

Westmoreland County - Act 152 County Wide Demolition Program Guidelines 2023
DEMOfund

PROGRAM ADMINISTRATOR

Westmoreland County Department of Planning and Development (DPD)

PROGRAM DELIVERY

Redevelopment Authority of the County of Westmoreland (RACW)

PROGRAM BENEFITS

Brings in much needed revenue to address ongoing blight situations countywide.

Funding is not tied or regulated to federal CDBG “opt-in” communities.

Aligned focus with Comprehensive Plan and Housing Plan strategies and goals.

Can be used as match for other state and federal funding programs as well as potential supplemental to “gaming” revenues.

Focus on residential or commercial but could be used for larger redevelopment projects.

STATEMENT OF PURPOSE

The Westmoreland County Demolition Fund, which shall be referred to as “DEMOfund,” was established by the Westmoreland County Board of Commissioners by Resolution #45-2017. The Board of Commissioners deemed it to be in the best interest of the County of Westmoreland to establish a demolition fund in order to help alleviate the costs associated with the demolition of blighted property, as defined by the Abandoned and Blighted Property Conservatorship Act.

AUTHORIZING LEGISLATION

The Commonwealth of Pennsylvania through an Act dated November 4, 2016, P.L. 1170, No. 152, 42 P.S. Section 21052.2, provided the Board of Commissioners with the power, by resolution, to authorize an additional recording fee to be imposed by the Recorder of Deeds with said fees to be deposited in a demolition fund.

ELIGIBLE APPLICANTS

A municipality which includes any city, township, borough or home rule within the County of Westmoreland.

- Funding can be used for blighted properties within the County owned by the municipality, non-profit, for profit or resident with the municipality serving as applicant.
- Candidate projects can be submitted by individuals for qualifications approval to the municipality.
- Concurrence and approval of qualifications for candidate projects must be submitted in the form of a resolution approved by the municipal governing body.

ELIGIBLE PROJECTS

Eligible projects will include any residential, commercial, institutional or industrial use.

ELIGIBLE USES OF FUNDING

Eligible DEMOfund activities are those that include the proper removal of hazardous materials, the disconnection of utilities, the obtaining of proper demolition permits, the razing of structures, the

proper disposal of demolition waste, the backfilling and regrading of the site, the placement of cover materials such as seeding or gravel, and site clean-up.

PROGRAM REQUIREMENTS

Matching Funds – Matching funds are not required by applicant.

Funds – Applicants may request a maximum of \$75,000 per applicant per year. For multiple residential unit projects as well as commercial, institutional or industrial projects included in a redevelopment plan or neighborhood stabilization project or those having significant economic or community development impact, amounts greater than \$75,000 will be considered.

Site Control/Ownership – Applicants must identify and demonstrate site control or legal ownership at the time of application or have in their possession, a release and right-of-entry agreement signed and notarized by the property owner. Site control requires the municipality to demonstrate that it has taken, to the extent possible, action to require demolition or repair of the proposed property from the property owner and that the applicant has committed and is able to exercise the necessary police powers or has identified alternative legal authority to enable demolition of the proposed property or that the owner agrees for the municipality to serve as the applicant.

Title Search - As a condition precedent to the award, the RACW shall furnish or cause to be furnished to the County a current title search demonstrating that the proposed property is free and clear of any lien or security interest. A bring-down title search must be submitted by the applicant within thirty (30) days prior to the demolition date.

Blighted Property - The property(s) is required to meet the definition of “blighted property”. Blighted Property is defined as a property which meets at least three (3) of the criteria under the Abandoned & Blighted Property Conservatorship Act listed below, as determined by the governing body of the County:

1. The building or physical structure is a public nuisance.
2. The building is in need of substantial rehabilitation and no rehabilitation has taken place during the previous 12 months.
3. The building is unfit for human habitation, occupancy or use.
4. The condition and vacancy of the building materially increase the risk of fire to the building and to adjacent properties.
5. The building is subject to unauthorized entry leading to potential health and safety hazards and one of the following applies:
 - a. The owner has failed to take reasonable and necessary measures to secure the building.
 - b. The municipality has secured the building in order to prevent such hazards after the owner has failed to do so.
6. The property is an attractive nuisance to children, including, but not limited to, the presence of abandoned wells, shafts, basements, excavations and unsafe structures.

7. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds has created potential health hazard and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards.
8. The dilapidated appearance or other condition of the building negatively affects the economic well-being of residents and businesses in close proximity to the building, including decreases in property value and loss of business, and the owner has failed to take reasonable and necessary measures to remedy appearance or the condition.
9. The property is an attractive nuisance for illicit purposes, including prostitution, drug use and vagrancy.

For the purposes of certifying a property as blighted, the RACW will take into consideration the following certification checklist which objectively verifies a property's condition. This certification is in addition to and not as a substitute for meeting at least three (3) of the nine (9) criteria under the Abandoned & Blighted Property Conservatorship Act.

1. Property has been certified to be blighted and/or unsafe by the municipality.
2. Citation by an authorized entity that makes the property unsafe for habitation or use.
3. Property has been vacant or abandoned for three months or more.
4. Broken or cracked curb and sidewalk conditions.
5. Cracked, broken, rotted or missing windows, window frames, sills, and doors.
6. Broken, missing, or rotted porches, stairs, railings or balusters.
7. Holes, open cracks, loose or missing materials in foundations, bearing walls, or retaining walls (if integral to the property) or roofs.
8. Loose and/or missing bricks and/or siding.
9. Sagging, buckled or out of plumb foundations, bearing walls, floors, interior walls, and/or roofs.
10. Boarded-up windows and/or door openings.
11. Broken, damaged or missing gutters and/or downspouts.
12. Visible water damage, staining, mold, or rot.
13. Cracked, peeling or missing paint over at least fifty percent of the painted surface.
14. Disconnected or removed gas and/or electric meters and/or electric wires.
15. Plumbing, heating, sewage, water and/or other utilities have been disconnected.
16. Apparent presence of environmental hazards such as asbestos, volatile or semivolatile materials, and/or ground contaminants.
17. Visible evidence of accumulation of trash and debris and/or the presence of rodents and other vermin.
18. Photographic evidence of significant fire damage.
19. Property is tax-delinquent for two or more years.
20. Property is dangerous to the safety of persons or property due to wells, cisterns, shafts, basements, excavations, and/or unsafe fences.

Cost Estimate – A cost estimate will be provided by the RACW. Cost estimates are subject to the following:

Environmental Review and Possible Abatement – An asbestos report shall be submitted for commercial, industrial, institutional, or multi-unit residential exceeding 4 units and for projects in which two or more units are bid under the same cover and within 690 linear feet or each other. If

asbestos containing material is detected, an asbestos removal specification will be required for the project. This is an eligible project cost but must be accounted for in the Cost Estimate.

Prevailing Wage – Any project of \$25,000 or more, **regardless of funding source**, will be subject to Pennsylvania Prevailing Wage Rates.

Checklist—A *Demolition Project Checklist* must be completed and included with all applications.

APPLICATION EVALUATION

Each application will be evaluated based on the following factors:

1. Duration of current state/history of conditions and violations as well as impact on adjacent properties.
2. Property is identified in a redevelopment plan, blight strategy, neighborhood stabilization plan or municipal comprehensive plan.
3. Reuse plan is established.
4. Impact (visual, economic, safety) of demolition to community.
5. Site control/ownership. The applicant meets the site control/legal ownership criteria.
6. Blighted Property - The proposed property(s) is required to meet the definition of “blighted property”. Blighted Property is defined as a property which meets at least three (3) of the nine (9) criteria under the Abandoned & Blighted Property Conservatorship Act.
7. Match - Although no match is required, the DEMOFUND will consider leveraged funds and level of match. A cash match can be provided by the applicant. Any “non-county” source whether it be a grant or loan also will be considered as a match. All required expenses associated with gaining site control/ownership and determination of blight (3 of 9) is considered an in-kind match and will not to be considered a “match.”
8. Assists with the implementation of the Westmoreland County Comprehensive Plan – Reimagining Our Westmoreland.

PROGRAM DELIVERY

The RACW will provide program delivery services for successfully awarded applications. This service includes coordination of remediation activities, coordination of bidding procedures, conducting periodic inspections, authorizing payments and certifying project completion. The RACW services also include predevelopment activities required for application completeness including project identification, site control/ownership, asbestos reporting and specifications, and blight certification.

Any approved project which includes cash contribution provided by the applicant, as per the Program Requirements section, shall be responsible for paying an additional administrative fee of fifteen (15%) percent of the cash contribution. The applicant shall deposit with the County a sum equal to fifteen (15%) percent prior to the commencement of program delivery services for administration costs based upon the estimate for the project.

GUIDELINES

The DEMOFUND guidelines may be modified or waived by the RACW, with written approval of the County, unless otherwise required by law. All modifications or requested waivers should be requested in writing at time of application.

CONFLICTS OF INTEREST

An elected official, officer, director or employee of an applicant who is a party to or who has a private interest in a project shall disclose the nature and extent of the interest to the RACW as part of the application process. The elected official, officer, director or employee may not vote on any action of the applicant concerning the project, participate in the deliberations of the applicant concerning the project or being involved in administration of the demo funds if awarded.

PROGRAM INQUIRIES

Program inquiries should be directed to:

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Application deadline – January 1, 2023 – December 31, 2023