



RESOLUTION NO. 07-41

ADOPTION OF VOLUNTARY DEMOLITION AND CLEARANCE GUIDELINES FOR VACANT AND STRUCTURALLY UNSOUND RESIDENTIAL PROPERTIES

A RESOLUTION OF THE TOWN COUNCIL OF DEWEY-HUMBOLDT AUTHORIZING THE ADOPTION OF VOLUNTARY DEMOLITION AND CLEARANCE GUIDELINES FOR VACANT AND STRUCTURALLY UNSOUND RESIDENTIAL PROPERTIES DATED MARCH 2007 IN RELATION TO AN APPLICATION FOR FY 2007 STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

WHEREAS, the Town of Dewey-Humboldt is desirous of undertaking a voluntary demolition and clearance program; and

WHEREAS, This program is anticipated to be funded with Community Development Block Grant Program (CDBG) funds provided by the State of Arizona CDBG Program, and

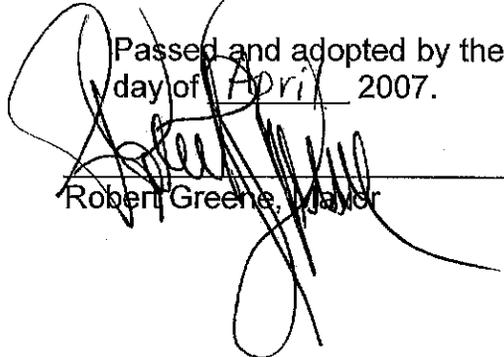
WHEREAS, the State CDBG Program requires that every local government requesting CDBG funds for demolition and clearance adopt specific guidelines for such a program; and

WHEREAS, the Town of Dewey-Humboldt has developed such Demolition and Clearance Guidelines (DCGs), dated March 2007 which have been pre-approved by the CDBG Program;

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council of Dewey-Humboldt hereby adopts such DCGs, dated March 2007, which shall be used to implement its CDBG-funded community revitalization program funded through its application for FY 2007 funds, and

THAT, the Town of Dewey-Humboldt shall utilize such DCGs, without revisions, except such authorized by the chief elected official or a person authorized in writing to approve such revisions via the CDBG Program's CD-1 Form; with such revisions submitted to the CDBG Program within a maximum of 10 working days of authorization.

Passed and adopted by the Town Council of Dewey-Humboldt Arizona this 17 day of April 2007.



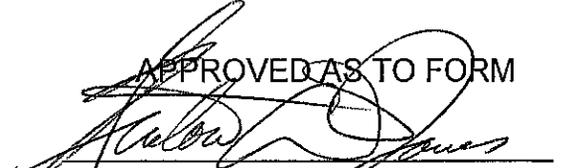
Robert Greene, Mayor

ATTEST:



Debbie Gifford, Town Clerk

APPROVED AS TO FORM



Kenton Jones, Town Attorney

**TOWN OF DEWEY-HUMBOLDT VOLUNTARY DEMOLITION AND
CLEARANCE GUIDELINES FOR VACANT AND STRUCTURALLY UNSOUND
RESIDENTIAL PROPERTIES**

March, 2007

PROGRAM PURPOSE

The purpose of the Voluntary Demolition and Clearance Program is to assist the Town of Dewey-Humboldt with its neighborhood revitalization plans and strategies through the use of Community Development Block Grant (CDBG) funds for the demolition and clearance of vacant, unsound, dilapidated residential properties. The outcome shall result in a benefit to low-moderate income individuals and in the revitalization of communities with designated revitalization areas that help primarily low-to-moderate income neighborhoods.

The Town of Dewey-Humboldt is exempt from following the income-qualification requirements of these guidelines only when the planned use of the demolished and cleared property will provide a benefit to low-to-moderate income persons. Acceptable uses may include, but not limited to, constructing a park on the site of the cleared property that is located in and will provide a benefit to neighborhood that contains at least 51% low-to-moderate income persons, or constructing affordable housing that will be owned or occupied by low-to-moderate income persons.

These Guidelines are approved by the Town of Dewey-Humboldt for the purpose of providing the requirements to be followed for demolition and clearance activities of vacant, unsound, dilapidated residential properties.

This program is designed to eliminate specific conditions of blight or physical decay in the Town of Dewey-Humboldt. This program is available only to low-to-moderate income property owners who have voluntarily applied or to areas in need of revitalization where a 51% low-to-moderate income population exists and at least 25% of the structures are deteriorating or dilapidated.

PROGRAM QUALIFICATIONS FOR SLUM AND BLIGHT ON A SPOT BASIS

To be eligible for demolition and clearance, the properties must be uninhabitable and unable to be rehabilitated as determined by a Building Official or code compliance officer for the local government. If a property is qualified to be demolished and cleared, the individual homeowner must be income qualified and determined to be low-to-moderate income and eligible under HUD Section 8 standards, when there is no planned use for the property that will provide a secondary benefit to low-to-moderate income persons.

The elimination of specific conditions of blight or deterioration on a spot basis, 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 national objective of Elimination or Prevention of slums or blight on a spot basis, i.e., outside of a designated slum or blighted area, an activity must be designed to eliminate specific conditions of blight or physical decay not located in a designed slum or blighted area. The area must have related conditions to the designated redevelopment/slum and blighted area.

Under this criterion, rehabilitation is limited to the extent necessary to eliminate specific conditions detrimental to public health and safety.

COMMUNITY PROGRAM OPERATIONS

Applicant Requirements

1. The current property owner of record is contacted and is requested to submit:
 - a) Demolition and Clearance Application
 - b) Third-party income-qualification documentation (applications considered for approval will have property owners meeting HUD's Section 8 income qualifications for low-to-moderate income persons); and
 - c) Copy of the Warranty Deed

2. Approved applicants must provide:
 - * A notarized statement granting permission to demolish and clear their property;
 - * Execute a five-year sliding scale forgivable Promissory Note and Deed of Trust. The note shall be forgiven at a rate of twenty percent per year for five years. The remaining balance of the loan shall become due and payable upon the sale, exchange, or transfer of property. The maximum amount allowed on a Deferred Payment Loan is \$20,000.00.

 - * An agreement to order utility company sign-offs. If a septic tank is present, it must be collapsed and filled per ADEQ guidelines.

Community Property Selection Criteria

1. The Town of Dewey-Humboldt receives and responds to public requests for Demolition and Clearance applications. The Town of Dewey-Humboldt can also select and notify property owners of vacant, deteriorating and

dilapidated properties that their property is potentially eligible for demolition and clearance, subject to satisfying income-qualification requirements.

2. The Town of Dewey-Humboldt accepts Demolition Permit Applications for consideration. All applications will include income-qualification documentation from owners of qualified vacant, deteriorating, dilapidated properties. Applications submitted without income-qualification documentation will be rejected and not considered for demolition and clearance.
3. The Town of Dewey-Humboldt agrees not to discriminate in any manner against any individual who may seek services on the basis of race, creed, gender, color, religion, mental or physical handicap, familial status or national origin.
4. The Town of Dewey-Humboldt notifies approved applicants, as well as applicants not meeting income-qualification and property condition requirements. The Town of Dewey-Humboldt will maintain records of all applicants based on CDBG records requirements.

Review Committee Responsibilities

1. The Town of Dewey-Humboldt will select a Review Committee comprised of at least three persons, who will serve in a fiduciary capacity on behalf of the Town of Dewey-Humboldt for the sole purpose of reviewing demolition and clearance applications received from Town residents. The Committee will collectively approve, rate, and prioritize/rank applications based on Community Development Block Grant program guidelines and applicable federal regulations and State statutes. The Committee shall present its recommendations to the responsible CDBG Grant Administrator for the Town of Dewey Humboldt for final determination and approval. *(No member of the Town of Dewey-Humboldt Review Committee shall have a substantial interest in any property being considered for demolition and clearance, as defined by Arizona Revised Statutes 38-503 for public officials, employees, agencies, commissions or committees).*
2. Demolition Permit Applications received are reviewed by the Town of Dewey-Humboldt Review Committee. The Review Committee conducts research to confirm the current property owner of public record.
3. The Town of Dewey-Humboldt Review Committee reviews income documentation and approves and prioritizes income-qualified property owners based on severity of condition, and lowest income persons served first. *(After the initial application deadline, applications will be reviewed on a first-come, first-served basis).*

4. The CDBG grant administrator for the Town of Dewey-Humboldt notifies approved applicants that they and their properties are qualified for demolition and clearance.
5. The CDBG grant administrator for the Town of Dewey-Humboldt requests a property title search and report for approved applicants who respond with acceptance. The title report must confirm the applicants as the owner(s) of record and that no liens exist against the property. If any liens are recorded against the property, the owner will be notified and given an opportunity to have the lien released within 30 days. If lien release cannot be accomplished by the property owner, the Review Committee has the discretion it either suspend the application until such time as the property's title is free and clear of any and all liens or deny the application.
6. The Committee confirms whether an income-qualified applicant's property is uninhabitable and unable to be rehabilitated, as determined by the Town's Building Code Compliance Officer or other qualified Town Staff person.

Community Environmental Review Requirements

1. The Town of Dewey-Humboldt will conduct the proper level of Environmental Review for the property/properties.
2. The Town of Dewey-Humboldt will submit all required Environmental Review documentation to the Arizona Department of Housing Community Development Block Grant Program and request a Release of Funds for the designated property/properties.

Note: The following must be included in the E-11, as part of a mitigation plan. The enforcement of the mitigation plan shall also be provided to ADOH.

To ensure compliance with federal regulations, licensed contractors performing property demolition and clearance activities must follow the federal regulations. For guidance, see Title 40, Part 61.145, Subpart M for the National Emission standards for Hazardous Air Pollutants, and Title 29, Part 1926, Subpart D and T, for Safety and Health Regulations for Construction.

3. The Town of Dewey-Humboldt will consult with the State Historic Preservation Office to receive clearance for each property approved for demolition and clearance. Note: properties that are either currently listed or have the potential to be eligible to be listed in the National Historic Register cannot be demolished when federal CDBG funds are being used. This should be determined through Section 106 consultation.

4. The Town of Dewey-Humboldt will satisfy all environmental requirements, so that each approved property can be environmentally released for demolition and clearance. The Town of Dewey-Humboldt will submit required documentation to the Arizona Department of Housing Community Development Block Grant Program to receive an environmental release of the individual properties selected and approved for demolition and clearance.

Asbestos and Lead Requirements in Addition to Standard ERR Requirements

1. The Town of Dewey-Humboldt will request an asbestos and lead inspection from a certified inspector. Pre and post testing (if required) will be incorporated into the bid documents as a responsibility of the demolition contractor.

A thorough inspection by a certified Asbestos Hazard Emergency Response Act (AHERA) Building Official is required for those portions of the building to be demolished, or renovated, for the presence of asbestos.

If the certified Building Official determines that asbestos materials are present on the property, a NESHAP notification must be submitted to the Arizona Department of Environmental Quality, and state and federal guidelines for containment, removal, and disposal, must be followed. For details, see Title 40, Code of Federal Regulations, Part 61, Subsection M, Asbestos NESHAP; Arizona Revised Statutes, Section 49-421 et. seq. and Section 49-471 et. seq. and Arizona Administrative Code R-18-2-1101.

Contractor Best Management Practices

1. The Town of Dewey-Humboldt will competitively procure a licensed contractor using the sealed-bid method. The procurement process will comply with all federal requirements for procuring construction services.

In addition to all required language for construction procurement for federally-funded projects, the bid documents should also include the following components in the specifications:

- * Contractor to make every effort to minimize the amount of dust generated during demolition. Methods of dust control can be, but are not limited to, wetting down the construction debris during the actual demolition.
- * Contractor will also be directed to break all windows INWARDS prior to start of demolition.

- * Contractor will erect fencing around the property perimeter for public safety purposes to create a barrier from allowing public access to the demolition site.

The following language must be included in the documents requesting bids:

To ensure compliance with federal regulations, licensed contractors performing property demolition and clearance activities must follow the federal regulations. For guidance, see Title 40, Part 61.145, Subpart M for the National Emission standards for Hazardous Air Pollutants, and Title 29, Part 1926, Subpart D and T, for Safety and Health Regulations for Construction.

2. The Town of Dewey-Humboldt will notify the property owner of the scheduled date for the demolition and clearance activities to commence.
3. The Town of Dewey-Humboldt will confirm that existing utilities have been disconnected.
4. Prior to commencement of demolition activities, the Town of Dewey-Humboldt will conduct a final inspection to confirm that property is vacant and clear of hazardous contents, if applicable.
5. The Town of Dewey-Humboldt will take pictures before commencement of demolition.
6. The Town of Dewey-Humboldt will issue a Notice to Proceed to contractor.
7. The Town of Dewey-Humboldt Building Official will inspect and approve of cleared lot prior to releasing payment to contractor. In addition to the removal and clearance of a building structure, the following items should also be completed:
 - * complete removal of pad/foundation
 - * capping abandoned utility lines, i.e. water, sewer, gas
 - * abandonment (collapse and fill) of septic tank
 - * rubble and all debris to be cleared from site
 - * original water drainage pattern is not disturbed or blocked
 - * any holes shall be filled and lot shall be returned to existing grade
8. The Town of Dewey-Humboldt will take pictures after demolition and clearance is completed.