

Unsafe Building Law & Vacant Building Registration

Jim Kelly

VITAL NEIGHBORHOODS CONSULTING, LLC

November 16, 2017

Unsafe Building Law

- Adopted in 1981; has undergone major changes in and since 2003
- Provides a wide array of tools to local gov'ts for dealing with abandoned properties



Who can use the Unsafe Building Law?

- Any county, city or town may adopt the UBL by ordinance
 - The ordinance must designate the enforcement official
 - The local gov't must have an administrative hearing process
- Community organizations can sue in court to enforce a UBL order.

What Types of Properties Does the UBL Cover?

- Unoccupied Houses
- Occupied Houses
- Commercial Buildings
- Vacant Lots

What is an Unsafe Building?

- The statute's remedies can be applied to any building that is:
 - Actually unsafe
 - Deemed unsafe by the statute
- But, the UBL remedies used by code enforcement officials must be appropriate to the property's condition and type.

What is an Unsafe Building?

- The UBL defines the following houses as actually unsafe:
 - Structurally Impaired
 - Fire Hazards
 - Public Health Hazards
 - Public Nuisances
 - Houses with Dangerous Code Violations

What is an Unsafe Building?

- The UBL deems a building unsafe if it is:
 - Vacant or Blighted, and
 - Unfit for Human Habitation
- This means that the UBL also covers:
 - Boarded-up houses (no light or air)
 - Clean, secure houses that have serious code violations

How Does the UBL Work?

- Unlike the IBC, the UBL cannot be enforced by immediate fines.
- Instead, the UBL authorizes an order to the owner(s) to correct problems associated with the unsafe building.
- The deadlines can run from 10 to 60 days, but 30 days is the norm.

What Orders are Authorized by the UBL?

- The UBL authorizes the following types of orders:
 - Vacate Occupied Building
 - Secure Building
 - Exterminate Pests
 - Remove Trash and Debris
 - Rehabilitate Building Completely
 - Demolition, if warranted
 - Seal and Maintain Building Continuously

When does the UBL Require a Hearing?

- The owner can request a hearing on any UBL order, but must do so within 10 days.
- Vacate, Demolition, Special Sealing and Continuous Maintenance orders must announce a hearing date when issued.
- Notice of demolition orders must be sent also to mortgagees.

How are UBL Orders Enforced?

- Once the deadline has passed, an order may be enforced by:
 - Civil Penalties
 - Issued by head Code official, if > 60 days overdue
 - Issued by Hearing Officer
 - Judicial Action (Civil Penalties, Contempt, Receivership, Approval to Carry Out Order)
 - Direct Action by Local Gov't to Carry Out Order

Rehabilitation v. Demolition

- An order to rehab should be issued and enforced aggressively if and only if the rehab is economically feasible.
- Building Condition and Neighborhood Market Strength alone determine feasibility.
- If UBL enforcement mechanisms do not achieve rehab, then Fire the Owner.

Demolition



- When warranted
- Avoiding needless delay
- Sources of Funding
- UBL orders have 2-year shelf life.

South Bend's Vacant Property Registration Ordinance

- Registration must provide name & contact info for owner & property mgr. located w/i 50 miles.
- Abandoned property must have liability insurance coverage.
- Reg. fee is \$300/year. Fines run from \$250 to \$2500.



Vacant & Abandoned Property Registration City of South Bend, Indiana

This form must be completed by the property owner or other responsible party.
If you need assistance, please call (574) 235-9486 or fax to (574) 235-7703.
Please print clearly.

Property Information

Address: _____
Number Street Name # of Units in Building

Owner's Information (Please include a copy of the most recently executed deed or sales disclosure form)

Full Name: _____

Address: _____
Number Street Name City State Zip Code

Phone Number: (____) _____ E-mail Address: _____

Property Manager's Information (Owner must designate an individual if he/she does not live within 50 miles of the property.)

Merrillville V&A Bldg. R&M Ord.



Town Of Merrillville Vacant and Abandoned Building/Property Registration

This form must be completed by the building owner.
If you need assistance, please call Vickie Sumrell
219-799-3631; Fax 219-735-9039 or email vksunrell@merrillville.in.gov

Property Information

Street Address of Vacant Building/Property _____

Parcel Number (if known) _____

Property Type: Check One Single Family Multiple Family, Number of Residential Units _____ Commercial Industrial
Utilities Please Check Water - On Off Gas - On Off Electricity - On Off Winterized - Yes No

Owner's Information (Please include a copy of the most recently executed deed and sales discussion form)

Full Name _____ E-mail Address _____

Address _____ City _____ State _____ Zip _____

Phone (____) _____ Business Phone (____) _____ Evening Phone (____) _____

Property Manager's Information

(Owner must appoint a property manager residing within 50 miles of the property. The owner may serve as property manager if owner resides within 50 miles of the property.)

Full Name _____ E-mail Address _____

Address _____ City _____ State _____ Zip _____

Phone (____) _____ Business Phone (____) _____ Evening Phone (____) _____

Lien Holder Information (Fill in if you are not the owner and have an interest in the property)

Full Name _____ E-mail Address _____

Address _____ City _____ State _____ Zip _____

Phone (____) _____ Business Phone (____) _____ Evening Phone (____) _____

Liability Insurance (Written evidence of a liability insurance policy or bond for the property is required according to the ordinance)

Insurance Policy Number _____

Insurance Agent Name _____

Insurance Agent Address _____ City _____ State _____ Zip _____

Insurance Agent Telephone Number (____) _____

Insurance Company Name _____

Insurance Company Address _____ City _____ State _____ Zip _____

Insurance Company Telephone Number (____) _____

Property Plans

Estimated Date That Repairs Will Be Complete (Owner Plan) _____

Downer's Plan for Maintenance and Repair to the Property: _____

Annual Registration Fee Structure

- Single Family Property (not more than 3 residential units) = \$100.00 per property
- Multi-Family Property (more than 3 residential units or non-residentially zoned) = \$200.00 per property

I hereby certify that I have examined this Vacant and Abandoned Building Registration form and affirm under the penalties of perjury that the information provided on this form is true and accurate. I am aware that failure to provide adequate information or failure to maintain the property according to the Merrillville Town Ordinance 15-16 will subject the owner(s) of the building to fines.

Signature _____ Printed Name _____ Date _____

- Similar to SB Ordinance; also req's contact info for insurance provider.
- Reg. fee is \$100/year < 4 units; \$200 otherwise.
- Plan and timetable for making repairs