



DEPARTMENT OF BUILDINGS & REGULATORY COMPLIANCE

MAYOR: KATHY M. SHEEHAN

DIRECTOR: RICHARD J. LAJOY

December 28th, 2022

Honorable Mayor Sheehan
Honorable Corey Ellis
Honorable Ginnie Farrell
Honorable Kelly Kimbrough
Honorable Owusu Anane
Honorable Edward Hyde-Clark
Honorable Meghan Keegan
Honorable Gabriella Romero

RE: Vacant Building Registry Quarterly Report

Good Afternoon,

Per Albany City Code Section 133-78.6 I have attached the required information that contains the requested numbers on vacant building registrations for the third quarter of 2022, and have included a brief analysis of them. This document is not meant to be an encompassing report of vacant buildings in the City nor of the City's efforts to fight blight.

This report is currently produced on a quarterly basis by staff from the Department of Buildings & Regulatory Compliance (BRC) with assistance from Corporation Counsel's office. We would like to thank Corporation Counsel's office for their assistance.

The numbers requested in subsections A. and B. of 133-78.6 can be found in Table 1 below.

Table 1: Vacant Buildings by Building Fee Categories (3rd Quarter 2022)

Building Fee Categories	# of properties known to be vacant	Registered Vacant Properties	% of Total Vacant Properties Registered	Newly Registered Vacant Properties	% of Total
1-3 Residential Units	838	186	22%	45	5%
4-6 Residential Units, and mixed commercial & residential units (1-3)	37	9	24%	1	3%
7+ Residential	2	2	100%	1	50%
Nonresidential	97	16	16%	1	1%
Total	974	213	22%	48	4%

Tables 2 & 3: Vacant Buildings by Locally Designated & Nationally Designated Historic Districts (Q3 2022)

Locally Designated Historic Districts	# of properties known to be vacant	# of Registrations newly filed	Total Registered Vacant Properties	% of Known to be vacant properties registered
Arbor Hill / Ten Broeck Triangle	17	0	3	18%
Center Sq / Hudson Park	34	2	8	24%
Clinton Ave / N Pearl / Clinton Sq	56	0	5	9%
Downtown Albany	15	1	5	33%
Elberon Triangle	1	0	0	0%
Lafayette Park	1	0	0	0%
Lark Street	14	0	2	14%
Lexington Avenue	3	0	0	0%
Mansion	24	7	9	38%
Pastures	3	0	1	33%
South End-Groesbeckville	80	4	17	21%
South Lake Avenue	0	0	0	N/A
South Pearl Street Commercial Row	0	0	0	N/A
Upper Madison Avenue	1	0	0	0%
Washington Avenue	0	0	0	N/A
Washington Park	6	0	0	0%
Total	255	8	46	18%

Nationally Designated Historic Districts	# of properties known to be vacant	# of Registrations newly filed	Total Registered Vacant Properties	% of Known to be vacant properties registered
Arbor Hill / Ten Broeck Triangle	17	0	3	18%
Broadway & Livingston Avenue	2	0	1	50%
Center Sq / Hudson Park	34	2	8	24%
Clinton Ave / N Pearl / Clinton Sq	56	0	5	9%
Downtown Albany	15	1	5	33%
Knox Street	0	0	0	N/A
Lafayette Park	1	0	0	0%
Lustron Houses of Jermain Street	0	0	0	N/A
Mansion	24	7	9	38%
Pastures	3	0	1	33%
Rapp Road Community	3	0	0	0%
South End-Groesbeckville	80	4	17	21%
Washington Park	6	0	0	0%
Total	241	8	45	19%

As seen in Table 1 above, there were 213 buildings registered as vacant in the City of Albany third quarter of 2022. The number of known vacant properties decreased by 3 from the previous quarter. The number of known vacant properties has decreased by roughly 6% since we began tracking our current inventory in 2018. Of the four Building Fee Categories spelled out in Section 133-78.3E(2), buildings with 1-3 units represent the vast majority of buildings identified as vacant. Tables 2 & 3 show the breakdown by Local & National Historic Districts.

Table 4: Overview of Vacant Properties in the City of Albany (Q3 2022)

Vacant Properties in City of Albany		Count	% of Total
Registered with City		213	22%
Registered with NYS DFS*		48	5%
ACLB Owned		55	6%
Publicly Owned (other than ACLB)		12	1%
Remaining Vacant Properties		645	66%
Total Vacant Properties		974	100%

Table 5: Quarterly Overview of Vacant Properties in the City of Albany

Vacant Properties in City of Albany	Q4 2020	Q1 2021	Q2 2021	Q3 2021	Q4 2021	Q1 2022	Q2 2022	Q3 2022
All Vacants	1051	1020	1012	988	967	963	977	974
Registered Vacants	248	247	228	243	227	236	225	213
New Vacant Registrations	61	53	45	72	56	59	54	41
Land Bank Owned	N/A	86	87	85	83	65	58	55
Publicly Owned	N/A	11	10	10	10	12	12	13
Registered w/ NYS DFS	N/A	103	101	106	N/A*	67	54	48
Remaining Vacants*	742	520	541	472	591	524	574	597
Violations Issued for Failure to Register as Vacant	108	115	96	65	31	39	48	80

Tables 4 & 5 are provided to give readers of this report a larger perspective on vacant buildings in the City of Albany. The Department of Buildings & Regulatory Compliance is actively working to get all unregistered vacant buildings into compliance with the City's Vacant Building Registry. Readers may notice that Table 5 contains multiple revisions on the row titled "Remaining Vacants". The spreadsheet producing this table contained an error in the formula, resulting in a number that was artificially high across all previous quarters in all previous reports.

The Code Enforcement Process

Previous reports have noted that it typically takes several months for a code violations case to progress from an initial inspection to being filed for prosecution to being prosecuted in court, with the entire process often spanning two or more quarters. The length and complexity of this process makes it difficult to track the progression of code enforcement efforts in a manner suitable for this report. The traditional code enforcement process succeeds when all three parties responsible for its implementation (BRD, Corporation Counsel, and City Court) are aligned in having the capacity to carry out their duties. The Cities RISE team, made up of multiple departments including BRD, sought out funding in 2019 for Corporation Counsel to add a dedicated attorney for code enforcement matters, a position we established thanks to grant funding from the Cities RISE program. Adding a dedicated code enforcement attorney resulted in an annual increase of \$265,000 a year in collections from judgments won in code enforcement cases, proving that investing in the traditional code enforcement process creates a positive return on investment.

Table 6: Quarterly Overview of Code Enforcement Cases

2022	New Cases produced by BRD	Cases referred for Prosecution	Cases filed by Corp Counsel	Cases referred but not yet filed
Q1	2722	208	79	129
Q2	2502	229	152	77
Q3	1911	265	340	-75
Total	7135	702	571	131

Table 7: Quarterly Overview of City Court Caseloads

2022	Cases heard by Albany City Court	Court Days	Cases per Court Day	# of days a new case has to wait for initial appearance	# of days until next available trial slot
Q1	967	13	74	78	91
Q2	906	13	70	85	85
Q3	1,086	14	77	114	155
Total	2959	40	74	N/A	N/A
Average	986	13	74	92	110

Tables 6 & 7 are meant to provide a data-driven look at the legal capacity for enforcing building code violations on non-compliant owners. Table 6 shows that the Department of Buildings & Regulatory Compliance referred 206 more cases for prosecution than were filed with the Court in Q1 & Q2. We are pleased to report that in Q3, Corporation Counsel's office has been able to make progress on this backlog, filing 75 more cases than BRD has referred. Unfortunately, Table 7 shows that the cases that were filed waited an average of 114 days before they made an initial

appearance in court. Similarly, cases that advanced past initial hearings and need to go to trial are waiting an additional 155 days until the next available trial slot. **Given that most code enforcement cases are given 35 days for compliance before they are referred for prosecution, this means that these properties are in violation for an average of 149 days, or nearly five months, before a judge is able to see the case, a full month longer than Q2**¹. **With the additional wait of 155 days before a case goes to trial, the entire code enforcement process from start to finish can take more than 300 days in total.** The Department of Buildings & Regulatory Compliance generally lacks a meaningful way to get non-compliant property owners into compliance during this period, barring emergencies and without legal backing from a judge. **Properties with non-compliant owners almost certainly deteriorate even further during this period of time.** New cases referred for prosecution by BRC at the end of September 2022 have been scheduled for initial appearances in court in December 2022. Cases advancing to trial at the end of Q3 were scheduled for trials in February & March as well, after likely being referred for prosecution at the end of Q1.

The impacts of this delay cannot be understated. Given that there currently is no mechanism for complainants to get updates on a case without continuously reaching out to BRC or Corporation Counsel, most have a poor experience when they call code enforcement. Complainants see code enforcement arrive, witness officers entering violations into the system and taking photos, but then wonder what happens over the course of the next 4-8 months as no repairs are made by non-compliant owners. **This disconnect causes residents to lose faith in code enforcement and view the department negatively. In turn, affected residents make fewer complaints, and building code issues go unaddressed for longer periods of time, often becoming worse in severity and causing additional issues within the building and the neighborhood.** The Department of Buildings & Regulatory Compliance is looking to provide more information to the public on these cases through the future implementation of a public database of code violations, though this database will not solve for the delay between a case being filed and its first appearance in court.

Due to the large caseloads, the court has attempted to implement an unofficial cap of 60 code cases per court day, or approximately 720 cases a month. Despite the unofficial cap, Albany City Court, has heard an average of 72 cases per court day over the last three quarters for an average of 986 cases each quarter. In order to get through these caseloads City Court must get through each appearance, and potentially make decisions on them, in three and a half minutes per property. If all cases ready for prosecution were to be heard in court each month, the court would hear roughly 80 cases per court day, or 1,040 cases per quarter. Contrary to popular belief, these large caseloads and unofficial caps existed before the COVID-19 pandemic, though the pandemic certainly exacerbated the issue.

¹ The Department of Buildings & Regulatory Compliance & Corporation Counsel's Office does expedite more serious cases through this pipeline, delivering some cases to a judge in as little as 14 days. When that happens however, other cases have to be pushed back and wait even longer for a court date.

The volume of cases that the Department of Buildings & Regulatory Compliance produces has resulted in the City Court reaching its capacity in what can be meaningfully prosecuted. Corporation Counsel's Office has added another lawyer to prosecute these cases, which has improved the situation considerably. However, the previous Corporation Counsel staff and existing code enforcement officers already create a caseload that City Court cannot keep up with, despite the judges best efforts. The Department of Buildings & Regulatory Compliance strives to be more proactive in fighting blight, vacancy, preserving historic structures, and improving the quality of our built environment. To that end, we are routinely asked if adding code enforcement officers would improve our efforts and outcomes. While we would welcome that investment, it is our observation that an additional judge and/or additional court hours would have a greater impact on our ability to carry out our mission. This observation is also a key recommendation of Albany County's Blight to Betterment 2021 task force report². On October 20th 2022, Mayor Sheehan sent a letter to the New York State Office of Court Administration requesting an increase in court resources. As of this writing, we have yet to receive a response. A copy of this letter is attached at the end of this report.

Other Processes

It should be noted that compliance by mortgage servicers with New York State's Zombie Law of 2016 is spotty and inconsistent, and the numbers provided to us by the NYS Division of Financial Services (included in Tables 4 & 5) should be considered more of a ballpark figure than an exact total. Even though the 2016 law specifically exempts mortgage servicers from registering zombie properties with local municipal vacant building registries, many servicers still comply with these local laws across the state, and thus there is some double counting in this category. We are working with a variety of non-profit agencies, such as United Tenants of Albany and the HomeSave Coalition, to increase awareness of the assistance available for homeowners and landlords facing foreclosure and tenants facing eviction in order to prevent future vacancy.

We are also currently working on using the 2016 NYS Zombie Law (RPAPL 1308) to prosecute noncompliant mortgage servicers to the fullest extent of the law, which in 2021 included simultaneous lawsuits against Ocwen Financial Services & PHH Mortgage with the Cities of Schenectady & Troy. Corporation Counsel's Office is currently initiating multiple smaller lawsuits against noncompliant banks & servicers using the 2016 NYS Zombie Law, and staff are communicating with other municipalities across upstate NY about additional joint lawsuits.

Public entities such as the Land Bank, Albany Community Development Agency, and others are specifically exempt from the registration fee under the City's Vacant Building Registry. The Albany County Land Bank's inventory continues to be affected by the moratorium on evictions & foreclosures during the COVID-19 pandemic, as Albany County was under a foreclosure moratorium from March 2020 to January 2022. County officials reported to us that the NYS

² This report can be found at:

<https://www.albanycounty.com/home/showpublisheddocument/16814/637680824862600000>

Office of Court Administration held the enforcement of tax liens until May of 2022, four months past the ending of the foreclosure moratorium. The foreclosure process has reportedly been restarted in June, with judgments expected to be signed by September and filed by October. With that timeframe in mind, we expect a large increase in Land Bank inventory in 2023 as Albany County works to catch up on their backlog of tax foreclosures.

Table 8: Emergency Actions by Fee Category, Q4 2020 through Q3 2022

Category	# of Actions, Q4 2020	# of Actions, Q1 2021	# of Actions, Q2 2022	# of Actions, Q3 2022	# of Actions, Q4 2022	# of Actions, Q1 2022	# of Actions, Q2 2022	# of Actions, Q3 2022
1-3 Residential	6	12	19	11	4	4	3	5
4-6 Residential, or Mixed Commercial							3	
	1	0	0	0	1	0		1
7+ Residential	0	0	0	0	1	0	4	0
Nonresidential	1	0	0	3	4	1	0	2
Total	8	12	19	14	10	5	10	8

Table 9: Emergency Actions as a Result of Fire, Q4 2020 through Q3 2022

Emergency Actions Taken as a Result of Fire?				
Quarter	Yes	No	Total	% Result of Fire
Q4 2020	1	7	8	13%
Q1 2021	3	9	12	25%
Q2 2021	3	16	19	16%
Q3 2021	4	13	17	24%
Q4 2021	0	10	10	0%
Q1 2022	2	3	5	40%
Q2 2022	3	8	11	27%
Q3 2022	2	6	8	25%
Total	18	72	90	20%

Table 10: Occupancy Status at time of Action, Q4 2020 through Q3 2022

Occupancy Status at time of Emergency Action						
Quarter	Vacant	% of Total - Vacant	Occupied	% of Total - Occupied	Lot	Total
Q4 2020	6	75%	2	25%	0	8
Q1 2021	8	67%	4	33%	0	12
Q2 2021	14	74%	5	26%	0	19
Q3 2021	9	53%	5	29%	3	17
Q4 2021	8	80%	2	20%	0	10
Q1 2022	3	60%	2	40%	0	5
Q2 2022	5	45%	6	55%	0	11
Q3 2022	6	75%	2	25%	0	8
Total	59	66%	28	31%	3	90

Table 8 provides readers with the total number of Emergency Actions by Fee Category from Q4 2020 to Q3 2022, as required by Section 133-78.6 of Article XIA of Part 2 of Chapter 133 of the Code of the City of Albany. Also included are Tables 9 & 10, which provides more information on those emergency actions. Tables 12-15 provide information on those emergency actions through the lens of the City's Local & National Historic Districts. Some consistent patterns that emerge from this data include:

- One in five emergency actions from Q4 2020 to Q2 2022 are the result of a fire. Going back further in our records to 2017, that number has been as high as 30-40% in some years. More work on this data is needed on the neighborhood level, where data could tell us if fire prevention efforts by the Albany Fire Department & BRC would be best focused on particular neighborhoods. There does not appear to be a strong trend in any historic districts for fire-related demolitions.
- Just over 30% of emergency actions occurred at properties that were occupied at the time of the action. The majority of these are the result of fires, with the remaining properties the result of unsafe conditions that put residents and neighbors at significant and serious risk to their health and well-being.
- The vast majority of emergency actions occur in buildings with 1-3 Residential Units in areas of the City that are not designated as Historic Districts.

Of the eight Emergency Actions in Q3 2022, four were demolitions and four were stabilizations. The stabilizations include the actions taken on the Central Warehouse building at 143 Montgomery Street. Three of the four demolitions occurred in the South End-Groesbeckville Historic District, with the fourth being the result of a fire in the West Hill neighborhood. It should be noted that the use of Emergency Demolitions has significantly declined since 2017. Table 11 shows the number of Emergency Demolitions by year dating back to 2017.

Table 11: Emergency Demolitions, 2017 through Q3 2022

Year	Emergency Demolitions	Difference from previous Year	Difference from 2017
2017	76	N/A	N/A
2018	64	-19%	-19%
2019	71	10%	-7%
2020	64	-11%	-19%
2021	49	-31%	-55%
2022 (as of 12/20/22)	23	-113%	-230%

Table 12: Emergency Actions by Locally Designated Historic District from Q4 2020 to Q3 2022

Locally Designated Historic Districts	# of Actions, Q4 2020	# of Actions, Q1 2021	# of Actions, Q2 2022	# of Actions, Q3 2022	# of Actions, Q4 2022	# of Actions, Q1 2022	# of Actions, Q2 2022	# of Actions, Q3 2022
Arbor Hill / Ten Broeck Triangle	0	1	0	0	0	0	0	1
Center Sq / Hudson Park	1	0	0	0	0	0	0	0
Clinton Ave / N Pearl / Clinton Sq	0	1	0	0	0	0	0	0
Downtown Albany	0	0	0	0	0	0	0	0
Elberon Triangle	0	0	0	0	0	0	0	0
Lafayette Park	0	0	0	0	0	0	0	0
Lark Street	0	0	0	0	0	0	0	0
Lexington Avenue	0	0	1	0	0	0	0	0
Mansion	0	0	0	0	0	0	0	0
Pastures	0	0	0	3	0	0	0	0
South End-Groesbeckville	0	0	2	0	0	1	3	3
South Lake Avenue	0	0	0	0	0	0	0	0
South Pearl Street Commercial Row	0	0	0	0	0	0	0	0
Upper Madison Avenue	0	0	0	0	0	0	0	0
Washington Ave Ext/Historic RR Embankment	0	0	0	0	0	0	0	0
Washington Park	0	0	0	0	0	0	0	0
<i>None</i>	7	10	16	14	10	4	8	4
Total	8	12	19	17	10	5	11	8

Table 13: Emergency Actions by Nationally Designated Historic District from Q4 2020 to Q3 2022

Nationally Designated Historic Districts	# of Actions, Q4 2020	# of Actions, Q1 2021	# of Actions, Q2 2021	# of Actions, Q3 2021	# of Actions, Q4 2022	# of Actions, Q1 2022	# of Actions, Q2 2022	# of Actions, Q3 2022
Arbor Hill / Ten Broeck Triangle	0	1	0	0	0	0	0	1
Broadway & Livingston Avenue	0	0	0	0	0	0	0	0
Center Sq / Hudson Park	1	0	0	0	0	0	0	0
Clinton Ave / N Pearl / Clinton Sq	0	1	0	0	0	0	0	0
Downtown Albany	0	0	0	0	0	0	0	0
Knox Street	0	0	0	0	0	0	0	0
Lafayette Park	0	0	0	0	0	0	0	0
Lustron Houses of Jermain Street	0	0	0	0	0	0	0	0
Mansion	0	0	0	0	0	0	0	0
Pastures	0	0	0	3	0	0	0	0
Rapp Road Community	0	0	0	1	0	0	0	0
South End-Groesbeckville	0	0	2	0	0	1	3	3
Washington Park	0	0	0	0	0	0	0	0
<i>None</i>	7	10	17	13	10	4	8	4
Total	8	12	19	17	10	5	11	8

Table 14: Emergency Actions by Locally Designated Historic District from Q4 2020 to Q3 2022

Q4 2020 - Q3 2022 Emergency Actions						
Locally Designated Historic Districts	Action as a Result of Fire	% of Total	Vacant	Occupied	Lot	Total
Arbor Hill / Ten Broeck Triangle	0	0%	2	0	0	2
Center Sq / Hudson Park	0	0%	1	0	0	1
Clinton Ave / N Pearl / Clinton Sq	0	0%	1	0	0	1
Downtown Albany	0	N/A	0	0	0	0
Elberon Triangle	0	N/A	0	0	0	0
Lafayette Park	0	N/A	0	0	0	0
Lark Street	0	N/A	0	0	0	0
Lexington Avenue	0	0%	1	0	0	1
Mansion	0	N/A	0	0	0	0
Pastures	0	0%	0	0	3	3
South End-Groesbeckville	0	0%	9	0	0	9
South Lake Avenue	0	N/A	0	0	0	0
South Pearl Street Commercial Row	0	N/A	0	0	0	0
Upper Madison Avenue	0	N/A	0	0	0	0
Washington Ave Ext/Historic RR Embankment	0	N/A	0	0	0	0
Washington Park	0	N/A	0	0	0	0
None	18	25%	45	28	0	73
Total	18	20%	59	28	3	90

Table 15: Emergency Actions by Nationally Designated Historic District from Q4 2020 to Q3 2022

Q4 2020 - Q3 2022 Emergency Actions						
Nationally Designated Historic Districts	Action as a Result of Fire	% of Total	Vacant	Occupied	Lot	Total
Arbor Hill / Ten Broeck Triangle	0	0%	2	0	0	2
Broadway & Livingston Avenue	0	N/A	0	0	0	0
Center Sq / Hudson Park	0	0%	1	0	0	1
Clinton Ave / N Pearl / Clinton Sq	0	0%	1	0	0	1
Downtown Albany	0	N/A	0	0	0	0
Knox Street	0	N/A	0	0	0	0
Lafayette Park	0	N/A	0	0	0	0
Lustron Houses of Jermain Street	0	N/A	0	0	0	0
Mansion	0	N/A	0	0	0	0
Pastures	0	0%	0	0	3	3
Rapp Road Community	0	0%	1	0	0	1
South End-Groesbeckville	0	0%	9	0	0	9
Washington Park	0	N/A	0	0	0	0
None	18	25%	45	28	0	73
Total	18	20%	59	28	3	90

The Department of Buildings & Regulatory Compliance strives to reduce the number of vacant buildings as much as possible, and we work with owners to assist them in repairing, maintaining, and re-occupying vacant buildings across the City. BRC works hard to enforce NYS & City building codes, requiring owners to register their buildings as vacant and bringing negligent owners to court if they fail to comply. The Department of Buildings & Regulatory Compliance has increased our efforts in identifying, recording, and prosecuting unregistered vacant buildings over the past few years.

If you would like any additional information or have questions about this report, please let me know.

Richard LaJoy

Director
Department of
Buildings & Regulatory Compliance