

Abatement of Unfit Structures



Purpose

- Overriding need – In order to recover abatement costs, via lien, LMC 16.32 must include certain procedural safeguards required by RCW 35.80
- Second touch –
 - This was in front of City Council late last year.
 - There were some concerns about the draft code.

Concerns Addressed

- The primary concern was over the criteria for unfit or dangerous structures contained in the previous draft.
- Rather than using the criteria found in the prior version taken from a different jurisdiction (Lakewood) we have retained the criteria that were in existing code at LMC 16.32.465 -- .530
- We are now proposing no changes to those sections

Necessary Changes

- Notice by personal service or certified mail (vs. registered mail)
- If whereabouts unknown, service to site and address listed with assessor (vs. published notice)
- Methodology for determining whether the building should be repaired or demolished – RCW requires “specific stated standards”
- Hearing timelines are those mandated by RCW 35.80

Necessary Changes

- Appeals go to Hearings Examiner, not Commission
 - Due to requirement to have timely hearing (w/in 10 to 30 days) and;
 - Enter Findings of Fact that are legally supportable and will survive judicial appeal
- Appeals go to Superior Court

Standards

- Standards for when building may be removed are now contained in 16.32.240, in greater detail:
- ***If the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use exceeds fifty percent (50%) of the replacement value of a building or structure of similar size, design, type and quality, provided that the building official may order a building or structure, for which the estimated cost of such repairs do not exceed fifty percent (50%) of such replacement value, to be repaired, or demolished and removed***

Standards

- ***In estimating the replacement value of an unfit building or structure, the building official shall use the National Building Cost Manual, or a cost estimating publication that the building official deems comparable.***

Standards

- ***In estimating the cost of repairs, the building official shall apply the following standards:***
 - (A) Only the conditions causing the building, structure or portion thereof to be unfit for human habitation or other use shall be included in the cost estimate;***
 - (B). All repair costs shall be based on estimates calculated from the "Home-Tech Remodeling and Renovation Cost Estimator";***

Standards

(C) Repair estimates shall assume that all work will comply with the requirements of the current Building, Mechanical, Electrical, Plumbing, Energy, and Fire Codes in effect in the City of Longview;

(D) If the extent of damage to a portion of a building or structure cannot be ascertained from visual inspection, the building official shall assume that the relative extent of damage or deterioration identified in the observable portion of the building exists in the unobserved portions; and

Standards

E) Cost estimates for replacing or repairing the building, structure or portion thereof shall include the same type and quality of materials as originally used in the structure. If the building or structure is so damaged that the original materials cannot be determined, repair costs shall be estimated using the materials identified under the applicable building quality classification in the National Building Cost Manual

Questions?

