

ST. BERNARD PARISH GOVERNMENT CONDEMNATION AND DEMOLITION POLICY

A. Executive Summary

In February of 2008 the St. Bernard Parish Council condemned a number of structures which failed to meet the *Minimum Housing Standards* mandated by the St. Bernard Parish Code of Ordinances. Structures included on the recent condemnation list range from those which have not been gutted and/or secured to those which have undergone substantial renovation and are nearly complete. The purpose of the mass condemnation was to ensure that St. Bernard Parish Government (SBPG) would not overlook any structure which poses or could pose a threat to the health and safety of the residents who have returned to St. Bernard Parish. Furthermore, the timeframe for Federal Emergency Management Agency (FEMA) funded demolition is rapidly nearing its end, making immediate action absolutely necessary for the financial well-being and complete recovery of the community.

It is not the intention of SBPG to demolish all condemned structures. Rather, the organization intends to prompt and facilitate the rehabilitation of as many structures as possible while removing those structures which are unlikely to be rehabilitated and are most likely to pose threats to returning residents. The *Condemnation and Demolition Policy* document has been devised as an outline of how the condemnation and demolition process is going to be implemented by SBPG over the course of the next several months.

B. Condemnation and Appeals

All structures which failed to meet *Minimum Housing Standards*, including those which have been acquired by Louisiana Land Trust (LLT), will be posted with a demolition sticker and a *Notice of Condemnation*. Additionally, the owners of said structures will be notified by mail at that their last known mailing address. The list of condemned structures will also be published in the St. Bernard Voice newspaper and on the official parish website: www.sbp.net. A list of all condemned structures will be made available at the St. Bernard Parish Courthouse and at the SBPG complex.

Homeowners will have ten (10) days from the date of condemnation to report to the Office of Safety and Permits to file an appeal. By appealing the condemnation, the homeowner is recognizing that the record of SBPG indicates that their structure has failed to meet the *Minimum Housing Standards* and that it is facing the threat of demolition so long as it fails to meet said standards. Furthermore, those who appeal

the condemnation of their structure will have the right to a hearing prior to the *pre-demolition final inspection* and **before** demolition is officially ordered. However, those structures for which the Office of Safety and Permits has not received an appeal within ten (10) days of condemnation will remain in the demolition process and are subject to being demolished without a hearing or any further notice. Late appeals will be accepted, but will be considered delinquent. All delinquent appeals will be subject to the date deadline. If a condemned structure has already passed an electrical final, a *Demolition Not Required* classification will be granted.

SBPG DOES NOT ACCEPT APPEALS FOR HOMES THAT THE STATE OF LOUISIANA HAS ACQUIRED VIA THE ROAD HOME PROGRAM.

IF YOUR STRUCTURE HAS PASSED AN ELECTRICAL FINAL INSPECTION, PLEASE REPORT TO THE OFFICE OF SAFETY AND PERMITS TO CONFIRM. IF YOUR STRUCTURE HAS BEEN REHABILITATED, YET HAS NOT PASSED AN ELECTRICAL FINAL, PLEASE REPORT TO THE OFFICE OF SAFETY AND PERMITS TO FILE AN APPEAL **AND** TO SCHEDULE AN ELECTRICAL FINAL INSPECTION.

****ONLY A LICENSED ELECTRICIAN CAN FILE FOR AN ELECTRICAL PERMIT****

C. Appeals and Receiving a *Demolition Not Required* Classification

Properties for which an appeal has been filed will be flagged in the Demo-Tracker system and automatically granted a total of three (3) months to pass inspection for no less than two (2) utility permits. The inspections for said permits must be scheduled **and** passed before the deadline. Copies of the utility permits will be filed in the appeal folder of the appropriate property and the property will again be flagged in the Demo-Tracker system. The *Refer for Demolition Date* for the condemned structure will be held as a control measure to ensure that demolition will not take place prior to the homeowner's hearing.

*** UTILITY PERMITS INCLUDE THE FOLLOWING:**

ELECTRICAL
MECHANICAL (HVAC)
GAS
PLUMBING

PLEASE NOTE THAT BEING “FLAGGED” IN THE DEMO-TRACKER SYSTEM DOES NOT REMOVE A PROPERTY FROM THE DEMOLITION PROCESS, BUT MERELY GRANTS THE HOMEOWNER ADDITIONAL TIME TO MEET MINIMUM HOUSING STANDARDS

Properties for which inspection has been passed for no less than two (2) utility permits by the deadline will be automatically granted an additional three (3) months to obtain the balance of their utility permits and to pass a final electrical inspection. The inspections for said permits must be scheduled and passed before the deadline. Copies of the utility permits will be filed in the appeal folder of the appropriate property and the property will be **removed** from the Demo-Tracker system. Passing an electrical final constitutes having met the *Minimum Housing Standards* and will result in a property receiving a *Demolition Not Required* classification. In such cases, no further action from SBPG or the homeowner will be necessary.

D. Failure to Meet 3-Month Milestone and the Hearing Process

Properties for which inspection has not been passed for two (2) or more utility permits by the deadline will remain in the demolition process. The expiration of the initial three (3) month period will trigger the first round of hearings, which will begin on **June 2, 2008**.

***IF AN APPEAL HAS BEEN FILED PRIOR TO MARCH 3, 2008, SBPG WILL ASSIGN HEARING DATES AS NEEDED AND AFTER JUNE 2nd. IF AN APPEAL IS FILED ON OR AFTER MARCH 3, 2008, SBPG WILL IMMEDIATELY ASSIGN A HEARING DATE FOR THE SUBJECT STRUCTURE. THE FIRST ROUND OF HEARINGS WILL BE CONDUCTED AFTER THE 3-MONTH DEADLINES HAVE EXPIRED ***

Hearings will be conducted by a three (3) member panel that is comprised of citizens of St. Bernard Parish. All hearings will be moderated by an employee of SBPG. However, the moderator will not have the authority to make recommendations regarding the structure(s) in question. The hearing will serve as an opportunity for the homeowner to dispute the record of SBPG as it pertains to the permits that have been issued at the structure in question. The three (3) member panel shall have the authority to make the following **recommendations** to the Department of Community Development:

1. To assign a *Demolition Not Required* classification to a structure that is proven to meet *Minimum Housing Standards*
2. To grant an extension of three (3) months to homeowners who have documented proof that the record of SBPG does not accurately reflect the utility inspections that have been passed at the structure in question.

IF THE PANEL GRANTS A 3-MONTH EXTENSION, SBPG WILL IMMEDIATELY ASSIGN A SECOND HEARING DATE FOR THE SUBJECT STRUCTURE. THE SECOND ROUND OF HEARINGS WILL BE CONDUCTED AFTER THE 6-MONTH DEADLINES HAVE EXPIRED.

3. To take no action and allow the demolition process to continue uninterrupted. No further appeals will be granted.

HOMEOWNERS WHO HAVE RECEIVED A ROAD HOME AWARD LETTER BUT HAVE NOT YET RECEIVED THEIR ROAD HOME GRANT PRIOR TO THE EXPIRATION OF THE 3-MONTH MILESTONE MAY BE GIVEN SPECIAL CONSIDERATION AT THE TIME OF THE HEARING.

HOMEOWNERS WHO HAVE DOCUMENTED PROOF THAT SUBSTANTIAL REPAIRS HAVE BEEN MADE TO THE SUBJECT STRUCTURE MAY BE GIVEN SPECIAL CONSIDERATION AT THE TIME OF THE HEARING.

FAILURE TO APPEAR AT A HEARING WILL RESULT IN A CONTINUATION OF THE DEMOLITION PROCESS FOR THE SUBJECT STRUCTURE.

**THE DEPARTMENT OF COMMUNITY DEVELOPMENT
RESERVES THE RIGHT TO WITHDRAW THE
RECOMMENDATIONS OF THE PANEL IF THE
RECOMMENDATIONS ARE FOUND TO BE BIASED,
INACCURATE, OR INCONSISTENT WITH ANY COMPONENT
OF THIS POLICY DOCUMENT AND/OR THE ST. BERNARD
PARISH CODE OF ORDINANCES. IN SUCH CASES, THE
DEPARTMENT OF COMMUNITY DEVELOPMENT WILL BE
RESPONSIBLE FOR MAKING A FINAL DETERMINATION ON
THE APPROPRIATE COURSE OF ACTION.**

E. Failure to Meet 6-Month Milestone and the Hearing Process

Properties for which the electrical final has not been passed by the six (6) month deadline will remain in the demolition process. The expiration of the second three (3) month period will trigger the second round of hearings, which will begin on **September 2, 2008**.

PLEASE NOTE THAT ALL STRUCTURES WHICH WERE INITIALLY GRANTED AN ADDITIONAL THREE (3) MONTHS WILL ALREADY HAVE A SECOND HEARING SCHEDULED.

Hearings will be conducted by a three (3) member panel that is comprised of citizens of St. Bernard Parish. The hearing will serve as an opportunity for the homeowner to dispute the record of SBPG as it pertains to the electrical final inspection that has/has not been conducted/passed at the structure in question. The three (3) member panel shall have the authority to make the following **recommendations** to the Department of Community Development:

1. To assign a *Demolition Not Required* classification to a structure that is proven to meet *Minimum Housing Standards*.
2. To grant an extension of up to three (3) months to homeowners who have documented proof that the record of SBPG does not accurately reflect the electrical final inspection that has been conducted/passed at the structure in question.
3. To take no action and allow the demolition process to continue uninterrupted. No further appeals will be granted.
4. To flag the property in the Demo-Tracker system and refer the property to the Director of Community Development so that fines consistent with the St. Bernard Parish Code of Ordinances may begin being levied. Once fines have been levied, an electrical final inspection will not be conducted until all fines have been paid in full.

PLEASE NOTE THAT AN ELECTRICAL FINAL INSPECTION WILL NOT BE SCHEDULED ABSENT ALL OTHER INSPECTION AND PERMIT REQUIREMENTS BEING SATISFIED.

HOMEOWNERS WHO HAVE RECEIVED A ROAD HOME AWARD LETTER BUT HAVE NOT YET RECEIVED THEIR ROAD HOME GRANT PRIOR TO THE EXPIRATION OF THE 6-MONTH MILESTONE MAY BE GIVEN SPECIAL CONSIDERATION AT THE TIME OF THE HEARING.

HOMEOWNERS WHO HAVE DOCUMENTED PROOF THAT SUBSTANTIAL REPAIRS HAVE BEEN MADE TO THE SUBJECT STRUCTURE MAY BE GIVEN SPECIAL CONSIDERATION AT THE TIME OF THE HEARING.

FAILURE TO APPEAR AT A HEARING WILL RESULT IN A CONTINUATION OF THE DEMOLITION PROCESS FOR THE SUBJECT STRUCTURE.

**THE DEPARTMENT OF COMMUNITY DEVELOPMENT
RESERVES THE RIGHT TO WITHDRAW THE
RECOMMENDATIONS OF THE PANEL IF THE
RECOMMENDATIONS ARE FOUND TO BE BIASED,
INACCURATE, OR INCONSISTENT WITH ANY COMPONENT
OF THIS POLICY DOCUMENT AND/OR THE ST. BERNARD
PARISH CODE OF ORDINANCES. IN SUCH CASES, THE
DEPARTMENT OF COMMUNITY DEVELOPMENT WILL BE
RESPONSIBLE FOR MAKING A FINAL DETERMINATION ON
THE APPROPRIATE COURSE OF ACTION.**

**IF THERE ARE ANY QUESTIONS REGARDING THE
CONDEMNATION/DEMOLITION PROCESS, PLEASE CONTACT THE
DEPARTMENT OF COMMUNITY DEVELOPMENT, OFFICE OF SAFETY
AND PERMITS, AT 278-4310.**