

## Staff Report

**DANGEROUS BUILDING ENFORCEMENT**

May 10, 2011

On April 19, 2011, staff presented information to Council regarding three types of dangerous building enforcement within our community during a Council roundtable workshop. Each of the three types of situations involving dangerous buildings requires a different approach to abate dangerous conditions and attain compliance with City codes.

At this workshop the City Council directed “the City Manager to come back with strategy and resources to fulfill the City’s obligations as adopted by the March 2009 Code, distinguishing between the categories.” This report is being provided in response to this directive.

**Category I – RESIDENTIAL**Background

Traditionally, the inspection staff members have attempted to first seek voluntary abatement of dangerous building situations by working with the property owner to mutually agree on an abatement schedule. However, as the number of these situations has grown and willingness of the property owners to abate the dangerous conditions in a timely manner has diminished, the neighboring property owners are growing increasingly frustrated with the length of time it is taking to resolve the issues. Therefore, it now appears that an involuntary abatement process is necessary in order to become more effective in our enforcement efforts.

Budget Support Needed

The City’s recently adopted Dangerous Building Code provides improved enforcement tools to correct these situations. The Code now provides that if after proper notice and adequate opportunity to correct the dangerous issues the owner does not take timely action to abate the danger, the City may abate the building as a public nuisance by securing, repairing, or demolishing the building.

It is anticipated that many of these properties will not be abated through voluntary compliance. This will require the City to incur up-front costs to repair or demolish some of these properties. Liens will then be placed on the properties where, hopefully, the City will be repaid when the property is sold. **Currently, no funds have been budgeted for these abatement efforts. Staff is recommending that the City Council designate \$100,000 from the CBDG-funded Neighborhood Sustainability program for this effort for the fiscal year beginning July 1, 2011.**

## Philosophy For Enforcement Of Residential Dangerous Buildings

Abandoned residential property allowed to deteriorate to a condition that meets the City ordinance criteria for a dangerous building should receive a high priority for enforcement efforts. Voluntary compliance should be sought, but the neighborhoods should not have to endure years of these hazards. When voluntary compliance is not accomplished, City staff should implement the dangerous building ordinance with a goal of abatement within 90 days. This should include outbuildings that are by code dangerous.

Inhabited residential dwellings invoke strong emotions regarding the sanctity of the home and should be accorded additional levels of effort and time before implementing any involuntary actions such as forced vacating or demolition. Forced vacating and demolition should be reserved for residences posing an eminent danger and the most serious hazards.

## Summary Of Estimated Number of Residences In This Category

There are currently 12 residential structures (single family, owner-occupied, rentals, and multi-rentals) that may qualify as dangerous building cases. Of the 12, ten are vacant, one is occupied, and one is a vacant detached garage/storage building.

## **Category II – COMMERCIAL**

### Background

The deterioration of commercial property within the City has occurred in a variety of locations. The normal methodology for dealing with these conditions is to request an analysis and opinion from a structural engineer hired by the property owner when conditions are observed that indicate a structural problem might exist. The reliance on outside experts to advise us of the severity of the situation is due to the fact that the City does not have structural engineers on staff. Typically, staff has obtained voluntary compliance with this type of request. On occasion, the City has had to hire its own structural engineer, either to obtain a second opinion or because the property owner has refused to hire a structural expert. In these cases, the cost of the structural engineer's opinion has been borne by the City's Inspection Division.

Here again, the policy of the Inspection Division has long been to seek voluntary abatement of dangerous buildings Downtown or in Campustown. No one wants to lose a building in our commercial districts and, therefore, every effort is made to work with the building owner before the drastic measure of demolition would occur. The City has not forced the demolition of a building in Campustown and Downtown for over 20 years.

### Budget Support Needed

Currently, no funds have been budgeted for the hiring of outside expertise regarding the evaluation of dangerous buildings. With the increasing concern regarding older

commercial buildings, staff anticipates that the need for the City to hire structural engineering expertise will increase. Therefore, **staff is recommending \$10,000 from the 2010-11 Contingency Account be designated for consulting services for those cases where the Inspection staff needs advice from a structural engineer.**

#### Philosophy For Enforcement Of Commercial Dangerous Buildings

Commercial properties are of vital importance to our community. Commercial properties are often a visible indicator to citizens and visitors of the vibrancy and health of our community. The complexity of many types of commercial property construction often presents a higher degree of difficulty in the determination of the severity of potential hazards. Often, in older commercial districts, buildings are interdependent due to proximity and sharing of structural components.

City staff should seek voluntary compliance before conditions worsen to the point where the building must be vacated and/or demolished. Seeking expertise from structural engineers often helps to identify the hazard, severity, cause, and mitigation required. The owner should be held responsible for the costs involved in engaging structural engineers. When necessary, the City may need to hire structural engineers for independent verification. In extreme cases, abatement by demolition would be required pursuant to the Municipal Code and the Code of Iowa.

#### Summary Of Estimated Number of Commercial Buildings In This Category

Currently there are:

- 1 known commercial structure, which is vacant, that warrants processing as a dangerous building;
- 14 known commercial structures, all occupied, that need investigating and warrant structural engineering evaluations based upon preliminary observations by inspection staff; and
- 3 known commercial structures, all occupied, that present evidence requiring investigation of other hazardous conditions, such as inadequate fire separations between building areas, electrical hazards, and hazardous accumulations of stored combustible materials.

#### **CATEGORY III - HOARDING**

##### Background

Residential homes where the accumulation of possessions has reached a point that is commonly called “hoarding” are present within our community. No private in-home inspection program exists within the City of Ames, and no such program is

contemplated. Most commonly, hoarding comes to the attention of the City's Inspection Division through outdoor accumulation of debris. Additionally, notifications may occur through another government agency, such as the Ames Police Department or the Department of Human Services, or may be reported by a concerned family member.

During the Council's discussion on April 19, Council members voiced concern about the privacy rights for privately owned residences within the community and expressed a desire for Inspection staff to focus on exterior problems. Traditionally, this has been the division's focus. Only in the most extreme cases, where the conditions within the house have become so serious as to endanger the residents' health and safety, have actions been taken by City staff regarding interior code violations. In those rare cases, staff has been compelled to action in accordance with Section 5.400(1)(o) of the Municipal Code:

*"Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease."*

In these cases, staff patiently seeks voluntary compliance and abatement of the conditions that caused the building to qualify under this section of Municipal Code as a dangerous building.

#### Budget Support Needed

No additional funds are being requested to enforce these situations.

#### Philosophy For Enforcement Of "Hoarding" Situations

For occupied housing with "hoarding" involved, the Inspection Division will focus its enforcement efforts on exterior property code violations. Only in the most extreme cases where violations of Section 5.400 (1) (o) are involved will interior situations be investigated. If such violations are identified, the staff will patiently seek voluntary compliance and abatement of the interior conditions that caused the building to qualify under the Municipal code as a dangerous building. It is important that the Council understand that, given the current dangerous building ordinance, staff will feel compelled to initiate abatement action for extreme hoarding situations brought to their attention.

#### Summary Of Estimated Number of "Hoarding" Buildings In This Category

Currently City staff is working with four active cases regarding the investigation of dangerous building violations where hoarding is a contributing factor.

### **Dangerous Building Prioritization**

Since the City does not have the resources to investigate and address all potentially dangerous buildings simultaneously, a recommended prioritization of resources follows:

- Priority 1 Any building whose condition is an eminent threat to health and life safety
- Priority 2 Abandoned commercial buildings
- Priority 3 Abandoned residential structures
- Priority 4 Commercial structures with indicators of serious conditions
- Priority 5 Inhabited residential structures with serious indicators
- Priority 6 Exterior debris and extreme clutter exterior to occupancies (exterior hoarding)
- Priority 7 Interior hoarding brought to the City's attention that violates the dangerous building code

### **STAFF RECOMMENDATION**

In order to move forward with the enforcement of the dangerous buildings ordinance, the staff would benefit from Council's support in the form of the following actions:

- 1) Motion approving the philosophies for enforcing residential, commercial, and "hoarding" buildings as reflected in the above report.
- 2) Motion approving the designation of \$100,000 from the CDBG funded Neighborhood Sustainability program to up-front the cost of demolition of dangerous commercial or residential buildings, if needed. (This amount is included in the proposed CDBG 2011-12 Action Plan)
- 3) Motion approving \$10,000 from the 2010-11 Council Contingency Account to pay for structural engineering services, if needed, to determine the existence of dangerous situations on commercial buildings.
- 4) Motion approving the above prioritization of criteria for dangerous buildings to guide staff's enforcement efforts.