

July 13th, 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 (2nd Quarter 2021)

Building Fee Categories ¹	# of properties known to be vacant	Registered Vacant Properties	% of Vacant Properties Registered	Newly Registered Vacant Properties
1-3 Residential Units	884	218	25%	42
4-6 Residential Units, and mixed commercial & residential units (1-3)	33	5	15%	1
7+ Residential	3	0	0%	0
Nonresidential	92	5	5%	2
Total	1012	228	23%	45

¹ For the purposes of this report, numbers in these categories are estimates based on Property Classifications from the City Assessor's Office

Table 2: Vacant Buildings by Historic District (2nd Quarter 2021)

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	2	13%
Broadway & Livingston Avenue	1	0	0	0%
Center Sq / Hudson Park	38	1	2	5%
Clinton Ave / N Pearl / Clinton Sq	64	1	16	25%
Downtown Albany	14	0	2	14%
Elberon Triangle	1	0	0	0%
Lark Street	14	0	1	7%
Lexington Avenue	3	0	0	0%
Mansion	28	1	7	25%
Pastures	4	0	0	0%
Rapp Road Community	4	0	0	0%
South End-Groesbeckville	80	0	11	14%
Upper Madison Avenue	1	0	1	100%
Washington Park	9	1	2	22%
Total	277	5	44	16%

As seen in Table 1 above, there were 228 buildings registered as vacant in the City of Albany in the second quarter of 2021², representing a decrease of nineteen from the fourth quarter of 2020. The number of known vacant properties has also decreased in consecutive quarters, going from 1,051 buildings in Q4 2020 to 1,012 in Q2 2021 (see Table 4). 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. Table 2 shows the breakdown by Local Historic Districts. The South End-Groesbeckville & Clinton Ave/N Pearl/Clinton Square Historic Districts have the most vacant buildings, with 80 and 64, respectively.

Table 3: Overview of Vacant Properties in the City of Albany (Q2 2021)

Vacant Properties in City of Albany	Count	% of Total
Registered with City	228	23%
Registered with NYS DFS*	101	10%
Albany County Land Bank (ACLB) Owned	87	9%
Publicly Owned (other than ACLB)	10	1%
Remaining Unregistered Vacant Properties	586	58%
Total Vacant Properties	1012	100%

² The Department of Buildings & Regulatory Compliance had 267 active Vacant Building Registrations on file at the end of Q1, 2021. Thirty-nine buildings that had an active registration in Q1 were not included in this report - 14 were duplicates and 25 were no longer vacant at the end of Q1.

Table 4: Quarterly Overview of Vacant Properties in the City of Albany

Vacant Properties in City of Albany	Q4 2020	Q1 2021	Q2 2021
All Vacant Buildings	1051	1020	1012
Registered Vacant Buildings	248	247	228
New Vacant Registrations	61	53	45
Albany County Land Bank Owned	N/A	86	87
Publicly Owned (other than ACLB)	N/A	11	10
Registered w/ NYS DFS	N/A	103	101
Unregistered Vacant Buildings	803 ³	573	586
Violations Issued for Failure to Register as Vacant	108	115	96

Tables 3 & 4 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 586 Vacant Buildings that remain unregistered into compliance with the City's Vacant Building Registry. As of the writing of this report, 85 cases are currently in various stages of prosecution with the Office of Corporation Counsel. The Department of Buildings & Regulatory Compliance has marked an additional 186 cases as ready for prosecution.

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 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 on May 28, 2021 with a June 25, 2021 return date. It is likely that the prosecution of this case will stretch into the third quarter. Due to the backlog of cases that accumulated during the COVID-19 pandemic, there is currently a one to two month gap between cases being referred for prosecution and actually filed.

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 3 & 4) 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

³ This number is not representative of the number of unregistered vacant buildings, 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.

vacancy. Currently, the NYS moratoriums on most evictions and foreclosures are preventing most occupied buildings facing foreclosure from becoming vacant, though they expire on September 1st. 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 an 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.

Table 5: Emergency Actions by Fee Category, Q4 2020 through Q2 2021

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

Table 5 provides readers with the total number of Emergency Actions by Fee Category from Q4 2020 to Q2 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 is Table 6, which provides the total and individual numbers of Emergency Actions by Historic District from Q4 2020 to Q2 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.

Of the nineteen Emergency Actions in Q2 2021, one was a stabilization and eighteen were demolitions. The three emergency actions in a historic district in Q2 2021 were demolitions. 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 6: Emergency Actions by Historic District from Q4 2020 to Q2 2021

Historic Districts	# of Emergency Actions, Q4 2020	# of Emergency Actions, Q1 2021	# of Emergency Actions, Q2 2021
<i>Arbor Hill / Ten Broeck Triangle</i>	0	1	0
<i>Broadway & Livingston Avenue</i>	0	0	0
<i>Center Sq / Hudson Park</i>	1	0	0
<i>Clinton Ave / N Pearl / Clinton Sq</i>	0	1	0
<i>Downtown Albany</i>	0	0	0
<i>Elberon Triangle</i>	0	0	0
<i>Lark Street</i>	0	0	0
<i>Lexington Avenue</i>	0	0	1
<i>Mansion</i>	0	0	0
<i>Pastures</i>	0	0	0
<i>Rapp Road Community</i>	0	0	0
<i>South End-Groesbeckville</i>	0	0	2
<i>Upper Madison Avenue</i>	0	0	0
<i>Washington Park</i>	0	0	0
<i>None</i>	7	10	16
Total	8	12	19

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