No Property Left Behind: An Exploration of Abandoned Property Policies

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Abstract
Historic preservationists work on both the micro and the macro level: at the micro level, they handle the site-specific, bricks and mortar issues, and at the macro level, they manage community-oriented plans, such as historic districts. The two levels are important to grasp for placemaking – creating, or retaining, a sense of place. Historic preservation and placemaking are thus interrelated. Consequently, preservationists have equal concerns about abandoned properties as planners and as community advocates. In order to grow and serve the communities, preservationists must appreciate and exercise more than just those tools commonly found in the standard historic preservation lexicon; they should embrace using all policy tools available to them. To be effective leaders in placemaking, preservationists need to leverage what their colleagues in government, policy-making, and community advocacy have developed to address abandoned properties.

This thesis compiles five of the most prevalent policy tools that cities are correctly using in their strategies to address abandoned properties: code enforcement, receivership, mothballing, land banking, and strategic demolition. The exploration of the five tools is intended to equip preservationists with a comprehensive guide on how these tools should be used, the various ways in which cities use them, and their relationship with preservation.

Keywords
placemaking strategies, vacant, shrinking cities, preservation planning, rightsizing

Disciplines
Historic Preservation and Conservation | Public Affairs, Public Policy and Public Administration | Urban, Community and Regional Planning | Urban Studies and Planning

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NO PROPERTY LEFT BEHIND:
AN EXPLORATION OF ABANDONED PROPERTY POLICIES

Margaret Louise Smith

A THESIS

in

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Partial Fulfillment of the Requirements of the Degree of

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DEDICATION

To the first abandoned property I ever explored –

The nineteenth-century farmhouse in the woods of my childhood home

Figure 1: Remains of the abandoned, 19th-century farmhouse taken by Loretta M. Smith
ACKNOWLEDGEMENTS

First and foremost, I would like to thank my thesis advisor, David Hollenberg, for his guidance and patience. Without his help, I would not have thoroughly recognized all that I offer in this thesis. I am grateful for my academic advisor, Randy Mason, who helped narrow my focus and form my initial research question. Additionally, I would like to thank Alex Balloon for suggesting the topic and sparking my interest in its research. Thank you to Cara Bertron for writing her thesis, “Between a Rock and a Historic Place: Preservation in Postindustrial Urban Planning,” which not only provided me with a foundation to build on, but also set a precedent. Moreover, I want to acknowledge those that helped me delve further into the subject and examples: the 2013 Reclaiming Vacant Properties Conference (and the Historic Preservation Department for funding my registration), Michael Allen, Pam Costabile, Donovan Rypkema, Amy Hillier, Lauris Olson, Dwight Jefferson, the Center for Community Progress, and the Vacant Property Research Network.

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Chapter 1: INTRODUCTION

Broken windows, cracked stone, paint chipped shutters, boarded up doors, rotting cornices, crumbling bricks, unkempt plants, and littered grass scream, “I have a story.” Abandoned properties are artifacts people leave behind, serving as a reminder of depopulation. They tell a city’s tale about declining population as a result of economic crises, social trends, globalization, poverty, natural disasters, political mismanagement, and more. In many cities of the United States, the collection of these artifacts greatly exceeds their demand.

Because abandoned properties decrease property values, invite crime and vandalism, risk safety and health, discourage investment, impose municipal costs, and diminish the quality of life in their surrounding area, they can prevent that area from having a strong sense of place. The feelings of nostalgia, attachment, and belonging that people get about a certain place, whether that be a park, main street, or neighborhood, are often what historic preservation as understood most broadly hopes to create or retain. Preservationists work on both the micro and the macro level: at the micro level, they handle the site-specific, bricks and mortar issues, and at the macro level, they manage community-oriented plans, such as historic districts. The two levels are important to grasp for placemaking – creating, or retaining, a sense of place. Historic preservation and placemaking are thus interrelated. Consequently, preservationists have equal concerns about abandoned properties as planners and as community advocates.
What is currently being done to fight the blight resulting from such abandoned properties? Is historic preservation involved? What public policy tools are available to homeowners, neighbors, communities, local organizations, private developers, and city governments? Are these tools effective in reestablishing a sense of place? The ultimate question here is: What policy tools are cities using to address abandoned properties and, where possible, also encourage preservation? More specifically, what components and factors form the ideal version of each tool? Do cities use this ideal version in reality? And finally, how is preservation – both placemaking and historic preservation – involved in these tools?

Especially within the last decade, multiple disciplines have been asking such questions. A range of scholars, planners, preservationists, urbanists, government agencies, community organizations, and private businesses have arisen and explored answers, published findings, and hosted events, learning as they can from each others’ experiences. Cities are now grappling with the creation of tools in the form of policies to address the multitude of abandoned properties. Preservationists offer their own set of tools, such as designation on the National Register of Historic Places, local historic preservation ordinances, federal tax incentives, and Section 106 of the National Historic Preservation Act, yet may not be as cognizant about the tools others offer.

Chapter 2 of this thesis, the Literature Review, broadly summarizes what exists on the topic. It also exposes what does not exist: a comprehensive guide for preservationists that explains the tools cities are using and their relationship with placemaking and historic preservation.
To answer the disparity, this thesis compiles five of the most prevalent policy tools that cities are correctly using in their strategies to address abandoned properties: code enforcement, receivership, mothballing, land banking, and strategic demolition. Code enforcement, land banking, and strategic demolition are widely implemented across cities struggling with abandoned properties. Receivership and mothballing are less frequently used, though more relevant to the preservation of abandoned properties. This assortment of tools provides solutions at the micro, site-specific level and the macro, community-oriented level. Chapters 4 through 8 individually examine each of the five tools in terms of their ideal, multi-faceted version. Once understanding the tool, the chapter moves on to describe how particular cities use it in reality. Seeing the tools used in theory and then in practice illustrates that there is no one-size-fits-all approach. Each municipality adapts the appropriate tool(s) and their form to best fit its particular situation, within its own statutory, economic, social, physical, and political constraints.

In order to grow and serve the communities, preservationists must appreciate and exercise more than just those tools commonly found in the standard historic preservation lexicon; they should embrace using all policy tools available to them. To be effective leaders in placemaking, preservationists need to leverage what their colleagues in government, policy-making, and community advocacy have developed to address abandoned properties. The exploration in this thesis of code enforcement, receivership, mothballing, land banking, and strategic demolition is intended to equip preservationists with a guide on how these tools should be used, the various ways in which cities use them, and their relationship with preservation.
Chapter 2: LITERATURE REVIEW

Now more than ever, abandoned properties are a concern for shrinking cities. Scholars, government agencies, and non-profit organizations delve into the issues resulting from vacant buildings and land in urban areas. They propose strategies for overcoming these issues, usually based on their own experiences, yet the authors rarely explore vacancy through the lens of historic preservation. Similarly, other scholars and organizations explore the meaning of historic preservation and what makes it effective. Here again, the authors do not narrow their focus of historic preservation in terms of vacant property.

While there is a handful of writing that combines the two topics, they only skim the surface. This literature review synthesizes current research into four categories: defining the vacancy problem, exploring the solutions, understanding effective historic preservation, and intersecting abandoned properties and historic preservation. Although the literature review is not exhaustive, the analysis highlights the absence of integration between abandonment-alleviating strategies and effective historic preservation.

Defining the Vacancy Problem

Background

Shrinking cities, cities in transition, empty cities, degrowth, undercrowding, depopulation, blight, perforation, rightsizing, and consolidation. These are all concepts used in existing literature to contextualize abandoned properties. They indicate the loss of urban population as compared to the peak population period. For example, the population
of Detroit has decreased 62% since its height — from 1,849,568 in 1950 to 700,837 in 2013. Many other cities worldwide also suffer from the same fate of Detroit. Robert Beauregard characterizes urban population loss as reoccurring trends through time. He delineates three periods of loss as aberrant loss (1820-1920), decline (1950-1980), and shrinkage (1980-2000).¹ Epidemics, major fires, deindustrialization, racial tension, suburbanization, poverty, crime, and ‘image’ cause the periods of loss.² While people can easily leave a city, buildings cannot. Abandoned properties are both a result of and a cause for depopulation. Burchell and Listokin expand,

> Abandonment is both *a symptom and a disease* — *a symptom* in that it indicates poverty, selected migration, employment loss and usually a generalized decline of the tax base and resulting municipal fisc; *a disease* in that it becomes a causal mechanism, exercising a distinct feedback mechanism which accelerates and perpetuates urban decline.³

Legacy cities, such as Detroit, Baltimore, Philadelphia, Cleveland, and Pittsburgh, which once helped build the nation to its worldwide prominence, have witnessed the symptom and fallen victim to the disease. The very industrial buildings that provided jobs for a growing middle class and the houses those workers called home are now crumbling. The exodus left behind artifacts of our heritage. In “Regenerating America’s Legacy Cities,” Alan Mallach and Lavea Brachman highlight the challenges facing legacy cities: “Loss of economic opportunities and suburban flight trigger impoverishment of the urban population and reduce housing market demand, leading to diminished property values

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² Ibid., 525–526.
and increased abandonment.” Yet, other cities, like New York, Los Angeles, and Houston, are experiencing a renaissance of population increase, high employment, and strong real estate market. Jennifer Vey explains that older industrial communities “are still struggling to make a successful transition from an economy based on routine manufacturing to one based on more knowledge-oriented activities.” In *Triumph of the City*, Edward Glaeser provides a comparison of Detroit with New York and emphasizes the basis for reinvention derives from “competition, connection, and human capital.”

Philipp Oswalt, editor of *Shrinking Cities*, emphasizes that shrinkage in one area will trigger growth in another. Shrinking cities produce an abundance of space, buildings and land. Many see this as an opportunity for reinvention. Oswalt, Joseph Schilling, and Jonathan Logan point out the failure of city planning models to address depopulation. Only until recently have cities begun to install programs and strategies to specifically handle abandoned properties. Schilling and Logan explain that cities must take actions carefully – through what is called ‘rightsizing.’ They define rightsizing as “stabilizing dysfunctional markets and distressed neighborhoods by more closely aligning a city’s built environment with the needs of existing and foreseeable future populations by adjusting the amount of land available for development.” Yet Cara Bertron, in her 2011 thesis, “Between a Rock and a Historic Place: Preservation in Postindustrial Urban

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8 Ibid., 1:15; Schilling and Logan, “Greening the Rust Belt,” 452.
9 Ibid., 453.
Planning,” eliminates the last nine words of Schilling and Logan’s definition and adds
“Many programs that respond to the reality of a smaller city are not explicitly called
rightsizing. For the purposes of this thesis, rightsizing efforts are defined as those that
consciously allocate resources to weak-market areas through demolition or “viable” areas
via reinvestment.” Bertron makes sure to include the role of abandoned buildings in
rightsizing. Still, some contend that rightsizing implies cities have a “right” size. Brent
Ryan stresses that rightsizing is about seeking “a size proportionate to city government’s
ability to pay for itself,” and that “no city in history has ever attained a fixed size.”

In all cities, not just shrinking cities, the recent foreclosure crisis and consequent
recession have contributed to the rising number of abandoned properties. Mallach’s
earlier report with Jennifer Leonard, “Restoring Properties, Rebuilding Communities:
Transforming Vacant Properties in Today's America,” expresses the concern that the
crisis threatens “communities with rates of vacant and abandoned properties many have
never seen before.” Mallach and Leonard describe abandonment and foreclosure as
interrelated: “either abandonment leads to foreclosure, or foreclosure leads to
abandonment.”

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11 Brent D Ryan, “Rightsizing Shrinking Cities: The Urban Design Dimension” (Department of Urban Studies and Planning, MIT, 2012), 1.
13 Ibid., 9.
Definition

Any observant pedestrian could distinguish an abandoned property from an occupied one. A rotting roof, broken or boarded up windows, collapsing walls, plant overgrowth, litter, and vandalism paint a picture of disinvestment and neglect. Still, a universally accepted definition and measurement system that provides detailed information does not yet exist. Organizations and individuals that focus on abandonment have drafted their own definitions. The Vacant Property Network of the International City/County Management Association (ICMA) widely categorizes vacant properties as either “(1) commercial and residential properties (industrial properties are excluded because they fall under the brownfields definition)” or “(2) vacant lots or land and abandoned buildings (derelict structures that a building official could deem as either substantially substandard or structurally unsound and subject to possible demolition).”¹⁴ The site must also be

(1) abandoned (meaning that no one resides at this site and that it would be very difficult for anyone to occupy this site without substantial repairs) and (2) boarded and secured (many abandoned buildings or properties are sealed by plywood or cement, or should be, and the entire lot could be completely fenced to deny entry).¹⁵

Meanwhile, in Bringing Buildings Back, Mallach clarifies that an abandoned property is not equivalent to a vacant property. He says, “An abandoned property is a property whose owner has stopped carrying out at least one of the significant responsibilities of property ownership,” such as property tax and maintenance.¹⁶ For example, an unoccupied building under construction is vacant, but not abandoned.

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¹⁵ Ibid.
In terms of data collection, the Census Bureau looks only at residential vacancy, and does so by unit. “A housing unit is vacant if no one is living in it at the time of the interview, unless its occupants are only temporarily absent. Units that do not meet the definition of a housing unit, such as those under construction, unfit, or to be demolished, are excluded from the universe.”\(^\text{17}\) Clearly, the information collected by the Census Bureau is not exhaustive and will have discrepancies. Discussions of vacancy, however, mostly center on this definition and data, especially because it is the most accessible.

Conversely, the United States Postal Service (USPS) collects vacancy data based on all addresses. They define vacant as “addresses that delivery staff on urban routes have identified as being vacant (not collecting their mail) for 90 days or longer.”\(^\text{18}\) Dwight Jefferson, a social science analyst at the U.S. Department of Housing and Urban Development (HUD) provides the following lesser-known explanation of the USPS Vacancy Data:

Total vacant addresses are determined using a couple of factors. The greatest factor is the determination of the letter carrier. As explained to us by the USPS, it is up to the carrier to determine if an address is vacant, and that is supposed to happen after there has been no mail delivery at an address for 90 days. That information is entered into the USPS' Address Management System (AMS) by supervisors upon notification by the carrier. AMS contains the universe of all addresses (~35million) that (have) receive(d) mail through the USPS. Another factor is information provided by change of address notifications. When a change of address is received by the USPS, the old address is flagged as vacant in the AMS. AMS is also compiled by notification to USPS from builders/jurisdictions that housing units that are under construction are being completed. Those addresses/delivery points will initially be "no-stats" but will transition into being either business or residential when they are ready for mail delivery.


The premise, for the USPS, behind an address is a delivery point. In some multi-unit buildings delivery points are individual mailboxes, but in some others the delivery point can be a bank of boxes where mail is sorted by building staff—that building is a single delivery point. It's difficult to determine in our data which type of delivery point an address is, but the change of address information can distinguish whether or not a single address in a multi-unit building is active or not where mail is sorted by non-USPS staff. Nevertheless, it is most common for individual addresses to be distinguishable as individual in multi-unit buildings. Unfortunately, since the type of building (single family or multi-family building) is not designated in the data we get, we have no way of knowing or determining a single family home or a multi-family building.¹⁹

This data is difficult to obtain, but does include commercial, industrial, and municipal vacancy in addition to residential. The lack of a succinct definition and method for data collection makes it difficult to accurately determine the magnitude of the abandonment problem.

Why It’s a Problem

Economic and demographic changes cause abandoned properties. And those properties cause more abandonment. This is the vicious vacant property cycle. At the very start of the cycle, the owner has decided his or her property is just not worth the time, money, or effort. The potential losses of occupation and maintenance outweigh the potential benefits. A property’s location combined with its physical quality and market value influence the owner’s choice to invest or to disinvest. Although there are other cases, like foreclosure, where the decision is not up to the owner, the building still faces abandonment.

¹⁹ Dwight Jefferson, Email: Dwight Jefferson to Author, April 15, 2014 (2014).
Abandoned properties stunt or shrink revitalization and growth. James Cohen acknowledges, “Over time, the ‘unemployed’ buildings and lots begin to take on negative economic and social value.”20 They most notably cause neighborhood degradation by:

- Decreasing property values
- Inviting crime and vandalism
- Risking safety and health
- Discouraging investment
- Imposing municipal costs
- Diminishing the quality of life

Mallach ascertains, “Of all of the factors blighting the lives of the people who live in troubled inner-city communities, abandoned properties may be the single most destructive, not least because they aggravate many of the other problems faced by such communities.”21 Blight begets more blight. The broken windows theory affirms this as a vicious cycle. George Kelling and James Wilson observed, “social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken.”22 Allowing a window to remain broken, or a property abandoned, signifies the lack of care and provokes more breaking and abandoning.

Abandoned properties create a cost burden on individuals, neighborhoods, and municipalities. Taxpayer money goes to monitoring and managing these sites. Residents who did not leave the city or abandon their property must bear a greater proportion of the

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city’s tax burden. Obtaining homeowner’s insurance, mortgages, and loans for property maintenance becomes more difficult with nearby abandoned properties. Vacant properties depress surrounding property values. Consequently, this “reduces their equity and thus, their wealth, and makes resale of their properties very difficult.” Municipalities must expend their already limited police, fire, building inspection, and code enforcement resources to care after the vacant sites. Should properties become too much of a public nuisance, local governments also have to allocate funds for demolitions. City tax revenues decrease because the properties are often tax delinquent, generate little in taxes due to their low value, and reduce property values for an entire neighborhood. This loss of income results in underfunded city agencies and programs, such as education and infrastructure.

Cities are quantifying these costs:

- Philadelphia: At least $2 million in uncollected property taxes each year and over $20 million in city maintenance costs each year. 
- Baltimore: Cost per block of police and fire services showed an annual increase of $1,472 for each vacant and unsafe property on that block.
- Detroit: $20 million spent between 2009 and 2011 to demolish almost 4,000 vacant properties.
- St. Louis: Spent $15.5 million, or nearly $100 per household, to demolish vacant buildings between 2000 and 2005.

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24 Ibid.
26 “Vacant Properties: The True Costs to Communities.”
30 “Vacant Properties: The True Costs to Communities,” 1.
Municipal budgets are tight and can never seem to allocate enough resources to blight elimination. Financial restraints prevent cities from being able to quickly remediate abandonment.

Exploring the Solutions

Both public and private agencies have published strategies for attacking abandoned properties. From city governments to real estate consultants to non-profit organizations, there are multiple reports with varying approaches. Yet they do all have common elements. The tools used in the various strategies can be categorized into three forms of interference to the property and its owner: small, medium, and large. Within those categories, there are seven types of policy tools: 1) planning and collaboration, 2) data collection, 3) financial incentives and disincentives, 4) maintenance, 5) change in ownership, 6) reuse, and 7) demolition. Planning and collaboration, and data collection all have a minimal impact; financial incentives and disincentives, and maintenance have a moderate effect; and change in ownership, reuse, and demolition have a large influence on the property and owner (see Figure 2 for a diagrammatic representation). The lists in Figure 3 highlight specific examples of the seven types of policy tools within their form of interference. This was synthesized from the following literature:

• Jennifer R. Leonard and Alan Mallach, “Restoring Properties, Rebuilding Communities: Transforming Vacant Properties in Today’s America” (Center for Community Progress, 2010).
• “Texas Problem Properties Toolkit” (The Community Development Clinic at the University of Texas School of Law, 2010).
• “How Can Municipalities Confront the Vacant Property Challenge?” (Business and Professional People for the Public Interest; Chicago Metropolitan Agency for Planning; and Metropolitan Mayors Caucus, 2010).
• “Abandoned Property Toolkit” (Housing and Community Development Network of New Jersey, 2004), http://policy.rutgers.edu/cupr/cdi/forums/summerinstitute/session4-abandonedpropertytoolkit.pdf.
• Eric Friedman, “Vacant Properties in Baltimore: Strategies for Reuse” (Submission for the Abell Foundation Award in Urban Policy, 2003).
• Community Legal Resources, “Vacant Properties Toolbox: Complete Guidebook” (Detroit Vacant Property Campaign, n.d.).
• Community Legal Resources, “Vacant Property Legal Manual” (Michigan State Housing Development Authority, n.d.).

While the publications may use different language or highlight some tools and not others, this is a comprehensive itemization. The synthesis serves as a device to best understand solutions provided and analyzed in existing literature.
Figure 2: Author’s organization of policy tools cities use to address abandoned properties\textsuperscript{31}

\textsuperscript{31} Created by author.
Figure 3: Author's synthesis of the various solutions that different reports offer.

- SMALL Interference
  - PLANNING & COLLABORATION
    - Citywide strategic plans
    - Effective partnerships between public and private entities
  - DATA COLLECTION
    - Survey all properties
    - Vacant property registry and inventory
    - Early warning database

- MEDIUM Interference
  - PROPERTY MAINTENANCE
    - Code enforcement
    - Receivership
    - Mothballing
    - Property stabilization
  - FINANCIAL AID
    - Targeting public and private funding resources
    - Tax incentives (e.g., historic preservation, Smart Growth, deconstruction)
    - Homebuyer purchase and rehabilitation incentives
    - Recovering costs to the municipality

- LARGE Interference
  - CHANGE IN OWNERSHIP
    - Tax foreclosure
    - Land banking
    - Acquisition
  - REUSE
    - Redevelopment
    - Rehabilitation
    - Historic preservation
    - Infill development (community gardens, parks, etc.)
    - Brownfield initiatives
  - DEMOLITION
    - Strategic demolition
    - Deconstruction
Understanding Effective Historic Preservation

Historic preservation is a constantly evolving profession and field of study. Begun as a grassroots movement to protect buildings people valued, the National Historic Preservation Act (NHPA) and the Secretary of the Interior’s Standards for the Treatment of Historic Properties guide preservationists today. Federal, state, and local laws regulate the use of historic preservation to protect “many different kinds of real and personal property, as long as such properties are deemed to be ‘significant’ and have ‘integrity.’”33 The findings and declarations of the NHPA summarize Congress’ goals and reasons for preservation. In Historic Preservation Law, Sara Bronin and Peter Byrne offer “the community-building rationale,” “preserving the prototype,” “the economic development rationale,” and “the green dimension” as different views on why we chose to preserve.34

Yet literature by preservationists themselves calls for a change away from this strict heritage protection structure. Donovan Rypkema expands, “our regulatory environment, our preservation philosophy, and our preservation education is still largely stuck in the past.”35 While necessitating a new preservation movement, Ned Kaufman suggests preservationists adopt a new, less technical language. He calls this a “broad, humane language of place,” when people “speak in this new language, they are able to take in

33 “The most widely used definitions of significance and integrity may be found in the criteria for determining whether a property is historic enough to be listed on the National Register. ‘Significance’ means associated with important historical events; associated with the lives of significant persons; emblematic of the architectural characteristics of a type, period, or method of construction; and instructive (or likely to be instructive) in the fields of either prehistory or history. 36 C.F.R. Section 60.4. ‘Integrity’ encompasses “integrity of location, design, setting, materials, workmanship, feeling, and association.” Sara C. Bronin and J. Peter Byrne, Historic Preservation Law (New York City: Foundation Press, 2012), 8.
34 Ibid., 18–32.
historic landmarks, species habitat, favorite views or picnic spots, people’s feelings about places – sometimes in a single sentence.”\(^{36}\) Preservation should be used as a tool to protect the places people feel for and treasure. Max Page and Randall Mason continue, “The potential of historic preservation as a social movement is immense; it has the capacity to help forestall the destructive and unregulated development that threatens to destroy the places Americans love.”\(^{37}\) In a speech at the 2011 California Preservation Foundation Conference, Stephanie Meeks furthers this argument by saying there is a “need to reconsider our definition of what is worth protecting.”\(^{38}\) Historic preservation uses buildings, structures, sites, objects, and districts “of the past to establish values of time and place,” thus affording an essential sense of orientation to our society.\(^{39}\)

Historic preservation is about maintaining a sense of place, an identity. Graham Fairclough describes how preservation can maintain a sense of place while managing change:

For the historic environment, sustainability means controlling change and choosing directions that capitalize most effectively on the inheritance from the past. In any decision about change and about the impact of the future on the remains of the past, therefore, we should be conscious of two separate questions: (1) how to reconcile minimizing loss with the needs of the present and (2) how to ensure the balance we strike does not reduce too greatly our successors’ opinions for understanding and enjoying their inheritance.\(^{40}\)


\(^{40}\) Graham Fairclough, “Cultural Landscape, Sustainability, and Living with Change?,” in *Managing Change: Sustainable Approaches to the Conservation of the Built Environment: 4th Annual US/ICOMOS International Symposium Organized by US/ICOMOS, the Graduate Program in Historic Preservation of*
Conclusively, effective preservation mediates between the inevitable change over time and the maintenance of place.

**Abandoned Properties and Historic Preservation**

While there is ample literature on abandoned properties and historic preservation, little exists that comprehensively combines the two. Authors may briefly touch on the use of historic preservation tax credits for rehabilitation or quickly mention the threat of losing historic urban landscapes, yet only a handful have directly focused on the intersection of abandonment and preservation.

Literature on shrinking cities and abandoned properties often mentions building reuse and will occasionally mention the use of Federal Historic Preservation Tax Incentives. The word ‘preservation’ is typically used in relation to maintaining something, but rarely is it combined with the word ‘historic.’ Resources written by authors such as Mallach, the Center for Community Progress (CCP), and Vey include sections specifically on the need for preservation.

In nearly all of Mallach’s literature, he will explicitly mention historic preservation, typically regarding its regulatory presence in legislation. *Bringing Buildings Back* has a section explicitly addressing how to decide between demolishing an abandoned building

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and preserving it. Mallach’s comprehensive criteria and decision tree supply readers with a practical approach to the dilemma.\(^{41}\)

Similarly, CCP emphasizes the significance of a neighborhood’s character and the care cities must take when choosing to demolish or preserve an abandoned building. CCP explains this as a crucial component to strategic demolition.\(^{42}\) “Placemaking in Legacy Cities: Opportunities and Good Practices” is CCP’s synthesis of key elements for creating a sense of place in cities facing abandonment. The report defines placemaking as “a concept that emerged to describe the intentional process of activating new or existing public spaces to create that emotional connection.”\(^{43}\) It characterizes historic preservation as a placemaking element and elaborates on the use of the Main Street Four-Point Approach\(^{TM}\) in Elmwood Village, Buffalo.\(^{44}\)

Vey also highlights historic preservation in terms of community revitalization. Within her segment on creating neighborhoods of choice, Vey specifically recommends investment in preservation and rehabilitation. She recognizes, “The history of older industrial city neighborhoods is embedded in their rich stock of distinctive housing and streetscapes.”\(^{45}\)

Preservationists have long been promoting the use of historic preservation for community and economic development, as well as a sustainable tool for revitalizing cities. The World Bank’s publication of *The Economics of Uniqueness* observes, “there is an

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\(^{43}\) New Solutions Group LLC, “Placemaking in Legacy Cities: Opportunities and Good Practices” (Center for Community Progress, 2013), 3.

\(^{44}\) Ibid., 35.

\(^{45}\) Vey, “Restoring Prosperity: The State Role in Revitalizing America’s Older Industrial Cities,” 57.


Nevertheless, few publications from the preservationist perspective identify the link between their field and the study of abandoned properties, unless it is in regards to demolition of designated buildings. Issues like demolition by neglect are frequently researched and debated. The National Trust for Historic Preservation’s “Preservation Law Educational Materials: Demolition by Neglect” and Rachel Ann Hildebrandt’s thesis, “Demolition-By-Neglect: Where Are We Now?” are examples in the docket of recent literature. Hildebrandt even offers Pennsylvania’s form of receivership, called conservatorship under the Blighted and Abandoned Property Conservatorship Act, as a tool to address demolition-by-neglect. John McGregor and Alan Powers have written

articles on the demolition of historic industrial buildings.\textsuperscript{50} Research on the loss of certain historic properties will acknowledge depopulation and disinvestment as partial causes, occasionally mentioning vacancy and abandonment.

Literature that directly connects historic preservation with abandoned properties has generally been written in the past five years. Two graduate students, Cara Bertron and Emilie Evans, wrote their theses in 2011 on the use of historic preservation in the rightsizing practices of shrinking cities.\textsuperscript{51} Both emphasized the need for preservationists to be at the table with city planners, neighborhood associations, community development corporations (CDCs) and redevelopment agencies when they make decisions that could have large implications for the built environment.

That same year, the Advisory Council on Historic Preservation (ACHP) formed its Task Force on Rightsizing and Historic Preservation (Task Force). Bertron and Rypkema prepared a report for the Task Force, “Historic Preservation and Rightsizing: Current Practices and Resources Survey,” which analyzed the role of preservation in the rightsizing efforts of 20 cities.\textsuperscript{52} More recently, the Task Force published “Managing Change: Preservation and Rightsizing in America.” The report serves as a detailed guide to rightsizing, historic preservation roles, federal funds, policies, and coordination, local initiatives, and next steps for the preservation community.


Similar to ACHP’s Task Force, PlaceEconomics – a private consulting firm that specializes in the intersection of real estate, economic development, and historic preservation – has formed the Rightsizing Cities Initiative. Led by Bertron, the Rightsizing Cities Initiative “ties together local assets and a pragmatic planning ethos to produce clear, workable, community-based plans and strategies for strengthening neighborhoods in rightsizing efforts.”\(^{53}\) The Rightsizing Cities Initiative, in conjunction with Baltimore Heritage, sponsors the Preservation Rightsizing Network (PRN), which “brings together preservation planners and advocates to develop and share practical tools for constructively engaging in and influencing local planning processes and local strategies, with the goal of creating more livable communities and laying a foundation for the revitalization of historic neighborhoods.”\(^{54}\)

**What’s Missing**

The analysis of germane literature exposes the disparity of research on the relationship between common abandoned property policy tools and historic preservation. Current publications that combine the two topics skim the surface of either preservation or the tools and lack depth needed to best understand their inner-workings. Preservationists would benefit from a guide that explains the tools cities are using and their relationship with historic preservation and placemaking.


Chapter 3: METHODOLOGY

Abandoned properties are the subject of study instead of ‘vacant buildings’ or ‘vacant and abandoned buildings’ for several reasons. As noted in Chapter 2, there is a differentiation between vacant and abandoned. This thesis uses abandoned so as to encompass all properties, occupied or unoccupied, whose owner has stopped carrying out at least one of the significant responsibilities of property ownership, such as property maintenance or taxes (see the Definitions section). The use of ‘properties’ includes structures and land – buildings and lots – to acknowledge the potential affects of new construction and zoning regulations on placemaking.

The following five chapters individually explore code enforcement, mothballing, receivership, land banking, and strategic demolition. These tools were chosen based on their perceived ability to preserve a sense of place and their popularity amongst cities. The tools cover both micro and macro levels of placemaking. Code enforcement, mothballing, and receivership are primarily site-specific, though their result has a positive impact on the community at the macro level. Land banking and strategic demolition are principally community-oriented tools that tackle a multitude of abandoned properties through larger planning schemes. At the same time, land banking and strategic demolition must also be sure to focus on the needs of each property at the micro level. In terms of popularity, code enforcement and land banking are widely utilized by cities struggling with abandoned properties. The pervasiveness of strategic demolition is gradual and new, but demolition not done strategically has been commonly implemented for generations.
Receivership and mothballing are less frequently used, though more relevant to the preservation of abandoned properties.

Theoretically, cities that once had a large population also had a large building stock – residential for where those people lived and commercial or industrial for where they worked. Thus, cities that have suffered from population decline would experience an abundance of abandoned properties. An analysis of the top twenty cities in the United States with the highest population per decade since the start of the twentieth century provides a list of 36 cities (refer to Figure 4 and Figure 5 for graphic representation). This list serves as a pool of examples from which to choose for best illustrating the tools and their complexity in practice. Some examples do however stray from this list, but only to provide the most illustrative cases. Cities are thus chosen based on preliminary research and their use of the tool.
### Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abandoned Property</td>
<td>A piece of land, with or without structures, whose owner has stopped carrying out at least one of the significant responsibilities of property ownership (such as property maintenance or taxes), as a result of which the property is vacant or likely to become vacant; encompasses both occupied and unoccupied properties.(^ {55})</td>
</tr>
<tr>
<td>Code Enforcement</td>
<td>The administration of laws regarding property maintenance and construction.</td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>Managing the physical integrity of locally or nationally designated buildings, structures, sites, objects, and districts as cultural resources and assets for future generations to appreciate and value.</td>
</tr>
<tr>
<td>Land Banking</td>
<td>Acquiring, managing, and disposing vacant, abandoned, and foreclosed properties by public or community-based entities; the term ‘land bank’ is thus used interchangeably with ‘entity.’</td>
</tr>
<tr>
<td>Mothballing</td>
<td>Stabilizing, securing, and protecting a vacant structure from weather damage and vandals while preserving the structure for future use.</td>
</tr>
<tr>
<td>Preservation</td>
<td>Maintaining a sense of place; also referred to as placemaking.</td>
</tr>
<tr>
<td>Receivership</td>
<td>The appointment of a receiver to abate the public nuisance created by abandoned properties; also known as conservatorship.</td>
</tr>
<tr>
<td>Strategic Demolition</td>
<td>Applying rational criteria for choosing which buildings should be demolished and which retained; Linking demolition targets and priorities with specific stabilization, redevelopment and reuse goals and strategies; and engaging key players to ensure that decisions take all relevant considerations and perspectives into account.(^ {56}) Also resulting in the removal of a building in a way that protects the health of the neighbors and workers, provides for proper disposition of the waste materials from the building, and leaves the property ready for the most appropriate future reuse and which does not blight its surroundings.(^ {57})</td>
</tr>
<tr>
<td>Vacant Properties</td>
<td>An unoccupied or illegally occupied piece of land, with or without structures, whose owner has stopped carrying out at least one of the significant responsibilities of property ownership (such as property maintenance or taxes).</td>
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Figure 4: Top 5 cities in the list of 36 cities with the most population loss since their peak population. 

线图由作者创建。

Figure 5: Population loss since peak population for the 36 cities.


<table>
<thead>
<tr>
<th>City</th>
<th>Population Since Peak</th>
<th>Percentage Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Louis, MO</td>
<td>856,796</td>
<td>32%</td>
</tr>
<tr>
<td>Detroit, MI</td>
<td>1,849,568</td>
<td>51%</td>
</tr>
<tr>
<td>Cleveland, OH</td>
<td>944,808</td>
<td>52%</td>
</tr>
<tr>
<td>Buffalo, NY</td>
<td>580,332</td>
<td>65%</td>
</tr>
<tr>
<td>Pittsburgh, PA</td>
<td>676,806</td>
<td>68%</td>
</tr>
<tr>
<td>Cincinnati, OH</td>
<td>503,968</td>
<td>71%</td>
</tr>
<tr>
<td>New Orleans, LA</td>
<td>472,525</td>
<td>72%</td>
</tr>
<tr>
<td>Newark, NJ</td>
<td>442,337</td>
<td>73%</td>
</tr>
<tr>
<td>Baltimore, MD</td>
<td>949,308</td>
<td>76%</td>
</tr>
<tr>
<td>Providence, RI</td>
<td>253,564</td>
<td>79%</td>
</tr>
<tr>
<td>Philadelphia, PA</td>
<td>2,071,685</td>
<td>80%</td>
</tr>
<tr>
<td>Chicago, IL</td>
<td>3,620,862</td>
<td>80%</td>
</tr>
<tr>
<td>Minneapolis, MN</td>
<td>528,758</td>
<td>80%</td>
</tr>
<tr>
<td>Washington, DC</td>
<td>802,378</td>
<td>80%</td>
</tr>
<tr>
<td>Boston, MA</td>
<td>601,444</td>
<td>80%</td>
</tr>
<tr>
<td>Jersey City, NJ</td>
<td>565,715</td>
<td>80%</td>
</tr>
<tr>
<td>Milwaukee, WI</td>
<td>341,724</td>
<td>80%</td>
</tr>
<tr>
<td>Kansas City, MO</td>
<td>507,007</td>
<td>80%</td>
</tr>
<tr>
<td>Memphis, TN</td>
<td>685,375</td>
<td>80%</td>
</tr>
</tbody>
</table>

* Peak Population  * Population Loss Since Peak
One of the first tools cities commonly use to combat abandoned properties is code enforcement, which involves the administration of laws regarding property construction and maintenance. On the maintenance side of this responsibility, government officials inspect properties and notify the property owner of violations. Should the owner not correct the violation, the owner typically is taken to court and penalized until the property is in compliance. Failing that, the city will fix the issue and place a lien on the property, thereby encumbering the title. Since no two cities are alike, the processes and penalties differ from city to city (for examples, refer to Figure 6 for Phoenix’s process diagram and Figure 7 for Baltimore’s Vacants to Value Code Enforcement Flowchart). George L. Kelling and James Q. Wilson’s broken windows theory asserts that aggressive code enforcement help can stabilize a community, reinstalling order and protecting real estate values.\textsuperscript{60}

The tool can be more specifically divided into housing code and building code, where housing code is concerned with the property maintenance and building code focuses on construction.\textsuperscript{61} In “Housing Code Enforcement and Urban Decline,” H. Laurence Ross explains the distinction: “a building code might specify acceptable design and construction materials for a building, whereas a housing code would be more concerned


\textsuperscript{61} Though it may seem as such, housing code is not always limited to residential properties. For this paper, it includes all properties - residential, commercial, and industrial – that need maintenance.
with the maintenance of the property." Code enforcement of abandoned properties focuses less on construction, and more on property maintenance. Thus, when cities discuss their use of code enforcement as a tool for vacant properties and blight, they are primarily looking at it in the realm of property maintenance.

A subset of code enforcement used specifically for abandoned properties is called nuisance abatement. Terminology here depends on the state and local legislation; not all jurisdictions have implemented nuisance abatement. For those that do have it, nuisance abatement gives agencies the right to physically fix issues that would affect health, safety, and nearby property values. This includes a range of activities such as graffiti

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removal, litter clearance, lawn mowing, window boarding, exterior repainting, building structure repairs, and much more. Alan Mallach reiterates, “existing code enforcement and nuisance abatement tools are often the weapons of first resort for a municipality.”

Figure 7: Baltimore's Vacants to Value Code Enforcement Flowchart

Three interdependent components that make code enforcement work are the legislation, the actual enforcement, and the associated financial and human resources (see Figure 8). Without the right ordinance, enforcement will not be effective, and vice versa. The Center for Community Progress (CCP) expands this point: “A code enforcement

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department is only as good as the regulatory tools it employs to achieve policy driven solutions, and the systems it has in place to use those tools as productively as possible.”  

They also explain, “Ordinances are only as good as the city’s ability to enforce them.” That is, enforcement cannot happen successfully without enough resources, such as funding and personnel. Mallach clarifies, “the Achilles heel of enforcement strategies is not the lack of legal powers at the municipality’s disposal, but the lack of resources.”

![Figure 8: Code Enforcement Components](image)

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67 Ibid.


69 Created by author.
State enabling legislation and thus local legislation varies from place to place. For example, some state laws limit a city’s ability to recapture expenses from activities such as boarding up buildings or mowing lawns. State and local laws must be sure not to restrict cities. To be successful, code enforcement legislation should require registrations, permits, and separate housing courts.

Joseph Schilling discusses the “recent explosion of local vacant property registration ordinances designed to address the difficulties of reaching responsible mortgage servicers and the industry’s general lack of responsiveness in maintaining properties in foreclosure.” Vacant property registration ordinances require the owner of a vacant property to register it with the city and provide accurate contact information. Code enforcers then have a reliable database to keep track of vacancy and to serve notice of violation. However, it does not address abandoned properties, only vacant ones. Abandonment is more difficult to legally define, thus cities have not commonly approached it in such registration ordinances. Rental licensing and occupancy permits put buildings in use on the radar as well. They can give enforcers the right to inspect the building and ensure the owner meets the code. In any case, when an owner does not comply with a code violation citation, the owner must go to court. Larger cities, such as New York, Boston, Baltimore, Philadelphia, and Cleveland, now have a separate local court solely dedicated to code enforcement, which allows those cases to be their top priority, whereas in the general municipal court, violent crimes and complex business

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70 Ibid., 48.
71 Schilling, “Code Enforcement and Community Stabilization: The Forgotten First Responders to Vacant and Foreclosed Homes,” 120.
litigation will take precedent over code violations.\textsuperscript{72} Mallach expands, “Housing courts are most effective when the judges are specialists who are specifically elected or appointed to that court, rather than assigned from the pool of judges in the general-purpose court for that location.”\textsuperscript{73}

The enforcement side of this tool can often be the most complex. If not done properly, it can cause further abandonment. Ross explains, “Attempts to force code compliance in deteriorating properties for which resources are unavailable may result in abandonment of the offending structures.”\textsuperscript{74} He and Mallach emphasize the significance of socioeconomic sensitivity for code enforcement, especially in certain low-income areas.\textsuperscript{75}

The tool should include both incentives for responsible ownership and disincentives that penalize irresponsible ownership. Complementary assistance programs help those without the means to comply with the code.

Enforcement can be divided into two types: passive and active. The passive approach is reactive, complaint-driven code enforcement, where inspectors only address issues brought up in filed complaints. In most cities, anyone can submit a complaint via a 311 call or online form. Philadelphia even offers a mobile application, the Philly 311 Mobile App, which allows citizens to “report neighborhood issues directly into City Government work order systems from their smart phone.”\textsuperscript{76} Because the official’s goal is to close out the file, he or she will overlook a code violation across the street if it has not been filed. It

\textsuperscript{72} Mallach, \textit{Bringing Buildings Back: From Abandoned Properties to Community Assets}, 44.
\textsuperscript{73} Ibid.
\textsuperscript{74} Ross, “Housing Code Enforcement and Urban Decline,” 29.
\textsuperscript{75} Mallach, \textit{Bringing Buildings Back: From Abandoned Properties to Community Assets}, 45.
can be difficult to legally justify this oversight of some violations and not others. Ross elaborates, “If, during a complaint inspection, a worse condition is observed in the house across the street, it will be ignored.”77 Yet, he justifies the effectiveness of complaints since they “can take the conditions beyond the control of inspectorial staff, to supervisors, public officials, and the media” and are “powerful if forwarded through the offices of the mayors and city councilors.”78 By contrast, the active code enforcement strategy is not complaint-driven, but rather routine-driven. Inspections are done proactively, on a regular basis. Cities should undertake “targeted enforcement ‘sweeps’ with respect to specific violations that affect health and safety.”79 Thus, the inspectors are acting offensively instead of defensively. Elizabeth Howe, author of “Code Enforcement in Three Cities: An Organizational Analysis,” clarifies, “An active system must have the resources and commitment both to encourage and to force owners to adequately maintain their properties.”80

Ideal enforcement combines both passive and active strategies. Ross proposes using both by creating two housing code zones: superior and standard. Superior zones, which would have more strict requirements, would utilize the passive approach and standard zones would use the active. He explains,

> The variation in requirements would reflect income differentials and constraints of the real estate market. It would acknowledge that code standards are based on more than minimal standards of health and safety. Housing codes serve multiple purposes, from preserving aesthetics in some neighborhoods to preserving decent but affordable rental housing in others… Complaints would probably suffice to

78 Ibid., 33.
trigger inspection in the superior zone, where neighbors will note, and bring to official attention, instances of serious undermaintenance. Here, unattended code violations are unlikely to destabilize neighborhoods.81

The standard zones would benefit from routine inspections that could initially focus on larger issues like health and safety hazards. Once abated, the inspectors could narrow in on smaller problems like litter and yard overgrowth. However, cities today are primarily using the passive approach, relying on citizens to initiate the enforcement process.

The inspector ultimately has the power in how he or she decides to enforce the applicable code, within the regulatory boundaries. By the nature of code enforcement, inspectors must adapt the formally written laws into “more limited, specific, and realistic ones.”82 Officials will prioritize violations, such that they address the high priority issues before the low priority issues. For instance, “Principals (inspectors with responsibility for multiple dwellings) are primarily concerned that people can get out in the event of a fire. They don't care much about flaking paint.”83 The inspector can negotiate with the property owner by offering to not fine the lower priority violation if the owner fixes the higher priority violation.

Collaborative communication helps to make enforcement more efficient. It is crucial for government departments to work with each other and create interagency information sharing. “The principal barrier to creating a comprehensive information system is that different levels of government and departments within cities and counties maintain

81 Ross, “Housing Code Enforcement and Urban Decline,” 43.
82 Ibid., 32.
83 Ibid., 34.
independent databases and systems that are not compatible with one another. The databases can aid enforcers in tracking what works and what does not work when pursuing each area and each code violation, especially with passive versus active approaches. Linking the citations and complaints with tax delinquency, foreclosure, and unpaid utility bills can highlight patterns and predict abandonment. Making the information free and public gives citizens the ability to follow the status of the response to their complaints or to see what is being done about abandoned properties. This transparency keeps inspectors on their toes because they know the public is watching. Furthermore, governments should form partnerships with local organizations, like CDCs and neighborhood associations, and residents. The more helping hands and eyes on the street, the better off cities are, especially large ones with multiple acres to cover. Mallach reiterates, “Although a code enforcement agency can undertake neighborhood targeting on its own, its effectiveness is significantly enhanced if other city departments – such as police and public works – and residents, CDCs, and neighborhood organizations are also engaged.”

Finally, the resources that a city specifically devotes to code enforcement are directly proportional to its success in remedying violations. Howe observes, “The most pressing need in most code enforcement systems is more money and more programs for problem buildings.” Forming partnerships, as previously discussed, is beneficial for city governments with a limited staff of inspectors. From securing vacant buildings to

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demolishing them, code enforcement, particularly nuisance abatement, can become costly. In “Tactical Options for Stable Properties,” Frank Alexander denotes, “Code enforcement should include explicit charges for inspections and for every violation; these should reflect the full cost to government, including personnel and administration costs. Sanctions should also include the fully loaded costs of administration of hearings, provision of notice, and research to identify owners.”87

Since the main goals of code enforcement are to improve the property and ensure public safety, rather than punish the owner, Alexander suggests the municipality place a priority lien on the property to recover costs. Regardless of whether the government fines the owner or the property for the code violation, they must be sure to collect the money.88 Otherwise, code enforcement will not be taken seriously and the citations will only become empty threats. When an owner has become a problem and refuses to pay the fine(s), cities with legal permission should attack other assets belonging to the owner. Mallach rationalizes, “In a few states, the municipality has the right to go after other assets of the property owner to collect the funds owed.”89

In sum, developing a plan to utilize legislation, enforcement, and resources to their fullest capacity is called strategic code enforcement. CCP gives its list of what it involves:

- The right ordinances
- Effective organizational systems and procedures to ensure results
- An effective system for targeting resources and maximizing results
- Solid partnerships between city agencies and between the city and community organizations

88 Ibid.
• Good data and monitoring systems
• Effective leadership and well-trained, motivated personnel

Cleveland employs strategic code enforcement, and consequently has a more comprehensive overall system for this tool than that of other cities. Since its peak around 1950, the City’s population has dropped 57%. This has resulted in the current count of 7,000 vacant, distressed residential structures. To combat these abandoned properties, Cleveland implemented the CDC Partnership Program (the Partnership) in 2008, which is a collaboration between local CDCs, the Building and Housing Department, and the City Council. Through the Partnership, Cleveland first simplified its complaint intake process by changing the prioritization method. The City now lists the following as priority complaints to be addressed by the inspectors, not CDCs: open, vacant, vandalized structure (OVV), senior citizen occupied, fire damage, illegal operation, no permit, electrical violations, elevator violations, collapsing structure, no smoke detectors, no heat, interior-mechanical systems, and no water. Cleveland has its own housing court to separately address code enforcement issues as well.

The Partnership gives CDCs the responsibility to survey and inventory auto-repair garages, rental properties, and abandoned properties. Should a violation arise, they are in charge of notifying Building and Housing, who will complete an inspection and give a citation if necessary. The Partnership also focuses on Concentrated Inspection Areas.

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90 Center for Community Progress, “Strategic Code Enforcement.”
(CIAs), similar to Ross’ “standard zones” concept. CIAs are defined by the City and take into consideration “neighborhood typology, the Citywide Plan, model blocks, targeted funding like NSP-II funds, and foreclosure/vacancy data.”93 The Partnership promotes collaborative communication and allows Cleveland to utilize both passive and active strategies. Cleveland also benefits from the public database known as NEO CANDO (Northeast Ohio Community and Neighborhood Data for Organizing).94 It is run by the Center on Urban Poverty and Community Development, a research institute housed at Case Western Reserve University’s Mandel School of Applied Social Sciences. NEO CANDO includes social, economic, and property data for 17 counties in the Northeast Ohio region and for neighborhoods in Cleveland.

Code enforcement promotes property maintenance such that an abandoned building is preserved for future use. Thus, some cities have specific departments and programs that highlight the term preservation, though not in the historic sense. For instance, New York City’s code enforcement division is called the Department of Housing Preservation and Development (HPD). Since 2011, the Proactive Preservation Initiative (PPI) has been the City’s approach “to preemptively identify at-risk buildings” and to provide the “tools or incentives to ensure that owners are both accountable and equipped to maintain their buildings in safe condition.”95 Through this system, buildings are surveyed, given appropriate action, and published to a public list. Figure 9 lists the four pathways a

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93 CD/ED Committee, “City of Cleveland Building and Housing / CDC Code Partnership [Presentation].”
building can follow as determined by the data and surveys. PPI is clearly New York City’s active approach to enforcement, though HPD still addresses complaints.

| Severe Physical Distress | HPD’s Proactive Enforcement Bureau (PEB) performs roof-to-cellar inspections, issues code violations where necessary, and makes emergency repairs resulting in tax liens on the property. A 45-day inspection confirms whether violations were corrected.

Housing Litigation Division pursues court-ordered repairs and civil penalties.

| Non-Emergency Physical Distress | HPD works with owners to assess needs, connects cooperative owners with assistance such as loans, or pursues uncooperative or absent owners with code enforcement.

| Little To No Distress | HPD monitors violation counts on a watchlist and resurveys if signs of deterioration emerge.

| Financial Distress | HPD may work with bank and owner to negotiate a transfer of the property into the hands of a responsible developer, with or without HPD loan assistance for repairs.

Figure 9: Building Pathways for New York City’s Proactive Preservation Initiative

Similarly, Huntington Beach, California and Phoenix use the term “Neighborhood Preservation.” Huntington Beach’s Code Enforcement Division created the Neighborhood Preservation Program to form partnerships and “eliminate and prevent blight conditions, while enhancing the appearance, quality of life, and community spirit of their neighborhoods.” They explain the difference between neighborhood preservation and code enforcement as preventive versus reactive: “Code Enforcement is effective in addressing problems on an individual basis, it does not typically address the

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96 Ibid.
underlying factors, which may have led to the violations occurring (and possibly recurring) in a neighborhood in the first place.” 98 Alternatively, Neighborhood Preservation focuses on improving the overall quality of life, namely by creating programming that educates, empowers, and builds community.99 Though the program does use code enforcement as one of its tools. Phoenix’s property maintenance code is called the Neighborhood Preservation Ordinance.100 For historic preservationists, this may seem misleading because the Ordinance focuses on blight elimination, not cultural resources. The Neighborhood Services Department enforces the Ordinance, ensuring the protection of “neighborhoods against hazardous, blighting and deteriorating influences or conditions that contribute to the downgrading of neighborhood property values.”101

Code enforcement is the most direct way for cities to hold property owners accountable. At its best, the tool addresses the problems caused by neglect and compels owners to take care of their properties. Older, abandoned properties certainly benefit from proper code enforcement. Howe explains, “The ultimate goal of a city's housing code is to maintain the existing stock of housing.”102 It prevents accelerated deterioration caused by time and lack of maintenance. Making owners patch up roofs, repair rotting porches, and repaint facades helps to preserve the older, abandoned properties. However, it is not as conducive to the historic preservation of non-designated properties. Should a property owner have to fix a broken window, the owner may chose to replace it with a new window that is not

98 Ibid.
99 Ibid.
101 Ibid.
similar to the original. Code enforcement only asks for the bare-minimum, an owner of a non-designated property does not have to replace in kind.

Locally and nationally designated properties get better protection from maintenance that may detract from their historical integrity and significance. Most ordinances and statues will require the owner of a historic property to follow the *Secretary of the Interior’s Standards for Rehabilitation* (the Standards) for maintenance guidelines. The Standards even define preservation:

> the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.\(^{103}\)

Not all historically designated properties have followed the high standards set for them, especially abandoned ones. In her master’s thesis, Cara Bertron tells the story of Over the Rhine, a locally and nationally designated historic district in Cincinnati.\(^{104}\) The neighborhood suffered from disinvestment, crime, and abandonment such that half of the building stock had been demolished.\(^{105}\) Bertron examines the reaction to this by local organizations and the City. Recognizing the historic significance and economic potential of Over the Rhine, Property Maintenance Code Enforcement Division Manager Ed Cunningham developed the Historic Stabilization of Structures program (Historic SOS). Bertron explains the Historic SOS funding program as “a code enforcement-led effort to


\[^{104}\text{Bertron, “Between a Rock and a Historic Place: Preservation in Postindustrial Urban Planning.”}\]

stabilize and rehabilitate unsafe ‘public nuisance’ buildings in designated historic districts.”106 This program and the initiative that brought it about have changed the way Cincinnati addresses abandoned historic properties. The City no longer sees demolition of these properties as the solution, but rather utilizes code enforcement to stabilize them.

Washington D.C. has also struggled with the coordination of code enforcement and its local historic preservation ordinance. Winston Sale writes about the Office of Historic Preservation’s (HPO) lack of resources to enforce the City’s Historic Landmark and Historic District Protection Act of 1978 (HPA). Though the HPO inspectors have the statutory authority to assess fines for violations of the act, they have little time to actually impose the violations. “Previously, HPO’s enforcement arm had co-existed with the District’s other building code inspectors in the Office of Civil Infractions (OCI), the building code enforcement division of DCRA.”107 When the HPO was transferred out from DCRA and into the Office of Planning in 2000, the HPO inspectors were left “solely responsible for both the inspection and administrative functions once performed while within OCI.”108 Sale explains that the HPO needs more staff so as to minimize the inspector’s time doing paperwork and attending hearings. Increased staff would maximize inspector field time and would even allow the HPO time to place liens on the properties with violations. HPO inspectors would be able to complete routine checks instead of only concentrating on complaints. Since the HPO currently only has two inspectors and no staff to handle over 25,000 designated structures, they should consider

108 Ibid., 5.
forming a partnership with a local non-profit, perhaps the D.C. Preservation League.¹⁰⁹
Collaborative communication would help the HPO implement both passive and active enforcement strategies.

¹⁰⁹ Ibid., 2.
Chapter 5: RECEIVERSHIP

If an abandoned property owner has been unable or unwilling to meet city code standards, then the local court can assign a “receiver” to restore the property back to code. This appointment of a receiver to abate the public nuisance created by abandoned properties is known as receivership. It is a tool that essentially gives legal permission for an interested party to stabilize, rehabilitate or demolish an abandoned property. By giving another entity control, receivership eliminates the public uncertainty about whether the owner will act responsibly. The focus is no longer on penalizing the owner, but instead on fixing the property.

While the main idea behind receivership remains consistent across the nation, the specifics vary widely within the states. Typically, there are several steps in the process and requirements, even where state-enabling statutes differ. Some states only allow municipalities to bring forth a receivership petition, yet others allow tenants, nearby property owners, neighborhood associations, and/or community development corporations (CDCs) to file a petition. Fundamentally, receivers should be well-versed in both the financial and the technical aspects of rehabilitation. Yet, those eligible to be a receiver will also change from state to state. The court has full discretion to choose in certain places, while others only allow government agencies and/or housing corporations. Additionally, a state provision may permit the owner to complete the rehabilitation with due diligence or petition the receivership action. All states authorize the receiver to operate, manage, and improve the property, including contracting for repair, maintenance, or, in some circumstances, even demolition, in order to bring the property
back in compliance with all code requirements. However, the handling of finances varies across the country. Depending on the state, a receiver can collect rents if there are existing tenants, borrow money, and/or place a lien on the property for the amount borrowed, all of which would be for property improvements, to be paid back by the owner.

Contingent on state legislation, receivership can end in several different ways. When the abandoned property’s conditions have been remedied, or the tenure is over, the court will discharge the receiver. Some state provisions will require the owner to petition for regaining control. Only a handful of states, for example Maryland, Pennsylvania, New Jersey, Ohio, Texas, and Wisconsin, establish that the property can be sold to a third party and the title will be cleared. Alan Mallach provides two tables, “Grounds for Receivership Action under Selected State Laws” and “Key Features of State Receivership Statutes,” that detail the differences between states and serve as an excellent resource for those interested in further investigating receivership statutes.110

The provisions, or lack thereof, that change in every state, in addition to obstacles with funding and completing the rehabilitation, explain why receivership is not a widely used tool. The unpredictability of needed improvements and budget can often deter potential receivers. Receivership is certainly unfavorable if rehabilitation costs outweigh the property’s market value, as in weak market settings. Rents are an unreliable source of income because the construction can displace renters for months at a time and the renters themselves can be unpredictable in terms of paying their bills. Borrowing money or

applying for grants become a necessity for the receiver, yet are not always guaranteed. Mallach offers a series of provisions that make receivership the most effective. The following is his list of ways in which states can strengthen their enabling legislation:

- Grant appropriate third parties with a clear interest in the matter, including nonprofit entities such as CDCs and housing corporations, the ability to bring receivership actions.
- Be drawn broadly enough to provide the courts with flexibility to address the wide variety of conditions that arise with respect to distressed rental property but not so broadly that it can be invoked for minor violations.
- Provide clear language requiring that the receiver be fully qualified but should give the court discretion within those parameters.
- Provide clear language authorizing the receiver to borrow funds for improvements and place liens on the property, which should take precedence over all preexisting liens other than municipal liens.
- Provide that the receiver be eligible to receive any public grant or loan funds – such as housing rehabilitation funds – that might be available to an owner of similar property.
- Require that prior to regaining control the owner pay outstanding taxes, as well as costs incurred by the receiver, and assume responsibility for the receiver’s liens, if any.
- Give the court continuing jurisdiction and permit the court to require regular reporting by the owner and monitoring of the owner’s management and maintenance of the property by the entity that brought the receivership action or the former receiver.
- Provide for a judicially supervised sale of the property if the owner fails to regain control within a reasonable period.\textsuperscript{111}

For the states that do have receivership laws, only a limited amount have met all of these recommendations in their statutes. The clearer the legislation is at the state-level, the more successful the tool will be at the local level. States with improved statutes enable their cities to effectively use receivership.

Baltimore and Philadelphia are two cities with differing laws, yet both well known for their receivership practices. Baltimore has utilized the tool for over 20 years. James Kelly

\textsuperscript{111} Ibid., 51–64.
explains the city’s need for vacant building receivers, “Communities with development capacity need to issue an ultimatum to owners of such abandoned properties: ‘Fix it or lose it! Cure your vacant house of all code violations, or you will have your interest in the property liquidated.’” Maryland’s statute is supportive of the city because it “explicitly provides that any of its provisions [with the exception of the definition of the defects and conditions that can trigger a receivership action] can be superseded by a local law enacted by a county or by the city of Baltimore.” Thus, the city follows their vacant building receivership ordinance in the *Building, Fire, and Related Codes of Baltimore City*.

Section 121, “Vacant Building Receiver,” only applies to unoccupied structures that are unsafe or unfit for use. According to the code, the Commissioner of Housing and Community Development or an authorized representative of the Commissioner (either a nonprofit housing developer or an established community association) must file the receivership petition. The legislation explains, “The Building Official may petition the court for appointment of a receiver to rehabilitate a vacant property, to demolish it, or to sell it to a qualified buyer.” The final point in that clause, allowing the receiver to sell the property to a qualified developer, has set Baltimore apart. At the Reclaiming Vacant Properties Conference 2013, Baltimore Housing’s Deputy Commissioner of Code Enforcement, Michael Braverman, explained that the court’s appointment of a third-party

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114 *Building, Fire, and Related Code of Baltimore City* (Baltimore City Department of Legislative Reference, 2013), sec. 103.1; Kelly, Jr., “Refreshing the Heart of the City: Vacant Building Receivership As a Tool for Neighborhood Revitalization and Community Empowerment,” 234.

115 *Building, Fire, and Related Code of Baltimore City*, sec. 121.2.
receiver makes the city different from others.\textsuperscript{116} One House at a Time, Inc. (OHAAT) specializes in this role. The nonprofit sells the properties at an auction and ensures the property will be transferred to a qualified buyer. This prevents the vicious cycle of a bidder becoming the next receivership case.

Philadelphia’s use of the tool provides a different perspective. The city follows Pennsylvania’s statute known as the Blighted and Abandoned Property Conservatorship law, or Act 135. It was enacted in 2009 and refers to receivership as “conservatorship” and the receiver as the “conservator.” The General Court Regulation 2009-01 governs the implementation of Act 135 in Philadelphia and requires adherence to civil procedural rules.\textsuperscript{117} The Housing Alliance of Pennsylvania stipulates conservatorship as “a specialized action designed to be used in a worst-case situation, in which no reasonable alternative course of action appears to be available to community members—a situation in which a favorable court decision will have been worth the time, money and paperwork involved in preparing a strong presentation to a judge.”\textsuperscript{118} Act 135 allows the conservatorship of residential, commercial, and industrial structures and their surrounding land. It further specifies the conditions for conservatorship of the blighted and abandoned property:

- ALL must apply:
  - Not legally occupied for 12 months
  - Not marketed for 60 days

\textsuperscript{117} Rachel Blake et al., “Conservatorship Handbook: How to Use Conservatorship to Address Blighted and Abandoned Property” (Housing Alliance of Pennsylvania, 2013), 23.
\textsuperscript{118} Ibid., 4.
o No foreclosure action
o Current owner longer than 6 months

• PLUS three (3):
  o A public nuisance
  o Needs substantial rehab
  o Unfit for occupancy
  o Increases risk of fire
  o Subject to entry
  o Not secured by owner
  o Attractive nuisance
  o Hazards
  o Decreases property values
  o Illicit Activities\(^{119}\)

A “party in interest” must file the petition. This is broadly defined, and includes either the current owner at fault, a lienholder and other secured creditor of the owner, a resident or business owner within 500 feet of the property, a nonprofit organization that operates in the city and has participated in a project within a one-mile radius of the property, or a municipality or school district in which the property is located.\(^{120}\) The tool is thus more inclusive in Philadelphia than in Baltimore. However, it is not as well practiced in Philadelphia. Although Act 135 permits the conservator to sell the property like in Baltimore, not one organization has stepped forward yet to specialize in effectuating conservatorship like in Baltimore.

Currently, State Representative John Taylor is working to add a new amendment to Act 135. The changes would broaden the scope by allowing vacant lots to be eligible for reclamation and by creating an even larger radius within which to allow a potential party

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\(^{120}\) Ibid.
The amendment would also alter sections on the appointment of the conservator, the powers and duties of conservator, the incurring indebtedness, and the sale of property. Rep. Taylor says of his bill,

> By encouraging the payment of costs and developer fees, by allowing the bundling of properties into one petition in limited and specific circumstances and by shortening the timeframe for court to hold the initial hearing, my bill encourages developers, non-profit entities and real estate professionals to initiate conservatorships on properties that meet the strict requirements set forth in the act.122

The revisions would help to further achieve the “balance between respecting the rights of property owners while ensuring that residents who invest in their properties do not have to live next to abandoned, unsafe, unsightly buildings and properties.”123 Should the amendment be added, more properties and parties in interest would be able to remedy the multitude of abandoned properties in Philadelphia.

Receivership (and conservatorship) is more beneficial than detrimental to the preservation of older, abandoned properties. The tool enables the rehabilitation of buildings, by effectively stabilizing and preserving the property. While the improvements could mean removing or covering up historically or architecturally significant elements, they also signify reinvestment and are better than losing the asset altogether. Further, for properties that are locally or nationally designated as historic, Baltimore and Philadelphia both recognize the importance of preserving the architectural features and historic

121 Specifically, changing the party in interest to include a resident or business owner within 2,000 feet instead of 500 feet, and a non-profit corporation within a five-mile radius instead of a one-mile.
122 John Taylor, Rep., House Co-Sponsorship Memoranda from Representative John Taylor to All House members (2013).
123 Ibid.
character to be in compliance with codes and historic preservation standards.\textsuperscript{124} James Kelly even points out how “the availability of a pervasive subsidy like an historic tax credit can mean a lot more to the market stability of a healthy neighborhood than several infusions of project-specific subsidies.”\textsuperscript{125} However, this particular subsidy requires the property to be income-producing, which it may not already be. Receivership’s main threat to historic resources is the allowance of demolition as a form of recovering the nuisance. If the property is included in or eligible for inclusion in the National Register and a federal undertaking is required, then the demolition would be subject to review according to Section 106 of the National Historic Preservation Act of 1966.\textsuperscript{126} Should no adverse effect be found, the receiver could still continue with demolition. If the property is locally designated, there is a higher likelihood for preventing demolition, of course unless a case for financial hardship can be demonstrated. Yet if the property falls into the right hands, if the receiver favors rehabilitation over demolition, this concern can be alleviated. Additionally, Philadelphia’s “Conservatorship Handbook” states, “If the property is located in a historic district and is to be demolished, design any replacement construction on the site in compliance with codes and historic-preservation standards.”\textsuperscript{127} Although receivership can be technically and financially challenging, it empowers urban communities to restore their sense of place.

\textsuperscript{124} Blake et al., “Conservatorship Handbook: How to Use Conservatorship to Address Blighted and Abandoned Property,” 27.
\textsuperscript{125} Kelly, Jr., “Refreshing the Heart of the City: Vacant Building Receivership As a Tool for Neighborhood Revitalization and Community Empowerment,” 237n.
\textsuperscript{126} National Historic Preservation Act of 1966 (United States Code, 1992), sec. 106.
\textsuperscript{127} Blake et al., “Conservatorship Handbook: How to Use Conservatorship to Address Blighted and Abandoned Property,” 27.
Chapter 6: MOTHBALLING

Mothballing is the act of stabilizing, securing, and protecting a vacant structure from weather damage and vandalism while preserving the structure for future use. Buildings are often mothballed to protect their real estate value or if they have particular historic or architectural significance. Also referred to as encapsulation, the process helps to prevent deterioration and potential loss. Alan Mallach explains, “In communities that still have a distinctive texture, however, particularly where that texture is widely perceived as contributing significantly to the neighborhood’s quality and revitalization potential, it becomes an important consideration.” If all other options for reuse have been exhausted or there are no funds to support full rehabilitation, then mothballing is a viable option. Sharon Park, historic architect at the National Park Service, offers the following nine steps to properly mothball a building from a historic preservationist’s perspective:

**Documentation**
1. Document the architectural and historical significance of the building.
2. Prepare a condition assessment of the building.

**Stabilization**
3. Structurally stabilize the building, based on a professional condition assessment.
4. Exterminate or control pests, including termites and rodents.
5. Protect the exterior from moisture penetration.

**Mothballing**
6. Secure the building and its component features to reduce vandalism or break-ins.
7. Provide adequate ventilation to the interior.
8. Secure or modify utilities and mechanical systems.
9. Develop and implement a maintenance and monitoring plan for protection.

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128 The term “vacant” is used in this chapter instead of “abandoned” because abandoned buildings may still have people living in them. To mothball a building, the structure cannot be occupied.


This is generally an expensive process, costing 10% or more of an inexpensive rehabilitation budget. Yet ultimately, “the money spent on well-planned protective measures will seem small when amortized over the life of the resource.”

In all likelihood, because it is quite an undertaking, mothballing has not been done on a large-scale like land banking or demolition. Most cities have legislation that requires property owners to stabilize and secure their vacant buildings, but neglects defining essential mothballing steps. For example, Detroit’s Code of Ordinances provides minimum requirements for vacant properties. These include basic exterior maintenance and sealing of the property, but disregard installing proper ventilation and managing utilities and mechanical systems. In Chicago and New York City, the rules for securing vacant buildings are more detailed than those of Detroit, yet they still lack essential steps in the mothballing process. The legislation is mindful of short-term issues such as safety hazards and physical appearance, rather than long-term issues such as building decay and loss. The short-term solutions are geared towards people’s needs, whereas the long-term solution of mothballing cares about the actual buildings and their longevity. Even most local historic preservation ordinances in cities do not mandate owners of abandoned historic properties to mothball. Furthermore, the enforcement of these laws

131 Ibid.
132 Ibid.
135 An exception here is Jacksonville, Florida. In 2011, the City amended its Ordinance Code to “insert language regarding ‘mothballing’ – a method of providing an enforcement alternative to owners of historic buildings to allow preserving the building from deterioration while efforts are made to pursue its
is minimal. If Detroit had rightfully administered their own legislation, then the houses in Figure 10 and Figure 11 would look more secured. Cities expect property owners to abide by the vacant property rules, but do not provide enough funding to enable proper code enforcement.

Figure 10: Vacant houses in Detroit


A handful of cities have created mothballing legislation that goes beyond just securing vacant buildings. In 2006, Augusta, Georgia, adopted the “Mothballing Vacant Structures” ordinance for all existing buildings, not just historically designated ones. Established in 1736, the City has a large inventory of old buildings, including approximately 6,200 properties within eight National Register Historic Districts. Augusta has struggled with a 38% decrease in population since 1950, and thus has been

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137 Kevin Bauman, “100 Abandoned Houses” (Surface & Surface, 2012), http://surfaceandsurface.com/category/documentary/.
looking for strategies to handle a surplus of abandoned properties. The City recognized “a community outcry to do something other than demolish many of the City's aging, vacant and sometimes dilapidated structures, many of them in historic districts.” The ordinance requires vacant building owners “who elect to temporarily mothball in lieu of repairing or demolishing the structure” to register their property with the Planning and Development Department and obtain a mothballing permit. According to the ordinance, “The three highest priorities for a mothballed building are: 1) to protect the building from sudden loss, 2) to weatherize and maintain the property to stop moisture penetration, and 3) to control the humidity levels inside once the building has been secured.” These mothballing requirements align closely with those outlined by Park. They incorporate the need for ventilation and are conscious of the building’s needs as well as those of the public.

Yet, concerned citizens criticized the law for allowing absentee landlords the option to keep their properties in mothball status for years. Pam Costabile, the Code Enforcement Division Manager, explained that the mothballing ordinance at present does not enhance the visual quality of neighborhoods. Currently, an amendment is underway to make the 2007 ordinance more effective by shortening the permit validity from one year to six months, shortening the extension period from one year to three years.

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141 Mothballing Vacant Structures (Augusta-Richmond County Code, 2006), sec. 7–1–19.
142 Ibid., sec. 7–1–19.3.
143 Ibid.
144 Author, Phone Interview with Pam Costabile, April 10, 2014 (2014).
months, and shortening the time allotted to mothball from 90 days to 15 days from the permit’s date of issuance.145 The amendment also changes the language of the three highest priorities: “1) to ensure the public’s health, safety and welfare; 2) to protect the building from sudden loss; and 3) to weatherize and maintain the property to stop moisture penetration.”146 Notice the change from prioritizing the building to prioritizing the public. Despite this shift in attitude, the amendment retains the ideal mothballing process set out by Park.

St. Louis is currently in the process of passing a bill that would fund both mothballing and demolition. Building Commissioner Frank Oswald explains, “Let’s keep the good stuff and try to get rid of the really bad stuff so we can create areas (of vacant land) where someone can go do something.”147 The City has over 300 properties and almost 100 districts listed on the National Register, one-fourth of the City’s 111,000 structures.148 Yet, between 2009 and 2013, St. Louis’ official count of vacant buildings grew by 26% because of the foreclosure crisis, weak housing market, and depopulation.149 To qualify for the funds, the structure must be located in one of the City’s historic districts or be on the National Register of Historic Places. The legislation would add a permitting fee of $4 for every $1,000 worth of electrical, plumbing, and mechanical work, then split the money equally between the stabilization fund and

146 Ibid., sec. 7–1–19.3.
149 Ibid.
demolition fund.\textsuperscript{150} The mayor’s office predicts the bill will generate about $1 million, giving $500,000 towards mothballing. However, Michael Allen, Director of the Preservation Research Office, points out:

The cost of stabilizing historic two-story brick buildings with masonry damage (the ones that need such a fund the most) could range from $20,000 - $50,000 if they are going to receive structural repairs, roofing and board-up. A $500,000 fund could stabilize maybe 10-25 buildings per year. Meanwhile, with another $500,000 added to an existing $3 million demolition fund, dozens more buildings will be demolished. The net impact of the fund will not be any great counterbalance to the city’s existing demolition policy.\textsuperscript{151}

He suggests allocating all of the funds toward stabilization, especially since there is already so much going towards demolition. Additionally, Allen explains the permit fee increase might deter rehabilitation – the reason why some preservationists actually oppose the bill.\textsuperscript{152}

Although it is often in the vocabulary of preservationists, and seldom on the minds of cities, mothballing is only a temporary solution. A vacant property cannot survive indefinitely through mothballing. Even when vacant buildings are mothballed properly, fulfilling each step of the process defined by Park, it can only protect the building for up to ten years.\textsuperscript{153} Meanwhile, the sealed building and lifelessness inhibit immediate placemaking. Mothballing helps to maintain a building’s physical integrity until the availability of rehabilitation resources. Although the policy tool may not invoke effective preservation in the short-term, it provides the opportunity for placemaking in the long-term.

\textsuperscript{150} Ibid.
\textsuperscript{151} Michael R. Allen, Michael R. Allen to Members of the Public Safety Committee, October 24, 2013 (2013).
\textsuperscript{152} Michael R. Allen, Email: Michael Allen to Author, February 18, 2014 (2014).
\textsuperscript{153} Park, “Mothballing Historic Buildings.”
Chapter 7: LAND BANKING

When cities face widespread property abandonment and are left with isolated, scattered parcels, an emerging tool cities are increasingly beginning to use is land banking (see Figure 12). This tool involves the formation of an agency – a land bank entity – to acquire, manage, and dispose of abandoned and tax foreclosed properties. Land banking aims to promote economic development, not to generate revenue as the name may imply. Alan Mallach explains, “The purpose of creating a land bank entity is to overcome significant impediments in the property acquisition and disposition system.”154 The end goal is neighborhood stabilization and encouraging re-use or redevelopment of the properties. Frank Alexander suggests, “In a weak market that has been declining for years, no single tactical option will suffice, and long-term land banking of excess inventory may be critical.”155 The tool has multiple benefits, including the ability to:

- Overcome barriers like tax liens and foreclosure processes that hinder the reuse and redevelopment of abandoned properties;156
- Hold the properties as a true “bank” when there is no market demand or productive reuse;157
- Provide marketable title to properties that previously had complicated liens and confused ownership histories;158
- Collect and categorize data about the abandoned properties;159
- Meet a range of public goals and policies through its discretion either to set the selling price for the property or to agree that the value of the consideration can be met through the development commitments of the transferee;160

156 Frank S Alexander, “Land Banks and Land Banking” (Center for Community Progress, 2011), 36.
157 Ibid.
158 Ibid., 9.
• Facilitate the transfer of ownership in a tax-delinquent property for redevelopment purposes, ensuring that abandoned properties are back on the tax rolls, and thus resulting in increased revenue and reduced maintenance cost burdens for local governments; and

• Assemble adjoining parcels to create a larger, more marketable property, selling them at below market rates to CDCs and other nonprofit developers to support the creation of affordable housing.

Land banking is a response to outdated tax foreclosure and property disposition systems. “Land banks replace those “liquidation” based systems – generally comprised of the sale of tax liens (the uncollected tax receivables of a given municipality) or public tax

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162 Ibid., 4.

auctions are essentially liquidation systems, wherein government trades their interest in tax-delinquent property to speculators, often for pennies on the dollar."164 The land bank entities can expedite the foreclosure process in order to quickly recover a property and prevent (or hinder) the negative impacts of an abandoned building on a community.

Mathew Samsa, author of “Reclaiming Abandoned Properties: Using Public Nuisance Suits and Land Banks to Pursue Economic Redevelopment,” adds, “in areas rife with abandonment, a land bank provides the best method of coordinating a multiplicity of local governments, agencies, and community activists under one umbrella in order to address the issues.”165 More recent land banks, those in the “third generation,” are known for this intergovernmental collaboration. For example, “Multiple municipalities within a given county may elect to participate in a single land bank, and multiple counties may join to create a regional land bank or to achieve economies of scale in intergovernmental contracts for land bank operations.”166

Because all places have their own unique set of characteristics, obstacles, needs, and statutory framework, no one land bank is the exact same as another. “Each land bank has a different set of policies and priorities, and each focuses on different strategies for land use and reuse.”167 A land bank’s focus can range from returning properties to tax rolls quickly to creating affordable housing to working towards long-term economic

Catering the land bank to the community’s goals is crucial for the success of the tool.

However, land banks do share common features; legislation, governance, and powers define a land bank. As with the other tools explored in this thesis, state and local legislation provide the structure for land banking regulations. The legal basis for creating a land bank comes from one of the following:

1. Existing municipality or county governmental framework, (“under general laws permitting them flexibility in organizing their governmental functions”)169
2. Statutes permitting local governments to create public benefit corporations or authorities for various purposes
3. Statutes specifically authorizing land bank entities170

Due to the fact that each state’s legislation is different, the approach and undertaking for creating each entity will differ. Places like Cuyahoga County and Atlanta/Fulton County were able to authorize their land banks pursuant to existing state enabling statutes. Yet other places such as Genesee County, Newburgh, and Syracuse had to create their land bank in the absence of state enabling legislation, and thereby enacted a new state enabling statute.171 Mallach emphasizes the challenge with doing the latter: “Amending the redevelopment statute might be easier than enacting a new law authorizing the creation of land bank authorities as such.”172 It is clear through the examples that land banks can be formed at the city or county level. To avoid confusion over jurisdiction

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170 Ibid.
boundaries, it is sometimes more beneficial to have only one entity and have it cover a whole county so that properties along the city-line border will not be neglected.

Just as legislation varies from one land bank to the next, so does their governance structure. Land banks are either an entity within a municipal government or an independent entity that is governed by a separate board of directors. Alexander describes how this is decided: “The governance structure of a land bank reflects three important variables that are different for every city. First is the nature of the allocation of authority between the state government and the local governments. Second is the presence of multiple local governments with overlapping jurisdiction. Third is the set of socioeconomic conditions of the particular community.”173 If the land bank is an entity or program within the government, the land bank manager reports to a senior municipal official, who then reports to the municipal chief executive.174 City council approval, especially with property disposition, may be required and can slow down the process with political pressures. The City of Cleveland’s Land Reutilization (Land Bank) Program is an example of this type of governance.175 The Program is housed within the Department of Community Development’s Division of Neighborhood Development, requiring that the manager must report up through the chain of authority all the way to the mayor.176

If the land bank is an entity independent from the government, such as a public legal corporation or a private non-profit, the manager or director reports to the elected board of directors.\(^\text{177}\) Public legal corporations can still perform some governmental functions if authorized by the law, and the board members may be appointed by or include local government officials.\(^\text{178}\) The Cuyahoga County Land Reutilization Corporation, also known as the Cuyahoga Land Bank, is an independent public entity.\(^\text{179}\) Private nonprofit land bank entities, on the other hand, allow private investment in redevelopment efforts, which is not permitted in public entities. Yet private entities do not get access to governmental functions. The Twin Cities Community Land Bank in Minneapolis is a private non-profit corporation.\(^\text{180}\) The main advantage of being independent from the government is “a degree of autonomy and independence from the various levels of bureaucracy and from political considerations that may characterize a local government structure.”\(^\text{181}\)

Within governance, staffing and funding are also dependent on each land bank. The staff is comprised of the local government’s personnel, a separate group of specialists not on the government’s payroll, or a combination of both. When the staff is city personnel, the land bank runs the risk of having employees not specialized in land banking and “policy or personnel changes in the city government [that] can disrupt long-term goals.”\(^\text{182}\) When the staff is separate, the land bank must have the capacity to hire such employees.

\(^\text{177}\) Alexander, “Land Banks and Land Banking,” 55.
\(^\text{178}\) Ibid.
\(^\text{180}\) Alexander, “Land Banks and Land Banking,” 57.
\(^\text{181}\) Alexander, “Land Bank Strategies for Renewing Urban Land.”
Funding for land banks can come from local government budget allocations, public and private grants, tax recapture, rental income, developer fees, property sales revenue, and a portion of the tax revenue from land bank properties. Federal funds from Community Development Block Grants (CDBG), the HOME Investment Partnerships Program (HOME), and the Neighborhood Stabilization Program (NSP) have helped establish new land banks and expand existing ones. Tax recapture includes tax increment financing (TIF), tax allocation districts (TADs), and statewide policies such as Michigan’s Brownfield Redevelopment Financing Act.¹⁸³ Land banks can lease their properties and collect rent, generate a developer’s fee ranging from 7% to 20% of the project cost, and utilize sales revenue for the entity’s operation costs.¹⁸⁴ Furthermore some statutes “permit local governments to dedicate to the land bank for a limited period of time a portion of the property tax revenues that are generated by the property once it returns to the tax rolls.”¹⁸⁵ Governance structure, staffing, and funding choices should all reflect the land bank’s specific objectives.

Land banks have the power to acquire, manage, and dispose of abandoned properties. These powers, and actions taken within them, are also known as the entity’s services, activities, or programs. Land banks, depending on their governance structure, primarily acquire properties through tax foreclosure, but can do so as well via donation, voluntary conveyance (such as government owned properties), purchase, and occasionally eminent domain. Acquisition standards vary between land bank entities: “Some land banks

automatically receive title to a property when it fails to sell for a minimum amount at a tax foreclosure sale. Other land banks may select which properties to pursue before a tax sale and still others retain the right to refuse to take title to particular properties.\textsuperscript{186} Flexibility is key. Legislation that limits land banks to only obtaining vacant land and not structures and to only tax-foreclosed properties hinders the tool’s success. Mallach exclaims, “Except where compelling reasons exist to the contrary, municipalities should give land banks the flexibility to acquire properties through all available means.”\textsuperscript{187} Similarly, Samsa says, “Authorizing a broad range of acquisition devices gives land banks extra flexibility which can aid redevelopment plans.”\textsuperscript{188} The more flexible land banking acquisition is, the more it will be able to mitigate abandonment.

After acquiring the properties, land banks must manage them. Management can involve a gamut of actions, including maintenance, nuisance abatement, leasing, rehabilitation, and demolition. Again, this changes from one land bank to the next. For instance, “The St. Louis Land Bank is given all powers ‘necessary and incidental to the effective management, sale, transfer or other disposition of real estate,’ and both the Louisville Land Bank and the Atlanta Land Bank are granted authority to ‘manage, maintain, protect, rent, lease, repair, insure, alter, sale, trade, exchange or otherwise dispose of any property.’”\textsuperscript{189} Just as an individual owner is responsible for maintaining the property at code, so is a land bank. General property maintenance can entail ensuring structural

\begin{itemize}
\item \textsuperscript{186} Samsa, “Reclaiming Abandoned Properties: Using Public Nuisance Suits and Land Banks to Pursue Economic Redevelopment,” 223.
\item \textsuperscript{187} Mallach, \textit{Bringing Buildings Back: From Abandoned Properties to Community Assets}, 131.
\item \textsuperscript{188} Samsa, “Reclaiming Abandoned Properties: Using Public Nuisance Suits and Land Banks to Pursue Economic Redevelopment,” 225.
\item \textsuperscript{189} Alexander, “Land Bank Strategies for Renewing Urban Land.”
\end{itemize}
integrity, cleaning the building, mowing the grounds, boarding and re-boarding windows, servicing sidewalks in front of the property, making repairs, and improving the appearance. Since this can be quite an undertaking, Mallach advises the collaboration of land banks with their city’s public works agency, code enforcement division, contractors, and community organizations. He justifies, “Such relationships can both strengthen the organization and reduce the need for the land bank entity to build its own capacity.”

As the property owner, land banks must also manage potential liabilities. Samsa indicates, “authorizing statutes should include provisions immunizing land banks from liabilities that may arise in connection with owning abandoned property as well as broad management powers encompassing all aspects of oversight.” Immunity to liability is key because the tool is meant to benefit the public and making the entities liable may result in indirectly punishing them for their efforts. The number of properties a land bank manages and the amount of time they will hold the properties differs from place to place. Where land banks automatically receive title to tax-foreclosed properties, their inventory will certainly be larger than those land banks that get to pick and chose which properties they want. Strong market cities are more likely to have a short-term land banking strategy whereas weak market cities tend to use the long-term strategy. The property turnover generally depends on demand and redevelopment initiatives. Mallach explains, “It can take large numbers of properties, recognizing that many will have to be held for years before they can be productively reused, or it can limit acquisition to a smaller number of

properties that can be reused immediately.”¹⁹² Land banks must determine which strategy would make them the most effective in their city.

The last essential power of land banks is the disposition of their properties. This happens through negotiated sale or conveyance for other than monetary consideration.¹⁹³ Land banks will dispose of properties in a variety of ways. Some aim to “return the property to private ownership that will be responsible in future years for payment of property taxes and for maintaining the property in compliance with building and housing codes.”¹⁹⁴ Others have “established preferred future uses of properties that are indicative of specific needs of the community.”¹⁹⁵ Pricing policies change from one land bank to the next as well. Both Alexander and Samsa recommend that properties be transferred for no less than fair market value.¹⁹⁶ For land banks to promote revitalization through property disposition, statutes must enable them to clear the property’s title. “As with receiverships, title to a property is worthless if it retains defects which could lead to a challenge of ownership. Statutes authorizing land banks, thus, should contain provisions that extinguish the claims of prior lienholders and owners.”¹⁹⁷ Land banks can also assemble properties to sell as a “bundle” to interested community organizations and real estate developers. Or, for nominal consideration, entities will convey “side lots” to the adjoining property owners. St. Louis, Cleveland, and Genesee County Land Banks all

¹⁹³ Brady, “Evolution of Specific Land Banks & Their Powers [Presentation],” 5.
¹⁹⁵ Ibid.
have side lot programs. Similar to acquisition, flexibility in disposition is key too. Entities should not be limited in who they sell or convey properties to; their policies and practices should remain consistent with their objectives. Mallach elaborates, “Ultimately, the success of the land bank entity will be measured by whether the parcels it conveys are redeveloped in a timely fashion in ways that are seen as desirable by the neighborhoods in which they are located.” Furthermore, Alexander simplifies the “ultimate success” of a land bank as “best measured by its own demise” because this indicates that all vacant, abandoned, and tax-delinquent properties have been transformed into new productive uses.

The Genesee County Land Bank Authority (GCLBA) in Michigan has become the most active land bank in the country, with an inventory exceeding 11,000 properties. It has been a “catalytic force” for the city of Flint, Michigan, the birthplace of General Motors. Having lost 49% of its population since its decennial peak in 1960, Flint’s abundance of abandoned properties benefit greatly from the county land bank. GCLBA was formed in 2002 initially as the Genesee County Land Reutilization Council and grounded upon pre-existing statutes authorizing interlocal cooperation agreements. After the passage of Michigan’s Land Bank Act of 2003, the entity then became GCLBA in 2004 under a new intergovernmental agreement between the county and state. It ushered in the second generation of land banks with new legislation that reformed property tax foreclosure laws.

202 Ibid.
As a public legal entity, GCLBA is allowed to receive any property – tax-foreclosed, abandoned, etc. – from the local government. GCLBA has a wide range of powers and programs, including foreclosure prevention, housing rehabilitation, property maintenance, demolition, weed and trash abatement, boarding vacant buildings, residential and commercial property sales, leasing, side-lot transfer, clean and green, adopt a lot, brownfield redevelopment, real estate development, and urban gardening.  

It disposes properties based on the following priorities:

1. Homeownership and affordable housing
2. Neighborhood revitalization
3. Return of the property to productive tax-paying status
4. Land assemblage for economic development
5. Long-term banking of properties for future strategic uses

Of the 18,525 foreclosed properties in the county since 2002, GCLBA has sold 4,683 properties and demolished 2,419 structures as of 2013 (see Figure 13). In regards to the 11,117 properties in the entity’s 2013 inventory, the “Genesee County Land Bank 2013 Annual Review” states, “468 are abandoned commercial and industrial properties, many of which are environmentally contaminated or so blighted that they need to be demolished. Of the remaining 4,716 residential structures, most have been stripped of any value and should be demolished.”

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205 Ibid.
Yet GCLBA has also “rehabilitated hundreds of homes—transforming the worst house on many city streets into the best.” 207 In coordination with the Genesee County Metropolitan Planning Commission, GCLBA has fully renovated 107 homes with federal NSP funding. It has taken on several historic rehabilitation projects as well. For instance, the entity acquired downtown Flint’s historic Durant Hotel in 2005 and began its $25 million renovation in 2008 in partnership with several foundations, two State agencies, the Environmental Protection Agency, and the County. 208 The Durant Hotel’s new mixed-use residential and commercial space was completed in 2010. Cara Bertron discusses GCLBA’s rehabilitation of various properties in a locally designated historic district (Carriage Town in Flint) and listed in the National Register. 209 More recently, the 2013 fall newsletter highlights, “With a $3.7 million HUD 202 Senior Housing grant, and additional funds from MSHDA [Michigan State Housing Development Authority] and federal historic tax credits, Communities First, Inc., a local community housing

206 Ibid., 3.
207 Alexander, “Land Banks and Land Banking,” 53.
development organization in partnership with the Genesee County Land Bank, is developing the old Oak School into 24-units of rental housing for low-income seniors.”

Though GCLBA emphasizes demolition, it recognizes need for rehabilitation of old, abandoned properties, historic or not. Preservation, as well as demolition, helps to maintain its mission: “to restore value to the community by acquiring, developing and selling vacant and abandoned properties in cooperation with stakeholders who value responsible land ownership.”

Other land banks have modeled themselves after GCLBA. In Syracuse, New York – a city that suffered from a 34% population decrease since its peak in 1950 – the Greater Syracuse Property Development Corporation (GSPDC) has modeled its newly formed land bank, the Greater Syracuse Land Bank (GSLB), after GCLBA and included a preservation focus. In GSPDC’s “2013 Performance Objectives,” one of its eight goals is to “Hold and maintain landmarks and properties of interest to the community in order to enable a rational planning process for their redevelopment.”

This focus is perhaps driven by the leadership of its executive director, Katelyn Wright, who obtained her Master of Planning from Cornell University with a concentration in historic preservation.

Land banks have the ability to not only acquire, manage, and dispose of abandoned properties, but also to encourage preservation.

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212 “2013 Performance Objectives” (Greater Syracuse Property Development Corporation, 2013).
Chapter 8: STRATEGIC DEMOLITION

A myriad of recent newspaper articles highlights demolition, as if not the most dominant, certainly the most visible policy tool cities use to address abandonment.²¹³ The Center for Community Progress (Community Progress) defines demolition as “a process that when carried out properly leads to the removal of a building in a way that protects the health of the neighbors and workers, provides for proper disposition of the waste materials from the building, and leaves the property ready for the most appropriate future reuse and which does not blight its surroundings.”²¹⁴ Demolition comes into play when the supply of buildings outweighs the demand, when there are serious health and safety hazards, or when the cost of their maintenance exceeds their value. In any or all such situations, it is of course essential that there are funds available to use this expensive tool.


Shrinking cities that have faced depopulation are now struggling with an oversupply of buildings. Even with rightsizing initiatives underway, “the shrinkage of these cities’ housing stock is less than the decline in demand.”\textsuperscript{215} Whether publically or privately owned, buildings that are an imminent threat to the health and safety of the public become a liability issue for the local government. Furthermore, as James Wilson and George Kelling theorize, “If the back alleys are cleaned up and the abandoned buildings torn down, the drug users will go away. They may even use fewer drugs, because they will have difficulty finding convenient dealers and soft burglary targets.”\textsuperscript{216} At the same time, some may argue this does not solve the larger issues like illegal drug usage, unemployment, and poverty; it only pushes the problems to other areas.

Regardless, the cost of maintaining abandoned buildings and the “potential damage to the stability of their surroundings while they remain standing often substantially exceed the benefits of keeping them.”\textsuperscript{217} Abandoned buildings are financial burdens for cities and their taxpayers, especially if the buildings are tax delinquent. For example, Philadelphia spends over $20 million on vacant property maintenance, and loses $3.6 billion in property values.\textsuperscript{218} And demolition itself is costly. Depending on the city, the process can cost anywhere from $7,500 (Cleveland) to $19,000 (Buffalo) for a similar single-family

\textsuperscript{215} Alan Mallach and Lavea Brachman, “Regenerating America’s Legacy Cities” (Lincoln Institute of Land Policy, 2013), 8.
frame house.\textsuperscript{219} In Baltimore, removing only the most practical 3,500 properties of the 10,000 demolition candidates would cost $165 million, whereas the City’s annual demolition budget is merely $2.3 million.\textsuperscript{220} So, the more funds there are available, the more cities will utilize the tool.

There are two ways cities use demolition: strategically or ad-hoc. Strategic demolition is a targeted, cost-effective approach to demolishing buildings and is integrated into a larger revitalization plan. It recognizes that not all abandoned properties can or should be demolished and that the lack of funds means it cannot be completed immediately. Thus, strategic demolition will:

1. Apply rational criteria for choosing which buildings should be demolished and which retained;
2. Link demolition targets and priorities with specific stabilization, redevelopment and reuse goals and strategies; and
3. Engage key players to ensure that decisions take all relevant considerations and perspectives into account.\textsuperscript{221}

Ad-hoc demolition is not cognizant of the bigger picture; it occurs in a piecemeal fashion. Michael Brady justifies, “It is like the old adage: if a tree falls in the woods and no one is there to hear it, does it make it [a] sound? If a dangerous building is demolished, but no one lives there, what value comes from removing that blight?”\textsuperscript{222} Demolition should happen strategically, where the removal of an abandoned building will help stabilize the

\textsuperscript{220} Michael Braverman, “Driving Outcomes through Strategic Code Enforcement [Presentation]” (Baltimore Housing, 2013), 25.
surrounding neighborhood, positively impact the property values, and generate possible reuse opportunities.

Baltimore has implemented strategic demolition through its Vacants to Value (V2V) program, as discussed in previous chapters. Amongst a variety of other vacant and abandoned property strategies, Michael Braverman explains their goal to strategically demolish blighted vacant buildings in distressed markets that have no development demand.\(^{223}\) Over the next few years, Baltimore plans to demolish 1,500 vacant buildings, giving priority to “whole-block demo sites that will create ideal green reuse pilot sites, protect the health of surrounding housing markets, or address public safety needs.”\(^{224}\) V2V has targeted sites for such strategic demolition with input from community leaders and residents.\(^{225}\)

When choosing which abandoned buildings to remove, strategic demolition encourages cities to consider the impact on the surrounding area’s physical texture. Community Progress emphasizes the need to take a whole block’s character into account:

> In the best cases, found not only in historic neighborhoods, but also in many traditional neighborhoods in cities around the country, buildings and spaces form a harmonious whole or ensemble. The buildings are not identical, but they share enough common features to blend into a whole that “fits together” in an observer’s eyes. The balance between buildings and open spaces, which urban designers refer to as the “rhythm” of buildings and spaces (or solids and voids), also contributes to this feeling of appropriateness.\(^{226}\)

\(^{223}\) Braverman, “Driving Outcomes through Strategic Code Enforcement [Presentation],” 23.

\(^{224}\) Ibid., 26.


Demolition can mar this rhythm and texture. Cities too often disregard these attributes of urban character, or aesthetics, that contribute to neighborhood quality and placemaking because they are more focused on the economic factors. For instance, even though Baltimore may implement a “fiscally responsible” form of strategic demolition, it may not be aesthetically responsible. For preservationists that fear “gap-toothed,” some of Baltimore’s demolition is certainly far from ideal (see Figure 14).

![Figure 14: Baltimore rowhouses before and after strategic demolition](image)

However, demolition of abandoned buildings on blocks that have lost or never had harmonious texture would not significantly detract from the neighborhood quality. The fabric of places that have already experienced demolition or redevelopment may have been compromised, and thus is less likely to suffer from further demolition. Community Progress illustrates, “Buildings may have been demolished or destroyed over the years and replaced by incompatible buildings, such as a gas station in the middle of a Victorian-era shopping street, or a ranch house faced with aluminum siding in the middle

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228 “Note: Because of the high costs of acquisition and relocation, whole block demolition wasn’t possible at this location.” Braverman, “Driving Outcomes through Strategic Code Enforcement [Presentation],” 24.
of a block of large 1920s brick houses.” To help determine which abandoned buildings to demolish and which to preserve, Mallach has developed a set of guiding criteria for cities as seen in Figure 15. His table from *Bringing Buildings Back* includes building quality, neighborhood fabric, reuse potential, and nuisance level. Mallach has also created a valuable “Property Demolition Decision Tree” based on the criteria (see Figure 16 and Figure 17 for a reproduction of the diagram). He begins the categorization with housing supply, since residential demolition partially relies on the city’s housing market demand. While the decision tree does not provide definitive solutions to every scenario, it does give cities an accessible technique for choosing what to demolish.

| TABLE 13.1 Criteria for Evaluating Whether to Demolish or Preserve Abandoned Buildings |
|---------------------------------|---------------------------------|-------------------------------|-------------------------------|
| Demolish                        | Preserve                        |
| Quality of building             |                                | The building is obsolete by virtue of small size or physical character. | The building is attractive, of high quality, or of architectural or historical value. |
| Neighborhood fabric             | The building is located in an area where the neighborhood fabric has largely been lost through incompatible land uses and demolitions. | The building is located in an area where the neighborhood fabric is still strong, and its physical presence contributes to that fabric. |
| Reuse potential of resulting lot | Demolition will facilitate a comprehensive rebuilding or revitalization strategy in the area. | Demolition will result in a potentially unusable vacant lot rather than an opportunity for redevelopment or revitalization. |
| Nuisance level of property      |                                | The nuisance impact of the building and the harm that it is doing in its present condition, in the absence of immediate reuse potential, outweigh the benefits of saving it for possible future reuse. | The reuse potential of the building, even if not immediate, outweighs the current harm that it does in its present condition, particularly if enhanced efforts are made to secure or stabilize the property. |

Figure 15: Alan Mallach's "Criteria for Evaluating Whether to Demolish or Preserve Abandoned Buildings"  

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229 Center for Community Progress, “Tool 1: Selecting Buildings For Demolition.”  
230 Mallach excludes the reuse potential criteria category for simplification purposes.  
231 Ibid., 177, Table 13.1.
Figure 16: Author's reproduction of Alan Mallach's "Property Demolition Decision Tree" for cities WITH a housing surplus.

Mallach excludes the reuse potential criteria category for simplification purposes.

\[\text{Ibid., 178, Figure 13.1.}\]
Figure 17: Author’s reproduction of Alan Mallach’s “Property Demolition Decision Tree” for cities WITHOUT a housing surplus. Mallach excludes the reuse potential criteria category for simplification purposes.

(Decision:
- Evaluate economic potential against level of nuisance and need to secure
- Possibly demolish unless economic potential exists
- Demolish
- Preserve
- Preserve if potential reuse exists
- Preserve if potential reuse exists
- Possibly demolish unless economic potential exists
- Preserve
- Preserve and enhance efforts to secure property
- Preserve if potential reuse exists
- Preserve if potential reuse exists

(Mallach, pp. 179, Figure 13.1.)
Once cities using strategic demolition determine which abandoned buildings they intend to take down, they should prioritize which ones should be demolished immediately and which ones can wait. Buildings that pose an immediate danger to the public and cannot be remediated through repairs are top priority. Cities will often have an emergency demolition list for these structures. Otherwise, the buildings should be prioritized with the following in mind:

- “Market and other neighborhood conditions;
- Other activities taking place in the same area [revitalization plans, new development projects, etc.]; and
- How much the abandoned buildings are affecting the vitality and sustainability of the block and area where they are located.”

To make the most informed prioritization choices, all key stakeholders should be involved. The collaboration of knowledge from city officials, land banks, redevelopment agencies, CDCs, neighborhood associations, and community members will “ensure that decisions take all relevant considerations and perspectives into account.”

Cities can use technology to assist the priority-making process as well. Esri’s ArcGIS (GIS) mapping software allows users to combine multiple sets of data and generate maps that target priority areas for demolition. Yongmin Yan and Kevin Switala, two GIS specialists, developed a GIS Decision Support Model (DSM) and Decision Support System (DSS) using criteria correlated with causal relationship and demolition prioritization, including the condition of vacant structures, number of vacant structures/block, social/cultural/economic anchors, ownership characteristics, parcel characteristics,

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235 Ibid.
elementary schools, home sales, population change, proximity to noxious land use, and market quality. Demolition done strategically – carefully selecting the abandoned buildings, prioritizing them, and consulting interested parties – will ensure its resulting impact on the area and city is as positive as it can be.

For general demolition, either ad-hoc or strategic, the legislation, protocol, and lot reuse plans vary widely from city to city. Legislation at the federal level primarily concerns asbestos abatement as directed by the Environmental Protection Agency (EPA). Should federal funds, like the Community Development Block Grant (CDBG) or Neighborhood Stabilization Program (NSP and NSP2) funds, be used for demolition, the city or honoree must fulfill a litany of requirements. These include the preparation of an environmental assessment known as an Environmental Review Record (ERR) as well as compliance with Davis-Bacon wage standards and federal waste disposal laws. Furthermore, Section 106 of the National Historic Preservation Act of 1966 comes into play when federal funds are involved and mandates a historic preservation review process.

State legislation will often augment that of federal. It can consist of state-specific asbestos laws, prevailing wage requirements, solid waste regulations, and state fees. States will also incorporate enabling laws for demolition and protocol to be followed. For example, the Housing Law of Michigan specifies demolition enforcement procedures for

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238 Ibid.
the hearing; testimony; determination to close proceedings or order building or structure demolished, made safe, or properly maintained; failure to appear or noncompliance with order; hearing; enforcement; reimbursement and notice of cost; lien; and remedies.\textsuperscript{239}

Several states have enacted fast-track demolition legislation, which is especially beneficial for cities that must otherwise go through the time-consuming and costly process of obtaining a court-ordered demolition. Chicago’s Fast Track Abatement Program, sanctioned through Illinois legislation and the City’s ordinance, “authorizes the City to board, repair, or demolish residential and commercial buildings of up to three stories or less in height that are vacant, open, and constitute a hazard to the community.”\textsuperscript{240} After all interested parties are given notice and opportunity to board, repair, or demolish their building, demolition can take only ninety days or less if the owner fails to act.\textsuperscript{241}

Local legislation is especially dependent on its city. Building inspectors within the city government have the authority to issue demolition notifications or citations. Unless a building is on the emergency demolition list, the local demolition ordinance should implement processes for deciding to demolish or preserve, for prioritizing, and for reviewing the candidate building. Throughout these processes, the ordinance should require the consultation of a committee comprised of relevant parties and key stakeholders. As Mallach emphasizes, building inspectors and city council members alone should not make these decisions. He explains the need for other governmental

\textsuperscript{239} Housing Law of Michigan: Act 167 of 1917 (Michigan Legislature, 2003), sec. 125.541.141.4.
participants, including staff from city housing and development, community
development, neighborhood revitalization, and, if one exists, the historic preservation
commission.242 The ordinance should give the city power to demolish “city-owned
properties; privately-owned buildings posing an immediate health and safety hazard,
particularly those rendered unstable or incapable of being secured as a result of severe fire
damage; and privately owned buildings whose owners have been given notice to
demolish under city ordinances and failed to do so.”243 Owner notification procedures for
these public demolitions will vary from one ordinance to the next. For private
demolitions, cities will often require the owner to apply for and obtain a demolition
permit. Whether done publically or privately, further paperwork and documentation may
be required for the contractor.

Cities and contractors do not have a universal protocol for the physical removal and
disposal of buildings. General practices include posting public notices, removing
hazardous materials and chemicals, like asbestos, knocking down walls, taking out the
foundation, clearing the site, and disposing the waste.244 For cities completing large
amounts of demolition, Community Progress suggests they “explore creating or buying a
landfill, something that is likely to be difficult in the short run, but may save millions in
the long run.”245 As a part of the East Baltimore Revitalization Initiative, East Baltimore
Development Incorporated developed a set of best practices for mitigating health and

243 Ibid., 179–180.
245 Center for Community Progress, “Tool 3: Good Demolition Practices” (Center for Community
Progress), accessed April 30, 2014, http://www.communityprogress.net/tool-3--good-demolition-practices-
pages-335.php.
safety hazards during demolition, which can be seen in their report “Responsible Demolition: A Baltimore Case Study with National Implications.” Their work has influenced a move towards reform in other cities, such as Chicago, St. Louis, and Detroit.

Deconstruction is an alternative approach to demolition. It is the careful and systematic dismantlement of a building’s structural components one large section at a time. These sections are further disassembled at an off-site location to ultimately be reused. Although it takes longer and costs more than traditional demolition, deconstruction creates more jobs, is more environmentally conscious, and better protects public health. Deconstruction of older, abandoned buildings that have unique architectural features and use rare materials is far more conducive to their preservation than demolition. The ReUse People of America (TRP) is a nonprofit that specializes in deconstruction and helps building owners offset the cost of deconstruction by obtaining tax deductions from donating their reusable materials. Since 1993, TRP has deconstructed 2,000 buildings, salvaging up to 80% of the materials, and consequently diverted over 350,000 tons of reusable materials from landfills. TRP has offices all over the country: San Diego, Los Angeles and Sacramento, California; Boise, Idaho; Salt Lake City, Utah; Dallas and Houston, Texas; Kansas City, Missouri; Chicago, Illinois; Cleveland, Ohio; Hamden, Connecticut; Durham, North Carolina. Although several non-profit and for-profit

companies emphasize and utilize deconstruction, it has not had the same nationwide momentum as demolition.

After the building has been removed, cities should incorporate a reuse plan for the vacant lot if one does not already exist. Cities have implemented a variety of post demolition schemes for the remaining land. Ideally, there will be a specific redevelopment plan set in place, such as new low-income housing units, a community center, a school, or any other project relevant to the area’s needs. Mallach provides a list of potential reuse options in “Laying the Groundwork for Change: Demolition, Urban Strategy, and Policy Reform,” including community gardens, community orchards, mini-parks, park expansion, pathways, and off-street parking.249 Selling side lots to adjoining property owners is another option as explained in Chapter 7 on land banking. Solar energy fields and storm water management sites can be formed from vacant lots as well.

Detroit’s amalgamation of approaches to demolition are slowly becoming more strategic. The Dangerous Buildings/Demolition Division, as part of the Buildings, Safety Engineering and Environmental Department agency in Detroit, “responds to complaints of dangerous buildings, prepares cases to obtain a demolition order from City Council and engages demolition contractors in the removal of dangerous and abandoned structures in accordance with the Michigan Housing Law and City of Detroit Ordinance 290-H.”250 According to an article from Detroit 2020, the City must follow a 36-step

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process for privately owned, non emergency demolition buildings.\textsuperscript{251} For each structure, the 36 steps include providing the opportunity for due process and obtaining City Council approval via a vote for demolition.\textsuperscript{252} Even though Detroit demolished 32\% of its 1960 housing stock between 1960 and 2000, there are still approximately 78,000 abandoned structures and 66,000 vacant lots.\textsuperscript{253} According to Detroit’s “Vacant Properties Toolbox,” “The City does not provide a checklist for determining whether a building should be demolished.”\textsuperscript{254} Though Detroit offers basic guidelines about demolishing dangerous buildings, the City could move further toward strategic demolition by utilizing the aforementioned decision tree.

Former Detroit Mayor Dave Bing pledged to demolish at least 10,000 vacant structures during his four year term.\textsuperscript{255} With the help of federal funds, such as NSP2, the City demolished just under 10,000 buildings between 2010 and 2013.\textsuperscript{256} Yet especially since Detroit entered bankruptcy through Chapter 9 of the United States Code in late 2013 with $18 billion in debt and long-term liabilities, the City has not had enough resources to

\textsuperscript{251} The Demolition Division’s webpage, cited above, has a document called “Procedure for Non-Emergency Demolition.pdf” under the FAQ section, which would likely also have this information. However, the document is inaccessible to the public because it is not hyperlinked like the others in that section.

\textsuperscript{252} City of Detroit, “Demolition | Division | Buildings, Safety Engineering & Environmental.”


\textsuperscript{256} Orr, “City of Detroit: Proposal for Creditors Executive Summary”; Hackney, “Bing on Plan to Demolish 1,500 Abandoned Homes: ‘It Won’t Stop Here’.”
tackle all of the abandoned properties. When Michigan Governor Rick Snyder announced that “Detroit will receive $52.2 million of the total sum of Hardest Hit Funds from the United States Department of Treasury for demolition of residential structures in Michigan,” money became less of a hurdle and plans quickly started forming. Dan Gilbert, founder of Quicken Loans, developer in downtown Detroit, and member of the Blight Removal Task Force, exclaimed, “We have to get it all down.” He and others believe Detroit’s solution for the plethora of abandoned buildings is to demolish every last one.

Currently, the EPA is working in partnership with the Detroit Blight Task Force, the Detroit Land Bank Authority (DLBA), and Detroit Future City to “provide support to the Blight Task Force’s reporting and recommendation process for the net benefits mobilization of Hardest Hit Funds in Detroit.” The Task Force has taken on the Motor City Mapping project – a surveying project with the help of Loveland Technologies and Data Driven Detroit “to determine just what property is salvageable among the estimated 80,000 abandoned buildings.” The DLBA is in charge of allocating the Hardest Hit Funds (HHF) in Detroit and has chosen to focus on “six target neighborhoods based on

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258 Ibid.


the idea that strategic demolition can help raise property values and stabilize neighborhoods.” 261 Detroit Future City is a strategic framework that serves as a “detailed long term guide for decision-making by all of the stakeholders in the City.” 262 It also specifically mentions the use of deconstruction in addition to demolition for eliminating neighborhood blight. Reclaim Detroit, founded in 2011 as a part of EcoWorks and kickstarted by job training through Detroit GreenWorks Solutions, works to make deconstruction the choice over demolition. 263

For historic preservationists, the use of HHF for strategic demolition is a great concern because they do not require Section 106 review. Preservation Action explains, “In their [the Treasury’s] estimation the Hardest Hit Fund is an investment, not typical government spending, and thus the state can use these funds to demolish historic structures without triggering Section 106 review.” 264 This threatens the protection of historic sites and districts eligible for or listed on the National Register.

For Detroit, the Michigan State Housing Development Authority (MSHDA), the entity in charge of dispersing HHF, decided to exclude listed historic properties from demolition, 261 Emilie Evans, “Smartphone Survey Contributes to Detroit’s Rightsizing Conversation,” The Blog for Preservation Leadership Forum, March 11, 2014, http://blog.preservationleadershipforum.org/2014/03/11/smartphone-survey/#.U2juJK1dW2r.
but not eligible ones.\textsuperscript{265} Though MSHDA has chosen to protect some historic properties outside of Section 106 requirements, it still leaves the opportunity for others to be lost. Fearing this loss, the Michigan Historic Preservation Network (MHPN), in conjunction with Preservation Detroit, surveyed every building in National Register-eligible historic districts within the six neighborhoods where the DLBA plans to use strategic demolition. In two weeks, 50 volunteers (professionals with experience in historic preservation, architecture or architectural history) used a web-based, smartphone accessible platform developed by LocalData, “to assess each building’s architectural integrity, determine whether it was in keeping with neighborhood character, evaluate the intactness of the block, and note whether the building warranted further research.”\textsuperscript{266} The survey emphasizes preservation’s role in strategic demolition by offering the DLBA and the Motor City Mapping project with more information to take into account when choosing what to demolish. “The DLBA, building upon an already established relationship with MHPN, invited MHPN staff members to the table and welcomed the survey as a valuable tool to help inform its demolition decisions.”\textsuperscript{267} With the HHF as a driving force, both the planning and preservation communities have come together and begun working toward a more comprehensive and strategic demolition plan.

Some historic preservationists have begun to accept demolition as a necessary tool for addressing abandoned properties. Demolition, done strategically, can promote urban regeneration and further placemaking initiatives. In an article, Emilie Evans explains, “A

\textsuperscript{265} Evans, “Smartphone Survey Contributes to Detroit’s Rightsizing Conversation.”
\textsuperscript{266} Ibid.
\textsuperscript{267} Ibid.
symbiotic relationship between demolition and preservation means a stronger, more vibrant city. Preservationists have the opportunity to demonstrate where change and compromise are possible, as well as to point out and pursue opportunities for preservation.” 268 The report by Cara Bertron and Donovan Rypkema, “Historic Preservation and Rightsizing: Current Practices and Resources Survey,” analyzes the use of scattered demolition versus concentrated in 20 cities nationwide and recognizes that 88% of those cities are demolishing buildings in one form or another.269 During her lecture for the Gray Area Preservation Provocateur series, Cara Bertron delved into historic preservation’s role in terms of demolition. At the end she emphasized, “And strategic demolition is a necessary way to remove excess urban fabric and open new possibilities for land. We cannot ignore demolition, and we cannot condemn it wholesale and still be heard as effective participants and potential partners.” 270 To be successful placemakers, preservationists must accept, promote, and help guide strategic demolition.

Chapter 9: CONCLUSION

For preservationists to grow as placemakers, they must understand what others are doing for placemaking. Effective preservationist placemakers will understand what tools cities are using to address abandoned properties. To instill a sense of place, the historic preservation community has to deal with abandoned properties, and must see what it can do to help cities mature their tools and strategies. These tools offer the historic preservation community options on both the micro, site-specific level or the macro, community-oriented level. For example, mothballing at the micro level helps to ensure that a placemaking asset is saved for a later time when reinvestment is possible. Strategic demolition, at the macro level, is useful for overall preservation in areas where historically inappropriate modern intrusions, such as gas stations or big-box stores, detract from placemaking.

Out of this exploration, two major themes have arisen: the extraordinary degree to which legislation varies from city to city, and the fundamental lack of resources. Just as preservation varies from city to city, so do the policy tools cities use to address abandoned properties. No one tool is used the same way in every city. A major cause of this originates from the federal structure of the United States, which breaks up authorities such that all municipalities cannot easily adopt the same legislation regarding abandoned properties. Enabling legislation varies greatly between states, and thus establishes a different statutory framework for these tools from one city to the next. While the model form of each tool creates a narrow set of parameters, cities must cater the tool to their needs within these parameters and their enabling legislation. Every place has its own
defining set of characteristics with their associated advantages and disadvantages. Cities should acknowledge this by tailoring their tools and ultimate strategy for combating abandoned properties.

In practice, as examined in this thesis, all of the tools seem to lack adequate and appropriate resources in one way or another. One of code enforcement’s largest barriers is the absence of enough enforcers – allotted by the municipal budget – to ensure properties are being maintained. Most cities only require abandoned properties to be stabilized and do not embrace mothballing because the full mothballing process is more expensive, even though it better preserves the asset over time. Cities do not commonly implement receivership because the tool can involve complex litigation and may require the receiver to pay for rehabilitation costs up front. Land banks must rely on uncertain federal funds, potentially unreliable rents, and capricious property sales revenues. Strategic demolition suffers the most from the scarcity of funds, because without federal programs and grants the tool can only be used in a piecemeal fashion. To combat this pervasive lack of resources, some cities are initiating partnerships with nonprofits and private entities. Code enforcement, receivership, and land banking especially take advantage of the resources others can provide.

The thesis has explored the ideal form, the city examples, and the relationship with preservation of code enforcement, receivership, mothballing, land banking, and demolition. This compilation offers preservationists with their own guide to better understand the policy tools cities are using to address abandoned properties and begin to develop ways in which they can further advance those tools.


Alexander, Frank S. “Land Banks and Land Banking.” Center for Community Progress, 2011.


Allen, Michael R. Email: Michael Allen to Author, February 18, 2014 (2014).


Author. Phone Interview with Pam Costabile, April 10, 2014 (2014).


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http://repository.upenn.edu/cgi/viewcontent.cgi?article=1190&context=hp_theses.


“How Can Municipalities Confront the Vacant Property Challenge?” Business and Professional People for the Public Interest; Chicago Metropolitan Agency for Planning; and Metropolitan Mayors Caucus, 2010.


Morris, Mike. “City Hopes to Double Dangerous Building Demolitions.” Houston Chronicle, April 23, 2014.


“Texas Problem Properties Toolkit.” The Community Development Clinic at the University of Texas School of Law, 2010.


APPENDIX

For Future Research

This thesis provides a hyper-focused exploration of only five tools and within the constantly growing field of placemaking and preservation. While compiling research and completing this thesis, the following topics arose as potential for future research:

1. Federal funding for these rightsizing initiatives – Do cities actually fulfill Section 106 requirements or do they scurry around them, such as with the Hardest Hit Funds?

2. What about the other tools cities use to combat abandoned properties? Only five were explored here, but there are many more that deserve a similar exploration.

3. Most attention is paid to vacant residential property, but what is specifically being done about industrial or commercial properties?
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