# PERMITTING OF REPAIRS TO IMMINENTLY DANGEROUS AND UNSAFE STRUCTURES

#### **Housekeeping**

- Session will not be recorded. Slides will be posted to the <u>Resources Section</u> of our website.
- Post any questions to the Q&A.
- We cannot answer application or project specific questions. Visit the <u>About/Contact Us Section</u> of our website for help options.
- Participants can receive 1 CEU for this session. A poll will be posted at the end of the session and certificates are emailed within 5 business days.

#### <u>Agenda</u>

- Violations
- Securing and Monitoring the Site
- Permit Issuance
- Permit Inspections

## Violations

## Make Safe Violations

- Your property has been deemed unsafe or imminently dangerous with the issuance of a violation under code sections PM15-110 or PM15-108
- Along with the designation violation of PM15-108 or PM15-110, violations will be issued to identify the PM category creating the unsafe condition
- A violation of A-304.1/1 requires that an PA licensed engineer or architect be obtained to report and assess the condition of the property and repairs required



# VIOLATION Notice and Order to Correct L&I File Number: DISTRICT OFFICE Contractual Services Unit 4000 N American St PRIDE FROM THE FROM

The property will remain in this status until all the necessary violations below are corrected and the Department of Licenses and inspections has verified the corrective action. You are the person responsible for the correction of these violations.

The Department of Licenses and Inspections hereby certifies that the violations at this property are a condition of immediate danger or hazard to health safety and welfare which requires immediate compliance and/or are intentional.

If these violations are not corrected before 12/06/2024 the Department will act as soon as reasonably possible to vacate and/or demolish the unsafe structure.

Any permit or license obtained to comply a violation of working without or in excess of a permit or a license will result in an additional inspection fee equal to the cost of the permit or license. (Phila. Code § A-901.13)

YOU ARE ORDERED TO MAKE THE NECESSARY REPAIRS AND/OR TAKE THE NECESSARY ACTION(S) TO CORRECT THE CITED CONDITIONS PRIOR TO 12/06/2024

Violation Date 📤	Violation Type	Code Section	Resolve By Date
Nov 1, 2024	CSU Unsafe	Unsafe Structure	Nov 2, 2024
Nov 1, 2024	CSU Violations	Exterior Walls	Nov 2, 2024
Nov 1, 2024	CSU Violations	Architect/Engineer Services	Nov 2, 2024

## Unsafe Versus Imminently Dangerous

- Properties and equipment are deemed unsafe if the condition of the structure does not meet minimum Property Maintenance code standards. Chapter 3 of the Property Maintenance code outlines these requirements and Chapter 1 outlines the designations of unsafe versus imminently dangerous
- Properties are found to be ID if the structure presents an immediate danger to the occupants or citizens. This is based on the opinion of the code official

## **Shared Retaining Walls**

 A Shared retaining wall is defined as a wall that has 2 or more separate owners that are responsible for the retaining wall

 Shared retaining walls that are deemed unsafe or ID will have violations issued to each of the property owners for the shared retaining wall, even if the section of wall is not located near the

property owners parcel

The department uses Streets Department Survey Unit to identify owners of shared retaining walls. Often owners are caught by surprise that they are responsible for these walls

## **Compliance Period**

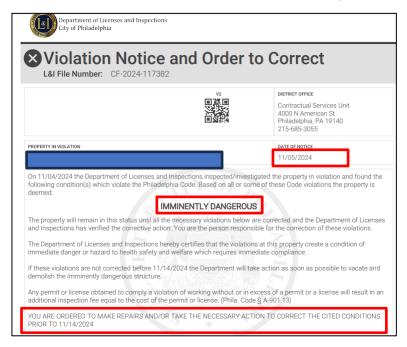
Code Official (Contractual Services Unit Inspector) specifies time for correction, not to exceed
 35 days. May vary with conditions; however:

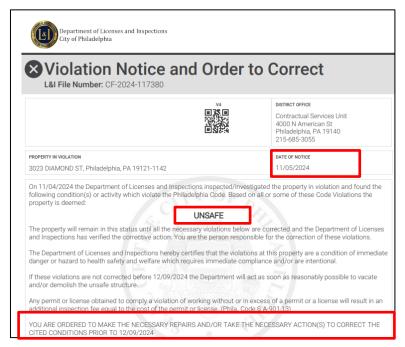
ID Typically: 10 Days U Typically: 35 Days

- After compliance period, the Department will act as soon as reasonably possible to vacate or demolish the structure.
- Code Official evaluates the condition of the building, the steps taken to correct the condition, and the repair schedule to determine next enforcement steps.

Note: Where the code official determines that a condition posing a hazard to life or property exists, an immediate oral order to repair shall have full effect of subsequent written notice.

## **Compliance Period**





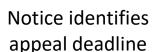
- Notice identifies compliance period
- Notices (with Responsible Party Redacted) are now available through Atlas

## **Appeal Period**

- Appeals of ID and U violations must be filed within 5 days of notice.
- A request for an extension of time to the Board of Building Standards is NOT an appeal of a violation and may be filed after the 5/30-day window.
- An appeal or request for an extension of time does not act as a stay of enforcement action.

Note: If the property owner obtains an engineer's report with conclusions that differ from those of the Department, they should submit to the Department for evaluation. This does not extend appeal period.

## **Appeal Period**





#### ■ Violation Notice and Order to Correct

**L&I File Number:** CF-2024-117382



YOU HAVE THE RIGHT TO APPEAL THIS NOTICE. YOUR APPEAL MUST BE FILED BY 11/10/2024.

Appeal of this Notice does not extend the time for you to comply nor will it stop any action by the City of Philadelphia.

For more information on filing an appeal and/or to obtain the approved form visit the appeals section of the Department of Licenses and Inspections website at www.phila.gov/li or the Boards Administration Unit, 11th Floor Municipal Services Building, 1401 J.F.K. Blvd., Philadelphia PA.

IF YOU DO NOT TIMELY FILE AN APPEAL THEN YOU WAIVE YOUR RIGHT TO LATER CHALLENGE ANY PART OF THIS NOTICE. This includes waiving your right to argue: whether the violations existed, whether you were responsible to correct the violations, whether you had enough time to correct the violations, whether the City should have abated the violations, and whether the City can impose fines, fees, or costs against you.

IF YOU HAVE ANY I FOAL OUESTIONS YOU SHOULD CONSULT WITH AN ATTORNEY.

If you do not have an attorney, you can contact the Philadelphia Bar Association Referral and Information Line at 215-238-6333 to have an attorney referred to you. You can also find a list of legal aid service providers at http://palegalaid.net/legal-aid-providers-in-pa.



The Philadelphia Code may be found online for free at www.phila.gov under "Open government."

If you have any questions regarding this notice or would like to schedule a re-inspection, please contact: Gene Stallworth by calling the district office phone number noted above.

ATTENTION: This is an important notice! For information in your language, call 215-686-8686
ATENCIÓN: Este es un aviso Importante! Para recibir información en su idioma, llame al 215-686-8686
注意: 这是重要通知! 如果您需要以您的语言获得此信息,请致电 215-686-8688
CHÚ Ý: Đây là thông báo quan trọng! Nếu bạn cần thư này bằng ngôn ngữ khắc, vui lòng gọi 215-686-8686
CHÚ Ý: Đây là thông báo quan trọng! Nếu bạn cần thư này bằng ngôn ngữ khắc, vui lòng gọi 215-686-8686
주의: 중요 통지입니다! 이 서신을 귀하의 언어로 받고 싶으시면 215-686-868년으로 전화하시기 바랍니다
같은 사이지를 보고 있는 소년이었다. 그는 그는 소년이었다. 그는 사이지를 보고 있는 소년이었다. 그는 소년이었다. 그는 사이지를 보고 있는 사이지를 보고 있는 사이지를 보고 있는 사이지를 보고 있는 소년이었다. 그는 사이지를 보고 있는 사이지

## Make Safe Violations

- Imminently dangerous properties are expedited and prioritized by the department to have the violations abated to protect the public
- If a court order is obtained by the department or the department starts demolition to abate the condition in violation, a court order must be obtained by the owner/agent to prevent the demolition





# Securing and Monitoring Site

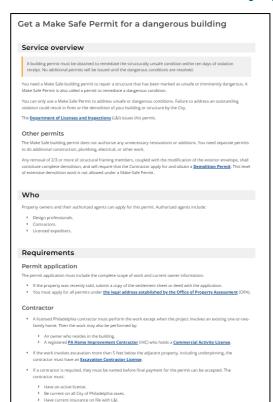
## **Engineering Services**

- As outlined in <u>Code Bulletin PM-1801</u>, <u>Permitting of Repairs to Imminently Dangerous and Unsafe Structures</u>, the Department may require engineering services to assess, secure, and repair condition.
- Requirement will be stated in violation notice.
- A Professional Engineer is responsible to:
  - Immediately assess structure to determine extent of defect, required corrective actions, and timeline for repair.
  - Identify any necessary temporary protections of public way/ adjoining property.
  - Monitor the site until work is completed. Inform the Department immediately of worsening conditions. Note: This is different from required Special Inspections.
  - Develop a remediation plan for submission of building permit application.
  - Upon completion of repairs, submit a sealed statement affirming that building has been made safe. *Note: This does not supersede the Department's inspection authority.*

## **Protections**

- The immediate protection of the public way or adjoining property may be necessary to protect life or property, as determined by the Engineer or the Department.
- Protections may include shelter platforms, streets closures, or other temporary/ immediate measures.
- The need for immediate action does not waive permit requirements. Permit applications
  must be filed within 3 business days of action, unless the Inspector authorizes additional
  time. Consult the Inspector on required actions as immediately as possible.
- Modifications may be required based on permit approvals.

# Make Safe Permit Application



Visit our <u>website</u> for application requirements.

Note: recent updates made.

Only applicable if the Department has designated a building as unsafe or ID.

Scope must be limited to that necessary to remediate the condition.

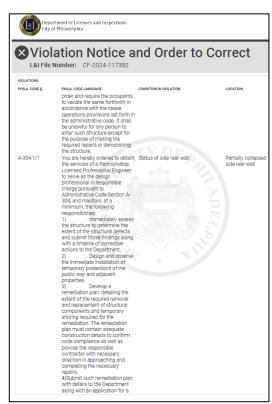
If work involves more than 2/3 replacement of framing members and any modification to exterior wall, a complete demolition permit is required.

Filing of an application does not stay abatement action. The Department may deem an application abandoned where a Court has authorized abatement by the City.

- Design Professional
- Contractor
- Plans or approved alternative
- Protection of Adjacent Property
- Special Inspection (Statement and Duties/ Responsibilities Agreement)
- Asbestos Inspection Report, except if less than \$50k or 4 family or less
- Structural Design Criteria Form, or complete listing of loads on plan or in report
- Waste Hauler Form, except if work would typically exempt.
- Pre-approval of PHC if applicable. Contact their offices in advance of filing.
- Pre-approval of Streets or PPC Urban Design, if work typically triggers their approval and replacement is NOT in-kind.

#### A <u>Pa Design Professional</u> is required if:

- The cost of work exceeds \$25k or is structural (and not otherwise eligible for exemption).
- A PA Engineer is required if protection of property requirements are triggered.
- A PA Engineer is required if stated on the Notice of Violation.



#### A <u>Phila Licensed Contractor</u> is required, except:

- Work on a one-or-two family dwelling completed by a registered PA Home Improvement Contractor.
- Work is performed by the owner/ occupant of one-or-two family dwelling. Proof of residency is required.

A <u>Phila Licensed Excavation Contractor</u> is required if work involves excavation more than 5' below adjacent grade (including underpinning).

- Excavation contractor must be listed as a prime or sub.
- Do NOT file a separate excavation permit application. Work will be included in make safe permit.
   Disregard prompt for Excavation Permit No. this will be adjusted by intake staff.

Ensure that contractor has an active license, current insurance and is tax compliant prior to filing.

#### Plans or Approved Alternative

Plans are typically required to be submitted with building permit applications, with very limited exceptions.

The Department authorizes (and encourages), an **Engineer's Report** in lieu of plans to remediate a dangerous condition, provided that all requirements set forth in Code Bulletin PM-1801 are satisfied:

- Assessment of structure based upon physical inspection, with description of extent of the structural defects and associated photographs.
- Remediation Plan:
  - Detailing the extent of the required removal and replacement of structural components and temporary shoring required for the remediation.
  - Adequate construction details to confirm code compliance and provide the responsible contractor with necessary direction in approaching and completing the necessary repairs.

The Department may also authorize a contractor's narrative for minor work that may include:

- Less than 10% of joist replacement for a floor.
- Bay Repair
- Removal of a one-story shed.

If the violation notice requires an engineer or protection of property requirements are triggered, the project is not eligible.

A Contractor narrative must also include description of defects, with accompanying photos, and description of repair, with any associated details.

If an insufficient Engineer's Report or Contractor Narrative is presented to the Department, we may require that plans be submitted OR the Engineer be present at the next appointment.

#### <u>Protection of Adjacent Property Requirements are Triggered, if:</u>

- Work impacts a party wall, including joist replacement exceeding 10% of a floor.
- Excavation more than 5' below adjacent grade, including underpinning.
- Work impacting a shared structural component (i.e. shared porch, tunnel alley).

#### Protection of Adjacent Property will require:

- Notice to the Adjoining Property Owner, with Acknowledgement of Owner
- Pre-construction Survey prepared by an Engineer
- Monitoring Plan by an Engineer
- Special Inspections for Structural Stability by a licensed Special Inspector.

Code requirements intended to protect adjoining property are not waived for unsafe conditions, with the following exception:

• If Notice is delivered but adjoining property owner cannot be located or did not sign form, the 60-day waiting period is waived.

Visit the Protection of Property on our website for complete information.

## Making Appointment

If there is an unsafe or imminently dangerous on a parcel, an applicant must schedule a virtual or in-person appointment to file.

Visit our website or contact 311 (215-686-8686) to schedule an appointment.

Electronic applications can be initiated; however, an address with an unsafe violation cannot be added. (Note: recent change is being adjusted).



## **Review Timelines**

- Review of complete engineer's reports or contractor narrative that do not trigger protection of property requirements may be completed during the appointment.
- The Department strives to complete all other make safe permit applications within 5 business days.
  - Note: The Code allows up to 10 business days for ID applications and 15-20 business days for Unsafe Applications.
- If additional information is required, the applicant must provide all information within 10 business days.
- Noncompliant resubmissions and non-response will typically result in abandonment of the application.
- A new application is required. The original examiner can be noted in the application description.
   Given expedited assignment, it may still be assigned to a different examiner.
- L&I review times are not reflective of PHC and PCP Urban Design timelines.

## **Review Timelines**

A complete application is critical to expeditious issuance of a permit.

#### Be sure to:

Review all requirements prior to filing an application.

• If there are any questions on code or process, submit to <a href="www.phila.gov/li/get-help">www.phila.gov/li/get-help</a> prior to filing.

Contact the examiner if you have questions or disagree with any comments.

- Contact is listed on the letter of request for information.
- Appointment scheduler may not be conducive to timeline. If you can't reach examiner within 2
  business days, an escalation can be submitted through chat or the online help form.
- DO NOT respond to the RFI with incomplete information or response indicating disagreement.

## **Permit Conditions**

- Approved Permit Applications must be picked up within 10 days. Extensions are generally not granted. Note: Important to verify contractor status prior to filing.
- Work under permits issued to remediate ID conditions must commence within 10 days and must progress continuously until condition is made safe.
  - Department may allow a bit more time, depending on conditions.
  - The Inspector has the authority to reject a construction schedule.
- Work under permits issued to remediate unsafe conditions must commence within 30 days and progress continuously until condition is made safe.
- Permits are not eligible for standard 6-month extensions, although extensions of alternate periods may be granted at the discretion of the Department. Contact your Inspector.
- Minor changes may be approved by the Inspector or via amendment. Additional work requires another permit.

## Additional Scope

Permit application must be limited to work required to remediate dangerous condition.

On a trial basis, we will allow additional permit applications to be filed under the following conditions:

- 1. Make Safe Permit has been issued
- 2. No permit will be issued until violation is complied. Standard expiration rules will apply.

Typical scope may include permits to fit out the space, including trades, or submission of zoning permit applications for future development.

On rare occasion, proposed work may be unrelated to the building, additional work may be required for safety reasons, or work cannot be uncoupled from remediation work. The Department will consider on a case-by-case basis and a determination will be made by the Contractual Services Director/Manager and Permit Services Director.

All permit applications must be filed by appointment until the dangerous violation is complied.

## Make Safe Permit Inspections

## Scheduling Inspections

Inspections can be scheduled by using one of 2 methods

- Through eCLIPSE on your permit
  - Login to your eCLIPSE account and navigate to your permit on the My Activities tab
  - Either select Request Inspection from the right-hand column or open your permit and Click the Request Inspection button located on the bottom right side of your permit page.
    - The Request Inspection Page will open, and you will need to provide a phone number, date for the inspection, AM or PM preference, and any special instructions for the inspector such as specific location or space.
    - Select the checkboxes for the inspections you want to request and click Request Inspection

For additional Information on scheduling online please visit our <u>FAQ section for scheduling inspections</u> on our website

## Scheduling Inspections

The inspections available for Make Safe Permits are listed on this screen

Progress Inspections are mandatory checkpoints where an inspector requires a review before work can proceed to the next phase.

Unavailable inspections will be marked and unable to be requested until other inspections are completed

Requ	est an Inspection Site / Utility	Permit (SP-202	4-000893)				
DETAILS							
between	phone number for the on site contact who will 8am & 1pm, PM inspections require you to be a u if your time preference needs to be changed.					*	
Contact Phone Number:		(215)3	05 - 7961				
Requested Date:		Nov 8, 2024	ļ	]			
Requested Time:		OAM	○PM	(Any Time)			
Special Instructions for Inspector:							
					//		
INSPECT	ION TYPES						
	list of the current Inspections for this Permit. Us your inspection is not available or visible, pleas ns.						
Request	Type of Inspection		Latest Inspection	Result	Recommende Inspection Ord	-	
	Building - Initial Site Inspection 001		Passed		1	Mandatory	
	Building - Progress Inspection 905		Not Reques	Not Requested			
0	Building - Final Inspection		Not Reques	sted	5	Mandatory	

## Scheduling Inspections

- Through the IVR phone system
  - Call (215) 255-4040 to schedule or cancel inspections
  - You will need your 2-letter, 10-digit Permit Number located at the top of your permit (e.g. CP-2024-002834)
  - After entering your permit number, you will be required to select an available inspection. Hit
    the \* to get a list of available inspections on your permit
  - You will then need to select from one of the dates and provide a phone number for the on-site contact
  - Additionally, you can leave a message for the inspector with any special instructions

For additional Information on scheduling through the IVR please visit our <u>IVR Information Sheet</u> on our website

## Inspection Requirements

- Inspections must be requested once your make safe permit is issued
- An Initial inspection is required before you start work
- Work must be performed continuously until work is completed (not permitted to cease activity for any prolonged period)
- Inspections on Make Safe permits are left to the discretion of the area inspector to determine when the next inspection should be required due to the random nature of the scope of work
- If work is not progressing fast enough to the next inspection required, a Progress Inspection can and should be requested
- Any work performed that does not pertain to the repair of the unsafe violation cited is considered
  additional work and requires separate permits that cannot be issued until the Make Safe work is
  completed and the permit is closed

## Inspection Requirements

- Notify the area inspector or CSU immediately if work outside the original scope is necessary to complete the repairs
- Any work to rebuild the exterior façade and/or structural framing of the exterior may require multiple inspection to check code compliance
- Exterior work may require pedestrian protection and sidewalk/curb lane closure
- Special Inspections Final Compliance Form if applicable is required before the permit can be completed
- No trade work is permitted unless specified by the department
- Additional work permits can be applied for but not issued during your make safe phase of construction

## Questions?

Thank you for attending and be sure to sign up for the L&I newsletter, visit our Website & YouTube Channel for additional content

Please complete the survey to receive CEU's