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The invisibility of code enforcement in planning praxis: The case of informal housing in southern California

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Abstract

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The Invisibility of Code Enforcement in Planning Praxis: The Case of Informal Housing in Southern California

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In this article, Jake Wegmann and Jonathan Pacheco Bell argue that more and better engagement with working class neighborhoods and communities of color are urgent imperatives for the planning profession. Drawing on a survey, interviews, and their professional experiences with the informal housing market in Southern California, they show that, although much of this work is managed by code enforcement officers, the planning profession largely holds code enforcement at arms' length. Wegmann and Bell show that ending the estrangement between code enforcement and planning would offer numerous benefits including inculcating cultural competence in planners, addressing vexing issues such as housing unaffordability, and creating better codes and policies.

More and better engagement with working class neighborhoods and communities of color are urgent imperatives for the planning profession as the United States transitions to a “majority minority” population. Code enforcement personnel are already doing much of this work, normally in a much more collaborative and less heavy-handed manner than the name of their profession would suggest. However, at present the planning profession largely holds code enforcement at arms’ length. Using the example of the informal housing market in Southern California—managed on a daily basis by code enforcement officers, yet largely unaddressed by planners—we draw on survey and interview data and our own professional experiences to make four propositions about code enforcement work. These are that code enforcement work is unusually cumbersome; it is chronically understaffed; its personnel cope by working reactively rather than proactively; and the profession suffers low prestige as a result. We argue that ending the estrangement between code enforcement and planning would offer numerous benefits to the latter, including inculcating cultural competence in planners through “learning by doing” and working at street level, and injecting sorely needed “community data” (Issac, 2013) into efforts to address vexing issues such as housing unaffordability.

Introduction

Recently a homeowner in Florence-Firestone, an unincorporated community about seven miles south of downtown Los Angeles, converted his garage into an apartment without proper permits. A short time later, he was paid a visit from a zoning inspector, who notified him that the county had received a report of an illegal garage conversion. He was then asked for per-

mission to inspect it. In some similar cases residents demand to know who complained (confidentiality requirements prevent disclosure); sometimes they bark “Get a warrant!” and slam the door shut; occasionally they become emotional. But as is most often the case, this homeowner simply cooperated and allowed access. The inspector then photographed the bedroom, kitchen, and bathroom built inside the garage. Having confirmed the violation, he explained how the unpermitted apartment violates zoning laws that require on-site covered parking, and building codes that prohibit living in an unauthorized dwelling without permitted gas, plumbing, and electrical service. After his visit, the inspector mailed a notice specifying each zoning code violation and a correction period. The notice also noted the consequences of noncompliance, which included hefty fines and a potential criminal case filing. As is typical, the homeowner complied and the case was eventually closed.

A similar scene plays out daily in cities and counties across California. Most jurisdictions employ code enforcement officers or building inspectors to perform this municipal enforcement function. But in this case in Florence-Firestone, the official making the inspection was a Los Angeles County urban planner.

Sometime in the 1970s, L.A. County transitioned to hiring planners to perform zoning code enforcement. The impetus for the change was the realization that planners possess a robust knowledge base in zoning, politics, socioeconomics, community development, and problem-solving, and that they would be well-positioned to educate community members about the complex permitting process. As a result, an L.A. County planner who begins her career in code enforcement develops strong community partnerships. She inevitably gains crucial aware-

ness of what is happening “on the ground,” leading to better understanding of which zoning codes and land use policies are working and which are not. Her *in situ* knowledge is eventually translated into new ordinances and policies. Communities also benefit from having these “embedded planners” who work closely with stakeholders on improving quality of life. But the planner-as-code enforcement inspector remains the exception to the rule. Things do not work this way in most California planning departments.

In general, the discipline of code enforcement is kept at arm’s length by the broader planning profession. In this article we argue that this constitutes a missed opportunity for the planning profession to “up its game.” This is particularly problematic in low-income neighborhoods and communities of color that are home to the nonwhite soon-to-be majority of the US population (and present-day California majority). To do so, we examine the issue of widespread informal housing in Southern California—one confronted daily at street level by code enforcement officers, but at present largely ignored by practicing planners.

Informal housing is an under-recognized and yet pervasive phenomenon in urban, suburban, and rural communities throughout Southern California. Although we firmly believe that unpermitted dwellings ought to be a matter of great concern to planners, at present this vast, officially “unaccounted for” housing market is largely managed by code enforcement officers. They are classic “street-level bureaucrats” (Lipsky, 1980) who must muddle through contradictory imperatives. On the one hand, they are expected to uphold the “letter of the law” of zoning ordinances and building codes, however profoundly out of step with daily lived reality. On the other hand, they are often called upon to avoid heavy-handedly trampling on the lives of community members, particularly those left with few other options in an unforgiving housing market.

And yet, as we will argue, code enforcement practitioners are largely shunned by the planning profession via both official policies that govern its institutions and by a set of widely held norms and beliefs. We believe this to be a hindrance to the planning profession’s oft-professed aspiration to meaningfully engage with members of disenfranchised communities. It is a missed opportunity to gather what has been referred to previously in the pages of *Focus* as “community data” (Isaac, 2013). And it is a missed opportunity to deepen the training and subsequent effectiveness of planners who are beginning their careers.

The rest of this article unfolds as follows. First, we briefly summarize past research that documents the chronically tight housing market conditions of Southern California, and the informal housing market that has sprung up as a result. We then give an overview of the code enforcement profession in California. Next, we describe the empirical methods used in this paper, including a survey with responses from 114 Southern California code enforcement officers. The heart of the article

recounts four propositions gleaned from these methods. Building on the propositions, we then describe several specific ways in which the planning discipline as practiced in Southern California holds itself at arm’s length from the code enforcement profession. These include exclusion from professional certification; a lack of coverage in academic curricula; and a pervasive disdain for street-level problem-solving work, in contrast with the valorization of more abstract analysis. We close with a brief set of recommendations on how the planning profession could narrow the divide that presently separates it from code enforcement.

A chronically tight housing market and informal housing in Southern California

It will come as no surprise to *Focus* readers that high housing costs are a longstanding and still intensifying concern in California. While statewide house prices were just 30% above the nationwide average in 1970, by 2015 they were 150% higher (California Legislative Analyst, 2015: 3). Average monthly rent is 50% higher in California than in the United States as a whole (*ibid*). Real incomes have increased nowhere near fast enough to avoid escalating housing cost burdens on the typical household. Meanwhile, rates of housing construction have plummeted since the 1970s, particularly in coastal areas (California Legislative Analyst, 2015: 11).

What is much less well understood is that one of the ways Californians have coped with the collision of these forces has been the growth of informal housing. Informal housing exists outside the law by virtue of its noncompliance with zoning regulations and other laws. It is a phenomenon that has long been intensively studied in various settings, but has been largely associated with the developing world (Arnott, 2009). Recent research, including by the present authors, has begun to identify and describe informal housing processes underway today in the United States, particularly in Los Angeles (Mukhija, 2014; Bell, 2014; Wegmann, 2015).

Informal housing in Southern California looks nothing like, for instance, the *colonias populares* of nearby Mexico or the *chawls* of faraway India. Part of the reason is that rather than being situated in contiguous communities, informal housing Southern California-style is most typically grafted onto neighborhoods originally subdivided as new suburban communities, where it assumes a variety of physical forms (Figure 1). These informal dwellings are all built without official permission or the benefit of inspection during and following construction.

Overview of code enforcement

Efforts by governmental authorities to regulate noncompliant land uses have a deep history. Enforcement has existed in some form since the early days of cities (Sanderson, 1969; Underwood et al, 2012). Legal remedies against nuisance properties date back to English common law (Editors of



Figure 1: Common types of informal dwellings in Greater Los Angeles: 1) garages retrofitted to house people rather than cars; 2) garden sheds converted to rental apartments; 3) recreational vehicles parked in driveways and yard areas used as permanent housing and connected to water and sewer lines; 4) travel trailers used for housing; 5) single-family houses subdivided into multiple units; and 6) freestanding dwellings added to backyards. Photos by Jonathan Pacheco Bell (1 to 4) and Erika Pinto (5 & 6).

Fordham Law Review, 1961). These mechanisms serve as the foundation on which modern-day code enforcement is based.

In the US, rapid urbanization in the decades after the Civil War accelerated the need to enact nuisance, building, zoning, and health laws aimed at maintaining order and public safety. For instance, in 1904, the City of Los Angeles adopted a “districting” ordinance that excluded laundries and washhouses from three newly created districts. Four years later, the city used this ordinance to create six new residence districts that prohibited numerous manufacturing businesses (Whittemore, 2010).

Notwithstanding these beginnings, municipal code enforcement in the US developed in earnest during the post-war period, a time of population increases and city development in many places, including Greater Los Angeles. “The construction boom that followed World War II caused a rapid expansion of the big city code enforcement agencies and the creation of many new agencies in the suburbs and smaller cities” (Sanderson, 1969: 185). In the 1960s, code enforcement was retooled as a mechanism for slum clearance in service of “urban renewal” in Los Angeles and other American cities (Greer, 1965; Marco and Mancino, 1969).

Today, every California city and county has a regulatory department responsible for enforcing local codes and ordinances. Department names range from Code Enforcement or Zoning Enforcement, to Code Compliance, to Neighborhood and Community Preservation. The variation in nomenclature reflects the different roles and expectations of code enforcement agencies within their respective jurisdictions. Increasingly, code enforcement officers are expected to solve the myriad violations constituents report to government, from unlicensed home businesses, to improperly drained pool water, to unpermitted garage conversions and much more (Moore, 2007: 11).

Methodology

Our arguments presented in this article rest on a three-legged methodological stool. The first is a *Code Enforcement Officer Survey* (“the Survey”), administered in the winter of 2013. Responses to a Web-driven survey instrument were solicited from code enforcement professionals working at least partially at street level (i.e., excluding those solely in a supervisory role) from all 205 incorporated and unincorporated local governments in the five counties including and surrounding Los Angeles, plus San Diego County. Responses were first requested from a notice placed on the California Association of Code Enforcement Officers (CACEO) listserv. Next, emails were sent to every e-mail address for code enforcement officers listed online. Finally, postcards were mailed to every community from which at least one response had not already been received. The postcard mailings were repeated two additional times for communities whose officers had not provided at least one response. These efforts yielded a total of 114 individual responses representing 79 distinct incorporated and unincorporated

jurisdictions. The Survey asked respondents to estimate the prevalence of unpermitted housing in the jurisdictions where they were employed, to answer questions about their workload, and to assess whether political interference, bureaucratic obstacles or other factors hindered their work.

Our second method is *interviews with code enforcement professionals*. These occurred in two ways: first, the Survey invited respondents to provide further open-ended written commentary. The other was six in-person and telephone interviews conducted from the fall of 2012 to the spring of 2013 with code enforcement officers—in some cases singly and in others with groups—working in various communities in Los Angeles and Orange Counties. Some of these involved “ride alongs,” which entailed one of us (Wegmann) riding in a car with one or more code enforcement officers in the communities where they worked and attempting to understand the realities of their jobs.

Our third method is *direct and participant observation*. One of us (Bell) has worked full-time as a planner and zoning enforcement inspector for Los Angeles County since 2006. The other (Wegmann) monitored email communications among code enforcement professionals on the CACEO listserv for over a year.

How code enforcement officers cope with the informal housing market in Southern California

In this section, we rely on our findings from the three methods discussed above to put forth four propositions. Each of them concerns how code enforcement officers in Southern California navigate the complexities of their unintended roles as regulators of the informal housing market. The propositions build upon each other in sequence, culminating in the final one which helps explain code enforcement’s estrangement from the planning profession.

Before we present the four propositions, a cautionary note is in order. The propositions constitute our best interpretation of the “big picture” emerging from the totality of our survey and interview results and, perhaps most importantly, professional experiences (in the case of coauthor Bell). Competing explanations for our results, or similar empirical findings from elsewhere, deserve further exploration. Given that code enforcement is so under-researched in the planning field, the emergence of critical perspectives, even those contrary to our own, would indicate an across-the-board increase in interest in this topic, and in our opinion would only be a positive outcome. Bearing in mind these caveats, we now proceed with four propositions that sum up the relationship between code enforcement and planning in Southern California as we see it.

Proposition #1: Code enforcement work is unavoidably painstaking and cumbersome.

To complain that one’s work is difficult and time-consuming is likely universal, and there is no shortage of such complaints from professional planners. However, there are a number of

structural factors, which we believe are poorly understood, that must be pointed out to someone who wonders why code enforcement officers cannot always “just enforce the law.”

The first is that *code enforcement work mostly takes place on private property*. This contrasts with police work, where suspects are often contacted while in the public realm. In code enforcement, most cases concern people occupying private spaces to which they have ownership or at least access. Gaining entry to private property without the occupants’ consent in cases where there is no imminent threat to health and safety requires an inspection warrant from a judge. This is a time- and paperwork-intensive procedure. It is certainly true that code enforcement officers can often detect a potential code violation on the basis of what they can see from the public street, such as a garage that appears to be inhabited. However, in most instances investigating that suspected condition (deriving, for instance, from a complaint from a neighbor) requires gaining admittance to the interior of a private residence.

What is more, code enforcement officers must abide by the legal concept of *the expectation of privacy*. This means that they cannot act on conditions that they see if in order to observe them they had to use vantage points considered intrusive. For example, if a code enforcement officer were to visually gather evidence of an improperly inhabited garage by peering over a fence while standing on a milk carton in a neighboring yard, a judge would rule that the officer had violated the suspected homeowner’s expectation of privacy. Any photographic evidence would be inadmissible. This would result in the judge refusing to grant a warrant to enter the offending property, thus preventing the officer from acting on her hunch. For similar reasons, code enforcement officers cannot rely solely on satellite imagery from widely available sources like Google Maps as a legal basis for initiating an enforcement action. This is true even if unpermitted conditions are obvious when seen using such tools.

As in our opening anecdote, most homeowners willingly grant access to their properties to code enforcement officers who request entry. However, a sufficiently determined, hostile and empowered homeowner can greatly increase the time and difficulty of an enforcement action brought by a code enforcement officer. One of the side effects of these dynamics, in addition to increasing the burden on code enforcement officers and their departments, is that a large share of the unpermitted buildings and occupancy conditions on private residential properties remain out of view as seen from the public street.

In addition, a code enforcement officer’s ability to take action against a noncompliant homeowner is constrained by the need to follow sometimes onerous procedures. A quote from an L.A. County zoning enforcement inspector about the sequence of steps he follows when taking action on an unpermitted dwelling on a residential property makes this clear:

We send a first NOV [Notice of Violation] typically giving 30 days to abate [i.e., for the homeowner to remove

the unauthorized unit.] Next we send a certified Final Order giving 15 days to abate plus an additional 15 day appeal period. Now the violation has continued [past the original 30 day notice period] for 30+ days. We continue to do rechecks and if the “vios” [violations] remain, we send a certified Noncompliance Fee notice giving 15 days to pay [the] \$704 fee. By the way, anytime a certified notice is returned undelivered we have to recreate it and post it at the property. More time drag. Now the case has been open for 45+ days. Whether or not they [the homeowners] pay, they still have to abate, and if they don’t we send a DA [District Attorney] referral notice. But now we have to write a lengthy report to the DA and include all the evidence, all the while trying to juggle new complaints, other cases, and the multitude of other planning projects we handle. So cases can drag on because violators don’t see swift action from [the code enforcement department]. These protocols are built into the zoning code so, we have no choice but to follow. Violators have the advantage.

Proposition #2: Code enforcement departments, particularly in low-income jurisdictions, tend to be chronically understaffed in relation to the volume of cases.

As shown in Table 1, by far the leading reason (cited by 81% of the respondents to this question) for a shortfall in enforcement as perceived by the code enforcement officers responding to the Survey was a lack of staff capacity. A related theme that emerged from the interviews was that code enforcement officers are faced with far more zoning code violations, especially comparatively major ones such as garage conversions than they can possibly address. This is particularly true in low-income areas. Unsurprisingly, all of the factors discussed under Proposition #1 above contribute to this reality. These could be termed the “supply side” of what one might call the code

Table 1: Reasons there is less code enforcement activity than respondent would prefer (percentage of respondents reporting), n=53

Lack of staff capacity	81%
Pressure from elected officials or their staff	30%
Pressure from department leader	13%
Prefer not to say	8%
Pressure from staff from other departments	2%
Other	25%

The reasons cited by Code Enforcement Survey respondents for why there is less code enforcement activity in their department than they would prefer. Only respondents who had previously indicated that they would prefer to see more enforcement activity in the jurisdiction for which they work were posed this question. Respondents could select multiple answers, which explains why the responses do not add up to 100%.

enforcement gap. The gap arises because the “supply” of code enforcement capacity is greatly exceeded by the “demand” by local residents for enforcement cases to be opened. But the demand side of the gap is equally formidable, especially within low-income jurisdictions. This is borne out by our data.

In the Survey, there were three questions in which respondents were asked to estimate the percentage of 1-4 unit properties in their territories for which: i) at least one unauthorized dwelling unit is present; ii) overcrowding, as defined by any applicable local ordinance or state or federal law, occurs; and iii) non-compliant conditions of any sort are present. In Figure 2 the mean percentage of noncompliance estimates are shown according to the median family income (MFI) quintile of the city or unincorporated area covered by the respondent.¹ For all three questions, responses were well distributed among the five income quintiles.²

The results shown in Figure 2 show a clear trend. They are derived from estimates reported by code enforcement officers, and thus should be interpreted with due caution. Nevertheless, there is a striking downward trend in property non-compliance, measured in the three different ways, with increasing jurisdiction median family income.

The prevalence rates for unpermitted units, as well as other non code-compliant conditions, are very high in relation to the staffing levels that would be needed to address most of them through enforcement. Two survey questions sought to gauge this code enforcement gap. When asked what percentage of non-code compliant (for any reason) 1-4 unit properties they had addressed in any way in the last 30 days, the respondents (n=73) reported an average of 38%. This percentage varied relatively little according to the income quintile of the jurisdiction. This suggests that the typical code enforcement officer has, at any given time, a backlog of just under two open cases concerning 1-4 unit residential properties for every one that she is actively pursuing in some way. Of course, this result tells us little about how large the officer’s actual backlog is in relation to the potential number of cases. As will become

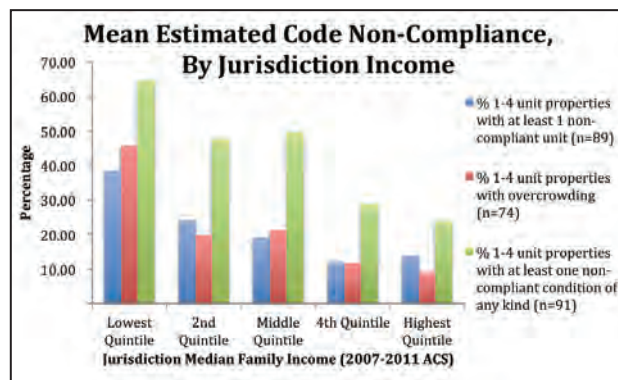


Figure 2: Percentages of residential (1-4 unit) properties estimated to have various non-code compliant conditions, as reported by respondents to the Code Enforcement Survey. Percentages are grouped according to the median family income quintile of the jurisdiction for which the respondent works. Multiple responses from the same jurisdiction are averaged together.

clear in our discussion of Proposition #3, the vast majority of potential enforcement cases never gain the attention of the local code enforcement department.

Proposition #3: Most code enforcement departments cope with high caseloads and low staffing by enforcing reactively rather than proactively.

All of the code enforcement officers interviewed, in addition to a great many of the Survey respondents providing written comments, highlighted the distinction between “proactive” and “reactive” code enforcement. In proactive enforcement, code enforcement officers drive on pre-determined routes and visually inspect properties from the public street to look for clues of violations. If any are found that are sufficiently apparent, officers open cases and pursue enforcement action. By contrast, reactive enforcement entails investigating complaints that are made by members of the public and other agencies, typically on anonymous telephone tip lines.

Most code enforcement officers tend to view proactive enforcement as an ideal state, and reactive enforcement as a lamentable concession to the nature of their work. For instance, one anonymous survey respondent from a city in San Diego County, when asked why his/her³ department is not able to achieve as much enforcement activity as he/she would prefer, stated that it is “mostly because we are not proactive in our approach to code enforcement. For example, in driving around the city I can see garage conversions on virtually every residential block. But if we do not receive a complaint we do not pursue it.”

The contrast between proactive and reactive code enforcement approaches is suggestive of the distinction Wilson (1978) made

¹ While it was straightforward to look up the median family income for incorporated cities in the 2007-2011 American Community Survey, assigning median family incomes (MFIs) to unincorporated areas covered was less straightforward. To do so, we relied on responses to a question in which we asked survey respondents what their territory was. From this, we assigned officers to Census-Designated Places (CDPs, or unincorporated communities) and then calculated an overall MFI as the population-weighted average of the MFIs for the CDPs covered by the officer. Where we could not reconstruct the officer’s territory, we used the overall MFI for the entire unincorporated area of the county.

² Response rates were relatively robust, though somewhat depressed for the question about overcrowding (with 74 responses compared to 89 and 91 for the other two questions). Written feedback from survey respondents suggests that this is because many jurisdictions have no specific definition or standards for what constitutes excessive occupancy of a residential space.

³ The respondent’s actual gender is unknown.

between law enforcement and order maintenance in police work. The first is concerned with, to the extent possible, enforcing the laws on the books. The latter is instead concerned with maintaining order and resolving disputes in the community, even at the cost of overlooking a multitude of infractions.

In his in-depth research on 1960s-era police departments throughout the US, Wilson (ibid) identified three styles of police department management: the watchman style, which emphasizes order maintenance; the legalistic style, in which strict law enforcement is the aspiration; and the service style, in which police intervene frequently but often not formally. Because code enforcement officers have relatively little ability to intervene in disputes in real time, the service style is not a viable option. Thus, the watchman and legalistic styles, representing reactive and proactive enforcement, respectively, are the main poles in code enforcement work.

The legalistic, or proactive, style of code enforcement appears to be more common in communities that are affluent, or that at least have high homeownership rates. In communities in the midst of a dramatic rise in the prevalence of unpermitted units and other non-code compliant conditions, the continued application of the legalistic style leads to extreme political tensions, disruption of neighborhoods, an erosion of trust among neighbors and between citizens and their elected officials, and widespread frustration over the ineffectuality of crackdowns. More commonly, in some cases following a period of turmoil, the watchman or reactive style is the path of political least resistance for elected officials.

Where code enforcement is reactive, complaints become a vehicle through which code enforcement officers paradoxically uphold the norms of the underground housing market. This is how code enforcement officers are thrust into the somewhat strange position of essentially managing the local informal housing market they are officially charged with suppressing. In interviews and in our professional work we have frequently encountered disgruntled tenants. Some are dissatisfied with the condition of their unpermitted dwelling, and others are in conflict with the landlord over payment terms. The result can be anonymous calls to tip lines knowing full well that enforcement could lead to the tenant's dwelling—and with it a portion of the landlord's livelihood—being dismantled.

In the absence of recourse to the dispute-resolution mechanisms that exist in the formal housing market, anonymous complaints are one of the few ways for community members to police the behavior of their neighbors who are acting as off-the-books landlords. By helping discourage extreme behavior, complaints ironically help perpetuate and legitimize the informal housing market. They do so via appeals to those who are officially devoted to shutting it down altogether, but who in reality simply manage it as best as they can.

Proposition #4: The code enforcement profession suffers from low visibility and prestige.

A consistent theme repeated by interviewed code enforcement officers was the relatively low public profile and prestige of the profession when compared to other professions, such as planning and particularly police work. A building inspector working for a predominantly working class city in Orange County noted that recruitment for code enforcement work can be difficult. This is particularly so since City Council members and others frequently criticize enforcement officers for being too strict or too lenient. Too much enforcement and officers are accused of being overly punitive and out of step with community norms. Too little, and they are accused of being insufficiently diligent and of allowing poor neighborhood conditions to fester. A quote anonymously received via the Survey from an officer employed by a blue-collar city in Los Angeles County is revealing:

This profession is highly political. I wish that I could speak to you more openly, but we have been hit hard with layoffs and do not enjoy the same prestige or value that public safety has. We are at-will employees that must always remember that when carrying out our jobs. The general public does not understand that we ARE public safety as well. We enforce building codes, fire codes, health codes and are the only department that handles quality of life issues. We must always be aware of our public image, sometimes deal with the media, deal with irate citizens and inspect potentially dangerous properties alone. We do not receive the same training as public safety does.

As both a consequence and a cause of the low visibility of code enforcement, it is placed within highly varying institutional structures in Southern California cities and counties. As can be seen in Table 2, a summary of the types of departments in which respondents to the Survey worked, there is no

Table 2: Number of survey responses by type of department containing code enforcement functions in jurisdiction (n=98)

Building	5%
Development Services	8%
Economic/Community Development	40%
Housing	1%
Housing and Neighborhood Development	1%
Planning	28%
Public Safety	4%
Public Services	2%
Public Works	3%
Quality of Life	6%
Resource Management	2%
Total	100%

The wide distribution of types of city or county departments housing code enforcement functions among Code Enforcement Survey responses. Note that separate responses received from more than one officer working for the same jurisdiction are only counted once in this table.

consistency about where code enforcement fits within a municipal government.

While such institutional flexibility allows code enforcement to be tailored to the individual character of a given city or county, it also contributes to an amorphous character to the profession. In strong contrast to a police, or even a planning, department, the mission and *raison d'être* of code enforcement are poorly defined.

One consequence of the low-visibility, low-profile nature of the code enforcement profession is political interference in its work. An officer who formerly worked for a city in Southeast Los Angeles County noted that politicians interfere with code enforcement work to a far greater extent than they do with the police, whose independence from city politics tends to be insisted upon by voters. An attorney specializing in code enforcement work stated that a jurisdiction's enforcement approach depends on a great deal on its political "temperament." In other words, the code enforcement profession appears to be seldom insulated from the political priorities of local elected officials. Public safety functions such as fire and police departments, while not immune from political interference, are likely to be more protected as a result of their greater levels of prestige among the general public.

Political interference appears to be quite common based on results from the Survey. Of 108 responses received from identifiable Southern California jurisdictions, 97 respondents answered a question about whether or not they would prefer for there to be more, less, or the same volume of enforcement activity taking place in their jurisdiction. Of the 97, 43% thought that current levels of enforcement were "about right," a majority of 55% thought that there should be more, and only 2% thought that there should be less. The 55% who thought that there should be more enforcement were then asked why there is not more: among these, the second and third most commonly stated reasons were pressure from elected officials and their staff (30%) and pressure from the leadership of the respondent's own department (13%) (shown earlier in Table 1). Thus, while it cannot be said that political interference is ubiquitous in Southern California, it certainly appears to be common.

Institutionally-specific ways that planning shuns code enforcement

In the introduction, we argued that through policies, norms and practices, the planning profession in Southern California deliberately keeps code enforcement at arm's length. Below, we highlight the ways this separation is maintained. The examples are drawn from our experiences working in and researching code enforcement in the Greater Los Angeles region.

AICP membership denial

The American Planning Association (APA) offers an optional

certification through the American Institute of Certified Planners (AICP). Earning membership in this professional credential program conveys a level of prestige and competency upon the practicing planner. Years of professional planning experience coupled with planning education must be demonstrated in the AICP application's screening essays before one can sit for the exam. In 2008, a planner in the Zoning Enforcement section at L.A. County's Department of Regional Planning applied to take the AICP exam but was denied. The applicant possessed a graduate degree in planning and over two years of professional planning experience enforcing L.A. County's zoning code. The applicant described his professional planning experience in the screening essays, and the responses focused on enforcement as code and plan implementation. He did not anticipate difficulties since his combined educational and professional experience seemed to exceed the minimum standards. But AICP evaluators disagreed, determining that work in Zoning Enforcement "does not constitute professional planning." The application denial letter went on to say:

While important, zoning enforcement officers do not take on the personal responsibility, initiative and judgment of professional planners. Zoning Enforcement does not lead to technical accomplishments such as new plans, developing new planning policy, drafting new codes or proactively developing new initiatives in anticipation of changing regional, community or neighborhood conditions. Zoning enforcement officers assist planners by enforcing what planners have implemented; they do not participate in the actual planning itself.⁴

Appeal letters from the applicant and County Planning Director were rejected.

Lack of code enforcement education in planning curriculum

Code enforcement is virtually non-existent in planning education in California.⁵ A review of course offerings in the five Los Angeles area universities that award planning degrees⁶ confirmed our colloquial knowledge from the field: municipal

⁴ *Contra* the AICP reviewer's argument, one of the co-authors of this paper (Bell) drew upon his zoning code enforcement experience to lead a comprehensive update to the L.A. County yard sale ordinance in 2015. The "on the ground" knowledge of the County's extensive yard sale problem enabled the development of an enforceable ordinance that balanced the competing interests of yard sale vendors, "brick and mortar" businesses, and community members.

⁵ One recent and commendable exception is UCLA professor Vinit Mukhija's "Informal City" seminar. One of us (Bell) recently delivered a lecture on informal housing for this class. See Week 7 of the Spring 2016 syllabus: <http://164.67.121.27/files/UP/Syllabi/S16/219S16%20Mukhija.pdf>

⁶ We reviewed online course descriptions at the following five planning programs in the Greater Los Angeles region: University of California, Los Angeles; University of Southern California; University of California, Irvine; California State Polytechnic University, Pomona; and California State University, Northridge.

code enforcement is rarely if ever discussed in the classroom of planners-in-training. This is standard practice in planning education despite the fact that the all-important value of “implementation” is, we believe, synonymous with “enforcement.” Individuals interested in learning about code enforcement⁷ and code administration⁸ would have to pursue such education in non-planning programs at a handful of California community colleges⁹ and state universities around the US. Otherwise, the code enforcement function appears to be a topic anathema to planning curriculums.

Street-level problem-solving work of code enforcement is considered “beneath” the work of desk-bound, office based (Ivory tower-like) planners

One of the authors (Bell) has personally witnessed dismissive attitudes towards code enforcement in the municipal workplace, at APA conferences, and during planning school-sponsored events, among other settings. Planning practitioners have scoffed at the idea of a planner doing zoning code enforcement. “I didn’t go to planning school to do THAT,” is their common refrain. A common perception is that “real” planning work entails doing analysis, thinking, dreaming, writing, map-making, communicating, advocating, and reviewing and stamping plans—all activities conducted indoors. Fieldwork is often taken to mean visiting a project site or attending a community meeting but not knocking on a homeowner’s door to ask about an unpermitted conversion of a garage into an apartment. In spite of a still-recovering economy, planning school graduates have balked at the idea of working in a code enforcement role. Some candidates turned down job offers at L.A. County upon learning their assignment would be in the enforcement section.

Conclusion

As the United States transitions towards becoming a majority-minority society—a milestone that arrived decades ago in Southern California—meaningful engagement with communities of color to address pressing issues such as unaffordable housing becomes more essential each year. Within the planning profession, innovative approaches, such as James Rojas’ technique of collaborative community visioning via the playful usage of everyday objects, are emerging but many more are needed (Main, 2012). We have argued that one of these could be a rapprochement between planning and code enforcement.

On its face, given that code enforcement by its very name suggests a heavy-handed governmental body imposing its

will on a community, our suggestion might initially seem odd. However, as we have described in this article, code enforcement as it is actually practiced in Southern California usually differs greatly from police work, and resembles much more a praxis of community problem solving, however constrained by laws, local politics, and limited resources.

“[H]istorically, code enforcement has been the planning profession’s unwanted step-child” (Fulton & Shigley, 2012, pp. 160). Yet, the code enforcement profession has a lot to contribute to the planning profession, much of which the latter desperately needs. This includes an ethic of learning by doing rather than simply analyzing data. As an inevitable byproduct, this entails gaining a much-needed street-level feel for neighborhoods and for the people who live in them. This “embedded governance” helps code enforcement officers—and potentially planners—overcome their lack of cultural competency in the communities where they work. This is particularly vital for those who are from middle class or affluent backgrounds and who are working in and on behalf of working-class neighborhoods and communities of color with which they are personally unfamiliar.

A link to the code enforcement profession could also help planners create better codes and policies. The informal housing market provides a perfect example: when a city is contemplating updating a zoning ordinance, the question of whether and how enforcement will occur should be considered from the beginning of the process rather than following its passage. New policies that have never been considered, such as code revisions, graduated permitting, homeowner improvement loans, and others, may surface when code enforcement officers with access to “community data” are at the table (Isaac, 2013).

All of these potential benefits are already latent in code enforcement work occurring on a daily basis in Southern California and beyond. To realize them, the planning profession needs to take the first step of casting aside its collective stigma towards code enforcement work.

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⁷ See: <http://www.iccsafe.org/Education/Documents/InspectionPrograms.pdf>

⁸ See: <http://www.iccsafe.org/Education/Documents/AdminPrograms.pdf>

⁹ See: <http://www.sccollege.edu/Departments/CareerEd/CodeEnforcement/Pages/default.aspx>

References

- Arnott, R. (2009). Housing Policy in Developing Countries: The Importance of the Informal Economy. In Michael Spence, Patricia Clarke Annez, Robert M. Buckley (eds.) *Urbanization and Growth*. Washington, DC: World Bank, pp. 167-196.
- Bell, J. P. (2014). Response to Comments: The Informal Housing Debate Remains Open. *UrbDeZine*. URL: <http://losangeles.urbdezine.com/2014/11/12/response-to-comments-the-informal-housing-debate-remains-open/>
- California Legislative Analyst's Office. (2015, March 17). *California's High Housing Costs: Causes and Consequences*. URL: <http://www.lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.pdf>
- Editors of Fordham Law Review. (1961). Zoning and the Law of Nuisance. 1961. *Fordham Law Review* Vol 29, pp. 749 - 756.
- Fulton, W. & Shigley, P. (2012). *Guide to California Planning* (4th ed.). Point Area, Calif.: Solano Press Books.
- Greer, Scott A. 1965. *Urban Renewal and American Cities: The Dilemma of Democratic Intervention*. Indianapolis: Bobbs-Merrill.
- Isaac, C. B. (2013). Ethics of Navigating Complex Communities. *Focus* Vol. 10, Issue 1, Article 11.
- Lipsky, M. (1980). *Street-Level Bureaucracy*. New York: Russell Sage Foundation.
- Main, K. (2012). Outreach in Diverse Communities: A Conversation with James Rojas. *Focus*, Vol. 9, Issue 1, Article 11.
- Marco, R. J. & Mancino, J. P. (1969). Housing Code Enforcement: A New Approach. *Clev.-Marshall Law Review* 18, pp. 368 - 383.
- Moore, S. (2007). *The Code Enforcement Survivor Handbook: Some Basic Information to Help You Survive a Career in Code Enforcement*. Bloomington, IN: AuthorHouse.
- Mukhija, V. (2014). Outlaw In-Laws: Informal Second Units and the Stealth Reinvention of Single-Family Housing. In Vinit Mukhija and Anastasia Loukaitou-Sideris (eds) *The Informal American City: Beyond Taco Trucks and Day Labor (Urban and Industrial Environments)*. Cambridge, Mass.: MIT Press, pp. 39-58.
- Sanderson, R. L. (1969). *Codes and Code Administration: An Introduction to Building Regulations in the United States*. Chicago: Building Officials Conference of America.
- Underwood, L., Ramani, C., Bassi, P, King, B., Olk, J., Karimi, A., Burger, S., Dicine, J. R., Paarlberg, K., Naderi, H., & Watts, D. (2012). *Building Department Administration*, 4th ed. Country Club Hills, IL: International Code Council.
- Wegmann, J. (2015). Research Notes: The Hidden Cityscapes of Informal Housing In Suburban Los Angeles and the Paradox of Horizontal Density. *Buildings and Landscapes* 22(2), pp. 89-110.
- Whittemore, A. (2010). *The Regulated City*. PhD diss., University of California, Los Angeles.
- Wilson, J. Q. (1978). *Varieties of Police Behavior: The Management of Law and Order in Eight Communities*. Cambridge, Mass.: Harvard University Press.