



# Dangerous Buildings 2023 Status and Program Overview

*Presented by Director TaKasha L. Francis*


# LEGAL AUTHORITIES

- **TEXAS LOCAL GOVERNMENT CODE-CHAPTER 214. MUNICIPAL REGULATION OF HOUSING AND OTHER STRUCTURES SUBCHAPTER A. DANGEROUS STRUCTURES**
- **COH Administrative Procedure No.7-7-DEMOLITION OF PRIVATELY OWNED BUILDINGS (DAP Panel)**
- **City of Houston Municipal Code Sec. 10-341. - 10.344 Building and standards commission**
- **City of Houston Municipal Code Sec. 10-371. - Dangerous buildings defined; existence unlawful.**
- **City of Houston Municipal Code Sec. 10-372. - Dangerous buildings declared nuisances.**

- Administrative Hearing Officer
- Buildings and Standards Commission

# Administrative Hearings

- Demolition Assessment Panel



# Building and Standards Commission

*City of Houston Municipal Code Sec. 10-341. -10.344 Building and standards commission*

- Purpose: To conduct administrative hearings on dangerous building violations and administer legal orders to correct violations.
- Two of five regular members appointed by the mayor and confirmed by the city council.
- Eight alternate members
- Two- year term



# Administrative hearing officer

*City of Houston Municipal Code Sec. 10-332*

**Purpose:** To conduct administrative hearings on dangerous building violations and administer legal orders to correct violations.

**Appointed** by city attorney.

**Review** extension requests for administrative orders.

**Conducts** emergency hearings under City of Houston Municipal Code Sec. 10-391. – 10-392.





## Demolition Assessment Panel ("DAP" )

*COH Administrative Procedure No.7-7*

- Purpose: Created in 2011 to review expired administrative orders to determine whether a partial or full demolition of the building, or securing is required to remove a serious threat to human health or safety for demolition. Process enables the City to demolish public nuisance buildings under appropriate circumstances without creating undue legal exposure.
- Panel is composed of the neighborhood protection official or his or her designee; the chief of police or his or her designee; and three attorneys appointed by the city attorney.

## City of Houston Municipal Code Sec. 10-371. - Dangerous buildings defined; existence unlawful.

(a) For the purposes of this article, the following are dangerous buildings, regardless of date of construction:

- (1) A building with walls or other vertical structural members that list, lean, or buckle in excess of  $\frac{1}{4}$  inch of horizontal measurement for each foot of vertical measurement;**
- (2) A building with 33 percent or more damage or deterioration of its supporting members, or 50 percent or more damage or deterioration of its non-supporting members or outside walls or coverings;**
- (3) A building with a floor or a roof of insufficient strength to be reasonably safe for the purpose used;**
- (4) A building with a part not properly attached so that the part may fall on or otherwise injure occupants of the building or members of the public;**

## City of Houston Municipal Code Sec. 10-371. - Dangerous buildings defined; existence unlawful.

- (5) A building with light or air or sanitation facilities inadequate to protect the health and safety of the building's occupants;
- (6) A building with unsafe electrical wiring;
- (7) A building with unsafe natural gas piping or equipment;
- (8) A vacant building, regardless of its structural condition, that has been unsecured for more than seven days (which days need not be consecutive) in any 30-day period;**
- (9) Even if secured from unauthorized entry, two or more vacant buildings under common ownership situated near one another in a manner as to allow criminal acts to be shielded from public view;



## City of Houston Municipal Code Sec. 10-371. - Dangerous buildings defined; existence unlawful.

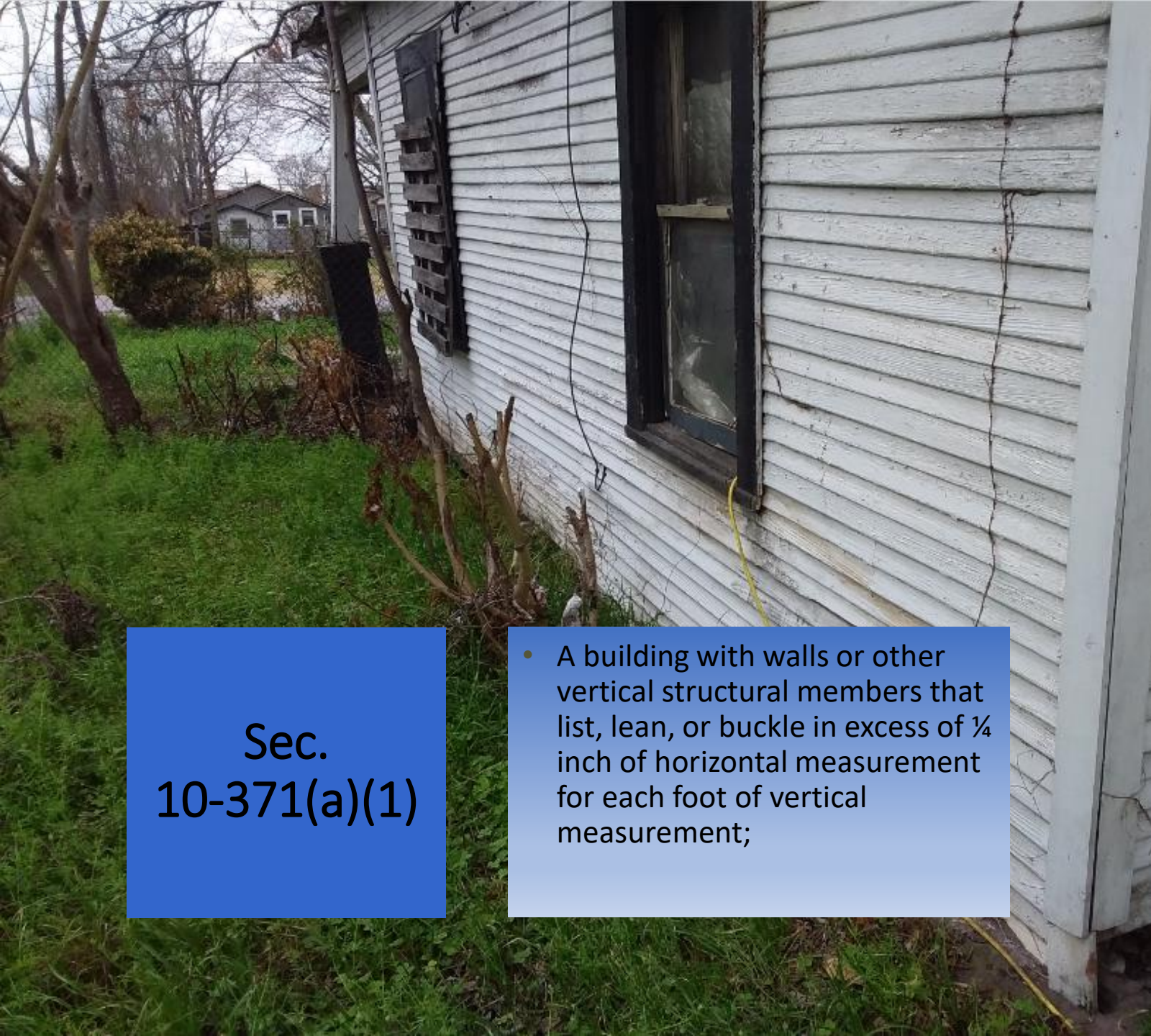
(10) An overcrowded dwelling unit or congregate living facility;

(11 )A pool or other aquatic structure not enclosed as required by chapter 43 of this Code; and

(12) A property with a condition causing a building to be unfit for human occupancy or causing a danger to the public health, safety, or welfare.

(b)It is unlawful for a person knowingly to allow a property under the person's ownership or control to constitute a dangerous building.

(c)It is unlawful for a person to occupy, or to let to another person for occupancy, property that has been ordered vacated pursuant to this article.



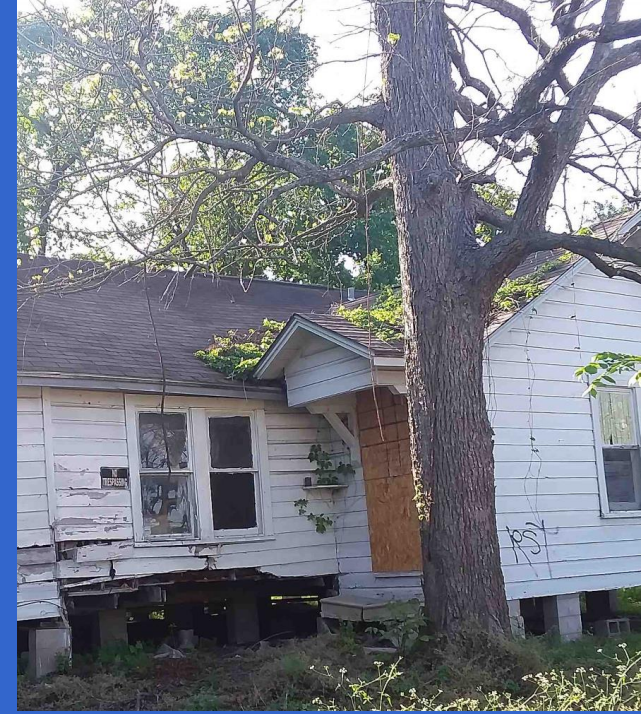
Sec.  
10-371(a)(1)

- A building with walls or other vertical structural members that list, lean, or buckle in excess of  $\frac{1}{4}$  inch of horizontal measurement for each foot of vertical measurement;

# Sec. 10-371(a)(2)

- A building with 33 percent or more damage or deterioration of its supporting members, or 50 percent or more damage or deterioration of its non-supporting members or outside walls or coverings;





## Sec.10-371(a)(3)

- A building with a floor or a roof of insufficient strength to be reasonably safe for the purpose used;

## Sec. 10-371(a)(4)

- A building with a part not properly attached so that the part may fall on or otherwise injure occupants of the building or members of the public;



## Sec. 10-371(a)(8)

A vacant building, regardless of its structural condition, that has been unsecured for more than seven days (which days need not be consecutive) in any 30-day period;



# Emergency Demolition Process Administrative Hearing Officer

1. Dangerous building inspection that reveals evidence of a “serious and immediate hazard”.



2. CEO immediately confers with the hearing officer (in person, by telephone or other electronic means) with the hearing officer about the serious and immediate hazard present on the property and the recommended corrective action to alter the condition so it no longer exists (secure, demolish, fencing, etc.) The conference may be ex parte.



3. If the Hearing Officer agrees, corrective action occurs. Hearing Officer drafts the administrative order to reflect the evidence and decision. If the hearing officer disagrees, the case is referred for regular processing.



4. Abatement of the property will be scheduled to begin within 24 hours of the inspection.  
If demolition is the chosen corrective action, IPS must ensure that utility disconnects are processed and occurred, title paperwork is received, and applicable permits for demolition are retained with demolition vendor before proceeding.



5. After demolition occurs, IPS returns to site to ensure work is completed, the area is cleaned, and “after” photographs are taken. DON files a lien on the property for the cost of the abatement to recover the expense via voluntary payment or lien foreclosure by the city.

# Demolition Process

1. Dangerous building inspection on the property to document and collect photographic evidence of violations on a property.

2. DON notifies the property owner of the violation and the corrective action to be taken (Secure, repair, or demolish the structure) via:

- A placard staked on the property visible from the street
- Certified mail to the property owner on record in the County Appraisal District

3. Owner is given a minimum of 30 days to bring the property into compliance. Thereafter a check back inspection occurs to assess compliance, or a possible extension to comply if applicable.

4. If no extension is granted and the property is still in violation, the case is referred to the legal for pre-approval to be submitted to Buildings and Standards Commission for hearing to determine whether to secure, repair, and/or demolish the building.

5. Once legal review is completed, DON schedules a public administrative hearing before the Building and Standards Commission.

6. The Building and Standards Commission makes an administrative order to take corrective action, up to demolition within 90-days from the date of the order, unless extension is granted. The Order is filed with the County Appraisal District . The order can only be appealed by the owner filing a verified petition in district court within 30 calendar days after receipt of the order. The decision shall become final thereafter.



# Demolition Process (con't)

7. After the Administrative Hearing Order expires without owner compliance, DON schedules the case for review with the Demolition Assessment Panel (DAP)-A P 7.7 to determine whether to move forward with a demolition or secure the building. *Timeline: 4-6 weeks*

8. DON refers case to vendor that secures required permits to demolish and plumbing permit to disconnect water and sewer. DON also requests the following: Utility Disconnects, Asbestos clearance, Historical Clearance,

*Timeline: 4-6 weeks after Disconnect submittal*

9. Schedule demolition date with Vendor. Demo scheduled within 5 days after work order is issued.

10. After the work is completed, DON files a lien on the property for the cost of the abatement to recover the expense via voluntary payment or lien foreclosure by the city.

# Dangerous Building Inventory and Timeline CY2023

Available Budget: \$18 Million

Budget Expiration: 12-31-2026

Quarter	Start Date	Estimated Count
1	1/1/2023	112
2	4/1/2023	100+
3	7/1/2023	100+
4	10/1/2023	100+

Scheduled Demolitions	Complete	Pending
1st. Qtr. January 2023 - February 3rd	23	89



DEPARTMENT OF  
NEIGHBORHOODS