2013: PUBLIC COSTS RECOVERED THROUGH IN REM REVIEW BOARD PROCESS = \$ MINIMAL

FY 2013: PARCELS DEMOLISHED OR CLEANED AND CLOSED BY CITY NOW OWNED BY CITY = 0

Code Enforcement Goals

Fix it Up; Pay it Up; Give it Up

- ✓ **Fix it Up:** Aggressively issue citations for noncompliance.
- ✓ **Pay it Up:** To the extent that any public funds (direct and indirect) are expended, insist on full payment as secured by a first priority lien
- ✓ **Give it Up:** In the event of nonpayment, force the transfer to a new responsible owner



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