

October 25th, 2021

Honorable Mayor Sheehan  
Honorable Corey Ellis  
Honorable Richard Conti  
Honorable Kelly Kimbrough  
Honorable Joseph Igoe  
Honorable Michael O'Brien  
Honorable Sonia Frederick  
Honorable Owusu Anane  
Honorable Ginnie Farrell

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, 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.

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 (3<sup>rd</sup> 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	858	226	26%	63
4-6 Residential Units, and mixed commercial & residential units (1-3)	33	8	24%	4
7+ Residential	4	1	25%	1
Nonresidential	93	8	9%	4
Total	988	243	25%	72

**Table 2 & 3: Vacant Buildings by Locally Designated & Nationally Designated Historic Districts (Q3 2021)**

<b>Locally Designated Historic Districts</b>	<b># of properties known to be vacant</b>	<b># of Registrations newly filed</b>	<b>Total Registered Vacant Properties</b>	<b>% of Known to be vacant properties registered</b>
Arbor Hill / Ten Broeck Triangle	16	3	4	25%
Center Sq / Hudson Park	37	4	6	16%
Clinton Ave / N Pearl / Clinton Sq	62	9	18	29%
Downtown Albany	14	0	2	14%
Elberon Triangle	1	0	0	0%
Lafayette Park	1	1	1	100%
Lark Street	14	3	4	29%
Lexington Avenue	3	0	0	0%
Mansion	28	1	8	29%
Pastures	4	0	0	0%
South End-Groesbeckville	79	2	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	8	0	2	25%
<b>Total</b>	<b>268</b>	<b>23</b>	<b>54</b>	<b>20%</b>

<b>Nationally Designated Historic Districts</b>	<b># of properties known to be vacant</b>	<b># of Registrations newly filed</b>	<b>Total Registered Vacant Properties</b>	<b>% of Known to be vacant properties registered</b>
Arbor Hill / Ten Broeck Triangle	16	3	4	25%
Broadway & Livingston Avenue	1	0	0	0%
Center Sq / Hudson Park	37	4	6	16%
Clinton Ave / N Pearl / Clinton Sq	62	9	18	29%
Downtown Albany	14	0	2	14%
Knox Street	0	0	0	N/A
Lafayette Park	1	1	1	100%
Lustron Houses of Jermain Street	0	0	0	N/A
Mansion	28	1	8	29%
Pastures	4	0	0	0%
Rapp Road Community	4	0	0	0%
South End-Groesbeckville	79	2	8	10%
Washington Park	8	0	2	25%
<b>Total</b>	<b>254</b>	<b>20</b>	<b>49</b>	<b>19%</b>

As seen in Table 1 above, there were 243 buildings registered as vacant in the City of Albany in the third quarter of 2021<sup>1</sup>, representing an increase of fifteen from the second quarter of 2021. The number of known vacant properties has also decreased in four straight quarters, going from 1,051 buildings in Q4 2020 to 988 in Q3 2021 (see Table 5). 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 declared vacant, and the largest chunk of buildings registered as vacant. Tables 2 & 3 shows the breakdown by Local & National Historic Districts.

**Table 4: Overview of Vacant Properties in the City of Albany (Q3 2021)**

<b>Vacant Properties in City of Albany</b>	<b>Count</b>	<b>% of Total</b>
<b>Registered with City</b>	243	25%
<b>Registered with NYS DFS*</b>	106	11%
<b>ACLB Owned</b>	85	9%
<b>Publicly Owned (other than ACLB)</b>	10	1%
<b>Remaining Unregistered Vacant Properties</b>	544	55%
<b>Total Vacant Properties</b>	988	100%

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

<b>Vacant Properties in City of Albany</b>	<b>Q4 2020</b>	<b>Q1 2021</b>	<b>Q2 2021</b>	<b>Q3 2021</b>
<b>All Vacants</b>	1051	1020	1012	988
<b>Registered Vacants</b>	248	247	228	243
<b>New Vacant Registrations</b>	61	53	45	72
<b>Land Bank Owned</b>	N/A	86	87	85
<b>Publicly Owned</b>	N/A	11	10	10
<b>Registered w/ NYS DFS</b>	N/A	103	101	106
<b>Unregistered Vacants<sup>2</sup></b>	803	573	586	544
<b>Violations Issued for Failure to Register as Vacant</b>	108	115	96	65

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 the 544 Vacant Buildings that remain unregistered into compliance with the

<sup>1</sup> The Department of Buildings & Regulatory Compliance had 274 active Vacant Building Registrations on file at the end of Q3, 2021. Thirty-one buildings that had an active registration in Q3 were not included in this report as they were either duplicates or were no longer vacant at the end of Q3.

<sup>2</sup> This number is not representative of the number of unregistered vacant buildings for Q4 2020, as it includes Land Bank, Publicly Owned, and Zombies properties registered with NYS's Division of Financial Services. We've corrected that number in subsequent quarters to more accurately reflect the number of unregistered vacant properties.

City's Vacant Building Registry. As of the writing of this report, approximately 430 code violation cases are currently in various stages of prosecution with the Office of Corporation Counsel. Approximately 115 of the cases currently in prosecution (27%) involve a failure to register a property as vacant. The Department of Buildings & Regulatory Compliance has marked an additional 100 cases as ready for prosecution as of today's date.

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. For example, the Department of Buildings & Regulatory Compliance (BRC) opened a case at 343 First Street on February 3, 2021. The property was inspected three times – February 8, 2021, March 15, 2021 and April 19, 2021. On April 19, 2021, court paperwork was sent to the Office of Corporation Counsel to be prepared for prosecution. The case was filed with the Court on May 28, 2021 with a July 23, 2021 return date. The Defendant did not appear on July 23, 2021, so the matter was sent out for personal service for the next available return date, September 2, 2021. On August 9, 2021, contact was finally made with the Defendant, who advised that the property had been sold to another entity in June 2021, and the matter was settled on August 7, 2021 with a monetary penalty following the Defendant's furnishing of a proof of sale and contact information for the new owner. This matter was then sent back to BRC so that the new owner could be cited with a fresh Notice of Violation. On August 11, 2021, it was discovered that the new owner had in turn sold the property to a third entity. To date, the matter has not yet been re-referred to Corporation Counsel for prosecution as BRC works on citing the new owner with fresh Notice of Violations.

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. Currently, the NYS moratoriums on most evictions and foreclosures are preventing most occupied buildings facing foreclosure from becoming vacant, though they expire on January 15<sup>th</sup>, 2021. While the moratoriums undoubtedly protect homeowners from foreclosure and renters from eviction due to the effects of COVID-19, we suspect they are also resulting 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 – a clear sign to us that many of them aren't paying attention to these properties. We are currently working on using the 2016 NYS Zombie Law to prosecute noncompliant mortgage servicers to the fullest extent of the law.

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 has been affected by the moratorium on evictions & foreclosures, 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 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 scheduled to expire in January, one can reasonably expect the Land Bank to receive new properties in July/August of 2022.

**Table 6: Emergency Actions by Fee Category, Q4 2020 through Q3 2021**

<b>Category</b>	<b># of Emergency Actions, Q4 2020</b>	<b># of Emergency Actions, Q1 2021</b>	<b># of Emergency Actions, Q2 2021</b>	<b># of Emergency Actions, Q3 2021</b>
<i>1-3 Residential</i>	6	12	19	11
<i>4-6 Residential, or Mixed Commercial</i>	1	0	0	0
<i>7+ Residential</i>	0	0	0	0
<i>Nonresidential</i>	1	0	0	3
<b>Total</b>	<b>8</b>	<b>12</b>	<b>19</b>	<b>14*</b>

Table 6 provides readers with the total number of Emergency Actions by Fee Category from Q4 2020 to Q3 2021, as required by the recently amended Section 133-78.6 of Article XIA of Part 2 of Chapter 133 of the Code of the City of Albany. Below are Tables 7 & 8, which provides the total and individual numbers of Emergency Actions by Locally & Nationally Designated Historic Districts from Q4 2020 to Q3 2021. As readers of this report can see, the vast majority of those Emergency Actions were of buildings with 1-3 Residential Units in areas of the City that are not designated as Historic Districts. Additionally, there is a discrepancy of three emergency actions between Table 6 and Tables 7 & 8 – this is due to those three emergency actions taking place at vacant lots.

Of the seventeen Emergency Actions in Q3 2021, one was a stabilization and thirteen were demolitions. There were an additional three stabilizations of vacant lots in a historic district in Q3 2021. The one emergency action to a building in a historic district in Q3 2021 was a stabilization. It is our observation that Emergency Actions 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, when more people are outside. 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 7: Emergency Actions by Locally Designated Historic District from Q4 2020 to Q3 2021**

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

**Table 8: Emergency Actions by Nationally Designated Historic District from Q4 2020 to Q3 2021**

Nationally Designated Historic Districts	# of Emergency Actions, Q4 2020	# of Emergency Actions, Q1 2021	# of Emergency Actions, Q2 2021	# of Emergency Actions, Q3 2021
Arbor Hill / Ten Broeck Triangle	0	1	0	0
Broadway & Livingston Avenue	0	0	0	0
Center Sq / Hudson Park	1	0	0	0
Clinton Ave / N Pearl / Clinton Sq	0	1	0	0
Downtown Albany	0	0	0	0
Knox Street	0	0	0	0
Lafayette Park	0	0	0	0
Lustron Houses of Jermain Street	0	0	0	0
Mansion	0	0	0	0
Pastures	0	0	0	3

Rapp Road Community	0	0	0	1
South End-Groesbeckville	0	0	2	0
Washington Park	0	0	0	0
<i>None</i>	7	10	17	13
<b>Total</b>	<b>8</b>	<b>12</b>	<b>19</b>	<b>17</b>

The BRC 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