

JULY 2021

# FOLLOW-UP ON AUDIT OF DELAYS IN PROVIDING NOTICE OF SANITATION CODE VIOLATIONS

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**JULY 29, 2021**

**TO THE MAYOR, CITY COUNCIL, CITY CLERK, CITY TREASURER,  
AND COMMUNITY MEMBERS OF THE CITY OF CHICAGO:**

The City of Chicago Office of Inspector General (OIG) has completed a follow-up to its September 2019 audit of the Department of Law's (DOL) process for notifying people of sanitation code violations, such as overflowing garbage containers or uncut weeds. Based on the Department's response, OIG concludes that DOL has not implemented corrective actions related to the audit finding.

The purpose of the 2019 audit was to determine the average length of time it took DOL to notify the property owners of alleged sanitation violations, and why, in some cases, the process took more than a year. Our audit found that for sanitation code violations that occurred in 2016 and 2017, DOL notified property owners an average of 289 days—more than 9 months—after the alleged violation. In 63.2% of the cases, DOL sent notices between six and twelve months after the violation; in another 23.8%, it took the Department a year or more to send the notices. During this period, the primary cause for the delay in notification was DOL's backlog of violations. The process was relatively short once staff began work.

Based on the results of the audit, OIG recommended that DOL work with the Department of Streets and Sanitation (DSS) to set a target for the maximum number of days from violation to notification and implement performance monitoring. This target could take into consideration public health and safety objectives on the one hand, and procedural fairness considerations for alleged violators on the other. It could also accommodate situations beyond DOL's control that cause delays. OIG further recommended ways for DOL to address its backlog of violations, including hiring temporary staff or forgiving older violations. In its response to the audit, DOL stated that OIG's recommendations were "unfeasible" and did not commit to implementing any of them.

In February 2021, OIG inquired about corrective actions taken by DOL in response to the audit. Based on the Department's follow-up response, OIG concludes that DOL has not implemented any corrective actions. Specifically, DOL has not developed a target or goal for the time to notification and has not implemented performance monitoring. Similar to its response to the audit, DOL again stated that OIG's recommendations are not feasible. We still urge the Department to implement a target time for notification, to conduct performance monitoring, and to prepare for handling backlogs moving forward to avoid lengthy delays in the notification process.

Despite DOL's decision not to implement OIG's recommendations, the Department is improving the notification process in other ways. For example, DOL is implementing a new ownership identification and violation processing system (MET 2.0) that will introduce some operational efficiencies. Below, we summarize our audit finding and recommendations, as well as the Department's response to our follow-up.

We thank the staff and leadership of DOL for their cooperation during the audit and responsiveness to our follow-up inquiries.

Respectfully,

A handwritten signature in blue ink, appearing to read 'J. Ferguson', is positioned above the printed name.

Joseph M. Ferguson  
Inspector General  
City of Chicago

## FOLLOW UP-RESULTS

In February 2021, OIG followed up on its September 2019 audit of delays in DOL providing notice of sanitation violations.<sup>1</sup> Below, we summarize OIG's finding, the associated recommendations, and the status of DOL's corrective actions.

### FINDING:

For almost a quarter of sanitation code violations, it took DOL at least a year to notify the property owner

### OIG Recommendations:

- 1) DOL should work with DSS to set a target for the maximum number of days from violation to notification, consonant with public health and safety objectives on the one hand, and procedural fairness considerations for alleged violators on the other. The goal could accommodate situations beyond DOL's control that cause delays. For example, instead of a goal that *all* notifications will be sent within two weeks, DSS and DOL may decide that a more reasonable goal is for 95% of notifications to be sent within two weeks. A reconciliation of the two departments' priorities, as well as information sharing, will facilitate goal-setting and process improvements.
- 2) DOL should develop, document, and implement processes to meet the agreed upon goal. Because the primary cause of notification delay is the backlog itself, we recommended solutions that address the volume of "untouched" and incoming violations. Potential actions to eliminate the backlog and prevent it from recurring seasonally include:
  - a. Relying on the existing notification instructions, which advise recipients of the ownership dispute process, and sending notifications based on the address determined at the time of inspection, therefore only completing additional ownership research on notifications that are returned unopened, receive no response, or are disputed through the defined process.
  - b. Hiring temporary/seasonal staff or contractors: While DOL's Collections, Ownership, and Administrative Litigation division (COAL) had reduced its backlog since 2017, the backlog remained large. Due to the seasonal nature of sanitation violations, hiring temporary staff or contractors during the summer months may

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<sup>1</sup> City of Chicago Office of Inspector General, "Audit of Delays in Providing Notice of Sanitation Code Violations," September 4, 2019, <https://igchicago.org/2019/09/04/audit-of-delays-in-providing-notice-of-sanitation-code-violations/>.

- help process the influx of violations and reduce the size of the backlog.
  - c. Increasing overtime for law clerks: Keeping in mind the seasonal pattern of sanitation violations, budgeting for more overtime during the summer could enable DOL to address more incoming violations.
  - d. Forgiving old violations, if that would be more cost-effective than hiring additional people to work down the backlog.
- 3) DOL management should monitor COAL's performance against the target number of days to notification, making operational adjustments as needed to meet the target and reduce any backlog.

**Status of Correction Action: Not Implemented**

- 1) DOL has not set a target for the maximum number of days from violation to notification, stating this is "not operationally feasible" because seasonal fluctuations, staffing fluctuations, and operations of other departments are beyond its control. DOL includes the COVID-19 global pandemic among the reasons it will not set a target. OIG maintains that DOL should establish a target time to notification. As described in the audit, a target can account for external factors that may affect DOL's performance. For example, the Department could set a goal to send a certain percentage of notifications within a given amount of time, allowing more time for the violations that are delayed by external factors. If DOL does not meet the target because of a global pandemic or similar event outside its control, it can document the reason.
- 2) Because DOL asserts it is "not operationally feasible" to have a performance goal, it has not developed, documented, or implemented any related processes. Furthermore, the Department has not adopted a plan to prevent future backlogs. DOL did forgive some older violations in March 2020 at the beginning of the pandemic, when the Department of Administrative Hearings stopped holding hearings for sanitation violations. But the Department did not develop policies and procedures for the practice of forgiving violations.
- 3) DOL has not implemented performance monitoring against a target number of days to notification. As noted in the status to the first recommendation above, the Department has not implemented a target or performance goals at all. Additionally, in its response, DOL states that it no longer produces reports on the number and status of violations due to the upgrade of its ownership identification and violation processing system and also because of the pandemic.

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OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and 240.

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## PUBLIC INQUIRIES

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