

**MISSOULA REDEVELOPMENT AGENCY
URBAN RENEWAL DISTRICT II
LIFE-SAFETY CODE COMPLIANCE PROGRAM**

IMPORTANT: The material included below outlines the Fire and Building Life-Safety Code Compliance Program (CCP) and the responsibilities of the APPLICANT and the MRA. Please review this information carefully before submitting the application forms or finalizing your Code compliance plans.

Failure to receive approval of a completed application BEFORE construction begins may affect the applicant's eligibility for this program.

INTRODUCTION

The Missoula City Council has authorized the Missoula Redevelopment Agency (MRA) to implement and administer the Life-Safety Code Compliance Assistance Program (CCP). Through the CCP, the MRA may subsidize private efforts to bring structures located within Urban Renewal District II, (hereinafter referred to as the "District" in accordance with the provisions of the Montana Urban Renewal Law (7-15-4209, M.C.A.) into compliance with certain Fire and Building Codes pertaining to life safety adopted by the City of Missoula. The subsidies are in the form of matching funds to private investment to correct current Code violations. The applicant has the sole responsibility to repay any loans used to finance the private portion of the project.

PROJECT OBJECTIVES

The primary objective of the CCP is to provide a program to encourage voluntary repair of existing commercial property within the District. Authorization for the MRA to administer a program such as the CCP can be found in the Montana Urban Renewal Law (7-15-4206-(16)a, M.C.A.); "Rehabilitation may include the restoration and renewal of a blighted area or portion thereof in accordance with an urban renewal plan by... "carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements". Properties eligible for assistance under the CCP program must have been inspected by City Fire Department and/or Building Inspection Division Officials (hereinafter referred to as "Official(s)") and found to violate life safety standards adopted by the State of Montana and by the City of Missoula (contained in the Uniform Building Code and Uniform Fire Code, hereinafter referred to as "Code(s)"). Additional objectives are to:

1. Encourage elimination of conditions that could be a serious and growing menace, injurious to public health, safety and welfare;
2. Encourage private investment in commercial property in the District through the use of public incentives;

3. Stimulate economic and business development within the District by providing safe environments for workers, businesses and the public; and,
4. Retain and expand safe employment opportunities with economic development.

The matching funds subsidy is given at the discretion of the MRA based upon review of the applicant's compliance with program objectives, eligibility requirements and eligible construction activities.

ELIGIBILITY REQUIREMENTS

The following eligibility requirements have been established to accomplish CCP objectives. These requirements involve the specifics of individual requests for matching funds, and the materials that the applicant must submit to have a successful application. Application forms may be obtained from the MRA, and **must be completed in their entirety before the project will be considered.**

1. For the purposes of this program, a "project" is defined as the total number of eligible remedial actions on violations identified by the City Fire Department or Building Division per building.
2. The matching funds subsidy may total up to fifty percent (50%) of the project's eligible expenses. The limit of participation by the MRA on any one project is up to \$5,000. Projects incurring extraordinary costs may, at the discretion of the MRA Board of Commissioners, receive additional funds up to a total of \$10,000. The Missoula City Council has reserved the right to adjust the subsidy percentage, increase the MRA participation ceiling and/or amend the eligibility criteria for individual projects, upon consideration and advisory recommendation of the Missoula Redevelopment Agency. The actual amount of MRA participation is determined after review of the application for eligible expenses.
3. All commercial property within Urban Renewal District II is eligible for this program, with the exception of publicly owned buildings. For the purposes of this program, residential properties with four or more units will be considered commercial properties. All applications will be reviewed in the order in which they are received by MRA.
4. Eligibility is extended to property owners of record and tenant businesses. Tenant businesses financing the private portion of the project using a private lender must document a lease period equal to or in excess of the term of any loan used to finance the project. All tenants must provide notarized written approval of the property owner and evidence of their leasehold interest. Only one project per building is allowed.
5. Special improvement district and property tax assessments on the project property must be paid to date. Evidence of payment in the form of a tax receipt is required and must be submitted with the application.

6. Applicants must submit a letter from either the Fire Code Official of the Missoula City Fire Department or the Missoula City Building Official (or their designee) outlining the nature, extent and accepted remedial techniques of the Code violation. Documentation from architects or engineers licensed to practice in Montana will be accepted if their analysis and plans are verified in writing from the Officials. Implementing remedial construction for life-safety code violations is the sole purpose for which funds under this program are available. In addition, a listing of the construction materials, project elements, and a rendering of the proposed project may also be required. The Official who documented the original violation must review all such application material.
7. All expenditures must be itemized by materials and labor, and construction estimates must be obtained from licensed and bonded contractors and submitted with the application. Receipts, or invoices marked as paid by the contractor or vendor or comparable documentation will be required for all work undertaken to allow monitoring of actual costs of eligible project improvements.
8. All plans, materials, construction techniques and the completed project are subject to inspection and verification by MRA, City Building Official and City Fire Inspection personnel. Public funds will not be released until MRA has received written verification from the Official(s) (or their designee) that originally documented the Code violation that the project has been satisfactorily completed and the violation has been rectified.
9. The project and MRA participation will be memorialized in a development agreement, which must be executed prior to the commencement of work under this program.

ELIGIBLE ACTIVITIES

IMPORTANT: All construction undertaken pursuant to the CCP must be in accordance with a design that has been reviewed and approved by the Missoula Redevelopment Agency, and either the City Building Official or the Fire Code Official of the Missoula City Fire Department to ensure compliance with program objectives, design criteria and Code compliance. The applicant must also obtain all applicable permits and comply with all municipal ordinances and building Codes.

The Code Compliance Program is designed to address existing significant Code violations on commercial properties in their present use, which may endanger occupants, visitors or the public. All applications must address resolution of documented Code violations to be eligible for matching funds subsidy. Eligible activities include but are not limited to the following:

1. Installation, construction or significant improvement including, but not limited to, exits, fire suppression sprinkling systems, fire escapes, alarm or fire detection systems, closing of open stairways, and provision of fire-rated doors, ceilings and/or walls.
2. Architectural/engineering assistance and design fees are eligible expenses, but may not exceed five percent (5%) of the cost of the total eligible project expenses or \$500 (five hundred dollars) whichever is less. In addition, permit fees are eligible expenses up to one

percent (1%) of the total eligible project expenses. All fees and permit charges must be itemized.

The following are ineligible activities for funding through the CCP program:

- a. Projects involving new construction or additions;
- b. Projects involving change in use or remodeling that results in a significant change in the current Code requirements. For example, change of use or remodeling from office to restaurant use.
- c. Utility connections or replacement other than DIRECTLY required by the installation of eligible item;
- d. Improvements or upgrades to existing electrical or plumbing systems other than those DIRECTLY required by installation of an eligible item;
- e. **Work initiated prior to necessary program approvals.**
- f. Corrections of structural deficiencies of the building.
- g. **Fines or charges levied against the property for the violation.**

PLEASE NOTE that items ineligible for assistance under the CCP program may be eligible under other programs offered by MRA. A CCP applicant or participant may submit applications for or be concurrently involved in those programs. Items listed in more than one application for MRA assistance will be reviewed by MRA Staff to determine the appropriate program they may fall under. All applications are evaluated on a case-by-case basis.

APPLICANT RESPONSIBILITIES

The successful applicant for MRA assistance must undertake the following responsibilities pursuant to the CCP.

1. Applicant completes CCP application material and complies with all program requirements. This material is provided to the MRA for review and approval. The MRA will assist the applicant in completing the necessary forms and in developing a project design that is in compliance with program objectives.
2. Applicant is responsible for meeting all deadlines set forth by the Official in the violation;
3. Applicant must show ability to fund the private portion of the project. If financed by a lending institution, a letter of commitment or line of credit must accompany the application. If financing is to be by the owner or tenant business, proof of ability to finance the private portion of the project may be required.

4. Applicant selects the architect, engineer, and contractors who will participate in the project, and obtain all permits and approvals associated with the project.
5. Applicant must review the project with the Official who documented the original Code violation. A letter or Certificate of Occupancy from that Official stating the work has been completed satisfactorily and the violation has been removed must be received by MRA upon project completion.
6. If the applicant finances all or part of the private portion of the project using a lending institution, he/she/they will be solely responsible for all loan repayments and for compliance with all lender requirements.
7. Applicant is solely responsible for the full payment of all material, laborers and subcontractors employed in the project.
8. At the completion of the Project, the applicant must submit copies of all relevant contractor or vendor invoices, receipts or other comparable documentation verifying payment. Invoices must be marked as paid by the contractor or vendor.
9. It is the applicant's responsibility to ensure that the applicant and all of the applicant's contractors or sub-contractors have adequate liability and workers compensation insurance for the project.

MRA RESPONSIBILITIES

1. MRA provides the applicant with all material necessary to apply for a matching funds subsidy pursuant to the Code Compliance Program. Assistance will be provided in completing the application.
2. MRA reviews the application and determines which activities are eligible. The design will also be reviewed by the City Building Official or City Fire Inspection personnel for compatibility, appropriateness and potential of bringing the Code violation into compliance.
3. MRA evaluates the eligible expenses as they relate to the program objectives and calculates the matching funds subsidy to determine MRA's contribution to the project.
4. MRA notifies applicant and lender (if applicable) of project approval, and monitors the project to insure compliance with design review, eligible activities, and program objectives.
5. MRA closes out the application upon satisfactory completion of the project:
 - a. Reviews Certificate of Occupancy or other documentation from the Official(s);
 - b. Inspects of the project for completeness and compliance to design submitted in the application;

- c. Receives lien waivers from contractors, subcontractors and vendors;
 - d. Reviews paid invoices or other comparable documentation from contractors and vendors; and,
 - e. Processes claim for payment.
6. MRA has absolutely no responsibility for payment of any applicant's material, laborers or contractors.
7. MRA or the City of Missoula shall have no civil liability for any damages or claims arising from any of the applicant's undertakings.

DELEGATION OF AUTHORITY

The MRA staff is hereby delegated authority to administer the CCP as set forth in this application packet and in **Ordinance 3093**, and enter into all contracts on behalf of the MRA necessary to accomplish the purposes of the program. If, however, an applicant's project is deemed ineligible for the matching funds subsidy by MRA staff, the applicant may appeal that decision to the MRA Board.

Adopted by the Missoula Redevelopment Agency pursuant to Missoula City Council **Ordinance Number 3093** enacted the 22nd day of February 1999.