



# **Mark Robert Patrick Manning:**

## **Introductory Webinar**

Hosted by the IACP BCJI Training and  
Technical Assistance Team  
November 2022

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# STRATEGIES FOR ABATING NUISANCE PROPERTIES

Presented by:

Mark Robert Patrick Manning

Senior Assistant City Solicitor, City of Cincinnati

# OVERVIEW

- Approaching Nuisance Properties
- Cooperative/Noncooperative Owners
- Common Responses
- Building a Case
- Enforcement
- Limits to Enforcement Tools
- Case Study

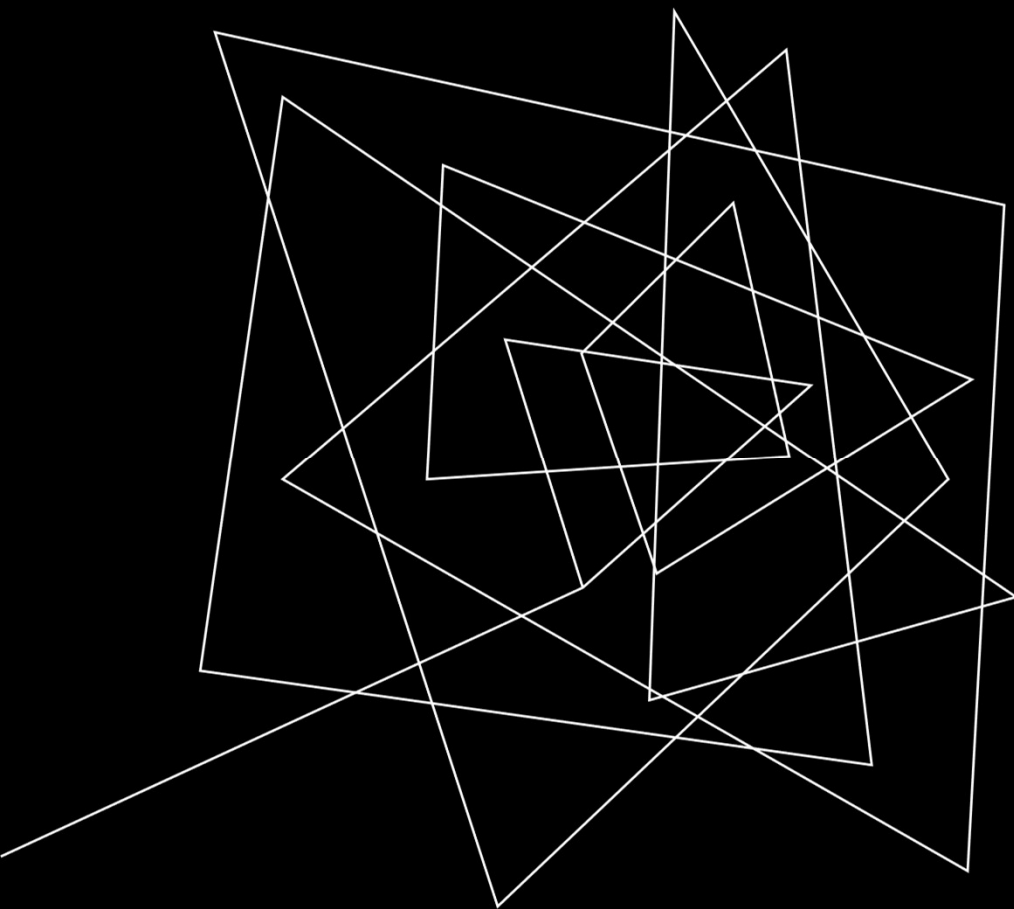


# MARK MANNING

IACP BCJI TTA Consultant

## Background

- Attorney since 2011, licensed in Ohio, Kentucky (inactive), District Court for the Southern District of Ohio, and Sixth Circuit Court of Appeals
- Hired in 2012 to manage Cincinnati's chronic nuisance ordinance
- Prosecuted more than 150 nuisance cases in court and almost 1000 chronic nuisance cases, including largest nuisance receivership in Ohio history
- Argued before Ohio Supreme Court
- Oversees crime-related nuisance prosecution, chronic nuisance enforcement, and liquor enforcement
- Managed the Code Enforcement Response Team and Landlord Training Program
- Helped establish Cincinnati's Place-Based Investigations of Violent Offender Territory (PIVOT) strategy that won 2017 Herman Goldstein Award
- Ohio Peace Officer Training Academy certified trainer



THIS IS NOT A  
LEGAL TRAINING  
OR LEGAL ADVICE

There is no replacement for consulting  
your own attorney about the laws in  
your jurisdiction



## APPROACHES TO PROBLEM SOLVING NUISANCE PROPERTIES

To solve a problem, you need to understand it: Learn how the crime environment functions

# Organization of Crime Places

## Crime Places (Madensen & Eck, 2013)

**Proprietary  
Places**  
(single address)

- **Crime Sites** -- micro-places where crime occurs
- **Convergent Settings** -- routine public meeting places (Felson 2003)
- **Comfort Spaces** -- offender created private staging and lounging locations (Hammer 2011)
- **Corrupting Spots** -- crime places that create crime at other places (Madensen & Eck, 2013)

**Proximal  
Places**  
(places that influence each other through close spatial proximity)

**Pooled  
Places**  
(large aggregate areas  
- e.g., neighborhoods)

**Meeting  
Supplying  
Staging**

# 4 Types of Crime Places

(Madensen & Eck, 2013)



What we see  
on crime maps

What is unseen  
without systematic  
investigations





# LOCATING PLACE MANAGERS

## How do you find the owner?

- Court Records
- Utility Records
- Local Rental/Owner Registrations
- Property Transfer Records
- Collections Databases (LexisNexis)
- State Secretary of State Business Registrations



# APPROACHES TO PROBLEM SOLVING NUISANCE PROPERTIES

## Cooperative

Focuses on collaboration and problem solving with property owners and managers who are willing to take steps to help reduce crime

## Non-Cooperative

Owners and managers who are reluctant or unwilling to reduce crime



# COOPERATIVE OWNERS AND MANAGERS

## Strategies for Collaborative Working Relationships

When you learn a place manager's motives and barriers to collaboration, you can more effectively communicate and influence their behavior:

- Convenience
- Money
- Lack of Understanding
- Cultural Differences
- Fear
- Community pressure



# NON- COOPERATIVE RESPONSES

- Blame the police
- Blame the neighborhood
- Selective enforcement
- Discrimination
- Gentrification

EVALUATE

Locate stakeholders and allies

ANALYSIS

Listen and gather information. Assess the physical environmental.

WORK WITH  
STAKEHOLDERS

Communicate the plan to stakeholders, try to instill ownership of the problem and build the solution together.

ENFORCE

Those who won't participate or follow through, take action.

## BUILDING A CASE



# DOCUMENT, DOCUMENT, DOCUMENT

## LEGAL SOLUTIONS

### Injunctions

Designed to eliminate the harm to the public:

- Padlock the premises
- Abate the nuisance
- Cooperate with police
- Report crime
- Appointment of Receiver

### Criminal and Civil Penalties

To punish and deter offensive conduct:

- Jail
- Fines/Damages
- Loss of licenses
- Loss of property

A series of thin, dark grey lines intersecting to form a series of overlapping, irregular polygons on the left side of the slide.

# ENFORCEMENT

What do I need to prove?

Learn the prerequisites

What do I want?

Changes to people's actions (management)  
and/or the physical environment

Who do I want it from?

Identify those who control whether the changes  
happen

Is there anything I need to  
prove the case or understand  
the problem?

Create list of additional sources of information





# WHAT DO NUISANCE LAWS DO?

## Tools for Nuisance Abatement

Nuisance actions are unique:

- Public nuisance law protects public rights, not private rights
- Public nuisance traditionally focused on the existence of a harm or injury, not the defendant's conduct

But in the American system:

- Focus is on defendant's conduct, not the harm
- Suit can be brought by private parties, not just public authority
- Damages



# PERMITS AND LICENSING

What are they? Permission from the government to engage in some kind a highly regulated conduct such as the sale of liquor, operation of rental housing, vending, food preparation, etc.

## Pros:

- Usually applicable to the licensee's activity
- May create useful tools, such as the ability to inspect without a warrant (check your local law)

## Cons:

- Can be slow, lengthy administrative process with appeals
- Loss of license is punitive and does not abate the problem

A series of thin, dark grey lines intersecting to form various geometric shapes, including triangles and quadrilaterals, located in the upper left quadrant of the slide.

# HEALTH AND SAFETY CODES

Laws that exist to ensure the protection of the public, such as building codes, fire codes, health codes, litter/dumping, etc.

## Pros:

- Usually applicable
- Can quickly produce a result

## Cons:

- No control over enforcement
- Compliance may not reduce crime

A series of thin, dark grey lines intersecting to form various geometric shapes, including triangles and quadrilaterals, located in the upper left quadrant of the slide.

# NUISANCE ORDINANCES

Ordinances directly targeted at reducing criminal activity in a place, such as chronic nuisance ordinances that target repeat calls for police service, “drug free” housing regulations that require zero tolerance of any drug offense in rental units, anti-loitering laws, or drug/prostitution exclusion zones

## Pros:

- Directly targets the problem activity
- Can be easily and quickly employed

## Cons:

- Can violate federal law if not applied judiciously



# LIMITS TO NUISANCE ENFORCEMENT

## Fair Housing Act

Disproportionately impacting a protected class with fines or eviction

## Violence Against Women Act

Punishing the victim of crime (domestic or dating violence) to discourage reporting

## Americans with Disabilities Act

Retaliating against individuals who are disabled for minor criminal violations or repeatedly calling the police

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# LIMITS TO NUISANCE ENFORCEMENT

## Check Guidance from HUD

Tenant Screening:

[https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF)

Nuisance Ordinances:

<https://www.hud.gov/sites/documents/FINALNUISANCEORDGDNCE.PDF>



## DO'S

KNOW THE LAW AND THE FACTS BEFORE  
YOU ACT

COMMUNICATE EXPECTATIONS CLEARLY  
TO OWNERS, MANAGERS AND RESIDENTS

FOCUS ON CRIME REDUCTION AND  
SAFETY, NOT POLICE RESOURCES

TREAT VICTIMS AND MENTAL HEALTH  
WITH CAUTION

DOCUMENT, DOCUMENT, DOCUMENT



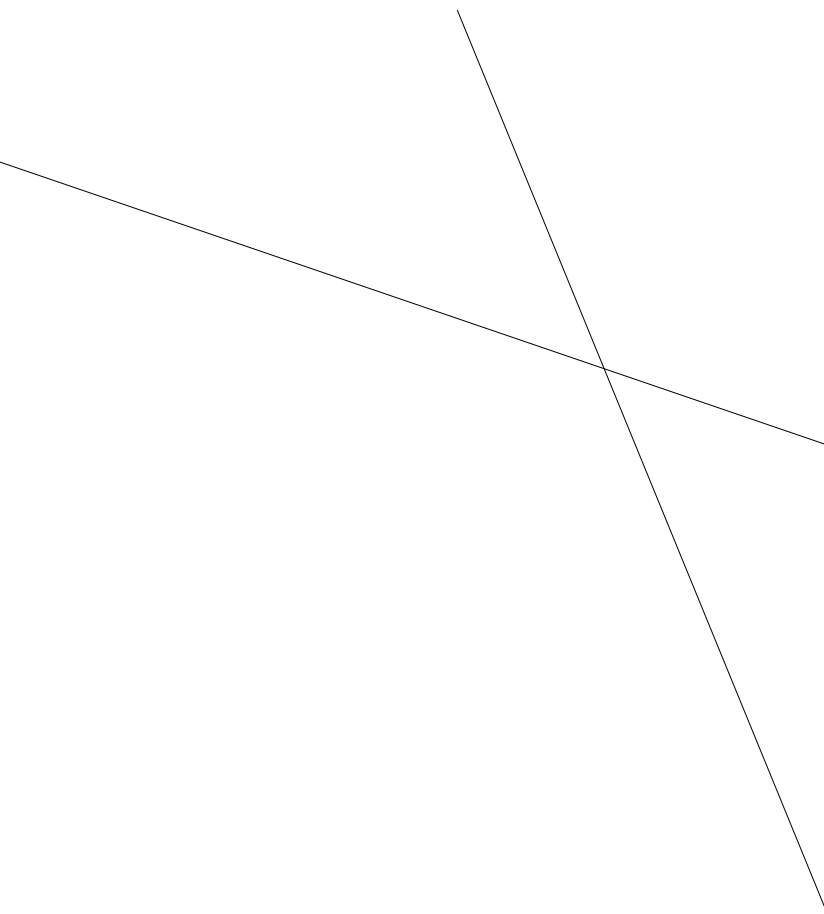
## DON'TS

PUNISH VICTIMS OR REPORTERS OF  
CRIME

ASK/TELL LANDLORDS TO EVICT  
WITHOUT EVIDENCE

ASK/TELL LANDLORDS TO SCREEN OUT  
RESIDENTS FOR ANY CRIME OR ARREST





FOCUSING ON REDUCING  
THE HARM, NOT  
SUPPRESSING REPORTING  
OR PUNISHING A VICTIM,  
WILL STEER YOU CLEAR OF  
MOST LEGAL  
ENTANGLEMENTS



## Sycamore Hotel

7759 Reading Rd, Cincinnati, OH

 Write a review

3.4  6 reviews

Sort by: Most helpful 



**James B, Cin Oh**

3 years ago


 Raided by police, boarded up

 Helpful?



**A Google User**

4 years ago

 there is blood on the sheets and burn holes in the sheets and trash under the bed and white stuff on the floor it is gross and front desk dont care about what you need and your health do not stay here if you dont want bed buggs or HIV or any STDs

 Helpful?



**A Google User**

7 years ago

 This is the most disgusting place I have ever been, and is infested with bed bugs.

 Helpful?

Roselawn Priority 1-4 Calls-for-Service Density by Year: 2011-5



**SYCAMORE HOTEL**

**297** FEWER CALLS-FOR-SERVICE ANNUALLY(-93%)

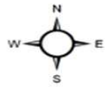
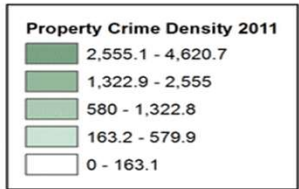
**30** FEWER REPORTABLE OFFENSES ANNUALLY  
(-85%)

**ROSELAWN (ENTIRE NEIGHBORHOOD)**

**785** FEWER CALLS-FOR-SERVICE ANNUALLY(-13%)

**267** FEWER REPORTABLE OFFENSES ANNUALLY  
(-29%)

## Roselawn Property Crime Density by Year: 2011-4

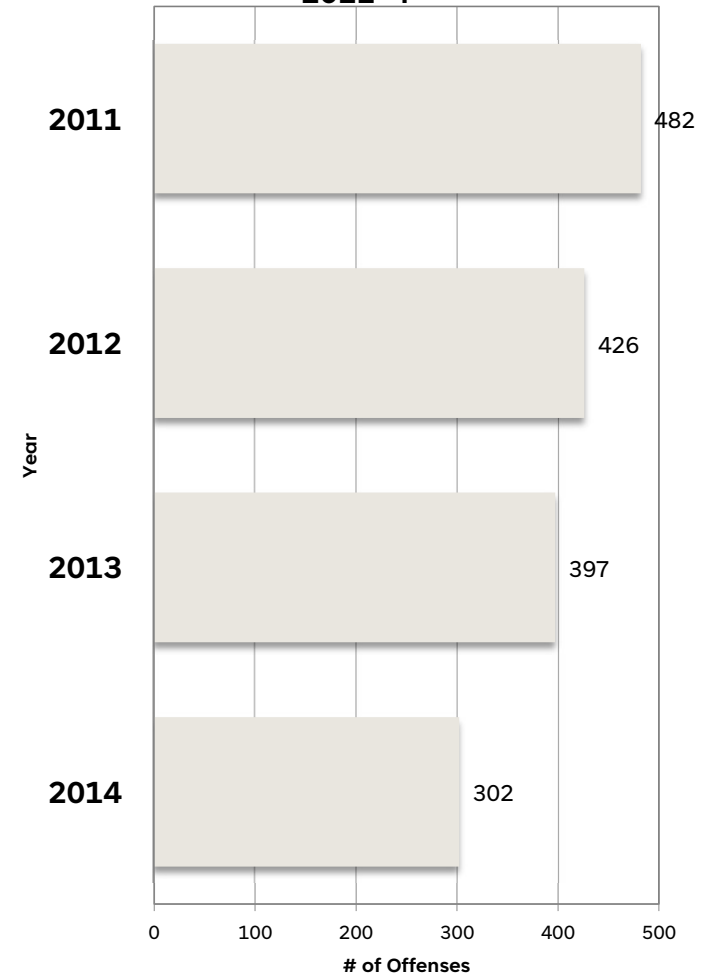


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CRMA B. Christenson  
CPD - CAPS

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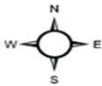
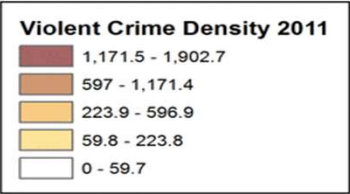
## Part 1 Property Crimes by Year: 2011-4



parties

29

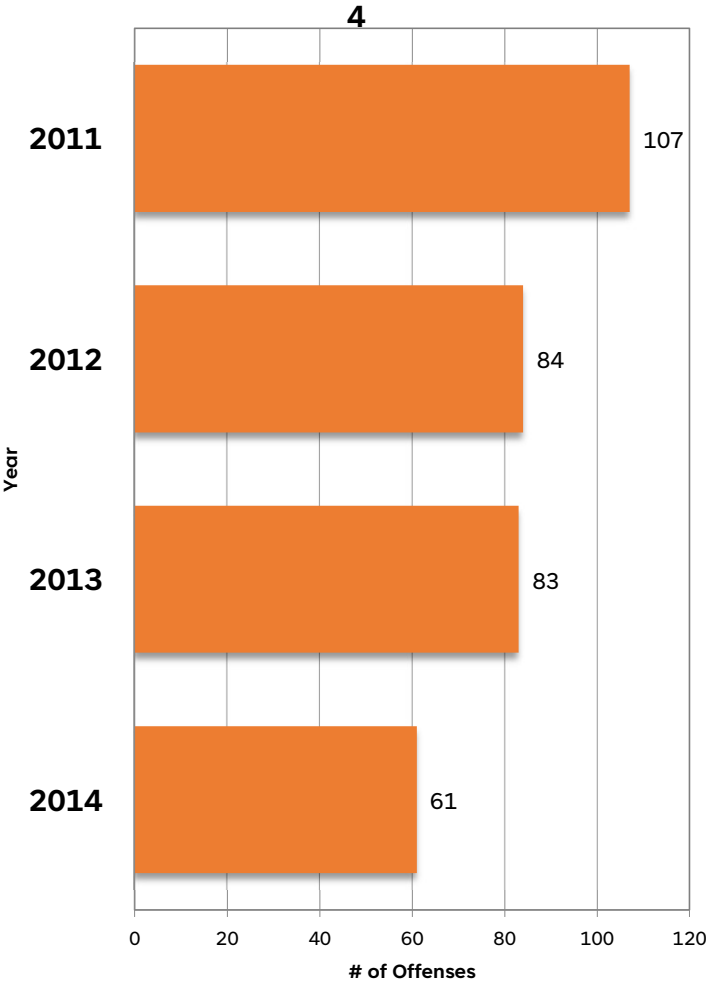
Roselawn Violent Crime Density by Year: 2011-4



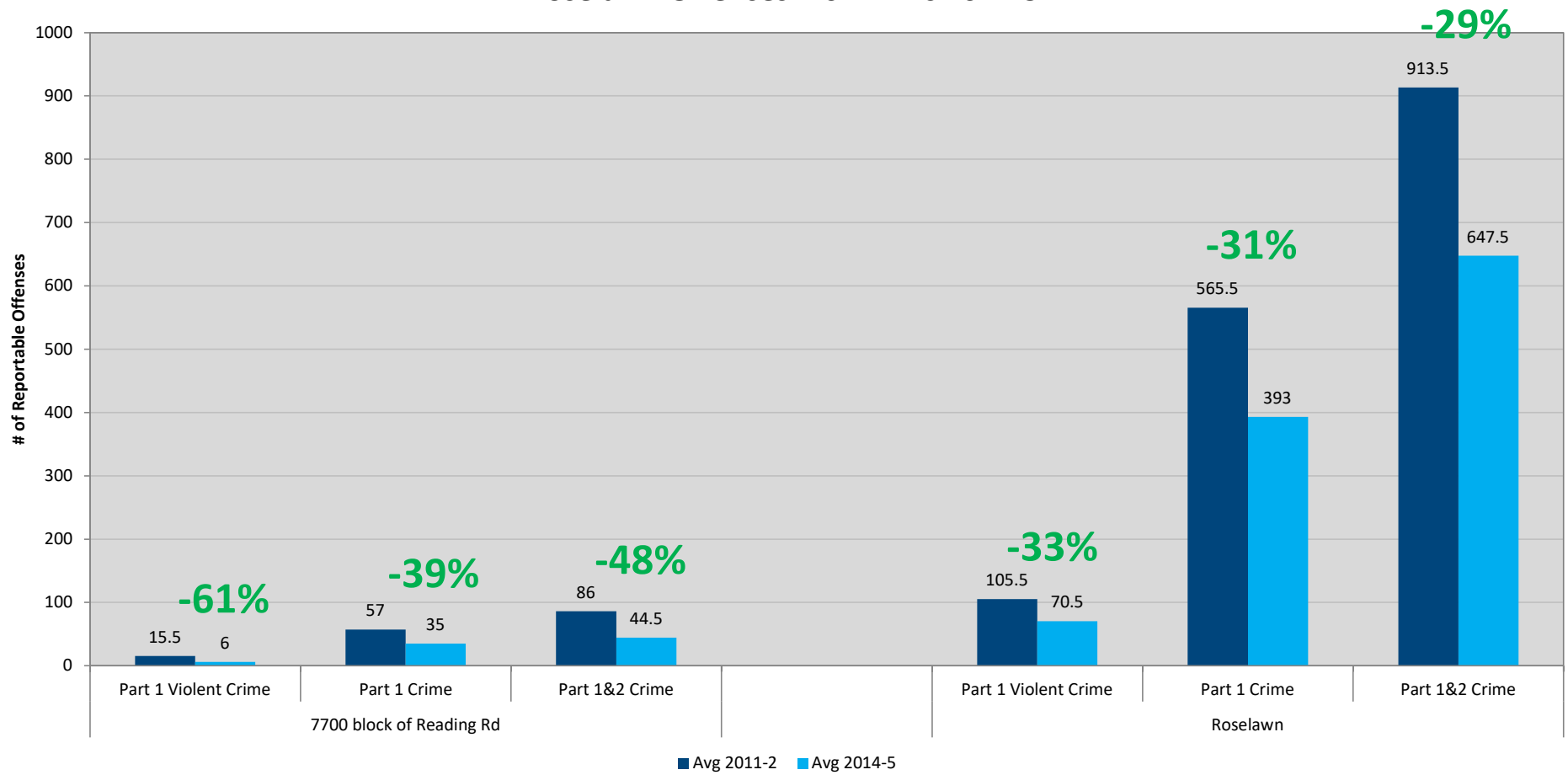
CRMA B. Christenson  
CPD - CAPS

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Part 1 Violent Crimes\* by Year: 2011-



## Roselawn Offenses: 2011-2 vs 2014-5





# THANK YOU

Contact the IACP BCJI TTA Team for more information – [BCJI@theiacp.org](mailto:BCJI@theiacp.org) or fill out a TTA Request form and submit it with the help of your TTA Lead for individual site engagement