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## The Process of Demolishing a House

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## Methods of Demolishing a House

- Main distinction is between voluntary and involuntary demolition.
- In an involuntary demolition, the local government *orders* the demolition of the house – and may in fact do the demolition work itself.
- In a voluntary demolition, the local government *encourages*, and perhaps fully or partially *funds*, the demolition.




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## Involuntary Demolition

- General municipal home rule powers, S.C. Code § 5-7-30: "Each municipality of the State ... may enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to ... *health and order* in the municipality or respecting any subject which appears to it necessary and proper for the *security, general welfare, and convenience* of the municipality or for preserving *health, peace, order, and good government* in it, including ... the *authority to abate nuisances*."




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## Involuntary Demolition

- Upkeep of property in the municipality, S.C. Code § 5-7-80: "Any municipality is authorized to provide by ordinance that the owner of any lot or property in the municipality shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance. The municipality may provide by ordinance for notification to the owner of conditions needing correction, may require that the owner take such action as is necessary to correct the conditions, may provide the terms and conditions under which employees of the municipality or any person employed for that purpose may go upon the property to correct the conditions and may provide that the cost of such shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes."




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## Involuntary Demolition

- Dwellings unfit for human habitation, S.C. Code §§ 31-15-10 to -400.
- S.C. Code § 31-15-20: "Whenever any municipality of this State finds that there exist in such municipality dwellings which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of such municipality, such municipality may exercise its police powers to repair, close or demolish any such dwelling in the manner herein provided."




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## Involuntary Demolition

- The International Building Code (IBC) provides a framework for ordering the demolition of unsafe structures. The IBC grants local building officials the authority to address unsafe conditions, including ordering the repair or demolition of a building when necessary.
- The International Fire Code (IFC) provides additional authority and guidelines for fire officials to address unsafe structures, including ordering their demolition when they pose a fire hazard or other safety risks.
- The International Property Maintenance Code (IPMC) focuses on the ongoing maintenance of existing structures and outlines provisions for dealing with unsafe, unsanitary, or dangerous properties, including the authority to order repairs or demolition if necessary.




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## Involuntary Demolition

- In summary, there are a number of possible sources of authority to cause the demolition of a home.
- In all cases, however, there *should* be a local ordinance describing in detail the reasons that demolition may be ordered and the full process that will be followed – *Due Process*.
- The local ordinance may simply implement a specific third-party authorization (for example, dwellings unfit for human habitation), or it may be a local ordinance enacted under home rule and the police power.




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## Voluntary Demolition

- Given the requirements of Due Process, it is considerably more efficient to implement a voluntary demolition program, but there are obstacles.
- The primary obstacle is *funding*. Demolition is expensive, and few property owners will fund it entirely themselves. The municipality may need to contribute to encourage voluntary demolition.
- Another major obstacle is *persuading* the owner to cooperate. In addition to helping with the cost, the municipality may use the involuntary tools describe above to help persuade the owner.




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## Existing Programs

- The rest of the program will be devoted to these two issues – funding and persuasion – in a voluntary demolition program.
- First, Stefanie Smith Derwort, Grants Manager, SC Department of Commerce, will discuss a grant program to help with demolition costs.
- Then, Christopher Morgan, Codes Enforcement Officer, City of Hartsville, will described the funding and operation of Hartsville’s voluntary demolition program.




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**Community Development Block Grant (CDBG) Program**

- HUD Program authorized in 1974
- State CDBG program administered by the "Business Incentives & Community Development" division at the SC Department of Commerce
- Primary purpose is to address community development needs of low- and moderate-income individuals (LMI)



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**Who Can Apply?**

- Only units of local government that are not entitlements may apply
  - Towns
  - Cities
  - Counties
- Non-profits, water & sewer authorities, individuals, and businesses are not eligible to apply but may be partner with local government



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**Community Enrichment – Grant Amounts (2024 Program Year)**

\$7.1M available in this category

- Grant Maximum - \$750,000
- Grant Minimum - \$50,000



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**Clearance/Demolition**

- Slum/Blight area (SBA)
- Slum/Blight spot (SBS)
- LMA typically not allowed
  - Can only be used if end use of cleared site meets a national objective - i.e. demo mill with end use as town park, and town is at least 51% LMA)




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**Clearance/Demolition**

- May demolish large structures (i.e. old mills, commercial buildings) if owned by local government
  - End use of property must be considered
  - If over \$150K in CDBG spent, "change of use" requirements apply & future use of site must be for eligible activity or funds must be repaid
  - Re-use plan required with application
- May do neighborhood residential demolition (structures don't have to be owned by local government)




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**Clearance/Demolition**

- Local Ordinance typically governs demolition procedures, but can do project where you obtain owner permission
- Liens required for neighborhood demo projects
  - However, not required if demo supports crime prevention efforts in the neighborhood and if total demo costs do not exceed \$10,000 for a unit or property owner
- Specific documentation must be submitted with application (i.e. photos, documentation of vacancy, inspection report)




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**Clearance/Demolition**

**THINGS TO CONSIDER FOR NEIGHBORHOOD DEMOLITION:**

- How to document ownership – should budget for title searches
  - *Not properly determining ownership can lead to lawsuits later!*
- Are you using Ordinance or owner permission?
- Make sure to budget for asbestos testing and air monitoring




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**Contact Information**

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**Residential Demolition Assistance Program**





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- Collaborative effort by the City of Hartsville and Hartsville Community Development Foundation Inc. (since 2013)

**Objective**

- Help property owners demolish blighted house structures which have decayed past the point of feasible repair.
- Eliminate crime, fire hazards, and help preserve the value of nearby properties.




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**The Demolition Process**

- Identify blighted properties & contact property owners to discuss participation.
- Successful applicants provide \$500 to \$1,000 towards the demolition.
- The owner signs the application/affidavit which states that there are no mortgages or liens on the property and grants permission for the demolition contractor to access the property for demolition.




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- Code Official chooses lowest bidding contractor for the demolition project.
- City demolition standard is observed.
- Code Official inspects property and contractor is paid after passing inspection
- Property owner is informed to maintain the upkeep of the property.




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Contact Information

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