

# Research Protocol for City Nuisance Property Ordinances

**Prepared by the Center for Public Health Law Research Staff**

**AUGUST 2019**

## City Nuisance Property Ordinances

**I. Date of Protocol:** August 2019

**II. Scope:** Compile city ordinances regulating nuisance activity at residential properties. This longitudinal dataset includes coding questions on whether the city has an ordinance regulating nuisances at residential properties; what conduct the city considers to be a nuisance; what conduct, if any, is exempt from being considered a nuisance; who must receive notice of a nuisance-related violation; what must be done to abate the nuisance; and what penalties may be imposed when a nuisance exists. This dataset includes the 40 most populous cities in the United States, as estimated by the U.S. Census Bureau as of July 1, 2016.

**III. Project Team:** Katie Moran-McCabe, Esq.; Jessica Amoroso, Esq.; Justine Fuga, Legal Intern; Laurel Little, Legal Intern; Ashley Miller, Legal Intern; Jule Walsh, Legal Intern

**IV. Primary Data Collection**

**a. Project Dates:** May 31, 2017 – August 31, 2017; May 2019 – January 2020

**b. Dates Covered in the Dataset:** This dataset started out as cross-sectional, analyzing city nuisance property ordinances as they were in effect at one point in time, August 1, 2017. The dataset was then updated to be longitudinal, covering changes in the law from August 1, 2017 through August 1, 2019.

When the effective date of an ordinance could not be located, the date on which the ordinance was passed, adopted, or last amended was used as the effective date for that ordinance. When no date associated with an ordinance could be located, the effective date of the most recently enacted or amended ordinance in the city’s relevant legal text was used as its effective date. For New York, NY, no legislative history could be located for N.Y.C., N.Y., Admin. Code § 7-716, so the valid-through date for the dataset (August 1, 2017) was used as the effective date for that law. For Atlanta, GA, no effective date could be found for Ord. No. 2017-63 (17-O-1275) amending Atlanta Housing Code § 6, so the approved date was used. For Columbus, OH, if the ordinance stated that it takes effect from and after the earliest period allowed by law, the city’s effective date rules were used to calculate the effective date. If neither the text of the ordinance nor the history of the ordinance stated that it was emergency legislation, the effective date rule for 30-day legislation was used (effective 30 days from passage).

**c. Data Collection Methods:** The research team consisted of two legal researchers (“Researchers”) and one supervisor (“Supervisor”). The Researchers conducted background research using secondary sources regarding nuisance property ordinances.

The Researchers used the AmLegal, Municode, and eCode360 websites to identify which of the 40 largest U.S. cities have ordinances regulating nuisance activity at residential properties. A subject matter expert was also consulted to assist with defining the scope of the laws to be included in the dataset.

- d. Databases Used:** Research was conducted using AmLegal, Municode, eCode360, Westlaw Next, and city websites.
  - i. Google was used to provide additional secondary sources.
  
- e. Search Terms:**
  - i. Keyword searches:
    1. “Nuisance”
    2. “Abatement”
    3. “Chronic”
    4. “Residential Property”
    5. “Disorderly House”
    6. “Problem Property”
    7. “Crime Free”
    8. “Crime Free Housing”
    9. “Nuisance” AND “Abatement”
    10. “Chronic Nuisance”
    11. “Nuisance Property”
  - ii. Key word searches were supplemented by reviewing surrounding ordinances. The Researchers also recorded effective dates for the most recent versions of the ordinances.
  - iii. Once all of the relevant ordinances were identified for a jurisdiction, a Master Sheet was created for each jurisdiction. The Master Sheet includes the most recent legislative history, and the effective date, for each law.
  - iv. All cities were redundantly researched to confirm that all relevant laws were being collected by the Researchers.
  
- f. Inclusion or Exclusion Criteria:**
  - i. The following variables were included in the city nuisance property ordinances dataset:
    1. Ordinances that prohibit conduct, which may or may not be labeled explicitly as a “nuisance,” that occurs at a property that could be a residential property
    2. Ordinances that prohibit criminal activity (either general criminal activity or specific criminal activity) at a property that could be a residential property, and are within a nuisance chapter of the city’s code

3. Ordinances that prohibit criminal activity (either general criminal activity or specific criminal activity, such as drug-related activity, prostitution, gambling, etc.) at a property that could be a residential property, and that regulate the activity in a manner similar to the regulation of activity that is labeled explicitly as a “nuisance” (i.e. the activity must be abated, and a penalty may be imposed on the property owner or tenant)
- ii. The following variables were excluded in the city nuisance property ordinances dataset:
  1. Ordinances regulating only physical aspects of property (e.g., weeds, trash, water, unsafe construction, graffiti)
  2. Ordinances regulating odors, fumes, lead hazards, or the possession of animals
  3. Ordinances regulating only noise, sound, false alarms, or light
  4. Ordinances regulating only alcohol sold or given away in violation of a licensing requirement
  5. Ordinances regulating only vacant buildings
  6. Ordinances regulating buildings where business activity is conducted, other than the business of renting a home
  7. Ordinances regulating group homes, group dwellings, or boarding homes
  8. Ordinances regulating only housing for transient occupants
  9. Ordinances regulating only students
  10. Ordinances that exclusively addresses temporary restraining orders
  11. Regulation of nuisances specifically at hotels or motels
  12. Nuisances that were defined by city ordinance as anything considered to be a nuisance or a public nuisance under common law or equity jurisprudence
  13. Nuisances as defined in Phila. Code § 6-402, regarding health hazards
  14. State laws, except in the following circumstances:
    - a. To answer the question, “What conduct constitutes a nuisance activity?”
      - i. State statutes were included if the city ordinance’s definition of nuisance, public nuisance, nuisance activity, criminal activity, or illegal activity was defined by state law, and the state statute was needed to answer the coding question. See the following examples:
      - ii. For Houston, we included a state statute (Tex. Civil Practice and Remedies Code § 125.063) based on a city ordinance (Houston, Tex., Code of Ordinances § 28-282) that states “Nuisance activity means any one of the crimes listed in Chapter 125, Texas Civil Practices and Remedies Code.”
      - iii. For Chicago, we included a state statute (740 Ill. Comp. Stat. 147/45) based on a city ordinance (Chi. Ill., Mun.

Code of Chi. § 8-4- 087) that defines illegal activity, in part, as “any activity, behavior or conduct that constitutes a public nuisance under any provision of the Municipal Code of Chicago or any federal, state or local law.”

- b. To answer the question, “What is the maximum fine if the nuisance is not abated?”
  - i. State statutes were included if the city ordinance internally referenced the state statute and that statute directly answers the coding question. See the following example:
  - ii. For Indianapolis we included the state statute (Ind. Code § 36-1-3-8) that was referenced in the city **ordinance** (Revised Code of the Consol. City and Cnty. § 103- 3), and establishes the maximum fine.

15. Where state statutes were included, they were used to: 1) code the question “What conduct constitutes a nuisance activity?” or 2) code the question “What is the maximum fine if the nuisance is not abated?” State statutes were not used to code any other question during the initial creation of the dataset. However, during the August 2019 update to the dataset, one state statute (OHIO REV.CODE § 2919.25) was used to code the question “What conduct is exempt from being considered a nuisance?”

## V. Coding

a. **Development of Coding Questions:** The Team collaborated to determine the focus of the research and the key questions to be coded. The Researchers also conducted background research on the regulation of nuisance properties in the United States and reviewed secondary sources on the topic. The Researchers conceptualized coding questions, then circulated them for review by the Supervisor. A subject matter expert provided additional feedback regarding the scope and content of the coding questions. When the questions were finalized, the Team entered the questions into the MonQcle, a web-based software-coding platform. As the Team developed the coding scheme they recorded the dataset terminology below:

### i. Dataset terminology:

- 1. “Nuisance” means conduct that: is referred to in the law as any of the following: nuisance, public nuisance, chronic nuisance, neighborhood nuisance, drug-related nuisance, criminal activity, abatable criminal activity, or illegal activity; or results in the designation of a property as any of the following: nuisance, public nuisance, chronic nuisance, neighborhood nuisance, chronic illegal activity premises, problem property, drug-related nuisance, or disorderly house

- b. Coding Methods:** Below is an explanation of the rules used when coding specific questions.
- **Question: “Is there a city ordinance regulating nuisance activity at residential properties?”**
    - “Yes” was coded when the city had a law regulating a nuisance that occurs at a property that could be a residential property. “Yes” was also coded when the city had a law requiring leases for residential rental units to contain a provision prohibiting criminal conduct.
    - When this question was coded “No” the remaining questions were not coded.
  - **Question: “What conduct constitutes a nuisance activity?”**
    - Responses were selected if the conduct constitutes any type of nuisance (e.g., public nuisance, neighborhood nuisance, problem property, etc.).
    - “Violating any federal, state, or local law” was coded when the law used that language, or when the law referred to a general violation of law without a reference to a violation of criminal law, or referred to “illegal activity” without defining that term, or referred to unlawful conduct.
    - “Any criminal conduct” was coded when the law referred to criminal activity generally or to a “felony or misdemeanor.” When the law stated that any felony was a nuisance activity, “any criminal conduct” was coded, and a caution note was included to indicate that only felonies were considered nuisance activities. This response was also coded when the law defined an illegal activity or nuisance activity as any offense in the state’s criminal code.
    - “Illegal conduct related to property” was coded when the law referred to: receiving or possessing stolen property; storage of stolen property; vandalism; robbery; theft; sale of stolen goods; possession of counterfeit item; loitering; trespass; prowling; or criminal mischief.
    - “Calls for emergency service” was coded when the law referred to calls for service to any law enforcement agency, or referred to a response from police for nuisance activities. This response was coded when the law indicated that any calls for emergency service were considered nuisance activity, or when calls for emergency services regarding only certain types of conduct (e.g. disorderly conduct, domestic altercations, etc.) were considered nuisance activity.
    - “Sexually-related conduct” was coded when the law referred to: sexual assault; attempted sexual assault; prostitution; sexual exploitation of children; rape; lewdness; possession of obscene material; sexual misconduct; indecent exposure; contributing to the delinquency of a minor; or illegal adult entertainment.
    - “Violent conduct” was coded when the law referred to: crimes or acts of violence; murder; manslaughter; battery; use of explosives; arson; fighting; shooting; or any act constituting a violent felony.

- “Alcohol-related conduct” was coded when the law referred to: unlawfully manufacturing, serving, or giving away alcoholic beverages, or violations of an alcoholic beverage control law. However, violations of alcohol-related laws that occur in public (e.g. drinking in public places) were scoped out.
- “Drug-related conduct” was coded when the law referred to: illegal possession or illegal consumption of controlled substances or controlled substance analogs; possession of drug paraphernalia; or overdose.
- “Weapons violations” was coded when the law referred to: unlawful carrying of a deadly weapon; unlawful possession of a handgun; negligent use of a weapon; unlawful possession of a switchblade; receipt, transportation or possession by a felon of a firearm or destructive device; unlawful possession, transfer or sale of weapons; possession of explosives; storage or possession of unregistered firearms; carrying a concealed weapon; or discharge of firearms.
- “Assault” was coded when that term was explicitly used in the law, or when the law referred to “aggravated assault” or “attempting bodily injury.”
- “Harassing conduct” was coded when the law referred to: harassment; menacing; stalking; or intimidation.
- “Disturbance” was coded when the law referred to: disturbing the enjoyment of public or private property; disturbing the peace; breach of peace; disturbing the quiet enjoyment of residential property within the vicinity; interfering with the reasonable use and enjoyment of property; a noise disturbance; disorderly conduct; or an act or occurrence that results in annoyance, harm, inconvenience or damage to another.
- “Domestic disturbance” was coded when the law referred to assault or battery against a household member, or when the law referred to domestic abuse.
- “Threat to health, safety, and welfare” was coded when the law used that language, either in reference to the public or to an individual. This response was also coded when the law referred to: detriment to health, safety, or welfare; interference with health, safety and welfare; conduct injurious to health; anything indecent or offensive to the sense; any unwholesome or offensive trade or calling; conditions that encourage offenses affecting the morals of any person.
- The following conduct was scoped out: conduct that is unlikely to occur on residential property (e.g., alcohol violations that occur in public places); conduct related to animals (e.g., dog fighting, keeping a prohibited dangerous animal, cruelty to animals); conduct defined as a nuisance or public nuisance under common law or equity jurisprudence; impersonation of a police officer; curfew violations; aiding and abetting; misuse of emergency telephone number; failure to disperse; fleeing or escaping from an officer; kidnapping; harboring, boarding, or concealing a person for which there is an outstanding arrest warrant; and violations of mobile home park rules.

- **Question: “What is the frequency of activities that constitutes a nuisance?”**
  - Responses were coded when the frequency was stated in terms of activities (e.g., 2 or more occurrences of illegal activity) or days (e.g., receipt of notice for a nuisance violation on 3 different days).
  - Where there is more than one frequency of activities that constitutes a nuisance, each of the frequencies is coded.
  - Where there are different frequencies that correspond to different types of nuisances (e.g., public nuisance, chronic nuisance, etc.), each of the frequencies is coded and the distinctions are explained in a caution note. However, if the frequency for one of multiple types of nuisances is not specified, this is indicated in a caution note without coding “Frequency not specified.”
  - Where there is one frequency that constitutes a nuisance for most nuisance activities (within the same type of nuisance), and another frequency that applies to only a few specific activities, the frequency that applies to the majority of the activities was coded, and the other frequency was included in a caution note.
  - “1 activity” was coded when the law:
    - explicitly stated that one or more activities or conditions on the premises constituted a nuisance;
    - stated that a single violation was deemed a material noncompliance with the lease;
    - referred to “any” acts, occurrences, activities, or conditions; or
    - referred to “an” act, occurrence, or condition
  - “Frequency not specified” was coded when the law referred to “repeated nuisance activities” or activities that “habitually occur.” This response was coded with a caution note when the law referred to a disorder activity count at a certain percentile, or activity at an apartment community that exceeds the level of activity for apartment communities in the city.
- **Question: “How are activities tallied to determine if a nuisance exists?”**
  - This question was not coded if the frequency was not specified.
  - This question captures whether a city tallies nuisance activities by individual home or by an entire multifamily building when determining the frequency of nuisance activities.
  - Where there are different methods of tallying that correspond to different types of nuisances (e.g. public nuisance, chronic nuisance, etc.), both methods were coded and the distinction was explained in a caution note. However, if the method of tallying for one of multiple types of nuisances was not specified, the method that was specified was coded, with the unspecified method indicated in a caution note without coding “Count method not specified.”
  - “By individual home” was coded when the law required that individual leases contain a crime prevention addendum, a crime free lease addendum, or



- a provision prohibiting criminal conduct. This response was also coded when: the law indicated that an individual rental unit or dwelling unit could be considered a nuisance; the property or premises is defined in part as a residence; or the law referred to a disorderly house.
- “By entire residential property” was coded when the law referred to nuisance activity occurring generally in or on a building, property, premises, or land, without reference to a particular unit.
  - “Count method not specified” was coded when the law referred to nuisance activity without referring to property or a building. This response was also coded when the law referred to a unit of property or any combination of contiguous lots or units owned by the same person.
- **Question: “Whose conduct is considered when determining if a nuisance exists?”**
- This question captures the person whose conduct creates a nuisance, and not the person who allows a nuisance.
  - Where there are different people whose conduct is considered when determining the existence of different types of nuisances (e.g., public nuisance, chronic nuisance, etc.), each person was coded and the distinctions were explained in a caution note. However, if the person whose conduct is considered for one of multiple types of nuisances is not specified, this was indicated in a caution note without coding “Person not specified.”
  - “Person causing the nuisance” was coded only when the law explicitly used that language, or when the law referred generally to someone who participated in a nuisance activity without specifying the person’s relation to the property.
  - “Persons associated with the property” was coded when the law explicitly used that language, or when the law referred to: persons associated with the premises; guests or people who might be on the property; or a person with legal or equitable interest or a right of possession in the property.
  - “Occupant” was coded when the law referred to an occupant, tenant, or lessee.
- **Question: “What conduct is exempt from being considered a nuisance?”**
- Exemptions related to marijuana possession were out of scope and not coded for this question.
  - “Domestic violence related incidents” was coded when the law exempted domestic violence calls for service.
  - “Sexual assault” was coded where the law referred to sexual assault, or where the law referred to sexual violence.
  - “Crimes against family and children” was coded when the law explicitly used that language, or when the law exempted conduct, not specifically designated as domestic or sexual violence, committed against a person residing in the same rental unit as the person committing the conduct.

- The following were scoped out for this question: driving while intoxicated, and suicide.
- **Question: “Who is responsible for determining if a nuisance exists?”**
  - This question captures the person who is initially responsible for determining that a nuisance exists, or might exist, at a residential property.
  - Where there are different people responsible for determining the existence of different types of nuisances (e.g., public nuisance, chronic nuisance, etc.), each person was coded and the distinctions were explained in a caution note. However, if the person responsible for determining the existence of one of multiple types of nuisances is not specified, this was indicated in a caution note without coding “Person not specified.”
  - “Director” was coded when a director or chief of a department or agency, or the superintendent or commissioner of the police department, determines if a nuisance exists. When this response was coded, a caution note was used to indicate the specific type of director identified in the ordinance.
  - “City attorney” was coded when the law referred to a city attorney or to the corporation counsel.
  - “Mayor’s designee” was coded when the mayor or someone designated by the mayor could determine the existence of a nuisance
  - “Police” was coded when the law referred to: officer; police officer; police official; chief of police.
- **Question: “What evidence is required to issue a nuisance-related notice?”**
  - This question captures the evidence that is required in order for an initial notice regarding the existence of a nuisance at a residential property to be issued.
  - When multiple types of evidence were required, all requirements were coded.
  - When the evidence requirement can be met by either documentation or an arrest, we coded “Documentation” and included a caution note explaining the exact requirement.
  - Where there is different evidence that corresponds to different types of nuisances (e.g., public nuisance, chronic nuisance, etc.), each requirement was coded and the distinctions were explained in a caution note. However, if the requirement for one of multiple types of nuisances is not specified, this was indicated in a caution note without coding “Required evidence not specified.”
  - “Police call” was coded when the law required a response from the police department. This was not coded when the law only required an arrest or issuance of a citation or report.
  - “Independent review of property” was coded when an inspection was required to verify a nuisance.
  - “Documentation” was coded when the law referred to general documentation, a report, a record, a complaint, an affidavit, crime data, or documented facts and circumstances.

- “Arrest” was coded only where the law explicitly referred to an arrest.
- “Required evidence not specified” was coded when either:
  - the law was silent regarding evidence, or
  - the law required evidence but the type of evidence was not specified.
- **Question: “If a property is determined to be a nuisance, must notice be given?”**
  - “Yes” was coded when the law explicitly required that notice regarding the existence of a nuisance be provided, and in the following circumstances:
    - when an order or notice to abate or cease and desist was required to be provided before further action could be taken; or
    - when a notice was required to be posted on the property or premises; or
    - when a court summons was required to be served.
  - “No” was coded when the law explicitly stated that notice was not required, or when the law was silent regarding a notice requirement.
- **Question: “Who is required to receive notice that a property has been determined a nuisance?”**
  - This question was not coded when notice is not required to be provided.
  - Where there are different notice requirements that correspond to different types of nuisances (e.g., public nuisance, chronic nuisance, etc.), each requirement was coded and the distinctions were explained in a caution note.
  - For Philadelphia, PA, “Property owner” was coded when the law referred to the owner of a business.
  - “Occupant” was coded when the law referred to: tenant; lessee; or the person in possession of the property.
  - “Responsible party” was coded when the law explicitly used that term, or when the law referred to concerned parties, or to any person who was personally cited at the time of the offense.
  - “Person in charge of property” was coded when the law referred to: lessor; landlord; operator of a premises; or person who manages or controls the property.
  - “Multiple options for notice recipient” was coded where the notice requirement could be met by providing notice to one of multiple people. When this response was coded, a caution note was included to identify the specific requirement.
- **Question: “What action is required to abate the nuisance?”**
  - Where there are different actions required to abate different types of nuisances (e.g., public nuisance, chronic nuisance, etc.), each requirement was coded and the distinctions were explained in a caution note. However, if the requirement for one of multiple types of nuisances is not specified, this was indicated in a caution note without coding “Action not specified.”
  - “Property owner must follow abatement plan” was coded when the law required the owner to follow any plan to abate a nuisance (e.g., an abatement

- plan, a remedial action plan, a plan approval application), or to take specific steps to abate even if the word “plan” is not used.
- “Nuisance must be stopped” was coded when the law required that the nuisance cease, terminate, be eliminated, or be prevented from continuing or recurring.
  - **Question: “Does the law explicitly include eviction as a possible means to abate a nuisance?”**
    - “Yes” was coded when the law referred to: the ejection, removal or vacation of a tenant; the termination or discontinuance of a tenant’s lease or occupancy; vacating a building; or the initiation of unlawful detainer proceedings.
    - “Yes” was coded when the law included committing a nuisance, or permitting a nuisance to exist, as lawful grounds for eviction.
    - When the law included a protection from eviction for victims of domestic violence or for tenants who called the police to report an incident, that protection was included in a caution note.
    - When the law authorized property closure or condemnation as a means to abate, without reference to eviction or vacating the property, “No” was coded.
    - “No” was coded when the law was silent regarding eviction as a possible means to abate a nuisance.
  - **Question: “What penalties, if any, may be imposed if the nuisance is not abated?”**
    - This question captures penalties that may be imposed for the existence of a nuisance, or for failure to abate a nuisance. When penalties could be imposed for the existence of a nuisance, regardless of whether or not the nuisance was abated, a caution note was included to capture that information.
    - Penalties for failure to abate a nuisance were coded if they were imposed based on the failure to abate within a specified timeframe, or based on the failure to abate at all.
    - The following penalties are not in scope: penalties in connection with the enforcement of nuisance-related penalties; penalties imposed solely for a violation of the state sanitary code or state building code; attorneys’ fees; and temporary restraining orders.
    - Where there are different penalties available for different types of nuisances (e.g., public nuisance, chronic nuisance, etc.), each penalty was coded and the distinctions were explained in a caution note. However, if the penalties for one of multiple types of nuisances is not specified, this was indicated in a caution note without coding “Penalties not specified.”
    - “Daily fine” was coded when the law authorized a fine, penalty, civil liability, civil judgment, or civil forfeiture, and when the law stated that each day the violation persists constitutes a separate violation for which an additional fine can be imposed.

- “One-time fine” was coded when the law authorized a fine, penalty, civil liability, civil judgment, or civil forfeiture, and did not indicate that it was a daily penalty.
- “Property lien” was coded when the law referred to a lien against the property or premises, or where the law referred to a special assessment lien.
- “Eviction of tenants” was coded when the law referred explicitly to eviction, or to: termination of a tenancy, lease, or rental agreement; the vacation of tenants or a property; or an action to recover a rental unit. This response was coded only when the law included eviction as a potential action that could be required by a court, administrative body, or any individual or entity other than the property owner or landlord.
- “Reimburse city for costs associated with city’s abatement” was coded when the law explicitly stated that the costs were for abatement or removal of a nuisance, or for the “correction of” conditions.
- When “owner must pay relocation fee for evicted tenants” was coded, a caution note was included if the owner only has to pay the fee for tenants who did not cause the nuisance.
- “Administrative costs” was coded when the law referred to: administrative fees, expenses, or remedies; enforcement fees, expenses, or remedies; costs associated with a civil action; or costs associated with law enforcement services.
- When the law referred to administrative costs only in the context of the amounts that could be included in a property lien, “administrative costs” was not coded, and a caution note was included to indicate that such costs could be part of a lien.
- “Closure of property” was coded when the law explicitly indicated that the property may be closed or condemned, or when the law referred to revoking a certificate of occupancy or discontinuing utilities. For Philadelphia, PA, this response was coded when the law referred to the closure of a business.
- “Posting nuisance sign on property” was coded when the law authorized or required the posting of a sign after a final determination that a property is a nuisance property, a criminal property, or that nuisance activity occurred on the property. This response was not coded when the law referred to the posting of a judgment, a notice of violation, a notice regarding building closure, or a notice requiring corrective action.
- “Penalties not specified” was coded when the law was silent regarding penalties, or when the law referred to penalties generally, but did not provide details regarding the type of penalties authorized.
- **Question: “Does the city require a hearing before imposing penalties?”**
  - This question was not coded when “Penalties not specified” was coded for the previous question: “What penalties, if any, may be imposed if the nuisance is not abated?”

- “Yes” was coded when the law stated that penalties are imposed after a hearing is held, or indicated that: a court imposed the penalty; a civil action was required; or that a penalty was imposed upon conviction.
- “No” was coded when the law allowed an individual to request a hearing, but did not require that a hearing be held prior to imposing penalties.
- Question: “What is the maximum fine if the nuisance is not abated?”
  - This question was not coded when “Penalties not specified” was coded for the question “What penalties, if any, may be imposed if the nuisance is not abated?”
  - When the law specified one maximum fine for a first violation and different maximum fines for subsequent violations, the maximum fine for the first violation was coded. When the law did not authorize a fine for a first violation, but authorized a fine for a second violation, the fine for the second violation was coded.
  - When the law specified different maximum fines based on the class of the offense, the overall maximum amount was coded.
  - When the law specified a maximum daily fine and a total maximum fine, the total maximum fine was coded.
  - When the law specified only a daily maximum fine, the daily maximum amount was coded, and a caution note was included to indicate that the fine may be imposed for each day that the violation continues.
  - When the law included a maximum fine per violation and a maximum fine per property, the maximum fine per property was coded.
  - When the law included a maximum fine for different types of penalties for the same nuisance (e.g., a maximum civil penalty and a maximum administrative penalty), the largest maximum fine was coded.
  - When the law included different maximum fines based on an individual’s mental state regarding the violation, the maximum with no mental state requirement was coded.
  - When the maximum fine was not a multiple of 50, the fine was rounded to the nearest answer choice, and the actual number was included in a caution note.
  - “Maximum amount not specified” was coded when the law authorized a daily fine or a one-time fine but did not specify a maximum amount.
  - “Fines not explicitly authorized” was coded when the law authorized specific penalties but did not explicitly authorize fines.
- Question: “Can an individual dispute an initial nuisance determination?”
  - “Yes, the law explicitly allows an individual to dispute” was coded when the law referred to the ability to dispute an initial determination that a property is a nuisance, prior to the filing of a court complaint against the person alleged to have committed a nuisance. Where the law only referred to the ability to dispute an initial determination for one type of nuisance, but not another, this was indicated in a caution note.

- “No dispute mechanism specified in the law” was coded where the law was silent regarding a dispute mechanism, and where the only dispute mechanism was a hearing after a court complaint was filed alleging a nuisance.

## VI. **Quality Control – 2017**

- a. **Quality Control – Background Research:** All cities were 100% redundantly researched to confirm that all relevant laws were being collected by the Researchers. The Researchers independently recorded the relevant citations of every city with a nuisance property ordinance. Once all of the relevant ordinances were identified for a jurisdiction, each Researcher created a Master Sheet for each city. The Master Sheet includes the most recent legislative history, and the effective date, for each law. The Supervisor reviewed the Master Sheet and Redundant Master Sheet for each jurisdiction, and the Team resolved each divergence prior to collecting the relevant laws.
  - i. The research showed that as of August 1, 2017, 37 of the 40 cities have nuisance property ordinances.
  
- b. **Quality Control - Coding**
  - i. **Original Coding:** Quality control of the original coding consisted of the Supervisor exporting the data into a Microsoft Excel document each day the Researchers completed coding to examine the data for any missing entries, citations, and caution notes.
  - ii. **Redundant Coding:** Quality control consisted of the Supervisor exporting the data into Microsoft Excel after the Researchers coded to examine the data for any missing entries, citations, and caution notes. 100% of the jurisdictions that had a law (37 of 40) were redundantly coded throughout the life of the project (37 of 37). The Supervisor assigned the first nine jurisdictions for redundant coding and the rate of divergence was 16% on July 19, 2017. The Supervisor assigned the second batch of ten jurisdictions for redundant coding and the rate of divergence dropped to 12% on July 26, 2017. The Supervisor assigned the third batch of ten jurisdictions for redundant coding and the rate of divergence again dropped to 7.4% on August 2, 2017. The Supervisor assigned the fourth batch, consisting of five jurisdictions, for redundant coding and the rate of divergence fell to 5.79% on August 7, 2017. The final four jurisdictions were coded by the Supervisor, and redundantly coded by a naïve coder since the original Team of interns had completed their internship. The rate of divergence for the final batch spiked to 12.02% on August 28, 2017 due mostly to the change in coders. The Team discussed all divergences throughout the process and re-coded as necessary.
  - iii. **Post-Production Statistical Quality Control:** To ensure reliability of the data, a statistical quality control procedure (SQC) was performed after the original and redundant coding were completed. To conduct SQC, a random sample of variables from the dataset was coded by the Supervisor and two naïve coders. SQC is performed until divergences are below 5%. After the first round of SQC



was performed for this dataset, the rate of divergence was 6.36% on November 16, 2017. Each divergence was reviewed as a Team and resolved. A second round of SQC was performed, and the rate of divergence was 3.24% on December 4, 2017. These divergences were also reviewed and resolved by the Team.

- iv. **Final Data Check:** Once all of the coding was completed, the Supervisor downloaded all coding data into Microsoft Excel to do a final review of coding answers, ordinance citations, and caution notes. All unnecessary caution notes were deleted and all necessary caution notes were edited for publication.

## VII. August 2019 Update

- a. **Data Collection:** For the August 2019 update, we used the same scope, data collection methods and databases that were used to create the original dataset.
  - i. Search terms: For the August 2019 update, we used all of the search terms used to create the original dataset and the following additional search terms
    - 1. “unlawful detainer”
- b. **Quality Control – Background Research:** All forty cities were researched to collect amendments to existing property nuisance ordinances and newly enacted nuisance ordinances in effect from August 1, 2017 through August 1, 2019. We also researched amendments to existing state statutes that were included in the original dataset.
- c. **Corrections to the Original Cross-Section Dataset:**
  - i. **Newly Built Laws:** While conducting research for the 2019 update, the Researchers found the laws listed below, which were effective as of August 1, 2017, but were not included in the original dataset. The Researchers and Supervisor reviewed these laws and agreed that they were in scope and should have been included in the original dataset:
    - 1. Columbus – Ohio Rev. Code § 2915.02; Ohio Rev. Code § 2925.11
    - 2. Fort Worth - FORT WORTH,TEX.,FORT WORTH CITY CODE § 1-6
    - 3. Long Beach - LONG BEACH,CAL.,LONG BEACH MUN.CODE §§ 9.16.030 and § 9.17.030
    - 4. Louisville - LOUISVILLE,KY.,LOUISVILLE/JEFFERSON CNTY.METRO GOV’T.CODE OF ORDINANCES §§ 32.277, 32.281, 32.283, 156.999, and LOUISVILLE,KY.,LOUISVILLE/JEFFERSON CNTY.METRO GOV’T.CODE OF ORDINANCES CH.156, Appendix A
    - 5. New York - N.Y.C., N.Y., ADMIN.CODE § 7-714
    - 6. Sacramento - SACRAMENTO, CAL.,CITY CODE § 8.04.300
    - 7. San Antonio - SAN ANTONIO,TEX.,CITY CODE OF SAN ANTONIO,TEX. § 21-58



8. San Jose - SAN JOSE,CAL.,MUN.CODE §§ 1.13.090 and 1.13.140

9. Tucson – TUCSON,ARIZ.,TUCSON CODE § 11-70.2

In addition, corrections were made to the legal text for LA Mun. Code § 151.09 and Louisville §156.057.

- ii. **Coding Corrections:** After including the laws listed above in the original dataset records, the Researchers completed original and redundant coding for those jurisdictions. The Team discussed and resolved all divergences. The table below indicates where a coding response was changed from the originally published dataset based on the Team’s review and consensus.

| Jurisdiction | Question  | Response Coded in Originally Published Dataset  | New Response Coded  |
|--------------|---|---|---|
| Albuquerque  | Can an individual dispute an initial nuisance determination?  | Yes, the law explicitly allows an individual to dispute   | No dispute mechanism specified in the law   |
| Atlanta      | Can an individual dispute an initial nuisance determination?  | Yes, the law explicitly allows an individual to dispute   | No dispute mechanism specified in the law   |
| Boston       | What evidence is required to issue a nuisance-related notice? | <ul style="list-style-type: none"> <li>• Police call</li> <li>• Departmental records</li> </ul>   | <u>Deleted the following response:</u> <ul style="list-style-type: none"> <li>• Departmental records</li> </ul> <u>Added additional response:</u> <ul style="list-style-type: none"> <li>• Documentation</li> </ul> |
| Columbus     | What conduct constitutes a nuisance activity?                 | <ul style="list-style-type: none"> <li>• Any criminal conduct</li> <li>• Illegal conduct related to property</li> <li>• Sexually-related conduct</li> <li>• Alcohol-related conduct</li> <li>• Gang-related conduct</li> <li>• Threat to health, safety, and welfare</li> </ul> | <u>Added additional responses:</u> <ul style="list-style-type: none"> <li>• Drug-related conduct</li> <li>• Gambling</li> </ul>   |

|            |   |   |   |
|------------|---|---|---|
|            | Who is required to receive notice that a property has been determined a nuisance? | Property owner  | Multiple options for notice recipient   |
| Chicago    | Who is required to receive notice that a property has been determined a nuisance? | Property owner  | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>Person in charge of the property</li> </ul>    |
| Fort Worth | What conduct constitutes a nuisance activity?                                     | <ul style="list-style-type: none"> <li>Any criminal conduct</li> <li>Sexually-related conduct</li> <li>Alcohol-related conduct</li> <li>Drug-related conduct</li> <li>Weapons violations</li> <li>Gang-related conduct</li> <li>Disturbance</li> <li>Gambling</li> <li>Threat to health, safety, and welfare</li> </ul> | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>Illegal conduct related to property</li> </ul> |
|            | What penalties, if any, may be imposed if the nuisance is not abated?             | Penalties not specified   | Daily fine  |
|            | Does the city require a hearing before imposing penalties?                        | Not answered  | No  |
|            | What is the maximum fine if the nuisance is not abated?                           | Not answered  | \$500   |
| Houston    | What evidence is required to issue a nuisance-related notice?                     | Departmental records  | Documentation   |
| Long Beach | What conduct constitutes a nuisance activity?                                     | <ul style="list-style-type: none"> <li>Any criminal conduct</li> <li>Sexually-related conduct</li> <li>Alcohol-related conduct</li> </ul>   | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>Illegal conduct related to property</li> </ul> |

|            |   |  |   |
|------------|---|--|---|
|            |   | <ul style="list-style-type: none"> <li>• Drug-related conduct</li> <li>• Weapons violations</li> <li>• Gang-related conduct</li> <li>• Disturbance</li> <li>• Gambling</li> <li>• Threat to health, safety, and welfare</li> </ul> |   |
|            | Whose conduct is considered when determining if a nuisance exists?                | Person not specified   | <ul style="list-style-type: none"> <li>• Property owner</li> <li>• Person causing the nuisance</li> <li>• Persons associated with the property</li> <li>• Occupant</li> </ul> |
|            | What evidence is required to issue a nuisance-related notice?                     | Required evidence not specified  | Documentation   |
|            | Who is required to receive notice that a property has been determined a nuisance? | Responsible party  | <u>Added additional responses:</u> <ul style="list-style-type: none"> <li>• Property owner</li> <li>• Occupant</li> </ul>   |
|            | Does the law explicitly include eviction as a possible means to abate a nuisance? | No   | Yes   |
|            | What penalties, if any, may be imposed if the nuisance is not abated?             | <ul style="list-style-type: none"> <li>• Daily fine</li> <li>• Reimburse city for costs associated with city's abatement</li> <li>• Administrative costs</li> </ul>  | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>• Eviction of tenants</li> </ul>   |
| Louisville | What conduct constitutes a nuisance?  | <ul style="list-style-type: none"> <li>• Any criminal conduct</li> <li>• Police arrest</li> <li>• Sexually-related conduct</li> <li>• Alcohol-related conduct</li> </ul>   | <u>Deleted the following response:</u> <ul style="list-style-type: none"> <li>• Any criminal conduct</li> </ul> <u>Added additional responses:</u>                            |

|          |   |   |  |
|----------|---|---|--|
|          |   | <ul style="list-style-type: none"> <li>• Drug-related conduct</li> <li>• Gambling</li> </ul>  | <ul style="list-style-type: none"> <li>• Illegal conduct related to property</li> <li>• Violent conduct</li> <li>• Assault</li> </ul>  |
|          | What evidence is required to issue a nuisance-related notice?         | Arrest  | Documentation  |
|          | What penalties, if any, may be imposed if the nuisance is not abated? | <ul style="list-style-type: none"> <li>• Property lien</li> <li>• Closure of property</li> </ul>  | <u>Added additional responses:</u> <ul style="list-style-type: none"> <li>• Daily fine</li> <li>• Eviction of tenants</li> <li>• Imprisonment</li> <li>• Administrative costs</li> </ul> |
|          | What is the maximum fine if the nuisance is not abated?               | Fines not explicitly authorized   | \$400  |
|          | Can an individual dispute a nuisance determination?                   | No dispute mechanism specified in the law   | Yes, the law explicitly allows an individual to dispute  |
| New York | What conduct constitutes a nuisance activity?                         | <ul style="list-style-type: none"> <li>• Illegal conduct related to property</li> <li>• Sexually-related conduct</li> <li>• Alcohol-related conduct</li> <li>• Drug-related conduct</li> <li>• Gambling</li> <li>• Threat to health, safety, and welfare</li> </ul> | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>• Violating any federal, state, or local law</li> </ul>   |
|          | Who is responsible for determining if a nuisance exists?              | <ul style="list-style-type: none"> <li>• Director</li> <li>• Mayor's designee</li> </ul>  | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>• City attorney</li> </ul>  |
|          | What penalties, if any, may be imposed if the nuisance is not abated? | Daily fine  | <u>Added additional responses:</u> <ul style="list-style-type: none"> <li>• Property lien</li> <li>• Administrative costs</li> </ul>   |

|              |   |  |   |
|--------------|---|--|---|
|              |   |  | <ul style="list-style-type: none"> <li>• Closure of property</li> </ul>   |
| Philadelphia | Who is required to receive notice that a property has been determined a nuisance? | Property owner   | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>• Person in charge of property</li> </ul>                              |
| Sacramento   | What conduct constitutes a nuisance activity?                                     | <ul style="list-style-type: none"> <li>• Violating any federal, state, or local law</li> <li>• Any criminal conduct</li> <li>• Sexually-related conduct</li> <li>• Drug-related conduct</li> <li>• Weapons violations</li> <li>• Gang-related conduct</li> <li>• Disturbance</li> <li>• Threat to health, safety, and welfare</li> </ul> | <u>Deleted the following response:</u> <ul style="list-style-type: none"> <li>• Threat to health, safety, and welfare</li> </ul>                |
|              | What action is required to abate the nuisance?                                    | Action not specified   | Nuisance must be stopped  |
|              | What penalties, if any, may be imposed if the nuisance is not abated?             | <ul style="list-style-type: none"> <li>• Daily fine</li> <li>• One-time fine</li> <li>• Property lien</li> <li>• Administrative costs</li> </ul>   | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>• Reimburse city for costs associated with city's abatement</li> </ul> |
| San Antonio  | What penalties, if any, may be imposed if the nuisance is not abated?             | Administrative costs   | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>• Daily fine</li> </ul>  |
|              | What is the maximum fine if the nuisance is not abated?                           | Fines not explicitly authorized  | \$500   |
| San Jose     | Whose conduct is considered when determining if a nuisance exists?                | Person causing the nuisance  | <u>Added additional responses:</u> <ul style="list-style-type: none"> <li>• Property owner</li> <li>• Property manager</li> </ul>               |

|         |   |   |   |
|---------|---|---|---|
|         | Does the law explicitly include eviction as a possible means to abate a nuisance? | No  | Yes   |
|         | What penalties, if any, may be imposed if the nuisance is not abated?             | <ul style="list-style-type: none"> <li>• Daily fine</li> <li>• Administrative costs</li> </ul>  | <u>Added additional responses:</u> <ul style="list-style-type: none"> <li>• Reimburse city for costs associated with city's abatement</li> <li>• Closure of property</li> </ul> |
| Seattle | Who is required to receive notice that a property has been determined a nuisance? | Person in charge of property  | <u>Added additional responses:</u> <ul style="list-style-type: none"> <li>• Property owner</li> <li>• Occupant</li> </ul>   |
| Tucson  | How are activities tallied to determine if a nuisance exists?                     | Count method not specified  | By individual home  |
|         | What penalties, if any, may be imposed if the nuisance is not abated?             | <ul style="list-style-type: none"> <li>• Daily fine</li> <li>• One-time fine</li> <li>• Property lien</li> <li>• Eviction of tenants</li> <li>• Reimburse city for costs associated with city's abatement</li> <li>• Administrative costs</li> <li>• Closure of property</li> </ul> | <u>Added additional response:</u> <ul style="list-style-type: none"> <li>• Imprisonment</li> </ul>  |

**d. Quality Control – Original Coding:** Quality control consisted of the Supervisor exporting the data into a Microsoft Excel document once the Researcher completed coding to examine the data for any missing responses, citations, and caution notes. All records with an update were originally coded.

**e. Quality Control – Redundant Coding:** Quality control consisted of the Researchers completing redundant coding for 100% of the records with substantive updates to the law. Records were deemed to have substantive updates when the update to the law was within

the scope of a coding question. The Supervisor assigned a total of 16 records for redundant coding. The Team discussed and resolved all divergences. Below is a breakdown of the redundantly coded records in each batch.

- i. First Batch of Redundant Coding:** Chicago, IL and Dallas, TX. The rate of divergence was 17.39%.
  - ii. Second Batch of Redundant Coding:** Fort Worth, TX; Long Beach, CA; Louisville, KY. The rate of divergence was 7.44%.
  - iii. Third Batch of Redundant Coding:** New York, NY; Sacramento, CA (record effective 8/1/2017); San Antonio, TX; San Jose, CA. The rate of divergence was 11.43%.
  - iv. Fourth Batch of Redundant Coding:** For the Philadelphia, PA and Seattle, WA records, the rate of divergence was 7.44%. For the Sacramento, CA records (one record effective 9/28/2017 and one record effective 5/3/2018), the rate of divergence was 0%.
  - v. Fifth Batch of Redundant Coding:** For the Charlotte, NC record, the rate of divergence was 3.19%. For the Columbus, OH record, the rate of divergence was 13.83%.
- f. Post-Production Statistical Quality Control:** To ensure reliability of the data, a statistical quality control procedure (SQC) was run once all of the original and redundant coding was finalized on February 21, 2020. To conduct SQC, a random sample of variables was taken from the dataset for the Researchers to independently code. At that time, the divergence rate was 1.47%. Each divergence was reviewed and resolved.
- g. Quality Control – Final Data Check:** Prior to publication, the Supervisor downloaded all coding data into Microsoft Excel to do a final review of coding answers, citations, and caution notes. All unnecessary caution notes were deleted, and all necessary caution notes were edited for publication.