Agenda – Council – March 25, 2015

Report – Executive Policy Committee – March 4, 2015

Item No. 4 Vacant Buildings, Taking Title to Vacant and Derelict Buildings, Neighbourhood Liveability, and Zoning By-laws – 2014 Performance Measurement Report

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 4, 2015, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That this 2014 Performance Measurement report be received as information.

2. That in lieu of this annual report, and in order to enhance performance accountability reporting transparency, the Public Service post the performance reports at Winnipeg.ca per the schedule identified in Appendix A commencing Fall 2015.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – March 4, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 4, 2015, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: ***Vacant Buildings, Taking Title to Vacant and Derelict Buildings, Neighbourhood Liveability,*** **and** ***Zoning By-laws*** **2014 Performance Measurement Report**

Critical Path: **Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
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RECOMMENDATIONS

1. That this 2014 Performance Measurement report be received as information.

2. That in lieu of this annual report, and in order to enhance performance accountability reporting transparency, the Public Service posts the performance reports at Winnipeg.ca per the schedule identified in Appendix A commencing Fall 2015.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The Public Service is required to report annually to Council on performance measurement information related to the *Vacant Buildings, Taking Title to Vacant and Derelict Buildings, Neighbourhood Liveability,* and *Zoning By-laws'* enforcement activities.

IMPLICATIONS OF THE RECOMMENDATIONS

The intent of these by-laws is individual and community well-being, safety, crime prevention, and sustainable communities.

The Public Service is recommending to Council that the performance reports identified in Appendix A (and their reporting frequency) be posted publicly at Winnipeg.ca commencing Fall 2015. In the 2013 performance report to Council, goals are identified. The evaluation of these goals is presented in this report. The overall goal is compliance.

Vacant Buildings By-law (Goal #1)

Table 1 - Vacant Buildings Report
Table 2 - Monthly Vacant Buildings Report
Table 3 - Vacant Building Unit (VBU) Report
Table 4 - Neighbourhood Vacant Buildings Report

Goal #1: To maintain the number of vacant buildings at 390 or lower (plus or minus 15%) through the continued delivery of a comprehensive program designed to accelerate property restoration and re-occupancy.

Assumptions: That no greater than 190 'new' vacant buildings are added to the list in a given year and that staff field inspection resourcing is equivalent.

Rationale: The inspections production cycle can take a few months for compliance or up to 3.5 – 4.0 years if charges are laid and the Taking Title without Compensation Process is applied. Furthermore, approximately 140 - 200 'new' vacant buildings are added to the list annually. Sometimes insurance claims for fire damaged buildings can take 6 months to process, which can lengthen the compliance process.

Result

- The number of vacant buildings as at December 31, 2014 was 358 (Table 1).

Other Results (Tables 2-4)

- Since October 31, 2010, the number of vacant buildings has decreased 38%
- Since 2012, 511 vacant buildings have been reported to 311 and added to the list.
- Since 2012, 584 vacant buildings have been processed off of the list by the Public Service.
    - 403 were re-occupied.
    - 181 were demolished.
- In terms of workload, Community By-law Enforcement Officers were responsible for inspecting 534 vacant buildings in 2014, which is down from 612 in 2012. As a result, one of the two seconded Fire Prevention Officers assigned to commercial vacant buildings inspections was reallocated back to the Winnipeg Fire Paramedic Service in order to conduct other priority inspections.
- The median age of a vacant building file from open to close was 1.95 years as at January 12, 2015.
- An interdepartmental leadership committee established in 2014 meets regularly to review the vacant building list in order to find production bottlenecks, develop strategies, enhance accountability, and to get results.
- VBU 2014 inspection and compliance order productivity (see Table 3) has improved due to improved processes, training, and enhanced standard operating procedures.

Taking Title to Vacant and Derelict Buildings By-law

Appendix B – Taking Title Without Compensation Process

- The provisions of the *Taking Title to Vacant and Derelict Buildings By-law* and Taking Title Without Compensation Process (TTWC) can be applied to a derelict property where the owner has failed or refused to comply with the minimum requirements of the vacant building standards set out in the *Vacant Buildings By-law* Schedules and a conviction has been obtained in Provincial Court.
- The full process is outlined in Appendix B.
- The TTWC process provides the further enforcement mechanism to compel compliance under the ultimate consequence of losing ownership.
- Properties acquired under TTWC are, under Council direction, first offered for sale publically under an acceptable re-development agreement and where a sale is unsuccessful, demolished and the vacant land offered for sale for infill development.

Results

- The number of properties where TTWC proceedings were started in 2014 was 4.
- The number of properties taken through the process in 2014 was 0.
- The number of properties with on-going TTWC proceedings being applied in 2014 was 4.
- The number of properties with TTWC proceedings being held in abeyance (typically under an undertaking to rehabilitate or because the owners are deceased and legal proceedings are necessary) was 7.

Neighbourhood Liveability By-law Update (Goals #2 – #9)

(Yard Maintenance and Building Exterior/Interior Maintenance)

Table 5 – Community By-law Enforcement Services (CBES) Customer Satisfaction Rate Report
Table 6 – *Neighbourhood Liveability By-law (NLB)* Compliance Rate/Output Initiative Reports
Table 7 - Neighbourhood Liveability Unit (NLU) Report[1,2,3]
Table 8 - Seasonal Vegetation Control Unit (SVCU) Report
Table 9 - Service Investigations per Neighbourhood Report

1 In 2014, business analysis methodologies for allocating the type of inspections among the three business units (i.e., VBU, NBU, and SVCU) were reviewed. As a result of this review, the method for allocating inspection types to these three units was changed in order to better reflect unit workloads. Furthermore, 2012 and 2013 inspection results for these three business units have been restated.

2 The number of inspections reported for the NLU, the VBU, and the SVCU programs is done in a manner that is consistent with how inspections are reported to the Ontario Municipal Benchmarking Initiative (OMBI). The number of inspections measures the number of work processes completed during an onsite visit. As a result, one onsite visit may involve more than one process inspection (i.e., complaint folder, compliance notice folder, and vacant buildings folder). In order to be efficient, one officer may handle multiple folder process inspections during one onsite visit.

3 Inspections do not include onsite personal delivery of Common Offence Notices (tickets) or compliance orders served by an officer. (Most of these are now delivered by a contracted third party.) Properties inspected during proactive yard to yard initiatives that are in compliance with the *NLB* are not included. Court appearances are not included. Please also note that some inspection processes such as one property clean-up inspection may take longer than one day to complete.

Goal #2: To maintain an 80% customer satisfaction rating (or better) result.

Rationale: The majority of Winnipeggers are satisfied and should be satisfied with property standard inspections. However, as an enforcement agency, there are enforcement challenges inherent in our role that will impact customer satisfaction results.

Result:

- 2014 customer satisfaction rates with the City's efforts to ensure residential property standards (i.e., litter on private property, weed control, and interior and exterior housing conditions) are met through inspections: 85% (Table 5)

Goal #3: To continue to enhance proactive property-to-property by-law enforcement inspection initiatives by expanding them to other North End and West End neighbourhoods in 2014 (i.e., St. Johns and Daniel McIntyre).

Goal #4 (new goal prioritized over Goal #5)

A) review/adjustment of *NLB* compliance indicator/queries – Fall 2014
B) completion of initial baseline proactive property to property inspection activity reports
    - 21-Block LiveSAFE Initiative – Winter 2015
    - Daniel McIntyre, Spence, and St Matthews - Winter 2015
    - William Whyte, Lord Selkirk Park, St Johns - Winter 2015
    - Dufferin and William Whyte - Winter 2015

Rationale: Proactive property-to-property initiatives are effective strategies in order to get results and improve neighbourhood well-being and pride. Furthermore, cleaner neighbourhoods are easier to sustain. In the long run, successful proactive sweeps should also reduce 311 service request investigation workloads.

Results for Goal #3 and Goal #4:

- Four proactive property to property inspection initiatives were conducted in 2014. These initiatives were expanded to the neighbourhoods of St. John's, Daniel McIntyre, Spence, and St. Matthews.
- A new *NLB* compliance rate indicator has been developed in 2014.[4]
- *NLB* compliance rate/output indicator performance reports for the four property-to-property initiatives have been completed (see Table 6). Highlights include the following:

  NLB Compliance Rates[5]
    - November 2014 - 21-Block LiveSAFE Initiative: 78%
    - September 2014 - Daniel McIntyre, Spence, and St. Matthews Initiative: 77%
    - April 2014 - Dufferin and William Whyte Initiative: 76%
    - March 2014 - William Whyte, Lord Selkirk Park, St. John's Initiative: n/a
    - 5,315 properties were proactively inspected during these proactive initiatives.
        - 1589 *NLB* compliance orders were issued.[6]

4 The *NLB* compliance indicator means the percentage of properties in compliance with the *NLB* within a specific geographic area as at a point in time. All properties within an area are inspected. It includes existing open 311 service request investigation data and new internal proactive Community By-law Enforcement Officer (CBEO) initiated property-to-property investigation data.

5 Please Note: The *NLB* compliance rate indicator will be subject to seasonal variations.

6 Some properties may have more than one compliance order on it.

Comments:

- Community partners and the Public Service anecdotally agree that many North End neighbourhoods have improved significantly in terms of *NLB* yard and exterior conditions since 2013. Having said that, all stakeholders agree, 'the bar needs to continue to be raised'. The new 2014 *NLB* compliance rates will be the base benchmarks in order to measure performance. Working together with communities, goals and strategies will be developed in order to continue to improve compliance**.**

Other Results (Table 7)

- Due to the proactive property-to-property inspection initiatives, the NLU's number of 311 service requests investigations decreased from 11,771 in 2013 to 9,084 in 2014.
    - NLU Community By-law Enforcement Officer (CBEO) workloads have decreased from 827 investigations in 2013 to 671 in 2014.
    - The 2013 Ontario Municipal Benchmarking Initiative (OMBI) median investigations per officer for similar property standard services is 575.

Goal #5: To further develop in 2014 response time (i.e., % of service requests responded to within 2 days, 5 days, 10 days, etc.), time to close a file (achieve results), files closed, files open, etc. indicators.

Rationale: Further indicator development will result in a better understanding of the current situation.

Results: Deferred to 2016. New Goal #4 and several new quality control initiatives identified in Goal #8 were prioritized in 2014 over this goal. In terms of indicator development, comprehensive 'drill down' outcome customer satisfaction/service indicators and their systems development have been prioritized for 2015. Online reporting has also been prioritized for 2015.

Goal #6: To maintain 10-day and 4-day median response times for the *Neighbourhood Liveability By-law* Program (not including vegetation control) and the Vegetation Control Program respectively assuming similar resourcing and incoming workloads.

Rationale: *Neighbourhood Liveability By-law* workflow processes have been streamlined and By-law Enforcement staff are nearing their optimal potential.

Results

- Median Response Time NLU: 9 days (Table 7)
- Median Response Time Seasonal Vegetation Control Unit (SVCU): 5 days (Table 8)

Comments

- The 2014 SCVU median response rate increased from 4 days in 2013 to 5 in 2014. This increase can be explained by significant increases in inspections, compliance orders issued, and properties remediated by the Public Service in 2014 versus 2013 (see Table 8).

- In order to be more realistic, this goal has been restated as follows:

  'To maintain median response rates of 10 days (+/- 2 days) and 5 days (+-2 days) for the NLU and SVCU respectively assuming 311 service requests and staff resourcing are relatively equal.

Goal #7: To maintain the Ontario Municipal Benchmarking Initiative (OMBI) Bylaw 120 compliance rates of 96% plus or minus 3% or alternatively to maintain Non-Compliance Enforcement Rates (i.e., service of Common Offence Notices) of 4% plus or minus 3%

Rationale: To achieve high quality property standards that communities expect, the proper balance of collaboration, awareness, outreach, and enforcement is required.

Results: 2013 Winnipeg OMBI Compliance Rate: 93%

- 2013 OMBI Median of 9 jurisdictions: 93% (Winnipeg and Toronto)
- 2013 OMBI Range: 87% - 97%

2013 Non-Compliance Enforcement Rate: 7%

Please Note:

- The OMBI By-law 120 Compliance Rate is defined differently than the new *NLB* compliance rate described earlier in the report.
  - OMBI experts interpret compliance to mean no municipal action or prosecution required. If a contractor is hired by a City or court action is taken, this would be considered as non-compliance.

- In order to align better with OMBI results, compliance rate goals have been re-established at 92% plus or minus 5%. As a result, the non-compliance enforcement rate targets have been re-established to 8% plus or minus 5%.

Goal #8: To continue to improve inspection quality control (investigation consistency, legal due diligence, workflow processes, and customer service).

Results:

- In accordance with the Corporate Employee Performance Review – Employee Version, a contemporary performance tool for Community By-law Enforcement Officers (CBEO) was customized and formally implemented in 2014. This evidence based evaluation tool is core competency, quantitative, quality control, and training/development oriented.
- Numerous CBEO quantitative investigation output indicator reports (i.e., number of investigations conducted, number of AMANDA database entries, number of common offence notices served, number of compliance orders issued, etc.) were developed to support these performance reviews.
- In accordance with the Corporate Employee Performance Review – Leaders Version template and the Director of Community Services, formal goal setting employee development work plans were implemented for all Community Services CBES management staff in 2014.
- Six new standard operating procedures were developed and implemented in 2014. (Since 2012, twenty-six standard operating procedures have been developed and

implemented in order to improve investigation consistency, legal due diligence, and workflow process efficiencies.)

- An enhanced *NLB* life safety oriented basement occupancy inspection program was developed and implemented in 2014. New AMANDA business systems were developed and staff was trained.
- The entire compliance order text for the *Vacant Building By-law* and *Neighbourhood Liveability By-law* was reviewed and updated in the AMANDA database in 2014.
- For efficiency reasons, Vacant Building Schedule B (building security) investigations were transferred from the Planning, Property, and Development Department to the Community Services Department's Community By-law Enforcement Services Division in 2014. All AMANDA business analysis systems were built, staff training was completed, and the investigation program was implemented in November of 2014.
- Since the Fall of 2013, CBEO's have voluntarily agreed to change their work week. Two CBEO's now work from Sunday through Thursday during the fall and winter months in order to improve customer service priority calls such as lack of heat. This service will also reduce overtime.
- A major proactive and collaborative Public Service/Community LiveSAFE 21-Block partnership initiative was coordinated by CBES and implemented in 2014.

Goal #9 To continue to explore field inspection mobile technology (i.e., radios and voice recognition systems).

Results: CBES is nearing the completion of a radio communication system study. This internal analysis is expected to be completed by Spring 2015. Voice recognition systems were tested in the field. The use of this technology involved distractions that made it impractical.

Zoning By-law

During 2014, the Zoning and Permits Branch investigated 495 zoning by-law related complaints. Most issues are resolved through clarification of the by-law as well as through a variety of means that are used to compel property owners to become compliant, such as warnings, notices, or legal prosecution. In some cases, successful resolution is achieved through a zoning variance process or other forms of voluntary compliance on the part of owners. Other situations may result in compliance orders being issued and charges being laid leading to court proceedings.

Of the complaints received in 2014, 358 are resolved and 137 are currently still in the process of being resolved or are escalating through to prosecution.

HISTORY

- On December 11, 2013, Council adopted the *Vacant Buildings, Taking Title to Vacant and Derelict Buildings, Neighbourhood Liveability,* and *Zoning By-laws* 2012 and 2013 Year-To-Date (October 31) Performance Measurement Report. Furthermore, Council adopted that the 2014 performance report be submitted to Council no later than June 30th of 2015 and that subsequent annual performance reports also be submitted to Council no later than June 30th of the succeeding year.

- On July 18, 2012, Council adopted the Public Service report on performance measurement information related to the *Neighbourhood Liveability, Zoning, and Vacant and Derelict Buildings By-laws*' enforcement activities.

- On July 20, 2011, Council adopted OurWinnipeg including the following accountability and property standard directions:

    - **Provide efficient and focused civic administration and governance.**
        - Demonstrate accountability through service performance measurement and reporting.

    - **Provide leadership in encouraging and enforcing property related housing standards that create and promote safe living conditions for homeowners, tenants and for communities as a whole.**
        - Assist landlords and homeowners to maintain safe housing through information, inspections, and where necessary, by-law enforcement.
        - Help maintain a community sense of well-being and safety by responding to community requests for enforcing livability and property standards and derelict buildings in a cooperative and timely way.

    - **Strive to eliminate derelict buildings.**
        - Identify, monitor and maintain an accurate and comprehensive inventory of vacant and derelict buildings, with emphasis placed on communities with higher concentrations of these properties.
        - In partnership with other levels of government, develop and implement programs to address legal, social and economic issues that contribute to, or result in, buildings becoming derelict.
        - Maintain an active approach to resolving by-law infractions regarding permits and property condition.
        - Develop and apply a spectrum of strategies to enforce by-law compliance with orders that have been served due to property standards violations, including timely demolition when rehabilitation is not feasible.
        - Partner with not-for-profit housing organizations to support the acquisition and redevelopment of vacant and/or derelict houses.
        - Respond to community requests for enforcing livability property standards and derelict buildings in a cooperative and timely way.

- On June 27, 2011, the Standing Policy Committee on Protection and Community Services received as information the Winnipeg Public Service report on the status update, including performance measurements, on the activities of the Community By-law Enforcement Services (CBES) Division.

- On December 15, 2010, Council approved the new *Taking Title to Vacant and Derelict Buildings By-law* and report.

- On July 21, 2010, Council approved the 9-Point Vacant Buildings Strategy Policy report and new *Vacant Buildings By-law.*

- On April 28, 2010, under the Comprehensive Review of City of Winnipeg Housing Programs, Council adopted that, together with the leadership of Liveability, Zoning and Vacant and Derelict Building By-law enforcement groups, develop a clear strategy related to the active and timely enforcement of these by-laws with a view to allocating and/or prioritizing enforcement resources towards focused neighbourhoods and areas of specific distress, with semi-annual reporting to Council of said enforcement.

- On April 6, 2010, under the Comprehensive Review of City of Winnipeg Housing Programs, the Winnipeg Housing Steering Committee recommended that, together with the leadership of Liveability, Zoning and Vacant and Derelict Building By-law enforcement groups, develop a clear strategy related to the active and timely enforcement of these by-laws with a view to allocating and/or prioritizing enforcement resources towards focused neighbourhoods and areas of specific distress, with semi-annual reporting to Council of said enforcement.

FINANCIAL IMPACT

Financial Impact Statement **Date:** February 20, 2015

Project Name: **First Year of Program** **2015**

2014 Vacant Buildings, Taking Title to Vacant and Derelict Buildings, Neighbourhood Liveability, and Zoning By-laws Performance Measurement Report

	2015	2016	2017	2018	2019
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: There is no financial impact associated with this report.

"Original Signed by:"

Cindy Fernandes, B.Comm (Hon), CMA
Manager, Finance and Administrative Services
Community Services Department

CONSULTATION

In preparing this report there was consultation with:

SUBMITTED BY

Department: Community Services
Division: Community By-law Enforcement Services
Prepared by: Peter de Graaf, Stan Dueck
Date: February 20, 2015
File No.


Appendix A.pdf


Appendix B.pdf


Table 1 PerfRep.pdf


Table 2 PerfRep.pdf


Table 3 PerfRep.pdf


Table 4 PerfRep.pdf


Table 5 PerfRep.pdf


Table 6 PerfRep.pdf


Table 7 PerfRep.pdf


Table 8 PerfRep.pdf


Table 9 PerfRep.pdf