

## What to Expect After A Fire

Construction Services and Life Safety inspectors will inspect the building to determine the extent of damage. Based on the results of the inspection the following may occur:

1. A determination that the fire damage was minimal, the dwelling does not need to be vacated and the structure may be repaired. Permits, plan submittal and inspection may be required based upon the scope of work.
2. The structure must be condemned for human habitation. It must be vacated and remain vacant until this order is lifted. This order cannot be lifted until such time as the building has been repaired to current code standards and a certificate of occupancy is reissued. Permits, plans and inspections are typically required.
3. If the structure has sustained damage which exceeds 60% of the current fair market value, as shown in the record of the City Assessor, the building may be **condemned for demolition** (Duluth Legislative Code Chapter 10-3).
  - a. All demolition orders are subject to appeal within 15 days of receiving the notice. (Forms and instructions may be found on the web at <http://www.duluthmn.gov/boards-commissions/building-appeal-board/>) Appeals should be addressed to:

Building Official  
c/o Construction Services Division  
411 W 1st St Rm 100  
Duluth MN 55802-1194
  - b. City zoning code (Duluth Legislative Code Chapter 50-38.3) stipulates that a non-conforming building that has been damaged to an extent greater than 60% of the assessed value shall not be repaired except in compliance with the zoning code, unless the owner obtains a variance. A building is considered non-conforming if it does not meet the minimum setbacks from property lines or if it does not meet any other applicable section of the zoning code. (Zoning/UDC application and instructions may be found on the web at <https://duluthmn.gov/planning-development/land-use-zoning-and-applications/>).
4. If the property is insured, the insurance adjustor is required to comply with state law pertaining to **fire escrow withholdings** (MN Statutes 2006, 65A.50). If the final settlement exceeds 49% of the insurance policy value, the adjustor must notify the building official. If the building has been damaged, the building official will require 25% of the settlement be deposited with the city into an escrow account. If the owner does not repair the building, these funds may be used by the city to demolish the structure, with any remaining balance returned to the insured. The fire escrow funds may also be released to contractor(s) to make repairs or demolish the building(s) when the insured authorizes payment directly to the contractor. The fire escrow monies may be released to the insured for one of the following reasons:
  - a. The building including any accessory structures are torn down by the owner, all debris is cleared from the property and the land is in compliance with local code; or
  - b. The building has been repaired by the owner and a certificate of occupancy is re-issued.