

## Council Agenda Report

**Date:** June 20, 2016

**Prepared and Submitted by:** Sandra Tripp-Jones, City Manager 

**SUBJECT:** Historic Preservation Commission (HPC) Enforcement

**Recommendation that Council:**

- A. Authorize the Acting Mayor to send a letter to HPC requesting that HPC to agree to forego requiring repairs under **§ 4.5.6 Demolition by Neglect**, of Dorchester County owned properties acquired for the purpose of sale on condition that the County offer the properties in the Historical District for sale within 60 days of foreclosure, and
- B. Designate a Council representative to present Council's request to HPC.

**Discussion:**

Properties that go to tax sale and are not sold remain in ownership of the private party until the such time as the County decides to foreclose on the property, thus taking ownership. In recent months the County has worked to move these properties (over 60) back into private ownership by foreclosing and selling them at reduced cost by clearing owed tax and fine liens. However, because of concern that HPC could force the County to pay for repairs under Code **§ 4.5.6 Demolition by Neglect**, the County has not foreclosed – taken title – to properties in the Historical District. This results in properties deteriorating as property owners abandon them and the County does not take title. The County would like to sell these properties, and where possible, do so before they deteriorate to the point of needing to be demolished.

HPC has not forced repairs under this code section but the County is unwilling to chance HPC doing so. The County has requested that the HPC consider agreeing in writing to not enact **§ 4.5.6 Demolition by Neglect** on County foreclosed properties.

HPC had discussed this request and refused to grant it. However, there was not a formal request presented.

It is in the City's interest that the County sell properties in the HPC so that they can be repaired as well as generate property tax. HPC will still have jurisdiction over repairs, alterations and demolitions as they do now. And the properties will stand a better chance of being rehabilitated rather than crumbling to the point of needing demolition.

Staff recommends that City Council:

- A. Request HPC to agree to forego requiring repairs § 4.5.6 **Demolition by Neglect** of County owned properties acquired for the purpose of sale on condition that the County offer the properties in the Historical District for sale within 60 days of foreclosure, and
- B. Designate a Council representative to present Council's request to HPC.

In the alternative, Council could consider changing to code to exempt such properties from § 4.5.6 **Demolition by Neglect**.

attach: § 4.5.6 **Demolition by Neglect**

#### **§ 4.5.6 Demolition by Neglect**

A. In the event of a case of demolition by neglect, the HPC may request the Zoning Official to notify, in writing, the property owner(s) of record, any person(s) having a right, title or interest therein, and the occupants or other person(s) responsible for the maintenance of the property, of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct or prevent further deterioration.

B. Prior to the issuance of a written notice, the HPC may request the Zoning Official to establish a record of demolition by neglect. Such a record may include dated materials such as photographs and/or written reports to correct or prevent further deterioration.

C. The notice shall provide that corrective action shall commence within 30 days of the receipt of said notice and be completed within a reasonable time thereafter. The notice shall state that the owner(s) of record of the property, or any person(s) of record with any right, title or interest therein, may, within ten days after the receipt of the said notice, request a hearing on the necessity of the items and conditions contained in said notice. In the event a public hearing is requested, it shall be held by the HPC upon 30 days written notice being mailed to all persons of record with any right, title or interest in the property and to all citizens and organizations, which the HPC determines may have an interest in the proceedings.

D. If, after the public hearing, the HPC determines that the corrective actions remain necessary, the HPC may request the Zoning Official to issue a final notice to be mailed to the owner(s) of record and all parties of record with any right, title or interest in the subject property, advising them of the items of repair and maintenance necessary to correct or prevent further deterioration. The owner(s) shall institute corrective action to comply with the final notice within 30 days of receipt of the revised notice.

E. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action(s) specified in the final notice, within the time allotted, the HPC may request that the Zoning Official institute any of the remedies and penalties provided by law for said violations. The above procedures do not preclude the 113 Zoning Official from pursuing other remedies independent of the HPC as may be required to remedy a zoning violation in the Historic Area Overlay District.

#### **DEFINITIONS:**

**Demolition by neglect** – any willful neglect in the maintenance and repair of an individually designated landmark, site or structure, or a site or structure within a designated historic district, not including any appurtenances and environmental settings, that does not result from an owner's financial inability to maintain and repair such landmarks, sites, or structures, and which results in any of the following conditions:

1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, so as to create or permit a hazardous or unsafe condition to exist; or
2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.