

Council Member Robinson introduced the following:

Ordinance Number 1.12.17 (MC)

AN ORDINANCE AMENDING ARTICLE XIA (VACANT BUILDING REGISTRY) OF CHAPTER 133 (BUILDING CONSTRUCTION) IN RELATION TO SECURING OF VACANT BUILDINGS AND VACANT BUILDING PLANS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection (G) of Section 133-68 of Chapter 133 of the Code of the City of Albany shall be amended to read as follows:

G. The covering for doors and windows may consist of:

- (1) Venetian or similar blind.
- (2) Drapes, curtains or shades.
- (3) Decorative patterned paper, neatly installed with all seams straight and uniformly taped.
- ~~(4) Boards or similar materials finished and maintained in a manner recommended by the Department of Fire, Emergency and Building Services so as to blend in with the finish of the building.~~
- (4) (5) Coverings approved by the enforcement officer and, when applicable, by the Historic Resources Commission and the Planning Board.

Section 2. Subsection (C) of Section 133-78.3 of Chapter 133 of the Code of the City of Albany shall be amended to read as follows:

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 and the proposed time frame for any necessary permitting through the City.
- (2) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided in § 133-68, if applicable, along with the procedure that will be used to monitor and maintain the property in accordance with Article XI, and a statement of the reasons why the building will be left vacant. As required by § 133-68, the building shall be secured in a manner that will not materially detract from the general appearance of the building or the neighborhood and, when possible, be secured by normal means.
 - a. The owner, or their representative, shall be required to appear before the enforcement officer every six months to provide a statement of the reasons why the building will continue to be left vacant and to address any problems occurring because of the vacancy.

(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, unless the Enforcement Officer grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. If no building permit has been applied for within the 365 days, the Enforcement Officer will send written notification to the owner of the lack of compliance with § 133-78.3C. The owner will be required to file an extension with a revised rehabilitation plan and reasons for noncompliance. Failure to respond may result in prosecution as prescribed in § 133-80. 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 § 133-68, if applicable, during the rehabilitation. The city will conduct a visual inspection of the property to verify that good faith progress is being made on the plan prior to approval for an extension.

- a. All approvals for extension will be signed by an authorized representative of the city and kept on file for public access;
- b. All extensions will be subject to approval by the common council and incorporated into the quarterly report submitted to the common council.

Section 3. Subsection (I) of Section 133-78.3 of Chapter 133 of the Code of the City of Albany shall be amended to read as follows:

I. Vacant building fees.

(1) The owner of a vacant building shall pay an annual fee as set forth in Subsection I(2) for the period the building remains a vacant building. The fee shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the City in monitoring and inspecting the vacant building site. Vacant building registration fees will not be accepted until an application is complete.

(2) The first-year annual fee shall be \$250 and shall be paid no later than 30 days after the building becomes vacant. If the fee is not paid within 30 days of being due, the owner shall be subject to prosecution as prescribed in § 133-80. If a plan is extended beyond 365 days, subsequent annual fees, except as provided in paragraph (5) below, shall be paid as follows:

(a) For the second year that the building remains vacant: \$500;

(b) For the third year that the building remains vacant: \$1,000;

(c) For the fourth year that the building remains vacant: \$1,500; and

(d) For the fifth, and each succeeding year that the building remains vacant: \$2,000.

(3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit. The fee shall be prorated, and a refund may be issued if the building is no longer deemed vacant under the provisions of this article within 180 days of its registry.

(4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the

annual fee no later than 30 days after the transfer of ownership, and subsequent annual fees shall be due on the new anniversary date.

(5) When a plan for rehabilitation has been submitted pursuant to paragraph (C)(3) of this section and such plan has been extended by approval of the common council or if the building is to remain vacant but is secured without violations and does not materially detract from the general appearance of the neighborhood, no annual fee will assessed.

Section 4. This ordinance shall take effect immediately.

**APPROVED AS TO FORM ONLY
, 2016**

Corporation Counsel

TO: Nala Woodard, City Clerk
FROM: Mark Robinson, Council Member

DATE: January 19, 2017

TITLE: AN ORDINANCE AMENDING ARTICLE XIA (VACANT BUILDING REGISTRY) OF CHAPTER 133 (BUILDING CONSTRUCTION) IN RELATION TO SECURING OF VACANT BUILDINGS AND VACANT BUILDING PLANS

GENERAL PURPOSE OF LEGISLATION: To amend the Vacant Building Registry to allow an exemption from increased fees for owners who are making a good faith effort to rehabilitate the property and to require a stricter accounting for owners who will continue to leave the building vacant with no plans for rehabilitation.

NECESSITY FOR LEGISLATION: This ordinance seeks to assist owners of vacant buildings that are in good faith rehabilitating the property. It provides that the owner can get an extension on their rehabilitation plan upon inspection and approval of the common council, and if they are making a good faith effort to repair the property, a waiver from fee increases to register the building. It also requires that the owners of vacant buildings who do not file rehabilitation plan appear every six months to update the city on why the building will remain vacant.

FISCAL IMPACT: None.

MESSAGE OF NECESSITY

FOR EMERGENCY LEGISLATION NOT LISTED ON THE PRINTED AGENDA: I certify that the attached piece of legislation requires immediate attention and cannot wait for introduction at the next regularly scheduled Common Council meeting of February 6, 2017. I ask for placement on the agenda for introduction at the meeting of January 19, 2017 by majority consent. The introduction is necessary in order to move the process forward as quickly as possible to address concerns in the community.