

A night-time photograph of the Nashville skyline, featuring illuminated skyscrapers and buildings reflected in the water. The sky is dark with some clouds. The text is overlaid on the top and bottom right of the image.

Property Standards Division Manual

***Metropolitan Department of Codes & Building Safety
Nashville, Davidson County, TN***

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www.nashville.gov/departments/codes

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Authorization of Manual by
Director of Codes Administration

In accordance with Section 2.20.040 of the Metropolitan Code, the Director of Codes Administration (herein "the Director") hereby establishes the Manual for the Property Standards Division (herein "the PSD Manual") of the Metropolitan Department of Codes Administration (herein "the Department"). It is, and shall be, a composite of current policies, procedures, and rules pertaining to the Property Standards Division (herein "the PSD"), as are hereby established and have been established under previously existing Department orders, manuals, and approved practices. It describes the PSD organizational structure and lists the responsibilities and functions thereof.

All employees of the PSD are responsible for reviewing and following directives and provisions herein contained. All existing manuals, orders, and other regulations that are in conflict with the contents of the PSD Manual are hereby revoked, except that the portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of the PSD Manual.

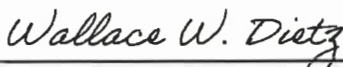
It is the policy of the Department that all PSD personnel shall adhere to the provisions in this PSD Manual.



Byron Hall, Interim Director
Department of Codes Administration

11/03/2022

Date



Wallace W. Dietz, Director
Department of Law

11/03/2022

Date



John Cooper, Mayor

11/10/22

Date



FILED WITH THE METRO CLERK

11/14/2022

Date

Title 1: Authority & Manual

1.10 Enforcement Authority of the Department & Director of Codes Administration

The Director of Codes Administration is the Chief Executive Officer of the Department of Codes Administration. The Director has the authority and responsibility for the management, direction, and control of the operations and administration of the department. See Metro Code Sections 2.20.010-130.

The Department is organized to include an enforcement section among other sections and divisions. See Metro Code Section 2.20.010. The Director has authority to develop rules and regulations with respect to enforcements as follows:

2.20.040 - Director—Additional powers and duties.

In addition to such other powers and duties as are otherwise provided in this code, the director of the department of codes administration shall have the power and his duty shall be to perform the following:

....

- C. To enforce, in the manner provided in this code, all laws, ordinances, codes and regulations as may be specifically assigned to the department of codes administration for enforcement, and to promulgate rules and regulations as may be deemed necessary for the effective enforcement of the same; provided, that all such rules and regulations promulgated by the director shall become effective upon written approval by the metropolitan mayor, and shall be reviewed by the department of law as to form and legality prior to submission of the same to the metropolitan mayor for approval.

1.20 Manual Established

Consistent with the Metro Code provisions described in Section 1.10.010 above, the Director hereby establishes this Manual to govern enforcement actions of PSD Inspectors.

The current edition of the Manual shall be posted on the Nashville.gov website and available to all PSD personnel. A copy of the Manual, bearing the signature of the Director and issued under the authority of the Metro Code, shall be signed by the Mayor and filed with the Metro Clerk.

1.30 Conflict with Civil Service Rules

Any provision of the PSD Manual in conflict with the rules and regulation of the Metropolitan Civil Service Commission shall be of no effect, and the rules and regulations of the Metropolitan Civil Service Commission shall control. See Metro Code Section 2.20.090.

1.40 Severability

If any provision of this Manual or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of parts of this Manual which can be given effect without the invalid provision or application, and to that end the provisions of this Manual are declared to be severable.

1.50 Dissemination and Revisions

- A. All PSD personnel shall be required to sign a form acknowledging notice of the expectation that they read and fully understand the provisions therein and are responsible and accountable for the provisions therein.
- B. The Director shall maintain administrative control of the Manual and shall conduct such review as may be necessary to ensure that provisions remain relevant, and any necessary revisions are made.
- C. Notice of the dissemination of new or revised directives shall be sent electronically to all PSD personnel by departmental email, and, if appropriate, accompanied by a training session.
- D. PSD personnel are encouraged to propose recommendations to the Manual that are consistent with best practices. Requests for changes to the Manual should be sent to the Director for consideration.

Title 2: Mission Statement, Ethics, and Goals

2.10 Values & Mission Statement

The Mission of the Property Standards Division is to ensure that minimum standards for the development, construction, use, occupancy, and maintenance of all buildings, structures and premises located within the area of jurisdiction of the Metropolitan Government of Nashville and Davidson County and to establish procedures for the repair, alteration, improvement, removal and or demolition of dilapidated dwellings and structures located within the area of jurisdiction of the Metropolitan Government of Nashville and Davidson County.

The PSD values and mission statement will be made available to all employees within the PSD. The mission statement shall also be maintained on the Codes & Building Safety website.

2.20 Code of Ethics

As a Property Standards inspector, it is my responsibility to inspect commercial and residential properties to determine if conditions comply with regulatory codes and ordinances; recommend rehabilitation or demolition of structures as needed and enforce the Metropolitan Zoning and Property Standards Code. I will conduct these inspections in response to requests for service without regard to the race, nationality or religious creed of those making such requests. I will also assist the public with obtaining information pertaining to city codes and ordinances.

I will investigate each request for service (RFS) objectively and I will do all I can to assist the property owner to come into compliance with applicable regulations. I will not perform my duties in such a manner as to bring reproach upon my department or the Metropolitan Government. Under no circumstances will I ignore the law in the performance of my duties.

Additionally, all Metro employees are required to follow the ethics standards outlined in Chapter 2.222 of the Metropolitan Code of Laws.

2.30 Goals and Objectives

The Assistant Director of the PSD, to help ensure direction and unity of purpose, shall ensure that PSD activities are guided by purposeful goal setting and objective measurement of those goals.

A. For purposes of this chapter, the following definitions apply:

1. **Goal:** A relatively broad statement of the end or result that one intends ultimately to achieve. The goal provides a method for the PSD to achieve its Mission Statement.

2. **Objective:** An objective is a result that one intends to attain in order to achieve partial fulfillment of a goal. A well-stated objective tells exactly what will be done, how it will be measured, when it will be accomplished, and who is responsible or accountable for its accomplishment.
- B. Goals and objectives shall be formulated and updated annually. Within the components, those responsible for the development of goals and objectives are encouraged to involve personnel within the component in the planning process. These goals and objectives should be realistic, attainable, and measurable.

Title 3: Organization and Programs

3.10 Organization

The PSD is the enforcement arm of the Department. The Assistant Director of the PSD (“the Assistant Director”) oversees the division. There are twenty-four inspectors assigned to the PSD. They are broken down into four inspection teams. The Blue, Green and Red teams each have six inspectors and one PSD Inspection Chief. Each of these eighteen inspectors has a territory assigned to them. The fourth team – the Flex Team – has six assigned inspectors and one PSD Inspection Chief. The Flex Team conducts special inspections, audits, and the rental Inspection District Inspections.

3.20 Programs

Programs within PSD include the following:

- Property maintenance and zoning inspections
- Community Audit Program
- Landlord Registration Program
- NOTICE Program
- Environmental Court enforcement
- Community support programs

A. Property Maintenance and Zoning Inspections

1. The PSD is responsible for the enforcement of the Metro Property Standards Code (Title 16.24), portions of the Metro Building Code (Title 16) and portions of the Metro Zoning Code (Title 17).
2. Activities
 - a. Enforce property standards to maintain and preserve existing structures, both residential and commercial.
 - b. Reduce the number of substandard housing units within Davidson County
 - c. Reduce the number of abandoned or inoperable/unlicensed motor vehicles on private property and on the public right-of-way
 - d. Reduce the amount of visual clutter (signs, debris, trash, graffiti)
 - e. Ensure that the use of property within the County is consistent with its zoned category
3. Property Maintenance Inspections

Every year, the PSD responds to thousands of citizen complaints for code violations on commercial and residential property. These complaints can be submitted in a variety of ways, including use of the HUB Nashville program, emailed, or in person complaints. Complaints may be filed anonymously to protect the complainant against reprisal.

4. Zoning Inspections

Under the direction of the Zoning Administrator, the PSD is also responsible for the enforcement of the Zoning Code which applies to residential and commercial land uses. These complaints can be submitted in the same manner as property maintenance inspections.

B. Community Audit Program

Community audits are often requested by organized neighborhood groups, members of Council or other agencies for systematic inspections of a specific geographic area. Generally, the request would include a map of the area to be inspected. It may also be made up of a list of addresses. Depending upon the size of the area requested to be inspected, the PSD may reduce the size and scope of the audit based on the availability of inspectors and inspections that are already being made.

The Department also conducts internally initiated neighborhood audits, as needed. The areas selected for an audit are those where there is an increase in requests for service and or areas where there is a high concentration of older rental units that may be subject to deterioration. PSD may also revisit previous neighborhood requested audits when conditions within the audit area indicate a need for additional inspections that cannot be accomplished by the assigned inspector.

C. Landlord Registration Program

All owners of rental units within Nashville/Davidson County are required to register their rental units with the department. The following unit types must be registered:

- Single family residences
- Multi-family residences (duplex, tri-plex and quad-plex)
- Apartment complexes are not required to register.

Landlords can find a copy of the registration form on the Metro Codes webpage. Landlord registration permits are good for one year and a permit is required as long as the property is used as a residential rental. The permit fee is \$10.00 per year, regardless of the number of rental units owned.

D. NOTICE Program

The NOTICE Program or Neighborhoods Organized to Initiate Code Enforcement is a program designed to allow neighbors to have an active role in the revitalization for their community.

The heart of the program is the creation of a Volunteer Inspection Team. These Volunteer Inspection Teams will survey the streets within their neighborhoods looking for specific outside (exterior) violations, such as trash and debris, inoperable/unlicensed vehicles, junk furniture and appliances, and vehicles parked in the yard. Volunteer Team members then prepares an inspection worksheet (a sample of which we will provide) telling the property owner what their concerns are and asks them for their cooperation in improving and maintaining their neighborhood.

E. Environmental Court Enforcement

As a last resort, if PSD Inspectors are unable to resolve property standards complaints through abatement notices and attempts at out-of-court resolutions, they may seek assistance from the Legal Department to file civil warrants against property owners in General Sessions Court.

3.30 Inspector Duties and Responsibilities

PSD Inspectors are responsible for preparing for, conducting and following up on inspections regarding the Property Standards Code and the Zoning Code. Specifically, these duties consist of the following:

- Taking photographic evidence and documenting each deficiency in detail
- Following up with re-inspections to verify compliance with regulations
- Making on-site inspections of dwellings and the surrounding premises
- Making Use and Occupancy inspections to ensure compliance with Metro regulations
- Making field inspections on sign and fence locations to ensure they meet the required set-backs and sizes
- Inspecting billboard locations before permits are issued
- Determining measures necessary to comply with applicable ordinances
- Making recommendations for rehabilitations/demolition of structures
- Taking corrective actions against Code violators
- Issuing citations for failure to comply with the Code
- Appearing in court to prosecute code violators
- Requiring removal of abandoned vehicles stored on property, including abandoned appliances, furniture, junk, trash and debris
- Ensuring compliance with Metropolitan Zoning and Property Standards Code
- Explaining applicable sections of the city code as necessary to enforce zoning and property standards regulations
- Performing administrative duties upon request
- Conducting title checks for property ownership and/or abandoned vehicles.

- Maintaining accurate records and files
- Preparing daily field inspection reports
- Following-up on phone calls pertaining to zoning inquiries and complaints and communicating with the public on issues related to zoning and property standards codes
- Attending various community/neighborhood meetings
- Assisting with appeal processes

Inspectors may also represent the Department by attending various intra-government, neighborhood and community meetings. They may also assist with the training and development of new inspectors.

Title 4: Training and Professional Development

4.10 New Employee Training

New employees are required to participate in job-specific training at the discretion of their supervisor and the Assistant Director. Additionally, PSD Inspectors participate in ride along with supervisors in the field. No employee is permitted to conduct inspections independently until his or her immediate supervisor is satisfied that the inspector has mastered all of the necessary skills required to conduct such inspections.

4.20 Quarterly Inspector Meetings

All inspectors must participate in quarterly training sessions organized by the Assistant Director or his or her designee. These training sessions shall rotate through a variety of topics, including but not limited to:

- Equitable code enforcement in conjunction JULY 19 in conjunction w/MHRC
- Complaint procedure
- Violation identification OCTOBER 18 on own
- Customer service APRIL 19 in conjunction w/HR
- Dispute resolution
- Homeowner resources
- Recordkeeping
- Legal aspects of identifying property violations
- Environmental Court process and procedure JANUARY 18

4.30 As-needed Training

PSD employees may also receive training through PSD communications or specially-called sessions.

4.40 Quality Assurance

The Assistant Director shall establish a quarterly review to ensure that inspection teams have met the performance standards established by the PSD.

4.50 Certifications

All inspectors are required to obtain three ICC certifications: Property Maintenance, Zoning Code and Residential Building Code. These certifications must be obtained within the first two years of employment.

Employees are provided with sufficient study material to prepare for each test. This consists of Code books referenced for each test and supplementary materials that the PSD

has acquired to assist the employees in their preparation for testing. Once certified, employees are responsible for participating in sufficient regularly scheduled continuing education sessions necessary to maintain their certifications.

It is the responsibility of the Inspection Chiefs to monitor their inspectors to ensure they obtain the required certifications within the allotted timeframe and that they keep their certifications up to date.

Title 5: Property Standards Inspections

5.10 Complaint-initiated inspections

The PSD will investigate all RFS requests that it receives. This process will begin with an initial inspection to determine if a violation exists and the extent of that violation. If the property is found not to be in violation, the inspector will take a photograph to document their findings, upload the photo to Cityworks and close the case as no violation found.

If, however, an inspector finds a violation, the inspector will photograph the violation, annotate the case record in Cityworks with the type of violation and any photos taken, and assign a re-inspection date. Once this date is assigned, the case is processed by administrative staff, and the notice to correct the violation (abate notice) is mailed to the property owner of record.

5.20 Area audit inspections

Area audit inspections are like regular RFS inspections except for how they are initiated. These requests come from neighborhood groups, members of council, or they may be initiated by the Assistant Director in coordination with the Inspection Chiefs based on conditions within the inspection territories where it is deemed additional inspections are warranted.

5.30 Inspector Discretion and Alternatives to Citations/Warrants

An inspector's discretion is an essential function of effective codes enforcement. The totality of the circumstances should be considered when determining the necessary actions to resolve each situation. Inspectors must rely on training, departmental policies and procedures, statutory law and supervisors to make the appropriate decision.

5.40 Alternatives to Citations/Warrants

What is reasonable in terms of appropriate enforcement action or what constitutes a violation varies with each situation. Different facts may justify different actions. The enforcement decision should be based on a careful analysis of the situation with an understanding that many of the problems encountered will demand a variety of solutions. There are alternatives for creatively resolving a situation that may include warnings or referrals to social service agencies.

5.50 Legal Assistance and Support

Assistance and advice regarding legal processes may be obtained from the Environmental Court Team of the Metro Legal Department.

5.60 Conduct and Personal Appearance

In order to ensure the professionalism of the Department, it shall be the policy of the PSD to establish and maintain the highest standards of conduct and appearance. All employees of the PSD will conduct themselves in a way that reflects credit upon themselves and the Department, both on and off duty.

5.70 Bias-based Enforcement

Biased-based enforcement is the selection of individuals for enforcement intervention based solely on a common trait of a group, such as race, ethnic origin, gender, socioeconomic status, sexual orientation or age.

It is PSD's policy to enforce the Metro Code in a manner free of such bias, and no bias-based enforcement will be tolerated.

Annually, the PSD will provide training addressing the prevention of biased-based enforcement practices. Training topics may include field contacts, inspection issues, interview techniques, cultural diversity, discrimination and other related topics.

5.80 Harassment and Discrimination

It is the policy of the Department that all employees have the right to work in an environment free of all forms of harassment and discrimination. The Department will not tolerate, condone, or allow harassment or discrimination by employees or of employees. The Department considers harassment and discrimination as a form of serious employee misconduct. Therefore, this Department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this policy can lead to discipline, up to and including termination, as outlined in the Metro Civil Service Rules.

Title 6: Environmental Court

6.10 Citations and Warrants

In cases where the property owner fails to bring the property into compliance after the re-inspection date, the inspector may initiate a civil warrant to Environmental Court or issue a citation pursuant to protocol established by the Metro Legal Department. Generally, a civil warrant or citation is initiated because:

- The property owner made no attempt to contact the inspector and failed to bring the property into compliance before the re-inspection date.
- The property owner asked for and was granted an extension but failed to make reasonable progress towards compliance.
- The property owner asked for and was granted an extension but did not make any effort to come into compliance.
- The property owner is a repeat violator. A repeat violator is someone who has been previously cited for the same violation. In this case, PSD can, once a second violation has been established, proceed directly to a civil warrant.

The PSD makes every effort to work with property owners to assist them in bringing their properties into compliance. Legal action to compel them to come into compliance is taken as a last resort.

6.20 Case Preparation

A. Documents

For cases expected to be heard in Environmental Court or on appeal, inspectors should provide the Environmental Court Team of the Legal Department with the PSD case file so that all necessary exhibits may be entered into the record during the hearing. Such documents may include but are not limited to:

1. Complaints
2. Notices to abate
3. Photographs
4. Diagrams
5. Documents provided by the homeowner
6. Witness statements
7. All waivers/consent forms
8. Any other documents or evidence relative to the prosecution of the case; and
9. The substantial contents of any statement made by the defendant that PSD intends to use as evidence in the prosecution.

B. Review of Cases

It shall be the responsibility of PSD Inspectors to review all PSD cases for quality and prosecutorial fruitfulness with the specific aim to fully develop each of the necessary elements of a particular violation. The purpose of this review is to ensure the legal quality and sufficiency of all cases sent to Environmental Court.

C. Referral for Additional Investigation

To further improve the quality of cases, the Environmental Court Team of the Legal Department may request an inspector take additional investigative effort to ensure the legal sufficiency of the case. The Environmental Court Team will advise the member responsible for the case, in writing, what additional steps need to be taken. PSD Inspectors shall comply with such requests.

6.30 Court Appearance

All PSD Inspectors who have cases pending on an Environmental Court docket shall be present in court on the scheduled court date for their case. They are responsible for reviewing each week's docket to determine if their cases are listed to be heard. Inspectors should arrive in court at least 15 minutes before the docket call, and they should ensure that all of their cases have been finalized before leaving the courtroom.

6.40 Attire for Court Appearance

Inspectors should attend court dressed in business casual attire. Department-issued shirts are permitted. Shorts, t-shirts, sandals and other clothing items of a casual nature are not allowed. Inspection Chiefs are responsible for monitoring their staff to ensure adherence with this requirement and will take corrective action when necessary.

6.50 Receipt of Subpoenas or Summonses

A copy of a subpoena or summons served on PSD personnel related to their employment at the Department must be forwarded to the Assistant Director and the Department of Law immediately upon receipt by the employee.

A subpoena, summons or notice to appear is an order from the court to the recipient of the subpoena and creates an official obligation for that employee to appear at the place, date and time specified. Failure to appear may result in contempt of court, which could result in punishment by fine and/or imprisonment as provided by law. Additionally, a subpoena constitutes an official assignment as a member of the PSD, so any failure to meet this official obligation/assignment could also result in disciplinary action.

Title 7: Complaints against PSD Inspectors

7.10 Complaints

The Assistant Director shall review any complaint against a PSD Inspector to determine whether a Metro department or division policy violation has been alleged. To the extent that a violation has been alleged, the PSD Inspector against whom the complaint has been filed will be permitted to respond in writing to the allegations. No disciplinary action shall be taken against a PSD Inspector except under the requirements of the Metro Civil Service Rules.