

Department of Business & Neighborhood Services

Unsafe Building (USB) Demolition Program Overview

August 2024

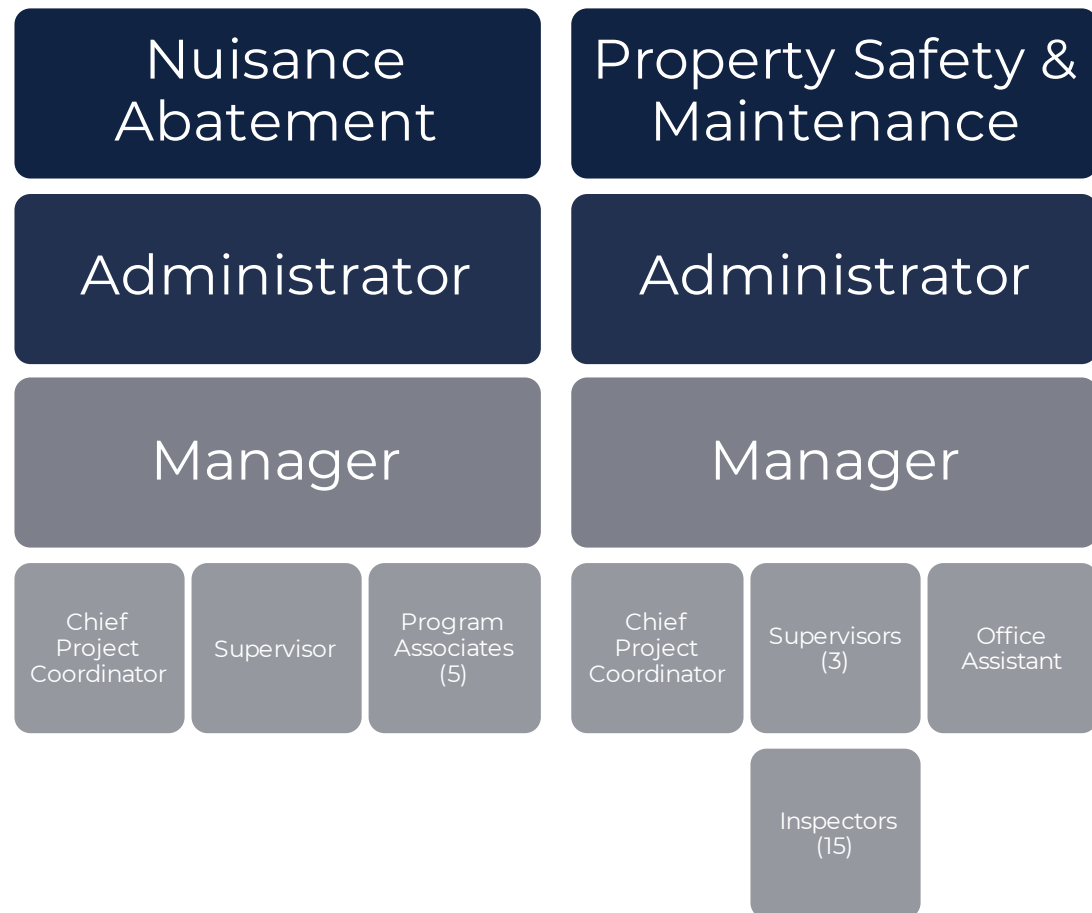


Unsafe Building (USB) Demolition

Division of Property & Land Use Services (PLUS)

- Bureau of Nuisance Abatement (NA)
- Bureau of Property Maintenance & Safety (PSMS)
 - **PSMS Section**
 - Zoning & Licensing Section

NA & PSMS Organization



Nuisance Abatement

Bns.unsafebuildings@indy.gov; 317-327-4600

- Order issuance
- Hearing coordination
- Selection of properties for demolition
- Demolition project management

Property Safety & Maintenance

Inspector contact listed on order or propertyinspections@indy.gov

- Inspections
- Questions about required repairs

USB Demolition-Applicable Law

Indiana Code (State Statute)

- IC 36-7-9 – Unsafe Building Law (USB)
- Governs notice and procedure
- IC 36-7-9-3 authorizes the legislative body of a municipality or county to adopt USB Law
- IC 36-7-9-4 defines unsafe buildings and unsafe premises
- IC 36-7-9-5 authorizes enforcement authority (DBNS) to issue orders requiring action relative to any unsafe premises
 - Requires certain content and notice period
 - Orders expire 2 years after issuance
- IC 36-7-9-10 authorizes DBNS to take action to enforce orders
- IC 36-7-9-11 makes anyone with a current or future interest in the property liable for costs to perform work
- IC 36-7-9-13 authorizes unpaid costs to be certified as a lien on the property tax bill and collected in the same manner as property taxes
- IC 36-7-9-25 prescribes who and how notice of the order, hearing, and public bid must be served
- IC 36-7-9-25 requires orders to be recorded by the county recorder & states that the recorded documents serve as notice to any party who may take a future interest in the property
- The Revised Code of the Consolidated City of Indianapolis and Marion County (Revised Code/Municipal Code)
 - Chapter 537 – Vacant Building Standards*only applies to vacant structures*

The Revised Code of The City of Indianapolis and Marion County (Revised Code/Municipal Code)

- Chapter 537 – Vacant Building Standards
- Adopted pursuant to IC 36-7-9-3
- Lists requirements for exterior maintenance standards for vacant buildings
- Only applies to vacant structures

USB Demolition-General Process

- Initial Inspection
- Order to Demolish & Notice of Hearing
- Bid Package Selection
- Notice of Public Bid & Contract
- Asbestos Inspection & Abatement
- Notice to Proceed with Demolition
- Demolition
- Invoice & Lien Costs, Close Case
- Typically about 18 months from order issuance until demolition begins

Inspection, Order, and Hearing

Inspection

- Must be in violation of Chapter 537
- Generally, must have at least 2 failing structural components (roof, wall, foundation); and/or
- Overall health & public safety hazard
- Demolition (DEM) case opened by PSMS Inspector
- Pre-hearing inspections days before each hearing

Order to Demolish & Notice of Hearing

- Hearing required
 - Order must be affirmed by the hearing authority before DBNS can proceed with demolition
- Nuisance Abatement schedules a hearing and issues the Order to Demolish & Notice of Hearing
 - Must be sent to all parties with a known or recorded substantial interest at least 33 days prior to hearing
 - Simultaneous publication in IndyStar
- Hearing authority may continue, affirm, or modify order

Selection, Public Bid, & Contract

Bid Package Selection

- Evaluate current "inventory"
- Windshield survey of eligible properties
- Consider age of order, community & public safety interest, input from neighborhood leaders, budget

Public Bid & Contract

- NA, DBNS Admin & Finance, and City/County Purchasing Division publish a Request for Public Bid for demolition
- Notice of public bid must be sent to all parties with a known or recorded substantial interest at least 10 days prior to bid opening
- Contract awarded to lowest, responsive & qualified bidder for entire package

Asbestos Inspection & Abatement; Notice to Proceed (NTP) with Demolition

Asbestos Inspection & Abatement

- NA solicits asbestos inspection quotes from contracted pool of vendors, due same day as demolition bid opening
 - Issues notice to proceed with asbestos inspection to lowest bidder for entire package
- NA solicits asbestos abatement quotes from contracted pool of vendors
 - Issues notice to proceed with asbestos abatement to lowest bidder for entire package

Notice to Proceed with Demolition

- Demolition contract executed
 - NTP issued for demolition of structures that do **not** require asbestos abatement
- Asbestos abatement (when required) complete
 - NTP issued for demolition on remaining structures
- Typically 6-8 weeks before demolition begins due to utility disconnects

Demolition

- Utility disconnects
 - Must be obtained by contractor before permit will be issued
 - Prevent explosion or other catastrophes
 - Gas – explosion
 - Electrical – fire and/or explosion
 - Water – flood
- Asbestos notification
 - Submitted to Permits Division by contractor
 - Required by IDEM for all government demolition
- Permits
 - Required by City
 - Fee waived for work being performed by a City contractor
- Final site conditions
 - Backfill & grading – required by Building Standards & Procedures and contract
 - Seed and straw – required by contract

Case Closure

- NA processes invoices for direct costs incurred for demolition, asbestos inspection, asbestos abatement (if needed)
 - Assess & invoice direct costs and DBNS administrative fee to case
- DEM case closed
- After 30-45 days, DBNS Admin & Finance certifies unpaid costs as a special assessment (lien) on property tax bill

Emergency Demolition

- IC 36-7-9-9(a) authorizes emergency demolition.
 - If the enforcement authority finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety, or property, it may take that action without issuing an order or giving notice.
 - However, this emergency action must be limited to removing any immediate danger.
 - Poses an active threat to damage or obstruct neighboring structures or the City right of way
 - Has already collapsed, or is under immediate threat of collapsing, in such a manner that obstructs neighboring structures, streets, sidewalks, or alleys
 - Typically requires an on-call engineer to determine the threat of collapse and which portions of the structure need to be demolished to eliminate the threat of immediate danger.
- Pool of licensed wrecking contractors contracted for on-call demolition
- Entire structure must be treated as if it has asbestos-containing material
 - Must have an abatement vendor on-site to identify and remove any suspect material for the duration of the demolition or dispose of all material as if it contains asbestos
- Administrative hearing required to recover costs
 - Hearing authority must review the necessity and costs of the emergency action.
 - Notice and service of hearing required same as standard DEM case

Miscellaneous Points

Transferring the property does not "cancel" the demolition order.

- Orders and notice are recorded on property.
- IC 36-7-9-26(b): A person who takes an interest in unsafe premises that are the subject of a recorded order takes that interest, whether or not a hearing has been held, subject to the terms of the order and other documents recorded, and in such a manner notice requirements are considered satisfied.

Obtaining permits does not "cancel" the demolition order.

- IC 36-7-9-5(a): The order supersedes any permit relating to building or land use, whether that permit is obtained before or after the order is issued.

Substantial completion of repairs or demolition *may* prevent City demolition.

- Once a demolition order has been affirmed, actual completion of substantial repairs to, or demolition of, of the structure before DBNS will consider delaying or stopping the City demolition process.

Private completion of repairs or demolition are not prohibited by the demolition order.

- Property owners may obtain permits and complete repairs and/or demolition until the City's demolition contractor begins demolition.

Once let for public bid, property owner is liable for direct costs incurred by DBNS and the administrative fee.

- Even if the structure is repaired or demolished before the City's demolition contractor begins work, DBNS will invoice for costs associated with all work performed up to that point.
- Asbestos inspection & abatement, administrative costs for obtaining utility disconnects and permits billed by the City's demolition contractor
- IC 36-7-9-11(a): The obligation to pay costs imposed by this chapter is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.