



## COMMITTEE OF THE WHOLE

October 16, 2024

3:30pm

CITY COUNCIL CHAMBERS- 3<sup>rd</sup> FLOOR OF CITY HALL

COUNCIL PRESIDENT DARRELL O'QUINN, COMMITTEE CHAIR

### AGENDA

1. CALL TO ORDER
2. APPROVAL OF MINUTES
3. Council Administrator's Report- Cheryl Kidd, Councilor Administrator
4. Update on Implementation of Municipal Code Lien Enforcement Bill- Katrina Thomas, Department of Planning, Engineering, and Permits and Attorney Jim Stanley, Office of City Attorney
5. Update on Parking Reform- Director James Fowler and Deputy Director Christina Argo, Birmingham Department of Transportation
6. OLD/NEW BUSINESS
7. ADJOURNMENT

**THE NEXT REGULARLY SCHEDULED COMMITTEE OF THE WHOLE MEETING WILL BE HELD WEDNESDAY, NOVEMBER 20, 2024, IN THE CITY COUNCIL CHAMBERS. AGENDA ITEMS MUST BE SUBMITTED BY 12 NOON ON MONDAY, NOVEMBER 18, 2024, VIA E-MAIL TO [MYEISHA.HUTCHINSON@BIRMINGHAMAL.GOV](mailto:MYEISHA.HUTCHINSON@BIRMINGHAMAL.GOV) . SHOULD YOU NEED TO CONTACT US, PLEASE CALL 205.254.2679.**

#### **DISCLAIMER:**

*The City of Birmingham will make reasonable accommodations to ensure that people with disabilities have equal opportunity to enjoy all city services, programs, and activities. If accommodations are required for public meetings, please contact Cheryl Kidd, Council Administrator with reasonable advance notice by emailing, [Cheryl.Kidd@birninghamal.gov](mailto:Cheryl.Kidd@birninghamal.gov) or by calling 205.254.2294*



**Flint (Headquarters)**  
111 E. Court St  
Suite 2C-1  
Flint, Michigan 48502

**Washington, DC**  
1101 14th St NW  
Suite 510  
Washington, DC 20005

**Atlanta**  
299 Joseph E. Lowery Blvd NW  
Suite 203  
Atlanta, GA 30314

**Chicago**  
100 S. State St  
Suite 405  
Chicago, IL 60603

877.542.4842  
[communityprogress.org](http://communityprogress.org)

September 10, 2024

Mayor Randall L. Woodfin  
710 20<sup>th</sup> Street N  
City Hall, 3<sup>rd</sup> Floor  
Birmingham, AL 35203

*Sent via email*

Dear Mayor Woodfin:

The Center for Community Progress (Community Progress) is pleased to offer the City of Birmingham (City) a Code Enforcement Technical Assistance Scholarship (scholarship) valued at approximately \$40,000, to support the City's ongoing efforts to address vacant, abandoned, and deteriorated (VAD) properties.

This Memorandum of Understanding (MOU) provides an overview of the terms of this scholarship, including a description of the projects to be completed as part of this scholarship. Thanks to the support of our generous philanthropic partners, the activities and services described in this MOU are to be provided to the City at no cost.

**About the Code Enforcement Technical Assistance Scholarship**

Housing and building code enforcement's primary function is to protect and strengthen public health and safety. It is also one of a government's most important tools to stabilize and strengthen neighborhoods. Our experience working with hundreds of diverse communities across the country, however, has shown that the traditional approach to code enforcement is due for urgent review and reevaluation, particularly in neighborhoods with weak housing markets, high levels of poverty, and widespread vacancy. Community Progress developed this technical assistance scholarship program to help communities that struggle with VAD properties shift from a traditional code enforcement approach to strategic code compliance—an approach that is far more equitable, effective, and efficient.

The City applied for and was selected from a competitive applicant pool to receive a technical assistance scholarship.

**Project Focus and Overview**

Community Progress will help the City use its new priority code lien foreclosure tool to achieve more equitable, efficient, and effective code enforcement. More details about the planned activities, deliverables, and timeframe are provided below.

Any observations, conclusions, or recommendations made throughout this engagement by Community Progress are subject to the advice and guidance of local legal counsel.

**Community Progress Project Team**

The services described below will be delivered by Community Progress' Technical Assistance Team and led by Libby Benton, Senior Counsel. Kim Graziani, Technical Assistance Senior Advisor and Jessica Williams, Associate Director, Technical Assistance, will provide project support. Additional Community Progress staff, fellows, or consultant partners may be utilized in the delivery of services as needed.

### **Anticipated Activities and Timeframe**

The term of this project will be from **August 1, 2024 to December 20, 2024**. The City agrees to designate a Project Lead to work closely with Community Progress to ensure timely responses to any requests for information or scheduling calls, visits, or meetings as applicable.

The below schedule is intended to be flexible and may be adjusted to accommodate the needs and priorities of the City as well as the availability and capacity of Community Progress. The work entails three tasks:

#### **1. Research and Preparation**

August – September 2024

*Anticipated hours: 60*

Community Progress will research existing state and local laws and policies related to code enforcement and VAD properties, make requests for and review existing data from the City and its partners, and identify key stakeholders and develop questions for stakeholder interviews. Community Progress and the City's Team will schedule and participate in recurring biweekly project calls to support ongoing effective communication, learning, and site visit planning.

To assist Community Progress with this Phase, the City's Project Lead will coordinate the gathering and sharing of relevant data and materials related to the systems of vacancy and abandonment requested by Community Progress (e.g., parcel data, code enforcement data, delinquent property tax data, and relevant plans and programs). The City's Project Lead will also help identify a time for the recurring biweekly project calls that works for the City's Team.

#### **2. Learn from and Help Educate Local Stakeholders Virtually and During Site Visit**

October - November 2024

*Anticipated hours: 100*

Community Progress will engage with and learn from critical stakeholders through a combination of virtual interviews and in-person meetings during a 1.5-day site visit to Birmingham. The site visit will also be an opportunity for Community Progress to help educate stakeholders about the code lien foreclosure tool and how it can be used to address vacant properties. Potential stakeholders might include:

- a) Executive and legislative leadership of the City
- b) Leadership in the Department of Planning, Engineering & Permits department, Community Development department, Legal department, Finance Department, Community Resource services department, Land Bank, and others who work on vacant properties, community development, and neighborhood revitalization strategies
- c) Housing and building code enforcement officers
- d) Leadership in the Jefferson County Tax Collector department and Circuit Court
- e) Active community-based organizations, community development corporations, and resident leaders in areas of disinvestment
- f) Other public, private, and community leaders as mutually identified

To assist Community Progress with this Phase, the City's Project Lead will identify municipal staff, local leaders and stakeholders, and coordinate the scheduling of a 1.5-day site visit.



### 3. **Written Deliverables and Educational Activities**

November - December 2024

*Anticipated hours: 60*

Community Progress will prepare and submit to the City for review a brief memorandum that (a) summarizes its findings, (b) offers recommendations related to the code lien foreclosure tool's role in Birmingham's shift to more strategic code enforcement, and (c) includes a 1-2 page summary of the code lien foreclosure tool, intended for internal and external educational purposes.

To assist Community Progress with this Phase, the City's Project Lead will circulate the draft memorandum to key City stakeholders for review and feedback and provide any responses to Community Progress in a timely manner.

Community Progress will also provide support for public education and community engagement surrounding the use of the new tool.

The project must be completed by December 20, 2024.

#### **Work Product**

Ownership of and the right to determine disposition of any copyrightable or written material first produced or composed in the performance of this Agreement shall remain with Community Progress. Community Progress hereby grants to the City an irrevocable, perpetual, royalty-free license to use, disseminate, or otherwise share or make public any such copyrightable or written material.

#### **Public Nature of Deliverables**

One of the key goals of Community Progress' technical assistance is to help locate, improve upon, and share the lessons learned and best practice approaches related to vacancy and abandonment from communities across the country with Community Progress' network, our partners, and the general public. To achieve this goal, the written product(s) described and listed in the preceding section (Anticipated Activities and Timeframe) may be public in nature, may be posted on the Community Progress website, and may be disseminated through various social media platforms managed by Community Progress.

#### **Termination**

This MOU may be terminated at any time by either Community Progress or the City by providing written notice to the other party indicating the effective date of such termination. As of the date of termination, no additional services as described in this MOU will be provided to the City.

#### **Best Efforts and Governing Law**

Community Progress and the City agree that best efforts will be made by both parties to perform or complete the terms and obligations described in this MOU. Should any dispute between Community Progress and the City arise related to this engagement, this MOU shall be governed by and construed according to the laws of the state of Alabama.

Please sign and return a PDF copy of this MOU via email to Libby Benton at [ebenton@communityprogress.org](mailto:ebenton@communityprogress.org) no later than close of business on September 13, 2024. Your signature below indicates your acceptance of the terms described in this letter:

*Kathy J. Guillaume-Deleamar* 9/26/24  
\_\_\_\_\_  
Signature/Date

Kathleen J. Guillame-Deleamar  
President & CEO, Center for Community Progress

*R L Woodfin* 9/14/2024  
\_\_\_\_\_  
Signature/Date

Randall L. Woodfin  
Mayor, City of Birmingham

Approved as to Form:

By: *James C. Staley* 9/16/24  
\_\_\_\_\_  
Assistant City Attorney/Date

ATTEST:  
*[Signature]*  
\_\_\_\_\_  
CITY CLERK

## Municipal Code Lien Enforcement Bill

The purpose of this bill is to create a more equitable, efficient, and effective Code enforcement system for the City of Birmingham. This bill is based on similar legislation for the City of Mobile, and is limited to Class 1 municipalities, which includes only Birmingham.

The bill is designed to add teeth to the City's Code enforcement by creating a system which picks up at the point where building or property maintenance code violations and nuisances (e.g., unsafe structures, weeds) have not been remediated and the city's assessments, fines and charges are not paid.

Currently, there is no means to effectively enforce these liens and assessments, which results in City assessments piling on to properties that become less marketable as a result of the amount of the liens exceeding the value of the property. This bill creates a mechanism for the City to foreclose on code enforcement liens against property that is not owner-occupied and to transfer title to responsible owners.

The key stages in the enforcement and foreclosure system would be:

- (a) perfection of the lien in the real property records, with the lien having super-priority status, subordinate only to taxes;
- (b) comprehensive title examination to identify all interested parties to ensure due process;
- (c) filing of a petition (for one or more parcels) in the Circuit Court;
- (d) notice to all interested parties of the petition;
- (e) judicial hearing on non-remediation of code lien violations and on the adequacy of notice;
- (f) judicial authorization for sale;
- (g) sale;
- (h) confirmation of sale by the Circuit Court and order for issuance of a deed. The deed should convey clear and insurable title to the purchaser, which will greatly enhance the likelihood of the property being returned to productive use.

**ON-STREET PARKING REFORM  
ORDINANCE OUTLINE  
COMMITTEE OF THE WHOLE**

*Accountability Rule:*

*If a person has three unpaid parking violations, on their fourth violation, their car gets towed. This would go into effect starting April 2025.*

Additional Notes:

- Our intention is to launch a publicity campaign to give people an opportunity to clear up any outstanding parking tickets before April 2025 when the new rule goes into effect. It is our intent to mail letters to everyone that already have three outstanding parking violations.
- If a person's car gets towed, that person can go to the BPD Property Desk and pay their fees in total – towing fee and parking violations. Their car will then be released, and their record will be cleared.
- If a person cannot afford to pay the total fees (towing fee + parking violation fees), they will still go to the BPD Property Desk, and they can pay just the towing fee to get their car released. In that instance, the City will assign a time to meet with the Municipal Court.
- We do not intend to actively search for vehicles with unpaid parking tickets. We will only tow a car if there is a current violation, and they meet the threshold set above (three prior unpaid violations).
- This system has been designed to avoid placing any offender in jail. The worst penalty that a person will be subjected to is that their car can be towed on their next violation.

# PARKING SYSTEM REFORM STRATEGY

-  **1** Revise regulations for private off-street parking lots, booting, and towing policies.
-  **2** Begin towing vehicles for public safety violations.
- 3** Refresh ParkMobile signage.
-  **4** Draft and implement a policy for towing for unpaid violations.
-  **5** Confirm we have an up-to-date actively managed database of parking violations.
-  **6** Procure technology for accessing the parking violations database in the field in real time.
-  **7** Create a business plan for the parking system.
-  **8** Work with administration to build capacity in BDOT and BPD to grow system.
- 9** Create system of parking benefit districts.
- 10** Update fee structure.
-  **11** Expand hours and zones in commercial and mixed-use areas.
- 12** Expand zones into residential areas bordering the CBDs.