

EMERGENCY ABATEMENT FUNDS POLICY/PROCEDURES**Policy and Procedures Scope:**

As part of the Zombie and Cities RISE Grants, funded by the NYS Attorney General's Office, the City of Rochester has developed two essential emergency abatement funds that will allow us to prioritize and mitigate hazards and code violations for both vacant and occupied properties. This policy will detail the appropriate use of the funds. The funds may only be applied to vacant properties with compromised building envelope conditions or hazards which pose a threat to public safety or occupied residential rental properties with violations that pose health and safety risks to tenants and threaten to make the unit uninhabitable. These are limited to conditions where the landlord, property manager, or other entity in control of the property is not taking proper and timely action to mitigate serious code violations. Once the City undertakes these emergency repairs, the cost of the work will be billed to the property owner, and any unpaid bills will be added to the tax bill. This policy will breakdown eligible hazards and violations for vacant and occupied structures separately.

VACANT PROPERTIES**Purpose:**

This policy will ensure that the City is doing everything possible to mitigate code violations, threatening the long-term structural integrity and longevity of a viable vacant structure, and or violations that have significant negative impacts on properties surrounding a vacant property. The fund may be used to abate violations related to:

- Stabilize or removal of structural appendages (porch, deck & stairs).
- Emergency repairs that will prevent further deterioration, such as patching of a roof.
- Abating hazards involving accessory structures, falling trees, or branches.
- Secure openings impacted by weather, wildlife, or illegal entry that are required to be secured by a third party. Not including window and door board-ups already managed by the City's Department of Environmental Services.

Process Overview:

The CEO should be following **Document 23**, "Enforcement Policy." During the routine inspection of a vacant property, or in response to a complaint filed about a vacant property, the CEO will need to determine if a hazard is present that needs immediate attention due to threat to the long-term structural integrity of the building and or the health and safety of the general public and or first responders. Document the building condition violations as an immediate hazard and shall include a specific description of the violation. Issue a Notice and Order to correct the violation. If the property owner or designated contact is unresponsive or does not immediately address the violation, refer the issue to the Division of Contract Services. Division of Contract Services will engage a contractor to come on the property to correct the hazard. The Division of Contract services will send a bill for the work completed to the property owner. If the bill remains unpaid, it will be added to the next applicable annual tax bill.

Note: This policy will not be applicable when the City is pursuing the necessary demolition of the subject structure.

OCCUPIED PROPERTIES

Purpose:

This policy will ensure that the City is doing everything possible to protect tenants' health, safety, and housing stability when threatened by hazards, which the property owner fails to address. Tenants have the right to be provided with a home where their quality of life is not impacted by the property owner's inability to provide an acceptable standard of habitability. Policy goals include:

- Prevent tenants from being abruptly displaced from their homes due to safety and habitability issues beyond their control going unaddressed by the owner or property manager.
- Stabilize or decrease the number of vacant units or buildings
- Increase the accountability of the property owner/manager
- Focus the fund's limited capacity on situations that negatively affect at least two residential units.
- Replenish the fund by billing the property owner for the work. If the bill is not paid, the amount will be added to the property tax bill.

Process Overview:

The Emergency Abatement Fund may be used to abate violations in occupied residential properties that are not being mitigated promptly by the landlord or his/her agent. The case must include an eligible recurring violation or an immediate hazard affecting a tenant's ability to stay in the dwelling without being subjected to health and safety risks. It is the CEO's responsibility first to follow the proper procedures listed in Document 35 "Complaint," Document 26 "No Heat," or Document 23 "Enforcement Policy and Procedure" before requesting this course of action and issue a Notice and Order to correct the violation. If the property owner or designated contact is unresponsive or does not immediately address the violation, refer the issue to the Division of Contract Services. Division of Contract Services will engage a contractor to come on the property to correct the hazard. The Division of Contract services will send a bill for the work completed to the property owner. If the bill remains unpaid, it will be added to the next applicable annual tax bill.

Recurring Violations:

If the CEO finds that the property has been cited previously for any of the following violations within one year, the violation shall be cited as a recurring violation and be eligible for abatement via the Emergency Abatement Fund.

Eligible Recurring Violations:

PC028-Heat System

PC034-Roof Leak

PC029-Pipe Leak

PC035-Water Heater

PC036-Electrical Hazards

Immediate Hazard Violations

Note: The City may consider any of the violations listed above as immediate hazards if they are imminently threatening to displace tenants in a multiple-unit building. If the CEO receives a complaint and finds one of the following immediate hazards, the violation will be immediately eligible for abatement via the Emergency Abatement Fund:

Eligible Immediate Hazard Violations:

Raw sewage back up

Open/broken main sewer stack coverings

Water service broken/no water

Boarded up exterior window
Broken or inoperable exterior entrance door
Egress stair hazards
Other structural hazards

Once either a recurring violation or a violation listed under the immediate hazards category above has been cited, and it has been determined that the owner is not mitigating the problem promptly, and a Senior CEO has established ongoing access to address the problem via a tenant who has legal access, the Senior CEO can initiate the process to correct the issue by using the Emergency Abatement Fund.