

LEGISLATIVE

110259



Planning and Development Services

Memo

To: Community Development Committee
From: D. Henrichs 
CC: Erik Bredfeldt 
Date: 8/21/2012
Re: Demolition by Neglect

THE FOLLOWING IS THE RESULT OF OUR INTERDEPARTMENTAL MEETINGS. THE NUMBERED MOTIONS INCLUDE RESPONSES TO THE COMMUNITY DEVELOPMENT COMMITTEE MOTION MADE ON OCTOBER 25, 2011.

1) Pursue an interdepartmental process to deal with potential neglect and code problems;

By adopting, implementing and enforcing regulations designed to ensure that properties are appropriately maintained, Gainesville can protect its historic buildings and non-historic neighborhoods. Affirmative/minimum maintenance and demolition by neglect ordinances and building and code enforcement codes can address maintenance problems proactively. Maintenance codes would require buildings to be kept in good repair and stabilized before a property becomes so deteriorate that demolition becomes the only recourse.

Reversing demolition by neglect and deterioration of the City's housing stock is a three pronged approach of regulatory codes that support affirmative/minimum maintenance, interdepartmental approach to find solutions on a building by building basis and enforcement of negligence.

Pursuing an interdepartmental process was discussed by Code Enforcement, Historic Preservation, the Building Department and Planning Department. Input was also received from other city departments. Staff discussed opportunities to work together to take steps to

create an interdepartmental approach to deal with potential neglect that may lead to the loss of historic structures.

The following items were discussed and are proposed for implementation:

- Code Enforcement staff will relay cases dealing with individually listed historic properties or those within designated historic districts to the Historic Preservation Planner;
- Code Enforcement will provide information regarding services available through the city and specifically the Historic Preservation Planner to those cited for violations within a designated historic district or individually listed historic structure;
- Staff from multiple departments/divisions will periodically review the status of properties within designated historic districts;
- Historic Preservation will coordinate available funding sources within the organization and outside sources to assist in maintaining or rehabilitation historic structures; and
- Staff will form an interdepartmental committee to assess neglected designated historic structures, understand the challenges associated with neglected buildings, and identify resources and a path of action.

Staff is considering a pilot program in the Pleasant Street Historic District and after this has been implemented in the Pleasant Street Historic District, interdepartmental staff can assess the effectiveness and consider a City-wide implementation. A map was generated identifying housing and minor violations and four dangerous buildings in the Pleasant Street Historic District (Attachment-Code Violations in Pleasant Street Map).

2) Pursue paths of financing for properties found not to be in compliance with Code but that can be rehabilitated;

The City of Gainesville Housing Division offers two programs that may assist residents in need of housing rehabilitation of owner occupied units and rental units. These programs provide funding assistance to those who meet certain eligibility criteria. Each program may be used within designated target areas within the city limits of Gainesville. The programs also include assistance for the rehabilitation of historic structures although funds are not exclusively set aside for this purpose.

The housing rehabilitation program assists income eligible homeowners to make needed repairs including roof, electrical, heating, plumbing, and structural and handicap accessibility, if applicable. Repairs should address health/safety issues and major code violations. The maximum funding limit for the housing rehabilitation program is \$39,600. Application cycles for the housing rehabilitation program are advertised periodically based upon program funding availability.

The rental construction program assists investors/landlords to rehabilitate existing or construct new rental units to provide affordable rental housing for income eligible tenant

households. These funds are used to address health/safety issues and major code violations. Eligible expenses include construction and rehabilitation costs only. Priority may be given to projects that are located in neighborhoods within the City that have no and/or a shortage of affordable rental units available for low-income households. The maximum funding limit for the rental construction program is based on the bedroom size/number of units in the project. Applications for the rental construction program may be submitted at any time and assistance is based upon program funding availability.

3) Identify historically significant structures in the central city core and communicate with owners as to their historical designation;

Historic Preservation/Conservation Study for the Gainesville Central City Revitalization Program was completed in the 1997 by Bill G. Epps. The Epps' study focused on the downtown surveying and naming the blocks A through D. The analysis and report of a four block area represented a step toward revitalization of Downtown Gainesville. A survey of the historic properties in Gainesville took place the following year in 1980. During the survey, Florida Master Site File Forms (FMSF) were completed for buildings fifty years old or older and a report (*City of Gainesville Comprehensive Presentation and Conservation Plan*, ERLA) was produced identifying potential historic districts. All of the identified historic districts have been adopted and listed on the National and/or Local Register of Historic Places.

The resurveying of the downtown started with taking a snapshot in time (2012) looking at the same blocks and labeling them to correspond with the Epps study. Updated Master Site File Forms were created, including new maps and photos. (Attachment includes the 1980 and updated 2012 FMSF # 8AL00781-Porter Building at 1 Southwest First Avenue) This has been sent to and accepted by the Florida Master Site File Office in Tallahassee.

Staff recommends moving to the next step which will be to assess the integrity of each building to determine if it is eligible for the National and/or Local Register of Historic Places and contact the owners.

4) Compare our demolition by neglect ordinance and dangerous building ordinances with those provided in the back-up (specifically the letter from the law school intern); and,

An interdepartmental group of city staff met to discuss this issue and compare the information in the current City ordinances (develop affirmative/minimum maintenance codes and included in Section 30-112 & the definition of Dangerous Building in Section 16-17.)

Staff believes that there may be some benefit to further evaluation and recommends the Community Development Committee create a separate referral which will be brought back to the CDC at a later date.

5) Analyze the extent to which we have enough manpower to identify deficiencies in our current regulatory system.

The historic districts are in two Code Enforcement neighborhood zone assignments and a third person is in charge of citywide demolitions. In pursuit of an interdepartmental process, coordination might be better served with one designated code enforcement staff for the historic districts and demolitions.

Code Enforcement has adequate manpower to identify and pursue the enforcement process under our current regulatory system within the historic districts. The challenge is dealing with property owners who are unwilling to correct violations identified which generally is related to one of the following reasons: lack of financial resources, unwillingness to make necessary repairs/improvements, unwillingness to abide by the regulations present within historic districts or recommendations of historic preservation planner/historic preservation board, or staff is unable to make contact with the property owner. Lack of response from a property owner may result in a fine and a lien placed on the property, however the violations may persist which can lead to further degradation of the structure.

Staff anticipates that initiatives included in item #1 of this memo will enhance the current regulatory system.