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NBRRO continues to provide up-to-date information, certification of municipal officials and has reinstated awards for transparency.

This issue provides articles about some approaches and issues regarding the homeless and associated pan-handling, sober living homes, the rise of food trucks and sanctuary cities

As always, these issues are fraught with difficult decisions regarding the allocation of limited city, county and state resources as well as finding solutions that respect the rights of our residents while keeping within the restrictions of state and federal laws.

NBRRO does not advocate specific actions or positions regarding these and other issues; rather NBRRO presents the issues and, in so far as possible, the various approaches utilized by local governments across these United States.

In this issue, we present a few pertinent articles regarding these issues. Please visit www.nbrro.org for more articles, updated weekly. *The editor*

The 2017 NBRRO National Conference will be held in Nashville, Tennessee July 12—14.

We are currently evaluating potential venues and look forward to seeing you there.

The 32nd Annual Conference was held in Denver, Co

Our topics began with the Paul Morris annual presentation of case law updates which was so pertinent and well received that the attendees want him to spend more time next year. It was pointed out by several that these cases have been used by their cities to avoid expensive litigations.

We were also treated to the process and experience of marijuana legislation in Colorado, the sharing economy (Denver having been in the forefront of AirBnB and UBER during the prior Democratic party convention).

Additional topics included Chicago's algorithm for prioritizing code enforcement inspections and the methodology for adapting the algorithm, Efficiency in the Cloud, Communicating effectively with out Communities, Cyber Security and Tax Discovery. The keynote addressed adapting to change



Co-founder Paul Morris

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In This Issue

California risks \$135M in federal grants over 'sanctuary city' policy

Editor Comments 1
 2016 NBRRO Conference 1
 Sanctuary City Issues 2
 Helping the Homeless 3
 Food Trucks 4
 Sioux Falls Maps Unkempt properties 5
 Group Homes 6,7
 CMS Code Safety 7,8
 Nashville 2017 8

Malia Zimmerman - July 29, 2016—FoxNews.com

California state and local law enforcement agencies may have to choose between more than \$100 million in federal aid and the “sanctuary city” immigration policies that supporters say are humane, but critics say fuel crime.

The policies, whether in writing or just in practice, preclude local law enforcement from working with federal authorities when they catch an illegal immigrant who by law faces deportation. The laws have sparked a national controversy in the wake of dozens of murders and other violent crimes committed by illegal immigrants who local law enforcement did not report to the Department of Homeland Security.

Vaughan said that she suspects, at least in California where this has been a contentious issue, many sheriffs and police departments are going to have to notify the state government that the Trust Act puts them in an extremely difficult position.

Texas Rep. John Culber-son has insisted that sanctuary city policies make jurisdictions ineligible for some federal aid.

The department’s independent watchdog said in [a report](#) released Thursday that the number of sanctuary cities has increased dramatically over the last decade, with local law enforcement cooperation with the federal authorities decreasing.

Rep. John Abney Culber-son, R-Texas, said cities and states that embrace sanctuary policies can be stripped of federal grants, including the entire states of Connecticut and California, as well as Las Vegas, Milwaukee, Miami, Chicago, New Orleans, New York and Philadelphia.

“This irresponsible legislation has already caused the release of thousands of criminals that U.S. Department of Homeland Security Immigration and Customs Enforcement was trying to deport,” said Jessica Vaughan, director of policy studies for the Wash-

BECOMING A MEMBER

NBRRO membership provides access to information regarding business licensing, revenue raising, regulating and code enforcement at the local level of government.

Individual Membership is \$60 per year and entitles you to a discounted annual conference registration. Entity level membership offers additional benefits. NBBLO sponsors national certifications for members and transparency.

Our members report that the information obtained at our national conferences has proved extremely useful for cities: especially in avoiding the cost of expensive lawyers and consultants.

For more information go to www.nbrro.org. There are links for membership, certification, and the annual conference.

This Republican mayor has an incredibly simple idea to help the homeless. And it seems to be working. —Washington Post



Republican Mayor Richard Berry was driving around Albuquerque last year when he saw a man on a street corner holding a sign that read: “Want a Job. Anything Helps.”

Throughout his administration, as part of a push to connect the homeless population to services, Berry had taken to driving through the city to talk to panhandlers about their lives. His city’s poorest residents told him they didn’t want to be on the streets begging for money, but they didn’t know where else to go.

Seeing that sign gave Berry an idea. Instead of asking them, many of whom feel hopeless, to go out looking for work, the city could bring the work to them.

Next month will be the first anniversary of Albuquerque’s There’s a Better Way program, which hires panhandlers for day jobs beautifying the city. In partnership with a local nonprofit that serves the homeless population, a van is dispatched around the city twice a week to pick up panhandlers who are interested in working. The job pays \$9 an hour, which is above minimum wage, and provides a lunch. At the end of the shift, the participants are offered overnight shelter as needed.

In less than a year since its start, the program has given out 932 jobs clearing 69,601 pounds of litter and weeds from 196 city blocks. And more than 100 people have been connected to permanent employment.

“You can just see the spiral they’ve been on to end up on the corner. Sometimes it takes a little catalyst in their lives to stop the downward spiral, to let them catch their breath, and it’s remarkable.”

”They’ve had the dignity of work for a day; someone believed in them today.”

Berry’s effort is a shift from the movement across the country to criminalize panhandling. [A recent National Law Center on Homelessness & Poverty report](#) found a noticeable increase, with 24 percent of cities banning it altogether and 76 percent banning it in particular areas.

There is a persisting stigma that people begging for money are either drug addicts or too lazy to work and are looking for an easy handout.

But that’s not necessarily the reality. Panhandling is not especially lucrative, but for some people it can seem as if it’s the only option. When they’ve been approached in Albuquerque with the offer of work, most have been eager for the opportunity to earn money, Berry said. They just needed a lift. One man who told him no one had said a kind word to him in 25 years.

The There’s a Better Way van employs about 10 workers a day but could easily take more. When the van fills, people have begged to get a spot next time, she said. That’s why the city has increased funding for the program to expand it to four days a week. And it inspired St. Martin’s to start its own day labor program, connecting the jobless to employers in the area who could offer side jobs.

A lot of the people who get picked up by the van were not aware of all the services available to them. One man who recently got out of prison returned to St. Martin’s the day after taking one of the city’s jobs. It enrolled him in the day-labor program, told him about behavioral health services and are helping him get an ID.

Commission hands food truck issue back to business community

By Eric Dietrich Chronicle Staff Writer Aug 1, 2016

Discussing potential regulations for mobile vendors like food trucks Monday night, Bozeman commissioners asked the city's business community to take another swing at tackling the issue.

The decision, made without a formal vote, came after business leaders asked for more time to bring food truck owners and brick-and-mortar restaurant owners together to find common ground on issues like whether the trucks should be allowed to operate on Main Street.

"Let us see what kind of decisions we can come up with on our own," said Daryl Schliem, the CEO of the Bozeman Chamber of Commerce. "We could come up with a solution and come back.

"If we can't do that — shame on our business community," he said.

Commissioners said they'd like business leaders to return with a proposal by this fall, giving the city enough time to adopt a formal ordinance before next summer's vending season.

At Monday's meeting, several food truck owners said they support reasonable health and safety regulations on their businesses, but also bristled at some of the ideas that have been floated, like restricting food trucks to comparably quiet streets in business districts.

"While we're happily willing to accept regulation in the name of safety, we're not willing to accept limitations," said Keith Robins of Luxe, accusing brick-and-mortar business owners of seeking a "protectionist" policy from the city.

In past meetings, some downtown property owners have pointed to their property-tax spending like in the downtown business improvement district — arguing, in essence, that food trucks freeloader on that investment.



"Bozeman is a place where we want opportunity," said Deputy Mayor Cyndy Andrus. "And we are also a community that really appreciates the downtown that we have and the money and the equity and the sweat that has gone into making that a great place."

Andrus, along with the other commissioners, agreed with Schliem that they'd rather see the business community work out the issue than try to hammer it out from the commission dais. If they are particular sticking points where consensus isn't reachable, they said, they'd then make a decision through the city's political process.

The commission previously created a working group to address the then-budding Bozeman food truck scene in 2011. That effort, which met several times, produced some suggestions but couldn't reach consensus about food trucks downtown.

"Ultimately, the decision whether to prohibit mobile food vending in the downtown... is a policy decision for the commission," the working group wrote at the time. "I always prefer something that gets worked out amongst all the parties," Mayor Carson Taylor said Monday. "There are probably good common-sense solutions that can work some of this through."

If you observe any errors in this publication, please let us know; E-mail to: Moderator@nbrro.org

Sioux Falls, SD Publishes a Map of Unkempt Properties that Owe Fees

Argus Leader [Patrick Anderson](#) August 9, 2016



The city of Sioux Falls will take care of overgrown trees and lawns, but not without sending a bill.

Property owners in Sioux Falls racked up more than \$51,000 in unpaid fees last year, dodging city bill collectors for services such as tree trimming, lawn mowing, snow removal and litter clean-up. The list will be presented Tuesday to the City Council, along with a proposal to forward any unpaid bills to county tax collectors for payment.

“These are our assess-

ment rolls that are done once a year,” said Tracy Turbak, the city’s finance director. “I think pretty much all of these originate with code enforcement folks that have a complaint that they’re responding to.”

Curious Sioux Falls residents can see which neighbors are being targeted by the city for unpaid service. Reports posted online for the council meeting include addresses for each property, owners names and the amount owed.

Nearly all cases come when a neighbor brings what they believe to be a nuisance property to the attention of

city officials.

Depending on the type of complaint, property owners are given notice and a set number of days to take care of the problem. Most are resolved before they reach the annual assessment roll, to be turned over counties and included in the violator’s tax bill, said Matt Tobias, code enforcement manager.



Public weighs in on group home ordinance: Council further studies proposal

The Daily Courier **Cindy Barks** July 27, 2016

PRESCOTT – Determining the appropriate level of regulation for sober-living homes in Prescott generated debate this week among residents, group home owners, and Prescott City Council members.

While most people who spoke during a Tuesday, July 26, City Council study session appeared to support the city's move toward an ordinance governing structured sober-living homes, the intensity of the regulations was central to the discussion.

Basically, the city has proposed an ordinance that would require: 24-hour supervision at group homes; minimum qualifications and training for house managers; and a defined plan for discharge from a recovery program.

The city conducted this week's study session specifically to solicit feedback from the public, and dozens of people turned out.

City Attorney Jon Paladini led off the discussion by pointing out that the city was looking to protect people in drug and alcohol recovery group homes from programs that "fail to provide the supportive, residential family-like environment necessary to achieve and maintain sobriety."

But to do that, Paladini emphasized that the city must comply with the federal Fair Housing Act, the Americans with Disabilities Act, and Equal Opportunity employment laws.

Noting that the city's existing laws had already undergone reviews by the U.S. Department of Housing and Urban Development (HUD), Paladini said of the new ordinance: "We want to do this one time; we want to do this right; we want to do what's legally defensible."

Paladini's presentation led Councilwoman Jean Wilcox to ask for specifics on how far the city could go. For instance, she asked whether the ordinance could require group homes to provide at least two meals a day; prohibit smoking on the property; and require that resi-

dents have 24-hour, seven-days-a-week access to the home.

Councilman Jim Lamerson, balked at such specific requirements, however, asking whether the city would likewise require Prescott parents to provide at least two meals a day to their children. "How far a reach does the City Council expect to go?" he asked.

The council also heard a variety of views from audience members. While industry representatives emphasized that many group homes in Prescott already operate with high standards, local residents voiced concerns about the impacts the homes are having on neighborhoods.

Justin Bachman, owner of Canyon Crossing Recovery, maintained that a large part of the recovery industry "goes unsung." He added: "We already do everything the city is proposing."

Still, Bachman allowed that many homes in the city do not have similar standards, and he voiced support for the ordinance. "We've been game," he said of the stricter regulations. "I've been sitting, waiting for some action. Talk is cheap."

Chuck Abbott of Abbott Insurance, who provides insurance for group homes, stressed that many of the homes are already certified and operating under insurance standards.

"They're doing some great work," he said of the homes, adding that he worried the city ordinance would "mess with good ones, and let the bad ones get away."

The council also heard from residents with concerns about the homes' impacts to the community.

Bobbi Cox Wilcott told the council that "the community has become overwhelmed with the rehab kids." She said local grocery stores are often crowded with residents of group homes, who "check out with their food stamps." At about 40,000 population, Prescott "has taken many more (of people in recovery) than we should ever have," Wilcott said.

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Others brought up concerns about compliance with probation laws, as well the impacts from homes that deal with other addictions, such as gambling.

In response to a comment from the group home industry that people with experience in addiction recovery should be involved in crafting the ordinance, Mayor Harry Oberg said, “We see this as being a collaborative effort.” A recent focus-group meeting aimed to solicit feedback from the industry on an upcoming house-manager training course at Yavapai College, he said.

The city expects to roll out a draft ordinance in early September, Paladini said

The top 10 CMS (Centers for Medicare & Medicaid Services) Life Safety Code Citations

Long Term Living July 29, 2016 by Josh Malbogot

For nursing home administrators and maintenance directors, annual life safety audits can be a dreaded occurrence—especially when you consider that only one in five facilities are found to be deficiency-free each year. So we’ve taken a look at recent Centers for Medicare & Medicaid Services (CMS) data to determine the top 10 violations and help facilities managers be better prepared for the surveyor’s visit. After all, the results of the audits are published for all consumers and residents’ families to see so it is a good idea to commit to audit-preparation as a standard maintenance best practice and stay on top of these common infractions.

The top four violations remain fairly consistent, presenting a clear opportunity to prevent major citations and to protect the reputation of the long-term care facility.

The top 10 citations

1. Sprinkler system maintenance (prevalence: 21% of all facilities cited)

The testing and maintenance of the fire alarm system has to be conducted at the proper frequency in accordance with National Fire Protection Agency (NFPA) 25. Most often, sprinkler violations are due to improper testing and maintenance. Testing problems generally stem from a lack of documentation, lack of qualified individuals doing the calibration of the equipment, or incorrect frequency of inspections. Maintenance citations are most often issued for missing parts, lack of replacement parts or tools, uncalibrated gauges and placement of storage near the sprinkler heads.

ssion equipment to the fire

department is often neglected.

2. Electrical wiring and equipment (prevalence: 20% of all facilities cited)

All electrical wiring has to be in accordance with the NFPA 70 and the National Electrical Code. Violations are overwhelmingly due to the unacceptable use of power strips or extension cords, missing junction boxes, light switches, or electrical outlet cover plates, and unlocked electrical service panels in areas that are accessible to residents.

3. Hazardous areas (prevalence: 15% of all facilities cited)

Hazardous areas are often cited for incorrect door requirements, for messiness and disorderliness and for doors being propped open by bins and doorstops when they should remain closed. In

addition, because hazardous areas can be defined by what's in the room (soiled linen, trash or repair areas are all defined as hazardous) if the room's use has changed it may now be defined as hazardous and yet not meet the requirements resulting in citations.

4. Corridor doors (prevalence: 14% of all facilities cited)

Doors that protect corridor openings are required to prevent smoke. Violations commonly occur with the improper use of automatic and self-closing doors, door obstructions and with door gaps that occur when doors age.

5. Generator inspections and tests (prevalence: 11% of all facilities cited)

This violation has been cited more frequently in recent years. All generators must be inspected weekly and exercised under load for 30 minutes per month (some regions are more onerous). Oftentimes inspections are not completed, the inspection is at the incorrect frequency, or the inspection

is completed but not documented.

6. Access to exits (prevalence: 11% of all facilities cited)

Exits have to remain clear of obstructions and accessible at all times. Many facilities are cited when exits lead into a fenced off area, storage is placed in the way of the exit, or doors are camouflaged to prevent the elopement of residents with dementia.

7. Smoke barriers (prevalence: 11% of all facilities cited)

Smoke barrier walls must have a half-hour Fire Resistance Rating (FRR), or 1 hour FRR for new construction. For existing buildings citations are often pertaining to places where contractors renovate and add wiring or install new phone lines that create penetrations in the walls.

8. Fire drills (prevalence: 10% of all facilities cited)

Fire drills are required to be conducted randomly at a minimum of once per shift every quarter. Facili-

ties are mainly cited for not making fire drills random—they tend to fall into predictable patterns.

9. Fire alarm system testing and maintenance (prevalence: 8% of all facilities cited)

CMS requires that fire alarm systems be tested as per the NFPA frequencies. Missed tests or missing documentation of testing are the major reasons for citations. Also, the testing of off-premises transmission equipment to the fire department is often neglected.

10. Sprinkler installation (prevalence: 8% of all facilities cited)

Fire sprinklers are required to be installed throughout the facility. Citations commonly occur for areas that are easy to miss, like closets, storage areas, or attics. Many facilities are cited for improper spacing and coverage during installation as well as obstructions such as ductwork, light fixtures, or storage—modifications completed as the building ages.

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July 12th-14th 2017

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