

Intro. No 4

Local Law No. \_\_\_\_ of 2018

**A LOCAL LAW AMENDING THE CITY CODE  
TO ADD CHAPTER 91 PERTAINING TO VACANT BUILDINGS**

**SECTION 1. TITLE**

This Local Law shall be known as Local Law No. \_\_\_\_ for the year of 2018.

**SECTION 2. LEGISLATIVE FINDINGS**

It is the finding of the Common Council that buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in residential and neighborhood commercial neighborhoods. Unfortunately, many buildings, once boarded, 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. Buildings which become vacant due to foreclosure or that are vacant when foreclosed upon present additional problems. It is often more difficult to secure compliance with this chapter when the property is owned by a bank or mortgage company located in another jurisdiction. As the number of vacant properties increases due to foreclosure, the maintenance of vacant buildings becomes even more critical.

**SECTION 3. LEGISLATIVE INTENT**

It is the intent of the Common Council to improve the health and welfare of the people of the City of Hudson by establishing a program for identifying and registering vacant buildings within the City's corporate limits.

## **SECTION 4. AMENDMENTS**

**Part II of the Hudson City Code is hereby *AMENDED* by adding the following Chapter:**

### **Chapter 91 VACANT BUILDINGS**

#### **§ 91-1 Legislative findings and purpose.**

It is the finding of the Common Council that buildings which remain vacant, with access points boarded over, are unsightly, unsafe and have a negative effect on their surroundings. This is particularly troublesome in residential and neighborhood commercial neighborhoods. Unfortunately, many buildings, once boarded, 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. Buildings which become vacant due to foreclosure or that are vacant when foreclosed upon present additional problems. It is often more difficult to secure compliance with this chapter when the property is owned by a bank or mortgage company located in another jurisdiction. As the number of vacant properties increases due to foreclosure, the maintenance of vacant buildings becomes even more critical.

#### **§ 91-2 Definitions.**

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

#### **ENFORCEMENT OFFICER**

A duly authorized representative of the Code Enforcement Office.

#### **OWNER**

Those shown to be the owner or owners on the records of the City of Hudson Assessor, 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 which is not being used for an occupancy authorized by the owner.

## **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 the Department of Fire, Emergency and Building Services;
- D. Unoccupied and has multiple housing or building code violations;
- E. Illegally occupied;
- F. Unoccupied for a period of time over 365 days, and during which time the enforcement officer has issued an order to correct code violations.

### **§ 91-3 Vacant building registration.**

A. The owner shall register with the Code Enforcement Officer not later than 30 days after any building in the City becomes a vacant building or not later than 30 days after being notified by the Code Enforcement Officer of the requirement to register. The Code Enforcement Officer 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 Officer and shall include the following information supplied by the owner:

- (1) A description of the premises.
- (2) The names, addresses, copy of driver's license, social security number, and telephone numbers of the owner or owners.
- (3) If the owner does not reside in Columbia County or any adjoining county, the name, address, copy of driver's license, social security number, and telephone number of any third party with whom the owner has entered into a contract or agreement for property management.
- (4) The names and addresses of all known lienholders and all other parties with an ownership interest in the building.
- (5) A telephone number where a responsible party can be reached at all times during business and nonbusiness hours.
- (6) A vacant building plan as described in Subsection C.
- (7) Provide a cash bond acceptable to the Enforcement Officer, in the sum of not less than \$10,000, to secure the continued maintenance of the property throughout its vacancy and reimburse the City for any expenses incurred in inspecting or securing such building when such building is not in compliance with this article.

(8) Incomplete registration forms will not be accepted, and if the lack of compliance results in non-registration of the building, the owner can be prosecuted under §93-12.

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, along with the procedure that will be used to monitor and maintain the property in accordance with the NYS Property Maintenance Code, 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, 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 §91-3C. The owner will be required to file an extension with a revised rehabilitation plan and reasons for noncompliance. Failure to respond may result in the imposition of the penalties set forth in §91-6. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes.

D. All applicable laws and codes shall be complied with by the owner. The owner shall notify the Code 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.

E. The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained and monitored in accordance with the NYS Property Maintenance Code.

F. Failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

G. The new owners shall register or re-register the vacant building with the Enforcement Officer within 30 days of any transfer of an ownership interest in a vacant building. 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.

#### H. Vacant building fees.

(1) The owner of a vacant building shall pay an annual fee as set forth in Subsection H(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 §91-6. If a plan is extended beyond 365 days, subsequent annual fees 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.

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

K. The purchaser/buyer of any vacant building within the City of Hudson shall, at the time of closing, file a new and complete vacant building registration form. The purchaser shall also pay to the City of Hudson, at the time of closing, the fees associated with registering such vacant building.

L. The seller of any vacant building within the City of Hudson shall, at the time of closing, pay any and all past due vacant building registration fees associated with said building that is being sold.

M. No building shall be removed from the vacant building registry until such time as it is occupied on an ongoing basis consistent with the customary and usual usage for such property.

#### **§91-4 Exemptions.**

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 Code Enforcement Officer. This request shall include the following information supplied by the owner:

- A. A description of the premises.
- B. The names and addresses of the owner or owners.
- C. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.

#### **§ 91-4 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.

#### **§ 91-5 BI-Annual reports.**

The Code Enforcement Office shall submit a quarterly report not later than April 15, and October 15 of each year to the Mayor and Common Council listing all buildings in the City declared vacant under the provisions of this article, the date upon which they were declared vacant and whether a vacant building registration and vacant building plan has been filed for the building. The report shall additionally include a list of all previously declared vacant buildings, which are no longer subject to the provisions of this article.

**§ 91-6 Penalties for offenses.**

Any person violating any provision of the Vacant Building Registry or providing false information to the Enforcement Officer shall be subject to a fine of not more than \$1,000 per day of violation or imprisonment not exceeding one year, or both such fine and imprisonment.

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

B. Each day of violation shall be deemed to constitute a separate offense.

**SECTION 5. STATEMENT OF AUTHORITY**

This local law is authorized by Article 3, section 28-a, of the New York General City Law, Article 2, subsections 1 and 2 of section 10 of the New York Municipal Home Rule Law, and Chapter 1, section 1-7 of the Hudson City Code.

**SECTION 6. SEVERABILITY**

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part of provision hereof other than the provision so found to be invalid.

**SECTION 7. EFFECTIVE DATE**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Introduced: \_\_\_\_\_

Seconded: \_\_\_\_\_

Approved \_\_\_\_\_

By \_\_\_\_\_

Rick Rector, Mayor