



DEPARTMENT OF BUILDINGS & REGULATORY COMPLIANCE

MAYOR: KATHY M. SHEEHAN

DIRECTOR: RICHARD J. LAJOY

May 5th, 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 first 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 also includes information from the fourth quarter of 2021, as we missed the deadline for that report and had not submitted it until now.

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 (4th Quarter 2021)

Building Fee Categories	# of properties known to be vacant	Registered Vacant Properties	% of Total Vacant Properties Registered	Newly Registered Vacant Properties
1-3 Residential Units	838	212	25%	47
4-6 Residential Units, and mixed commercial & residential units (1-3)	33	8	24%	3
7+ Residential	3	0	0%	0
Nonresidential	93	7	8%	6
Total	967	227	23%	56

Table 2: Vacant Buildings by Building Fee Categories (1st Quarter 2022)

Building Fee Categories	# of properties known to be vacant	Registered Vacant Properties	% of Total Vacant Properties Registered	Newly Registered Vacant Properties
1-3 Residential Units	831	211	25%	54
4-6 Residential Units, and mixed commercial & residential units (1-3)	35	10	29%	3
7+ Residential	2	0	0%	0
Nonresidential	95	15	16%	2
Total	963	236	25%	59

Tables 4 & 5: Vacant Buildings by Locally Designated & Nationally Designated Historic Districts (Q4 2021)

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	15	0	4	27%
Center Sq / Hudson Park	36	4	5	14%
Clinton Ave / N Pearl / Clinton Sq	61	2	16	26%
Downtown Albany	14	0	2	14%
Elberon Triangle	1	0	0	0%
Lafayette Park	1	0	1	100%
Lark Street	13	1	3	23%
Lexington Avenue	3	0	0	0%
Mansion	28	0	8	29%
Pastures	4	0	0	0%
South End-Groesbeckville	79	4	8	10%
South Lake Avenue	0	0	0	N/A
South Pearl Street Commercial Row	0	0	0	N/A
Upper Madison Avenue	1	0	1	100%
Washington Avenue	0	0	0	N/A
Washington Park	7	0	2	29%
Total	263	11	50	19%

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	15	0	4	27%
Broadway & Livingston Avenue	1	0	0	0%
Center Sq / Hudson Park	36	4	5	14%
Clinton Ave / N Pearl / Clinton Sq	61	2	16	26%
Downtown Albany	14	0	2	14%
Knox Street	0	0	0	N/A
Lafayette Park	1	0	1	100%
Lustron Houses of Jermain Street	0	0	0	N/A
Mansion	28	0	8	29%
Pastures	4	0	0	0%
Rapp Road Community	4	0	0	0%
South End-Groesbeckville	79	4	8	10%
Washington Park	7	0	2	29%
Total	250	10	46	18%

Tables 6 & 7: Vacant Buildings by Locally Designated & Nationally Designated Historic Districts (Q1 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	16	1	5	31%
Center Sq / Hudson Park	34	1	9	26%
Clinton Ave / N Pearl / Clinton Sq	57	3	15	26%
Downtown Albany	14	0	0	0%
Elberon Triangle	1	0	0	0%
Lafayette Park	1	0	1	100%
Lark Street	13	0	3	23%
Lexington Avenue	3	0	0	0%
Mansion	27	1	3	11%
Pastures	4	1	2	50%
South End-Groesbeckville	82	3	10	12%
South Lake Avenue	0	0	0	N/A
South Pearl Street Commercial Row	0	0	0	N/A
Upper Madison Avenue	1	0	1	100%
Washington Avenue	0	0	0	N/A
Washington Park	6	0	1	17%
Total	259	10	50	19%

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	16	1	5	31%
Broadway & Livingston Avenue	2	0	1	50%
Center Sq / Hudson Park	34	1	9	26%
Clinton Ave / N Pearl / Clinton Sq	57	3	15	26%
Downtown Albany	14	0	0	0%
Knox Street	0	0	0	N/A
Lafayette Park	1	0	1	100%
Lustron Houses of Jermain Street	0	0	0	N/A
Mansion	27	1	3	11%
Pastures	4	1	2	50%
Rapp Road Community	3	0	0	0%
South End-Groesbeckville	82	3	10	12%
Washington Park	6	0	1	17%
Total	246	10	47	19%

As seen in Table 1 above, there were 227 buildings registered as vacant in the City of Albany in the fourth quarter of 2021¹ and 237 buildings registered as vacant in the first quarter of 2022 (Table 2). The number of known vacant properties has also decreased in six straight quarters, going from 1,051 buildings in Q4 2020 to 963 in Q1 2022 (see Table 9). 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 4-7 show the breakdown by Local & National Historic Districts.

Table 8: Overview of Vacant Properties in the City of Albany (Q1 2022)

Vacant Properties in City of Albany	Count	% of Total
Registered with City	236	25%
Registered with NYS DFS*	67	7%
ACLB Owned	65	7%
Publicly Owned (other than ACLB)	12	1%
Remaining Unregistered Vacant Properties	583	61%
Total Vacant Properties	963	100%

¹ The Department of Buildings & Regulatory Compliance typically has more Vacant Building Registrations on file at the time of these reports than what is listed. The active registrations omitted from these reports are omitted because they are duplicates or are no longer vacant at the end of the quarter.

Table 9: 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
All Vacants	1051	1020	1012	988	967	963
Registered Vacants	248	247	228	243	227	236
New Vacant Registrations	61	53	45	72	56	59
Land Bank Owned	N/A	86	87	85	83	65
Publicly Owned	N/A	11	10	10	10	12
Registered w/ NYS DFS	N/A	103	101	106	N/A*	67
Unregistered Vacants	803*	573	586	544	647*	583
Violations Issued for Failure to Register as Vacant	108	115	96	65	31	39

Tables 8 & 9 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 the 583 Vacant Buildings that remain unregistered into compliance with the City's Vacant Building Registry.

The Code Enforcement Process

Previous reports have noted that it typically takes several months for a case to progress from an initial inspection to being filed for prosecution, often spanning two or more quarters which can make tracking them in a manner suitable for this report difficult. We would like to expand on that again, as we believe the largest current impediment to solving for blight and vacant buildings through the traditional code enforcement system right now is our local housing courts, as well as the capacity of the sole code enforcement attorney with the Office of Corporation Counsel. The traditional code enforcement process succeeds when all three parties responsible for its implementation (BRC, Corporation Counsel, and Housing Court) are aligned in having the capacity to carry out their duties. The Cities RISE team, made up of multiple departments including BRC, sought out funding in 2019 for Corporation Counsel to add a dedicated attorney for code enforcement matters, which we won thanks to grant funding from the Cities RISE program. Adding a dedicated 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. Unfortunately, that success is currently limited by the lack of capacity in City Court and Corporation Counsel's office.

The volume of cases that the Department of Buildings & Regulatory Compliance produces has resulted in both the City Court and the code enforcement attorney reaching their respective capacities in what can be meaningfully prosecuted. In turn, this can result in cases lagging over time without action while buildings continue to deteriorate and violations go unaddressed. As an example of the volume of cases, an average month sees roughly 1,000 cases acted upon by code

enforcement officers throughout the City of Albany. About 8-10%, or 80 – 100, of those cases are referred each month for prosecution by the code enforcement attorney, who also generates the paperwork and mails out each new case filing with the assistance of a paralegal. This year, approximately 357 new cases have been prepared for filing with the court by the two of them, averaging nearly 3 for every day of the week.

Currently, the code enforcement attorney's caseload consists of approximately 789 cases in various stages of prosecution. Of these 789 cases, approximately 233 cases (30%) have been marked by the Buildings Department as "ready" for prosecution but have not yet been reviewed and/or filed with the court. Approximately 420 cases (53%) are being actively prosecuted (i.e. each case is somewhere between first appearance and trial). Of these 420 cases, approximately 51, or 12% are scheduled for either a hearing or trial. The remaining 136 cases (17%) are in "collections," meaning they have been fully prosecuted and a judgment has been issued and remain unpaid, which the City is now attempting to collect. These numbers do not include litigation outside of the Albany City Court, including the recent coordinated zombie litigation with Schenectady and Troy.

Albany City Court, in an average month, hears roughly 400 cases in the four days set aside for code enforcement cases each month. Recently, due to the large caseloads, the court has placed an unofficial cap of 60 cases a day, or approximately 240 cases a month – almost half of the amount previously heard. Of these 240 cases, approximately 80 (33%) are new cases being heard for the first time. If a new case were to be referred for prosecution and filed today, it would not be scheduled for an initial appearance in court until July 22, 2022. If all referred cases were filed today, it would push initial appearances out to September 30, 2022.

There are four half-hour trial "slots" available for each code court calendar day, totaling approximately 16 per month. If a trial is uncontested, it can often be completed within the half hour slot. If a trial is contested, however, it can often take all four available slots for a day, and sometimes all available trial slots for the month. As of today's date, there are approximately 51 trials and/or Declaration of Delinquency Hearings scheduled through July 22, 2022. The next available trial slot is August 4, 2022.

The Department of Buildings & Regulatory Compliance is routinely asked if adding code enforcement officers would improve our efforts in the fight against blight & vacancy. While we would welcome that investment, it is our recommendation that an additional judge and/or additional hours be added to the City's housing court for code enforcement matters instead, as well as potentially allocating additional resources to the Office of Corporation Counsel for assistance in prosecution and collection efforts. Adding more code enforcement officers without increasing the capacity in Corporation Counsel's Office and Housing Court would only add to an already backlogged housing court caseload.

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 DFS (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 have also encountered numerous examples of mortgage servicers registering occupied properties as vacant in anticipation of future vacancy. The NYS COVID-19 moratoriums on most evictions and foreclosures prevented most occupied buildings facing foreclosure from becoming vacant before they expired on January 15th, 2021. While the moratoriums undoubtedly protected homeowners from foreclosure and renters from eviction due to the effects of COVID-19, we suspect they also resulted in a short-term increase of vacant building registrations of occupied properties from mortgage servicers. 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 facing foreclosure and tenants facing eviction in order to prevent future vacancy.

We have also seen a few cases where formerly demolished properties were registered as vacant by mortgage servicers. All of these cases are clear signs to us that many mortgage servicers aren't paying attention to their Zombie properties. We are currently working on using the 2016 NYS Zombie Law to prosecute noncompliant mortgage servicers to the fullest extent of the law, which in 2021 included lawsuits against Ocwen Financial Services & PHH Mortgage.

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 was affected by the moratorium on evictions & foreclosures during the COVID-19 pandemic, as Albany County has been limited in how many properties it can foreclose on for delinquent property taxes. We expect a large increase in Land Bank inventory this summer following the lifting of the moratoriums as Albany County works to catch up on their backlog of tax foreclosures. Current estimates of the time frame for the County to transfer new properties to the Land Bank are about 6 months. With the moratoriums expiration in January, one can reasonably expect the Land Bank to receive new properties in July/August of 2022.

Table 10: Emergency Actions by Fee Category, Q4 2020 through Q1 2022

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

Table 11: Emergency Actions as a Result of Fire, Q4 2020 through Q1 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%
Total	13	58	71	18%

Table 12: Occupancy Status at time of Action, Q4 2020 through Q1 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
Total	48	68%	20	28%	3	71

Table 10 provides readers with the total number of Emergency Actions by Fee Category from Q4 2020 to Q1 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. Below are Tables 11 & 12, which provides more information on those emergency actions. Tables 13-16 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:

- Nearly one in five emergency actions from Q4 2020 to Q1 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.
- Nearly 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 ten Emergency Actions in Q4 2021, three were stabilizations and seven were demolitions, none of which occurred within a Historic District. Of the five Emergency Actions in Q1 2022, two were stabilizations and three were demolitions, one of which occurred within a Historic District. Two of those demolitions were the result of a fire. It is our observation that Emergency Actions in vacant buildings generally increase with the warmer seasons and decrease in the colder seasons, due to the deterioration that often begins in colder conditions and is identified during warmer weather. The Department of Buildings & Regulatory Compliance endeavors to identify that deterioration sooner in order to rectify those conditions and prevent the need for emergency actions.

Table 13: Emergency Actions by Locally Designated Historic District from Q4 2020 to Q1 2022

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

Table 14: Emergency Actions by Nationally Designated Historic District from Q4 2020 to Q1 2022

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

Table 15: Emergency Actions by Locally Designated Historic District from Q4 2020 to Q1 2022

Q4 2020 - Q1 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%	1	0	0	1
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	0%	0	0	0	0
Elberon Triangle	0	0%	0	0	0	0
Lafayette Park	0	0%	0	0	0	0
Lark Street	0	0%	0	0	0	0
Lexington Avenue	0	0%	1	0	0	1
Mansion	0	0%	0	0	0	0
Pastures	0	0%	0	0	3	3
South End-Groesbeckville	0	0%	3	0	0	3
South Lake Avenue	0	0%	0	0	0	0
South Pearl Street Commercial Row	0	0%	0	0	0	0
Upper Madison Avenue	0	0%	0	0	0	0
Washington Ave Ext/Historic RR Embankment	0	0%	0	0	0	0
Washington Park	0	0%	0	0	0	0
<i>None</i>	13	22%	40	20	0	60
Total	13	19%	47	20	3	70

Table 16: Emergency Actions by Nationally Designated Historic District from Q4 2020 to Q1 2022

Q4 2020 - Q1 2022 Emergency Actions						
Nationally Designated Historic Districts	Action as a Result of Fire	% of Total	Vacant	Occupied	Lost	Total
Arbor Hill / Ten Broeck Triangle	0	0%	1	0	0	1
Broadway & Livingston Avenue	0	0%	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	0%	0	0	0	0
Knox Street	0	0%	0	0	0	0
Lafayette Park	0	0%	0	0	0	0
Lustron Houses of Jermain Street	0	0%	0	0	0	0
Mansion	0	0%	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%	3	0	0	3
Washington Park	0	0%	0	0	0	0
<i>None</i>	13	22%	40	20	0	60
Total	13	19%	47	20	3	70

The Department of Buildings & Regulatory Compliance strives to have as few vacant buildings as possible, and works with owners to assist them in repairing, maintaining, and re-occupying vacant buildings across the City. BRC also 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, & prosecuting unregistered vacant buildings over the past few years.

If you would like any additional information or have questions about the information above please let me know.

Richard LaJoy

Director
Department of
Buildings & Regulatory Compliance