

Proposed Local Law A (2023)
Village Code of the Village of Hoosick Falls
A Local Law Establishing a Vacant and Abandoned Building Registry

Section 1. Shall be entitled “Purpose” and shall provide as follows:

Purpose.

The purpose of this article is to remedy issues caused by abandoned and vacant buildings, foreclosed properties and properties in foreclosure, including a decline in property values and tax base and negative impacts on the quality of life for neighboring residents and businesses. The article establishes regulations for the registration, inspection, maintenance, and securing of such buildings and properties and imposes reasonable responsibilities on the owners/mortgagees.

Section 2. Shall be entitled “Registration Requirements” and shall provide as follows:

Registration requirements.

A. Properties. The following property shall be registered under this article:

- (1) Vacant building. Within 30 days of the date on which a building is deemed a vacant building as provided in the following section, the owner and/or mortgagee of the property with a vacant building shall register the property by filing a registration form with the Building Department.
- (2) Abandoned building. Within 30 days of being provided with notice of a certificate of abandonment by a Building Inspector as provided in section 4, the owner and/or mortgagee of the property shall register the property by filing a registration form with the Building Department.
- (3) Foreclosing property. Within 30 days of commencement of a foreclosure action on property initiated pursuant to RPAPL § 1301 et seq., the mortgagee shall comply with the requirements of this Chapter and register the property by filing a registration form with the Building Department.
- (4) Foreclosed property. Within 30 days of receipt of a deed for a foreclosed property, the new owner of the property shall register the property by filing a registration form with the Building Department.

B. Registration, fee, and renewal. Registration shall be submitted on forms provided by the Hoosick Falls Village Building Department. The Village Board of Trustees shall establish a fee for the filing of a registration form and shall have the ability to amend such fee from time to time as deemed necessary by Village Board resolution. Each registration shall last one year and shall be renewed if necessary. The owner and/or mortgagee must immediately notify the Building Department of any changes in the facts provided on the registration form. If the premises change ownership, the new owner shall file a new registration form within 30 days of the transfer.

C. Liability insurance. Within 30 days of the date on which the registration form is required, the owner and/or mortgagee shall procure liability insurance for the property with a coverage amount not less than \$300,000 for buildings designated primarily for residential use and not less than \$1,000,000 for any other building and shall furnish the Building Department with a copy of the certificate of insurance. Such insurance policy shall provide for written notice to the Hoosick Falls Village

Building Department within 30 days of any lapse, cancellation or change in coverage.

- D. Escrow. Within 30 days of the date on which the registration form is required, the owner and/or mortgagee shall provide a cash escrow, if any, in an amount to be determined by the Building Inspector, but not to exceed \$5,000 unless approved by the Village Board. The escrow may be used to reimburse the Village if the Building Department incurs expenses listed herein to inspect, secure, and maintain the property. The Building Inspector shall notify the owner and/or mortgagee of the amount by which the escrow has been drawn down, and the owner and/or mortgagee shall have 10 days from the date of the notice to replenish the escrow to the amount determined by the Building Inspector.
- E. Administrative fee. Ten percent of the escrow shall be retained by the Village as an administrative fee to fund an account for expenses incurred in inspecting, securing, and maintaining properties that are not in compliance with this article.
- F. Local agent. If the owner and/or mortgagee is not a resident of New York State, the owner and/or mortgagee shall provide the name and address of a person who resides in Rensselaer County and who is authorized to accept service of process on behalf of the owner and/or mortgagee and who shall be designated as the responsible agent for any notice under this article and notification of an emergency affecting the safety, health or welfare of residents or property.
- G. Notice. Noticed required under this article shall be:
 - (1) By personal service on the owner and/or mortgagee; or
 - (2) Left at the last and usual place of abode of an owner, if such place of abode is known, and sent by certified mail, return receipt requested.
- H. The Village of Hoosick Falls Building Department shall have the authority to identify vacant buildings through routine inspections as well as by any other reliable source of information that a building may be eligible for inclusion on the registry.

Section 3. Shall be entitled “Vacant Buildings” and shall provide as follows:

Vacant buildings.

- A. Evidence of vacancy. A building shall be deemed a vacant building if no person is conducting a permitted or allowed use or lawfully resides in any part of the building.
- B. Applicability. This article shall be applicable to each property with a vacant building for more than 30 consecutive days.
- C. The owner of every vacant building shall submit a vacant building plan which must meet the approval of the Code Enforcement Officer. The plan, at a minimum, must include the following:
 - (1) If the building is to be returned to an appropriate occupancy or use, a rehabilitation plan must be submitted for the property. The execution of the rehabilitation plan shall not exceed 364 days unless the Code Enforcement Officer grants an extension upon receipt of a written request from the owner detailing the reasons for any such extension. Any repairs, improvements or alterations to the property must comply with applicable building, zoning and Village Code requirements and must be secured in a manner approved by the Code Enforcement Officer.

- (2) If the building is to remain vacant, a statement detailing the reasons why the building will be left vacant and for what time period the building will remain vacant, a plan for securing of the building and the procedure that will be used to maintain the property in accordance with applicable Village and state building, zoning and code requirements, including, but not limited to, the Uniform Property Maintenance Code.
- (3) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition, the contractor and/or subcontractors that will be performing the demolition, and if necessary, the company that will be performing the asbestos abatement. Any plan for demolition must also be accompanied by proof of insurance naming the Village of Hoosick Falls as an additional insured.

Section 4. Shall be entitled “Abandoned or unoccupied buildings” and shall provide as follows:

Abandoned or unoccupied buildings.

- A. Evidence of abandonment. Evidence of abandonment shall include, but not be limited to, the following:
- (1) The failure to remedy a violation of the New York State Uniform Fire and Building Code issued by a Building Inspector.
 - (2) The termination of any lawful residential or business activity.
 - (3) The failure to maintain regular business hours based upon past use of the building or property and/or industry standards.
 - (4) The failure to maintain equipment, supplies, or merchandise that would be used for the active operation of an allowed or permitted use for the building or property.
 - (5) The failure to maintain utilities necessary for the operation of the building or its allowed or permitted uses.
 - (6) The failure to maintain required local, state or federal licenses or approvals that would be required for an allowed or permitted use for the building or property.
 - (7) The existence of evidence of vacancy under the prior section contained.
 - (8) Whether the building is substantially devoid of contents or whether the value of fixtures or personal property in the building is minimal.
 - (9) Whether the building is subject to a foreclosure action.
 - (10) The duration of the vacancy.
 - (11) An act indicating an intent by the owner and/or mortgagee to abandon the building or property.
 - (12) A written statement by the owner and/or mortgagee that the building or property is vacant or abandoned.
- B. Certificate of abandonment.
- (1) Upon a Building Inspector's determination that a building has been abandoned after considering the evidence under paragraph “A” above, the Building Inspector shall file a certificate of

abandonment with the Building Department. Notice of the certificate of abandonment shall be served upon the owner of the property.

- (2) Upon filing a certificate of abandonment, the Building Inspector may, without further notice to the owner, take necessary steps to ensure that the property and building are properly maintained and secured as provided herein. The Building Inspector shall provide the owner with a written statement of all costs associated with inspecting, securing, and maintaining the property and/or building. If the owner fails to reimburse the Village within five days of receiving notice of the statement of costs, the Village shall draw upon the escrow paid by the owner. If there is no available escrow, the costs incurred to ensure the property and/or building is properly maintained and secure may be paid by the Village, with such costs charged against the property as a lien or added to the tax roll as an assessment or levied as a special tax against the property.
- (3) The owner may petition the Building Inspector to remove the certificate of abandonment by providing proof satisfactory to the Building Inspector that the reasons for the certificate of abandonment no longer exist and the property is in compliance with this article.
- (4) The Building Department shall maintain a list of each property for which a certificate of abandonment was issued.

Section 5. Shall be entitled “Foreclosing property” and shall provide as follows:

Foreclosing property.

Before the initiation of foreclosure proceedings under RPAPL § 1301 et seq., the mortgagee shall perform the following requirements:

- A. Prior to the issuance of a notice of default, a mortgagee shall perform an inspection of the property that is security for the mortgage. If the property shows that the property has a vacant building, the mortgagee shall, within 10 days of the inspection, register the property pursuant to this article. If the property is occupied but remains in default, it shall be inspected by the mortgagee on a monthly basis until the mortgagor remedies the default or until it is found to be a vacant building and registered within 10 days of the inspection.
- B. The mortgagee shall notify the Building Department within 10 days of any change in the registration information, including the sale or transfer of the property, by filing an amended registration form.

Section 6. Shall be entitled “Maintaining and security properties” and shall provide as follows:

Maintaining and securing properties.

- A. An owner and/or mortgagee. The owner and/or mortgagee of property registered under this article shall maintain and secure the property and building as follows:
 - (1) All doors, windows and other openings are weathertight and secured against entry by persons and animals.
 - (2) All roof and flashings shall be sound and tight such that no rain will penetrate the building and shall allow for drainage to prevent deterioration of the interior walls or other interior portions of the building.

- (3) The property and building shall be maintained in good repair and be structurally sound and free from overgrown vegetation, rubbish, garbage, and other debris.
- (4) The building shall be capable of bearing both live and dead loads and the foundation walls shall be capable of supporting an appropriate load.
- (5) The exterior of the building shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements by appropriate weather-coating materials (paint or similar treatment).
- (6) Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair and appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected against rust or decay by appropriate application of paint or similar weather-coating.
- (7) Any accessories or appurtenant structures, including but not limited to garages, sheds, storage facilities, and signs and supports, shall meet this section's requirements.
- (8) The property shall contain a posting with the name and twenty-four-hour contact phone number of the owner, mortgagee or local agent responsible for the maintenance. The sign shall be visible from the street.
- (9) All bushes, trees, and landscaping shall be trimmed so as to provide an unobstructed view of the front of the building and 911 address from the street.
- (10) The owner and/or mortgagee shall comply with all state and local regulations concerning the maintenance and securing of the property and building.

B. Failure to maintain and/or secure. A Building Inspector shall have the authority to inspect any property and building, and may take the following actions if the owner and/or mortgagee fails to comply with this article:

- (1) Issue citations for any violations, with directions to remedy the violation within 10 days of the date of citation;
- (2) Undertake actions, including using Village employees, retaining contractors, and engineers, to bring the property and building into compliance with this article; and/or
- (3) The costs incurred by the Village to ensure that the property and/or building is maintained, secured and complies with this article may be charged against the property as a lien or shall be added to the tax roll as an assessment or shall be levied as a special tax against the property. The Building Inspector shall provide the owner and/or mortgagee with notice of a written statement for such costs.

Section 7. Shall be entitled “Exemptions from registration requirements; waivers” and shall provide as follows:

Exemptions from registration requirements; waivers.

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 120 days after the fire or extreme weather event if the property owner submits a written request for exemption with the Village's Building

Department. The written request must consist of the following information:

- (1) The description of the premises, including address, block and lot number;
 - (2) The description of the damage sustained to the building and the cause of such damage;
 - (3) A statement of intent to repair and reoccupy the building in an expedient manner or the intent to demolish the building;
 - (4) If the building is to be demolished, a demolition plan indicating the proposed time frame for the demolition, the name of the contractor and/or subcontractors that will be performing the demolition, and if necessary, the company that will be performing the asbestos abatement. Any plan for demolition must also be accompanied by proof of insurance naming the Village of Hoosick Falls as an additional insured.
- B. Any property upon which a building permit has been received and is actively developed shall be exempt from the registration requirement for a period of 180 days from the date of the written request for an exemption submitted to the Village's Building Department. The exemption may be extended upon written request submitted to the Village's Building Department for a period not to exceed an additional 180 days.
- C. In the event of extenuating circumstances, the property owner or mortgagee may petition the Village Board of Trustees for waiver from the requirements herein. 'In this circumstance, the property owner or mortgagee must set forth a detailed timeline of the work in progress, and a detailed explanation of what the work entails as well as any other information the Village Board of Trustees reasonably requests.

Section 8. Shall be entitled "Appeals" and shall provide as follows:

Appeals.

A property owner or mortgagee aggrieved by the Village Building Inspector's determination(s) as set forth herein, shall be allowed to appeal such determination to the Village Zoning Board of appeals, by filing the applicable application and paying the applicable application fee for appeals to the Zoning Board of Appeals. In the event, the Building Inspector's determination is overturned by the Zoning Board of Appeals, such fees for the application to appeal will be returned to the applicant.

Section 9. Shall be entitled "Penalties for offenses" and shall provide as follows:

Penalties for offenses.

The failure of any owner, mortgagee, or local agent to register property or perform any of the requirements under this article shall constitute a violation punishable, upon conviction, by a fine of \$100 per day of the violation for each property and/or 15 days in jail. Each day the violation is not remedied shall be deemed a separate offense.

Section 10. Shall be entitled "Conflict with other provisions" and shall set forth as follows:

Conflict with other provisions.

Nothing in this article shall be construed as rendering any other applicable laws invalid, inapplicable or unenforceable.

