



## Article I: Vacant Building Registry

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#### § 85A-1 Legislative findings and purpose.

It is the finding of the Common Council that buildings which remain vacant are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in residential and commercial neighborhoods. Unfortunately, many buildings, once vacant, remain that way for many years. The purpose of this article is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant properties.

#### § 85A-2 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

##### EMERGENCY SITUATION

Where the condition of a building, structure, or any part thereof is an imminent, immediate, and substantial danger to the health or safety of occupants, emergency responders, and/or the general public. Such conditions include, but are not limited to, fire hazards, falling or dilapidated buildings, structures, or any part thereof, loss of significant water, heat, ventilation, or a lack of sanitary conditions.

##### ENFORCEMENT OFFICER

A duly authorized representative of the Code Enforcement Department.

##### OWNER

Those shown to be the owner or owners on the records of the City of Rensselaers' Assessor's Office, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises. Any such person shall have a joint and several obligation for compliance with the provisions of this article.

##### SECURED BY OTHER THAN NORMAL MEANS

A building secured by means other than those used in the design of the building.

##### UNOCCUPIED

A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by an Enforcement Officer. In determining whether a building is unoccupied, the Enforcement Officer may consider these factors, among other:

- A. Whether lawful residential or business activity has ceased;
- B. The percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units;
- C. The building is substantially devoid of contents or the minimal value of fixtures or personal property in the building;
- D. The building lacks utility services;
- E. The building is subject to a foreclosure action;
- F. Duration of vacancy; and/or
- G. The presence or reoccurrence of code violations.

#### UNSECURED

A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

#### VACANT BUILDING

A building or portion of a building which is:

- A. Unoccupied and unsecured;
- B. Unoccupied and secured by other than normal means;
- C. Unoccupied and an unsafe building as determined by an Enforcement Officer;
- D. Unoccupied and has multiple housing or building code violations;
- E. Illegally occupied.

#### § 85A-3 Vacant Building registration.

- A. The owner shall register with the Code Enforcement Office no later than 30 days after any building located in an area zoned for, or abutting an area zoned for, residential or neighborhood commercial use in the City becomes a vacant building, as defined in §85A-2, or not later than 30 days after being notified by the Code Enforcement Office of the requirement to register. The Department may identify vacant buildings through its routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry.
- B. The registration shall be submitted on forms provided by the Code Enforcement Office and shall include the following information supplied by the owner:

A description of the premises.

(2)

The reason for an exemption.

(3)

The names and addresses of the owner or owners. A post office box is not acceptable.

(4)

A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

B. The presence of a building permit, with substantial completion/rehabilitation within (90) days as determined by the Building and Zoning Administrator, may be used as a determining factor in exempting or removing a building from the registry.

#### § 85A-5 Inspections.

The Code Enforcement Office shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the request of the Enforcement Officer, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Enforcement Officer or his or her designee in order to enable such inspection, and the Enforcement Officer shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without same. In the case of an emergency this section will not apply.

#### § 85A-6 Annual reports.

Once a year, the Code Enforcement Office shall send to the Mayor and to the Common Council a list of all buildings in the City declared vacant under the provisions of this article, as well as a list of all previously declared vacant buildings which are no longer subject to the provisions of this article.

#### § 85A-7 Penalties for offenses.

Any person violating any provision of the Vacant Building Registry, including but not limited to failure to register, providing false information to the Enforcement Officer shall be subject to the following fines:

A. Such person will be subject to a fine of \$1,000 or imprisonment not exceeding 15 days, or both.

B. The term "person," as used in this section, will include the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent or any other person, firm or corporation directly in control of the building or part thereof.

C. Each day of violation will be deemed to constitute a separate offense.

## Article II: Maintenance of Vacant Buildings

### § 85A-8 Title.

This article shall be known as "Maintenance of Vacant Buildings" and is supplementary to applicable provisions of the New York State Uniform Fire Prevention and Building Code.

### § 85A-9 Purpose.

This article provides standards governing the facilities and the condition and maintenance of vacant premises to safeguard the safety, health and welfare of the community.

### § 85A-10 Applicability.

This article shall be applicable to the following:

- A. Lots, plots or parcels of land on which buildings designed for or developed for residential use or occupancy, mixed-occupancy buildings, nonresidential occupancy or accessory structures are located; and
- B. Buildings designed for or developed for residential use or occupancy, including one- and two-family dwellings and multiple dwellings, mixed-occupancy buildings, nonresidential occupancy and accessory structures. This article shall not apply to factory-manufactured homes.

### § 85A-11 Entry.

Provision for safe and continuous entry shall be provided to the interior of a building or structure from the exterior at a street or to a yard, court or passageway leading to a public open area at any time entry is necessary for purposes of required maintenance or inspection.

### § 85A-12 Exterior protection.

- A. The covering for doors and windows may not consist of any substance sprayed onto the window panes. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood and, when possible, shall be secured by normal means.
- B. The covering for doors and windows may consist of replacement glass, plexiglass, boards, plywood or similar materials finished and maintained in a weathertight manner. The materials will be designed to blend in with the finish of the building. When applicable, coverings shall be approved by the Historic Preservation and Architectural Review Board and the Planning Board.
- C. In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:

- (1) A description of the premises, including but not limited to square footage, number of stories, age of the building, and most recent use of the building.
- (2) The names and addresses of the owner or owners. If the owner is a corporation, limited liability company or partnership, the address for each director, manager, or partner, as the case may be. The address must include a street address; a post office box is not acceptable.
- (3) If the owner does not reside in Rensselaer County or any adjoining county, the name and address of any third party with whom the owner has entered into a contract or agreement for property management. The address must include a street address; a post office box is not acceptable.
- (4) The names and addresses of all known lienholders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable.
- (5) A name, address and telephone number where a responsible natural person (not a corporation, partnership, or limited liability company) can be reached at all times during business and nonbusiness hours. The address must include a street address; a post office box is not acceptable.
- (6) A vacant building plan as described in Subsection C.

C. The owner shall submit a vacant building plan which must meet the approval of the Enforcement Officer. The plan, at a minimum, must contain information from one of the following three choices for the property:

- (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition.
- (2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided in Article II, §85A-12, if applicable, along with the procedure that will be used to maintain the property in accordance with Article II, and a statement of the reasons why the building will be left vacant.
- (3) If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed 365 days from the date of submission and will include progress bench marks at least every 90 days, unless the Code Enforcement Office grants an extension for good cause shown, upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured in accordance with Article II, §85A-12, if applicable, during the rehabilitation.

D. The Enforcement Officer shall provide the owner with a written referral to the Department of Community Development and Planning for information outlining programs available which may be useful in developing the owner's rehabilitation plan.

E. The owner will comply with all applicable laws and codes. The owner shall notify the Enforcement Officer of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Enforcement Officer.

F. The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained as provided in Article II of this chapter. Vacant building registration shall not preclude any enforcement action, including building condemnation, as may be deemed necessary by the enforcement officer.

G. Failure of the owner or any subsequent owners to maintain the building and premises as required herein will be grounds for the City:

- (1) To remediate the building and bill the cost of same to the owner;
- (2) To revoke the rehabilitation plans; and
- (3) The owner will be subject to fees and penalties as provided herein.

H. The owner will notify the Code Enforcement Office of any transfer of ownership within 15 days of transfer. The new owners shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Enforcement Officer.

I. Vacant building fees.

(1) The owner of a vacant building shall pay an annual vacant building fee, pursuant to the schedule set forth in this section, payable upon registration; to wit, no later than 30 days after any building becomes a "vacant building," as defined above, or no later than 30 days after being notified by an Enforcement Officer of the requirement to register.

(2) If the building is to remain vacant pursuant to § 85A-3C(2), then the owner will pay an annual vacant building fee of \$500 for the first year. Subsequent annual fees shall be paid as follows:

- (a) For the second year that the building remains vacant: \$1,000.
- (b) For the third year and each succeeding year, that the building remains vacant: \$1,500.
- (c) Vacant building fees for structures 5,000 square feet or greater will be doubled.

(3) If the building is to be returned to a permitted use pursuant to § 85A-3C(3), the rehabilitation plan will not exceed 365 days and will include progress bench marks at least every 90 days, unless the Enforcement Officer grants an extension for good cause shown upon receipt of a written statement from the owner detailing the reasons for the extension. If the rehabilitation has not been completed or extended by the Enforcement Officer, then the owner will pay an annual vacant building fee in accordance with the rates established above until the building is properly demolished or rehabilitated.

The annual vacant building fee is payable either on each anniversary of the registration detailed in Subsection I(1) above or no later than 15 days after being notified by an Enforcement Officer that the owner has failed to meet a required bench mark, whichever date is earlier, and on each anniversary thereafter until the building is demolished or rehabilitated.

(4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. The owner will give the purchaser written notice that the building in question is a vacant building under this section.

(5) If the owner of a vacant building fails to register and pay the fees in a timely manner, then the owner will be subject to the penalty set forth in § 85A-7 below.

(6) The vacant building registration fee and annual vacant building fee as set forth in §85A-3i are to be delivered, by mail or in person, to the Treasurer's Office, City Hall, 62 Washington St, Rensselaer, New York 12144. A late charge of 1 1/2% per month, or any part thereof, will be assessed on any invoice which is unpaid after 30 days from the date of the demand for payment or an invoice. A processing fee of \$25 will be charged for each check returned by the bank due to insufficient funds or other reason. A replacement payment must be made in cash, money order, bank or certified check, and must include the fee of \$25 and any applicable late charges. Invoices and any additional fees that remain unpaid will be added to the property owner's tax bill, and will include an additional penalty of \$200.

(7) Within (30) days of the date on which a registration form is required, the owner of any vacant property shall provide a cash bond in the amount of \$5000 to the Building and Zoning Administrator as security in the event the City must secure the continued maintenance of the property until such time as the property is again legally occupied, sold, or transferred and to remunerate the City for any expenses incurred in inspecting, securing, marking, maintaining, or making such property safe.

(8) Within (3) days of the date on which a registration form is required, the owner of any vacant property shall procure liability insurance for the property with a minimum coverage amount of \$150,000 and shall furnish the Building and Zoning Administrator with a copy of said certificate of insurance.

J. The Enforcement Officer shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

#### § 85A-4 Exemptions.

A. A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Department of Building and Planning. This request shall include the following information supplied by the owner:

(1)