

**Performance Audit:
Building and Zoning Enforcement**

January 2022

City Auditor's Office
City of Atlanta



CITY OF ATLANTA
City Auditor's Office
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January 2022

Performance Audit:

Building and Zoning Enforcement

What We Found

The Department of City Planning's Inspections and Enforcement Division uses a decentralized complaint intake method without a mechanism in place to ensure all complaints are captured. After reviewing complaints submitted to the CodeBusters email account, we found that the division failed to enter five of 38 total emails in Accela, while only 18 were entered within the Division's 24-hour performance goal. The inability to ensure all complaints are captured can cause complaints to be unaddressed or missed.

The Inspections and Enforcement Division has not maintained accurate and reliable data in Accela. We reviewed complaint data in Accela and found that staff entered incorrect information, that some fields were left blank, and some cases were left unassigned to an inspector. Of 4,733 complaints logged between 2017-2020, 8% lacked an initial inspection date and 50% had blank closed dates. Additionally, 58% of complaints were left unassigned in Accela, a task delegated by the division supervisor. Increasing the number of supervisory staff could improve data quality in Accela and reduce fraud risk while managing an increasing workload, including a backlog of cases yet to be properly addressed in Accela.

Zoning enforcement responsibilities have shifted since 2011 and have not been properly updated or communicated in city code and Planning's website, which has contributed to confusion. Both the Code Enforcement Section and the Inspections and Enforcement Division can enforce portions of the zoning code and have responded to the same complaints; therefore, the delineation between responsibilities for these agencies is unclear. Moving the zoning enforcement function from the Inspections and Enforcement Division to Police's Code Enforcement Section could reduce confusion, improve effectiveness, and align with peer cities. Additionally, the division's continued participation in the Code Enforcement Academy can ensure that citizens remain informed and updated on enforcement responsibilities.

Why We Did This Audit

We undertook this audit because City Council members expressed interest in a performance audit of the Office of Buildings' Inspections and Enforcement Division. We reviewed the Division's internal procedures, observed the enforcement process, and analyzed data in Accela to assess whether the Inspections and Enforcement Division met industry and peer city standards, met its performance goals, and complied with internal procedures.

What We Recommended

To improve building and zoning code enforcement, if the function remains in Planning, the Commissioner should:

- require staff to enter and update complaint information in Accela, including the backlog, update and follow internal procedures, develop and track performance goals, and participate in the Code Enforcement Academy
- work with the ATL311 commissioner to transfer the complaint intake process

To centralize building and zoning code enforcement, the Commissioner of City Planning should:

- work with the Police Chief to transition zoning enforcement to the Police's Code Enforcement Section, including moving complaint intake to ATL311

For more information regarding this report, please use the "contact" link on our website at www.atlaudit.org

Management Responses to Audit Recommendations

Summary of Management Responses		
Recommendation #1:	We recommend that the Commissioner of City Planning work with the Police Chief to transfer zoning enforcement responsibilities to Police's Code Enforcement Section.	
Response & Proposed Action:	See attachment	Disagree
Timeframe:		
Recommendation #2:	We recommend that the Commissioner of City Planning route all zoning complaints to ATL311 and provide ATL311 staff with training on entering complaints in Accela.	
Response & Proposed Action:	See attachment	Agree
Timeframe:	Jan. 2022/Feb. 2022	
Recommendation #3:	We recommend that the Commissioner of City Planning continue encouraging staff to participate in the city's Code Enforcement Academy to educate citizens on all the division enforcement responsibilities.	
Response & Proposed Action:	Currently participating in all invited community meetings and Code Enforcement Academy training sessions.	Agree
Timeframe:	Ongoing	
Recommendation #4:	We recommend that the Commissioner of City Planning update complaint information in Accela to ensure that all cases are entered and update the status of cases.	
Response & Proposed Action:	Complaint information is currently being updated in Accela. A backlog report was generated and is currently being updated.	Agree
Timeframe:	Immediately	
Recommendation #5:	We recommend that the Commissioner of City Planning create additional supervisor positions to ensure that complaints are properly assigned and reviewed prior to closure.	
Response & Proposed Action:	Four (4) lead positions were created in the personnel budget for FY22. These positions will serve as the supervisors of each quadrant.	Agree
Timeframe:	Immediately	
Recommendation #6:	We recommend that the Commissioner of City Planning ensure that supervisors enter all information related to complaints into Accela according to established procedures.	

Response & Proposed Action:	Supervisor positions have been approved and being recruited. Once hired, they will presume the duties to ensure that all information related to complaints are entered into Accela according to established procedures.	Agree
Timeframe:	Nov./Dec. 2021 – Upon the hire of supervisors.	
Recommendation #7:	We recommend that the Commissioner of City Planning direct staff to enter the backlog of complaints into Accela and work with Police to obtain the status of each complaint referred to the department and update the status in Accela.	
Response & Proposed Action:	Complaint information is currently being updated in Accela. A backlog report was generated and is currently being updated. Additionally, four (4) lead positions were created in the personnel budget for FY22. These positions will serve as the supervisors of each quadrant.	Agree
Timeframe:	Immediately	
Recommendation #8:	We recommend that the Commissioner of City Planning ensure that procedures for handling stop-work complaints are documented and consistently followed.	
Response & Proposed Action:	Revise current SOPs, distribute & train all inspectors.	Agree
Timeframe:	November 2021	
Recommendation #9:	We recommend that the Commissioner of City Planning ensure that all complaints received through the CodeBusters email are entered into Accela within 24 hours, consistent with the division's procedures.	
Response & Proposed Action:	Currently developing monitoring process for implementation. Will reiterate established SLA and its importance.	Agree
Timeframe:	Immediately	
Recommendation #10:	We recommend that the Commissioner of City Planning develop a performance target for resolving customer complaints and track metrics for each step of the process (from the time the complaint is received until the issue is resolved) and monitor compliance with the performance targets.	
Response & Proposed Action:	New performance metrics are being established for SWO's. All other complaint categories already have established performance metric. Will work with AIM, Accela System Administrator to revise the complaint workflow to better serve Office of Buildings' needs & provide accurate reporting and monitoring.	Agree
Timeframe:	Jan. 2022/Feb. 2022	
Recommendation #11:	We recommend that the Commissioner of City Planning ensure that supervisors promptly assign cases to inspectors in Accela in order to meet the performance target of conducting inspections within 72 hours after the complaint is entered into the system.	

Response & Proposed Action:	Supervisor positions have been approved and being recruited. Once hired, they will presume the duties to ensure that all information related to complaints are entered into Accela according to established procedures. Currently developing monitoring process for implementation. Will reiterate established SLA and its importance.	Agree
Timeframe:	Immediately	
Recommendation #12:		
We recommend that the Commissioner of City Planning ensure that complaint inspection and closure dates are consistently entered into Accela.		
Response & Proposed Action:	Supervisor positions have been approved and being recruited. Once hired, they will presume the duties to ensure that all information related to complaints are entered into Accela according to established procedures. Currently developing monitoring process for implementation. Will reiterate established SLA and its importance.	Agree
Timeframe:	Immediately	
Recommendation #13:		
We recommend that the Commissioner of City Planning update procedures to require supervisors to review cases, at least on a spot-check bases, before they are closed in the system and ensure that the procedure is followed.		
Response & Proposed Action:	Quality Assurance and Quality Control (QA/QC) program is being established for all inspection types, including zoning enforcement.	Agree
Timeframe:	Jan. 2022/Feb. 2022	
Recommendation #14:		
We recommend the Commissioner of City Planning work with the Accela System Administrator to reduce the inspectors' access in Accela to only those permissions needed to perform their specific functions.		
Response & Proposed Action:	Will work with Accela Systems Admin. To revise the complaint workflow to better serve Office of Buildings enforcement needs, provide accurate data reporting and automated reminders for efficiency.	Agree
Timeframe:	Jan. 2022	



CITY OF ATLANTA

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December 16, 2021

Honorable Mayor and Members of the City Council:

We undertook this audit of the Office of Buildings' Inspections and Enforcement Division at the request of City Council members. The division is responsible for investigating complaints and potential violations of the city's building and zoning codes. This audit focused on assessing the division's enforcement procedures and performance targets.

Zoning enforcement has undergone organizational change over time and staffing constraints have been an ongoing issue. To better align organizational responsibilities, we recommend transferring responsibility for investigating and enforcing zoning code complaints from the Department of City Planning to the Atlanta Police Department's Code Enforcement Section, including moving the complaint intake process to ATL311. The Commissioner of City Planning has reservations about this move because it would remove recently approved resources from the department; however, our recommendation is to move only the zoning enforcement function and its resources to the Code Enforcement Section's already existing non-sworn work force with the permitting function remaining in the Office of Buildings.

The Audit Committee has reviewed this report and is releasing it in accordance with Article 2, Chapter 6 of the City Charter. We sent a draft report to management on September 29, 2021, and received their response on October 20, 2021. We sent an updated draft to management on October 28, 2021, and received their updated response on November 4, 2021. We appreciate the courtesy and cooperation of city staff throughout the audit. The team for this project was Randi Hadeen, Anijarae Dade, and Duane Braithwaite.

Amanda Noble
City Auditor

Danielle Hampton
Chair, Audit Committee

Building and Zoning Enforcement

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Introduction

We undertook this audit because City Council expressed an interest in a performance audit of the Office of Buildings' Inspections and Enforcement Division, which is responsible for enforcing the city's building and zoning codes by investigating complaints and potential violations. This audit assesses whether the division's enforcement function is consistent with industry best practices, comparable to peer cities, compliant with its internal enforcement procedures, and meeting its performance targets.

Background

The Department of City Planning consists of five offices: the Office of the Commissioner, the Office of Design, the Office of Zoning and Development, the Office of Housing and Community Development, and the Office of Buildings (See Exhibit 1). The Office of Buildings:

- reviews and approves applications and plans, such as construction, tree removal, sign placement, and technical work
- issues required building permits
- inspects work to ensure compliance with an approved permit
- issues certificates of occupancy to certify that completed projects comply with city code requirements

Additionally, the Office of Buildings enforces the city's zoning code and a portion of the building code related to unpermitted work, which requires the issuance of a stop-work order. The zoning code, located in [Part 16](#) of the city's Land Development Code, contains regulations for the appropriate use of the City of Atlanta's zones or districts to promote desirable living conditions and neighborhood stability, protect against blight and depreciation, and physically develop the land. The building code, located in [Appendix A](#) of the city's Land Development Code, requires permits for non-exempt new construction and for alterations to existing structures—including structural, plumbing, mechanical, and electrical—to safeguard life, health, property, and public welfare.

Exhibit 1: Enforcement Responsibilities Are Managed by the Office of Buildings



Source: City of Atlanta, Fiscal Year 2021 Proposed Budget, page 359

The Inspections and Enforcement Division within the Department of City Planning is responsible for enforcing residential and commercial property compliance with zoning and building codes. It is one of four divisions in the Office of Buildings, which also contains the Permitting Workstreams, Arborist, and Operations divisions. Inspections and Enforcement Division staff, consisting of one supervisor and six inspectors (four zoning inspectors and two building inspectors), carry out the zoning enforcement responsibilities and issue stop-work orders for the city.

In March 2020, the Commissioner of City Planning and the Department of Human Resources elected not to designate Inspections and Enforcement Division employees as essential personnel. Staff explained

that the decision was based on a new state law, House Bill 493, that amended Georgia code to allow private plan review, permits, and inspections to be conducted. The division moved to mandatory telework due to the COVID-19 pandemic, which temporarily suspended in-person inspections. However, House Bill 493 does not cover any duties or responsibilities related to zoning enforcement. Inspections and Enforcement Division staff told us that some inspectors resumed field responsibilities in December 2020, while others continued working remotely. As of July 6, 2021, the entire division began working a hybrid schedule, consisting of three days in the field and two days working remotely.

Enforcement Function Has Undergone Organizational Changes Over Time

Departmental changes have shifted some enforcement responsibilities over the last 10 years. Prior to 2011, what was formerly known as the Office of Code Compliance within the Department of City Planning, enforced all property maintenance codes. In 2011, the Office of Code Compliance dissolved, and some of the residential and commercial enforcement functions were moved to the Atlanta Police Department's newly developed Code Enforcement Section (See Exhibit 2). The Police Department's Code Enforcement Section is responsible for inspecting residential and commercial properties to enforce compliance with the Atlanta Housing Code, and Commercial Maintenance and Industrial Code. The zoning enforcement function remained with Planning, although the department shares the responsibility of enforcing junk vehicle violations with Police.

Exhibit 2: Organizational Changes Since 2011 Have Shifted Enforcement Responsibilities



Source: Developed by auditors based on city staff accounts and City Council legislation, Ordinance 11-O-1768

Interdepartmental changes also occurred within the Department of City Planning due to staffing shortages, according to staff. The Inspections and Enforcement Division acquired the responsibility of enforcing stop-work orders related to violations of the building code from the Permitting Workstreams Division in 2016. The change resulted in the Inspections and Enforcement Division having the responsibility for enforcing both the zoning code, as well as the building code provisions related to unpermitted work.

Building and Zoning Enforcement is Complaint-Driven

The Office of Buildings receives building and zoning complaints from citizens through various methods, including telephone, email, text, and informal communication, which includes contacting inspections and enforcement staff directly. CodeBusters, an email distribution address, was created in November 2020 by the Department of City Planning to streamline the complaint process and provide citizens with an additional way to submit complaints. Complaints sent by customers using the CodeBusters email address are received by the Department of City Planning's Trade Permit Division. This team, consisting of one manager and six permit technicians, collect and enter the complaint into Accela, the Inspections and Enforcement Division's web-based

workflow management system. Accela automatically assigns a case number to each complaint entered into the system. Complaints are then assigned to the Inspections and Enforcement Division supervisor, who is responsible for manually assigning them to an inspector in Accela based on designated zones.

Building Code Enforcement is Primarily Carried Out Through the Permitting Process

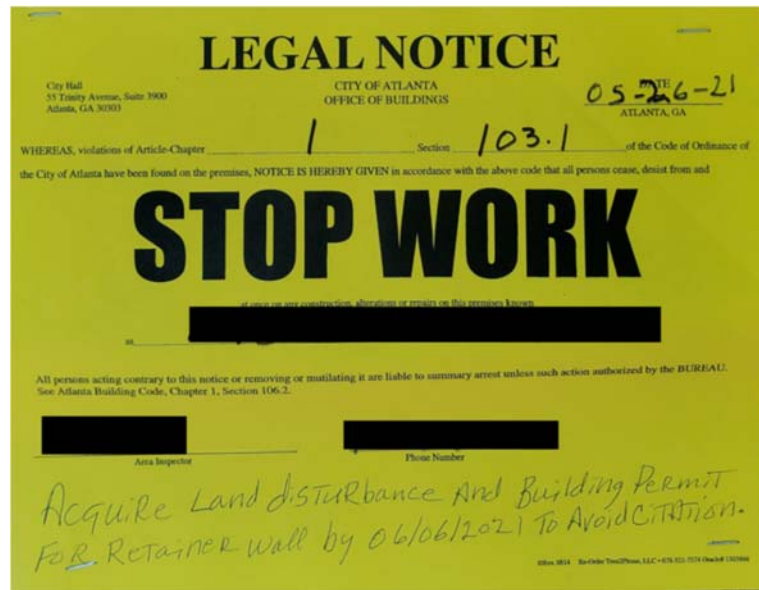
Once a citizen obtains a permit for a project, construction begins and applicable inspections, such as fire life safety, electrical, plumbing, and mechanical, are performed by building inspectors as work progresses. Those inspectors are required to visit the worksite to verify that the work complies with the approved plan and city building code provisions. If the work is not in compliance with the building code, a project is required to cease activity, and no further permits will be issued until the project is brought into compliance.

Construction, specific alterations to existing structures, tree removal, sign placement, and technical work are regulated by the building code and must be permitted by the Office of Buildings. An example of a violation could be a homeowner adding an addition to their existing home, such as a deck, without first obtaining a permit through Planning. Without authorization, this work is deemed unpermitted and subject to a stop-work order, which requires the violator to cease all work and obtain a permit to resume a project. Under Ordinance 17-O-1307, the following are exempt from obtaining a permit—an existing single, two-family, or duplex structure with repair work valued at less than \$10,000, or the following type of work:

- non-structural roof repair
- repair or replacement of bath or kitchen cabinets
- repair or replacement of interior doors
- repair or replacement of drywall
- repair or replacement of flooring
- repair or replacement of gutters
- non-structural deck repair
- repair or replacement of HVAC
- repair or replacement of kitchen and bathroom fixtures
- repair or replacement of electrical outlets and fixtures

When Inspections and Enforcement Division inspectors identify instances in which work is being performed without a permit, and a permit was required by the building code, inspectors will issue a stop-work order, requires violators to cease all work and obtain a permit (see Exhibit 3).

Exhibit 3: Stop-Work Orders Are Issued on Unpermitted Work



Source: Obtained from Zoning Inspectors during in-person observation of inspection on 5/26/21.

Zoning Enforcement Involves Compliance with Land Use Codes

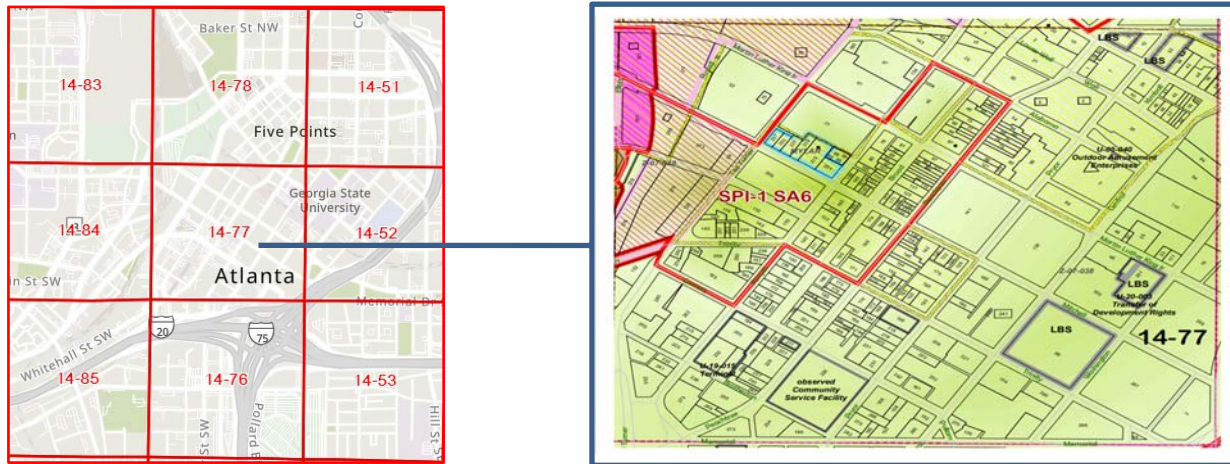
Atlanta is divided into zones, or districts, which regulate how the land can be physically developed and how property can be used. Most districts are zoned for residential, commercial, or industrial use. The city's official zoning map shows how districts are zoned, and also includes the following maps:

- special public-interest district
- historic and cultural conservation district
- parking limitation district
- a pedestrian/open space plan
- flood hazard districts
- Chattahoochee corridor map, MARTA corridor
- airport

These zoning districts govern the physical land use and development of the land as well as any limits in the use of the land. Official city zoning maps are composed of sheets that show specifically how land within a district can be used. For example, in Exhibit 4, sheet 14-77 contains the district SPI-1, which is designated as a special public interest district in the city's central core according to the Atlanta Zoning Districts listings. City code defines special public interest districts as districts that modify the requirements or regulations of existing districts for particular interests. An example of this would be to provide the convenience of pedestrian access between buildings and reduce

vehicular traffic or increase the lighting for the district's uses. An example of a zoning violation within this district would be reducing public access or public spaces without the proper special permits. See the [city's website](#) for listings of the city's zoning districts and descriptions.

Exhibit 4: District SPI-1 Was Modified to Replace An Existing District



Source: Department of City Planning Zoning Map, https://gis.atlantaga.gov/docs/zoningmaps/zoning_sheet_14-077.pdf

Other examples include land zoned as historic districts, which are regulated to preserve the district's architectural integrity, streetscape patterns, and cultural heritage. Violations within this district include painting a home's exterior without conforming with other homes within the district. Once the violation has been identified, the owner would be required to remove all paint from the home and return the home to its original state. Another example of a zoning violation includes a parcel of land zoned as residential and the owner converting the home into a retail daycare center; to remedy this violation the owner would be required to obtain the necessary permits to use the residentially zoned home as a business.

Some common zoning violations include:

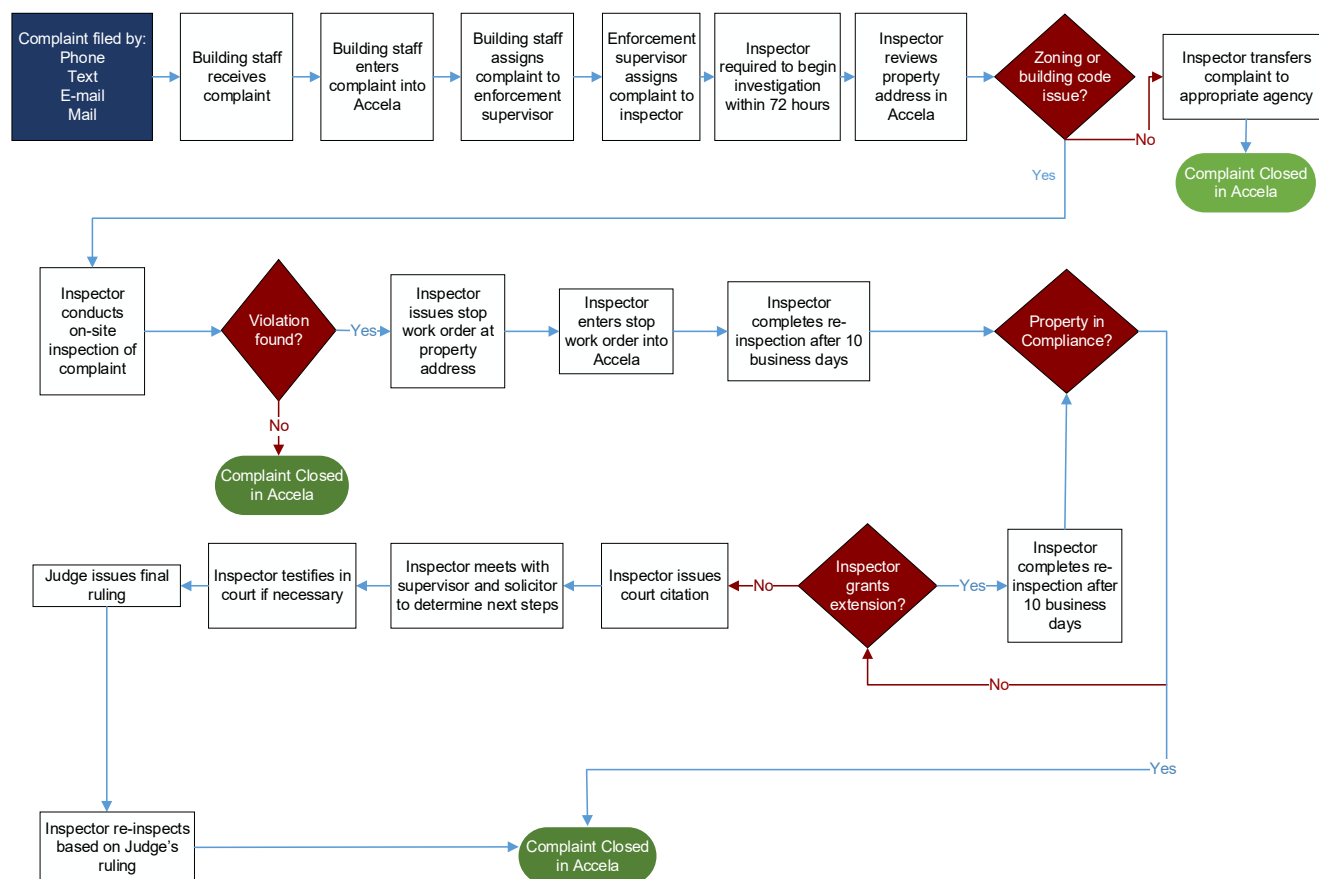
- illegal rooming house
- building additions too close to property lines
- auto repair on residential property
- operating retail sales in a residentially zoned property
- parking large commercial vehicles in residential districts
- illegal signs
- fence exceeding maximum height in a residential district

Department of City Planning Inspectors Enforce Both Building and Zoning Codes

The Department of City Planning combined the roles of the building enforcement related to unpermitted work with zoning enforcement to streamline the complaint inspection process and increase staffing resources. The Inspections and Enforcement supervisor is responsible for assigning tasks and overseeing the inspectors' daily duties; inspectors conduct onsite inspections to verify that property and projects comply with zoning codes and comply with building permits, review and approve sign permits, enforce historical district compliance, issue corrective notices and citations, and maintain records of inspection activities. Inspectors are also required to attend Board of Zoning Adjustment hearings, court hearings, and legal proceedings related to violations.

Inspectors are required to determine whether the complaint is a zoning or building code complaint (see Exhibit 5). Once the inspector determines the complaint is the responsibility of the Inspections and Enforcement Division, the enforcement process is nearly identical for both zoning and building code violations. Inspectors are required to begin the initial inspection process within 72 hours after receiving a complaint. Inspectors will conduct an on-site inspection at the complaint address, document findings, upload a description of the violation, and upload photos to Accela using a city-issued iPad or mobile device. If no violation is found, the inspector records the status in Accela and closes the case without supervisory review. If a violation is found, the inspector issues either a stop-work order to cease unpermitted work or issues a correction notice. The property owner is required to make the necessary correction(s) within 10 business days or make significant progress toward bringing the property into compliance.

Exhibit 5: Building and Zoning Enforcement Processes are Nearly Identical



Source: Developed by auditors based on zoning enforcement procedures provided by Inspections and Enforcement Division staff

Inspectors' goals are to bring a property into compliance with city zoning and building code and inspectors are authorized to give property owners additional time to comply with code requirements, depending on the violation. If the property owner does not comply within the allotted time, the inspector issues a court citation to the property owner, requiring the owner to appear in court to obtain a final judicial ruling on the property violation. Inspectors are required to testify in court and follow up on the owner's progress based on the judge's final ruling. A citizen who violates zoning or building codes can be fined up to \$1,000 or face a maximum imprisonment of 180 days.

The enforcement process for zoning violations is nearly identical to the process for handling building violations. The only difference is that inspectors must conduct additional property research prior to inspection. All zoning code complaints require inspectors to research the complaint address to obtain the property's zoning designation. Inspectors research the property address, using city databases to obtain

property information, review the permitting history, and identify what was previously built on the property. Property research assists the inspector in determining whether a complaint is a violation. If the inspector determines that a complaint is not a zoning or building code violation, the complaint is referred to the appropriate city department to be addressed.

About Half of Violations Resulted in Stop-Work Orders

The Inspections and Enforcement Division categorizes potential violations in three primary complaint types that include: stop-work, zoning, and buildings-other. Within these primary categories are multiple subcategories that inspectors can use to further identify the complaint type, although there is some overlap in these categories. Within calendar years 2017-2020, on average, 51% of complaints entered into Accela fell within the stop-work category, 24% were zoning related, and 21% were categorized within the buildings-other category. The remaining 4% were not categorized by type in Accela. These represent the complaint types as entered into Accela by Inspections and Enforcement Division staff prior to inspection, and before the actual complaint type has been confirmed by Enforcement Division inspectors.

Exceptions to Zoning Requirements May Be Granted by the Board of Zoning Adjustment

Two boards are responsible for administering the zoning ordinance—the Zoning Review Board (ZRB), and the Board of Zoning Adjustment (BZA). The Zoning Review Board is comprised of nine members of the community, appointed by the City Council or the Mayor for a term of two years. It is responsible for conducting public hearings on amendments to the Zoning Ordinance and applications for special use permits. The board's conclusions and recommendations are forwarded to City Council for final approval. The Board of Zoning Adjustment consists of five members of the community, appointed by the City Council for a term of two years. The board is responsible for reviewing zoning code variance applications, special exceptions to the ordinance, and reviewing zoning appeals within parameters outlined by city code.

Audit Objectives

This report addresses the following objectives:

- Are procedures for the Office of Buildings' Inspections and Enforcement Division process consistent with industry best

practices, comparable to peer cities, and does its practices align with its mission of safe buildings, attentive customer service, and public engagement?

- Did the Office of Buildings' Inspections and Enforcement Division meet its service level agreements and performance targets consistently between calendar years 2017-2020?
 - Does the Office of Buildings' Inspections and Enforcement Division's practices comply with its internal procedures?
-

Scope and Methodology

We conducted this audit in accordance with generally accepted government auditing standards. We reviewed departmental procedures and complaint and inspection data between calendar years 2017 through 2020.

Our audit methods included:

- reviewing federal, state, and city legal provisions to understand how zoning and building codes are enforced
- interviewing Inspections and Enforcement staff and other Office of Buildings staff to determine its internal procedures and processes for enforcing zoning and building codes
- reviewing Inspections and Enforcement's internal procedures to understand the enforcement process
- interviewing Police staff to differentiate between the enforcement responsibilities in Code Enforcement
- reviewing CodeBusters emails retrieved by the Atlanta Information Management to identify how many complaints were recorded and inspected timely
- flowcharting the Inspections and Enforcement Division's complaint process to identify control gaps
- interviewing councilmembers and neighborhood groups to understand their building and zoning enforcement concerns
- reviewing relevant media articles as other sources of stakeholder concerns
- conducting ridealong observations with inspectors in the field to document and understand their day-to-day duties

- reviewing peer city best practices and industry standards to determine the most effective organizational structure
- analyzing Accela system ad-hoc reports from January 1, 2017 - December 31, 2020, to assess whether the Inspections and Enforcement Division met performance targets

Generally accepted government auditing standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Findings and Analysis

Moving Enforcement Functions to Police Could Improve Effectiveness

Zoning and building code enforcement responsibilities lack clarity to the general public due to organizational and functional changes that occurred since 2011 which have not been clarified on the Department of City Planning's website, or in city code. Planning's Inspections and Enforcement Division has some overlapping responsibilities with the Atlanta Police Department's Code Enforcement Section, which causes confusion for both the public as well as city staff. We recommend that the Commissioner of City Planning and the Police Chief work together to transfer all zoning enforcement responsibilities from the Inspections and Enforcement Division in the Office of Buildings to Police's Code Enforcement Section to improve effectiveness and alleviate confusion.

Planning's Inspections and Enforcement Division has not maintained complete information on complaints in Accela; not all complaints have been entered into the system and inspection and case closure dates are incomplete, making the data unreliable for measuring progress in meeting the division's performance standards. More than half the complaints in the system have not been assigned to an inspector, although some of the complaints date back to 2017. Also, the decentralized complaint intake methods have made it difficult for the division to ensure that complaints have been entered into Accela. We reviewed complaints sent to the CodeBusters email and found that 11 were entered after the required 24-hour deadline, and 5 had not been entered into Accela at all. We found that 18 had been entered within 24 hours and the remaining 4 already existed in the system prior to receipt in CodeBusters. Division leadership told us workload increased during 2020, which was not reflected in Accela due to incomplete entries in the system.

More effective supervision would likely improve the quality of the data in Accela and reduce the risk of fraud. The Inspections and Enforcement Division was recently approved for an additional 13 positions, but without accurate workload data in Accela, it cannot effectively allocate those additional resources. Additional supervisors could help to more effectively manage the workload. Although we recommend that zoning enforcement functions be transferred to Police, our additional recommendations are intended to make the remaining functions within Planning's Inspections and Enforcement Division more efficient and effective.

Accela Complaint Data is Unreliable; Additional Supervisors May Help

Complaint information in Accela is incomplete. Inspections and Enforcement Division staff told us that workload increased during 2020; however, our review of complaint data shows that fewer complaints were recorded in Accela than any other year from 2017 through 2020. Staff told us that workload was not accurately represented in the system because a backlog of complaints had not yet been entered in the system.

We also identified blank fields in the inspection and case closure date fields in Accela, making the data unreliable to ascertain whether the division had met its performance standards. The division also has a decentralized case intake process, accepting complaints by telephone, email, text, and informal communication. Citizens can also submit complaints through CodeBusters, an email address in which complaints are routed to the Trade Permit Division. We reviewed all 38 complaints sent through CodeBusters in December 2020 and found that 18 were entered into Accela within 24 hours, 11 between 2 and 82 days, 5 were not entered into Accela at all, and 4 already existed in the system prior to receipt in CodeBusters. All complaints are required to be entered into Accela within 24 hours.

Although complaints are required to be inspected within 72 hours of entry into Accela, we found that over half of complaints were not assigned to an inspector; some of the complaints were reported as far back as 2017. It is possible that many of these cases have been inspected and resolved and the system has not been updated.

More effective supervision would likely improve the quality of the data in Accela and reduce the risk of fraud. While some of the Inspections and Enforcement Division's inspectors were working remotely, the division's sole supervisor conducted field inspections; during this time inspectors assigned cases to themselves and closed cases in Accela without supervisory review. Additional supervisors could help to more effectively manage the workload. The division was recently approved for an additional 13 positions, but without accurate workload data in Accela, it cannot effectively allocate those additional resources.

We recommend that the Commissioner of City Planning update complaint information in Accela to ensure that all cases are entered and update the status of cases. This would provide more reliable workload information, which leadership could use to assess the number and qualifications of additional staff needed. The Commissioner should also consider creating additional supervisor positions to ensure that complaints are properly assigned and reviewed prior to closure. We

also recommend that the Commissioner ensure that supervisors enter all information related to complaints into Accela according to established procedures.

A backlog of complaints reported during calendar year 2020 was not entered into Accela. Inspections and Enforcement Division staff told us that building and zoning code complaints increased during 2020; however, data in Accela shows that calendar year 2020 had the fewest number of complaints of any year between 2017 through 2020 (see Exhibit 6). According to Inspections and Enforcement Division staff, the reason for the discrepancy is because a backlog of complaints has not been entered into Accela.

Exhibit 6: Accela Data Indicates Complaints Decreased in CY20

Calendar Year	Total Complaints
2020	747
2019	1,434
2018	1,237
2017	1,315
Total	4,733

Source: Accela Ad-Hoc reports

Inspections and Enforcement Division staff told us that the Atlanta Police Department assisted the division in enforcing complaints of unpermitted work between March and early summer of 2020. The Inspections and Enforcement Division received the complaints by email and through the Office of Buildings' main phone line, screened the cases for severity, and emailed the complaints to Police for inspection. Police issued stop-work orders in some of these cases. Inspections and Enforcement Division staff did not enter the cases into Accela prior to referring them to Police; therefore, the status of each case is not documented in the system. It is possible that some of the cases may not be resolved.

The lack of written procedures may also have contributed to the complaints not being recorded in Accela prior to referral to Police. When stop-work order violations were added to the Inspections and Enforcement Division's responsibilities in 2016, staff did not update procedures to account for the change; the division currently has no written procedures for enforcing stop-work orders. According to the Director of the Office of Buildings, some internal procedures were lost

during the city's ransomware attack in 2018; however, the procedures have not been re-documented.

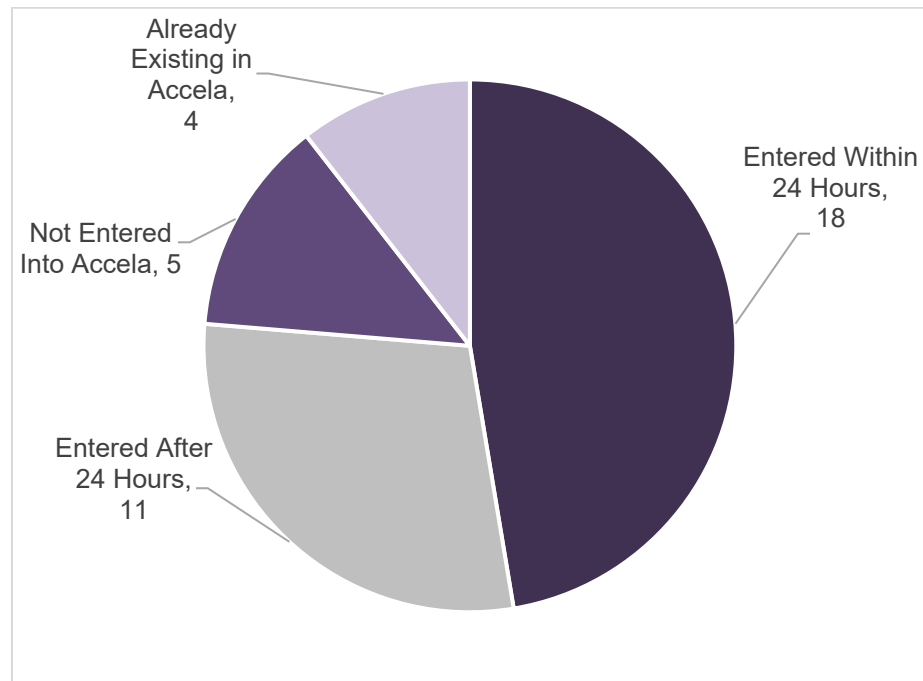
Inconsistent practices in handling complaints have occurred, likely due to the absence of written procedures which reflect the current practices of the division. A majority of the staff began teleworking during the COVID-19 pandemic in 2020, but the division did not establish procedures to document how the complaints would be handled. Some inspectors working in the field relied on staff working from home to update status fields for complaints in Accela, while other inspectors updated cases themselves. Without documented procedures, cases may not be consistently entered or updated in Accela, if at all.

We recommend that the Commissioner of City Planning direct staff to enter the backlog of complaints into Accela and work with Police to obtain the status of each complaint referred to the department and update the status in Accela. We also recommend that the Commissioner ensure that procedures for handling stop-work complaints are documented and consistently followed.

We identified complaints reported through the CodeBusters email in December 2020 that were not entered into Accela. The Office of Buildings receives building and zoning complaints from citizens through telephone, email, text, and informal communication, which includes contacting inspections and buildings staff directly. Complaints can also be submitted through CodeBusters, an email address in which complaints are routed to Planning's Trade Permit Division. This team is responsible for entering the complaints into Accela, and an Inspections and Enforcement Division supervisor is required to assign them to an inspector. Complaints from all sources are required to be input into Accela within 24 hours of receipt and initial inspections must be conducted within 72 hours after the complaint is entered into Accela.

We reviewed all emails received through CodeBusters during December 2020 and found that of the 38 total emails, 18 were entered into Accela within 24 hours, 11 between 2 and 82 days, and 5 were not entered into Accela at all (see Exhibit 7). Staff stated that the only explanation why the five complaints were not entered into the system, is because at the time it was a new procedure with new processes that required training. The remaining four complaints already existed in Accela, indicating that they had already been reported and entered into the system before being submitted through the CodeBusters email. If complaints are not entered into the system timely, they may not be resolved timely or may fall through the cracks and remain unaddressed.

Exhibit 7: Not All Complaints Were Entered into Accela Within 24 Hours



Source: CodeBusters emails and Accela

The Inspections and Enforcement Division began receiving complaints to the CodeBusters email account on November 16, 2020. The contact information for CodeBusters is listed on the Department of City Planning's main webpage, which includes the CodeBusters email address (CodeBustersDCP@atlantaga.gov) and a telephone number that routes citizens to the Trade Permit Division, instead of to the Inspections and Enforcement Division. Police's Code Enforcement staff told us that the email account creates confusion because the name is similar to their functions with the Atlanta Police Department.

We recommend that the Commissioner of City Planning ensure that all complaints received through the CodeBusters email are entered into Accela within 24 hours, consistent with the division's procedures.

The Inspections and Enforcement Division's decentralized complaint intake process makes it difficult to ensure that all complaints are captured. The decentralized complaint intake requires a structured approach to ensure that complaints from all sources are entered into Accela, and we found that some complaints have fallen through the cracks and are unaccounted for in the system. Although the division prioritizes life safety complaints, it is possible that high-risk complaints are not entered into Accela, potentially endangering the public and limiting the effectiveness of the division.

Routing all complaints through ATL311 could help to ensure complaints are entered into Accela. ATL311 is the city's primary phone number for government information and non-emergency services. The ATL311 staff currently accepts Police's Code Enforcement complaints via phone, email, and a user-based web portal where complaint statuses can also be tracked.

Although the division tracks the time it takes to conduct initial inspections, it does not track and monitor the amount of time to resolve a complaint. Although complaints are required to be entered into Accela within 24 hours and initial inspections are required to be conducted within 72 hours after the complaint is entered into Accela (see Exhibit 8), the division does not definitively track how long it takes to resolve a complaint from the time the complaint is received, although there is a 30-day expectation for compliance barring any extensions granted.

Exhibit 8: Inspections May Be Delayed if Complaints Are Not Entered into Accela Timely



Source: Auditor's creation based on interviews with staff

We recommend that the Commissioner of City Planning develop a performance target for resolving customer complaints and track metrics for each step of the process (from the time the complaint is received until the issue is resolved) and monitor compliance with the performance targets.

Over half of enforcement complaints in Accela are not assigned to an inspector; some as far back as 2017. We reviewed enforcement complaints recorded between 2017 and 2020 and found that of the 4,733 complaints, 2,736 (58%) are unassigned to an inspector in Accela (See Exhibit 9). Division staff stated that the supervisor is required to assign cases to inspectors, and inspections are required to be conducted within 72 hours of the complaint being entered into Accela. It is

possible, particularly with older cases, that inspections have been completed and the complaints have been resolved; however, without complete information in Accela, complaint status remains unclear, and performance cannot be assessed.

Exhibit 9: Cases as Far Back as 2017 Are Not Assigned to An Inspector in Accela

Calendar Year	Total Complaints	Unassigned Complaints	Percent Unassigned
2020	747	530	71%
2019	1,434	557	39%
2018	1,237	629	51%
2017	1,315	1,020	78%
Total	4,733	2,736	58%

Source: Accela Ad-Hoc reports

We recommend that the Commissioner of City Planning ensure that supervisors promptly assign cases to inspectors in Accela in order to meet the performance target of conducting inspections within 72 hours after the complaint is entered into the system. Inspections and Enforcement Division leadership attribute the inability of the supervisor to properly assign cases to a lack of staff, coupled with too large of a workload. The division expects to resolve this issue with the 13 additional staff positions approved for fiscal year 2022.

Complaint status information in Accela is unreliable. The Inspections and Enforcement Division inconsistently updates status fields for complaints in Accela, making it difficult to accurately assess whether the division is meeting performance targets. We analyzed 4,733 total complaints recorded during calendar years 2017 through 2020 and found that initial inspection dates were blank in 400 complaints, and case close dates were blank in 2,407 complaints. Without this information, the division cannot accurately assess whether it is meeting performance goals.

According to division staff, the process for creating and updating the various status fields for complaints is lengthy and lacks user-friendliness. Fields such as 'Assigned To' require staff to input the information multiple times in different locations while creating the case and scheduling an inspection in Accela. Additionally, staff told us they have not been properly trained on how to accurately input information into complaint fields; therefore, performance data in the system are incomplete and unreliable.

We recommend that the Commissioner of City Planning ensure that complaint inspection and closure dates are consistently entered into Accela.

The supervisors should review complaints prior to closure in Accela. Inspections and Enforcement Division staff told us that after completing complaint investigations and violations have been corrected, inspectors close out their assigned cases in Accela by updating the workflow as “Complied.” Allowing inspectors to close cases without supervisory review violates the principle of segregation of duties, in which incompatible tasks should not be performed by the same person. Inspectors who perform investigations should not be allowed to close cases without supervisory review; the review serves as an oversight role to help identify errors, ensure the closure is justified, and mitigate the risk of fraud.

Currently, Accela is not configured to require supervisory approval before cases are closed by inspectors, and spot checks of closed cases are not required by the division’s procedures.

We recommend that the Commissioner of City Planning direct staff to update procedures to require supervisors to review cases, at least on a spot-check basis, before they are closed in the system and ensure that the procedure is followed.

Different permission levels for supervisors and inspectors in Accela would help to mitigate the risk of fraud. Currently, all enforcement staff have the same permissions in Accela, which allow inspectors to assign themselves cases, which is a supervisory task. Inspectors can also close cases without supervisory review. The lack of separation of these tasks could allow fraud to easily occur, in which inspectors could assign cases to themselves for customers in which they have relationships, and cases could be closed without being resolved.

According to staff, inspectors began assigning cases to themselves when inspectors began working remotely and the supervisor began conducting field inspections to assist. The Director of the Office of Buildings and the division supervisor stated that the supervisor is responsible for assigning cases to inspectors for investigation. In March 2020, the division moved to mandatory telework due to the COVID-19 pandemic, temporarily suspending in-person inspections. Inspections and Enforcement Division staff told us that some inspectors resumed field responsibilities in December 2020, while others continued working remotely. Because inspectors were working remotely, the supervisor began inspecting complaints in the field. During this time, inspectors

assigned themselves cases in Accela after obtaining informal approval from the supervisor. In other instances, inspectors searched for unaddressed cases in Accela and assigned themselves, inconsistent with established procedures.

Industry standards provide that system permissions should be assigned on the basis of “least privileges,” meaning that users should have the least amount of access necessary to perform their jobs. Supervisors are required to assign cases to inspectors; therefore, permissions in Accela should provide that ability, but that access should not also be extended to inspectors. Limiting access to job duties also helps to mitigate the risk of error and fraud.

We recommend that the Commissioner of City Planning work with the Accela System Administrator to reduce the inspectors’ access in Accela to only those permissions needed to perform their specific functions.

Improving Accela Data Would Provide Information to Assess Resource Needs

The Inspections and Enforcement Division developed an action plan to address perceived staffing shortages, but the basis for the new positions is unclear. Inspections and Enforcement Division leadership developed a plan to add 19 new staff positions to address an apparent staffing shortage. City Council approved an additional 13 positions for fiscal year 2022; however, the division’s plan does not provide evidence to support the need for the increase in staff. The personnel papers show that the division plans to add 4 Enforcement Leads, 13 Zoning Inspector, Sr., and 2 Permit Technician positions, but provides no further details.

Inspections and Enforcement Division staff told us that there are approximately 500 complaints currently in their backlog. We could not confirm the backlog of complaints because all complaints have not been entered into Accela (see Exhibit 6) and case status in Accela is incomplete. Inspections and Enforcement Division leadership told us that they hired one new inspector in June 2021 to focus on historic district violations. Additional Zoning Inspector, Sr. positions have been posted on the city’s website and the job announcements state preferences for individuals with ICC (International Code Council) certifications, but there is no preference listed for candidates with historic preservation training.

We recommend that the Commissioner of City Planning update Accela to ensure that all cases are entered, and statuses updated, which would provide more reliable workload information. Leadership should use that data to assess the number and qualifications of additional staff needed.

The Commissioner should also consider creating additional supervisor positions to ensure that complaints are properly assigned and reviewed prior to closure.

Current Organizational Structure Is Ineffective

Organizational changes related to zoning enforcement responsibilities over time have not been updated in city code, and information on Planning's website is unclear about which city agency is responsible for handling zoning and building code complaints. The agencies' responsibilities appear to be unclear for both citizens as well as the city agencies themselves. Both Police and Planning have responsibilities for handling portions of the zoning code, and both agencies have responded to the same complaints. Peer cities consolidate enforcement of all property code provisions into a single enforcement unit, with the exception of building code enforcement. Moving the zoning enforcement function to Police would align with peer city practices and centralize most enforcement responsibilities, which should reduce citizen confusion and improve effectiveness. Centralizing the complaint intake process through ATL311 would also help to reduce the likelihood that complaints would fall through the cracks and remain unresolved.

We recommend that the Commissioner of City Planning and the Police Chief work together to transfer zoning enforcement responsibilities under Police's Code Enforcement Section. We also recommend that the Commissioner of City Planning continue encouraging staff to participate in the city's Code Enforcement Academy to educate citizens on all the division enforcement responsibilities.

Unclear delineation between Planning's Inspections and Enforcement Division's and Police's Code Enforcement Section's enforcement responsibilities creates confusion for the public and city staff.

Historically, all enforcement responsibilities were the responsibility of the Department of City Planning, but since the development of the Atlanta Police Department's Code Enforcement Section, some functions have changed. Property maintenance enforcement shifted to Police and zoning enforcement remained with Planning's Inspections and Enforcement Division. Department of City Planning staff has not drafted legislation to update city code to separate zoning enforcement duties that were retained within the Office of Buildings once the Office of Code Compliance was dissolved in 2011. There are overlaps in the code provisions that state both the Code Enforcement Section and Inspections and Enforcement Division are responsible for enforcing the same types of violations. As a result, for example, junk vehicle violations, can be enforced by both the Code Enforcement Section and the Inspections and Enforcement Division.

Planning's website lacks accurate information to direct citizens to the Inspections and Enforcement Division when filing a zoning enforcement-related complaint. The Office of Buildings' webpage does not detail the duties of enforcing zoning code and building code related to unpermitted work and the Inspections and Enforcement Division's webpage lists business license review and sign permitting as the responsibilities of the division.

Police staff told us that there have been instances in which their Code Enforcement officers and inspectors from Planning's Inspections and Enforcement Division have arrived at the same site to investigate the same complaint. Both departments told us they often receive complaints that should be investigated by the other.

Peer cities, including, Jacksonville, Florida, and Nashville, Tennessee, consolidate enforcement of all property code provisions into a single enforcement unit, with the exception of building code enforcement. Moving the zoning enforcement function to Police would align with peer city practices and centralize most enforcement responsibilities, which should reduce citizen confusion. Police's Code Enforcement Section uses ATL311 for complaint intake; if zoning enforcement responsibilities were transferred to Police, related complaints would be routed to ATL311 as well. This may help to ensure that complaints are captured and logged into Accela.

Incorporating zoning enforcement into the city's current Code Enforcement Academy training program could help citizens clarify responsibilities. The Code Enforcement Academy training program is a city-wide initiative developed by a city councilmember, which according to City Council staff "aims to increase skills, coordination, and collaboration in the community with institutions and city departments" by presenting and providing training manuals and contact information on departmental services available to the public. Ten city departments participate in the training program, including Police and Planning. Police's Code Enforcement Section is an active participant in the academy, while Planning's Inspections and Enforcement Division staff has only participated on a few occasions. Although the academy was on hold due to the COVID-19 pandemic, sessions resumed in May 2021 and continued through July 2021 on a bi-weekly basis.

Best practices for enforcing code provisions state that community engagement is a must, therefore the division's consistent participation in the training program would improve public knowledge on zoning enforcement responsibilities and increase the effectiveness of the division.

We recommend that the Commissioner of City Planning and the Police Chief work together to align zoning enforcement responsibilities under Police's Code Enforcement Section. We spoke to leadership of Planning and Police and both were initially receptive to consolidating responsibilities. Planning, however, has since expressed reluctance to the move due to plans to restructure the Inspections and Enforcement Division with adequate staff, and because Planning houses historical documentation needed to conduct zoning research. In the meantime, we recommend that the Commissioner of City Planning work with the Commissioner of ATL311 to route all zoning complaints to ATL311 and provide ATL311 staff with training on entering complaints in Accela.

Recommendations

To centralize zoning enforcement responsibilities, the Commissioner of City Planning should work with the Police Chief to:

1. transfer zoning enforcement responsibilities to Police's Code Enforcement Section

To centralize the complaint intake process, the Commissioner of City Planning should work with the Commissioner of ATL311 to:

2. route all zoning complaints to ATL311 and provide ATL311 staff with training on entering complaints in Accela

To promote public engagement and education, the Commissioner of City Planning should:

3. continue encouraging staff to participate in the city's Code Enforcement Academy to educate citizens on all the division enforcement responsibilities

Until the zoning enforcement function moves to the Code Enforcement Section, the Commissioner of City Planning should:

4. update complaint information in Accela to ensure that all cases are entered and update the status of cases
5. create additional supervisor positions to ensure that complaints are properly assigned and reviewed prior to closure
6. ensure that supervisors enter all information related to complaints into Accela according to established procedures
7. direct staff to enter the backlog of complaints into Accela and work with Police to obtain the status of each complaint referred to the department and update the status in Accela
8. ensure that procedures for handling stop-work complaints are documented and consistently followed
9. ensure that all complaints received through the CodeBusters email are entered into Accela within 24 hours, consistent with the division's procedures
10. develop a performance target for resolving customer complaints and track metrics for each step of the process (from the time the complaint is received until the issue is resolved) and monitor compliance with the performance targets

11. ensure that supervisors promptly assign cases to inspectors in Accela in order to meet the performance target of conducting inspections within 72 hours after the complaint is entered into the system
12. ensure that complaint inspection and closure dates are consistently entered into Accela
13. update procedures to require supervisors to review cases, at least on a spot-check basis, before they are closed in the system and ensure that the procedure is followed
14. work with the Accela System Administrator to reduce the inspectors' access in Accela to only those permissions needed to perform their specific functions

Appendices

Appendix A: Management Review and Response to Audit Recommendations

Report # 21.06	Report Title: Building and Zoning Enforcement	Date: December 2021
Recommendation 1: We recommend that the Commissioner of City Planning work with the Police Chief to transfer zoning enforcement responsibilities to Police's Code Enforcement Section.		
Proposed Action: See attachment		Response: Disagree
Person Responsible: Name, Title		Implementation Date: Month Year
Additional Comments: Add if needed; otherwise, delete		
Recommendation 2: We recommend that the Commissioner of City Planning route all zoning complaints to ATL311 and provide ATL311 staff with training on entering complaints in Accela.		
Proposed Action: See attachment		Response: Agree
Person Responsible: Gregory Pace, Director		Implementation Date: Jan. 2022/Feb. 2022
Recommendation 3: We recommend that the Commissioner of City Planning continue encouraging staff to participate in the city's Code Enforcement Academy to educate citizens on all the division enforcement responsibilities.		
Proposed Action: Currently participating in all invited community meetings and Code Enforcement Academy training sessions.		Response: Agree
Person Responsible: Gregory Pace, Director		Implementation Date: Ongoing
Recommendation 4: We recommend that the Commissioner of City Planning update complaint information in Accela to ensure that all cases are entered and update the status of cases.		
Proposed Action: Complaint information is currently being updated in Accela. A backlog report was generated and is currently being updated.		Response: Agree
Person Responsible: Gregory Pace, Director		Implementation Date: Immediately

Recommendation 5:

We recommend that the Commissioner of City Planning create additional supervisor positions to ensure that complaints are properly assigned and reviewed prior to closure.

Proposed Action: Four (4) lead positions were created in the personnel budget for FY22. These positions will serve as the supervisors of each quadrant.

Response:

Agree

Person Responsible: Gregory Pace, Director

Implementation Date:

Immediately

Recommendation 6:

We recommend that the Commissioner of City Planning ensure that supervisors enter all information related to complaints into Accela according to established procedures.

Proposed Action: Supervisor positions have been approved and being recruited. Once hired, they will presume the duties to ensure that all information related to complaints are entered into Accela according to established procedures.

Response:

Agree

Person Responsible: Gregory Pace, Director

Implementation Date:

Nov. / Dec. 2021 – Upon the hire of supervisors.

Recommendation 7:

We recommend that the Commissioner of City Planning direct staff to enter the backlog of complaints into Accela and work with Police to obtain the status of each complaint referred to the department and update the status in Accela.

Proposed Action: Complaint information is currently being updated in Accela. A backlog report was generated and is currently being updated. Additionally, 4 lead positions were created in the personnel budget for FY22. These positions will serve as the supervisors of each quadrant.

Response:

Agree

Person Responsible: Gregory Pace, Director

Implementation Date:

Immediately

Recommendation 8:

We recommend that the Commissioner of City Planning ensure that procedures for handling stop-work complaints are documented and consistently followed.

Proposed Action: Revise current SOPs, distribute & train all inspectors.

Response:

Agree

Person Responsible: Gregory Pace, Director

Implementation Date:

November 2021

Recommendation 9:

We recommend that the Commissioner of City Planning ensure that all complaints received through the CodeBusters email are entered into Accela within 24 hours, consistent with the division's procedures.

Proposed Action: Currently developing monitoring process for implementation. Will reiterate established SLA and its importance.

Response:

Agree

Person Responsible: Gregory Pace, Director

Implementation Date:

Immediately

Recommendation 10:

We recommend that the Commissioner of City Planning develop a performance target for resolving customer complaints and track metrics for each step of the process (from the time the complaint is received until the issue is resolved) and monitor compliance with the performance targets.

Proposed Action: New performance metrics are being established for SWO's. All other complaint categories already have established performance metric. Will work with AIM, Accela System Administrator to revise the complaint workflow to better serve Office of Buildings' needs & provide accurate reporting and monitoring.

Response:

Agree

Person Responsible: Gregory Pace, Director

Implementation Date:

Jan. 2022 / Feb. 2022

Recommendation 11:

We recommend that the Commissioner of City Planning ensure that supervisors promptly assign cases to inspectors in Accela in order to meet the performance target of conducting inspections within 72 hours after the complaint is entered into the system.

Proposed Action: Supervisor positions have been approved and being recruited. Once hired, they will presume the duties to ensure that all information related to complaints are entered into Accela according to established procedures. Currently developing monitoring process for implementation. Will reiterate established SLA and its importance.

Response:

Agree

Person Responsible: Gregory Pace, Director

Implementation Date:

Immediately

Recommendation 12:

We recommend that the Commissioner of City Planning ensure that complaint inspection and closure dates are consistently entered into Accela.

Proposed Action: Supervisor positions have been approved and being recruited. Once hired, they will presume the duties to ensure that all information related to complaints are entered into Accela according to established procedures. Currently developing monitoring process for implementation. Will reiterate established SLA and its importance.

Response:

Agree

Person Responsible: Gregory Pace, Director	Implementation Date: Immediately
Recommendation 13: We recommend that the Commissioner of City Planning update procedures to require supervisors to review cases, at least on a spot-check bases, before they are closed in the system and ensure that the procedure is followed.	
Proposed Action: Quality Assurance and Quality Control (QA/QC) program is being established for all inspection types, including zoning enforcement.	Response: Agree
Person Responsible: Gregory Pace, Director	Implementation Date: Jan. 2022 / Feb. 2022
Recommendation 14: We recommend the Commissioner of City Planning work with the Accela System Administrator to reduce the inspectors' access in Accela to only those permissions needed to perform their specific functions.	
Proposed Action: Will work with Accela Systems Admin. To revise the complaint workflow to better serve Office of Buildings enforcement needs, provide accurate data reporting and automated reminders for efficiency.	Response: Agree
Person Responsible: Gregory Pace, Director	Implementation Date: Jan. 2022

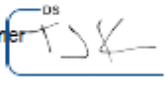


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TIM KEANE
COMMISSIONER

MEMORANDUM

TO: Amanda Noble, City Auditor
FROM: Tim Keane, Commissioner 
DATE: November 4, 2021
REF: Building and Zoning Code Enforcement Audit
CC: Janide Sidifall, Deputy Commissioner
Greg Pace, Director of the Office of Buildings
Randi Hadeen, Audit Manager

Attached are the responses we are providing to the recommendations of the Building and Zoning Code Enforcement Audit. The technical recommendations of the audit are consistent with those we are in the process of addressing. In conjunction with the Fiscal Year 2022 budget, we prepared a plan for reorganization of Code Enforcement in City Planning to correct deficiencies in this service. The primary constraint in code enforcement has been inadequate number of staff. In the current fiscal year budget, we were funded 22 additional positions in code enforcement which will allow us to implement the plan and correct these deficiencies.

With regard to moving zoning code enforcement to the Atlanta Police Department, we think this would be a mistake and our rationale is covered in our response. All departments that need one have a code enforcement team dedicated to the unique regulations they are responsible for enforcing. Zoning Code Enforcement is specifically a product of the work we do in the Department of City Planning. The regulations we enforce are often changing and the collaboration between the code enforcement staff and others in the department is constant. Additionally, we think there is agreement among all critical departments that such a move would be counterproductive.

TJK

This is an official response to the recommendations for the “Enforcement of Building and Zoning Codes Audit” prepared by the City Auditor’s Office. More specifically, recommendation number 1.

The Department of City Planning disagrees with recommendation numbers 1, whereas we do not agree with transferring the zoning enforcement responsibilities to the Atlanta Police Department’s Code Enforcement Section. This transfer would create more confusion for the public and employees. It would also overwhelm an already over-burdened Police department. It is not a remedy to resolve or improve zoning complaints. More specifically:

- Zoning regulations deal with the way land is used. It will always involve what can be constructed on a parcel of land and the responsibility for these decisions rests with the Department of City Planning. As stated in the audit, there are overlapping responsibilities with APD Code Enforcement Division. Additionally, zoning enforcement intersects with other departments and outside agencies including the Department of Watershed, the Department of Public Works, and Fulton and DeKalb County Health Departments. This intersection is a place where a significant amount of confusion could be formed for the agencies involved and even more so for the customers. All departments should maintain an enforcement arm that can expertly enforce the codes they regulate. As such, there is an enforcement section in DPW, Watershed Management, Atlanta Fire and Rescue, and so on. The zoning enforcement division works in relation to building permits issued by the Office of Buildings within the Department of City Planning. These building permits are reviewed and issued to ensure that all life safety codes relative to what is constructed on a tract of land, must adhere to the City of Atlanta Building Code, and any related codes such as the Electrical, Plumbing, Heating Ventilating, and Air Conditioning Code, Fire Sprinkler Code, Zoning, Arborist, etc. All such codes are directly related to land use and should remain under the purview of the Department of City Planning (DCP).
- Transferring all zoning enforcement duties is not limited to inspections. Additional responsibilities include
 - sign permit application reviews, including billboard reviews and inspections
 - business license application reviews
 - research and inspection of non-conforming uses and structures for legality
 - auto broker business license inspections,
 - used auto dealership business license inspections
 - APD special police license applications review
- Before the issuance of any City of Atlanta business license, APD special license for vending, alcohol, car broker licenses, tattoo parlors, massage parlors, vape shops, adult entertainment establishments, etc., zoning inspections are sometimes required. These are revenue-generating processes that will be held up if the process is moved under the purview of APD
- There are collaborative enforcement activities with the building inspectors, plan reviewers, the Office of Zoning and Development, and the Office of Design, which have not been factored into this transfer. These collaborations occur often, and usually require the review of approved plans with a team of plan reviewers from the OOB, OZD, inspectors, and other departments.

If the Zoning Inspectors are in a different location, the research of approved plans, SAP's, SUP's, conditions, ordinances, Holmes Directories, Sanborn maps, and other documents required to make decisions on enforcement proceedings will be difficult.

- In several instances, corrective measures for violations to the zoning code require consultation with the building inspection team, upper management, DCP staff, as well as legal opinion from the Law Department. The legal advisement assigned to DCP is versed in these ordinances and sometimes requires writing legislation to adopt new zoning regulations or moratoriums.
- A simple zoning correction notice may become complex when it leads to an appeal before the Board of Zoning Adjustment (BZA) when one is aggrieved by a decision by an administrative official. The BZA will hear cases to vary building setback lines, structure height, or special exceptions to reduce required on site-parking. It must also hear and decide on cases for which zoning correction notices have been issued for violations. A citizen who does not agree with the BZA decision may appeal the decision to Fulton County Superior Court and subsequently to a higher court. These appeals are time-consuming and require the involvement of several staff members (staff issuing correction notice, legal team, etc.). Should the zoning enforcement team be transferred, this responsibility will also be transferred to the Atlanta Police Department, thusly increasing their responsibilities.
- The zoning ordinance is very complex, APD will now be charged with reviewing and responding to zoning violations for the following:
 - floor area ratio to land calculations (FAR)
 - total open space
 - useable open space
 - lot coverage
 - distance between buildings (for multi-family developments)
 - light spillage concerns
 - number of required parking spaces
 - number of compact parking spaces
 - number of loading dock spaces
 - height of commercial and residential structures
 - Zoning compliance for all home occupation uses
 - residential accessory structures and uses
 - recreational uses in residential zoning districts,
 - and most recently short-term rental uses

All of these are concerns that are currently investigated by the Zoning Enforcement Division.

- Zoning inspections may often require that archived plans, variances, and special exception files are retrieved from DCP archives and made available for field inspections. These records are to be maintained indefinitely by this department for life safety purposes, building inspections and open records, and other purposes. A burden will be imposed on staff if records are with APD.

The DCP Office of Buildings has never had adequate personnel to investigate the number of complaints received in the past. This audit focused on complaints dating back to 2017 after a realignment of enforcement responsibilities was transferred to the Zoning Inspectors. According to our personnel report during these years we had the following full-time employees dedicated to zoning enforcement.

- 2017 – six (6) zoning inspectors
- 2018 – five (5) zoning inspectors
- 2019 – a minimum of four (4) and a maximum of six (6) zoning inspectors. During this year, two (2) inspectors departed and two (2) were hired, while one of the inspectors was on FMLA for six (6) months.
- 2020 – six (6) zoning inspectors and one supervisor, of which two (2) were on FMLA for most of the year.

After multiple concerns which were brought forth by the department, the OOB was approved in the FY22 budget to add 13 positions to the Zoning Enforcement Division to address these challenges. A plan was enacted and is currently under implementation with thorough recruiting required. If allowed to implement this plan and follow the other recommendations mentioned, we are confident in our ability to make the necessary improvements and address the zoning enforcement complaints.

Lastly, to gauge their thoughts about taking on this responsibility, we had conversations with APD leadership. Our focus was to make them aware of the potential changes so as not to surprise them with the enormity of this responsibility. Assistant Chief Coyt stated he would not support such a transfer as recommended by the Audit Team. Coyt contends that it would essentially take their department away from the “public safety realm”. Additionally, in speaking with several other sources it was advised that each department should have a “dedicated” enforcement team. These teams could expertly address code violations and be more effective in bringing violators into compliance. The transfer of responsibilities as suggested is the equivalent of transferring Atlanta Fire and Rescue Department’s enforcement responsibilities to the Atlanta Police Department or Watershed Management enforcement responsibilities to AFRD.

In conclusion, the approach utilized in the suggested changes to remedy the zoning enforcement complaint issues is from a bird’s eye aerial view. The proper approach necessary is a hands-on ground-level approach. This can only be achieved by the department versed in zoning enforcement. As stated, we disagree with the recommendation to transfer the zoning enforcement responsibilities to the Atlanta Police Department’s Enforcement Division. This would be ineffective. It would confuse citizens and cause a delay in several processes, ultimately impacting customer service. The Atlanta Police Department is already over-burdened. As such, this transfer of responsibilities will undoubtedly set both departments up for failure.

Appendix B: City of Atlanta Zoning Districts

Atlanta Zoning Districts - Complete Listing

Adapted from the City of Atlanta Zoning Ordinance

District	Description
BL	Beltline overlay district
C-1	Community business
C-2	Commercial service
C-3	Commercial-residential
C-4	Central area commercial-residential
C-5	Central business district support
HBS	Historic building or site
HD-20G	West End historic district
HD-20I	Adair Park historic district
HD-20J	Whittier Mill historic district
HD-20K	Grant Park historic district
HD-20L	Inman Park historic district
HD-20M	Oakland City historic district
I-1	Light industrial
I-2	Heavy industrial
LBS	Landmark building or site
LD-20A	Cabbagetown landmark district
LD-20B	Druid Hills landmark district
LD-20C	Martin Luther King, Jr. landmark district
LD-20D	Washington Park landmark district
LD-20E	Oakland Cemetery landmark district
LD-20F	Baltimore Block landmark district
LD-20H	Hotel Row landmark district
LD-20N	Castleberry Hill landmark district
LW	Live-Work
MR-1	Multi-family residential, maximum floor area ratio of 0.162
MR-2	Multi-family residential, maximum floor area ratio of 0.348
MR-3	Multi-family residential, maximum floor area ratio of 0.696
MR-4A	Multi-family residential, maximum floor area ratio of 1.49
MR-4B	Multi-family residential (townhouses), maximum floor area ratio of 1.49
MR-5A	Multi-family residential, maximum floor area ratio of 3.2
MR-5B	Multi-family residential next to single-family districts, maximum FAR of 3.2
MR-6	Multi-family residential, maximum floor area ratio of 6.4
MRC-1	Mixed residential and commercial, maximum floor area ratio of 1.696
MRC-2	Mixed residential and commercial, maximum floor area ratio of 3.196
MRC-3	Mixed residential and commercial, maximum floor area ratio of 7.2
NC	Neighborhood commercial
NC-1	Little Five Points Neighborhood Commercial
NC-2	East Atlanta Neighborhood Commercial
NC-3	Kirkwood Neighborhood Commercial
NC-4	Cheshire Bridge North Neighborhood Commercial
NC-5	Cheshire Bridge South Neighborhood Commercial
O-1	Office-Institutional
PD-H	Planned housing development (single-family or multi-family)
PD-MU	Mixed-use planned development
PD-OC	Office-commercial planned development
R-1	Single-family residential, minimum lot size 2 acres
R-2	Single-family residential, minimum lot size 1 acre
R-2A	Single-family residential, minimum lot size 0.69 acres
R-2B	Single-family residential, minimum lot size 0.64 acres
R-3	Single-family residential, minimum lot size 0.41 acres
R-3A	Single-family residential, minimum lot size 0.31 acres
R-4	Single-family residential, minimum lot size 0.21 acres
R-4A	Single-family residential, minimum lot size 0.17 acres
R-4B	Single-family residential, minimum lot size 0.06 acres
R-5	Two-family residential, minimum lot size 0.17 acres