



OFFICE OF  
CONTROLLER

LAURA N. CHICK  
CONTROLLER

200 N. MAIN STREET, RM 300  
LOS ANGELES 90012  
(213) 978-7200  
[www.lacity.org/ctr](http://www.lacity.org/ctr)

July 10, 2006

The Honorable Antonio Villaraigosa, Mayor  
The Honorable Rockard J. Delgadillo, City Attorney  
The Honorable Members of the City Council  
City Hall  
200 North Spring Street  
Los Angeles, California 90012

Dear Mayor Villaraigosa, City Attorney Delgadillo, Members of the City Council:

The City of Los Angeles' Department of Building and Safety is entrusted with the power and the duty to enforce building regulations. Along with the Los Angeles Police and Fire Departments, Building and Safety is one of the most important City agencies in maintaining public safety. In fact, this was put first in the Department's mission statement, "...to protect the lives and safety of the public, preserve the City's quality of life, and contribute to the City's economic development."

My performance audit found that during the last several years, the Department of Building and Safety has focused more on improving customer service than on maintaining public safety. While the Department has been successful in expediting the permitting process, it has been less so in aggressively enforcing building safety laws.

The Department's Inspection Bureau, which is responsible for inspecting new construction work, tracks only the timeliness of its inspections, not their quality or effectiveness. The Bureau's Senior Inspectors do not conduct follow-up inspections or ride along with inspectors to evaluate their work. These supervisors are not providing needed supervision; they are busy with their own caseload. Further, the Department is unable to confirm if Deputy Inspectors have the basic field experience required by state regulators.

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July 10, 2006

The Building and Safety's Code Enforcement Bureau is responsible for ensuring existing buildings comply with City safety regulations. The Department has chosen to rely on building owners voluntarily complying with the law, which has resulted in at least 32% of them not doing so. Among these violations are high-priority items including buildings or walls that could fall down. The Department's transformation from regulator to facilitator has resulted in a number of property owners who repeatedly and consistently flout the law.

The Bureau's discretionary use of enforcement has resulted in inconsistencies in how, or if, property owners are penalized for continued violations. In some cases, the fees levied are so minimal that many building owners willfully remain in non-compliance, since it may be cheaper to violate the code and pay the penalty than it is to fix the safety violations.

It is also disconcerting that there is a large backlog of important safety inspections for elevators, pressure vessels (boilers) and seismic gas shut-off valves. Following the Northridge Earthquake, the City Council passed an ordinance to mandate the installation and inspection of devices to automatically shut off the supply of natural gas to a building in the event of a major earthquake. Though the Department has taken some steps to reduce backlogs, 2,400 inspections remain overdue.

It is clear that in recent years the City's leadership has pushed for a more business friendly Building and Safety Department. The Department has been successful in achieving many customer service goals, but the larger question is: Are standards being sacrificed for quantity over quality?

Now is the time for the Mayor and City Council, working with the Department of Building and Safety, to decide what kind of code enforcement agency this City needs. Based on that vision a clear, consistent policy must be developed and followed...one that promotes equity and fairness while maximizing compliance. Building and Safety can and must find the right combination of customer service and protection and safety of the public.

Sincerely,

A handwritten signature in black ink that reads "Laura N. Chick". The signature is written in a cursive, flowing style.

LAURA N. CHICK  
City Controller



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July 10, 2006

Andrew A. Adelman, P.E., General Manager  
Department of Building and Safety  
201 North Figueroa Street  
Los Angeles, CA 90012

Dear Mr. Adelman,

Enclosed is a report entitled "Performance Audit of the Department of Building and Safety's Inspection and Code Enforcement Activities." A draft of this report was provided to you on July 5, 2006. Comments provided by your Department through July 5, 2006 were evaluated and considered prior to finalizing this report.

Please review the final report and advise the Controller's Office by August 10, 2006 on actions taken to implement the recommendations. If you have any questions or comments, please contact me at (213) 978-7392.

Sincerely,

A handwritten signature in black ink, appearing to read 'Farid Saffar', written over a light blue horizontal line.

FARID SAFFAR, CPA  
Director of Auditing

Enclosure

cc: Robin Kramer, Chief of Staff, Office of the Mayor  
Jimmy Blackman, Deputy Chief of Staff, Office of the Mayor  
Marcus Allen, Deputy Chief of Staff, Office of the Mayor  
Bud Ovrom, Deputy Mayor, Office of the Mayor  
Efren R. Abratique, President, Board of Building and Safety Commission  
William T Fujioka, City Administrative Officer  
Frank T. Martinez, City Clerk

Mr. Andrew A. Adelman  
July 10, 2006  
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Gerry F. Miller, Chief Legislative Analyst  
Independent City Auditors



**City of Los Angeles  
Office of the Controller**

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**Performance Audit of the  
Department of Building and  
Safety's Inspection and Code  
Enforcement Activities**

July 10, 2006

**Laura N. Chick**  
City Controller

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## PERFORMANCE AUDIT OF BUILDING AND SAFETY'S INSPECTION AND CODE ENFORCEMENT ACTIVITIES

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### EXECUTIVE SUMMARY

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The City Controller's Auditing Division completed a performance audit of the inspection and code enforcement activities of the City's Department of Building and Safety (Department). The primary objectives were to determine the efficiency and effectiveness of the inspection and code enforcement activities to identify areas for improvement. The scope of the audit covered services provided between July 1, 2004, and December 31, 2005. Fieldwork was conducted between February and June 2006. This audit was conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS).

#### BACKGROUND

The Department's mission is to protect the lives and safety of the public, preserve the City's quality of life, and contribute to the City's economic development. To meet this mission, the Department must ensure, through its inspection and code enforcement activities, that buildings and structures within the City of Los Angeles are safe to occupy as dwellings, offices, places for public assembly, and other commercial uses.

With an operating budget of over \$68 million and more than 800 staff, the Department enforces the City's building regulations related to the construction, alteration, repair or demolition of buildings and structures, as well as the installation, use or operation of heating/refrigerating, plumbing, electrical, and elevator and mechanical devices. The Inspection Bureau inspects all new construction work (including additions, alterations and repairs), while the Code Enforcement Bureau ensures that all existing buildings comply with building codes.

The Department's role in the City has become increasingly important as a result of the recent construction boom. Since Fiscal Year 2001-02, the number of building permits issued by the City increased from approximately 118,000 to 142,000 projected for the current Fiscal Year (a 20% increase). There are over 70 high-rise buildings proposed for construction. Despite the increase in workload, the Department's staffing for inspection and code enforcement activities has remained fairly static in the last five years, ranging from 497 to 469 positions.

## **SUMMARY OF AUDIT RESULTS**

Over the last several years, the Department has significantly changed their approach in carrying out their responsibilities from a “regulator” to a “facilitator.” Management’s focus is on being more “customer-driven” and delivering their services timely. The challenge for the Department is to find the right balance between being service oriented towards their customers and meeting its mandate to ensure that buildings and structures are code-compliant and safe. While the Department has achieved success with their customer service delivery efforts, this audit revealed that the Department does not ensure their inspection and code enforcement activities are fully meeting the Department’s mission. We found the Department has difficulty staying current with increasing workloads, ensuring the quality of work performed, and having sufficient and accurate data to effectively monitor how well it is doing in carrying out its mission. Key audit findings are summarized below.

**The Department does not follow-up on expired permits/temporary Certificates of Occupancy (TCO) or outstanding code violations and has a significant backlog of inspections that have mandated timeframes for completion.**

As of December 31, 2005, there were over 150,000 building permits that expired without the Department’s final approval or other determination and over 13,600 unresolved code violations. The Department does not track outstanding building documents, such as permits, TCOs, or correction notices to ensure issues have been resolved before construction is completed and the building is occupied, nor does it appear that the Department is preparing to inspect these buildings to ensure code violations are corrected.

In addition, the Department is several months behind in conducting State/City mandated elevator, pressure vessel (boiler) and seismic gas shut-off valve inspections, and has remained so for several years. For example, the Department is currently working at a rate to complete all elevator inspections on a 15-month cycle, rather than the required 12-month cycle.

Failure by Department management to address outstanding inspections and code violations may expose the public to serious health and safety risks and may result in increased liabilities for the City.

**The Department lacks consistent and compelling code enforcement methods to encourage compliance by long-term violators.**

In some cases, the inconsistent use of enforcement methods has resulted in delayed compliance or continued, willful, non-compliance with code requirements. While the Department’s efforts result in 68% voluntary compliance by property owners, there remains a contingent of property owners that remain non-compliant for long periods. Assessing non-compliant fees is left to the discretion of individual code enforcement inspectors and has resulted in the inconsistent application of fees for the same violations throughout the City. If non-compliance fees were consistently applied on

cases that were not resolved within 60 days , the Department could have assessed over \$5 million for the period July 1, 2004 through December 31, 2005. Code enforcement activities are not as effective as they could be.

**The Department does not ensure that inspection staff meet State certification and continuing professional education requirements.**

The State of California requires that inspectors obtain certification from a recognized state, national or international association, and that inspectors receive 45 hours of technical training every three years. The Department has not designated the certification program(s) that inspection staff must attain; and as a result, inspectors are not required to become certified. The Department only tracks (for employee bonus purposes) International Code Council (ICC) certification, but 43% of inspection staff are not ICC certified (International Association of Plumbing and Mechanical Officials and National Fire Association are also considered "ICC certification"). The Department could not demonstrate that Inspectors not in possession of ICC certification have any other certification that would satisfy the State's certification requirements. Similarly, a sample of inspectors' training records revealed that 45% did not meet the training requirements within three years, and 85% did not meet annual Department targets of 15 hours.

The State requires certification and continuing professional education to ensure that inspectors remain current on building codes and new construction materials and methods. Failure to comply not only results in a violation of the State's Code, but may also pose an increased liability risk for the City because the Department has not taken all reasonable steps to ensure that quality inspections are performed.

**The Department's oversight of its Inspectors and Registered Deputy Inspectors is not adequate.**

Supervisors are not routinely reviewing the work performed by Inspection and Code Enforcement staff to ensure code requirements are being consistently applied and that quality work is being performed. In our survey, approximately 30% of inspection staff indicated that their supervisor had reviewed or directed their work in the field no more than five times in the past year.

Moreover, oversight of Registered Deputy Inspectors (Deputy Inspectors) is significantly lacking. Deputy Inspectors are not City employees, but are registered by the Department and paid directly by contractors to observe specific types of construction activities on projects and provide assurance that the materials used and work performed complies with the approved building plans and codes. Final inspection approval remains a Departmental responsibility; however, the work of Deputy Inspectors is relied on in part by the City; and therefore, it is critical that Deputy Inspectors are qualified with appropriate work experience and that their work is periodically reviewed for quality and consistency. The Department does not confirm work experience for Deputy Inspectors and has not established standards for quality control and discipline, when needed.

**The Department lacks comprehensive and accurate performance measures to provide an adequate assessment of how well the Department is meeting its mission.**

For both Inspection and Code Enforcement, the performance measures relate only to time-based goals, such as responding to requests for inspection within 48 hours or responding to complaints related to suspected code violations within 72 hours. While these are targets to monitor, especially given the Department's focus on customer service, the Department is not capturing data that reports on effectiveness or quality such as timeframes for completing inspections, expected number of inspections to be completed, the number of long-term code enforcement cases, or response to hazardous conditions. Focusing on only one measure of success, i.e., timeliness, can impact the Department's primary responsibility – to ensure the safety of buildings and structures. In our survey, 51% of inspection staff indicated that they compromise the quality of their work at least sometimes because of time constraints. Additionally, one in five inspection staff indicated that at least sometimes they feel pressured not to write Orders to Comply or Notices to Correct.

**The Department's strategic plan for technology improvements does not contain timeframes for implementation and there is a lack of system integration within the Department and with other City departments.**

The Department lacks sufficient Information Technology resources to maximize efficiency in its Inspection and Code Enforcement activities. In particular, duplicative data entry hinders an inspector's ability to maximize their casework, by requiring additional time at the office. Currently, inspectors in the field issue notices, orders, and official correspondence via hand-written documents, then must return to the office to enter notes and supporting documentation into their computer systems and to receive new assignments. All of this could be performed in the field with portable devices. The Inspection staff surveys indicate that 75% of Code Enforcement inspectors and between 19-20% of Inspection Bureau inspectors spend at least 50% of their time in the office completing paperwork and performing administrative tasks. The Department's technology strategic plan calls for deploying portable printers and utilizing wireless technology; however, that plan does not have definitive implementation timeframes.

Furthermore, system integration can help reduce duplication of data entry and improve the information flow within the Department and between City departments. Current weaknesses in system integration have resulted in inspectors spending additional time repetitively entering data into multiple systems, thus contributing to the significant amount of time spent on administrative duties. Also, inspectors must access several systems just to determine if a single property has any outstanding issues with other bureaus within the Department. System integration with other City departments would help provide an all-encompassing picture of a property's status for various City clearances (e.g., Planning, Public Works for sewer connections or street clearances).

Recommendations related to these and other issues are presented in Exhibit 1. Detailed audit findings and recommendations are discussed in the remainder of the report.

## **SURVEY RESULTS**

While this report focuses on the opportunities for improvement, the review also revealed important positive aspects of the Department's operations.

As part of this audit, an independent consultant conducted surveys of the Department's inspection and code enforcement customers and inspection staff. A sufficient number of responses were received from the inspections' customer base and the Department's inspection staff to allow for conclusions to be representative of the respective populations. However, a survey of Code Enforcement customers did not elicit a sufficient response to provide statistically valid conclusions. Therefore, our report will not comment on the Code Enforcement customer survey.

With regard to the Inspections' customer and inspection staff surveys, we found that nine in ten respondents expressed satisfaction with their experience of the Department's services. Customers rated Department inspectors very highly on such factors as courtesy, helpfulness, knowledge, and professionalism. Respondents also noted particular satisfaction with City inspectors and the Department's Call Center when obtaining information about building requirements and the permitting process. In fact, customers who had experience with inspection services provided by other cities were substantially more likely to say that Los Angeles is doing a better job. These noteworthy findings call attention to the emphasis the Department has placed on customer service.

Inspection staff, generally, had positive comments relative to their responsibilities and work. Areas where the surveys indicated that improvements can be made have been cited in the related sections of the report. The survey instruments, methodology, data analysis and conclusions as presented by the consultant are attached to this report (Attachment B).

A draft audit report was provided to the Department of Building and Safety management on July 5, 2006. An exit conference was conducted on July 5, 2006, where audit staff discussed the findings and recommendations. The Department's comments were considered prior to finalizing the report. Department management indicated general agreement with the findings and recommendations.

We appreciate the cooperation and assistance extended to us by Department staff and management during the audit.

## TABLE OF RECOMMENDATIONS

RECOMMENDATIONS	PAGE REFERENCE
<b>Section I: Process Efficiency and Effectiveness</b>	
1.1 Identify all expired permits without final inspection approval, temporary Certificates of Occupancy and outstanding Notices to Correct.	10
1.2 Determine the appropriate disposition for the expired/outstanding documents. For example, determine whether final inspection approval (or Certificate of Occupancy) is warranted, if the construction work meets applicable building codes.	10
1.3 Implement a process to identify soon to expire building permits, temporary Certificates of Occupancy or Notices to Correct and require inspectors to determine if there has been any activity that requires inspection or other action.	10
1.4 Establish a consistent and standard process that treats similar violators equally and invokes sufficient penalties for persistently non-compliant cases. Consider seeking a City ordinance to formally establish the code enforcement policy to ensure the equitable, consistent and fair treatment of code violators.	16
1.5 Develop a clear policy that articulates when the assessment and waiver of non-compliance fees and other enforcement tools is appropriate. This policy should include criteria for offering a fee waiver to property owners.	16
1.6 Survey other building departments throughout the nation to identify enforcement methods not currently utilized by the Department, such as administrative hearings, larger civil penalties that accrue as non-compliance persists, etc. Consult with the City Attorney and other City officials to determine if any alternative enforcement methods should be adopted by the City.	16
1.7 Eliminate the backlog of required elevator, pressure vessel and seismic gas shut-off valve inspections.	17
1.8 Conduct all elevator and pressure vessel inspections annually and seismic gas shut-off valve inspections timely.	17
<b>Section II: Quality Assurance Practices</b>	
2.1 Designate a State, national, or international certification program(s) that is appropriate for the City's inspection staff.	19
2.2 Ensure that all inspection staff become certified by the designated program as appropriate for their required expertise and in accordance with State law.	19
2.3 Generate annual and three-year reports to actively monitor the hours of technical training each Inspector has attended and notify Inspectors and their supervisors when training requirements may not be met.	20
2.4 Ensure all Inspectors meet training requirements on an annual and three-year basis.	20
2.5 Develop a comprehensive policy for the Inspection and Code Enforcement Bureaus that establishes the extent and frequency of supervisory activities, such as follow-up inspections or ride alongs and file reviews. The policy should also establish documentation requirements and steps for resolution, if necessary.	22
2.6 Verify the qualifications of Deputy Inspector applicants to ensure eligibility requirements are met.	24
2.7 Establish standard disciplinary actions for Deputy Inspectors who make false or misleading statements, or misrepresentations in written submissions to the Department in accordance with the LAMC.	24

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RECOMMENDATIONS	PAGE REFERENCE
2.8 Establish standards for reviewing Deputy Inspectors' work including the timing and frequency of review.	24
2.9 Develop an electronic means to track disciplined Deputies so that increased monitoring can be conducted by field inspectors.	24
2.10 Revise the policies and procedures manual for the Materials Control Division and Inspections Bureau to incorporate newly established procedures.	24
<b>Section III: Performance-Based Management</b>	
3.1 Accurately define and capture all responses (cancelled, no access for inspection, etc.) for calculating performance statistics. Inspector-initiated rescheduled inspections should be recorded as rolled-over calls.	28
3.2 Identify customer-initiated rescheduled inspections as such and monitor for reasonableness by supervisors.	28
3.3 Identify performance measures correctly, such as "Percentage of Responses to Called Inspections" and consider separately tracking other statistics related to conducting/completing inspections or number of inspection stops.	28
3.4 Develop long-term performance measures that demonstrate progress towards Code Enforcement goals and identify where Code Enforcement activities deviate from intended results.	32
3.5 Develop an operational plan that defines what efforts are needed to be diligent with code enforcement activities and how these efforts are measured.	32
3.6 Develop performance measures that document efficient use of resources, monitor whether violations have been corrected, rates of voluntary compliance, rates of induced compliance, response times by priority, the cost of enforcement activities, the impact of Code Enforcement on the community, and other industry-recognized performance standards and measures. These performance measures should reflect actual code violations while additional workload indicators should be developed to reflect activities not associated with actual code violations.	32
3.7 Consider developing performance measures that enable comparison with other municipalities.	32
3.8 Consider developing statistical measures that can be entered into mapping systems (e.g., Geographic Information Systems - GIS) to show the geographic distribution of types of violations, types of orders, and rates of compliance.	32
3.9 Emphasize the purpose and benefit of soliciting sufficient public feedback, develop reporting methods that accurately reflect trends in public input, and ensure managers are informed about public perceptions and satisfaction with the quality of services provided by their staff.	35
3.10 Consider assigning managers to conduct cold calls involving personnel outside their own span of control. For example, managers in the Inspection Bureau might conduct cold calls for Code Enforcement patrons.	35
3.11 Consider developing a single comprehensive manual that encompasses all of the Code Enforcement Bureau's inspection groups.	36
3.12 Consider developing an electronic version of the manual that could be accessed with handheld or portable electronic devices.	36

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4.1	Establish a priority-based plan to ensure the implementation of planned technological improvements.	38
4.2	Develop time-specific goals for implementing the information systems strategic plan.	39
4.3	Consider developing an integrated information system for Building and Safety activities and other City departments who play a role in approving buildings and structures (e.g., City Planning).	39

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## INTRODUCTION AND BACKGROUND

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The Department of Building and Safety plays an integral role in ensuring that the buildings and structures within the City of Los Angeles are safe for the City's residents, workers, and visitors to occupy as dwellings, offices, places of public assembly and other commercial uses.<sup>1</sup> The mission of the Department is to protect the lives and safety of the public, preserve the City's quality of life, and contribute to the City's economic development. The Department's role in the City has become increasingly important as a result of the recent construction boom. Since Fiscal Year 2001-02, the number of building permits issued annually by the City has steadily increased from approximately 118,000 to 142,000 projected for the current Fiscal Year.<sup>2</sup> There are over 70 high-rise buildings<sup>3</sup> proposed for construction and last year 15,000 dwelling unit building permits were issued, an increase of 3,000 over the prior year.

With an operating budget of over \$68 million and staff of more than 800, the Department, as mandated by the City's Administrative Code, has the power and duty to enforce the City's building regulations, codified as Chapter IX of the Los Angeles Municipal Code. The Department enforces all City ordinances related to the construction, alteration, repair, demolition, removal or relocation of buildings or structures as well as the installation, alteration, repair, use and operations of heating, plumbing, lighting, ventilating, refrigerating, electrical and mechanical appliances and equipment therein. The Department also enforces the City's zoning, seismic gas shut-off valve and pool fencing ordinances, inspects boilers and elevators, and provides a preventive as well as a corrective program for the rehabilitation of substandard private buildings, commercial buildings, private schools, and places of public assembly. To help accomplish its mission, the Department has four bureaus – Engineering, Inspection, Code Enforcement, and Resource Management. The Department coordinates its enforcement efforts with other City departments, including the City Planning Department, Public Works Department – Bureau of Engineering, and the Fire Department.

The Department's role in construction activities includes reviewing building plans and issuing permits (i.e., building, electrical, plumbing, etc.), approving fabricators<sup>4</sup>, registering and providing oversight of deputy inspectors, inspecting new construction, and responding to complaints or referrals regarding construction without proper permits.

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<sup>1</sup> The Department has responsibility for all buildings and structures within the City of Los Angeles except for other governmental buildings, such as federal or State buildings, public education facilities and hospitals.

<sup>2</sup> In Fiscal Year 1996-97, there were 79,000 permits issued. In the past nine years, the number of permits issued has risen by 80%.

<sup>3</sup> Per Department's interim budget request for FY 2004-05.

<sup>4</sup> The Inspection Bureau certifies fabricators, who manufacture construction materials and building components.

The Department issues correction notices, orders to comply, substandard orders, and abatement orders to document instances of code violations and serve as the official notification to property owners of a non-compliant situation that must be resolved.

## INSPECTION AND CODE ENFORCEMENT OVERVIEW

The Inspection Bureau inspects all **new** construction work (including additions, alterations and repairs) completed for permits issued to ensure compliance with approved building plans and applicable City codes (e.g., Building, Mechanical, Electrical Codes, etc.).<sup>5</sup> Permitted work is not approved until it has been inspected and accepted by Inspection staff. Inspection has a budget of \$23.2 million and has two divisions, Commercial and Residential, staffed by 275 inspectors.

The Inspection Bureau is responsible for:

- Single Family Dwellings
- Multi-family Dwellings (Apartments & Condominiums)
- Commercial and Industrial Buildings
- Private Schools

The Inspection Bureau also inspects tenant improvements in commercial and industrial buildings.

The Code Enforcement Bureau is responsible for ensuring **existing** buildings comply with City Codes. Code Enforcement is divided into six units to focus on specific types of Code Enforcement issues. The units are as follows:

- *Commercial and Residential Complaint and Referral Unit* responds to complaints and referrals that do not require the specialized skills of the other teams.
- *Sign Enforcement* responds to complaints and referrals regarding outdoor advertising and engages in proactive surveys of neighborhoods to ensure signs and outdoor advertising are in compliance with City codes.
- *Pro-Active Code Enforcement (PACE)* conducts surveys of communities primarily to mitigate visual blight and to clean up entire neighborhoods.
- *Vehicle Establishment Inspection Program (VEIP)* inspects vehicle maintenance establishments, recycling plants, and storage yards. The majority of VEIP inspections are conducted annually from a list of commercial permit holders.
- *Citywide Nuisance Abatement Program (CNAP)* consists of four teams addressing specific tasks or types of violations:
  - *Contract Nuisance Abatement (CNA)* responds to most of the initial complaints and referrals received by the Citywide Nuisance Abatement Program.

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<sup>5</sup> The Department's Engineering Bureau reviews plans for code compliance and issues permits so that construction work can begin.

