

City of Pontiac

Code Enforcement Division

Housing Demolition Procedure

The City's housing demolition procedure is governed by Public Act 167 of 1917, as amended – Housing Law of Michigan. This process is used to identify, encourage housing repair, and if inaction or inability to make progress on repairs, authorization to demolish dangerous residential buildings.

1) Identification – Code Enforcement Officer or Building Inspector conducts an inspection at a house or apartment building

- Triggered by complaint, identification during daily travels of a Code Enforcement officer, or report of a fire

If Building is badly Dilapidated, Open to Trespass or Fire Burned, a Dangerous Building Letter is drafted by Code Enforcement and sent to the owner listed in the City's BS&A municipal information management system.

This Dangerous Building Letter is added under the Enforcements tab to the property file in the City's BS&A system.

Two Options –

- 1) Property owner undertakes work to make building safe, which includes a Property Maintenance Inspection and obtaining all permits that may be required. After all work is complete the case is closed in BS&A
- 2) Property owner does not make efforts to comply – case is prepared for the Hearing Officer

2) Building Inspection – conducted by a Building Inspector

- Writes Condemnation report for the property
- Notice sent to property owner about Condemnation report and stipulates correction period and the building is formally Condemned

Two Options –

- 1) Property owner undertakes work to make building safe, which includes a Property Maintenance Inspection and obtaining any permits that may be required. After all work is complete the Code Enforcement conducts a re-inspection and case is closed in BS&A.
- 2) If property owner does nothing to correct the violations noted by the Building Inspector, the case is referred to the Hearing Officer.

3) Hearing Officer - Hearing Officer holds quarterly hearings

- A Public Hearing is scheduled
- Title Search conducted
- Notices sent to all interested parties by certified mail that have a legal interest in the property (tax lien, mortgage lien, contractor's lien, land contract, etc.) and a notice is posted on the building and photos of the posting and the structure taken to substantiate the testimony. All photos are saved in the City's BS&A system to ensure

If the owner obtains a Property Maintenance Inspection after the notice is posted, yet prior to the Friday before the Hearing, the City withdraws the item from the Hearing Officer agenda and will continue to do so as long as construction progress included open building permits continues.

Public Hearing Held – three options for Hearing Officer

- 1) Dismissed – Hearing Officer may dismiss condemnation case if the issues causing the dangerous conditions have been resolved
- 2) Postponement – Hearing Officer hears testimony from an interested party about plans to correct the health and safety issues and grants a three-month reprieve
- 3) Removal – Hearing Officer confirms condemnation and orders the building demolished

Postponement – property owner actively pursues rehabilitation work to remove the Dangerous Buildings determination

Property Maintenance Inspection (\$200) requested by owner

- a) Building Inspector conducts a Property Maintenance Inspection (PMI) inspects the property and creates a detailed list of work required to allow for re-occupancy of the property and creates a listing of the necessary building and/or trade permits
- b) Property owner pulls required permits and completes work
- c) Certificate of Compliance (CofC) – all work required in PMI completed and property owner requests a CofC inspection, and CofC granted
- d) Dismissal – Case returns to Hearing Officer and Hearing Officer dismisses the case

As long as work continues, no further action taken by the City

Removal – without an appeal or a firm plan for rehabilitation, the building is referred to the Board of Appeals for final action

4) Board of Appeals – hearing held quarterly (30 days after Hearing Officer hearings)

- Board is comprised of building contractor, architect or professional engineer, two members of the general public, and individual registered as building official, plan reviewer or inspector (who may be an employee of the enforcing agency)

Property is re-noticed by certified mail to all parties with an ownership interest in the property and notice is posted on the structure and photos of the posting and condition of the structure taken to substantiate the testimony

Board of Appeals Held – three determination options (same as the Hearing Officer)

- 1) Dismissed –
- 2) Postponement –
- 3) Upholds Demolition Order of the Hearing Officer –

Dismissed – The Board of Appeals may dismiss case if the issues causing the dangerous conditions have been resolved

Postponement – steps similar to the Hearing Officer phase, if the property owner actively pursues rehabilitation work to remove the Dangerous Buildings determination:

Property Maintenance Inspection (\$200) requested

- a) Building Inspector conducts a Property Maintenance Inspection (PMI); inspects the property; creates a detailed list of work required to allow for re-occupancy of the property and removal of the condemnation order; and creates a listing of the necessary building and/or trade permits
- b) Property owner pulls required permits and completes work
- c) Certificate of Compliance (C of C) – all work required in PMI completed and property owner requests a final inspection, and C of C granted
- d) Dismissal – Case returns Board of Appeals and BOA dismisses the case and cancels the Condemnation action

Removal – Board of Appeals orders the building down, the following day, a Demolition Memo is recorded at the Oakland County Register of Deeds Office, against the deed, so that any prospective property owner that has title work pulled on the property will know that the building has a demolition order against it.

After the Demo Memo is recorded against the property, anyone interested in rehabilitating the property must enter into a Rehabilitation Agreement with the City

Rehab Agreement –

- 1) Building Inspector conducts a Property Maintenance Inspection (PMI); inspects the property; creates a detailed list of work required to allow for re-occupancy of the property; and creates a listing of the necessary building and/or trade permits
- 2) Rehabilitation Agreement (RA) – applicant must execute a RA through Pontiac’s Community Development Department– the agreement is recorded against the deed, and the RA stipulates that the City retains the right to demolish the building if the owner doesn’t obtain the C of C within the six-month cure period
- 3) Cash Bond – the owner must post a cash bond in the amount of \$10.27 per sq. ft. of the structure for demolition as a part of the Rehab Agreement process
If the property owner is a Pontiac resident for the previous five years, paid income taxes to the City, as a resident, has a driver’s license illustrating Pontiac residency, paid property taxes, and confirms that they will live in the structure for two years, this Cash Bond requirement may be waived in lieu of a lien
- 4) Property Maintenance Inspection (PMI) – as a part of the Rehab agreement project, the applicant must have a PMI with Building Official to determine what items must be corrected prior to re-occupancy and obtaining a Certificate of Compliance (Note – C of C work addresses only the life safety issues of the structure, and the applicant is encouraged to solely focus on clearing these issues detailed in the PMI and obtain a C of C prior to addressing non-life safety more cosmetic issues)
- 5) Demolition Order – if work is not completed within the six-month time frame, the Board of Appeals may order the building demolished by issuing a Demolition Order against the property

5) Circuit Court –

- Decisions of the Board of Appeals may be appealed to Circuit Court within 20 days of the date of the decision by the Board

6) Demolition List –

- Once the Board of Appeals orders the building removed and no appeal action occurs, the Deputy Mayor receives the list of cleared properties awaiting demolition, and this begins the process of actual demolition.

- a. Active Demolition – buildings chosen for Active Demolition are selected based upon funding and priorities determined by City Administration. The Demolition List far exceeds funding available to demolish those structures cleared for and awaiting demolition. Buildings may remain on the Demolition List for multiple years
- b. Buildings on active Demolition List may be identified for Rehabilitation Agreements prior to structure being included on Demolition Bid List where buildings with demolition orders are batched and bids received by City to Demolish from Demolition Contractors
- c. Once building is under Active Demolition, it is no longer available for a Rehabilitation Agreement – often work has been completed on the structure including asbestos and lead abatement