

THE MEMPHIS
APPROACH
TO VACANT PROPERTIES

Presented by

Judge Larry E. Potter

Shelby County Environmental Court Memphis, TN

**“Not everything that is
faced can be changed,
but nothing can be
changed until it is faced.”**

–James Baldwin

Vacant Properties are a Headache

S.A. 6-14-03
FRONT PAGE

INSPECTOR INSPECTED



By Jim Weber

Environmental Court Judge Larry Potter told Judith Larson, the senior code enforcement inspector, to straighten her property. Larson applauded the judge's edict: It "sends a good message."

City's code monitor told to clean up

By Blake Fontenay
to blake@cityofseattle.org

Judith Larson has spent the last 10 years writing up property owners for having unkempt lawns, junk cars and other violations of city codes.

On Friday, the senior code enforcement inspector found out what it's like to be on the wrong end of one of those citations.

Environmental Court Judge Larry Potter gave Larson two weeks to mow the lawn and clean up roofing materials outside her Frayser home.

Potter also forbade Larson from testifying on other code cases until she straightens up her own mess. Potter said there's "an ethical problem" with someone in violation of the codes trying to enforce those same codes.

"This property will be maintained, Ms. Larson, or I will treat you no differently than any other citizen," Potter said during a brief hearing.

Potter scheduled another hearing for June 27 to get an update on the situation. If Pot-



By Sharon Hensley

Judith Larson was given two weeks to mow the lawn and clean up roofing materials outside her Frayser home. In the meantime, she's not allowed to work in court.

ter isn't satisfied with Larson's progress in fixing the problems, the judge has the authority to fine her.

Larson, who appeared in court wearing a boot cast on her left leg, said she has had trouble maintaining her property since

breaking her foot in early March.

"I was kind of paralyzed," Larson said after the hearing. "I knew it [the work] needed to be done, but I just couldn't make a decision

See **CLEAN**, A2

22% Blight Rate in Memphis



Vacant Properties and Blight

Go Hand in Hand

- 31,372 parcels had environmental code violations [16%]
- 1,683 parcels had extreme dilapidation [2.8%]
- Only 300 parcels were boarded up--only 250 had a “Do Not Occupy” placard
- 24,982 vacant land or properties as per the certified tax roll for 2010

7,484 Buildable Vacant Lots



Problems Seem Impossible To Overcome

- Must have in place programs to protect viable properties - “Code Enforcement”
- Must have programs to deal with vacant properties - creative programs with Code Enforcement
- Programs cost money creativity doesn't

ENFORCEMENT IS AT THE HEART OF ANY SOLUTION!

CLEAN UP!

by MARK JORDAN - photos by DAN BALL

Pioneering environmental JUDGE LARRY POTTER Is making a difference in his quiet battle to improve the SHELBY COUNTY LANDSCAPE.



There was not a much at the beginning of a parcel. No building construction or whimsical fixating took the courtroom at the last possible second. There was none of the inherent errors or associate with court room proceedings through the TV law dramas.

There was just a ripple of activity at the beginning of the court session, a few scattered accusations that were worked up by the crowd of toadies packed into Judge Larry Potter's 5th Division, 14 of Shelby County General Sessions Court, and for the day, the 100 year-old Democratic Building, a historic downtown structure that would earlier accused destined for a date with the wrecking ball, was left standing, a promising candidate for restoration.

It was a messy victory for Memphis Heritage, the nonprofit historic preservation group that was trying to take possession of the building but was being derailed by lingering financial issues that had to be paid before any change in ownership could take place. The Fire Department had agreed at the last moment to remove the Eases, allowing the priority transfer to move ahead and much needed structural work to begin.

It was certainly a clearer and happier outcome than the last time Memphis Heritage was here, since Judge, different building. Then it was the Rhoads-Jennings building at the corner of Jefferson and Main Street, a 19th-century stone that had fallen badly into disrepair. Memphis Heritage, which owned the facade, wanted to see the building restored. The ownership group, a vague entity that had committed to track down, would just as soon have seen it blown. After six years of legal squandering in Potter's court, he advised that the ownership group could start the building down. Memphis Heritage appealed, and the case now languishes in Chancery Court, though bank payments they are close to an agreement that would give the property to Memphis Heritage for redevelopment.

Not exactly the stuff of Perry Mason, but these are the kinds of cases Potter hears when his environmental court meets every Monday and Friday. For 17 years, the 52-year-old judge has headed the community's environmental issues — brooding violations of building, housing, environmental, and fire codes — and his specialty are blight courts. Some have become famous, such as the first big federal municipal prosecutor, Rodney Smith for blocking the sidewalk access from the National Civil Rights Museum or the Raleigh women whose habit of daily laying out 10 pounds of bird seed was annoying to many residents — and his bits — that Potter ordered the towns to be sold. But most fall into the realm of the ordinary, neglected buildings, limited access, improperly provisioned construction. He often looks up unusual provisions, who fail to get their mandatory fees for socially disadvantaged citizens.

On this day, he hears a steady stream of the usual cases, including one against a man

who makes bird houses under his airport despite regulations against such operations manufacturing operations.

The judge decides the case can be settled between the office of code enforcement and the defendant. He steps outside and less Donald Seibert, whom he refers to as the general in reference to his position in the attorney general's office but which in Potter's relaxed Southern drawl sounds more like an affectionate nickname, mediate between the two.

"The kind of people we're dealing with on an everyday basis don't need to be stepped over the head," says Seibert, who, though he represents the prosecutor's office, acts more often as a facilitator between parties. "These people just need help solving their problems."

The only sign that this court does anything out of the ordinary are the pictures on the wall. Beyond photographs of all-starred houses and illegal dumps taken with a digital camera. These are Potter's "dirty pictures." And it's by seeing in judgments over the contents of properties like these that Potter has become a leading figure in a movement to take environmental offenders to task through the legal system. His court, just the third of its kind in the country when Potter established it in 1982, has become the model for similar courts across the U.S. Through example and by working as an unpaid consultant, Potter has helped establish almost 100 such courts across the country, including one in Tennessee, the state in any case.

"The existence of these courts has had a tremendous impact on the quality of life across the country," says Ray Eason, president of Keep America Beautiful. "A lot of

The **Memphis Approach** has been a **PROCESS**

- Today **STRONG** support from elected officials
 - Mayors
 - City Council
 - County Commission
 - Attorney General
 - State Legislators

Not true in the early years

Innovations of the 1982 Court



- On site inspections
- Continuing fines for continuing violations
- Warrants for failure to appear
- All violations in the same Court

The Shelby County Environmental Court in 1991: The Dawning of a New Day



Innovations of the 1991 Court



- Injunctive Relief
- Creation of the E-Team
- Creation Citizens Review Panel
- Community Service Projects

Recent Innovations

- Community Courts
- Police Nuisance Citations
- State Nuisance Actions
- Neighborhood Preservation Act Lawsuits

Community Courts

Whitehaven Community Court
General Sessions Court
Division 14
Judge Larry E. Potter
Dr. W. W. Herenton **A C Wharton**
Mayor, City of Memphis **Mayor, Shelby County**

AIRPORT PROPERTIES

FIELD OFFICE
425 AIRWAYS BLVD

Community Courts

State's 1st Environmental Court Judge Larry Potter Celebrates 20th Anniversary with New Court



Shelby County Attorney General Bill Gibbons, Memphis Mayor Dr. W.W. Herenton, Shelby County Mayor A.C. Wharton, Judge Larry Potter, and Memphis Airport Authority President Larry Cox, cut the ribbon on the newest suburban Environmental Court in Shelby County.

Community Courts

- Peer pressure at its best
- Cost effective
- Convenient
- “Justice on Wheels”

Public Nuisance Actions



Neighborhood Preservation Act Lawsuits



Current Memphis Approach...

- Problem Properties Collaborative
- Media
- Neighborhood Preservation Act
- Criminal Litter Law Rewritten

The Future of Code Enforcement

- Move from a complaint-based enforcement process...
- ...to a **proactive code enforcement process**
- Environmental police office in each police precinct

ONE PERSON **CAN** MAKE A
DIFFERENCE....



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