Abandoned Building Ordinance Update

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Abandoned Building Ordinance Update

Key Takeaways

- Compliance Team regulates the Unsafe Building Ordinance and Minimum Housing
- Compliance of the ordinance includes providing a safe (remediated) building for the general public - A demolished building isn't the only compliance option
- Since 2023, the efforts of our Compliance Team have resulted in the demolition of 8 residential buildings that qualified as Abandoned.
    - Demolition occured by the current owner or new owners of the property
- The proposed Ordinance update provides an additional tool for our Compliance Team to pursue the Building Regulatory Compliance process
- To implement a specific Abandoned Building Program would require both human and financial resources

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The Development Services Dept. Compliance Division is comprised of 2 major components

- **Animal Services** (4 Team Members)
- **Zoning & Noise Enforcement** (4 Team Members)

ZEO and Noise Team Core services include;

- Minimum Housing, Unsafe Buildings
- Noise Disturbance
- Short Term Rentals, Homestays
- Steep Slope
- Zoning and Development ordinance regulation
- Junk and Nuisance Vehicles
- Lighting
- Accessory Structures
- Signs

Post Tropical Storm (TS) Helene, the Compliance Team are also participants in the Unsafe Building and Debris Task Group

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Contact information for the Compliance Team:

The Compliance Division Website which includes contact information to the compliance officers and link to the Asheville App can be found here. https://www.ashevillenc.gov/department/development-services/compliance-division/

Asheville App: https://iframe.publicstuff.com/#?client_id=819 99% of complaints are received from the Asheville App

Email: compliance@ashevillenc.gov

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Positive direction

- Since 2023, the efforts of our Compliance Team have resulted in the demolition of 8 residential buildings that qualified as Abandoned.
  - The demolitions have been carried out by either the current or a new owner.

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Abandoned Building Ordinance Update

Ordinance Update

- Authority Given in NC G.S 160D - 1201
- Authority within Ordinance
- Purpose
- Scope

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Ordinance Update

- Terminology

- The term **Abandoned Building** originates from the NC General Statute 160D-1201 which is the basis of this Ordinance Update.
  - In discussing this Ordinance Update with Community and Business members there has been some concern that the term Abandoned might be too vague and encompass too many buildings, including compliant buildings

- We've used a working term "**Derelict**" and remain open to suggestions, but this term seems appropriate as defined by Oxford Dictionary;
  - "In a very poor condition as a result of disuse and neglect"

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Ordinance Update

Wording from General Statute 160D-1201

Authority from 160D-1201

- (b) Abandoned Structures. – Any local government may by ordinance provide for the…

- …The ordinance may provide for the repair, closing, or demolition of such structure pursuant to the same provisions and procedures as are prescribed by this Article for the repair, closing, or demolition of dwellings found to be unfit for human habitation. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 39, 51(a), (b), (d).)

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Ordinance update

Section 4-223. Exercise of police powers: authority.
The city council hereby finds and declares that the existence, within the City of Asheville, of abandoned structures which may result in health or safety hazards due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities, and that, in such case, a public necessity shall exist to exercise the police powers of the city pursuant to Article 12 of Chapter 160D of the General Statutes of North Carolina, as now or hereafter amended, to repair, close, or demolish such structures in accordance with the procedure herein provided.

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Ordinance update

Provide additional tool to use for the compliance/enforcement regulatory process

Section 4-224. **Purpose**
The purpose of this article is to authorize the remediation and prevention of the health or safety hazards posed by abandoned structures by empowering the City to take action to repair, close, or demolish such structures for the protection of the life, health, welfare, safety, and property of the general public.

Section 4-225. **Scope**
The provisions of this article are applicable to all structures existing and hereafter constructed within the City of Asheville that are abandoned structures necessitating repair, closing, or demolition to protect public health, welfare and safety.

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Current inventory

An inventory list is still in the process of being fully developed, the current count is:

- Residential
  - 16
- Commercial
  - 14

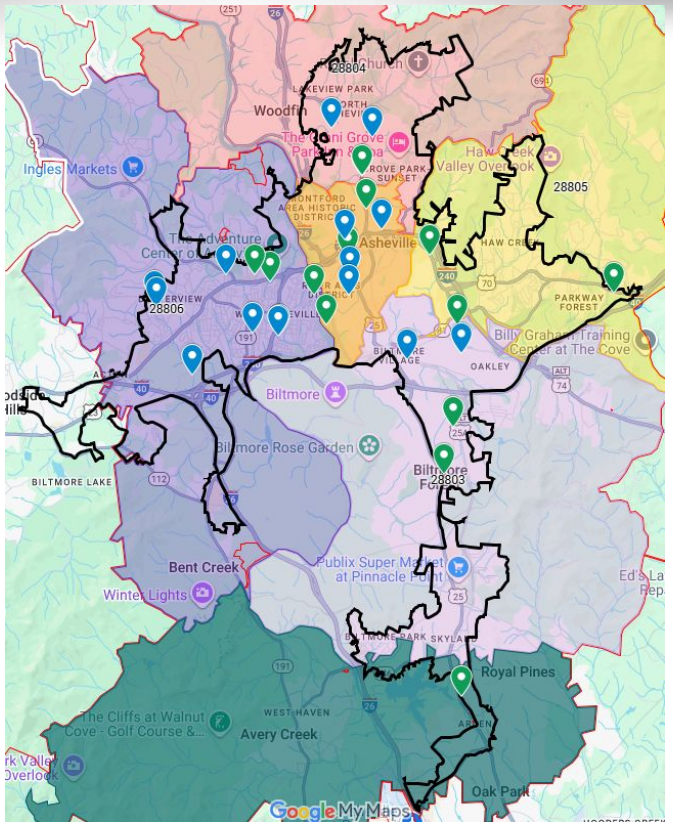
This does not include TS Helene Buildings - 31

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Building Inventory and Risk Assessment Table

- Building Inventory Map by Zip Code



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Building Inventory and Risk Assessment Table

Property Condition Assessment Worksheet										
Property Condition										
Duration of Condition		How long has the property been in its current condition? This category will continue to change and increase in value as the condition persists. Green (1 Point) indicates a current condition less than one year. Yellow (2 Points) indicates a current condition between two and five years. Red (3 Points) indicates a current condition of more than five years.								
Community Engagement		This indicates the combined amount of citizen complaints and media coverage. Green (1 Point) indicates less than three complaints. Yellow (2 Points) indicates three to six complaints and some media coverage. Red (3 Points) indicates more than six complaints and substantial media coverage.								
Police and Fire Activity		This indicates a high number of emergency calls for service to the property address. The addition of the Fire Marshal's "Unsafe" designation sign increases the score. Green (1 Point) indicates zero calls for emergency service past the original service call Yellow (2 Points) indicates one or more reported service calls for police and fire/resuce Red (3 Points) indicates all of the above plus the addition of a Fire Marshal "Unsafe" designation sign.								
Estimated Project Cost		This is used to determine the cost impact to the City and the level of contracting/purchasing requirments. Green (1 Point) indicates project cost less than $29,999. Yellow (2 Points) indicates a project cost between $30,000 and $89,999. Red (3 Points) indicates a project cost exceeding $90,000.								
Total Assessment Score		Total assessment score sets the priorty for which buildings need enforcement								
Property Assesment Sheet - Each Column Noted With Score 1 Through 3.										
Property Address	Commercial (C) Residential (R)	Buncombe County Tax Assessment Building Value	Property Taxes Paid (Y/N)	Property Condition (Green, Yellow, Red)	Duration of Condition (<1 Year, 2-5 Years, 5+ Years)	Community Engagement (Media Reporting, High Citizen Complaints)	Police and Fire Activity (High Crime, Fire Marshal Designation)	Estimated Project Cost (<30k, 30k-90k, 90k+)	Total Assesment Score	Total Project Cost (Demoliton and Contracted Services)

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Coordination with other Departments

- Asheville Police, Asheville Fire, Sanitation Departments
- County and regional resources such as: Air Quality Control, Homelessness services and Health & Human Services (as needed & appropriate)

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Program Overview

If there was interest in creating an active and specific Abandoned Building and Demolition program.

Items to consider will include but not be limited to;

- Current Abandoned/Derelict Building inventory - See Risk Assessment Table
- Curve and Plateau of building demolition
- A program budget
- Preferred Subcontractor list
- Lien Process - Lien recovery
- Risk Assessment Table

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Budget

- (2) Additional Staff positions
  - Approx. $150K combined City investment
- Demolition - Rough estimate/current inventory list $2.3M
  - 30 Buildings of Residential and Commercial
- Additional expenses would include:
  - Subcontractor Contracts
  - Court/Legal filings
  - Title Searches

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Disadvantages or Unintended Consequences

- Financial Burdens
  - Initial upfront costs of demolition
  - Difficulty recovering Funds
    - Liens increase Purchase costs
    - Foreclosure may not allow for lien recovery
    - Long Duration for Lien recovery
- Community/Neighborhood Character
  - “Gap Tooth” effect - leaving vacant lots between developed lots, weed and debris maintenance still required
  - Character “story” of the current building
- Displacement of Social problems
  - Vagrants will generally move to another location
  - Loss of housing/building inventory

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Questions?

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