

Vacant & Abandoned Initiative: Policy and Criteria for Modification of Demolition Orders

Properties on the City of South Bend's demolition list have been deemed by a neutral hearing officer to be uninhabitable and unsafe to occupy. As a matter of policy, the City will not rescind an order to demolish once a hearing officer affirms the order.¹ The City strongly discourages people from purchasing properties with affirmed demolition orders. However, the City may rescind a demolition order (but is not required to) and convert the order to a repair agreement only when an individual (the "petitioner"):

- Has purchased the property in question;
- Can demonstrate ***due diligence*** in the purchase of the property; and
- Can demonstrate the ***financial resources*** to address all outstanding code violations.

Before the City will modify a demolition order to a repair agreement, the petitioner:

1. Must own the property;
2. Possess a recorded deed;²
3. Perform due diligence when purchasing the property;³
4. Demonstrate the financial ability to perform all of the repairs required by the Department of Code Enforcement;⁴
5. Pay administrative fees and processing costs related to the demolition order;
6. Post a bond for demolition costs;⁵ and
7. Agree to complete all repairs within a date specified by the Department of Code Enforcement.⁶

¹ Procedurally, the Department of Code Enforcement issues a demolition order. Then, that order must be affirmed by the hearing officer.

² Properties that have been purchased at tax sales and commissioners' sales are subject to the same criteria and prohibitions set forth in this document, aside from owning the property and possessing a recorded deed.

³ If the petitioner was unaware of the demolition order at the time of purchase, he or she must demonstrate that he or she made every effort to contact the applicable City and St. Joseph County offices including, the City's Department of Code Enforcement and the County Assessor's office. He or she may also have consulted various City and County websites. For example, the list of properties that have affirmed demolition orders is posted on the City of South Bend's website: (<http://southbendin.gov/government/content/vacant-abandoned-properties-initiative>). Examples of appropriate documentation include the date and time the petitioner visited the applicable offices and the name of employee(s) with whom the petitioner conversed.

⁴ Proof of financial ability may include a loan pre-approval or a financial statement.

⁵ In the event the petitioner fails to meet the terms of the repair agreement, he or she will forfeit his or her bond. If the petitioner completes the work within the timeframe specified by the Department of Code Enforcement, the bond will be released.

⁶ The City has the final authority on whether to rescind a demolition order. Notwithstanding the above, the City may require a petitioner to submit additional information.

In addition, the petitioner must not:

1. Own property on the City's Vacant & Abandoned List;
2. Own property with an outstanding code violation;
3. Have negative history associated with repairs, violations, or complaints on file with the Department of Code Enforcement; or
4. Have past or current affiliation or association with any individual, group, organization, company, or entity (collectively, "entity") that has managed, owned, or had pecuniary, business, or similar interest in any entity that has a property on the City's Vacant & Abandoned List or property with a history associated with repairs, violations, or complaints on file with the Department of Code Enforcement.

In the event a non-owner occupant of a property (i.e. a renter/tenant) learns that the property in which he or she resides has an affirmed demolition order, the City may provide the non-owner occupant with a list of potential resources/services that may assist the non-owner occupant.