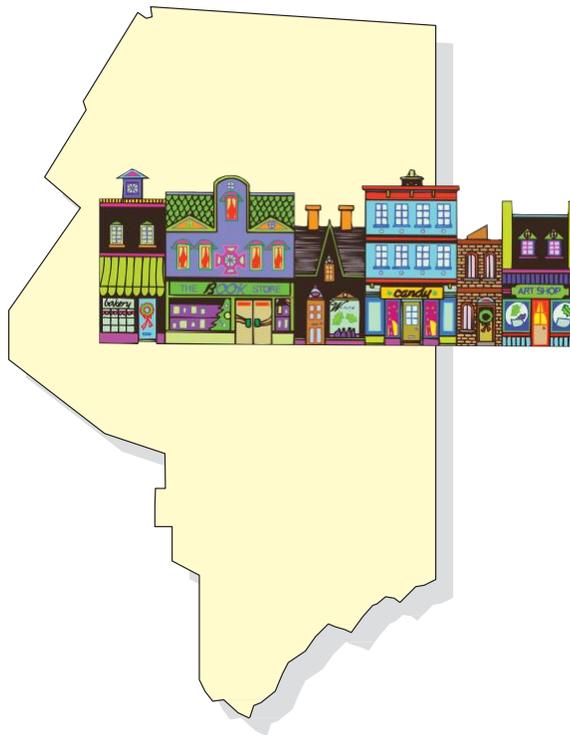




Lackawanna County

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Lackawanna County Demolition Program Program Reference Materials

Revised
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Prepared By
Lackawanna County Department of Economic Development

**LACKAWANNA COUNTY
CLEARANCE AND DEMOLITION PROGRAM**

REFERENCE MATERIALS

1. Demolition Requirements- National Objective
2. Overview of a Demolition Project
3. Steps to Condemnation

DEMOLITION REQUIREMENTS

NATIONAL OBJECTIVE: SLUM & BLIGHT CRITERIA

For a structure to be demolished in a grantee's project, the structure must first meet one of the slum and blight criteria stated below. A grantee must have documentation in their project files to show that each structure that will be demolished meets one of those definitions or an adopted local definition of slum and blight, i.e., a grantee's adopted dangerous building code definition. Note that the subsequent documentation of LMI benefit may be required where a grantee acquires ownership of a cleared lot using CDBG funds depending on the subsequent use of the cleared lot.

The grantee must document that the project's demolition activities meet one of the following three slum and blight criteria in order to expend CDBG funds on project demolition activities:

1) Eliminating a specific instance of slum and blight – Infeasible to Rehabilitate. The house is officially determined to not be feasible to rehabilitate. To meet this criterion, the costs to rehabilitate the house to DED health and safety standards must exceed \$15,000, or \$15 per square foot. Generally, grantees will have identified these houses at the time of application submission, particularly for houses in a demolition-only project. For houses that were not targeted for demolition at the time of application, grantees should provide to DED a work specification write-up with a cost estimate for each specification based on rehabilitating the house to DED HQS health and safety standards. Also, include the number of square feet in the house. This information and the estimate will be reviewed to determine whether the house is feasible to rehabilitate. Otherwise, an itemized rehab cost estimate should be submitted to document the national objective by showing that the rehab costs exceeds DED's feasibility cost limit.

2) Blighted Area – Blighted means that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, has become an economic and social liability, and that such conditions are conducive to ill health, transmission of disease, crime, or inability to pay reasonable taxes. Documentation of their council's or commission's formal ordinance that declares the area blighted must be maintained in the grantee's project file, unless it was provided in their application. For an area designated by a unit of general local government to meet a definition of slum, blighted, deteriorated or deteriorating area under state or local law, there must be a substantial number of dilapidated houses and the public improvements must be in a general state of deterioration. The demolition must address one or more of the conditions that contributed to the deterioration of the area. A deteriorated building is defined as one that has a minimum of three major HQS deficiencies, such as structural, electrical, plumbing, etc. A grantee must submit documentation that meets this definition unless it was provided in the application.

3) Local Dangerous Building Code Ordinance: A grantee may demolish any building that meets their dangerous building code definition. In a CDBG demolition-only project, not more than 25% of those demolitions may be commercial structures. A grantee must have documentation of compliance with their local ordinance prior to the initiation of the demolitions unless this documentation was provided in the application. Each house to be demolished must have been formally cited under the grantee's dangerous building ordinance. The grantee must have a copy of the citation in each property owner's project file.

NATIONAL OBJECTIVE: LMI BENEFIT

A grantee may have two national objectives that it must document as a result of using CDBG funds for a demolition activity. The two national objectives are either slum and blight or LMI benefit. In a demolition-only CDBG project, a grantee can only document the elimination of slum and blight as the national objective.

In a scattered-site or target-area project, what a grantee does with a vacant lot after the demolition is completed will determine the national objective that will be achieved. After a grantee gains ownership of a lot following a demolition activity, the grantee has two options regarding the future use of that lot. One, it may sell the lot and use the proceeds in their existing project to accomplish additional demolition or housing activities. Here, the demolition activity will accomplish the HUD national objective of eliminating slum and blight.

The second national objective that can be achieved is LMI benefit. A demolition may result from a project acquisition and relocation. Here, the demolition is initiated to eliminate a specific instance of slum and blight because the house has been officially determined to be not feasible to rehabilitate. Usually, the owner of the property will donate it to the grantee and in return they are relocated to a decent, safe and sanitary unit. After the family relocates, the lot is cleared. The grantee has the option of using the donated lot as a neighborhood park and/or playground if the grantee can show that the target-area population is 51% LMI at the minimum. Here, the resulting neighborhood park would meet the national objective of 51% LMI benefit. Another example for a grantee to achieve LMI benefit would be for the grantee to donate the lot to Habitat for Humanity. Since Habitat will build a house for a LMI family, the grantee will document 100% LMI benefit for the use of that lot. A final example would be the donation of the lot to a non-profit homeless shelter or senior center organization. Here, the limited clientele LMI benefit would be achieved as the LMI national objective if a homeless shelter or senior center is constructed on the cleared lot.

If the lot is not initially sold by the grantee, then its future use must meet a national objective of at least a 51% LMI benefit. The grantee will be required to sign a lot reuse agreement with the state that will govern the future use of the lot to ensure compliance with the LMI benefit requirement.

ENVIRONMENTAL CLEARANCE

A grantee must have received a clearance letter from the State Historic Preservation Office of the **before** demolishing any structure with CDBG funds.

Please refer to the environmental review chapter in the CDBG Administrative Manual for compliance requirements.

PROCUREMENT AND EQUAL OPPORTUNITY

Grantees must follow the procurement requirements. Should in-kind labor and equipment be used to conduct the demolition activities, the grantee must still comply with State and Federal waste disposal requirements, including OSHA worker protection requirements and EPA asbestos inspection and disposal requirements.

LABOR REQUIREMENTS

1) Davis-Bacon and the State's prevailing wage law are **not** applicable to demolition projects if:

- The demolition work, is not directly related to a subsequent construction project
- Less than eight units will be constructed on the cleared site(s)/lot(s)
- The grantee pays for materials and land, but the subsequent construction is solely private, i.e., no federal funds are used to pay for the construction work. **HUD Handbook 1344.1, Rev.1, Appendix #3:**“7-5: DEMOLITION. Demolition work, which is not related to construction, is not subject to the prevailing wage requirements of DBRA. For example, the demolition of a building because such structure is no longer needed would not in itself be a covered construction activity. However, where an existing building is being demolished as a phase of a construction project subject to DBRA, the demolition would also be covered, as in the case of demolition performed to permit construction of a new building.”

2) When the Davis-Bacon/prevaling wage rate is Applicable to a Demolition Projects:

- Rule 1: The Davis-Bacon Act requires the payment of prevailing wages only when federal funds are used to pay for construction work for more than \$2,000. The state's prevailing wage law applies to any construction work for public use or benefit that includes any public funds. The State law does not have a dollar threshold amount. For example, if future construction is on the lot acquired by the grantee with CDBG funds and more than eight residential units will be constructed, prevailing wage requirements apply. If the demolition is part of a privately funded construction project that is completed under one contract, and the construction will result in the construction of 8 or more residential units, then Davis-Bacon requirements will also apply to the related demolition contract.
- Rule 2: Existing Community Plan: Davis-Bacon may apply where a grantee has an existing community plan that addresses the use of property acquired with CDBG funds. The grantee must sign a re-use agreement with the State to ensure compliance with Davis-Bacon and national objective requirements based on the specific planned re-use.

- Rule 3: In a CDBG project, Davis-Bacon and/or the state's prevailing wage law applies to demolition work if the grantee **plans** to use **government funds** for construction work on the acquired lot. For example, if the grantee uses CDBG funds to build a restroom for the park on the lot that was acquired and cleared with CDBG funds, then the restroom construction will trigger the use of the Federal and State's prevailing wage building rates.
- Rule 4: Davis-Bacon wage rates are applicable to a demolition project that is part of a "Turnkey" project. Here, the grantee would have a developer pay for the entire construction of a single-family or multi-family project and the supporting public facilities on the land acquired with CDBG funds. Once the grantee determines that the completed construction work is acceptable, then the grantee would reimburse the developer and pay the contractor at the prevailing wage rates. A re-use agreement would also be required prior to the project to ensure 51% LMI benefit.

CDBG LAND RE-USE AGREEMENT REQUIREMENTS

1) For a property where the only expenditure of CDBG funds is for the demolition/clearance activity, a re-use agreement or a property maintenance certification may be required if the grantee does not sell the lot and use the proceeds in their existing project. If the project closes before the cleared lot is sold, the specific form of compliance must be approved by the department. If the lot is sold, the use of the property may be conditioned by the grantee with the new owner with a property maintenance agreement. Here, written compliance with the grantee's property maintenance ordinance is made a condition for the property owner's participation in the grantee's demolition program. At a minimum, the grantee must require the owner of the cleared property to comply with local property maintenance codes. If there are no codes, then the grantee must have the owner sign a certification to agree to keep the lot cleared and mowed.

2) For a property that is cleared and acquired with CDBG funds by the grantee, the national objective can be two-fold. First, the property is cleared to achieve the national objective of eliminating a specific instance of slum and blight. Secondly, the re-use of that property by the grantee must achieve the national objective of at least 51% LMI benefit if it is not sold and the proceeds used in their existing project.

DEMOLITION WASTE DISPOSAL REQUIREMENTS

1) Waste Disposal Requirements: CDBG grantees must comply with all state and Federal waste disposal laws, when conducting demolition activities with grant funds. When homes or commercial structures are approved for demolition, grantees must ensure that the demolition wastes are properly disposed of at a permitted/licensed sanitary or demolition landfill. Hazardous waste must be disposed of in an authorized facility that specializes in hazardous waste.

2) Open Burning: The open burning of a house that is to be demolished, is prohibited. . However, under that state code of regulations, a grantee may burn a house for fire training purposes. Here,

the grantee must submit a written request to the appropriate DCNR/Fire Commissioner's regional office through the fire district that will conduct the burning. The DCNR/Fire Commissioner's regional office will then review the request and issue an open burning permit. Asbestos containing materials must be removed first and CDBG funds may be used for that activity.

SECTION 104(d) RELOCATION

Grantees must comply with Section 104(d) anti-displacement regulations for any low to moderate income unit that is demolished which is occupied or has been occupied any time during the 12 months prior to that demolition. Compliance with Section 104(d) requires that such units be replaced on a one-for-one basis.

DEMOLITION MONITORING FILE REQUIREMENT LIST

- 1) Lot Owner's Signed Application and Consent form for the Demolition of the Structure
- 2) Lot Ownership Documentation
- 3) Slum & Blight Documentation: either
 - a) Specific Instance of Blight,
 - b) Area Slum & Blight - State Statutory or HUD Regulatory definition, or
 - c) Local Dangerous Building Ordinance definition
- 4) Demolition Bid Specifications and procurement documentation
- 5) Demolition Contract - signed by the grantee, lot owner, and contractor if target-area demo; signed by the grantee and the contractor if demolition-only project
- 6) Demolition Certificate of Completion
- 7) Landfill Receipts
- 8) Documentation of inspection and remediation of hazardous waste - if applicable
- 9) DCNR/Fire Commissioner Open Burning Permit - if applicable
- 10) Map - indicate location of each demolition
- 11) Section 104(d) One-for-one replacement documentation - if applicable
- 12) Financial Management – copies of demolition contractor's pay request

Recommendations for Implementing a Demolition-Only Project

- 1) Document in grantee's project files that each demolition meets the HUD national objective of eliminating slum and blight.
- 2) Formally procure and contract with grant administrator, demolition inspector, and licensed asbestos inspector.
- 3) Demolition inspector and asbestos inspector must coordinate asbestos inspection and removal activities; followed by the demolition activities and debris disposal.
- 4) Conduct asbestos inspections.
- 5) If regulated asbestos found, procure asbestos removal contractor and remove asbestos from structures.

- 6) Demolition inspector must prepare scope of work for bid of demolition of structures. Scope of work must include salvage rights, compliance with Federal and State disposal requirements, and any applicable local requirement for the capping or removing of utility lines.
- 7) Formally bid and contract with a demolition contractor.
- 8) Contractors must provide landfill receipts to the grantee to document compliance with State and Federal waste disposal laws. We highly recommend the use of salvage rights for the contractor and/or grantee to lower landfill fees and to promote recycling.
- 9) Comply with DCNR fire training permit requirements if any structures are demolished as part of a grantee's fire training exercise/in-kind match.

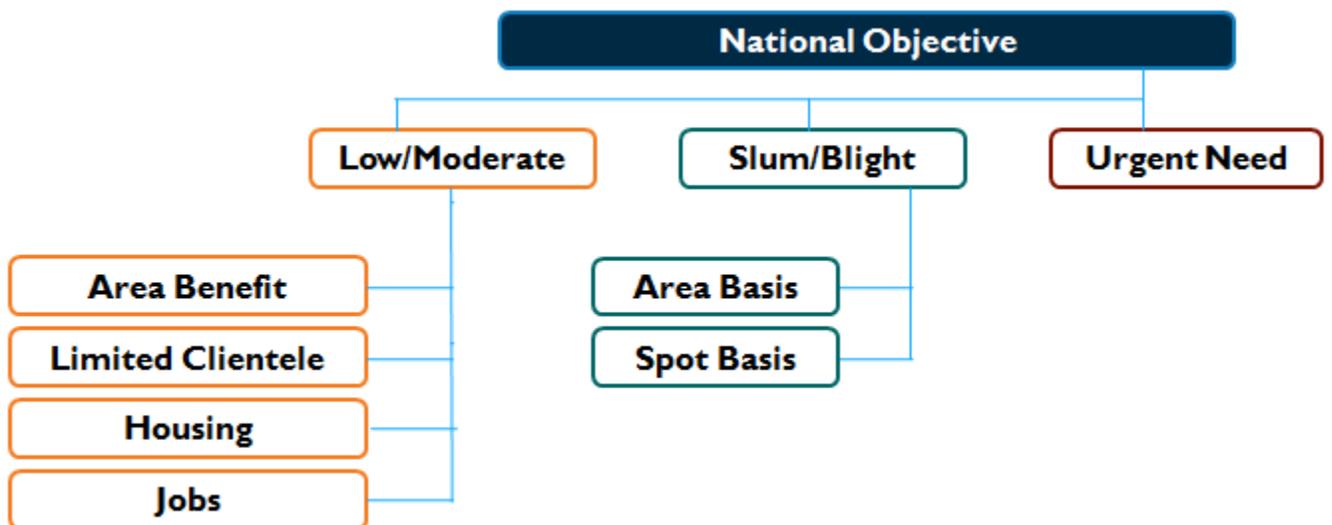
DCED Guidance

CHAPTER 3 – CDBG NATIONAL OBJECTIVES & FUNDABILITY

Before any activity can be funded in whole or in part with CDBG funds, a determination must be made as to whether the activity is eligible under Title I of the Housing and Community Development Act of 1974, as amended. Activities must also address at least one of the following three National Objectives of the CDBG Program:

- Benefit low and moderate income (LMI) persons,
- Aid in the prevention or elimination of slums or blight, and
- Meet other community development needs having a particular urgency, because existing conditions pose a serious and immediate threat to the health or welfare of the community and are of recent origin or recently became urgent, and where other financial resources are not reasonably available to meet such needs.

There are a number of different criteria by which an activity can meet a national objective, as shown in the following Table.



SLUM AND BLIGHT

The prevention or elimination of slum and blight is a CDBG National Objective that focuses on activities that create a change to the physical environment of a deteriorating area. HUD wishes to ensure that activities that qualify under this National Objective are clearly eliminating objectively determinable signs of slums or blight in a defined slum or blighted area or are strictly limited to eliminating specific instances of blight outside such an area.

The Slum and Blight National Objective can be met in 2 ways that include:

- Area Basis (SBA)
- Spot Basis (SBS)

Area Basis (SBA)

To qualify under the national objective of slums/blight on an area basis, an activity must meet all of the following criteria:

1) The area must be officially designated by the grant recipient and must meet a definition of a slum, blighted, deteriorated, or deteriorating area under State or local law. (For these purposes, it is not necessary to formally designate/declare the area to be blighted, but the area must meet the definitions for designation.)

2) The area must exhibit signs of economic disinvestment as indicated by at least one of the following physical signs of blight or decay:

a. There must be a substantial number of deteriorated or deteriorating buildings throughout the area. As a “safe harbor,” HUD will consider this test to have been met if either:

i. The proportion of buildings in the area that are in such condition is at least equal to that specified in the applicable State law for this purpose; or

ii. In the case where the applicable State law does not specify the percentage of deteriorated or deteriorating buildings required to qualify the area, then at least one quarter of all the buildings in the area must meet the grant recipient’s definition of:

- deteriorated or deteriorating;
- abandoned;
- experiencing chronic high occupancy turnover rates or chronic vacancy rates in commercial or industrial buildings;
- experiencing significant declines in property values or abnormally low property values relative to other areas in the community; or
- known or suspected of environmental contamination

b. The public improvements throughout the area must be in a general state of deterioration. (For this purpose, it would be insufficient for only one type of public improvement, such as a sewer system, to be in a state of deterioration; rather, the public improvements taken as a whole must clearly exhibit signs of deterioration.)

3) Documentation must be maintained by the grant recipient on the boundaries of the area and the conditions that qualified the area at the time of its designation. The recipient must establish definitions of the conditions (listed above) and maintain records to substantiate how the area met the slums or blighted criteria.

Note: The area must be re-designated every 10 years for continued qualification and documentation must be retained.

4) Activities to be assisted with CDBG funds must be limited to those that address one or more of the conditions that contributed to the deterioration of the area. (Note that this does not limit the activities to those that address the blight or decay itself, but it allows an activity to qualify if it can be shown to address a condition that is deemed to have contributed to the decline of the area.)

Spot Basis (SBS)

The elimination of specific conditions of blight or deterioration on a spot basis (SBS) is designed to comply with the statutory objective for CDBG funds to be used for the prevention of blight, on the premise that such action(s) serves to prevent the spread to adjacent properties or areas.

To comply with the SBS National Objective an activity must meet the following criteria:

1) The activity must be designed to eliminate specific conditions of blight, physical decay or environmental contamination not located in a designated slum or blighted area and

2) The activity must be limited to one of the following:

a. Acquisition;

b. Clearance;

c. Remediation of environmentally contaminated properties;

d. Relocation;

e. Historic Preservation; or

f. Rehabilitation of buildings, but only to the extent necessary to eliminate specific conditions detrimental to public health and safety.

Where the assisted activity is acquisition or relocation, it must be a precursor to another eligible activity (funded with CDBG or other resources) that directly eliminates the specific conditions of blight or physical decay, or environmental contamination. This requirement is not intended to discourage acquisition and relocation as pre-development activities and does not mandate that a proposed plan be in place before CDBG funds can be spent. For example, a grantee could clean up a contaminated site without acquiring the site; however, if the grantee acquired the site first, the project would be considered to meet the slum/blight national objective criteria only after clean-up occurred.

For more information please review the specific HUD guidance on the Slum and Blight topic.

URGENT NEED

Use of this national objective category is extremely rare. It is designed only for activities that alleviate emergency conditions. Urgent Need activities must meet the following qualifying criteria:

The existing conditions must pose a serious and immediate threat to the health or welfare of the community,

The existing conditions are of recent origin or recently became urgent (generally, within the past 18 months),

The recipient is unable to finance the activity on its own, and

Other sources of funding are not available.

CDBG PROGRAM FUNDABILITY

Fundability refers to key thresholds that determine the ability of projects and programs to receive CDBG funding. The Department's review process for all local government CDBG funding applications must include a fundability determination that is completed prior to Notice of Award. All CDBG activities, and activities completed for CDBG Match, must meet two criteria:

- 1) Meet a CDBG National Objective (National Objective Compliance); and
- 2) Must be eligible for funding (Activity Eligibility);

National Objective Compliance refers to the determination made as to whether or not an activity meets a CDBG National Objective based on a grantee's application narrative and the activity description noted within the Part II – Funding Summary and Part III – Budget of a grantee's application.

Activity Eligibility refers to the determination made as to whether or not an activity is eligible based on a grantee's application narrative and the activity description noted within the Part II Funding Summary and Part III – Budget of a grantee's application. Once a project is awarded, and an Executed Contract has been obtained, the grantee must complete the activities that were identified within the Contract. Failure to complete an activity as awarded, and identified within the Contract, will result in disallowance of CDBG funds and repayment by the grantee to the Department for funds previously drawn down.

Eligible and Ineligible Activities

There are several activities that are eligible for funding with the CDBG Program. The Housing and Community Development Act of 1974 (HCDA), as amended, is the primary authority for determining the eligibility of potential CDBG activities. The eligible activities section of the State CDBG regulations and guidance is minimal, thus the States and grantees must use Section 105(a) of the HCDA.

The complete list of eligible and ineligible activities is also identified and summarized within HUD's "Guide to National Objectives and Eligible Activities for State CDBG Programs" that is available on HUD's website

All activities identified within HUD's Guide to National Objectives are eligible for funding, these may not be considered a priority within the State of Nebraska's CDBG Program. The State has the authority to be more restrictive in identifying activity priorities that are completed through the State CDBG Program.

Eligible Activities

All project activities must be eligible for funding according to the HCDA Section 105(a). The general rule is that any activity that is not authorized by the HCDA is ineligible to be assisted with CDBG funds.

Common eligible activities include, but are not limited to, the following:

- Acquisition
- Clearance
- Code enforcement
- Fire equipment (including the purchase of fire trucks)
- Public facilities
- Public services

- Payment of non-federal share
- Planning and Capacity Building
- Façade Improvements of Commercial Buildings
- Relocation
- Owner Occupied Rehabilitation (OOR) of residential units
- Down Payment Assistance (DPA)
- Rental rehabilitation of residential units
- Street improvements including curb, gutter, and sidewalk, which may include energy efficiency improvements for lighting; storm sewer improvements; flood control drainage improvements;
- Removal of architectural barriers; and single or multi-use facility improvements that are designed to provide public recreational and social activities;
- Removal of architectural barriers that restrict accessibility for elderly and handicapped persons in support of public facilities/infrastructure, which includes buildings used predominantly for the general conduct of government
- Job Training
- Economic Development (ED)
- Technical Assistance
- General CDBG Administration expenses

Ineligible Activities

Any activity that is not authorized by the HCDA Section 105(a) is ineligible to be assisted with CDBG funds.

Common ineligible activities include, but are not limited to, the following:

- Payment of salaries for public employees (not related to the CDBG program)
- Operating/Maintenance expenses
- Public improvement repairs
- Construction equipment
- Motor vehicles
- Filling of pot holes in streets
- Reconstruction of City Hall or County Courthouses
- General government operating expenses
- Political expenses
- Capitalizing CDBG funds for City Hall construction
- General government expenses
- Mowing recreation areas
- Repairing cracks in sidewalks
- Purchase of furniture
- New housing construction
- Construction or rehabilitation of buildings for the general conduct of government (except for special cases)

Overall, the grantee should work with a DED Program Representative in order to determine which activities are appropriate for CDBG funding for any given project.

CDBG Manual, *Revised May 2017* Chapter 3 – 7

OVERVIEW OF A DEMOLITION PROJECT

A Municipal Blight Ordinance Must Be Enacted Before the Demolition Process May Begin

PART ONE: Identify Parcels Needing Demolition:

- Create a file for **Each** specific address to include all of the following

Identify Parcels that are Candidates for Demolition:

- Site inspections to assess condition/status by code and zoning officer
 - Photos,
 - inspection forms
 - GIS/mapping, assessing data
- “Blighted” physical condition only
 - Complaints by neighbors/community groups
 - Local code violations, blight notices
- Create a ‘Blight Certification’ letter for each parcel noting violations

Verify/determine Ownership of each parcel:

- Ownership will determine different specific requirements, per Eligible Use
Privately-Owned/ Municipal Owned:
Different process and requirements
Releases, lien, etc. required for demo
- Obtain documentation – ownership/title, photos, inspection forms

Violations to Condemnation Notifications: Copies of all to be forwarded to County

- Code and Zoning Officers create list of violations.
- Notice is sent by registered letter to the responsible party/owner allowing a time frame for violations to be addressed. Included is violation fee fine schedule. 30 days for owner to reply. Copy of letter sent or returned letter to be kept.
- Second notice is sent by registered letter to responsible party/owner allowing 30 day timeframe for response. Copy of letter sent or returned letter to be kept.
- Sheriff or police to post condemnation poster “Property is Condemned and is a Health Hazard” on structure where visible to the public. Photo documentation with date is needed. 30 day reply period.
- Municipality places a notice in the newspaper that property will be razed listing the address and the owners name and the violations noting a Lien for demolition costs will be placed on the property.
30 day reply period. Certified newspaper copy to be kept.
 - In the case of a deceased owner advertise “To the estate of (the Deceased) to unknown amount of heirs and anyone with a vested interest in this property”.
Certified newspaper copy to be kept.

Economic Viability Vs Demolition:

Determine HUD Section 104D Compliance

- Document that the property has been certified vacant for **at least 1 year**.
- Get calculated appraisal value using common level ratio.
 - Determine value of property worth “at this moment”
Assessed Value (x) Common Level Ratio (6.67 Lackawanna County 2017))
 - Determine cost of rehabilitating the property
 - Determine property value after rehabilitation (value + rehabilitation)

If property value after rehabilitation is worth less than average home values in the area then Demolition is warranted

PART TWO: Preparation for Demolition:

Environmental Review and Clearance: By County

Review NEPA 24 CFR, part 58

- Tier One review:
 - Prepared by the ‘Certifying Officer’ of the ‘Responsible Entity’ (RE):
 - Single family/Residential
 - Commercial/Other structures
- Preparation of initial environmental review documents:
 - Both the ‘statutory checklist’ and the ‘environmental assessment’ checklist
 - Covers entire project
 - Includes initial publication/notice of FONSI and RROF
 - Notice of Finding of No Significant Impact (FONSI)
 - Notice of Intent to Request Release of Funds (RROF)
- HUD will give approval for funds to be used:
 - Authority to use Grant Funds
 - Time when entity can start obligating funds
- Tier Two – done by ‘Grantee’, site specific: (Once site is selected)
 - All parcels – must complete the ‘statutory checklist’/sec.58.5
 - Areas of regulatory compliance:
 - Historic preservation, Floodplain management, Wetlands protection, Coastal zone management, Sole source aquifers, Endangered species, Wild and scenic rivers, Air quality Farmlands protection, Explosive/flammable operations, Noise abatement/control, Airport clear zones, Toxic chemicals and radioactive materials, Environmental justice, Attach documents, as needed.
 - Other Requirements Form 58.6 for Airports, Coastal Barriers, and Flood Zones
 - Prepare Pennsylvania Natural Diversity Index (PNDI), site specific.
 - Prepare Permit Application Consultation Tool (PACT) form
 - Prepare Site Specific Field Contamination Report.
- Some parcels – require additional environmental review documentation:
 - If 5 or more parcels within 2,000 feet of each other

- ‘Environmental Assessment’ checklist:
 - More detail/explanation required
 - Attach maps and other documentation
- Included Requirements: (see details below)
 - SHPO, Historic Clearances, Section 106 Review
 - NESHAP(National Emission Standards for Hazardous Air Pollutants), 40 CFR 61, subpart M Department of Environmental Quality (DEQ) Air Quality Division Asbestos Program

SHPO/Historical clearances:

- aka “Section 106 Review”, 36 CFR, part 800
 - National Historic Preservation Act of 1966
 - Effects of actions on historic properties
 - Question: will program/activity alter current environmental conditions
 - For properties that are 50 years or older, with exceptions
 - Listed on, or eligible for listing on, the National Register of Historic Places
- Individual Property Information form for Rehabilitation or Demolition DCED Administered Programs
- Part of required ‘Environmental Review Procedures’ per HUD
- Assessment requirements based upon location of each parcel
 - Within historic districts or not
 - Local, State and National districts ‘Listed’ or ‘eligible’
- GIS maps of historic districts
 - ‘Areas of Potential Effect’ of project

Environmental Testing, Asbestos Containing Materials (ACM):

- Company performing tests must be Certified
- If structure is ‘safe to enter’:
 - Environmental Testing Company will enter structure for testing
 - Will issue reports of any asbestos-containing materials
 - Demolition Contractor must conduct abatement of contaminated materials prior to demolition
- If structure is not safe/accessible for testing
 - Conduct limited to exterior testing
 - Must handle as Ordered Demolition, Type II landfill

Title Review and Clearances:

- Title reviewed for ‘insurable title’ (marketable title per industry standards)
 - Chain of title reviewed to confirm/verify ‘insurable title’
 - Includes verification of proper service of process and notification of tax foreclosure process that resulted in ownership
- Title Company to provide status spreadsheets – with clarity of each parcel if more than one parcel done at one time.

- Title Company to file Quiet Title litigation if ‘clouded’ and to provide Judgment of Quiet Title

Data Collection:

- Database capture all addresses and update status/progress
- All requests, clearances, dates, and fees
- Monitor progress and outstanding data
- Categorize parcel readiness based on still-needed documentation/clearances
- Maintain documents for HUD review - Both electronic and physical files/parcel folders

Owner Agreements and Permissions:

- Follow local code enforcement procedures and notifications for demolition
- Confirm and document property has been vacant for at least 1 year
- File and record lien for cost of demolition.

If code enforcement procedures not followed obtain the following:

- Enter into demolition assistance agreement with owner,
- Obtain owner permission/right of entry for demolition
- Confirm and document property has been vacant for at least 1 year
- File and record lien for cost of demolition.

Initial On-Site Inspection of each Parcel:

- ‘Notice of Demolition’ signs posted on each structure
- Identify any illegally-occupied structures
- Determine physical condition/status for environmental testing to occur if ‘safe to enter’ to allow environmental testing if badly damaged or unsafe, will require an ‘ordered demolition’
- Determination of ‘size’ of each structure:
 - Measure square footage during initial inspections
 - Pricing needed for demolition preparation
 - Permits based upon square footage
 - Residential – divided into small, medium, and large

Municipal Documents Needed:

- Application filled out in entirety and signed
- Topographical map with quadrangle included
- Photographs included
- Copy of Deed
- Executed Release and Right of Entry Certification
- Solicitor’s Certification for Privately / Municipal Owned Properties
- Standard of Conduct Form

UTILITY DISCONNECTS and CLEARANCES FOR DEMOLITION

Initial Request to Utility Company/Vendor or Municipality:

- Provide addresses and request disconnects
- May need to provide proof of ownership/title

Vendor to verify status of service:

- Schedule addresses for shut off
- If previously disconnected, obtain the wrecking clearance

Vendor to provide 'wrecking clearance' after disconnect

- Documentation required for demolition permit application
- Maintain records of invoices, payments and clearances

Water disconnects – usually handled by municipality:

- Submit request for disconnection and title/ownership documents
- Pay fee per water line disconnected
- Receive 'wrecking clearance' for demolition

Gas disconnects:

- Submit request for shut off, any required documents
- Pay fee per parcel
- Receive 'wrecking clearance' for demolition

Electrical disconnects:

- Submit request for shut off, any required documents
- Usually no fee per parcel
- Receive 'wrecking clearance' for demolition

Copies kept of all utility requests and returned "Wrecking Clearance" documents sent to County

PART THREE: Qualify and Hire Demolition Contractors:

Contract procedures:

- Follow competitive bid procedures for the contractor and get itemized bid/cost schedule
- Pre-qualify, bid and award contracts to demolition contractors:
 - Request for Qualifications (RFQ) to identify qualified contractors per specifications, etc.
 - Then Request For Proposal (RFP) process to obtain pricing from pre-qualified contractors
- If multiple properties are to be demolished, create process to pre-qualify contractors, then bid and award contracts:
 - Each contractor submits pricing for demolition
- Assign parcels in groups, and monitor progress of contractors
 - Estimated cost pre-determined by Facilitator and Environmental testing

Change orders/additional costs require review and approval by Lackawanna County

Hold final payment until full compliance/completion

Some requirements cannot be completed until spring due to weather

Leveling of lot, concrete replacement, grass seed

County to hold percent of full payment (5% or 10%)

Random testing of demo contractors:

Quality/cleanliness of fill dirt

Compaction

Concrete

- Give final approval of demolition, recommend payment of contractor

State demolition permits:

- Building Construction Codes, Buildings Division
- Demolition Permit Application to be completed by Demolition Facilitator
All documents/clearances provided
Then parcel is assigned to demo contractor
- Demolition Contractors request and pay for demo permits:
Require certification of utility terminations
Fee based on square foot of parcel
Additional asbestos fee

NESHAP (National Emission Standards for Hazardous Air Pollutants)-DEQ (Department Environmental Quality) approval and permit process:

- Request federal environmental permit to demolish from DEQ
Asbestos Testing and Abatement
40 CFR 61, subpart M
- Contractors required to notify DEQ as part of demo contract requirements
Two weeks (10 business days) prior to demolition if safe to enter
- If unsafe structure – treat as if ‘contaminated’:
‘Ordered demolition’
Water spraying during actual demolition
Lined trucks required for hauling
Send debris to a Type II landfill
Concrete testing prior to removal of basement
- If structure is ‘safe to enter’:
Asbestos abatement company to abate hazards prior to demo
Air monitoring done during demolition

PART FOUR: ACTUAL DEMOLITION

Specific Requirements of demolition contractors:

- Request and obtain demolition permit
Permit fees paid by demo contractor, included in bid pricing of contract
- File NESHAP notification, obtain DEQ clearance:
Two weeks prior to demo, if safe to enter
One day prior to demo, if an ordered demolition

- Post Notice on structure
- Abatement of hazardous materials (ACM)

Actual Demolition: (completed by pre-qualified demo contractors or competitive bid)

- Structure demolished and debris removed
 - Water down structures during demolition
 - May require local permit to connect to hydrants
 - Debris sorted and removed from site
 - Recycling, salvage and deconstruction favored
 - Basements removed
- Environmental monitoring/testing during demolition
 - Air monitoring during demolition
 - Open hole inspection and approval

Completion of Demolition:

- Vacant lot finished
 - Lot leveled, compaction to be done
 - Fencing removed
 - Sidewalks repaired or replaced
 - Curb cuts removed and replaced with curbing
- Hydroseeding – seasonal timing and type of grass/clover mix

Compliance Documents:

- Site approval from permitting authority
- Photos of site ‘after’ demolition
- Review and submission of invoice for payment

Steps to Condemnation

Locate the blight

- Visual inspection or resident phone complaints are logged about a property.

Zoning/ Licensing and Permits visits the property location documenting the deficiencies with digital photography with time date stamp. Local citations are issued.

Individual file is created for each property location of blight.

Zoning/ licensing and permits issues a letter about non-compliance with municipality ordinances.

- Letter is also posted to the front door of the property with a photos of the deficiencies.
- Letter and photos and citations stating the owner has 30 days to remedy the problem is mailed via regular US Mail.
- Copy of letter, citations, and photos sent is kept in file.

Photo with time date stamp is taken of the Posting and put into the file
Any returned mail is put in to the file Unopened.

After 30 days a follow up visit is made to the property.

- If not Remedied, photos of the deficiencies are taken with time and date stamp. Local citations would again be issued.
- If not remedied, photo of posting previously attached to front door with time and date stamp or photo of where previous posting was if removed.

Second Notice of violations letter is sent along with photos of deficiencies stating the owner has 30 days to remedy the problem.

- Second Notice is also posted to the front door of the property with a photos of the deficiencies.
- Second Notice and citations are sent via regular mail and certified mail.
- Returned green card is kept and stapled to copy of the Second Notice letter in file.
- Returned mail is kept in file Unopened.

If owner does reply – a time table can be set up for remediation of deficiencies with the municipality.

Notice of Condemnation, “Property is Condemned as a Health Hazard” poster, may be posted to the front door of the property if there is no reply after 30 days, by the Sheriff’s Office or by Municipality Police Department and Zoning, Licensing and Permits Department.

- Photos are taken of the officers making the posting with time and date stamp and put into the file.

Note: Property can be immediately condemned if there is documentation of no heat, electric, water, and gas service.

- Documentation of shut off notices can be obtained from utility companies and kept in file

The property must be revisited over the course of a Full year.

- Postings of condemnations are recommended to be done at change of seasons for a Full year.
- Photos with time and date stamp are taken and put into the file.

After documentation for a full year, a Title Search may be completed and demolition process may start.

Since it is established that the home has been vacant for at least a year and no replies have been made in response to the letters and postings, the Notice of Demolition Order may be sent with 30 day reply period.

- Notices are to be sent to *Anyone* associated with the property, such as the owner, utilities, bank on file with the mortgage and neighbors.
- Copies of all letters sent and replies to be kept in file.

Newspaper notice may be published at this time, for one day, stating the property will be razed/demolished listing the address, the owner's name, the violations, and noting a Lien for demolition costs will be placed on the property stating there will be a 30 day reply period.

- In the case of a deceased owner advertise: "To the Estate of (the deceased) to unknown amount of heirs and anyone with a vested interest in this property"

Certified copy of the newspaper advertisement must be kept in file.

Should there be no replies after 30 days, a note to file is placed stating so and the demolition process may proceed.