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OFFICE OF THE CITY CLERK
OAKLAND
2015 JUL -2 AM 11:05

AGENDA REPORT

TO: Sabrina B. Landreth
CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Informational Report on Vacant
Property Registry

DATE: June 22, 2015

City Administrator
Approval

Date

7/2/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council accept:

An Informational Report on a Vacant Property Registry for vacant commercial properties and vacant lots.

OUTCOME

If the City Council recommends creation of a new registry program, staff would like feedback regarding the policy issues and preliminary schedule described in the "Analysis" section of this report.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the status of the creation of a property registry for vacant lots and vacant ground-floor commercial storefronts.

This report presents the outcome of research regarding vacant property registry programs in other jurisdictions, a proposed schedule for development and adoption of a program, and preliminary policy questions to seek guidance from the City Council.

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BACKGROUND/LEGISLATIVE HISTORY

Vacant properties are often a source of blight in the City of Oakland's neighborhoods and commercial districts, attracting illegal activities, such as vandalism and dumping, which then discourages more positive use of the properties. Vacant properties may also have a negative impact on adjacent uses, the neighborhood, and the City as a whole. For example, vacant storefronts may deter customers from patronizing existing businesses, depressing the overall economic vitality and quality of life in an area, decreasing potential business and sales tax revenue for the City, and draining City resources to address blight and related conditions.

The City of Oakland's Code Enforcement division receives hundreds of complaints related to blight in vacant buildings and lots on a yearly basis. Many more problem properties likely exist and go unreported. There are approximately 422 vacant commercial buildings in Oakland being actively listed, in addition to an unknown number of vacant properties that are not being actively marketed. There may be as many 4,200 privately-owned vacant lots based on initial City estimates.

To address this issue, the Oakland City Council initiated a discussion in 2008 regarding the creation of a vacant property registration program. Ultimately, in 2012, the City Council adopted a program that was focused on a subset of vacant properties – vacant *and foreclosed residential* properties. This focus allowed for the creation of the appropriate actions to address the unique set of issues related to these types of properties. The program was then expanded to include the registration of properties under similar circumstances, including all defaulted and foreclosed properties, both occupied *and* vacant, and investor purchased properties with a history of mortgage default.

In June 2014, the City Council adopted Resolution No. 85025 C.M.S. directing staff to return to Council within 120 days with proposed legislation and an implementation plan to create a registry ("Registry") for additional subsets of vacant properties – *vacant lots* and *vacant ground floor commercial storefronts*. A copy of the resolution is attached to this report (*Attachment A*).

In January 2015, the Planning and Building Department notified the City Council that it had not developed a vacant property registry program, due to a lack of staff resources related to a loss of staff and remaining resources being dedicated to other projects prioritized by Council (including the Broadway Valdez District Specific Plan, the West Oakland Specific Plan, the Lake Merritt Station Area Plan, the Coliseum Area Specific Plan, the Housing Element, and the Urban Agriculture Regulations).

Since then, all the above projects have been completed, but there has been a continuing need to commit staff resources towards a number of high-priority Council-directed projects - including the Impact Fees Nexus Study, Downtown Specific Plan, Mobile Food Regulations, and updates to the City's Parking Regulations and Secondary Unit Regulations.

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However, as noted in earlier reports, the Planning and Building Department is in the midst of a recruitment process to hire more staff, and expects to have the new staff available to work on other Council-directed projects, including the development of a Registry program, as early as July 2015.

ANALYSIS

In general, the desired outcomes of City action related to vacant properties are to:

- Encourage the productive use of vacant commercial storefronts and empty lots; and,
- Encourage property owners to maintain vacant property to prevent blight.

Achieving these desired outcomes would have positive secondary effects on the City as a whole - by stabilizing property values and the tax base, decreasing crime that frequently occurs around vacant properties, reducing the risk of blight for nearby properties, decreasing the demand of City services needed to monitor and manage vacant properties, and overall, improving the pedestrian experience in the City.

The following are some of the challenges related to achieving the desired outcomes:

- The real estate market may not support a traditional commercial storefront tenant or traditional development of a vacant lot (housing, office, etc.);
- The property owner may be absentee;
- Carrying costs may be low (property taxes are low due to Proposition 13 and property is owned outright, so no mortgage payments) – thus promoting land banking;
- Potential market rents and carrying costs may be lower than tax savings from declaring a loss of income;
- Property owner may not have the wherewithal to find an appropriate use for the storefront or empty lot; and/or,
- There may be environmental challenges to the traditional development of a vacant lot (contamination, unstable soils, lack of infrastructure).

Registry Programs

Cities across the country have enacted Registry programs in order to track and deal with vacant properties. By cataloging vacant properties, cities that have enacted Registry programs hope to control the negative secondary effects of vacancies.

A typical Vacant Property Registry program includes the following actions:

- City identifies vacant properties;
- City notifies owners of vacant properties regarding Registry Program;

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- Property owners pay a fee to cover program costs;
- City targets enforcement activities; and,
- City makes information available to people looking to develop/lease property.

Many California cities have active registry programs to address vacant *foreclosed* properties, including the City of Oakland (the City's program also includes occupied foreclosed properties and investor-owned properties). Staff has completed a survey of the components of Registry programs in approximately 12 cities in California and a dozen other jurisdictions across the United States, which specifically address vacant commercial space and/or vacant lots (see *Attachment B*).

Staff is still researching the success of Registry Programs in other jurisdictions that include a focus on commercial storefront and/or vacant lots. Some jurisdictions that have programs on the books have not implemented them, because of the difficulty in doing so. Where the programs have been implemented, the jurisdictions may not have data-based evaluation of their programs. Or in instances where programs have been evaluated, data for the different types of vacant properties are generally aggregated, making it difficult to understand the different levels of success for residential, commercial and vacant lot properties. For example, the city of Philadelphia's strategies regarding vacant property, which complement an existing requirement for owners of vacant properties to obtain a vacant property license, as of 2014, had increased home values by \$74 million throughout Philadelphia and brought in \$2.2 million more in transfer tax receipts. However, it's not clear what portion of this data is related to vacant lots and vacant commercial properties, compared to vacant residential properties.

It's worth noting that Oakland's neighbors, Berkeley and San Francisco, are both in the process of developing registries targeting vacant commercial property. Both cities have had a difficult time moving forward with a program. San Francisco found that their initial registry targeting all vacant commercial property was ineffective, because the scope was too large to address the problem. Berkeley has determined that a registration fee, which must be limited to the cost to cover services, would not be high enough to sufficiently increase the carrying costs of sitting on vacant commercial property, and is now planning to bring a tax proposal to voters.

Key Policy Questions Regarding a Registry Ordinance

In order for a vacant property registry to be successful, the problem has to be clearly articulated and researched and matched to a registration program that addresses that particular problem. The following are key policy-related issues that staff is seeking feedback from the City Council:

- 1) *Scope of Program* – The scope of the vacant properties the City will be targeting should reflect the scope of the problem in Oakland, while creating a manageable amount of registry property so the program can be effectively implemented.

The City will need to determine the following regarding the scope of the Registry:

- Types of properties (vacant lot, vacant commercial, etc...);
- Geographic scope of the program (only commercial areas, commercial and residential areas, other, etc...); and,
- Type of commercial facility (industrial, retail, warehouses, etc...).

The desired outcome for vacant commercial storefronts and vacant lots would require different implementing actions. In order to create a more manageable scope for the registry, the initial focus could be limited to vacant ground-floor commercial properties, and within that subset, only those properties that have received code enforcement violations (blight or other illegal activities). Later phases could expand the scope to vacant lots.

- 2) Definition of Vacancy – A definition of “Vacant” is an important consideration when setting the scope of the registry, because it details what specific properties the City will be targeting. The definition should reflect the scope of the problem in Oakland, while creating a manageable amount of registry property so the program can be effectively implemented.

The definition must clearly articulate what is considered “vacant” by including criteria such as:

- Substantially all lawful residential or business activity has ceased;
- Building is substantially devoid of contents;
- The condition and value of any fixtures of personal property in the building; and/or
- Lack of utility services (water, sewer, electric, or natural gas).

- 3) Exemptions – What exemptions should be included in the proposed registry program?

Exemptions should incentivize owners to utilize their property and benefit those who suffer any negative impacts of the vacant properties. Exemptions should also provide relief for property owners that have extenuating circumstances that are preventing them from moving forward with positive use of their property, and exemptions should be provided for property owners that are performing their due diligence, but cannot find a tenant.

The most common exemptions to registration and/or payment of a fee are:

1. Financial hardship;
2. The building has been damaged by fire;
3. Building meets all applicable codes and is actively being offered for sale, lease, or rent;
4. Owner or occupant has been absent for over 90 days, but intends to return; or,
5. Property owner is actively trying to occupy the property or rehabilitate it.

Cities can limit the number of times an owner can file for an exemption and/or create time limits that apply to certain exceptions (e.g. financial hardship exemption that is only valid for one year).

Less common are the “creative uses” or temporary community use exemptions. The exemptions included should help the residents that have been subjected to the blight. Some examples of possible “creative exemptions” are the following:

- *Food Security Projects* – projects that help to educate the public on nutritious foods and/or provide the public with access to produce and/or nutritious foods; includes community gardens or other projects (such as markets or food education programs);
- *Community Programs* – programs that benefit the community; includes educational programs, job training, and fitness classes;
- *Temporary Community Events*; or
- *Temporary Businesses* (including pop-up businesses).

The exemptions must be clearly articulated in the new ordinance to eliminate unintended consequences. The exemptions should also minimize and ideally eliminate loopholes that would allow owners to circumvent the registry without providing benefits to the community negatively affected by vacant spaces.

- 4) *Fee Schedule* – What fees should be included? Should there be escalating fees? How can the fee provide an incentive to those that are not currently making efforts to deal with vacant property, yet also not be burdensome to property owners that are doing so?

In California, State case law requires that fees must be reasonable, fair and equitable in nature and proportionately representative of the costs incurred by the regulatory agency. Registration fees must be determined based on the expected costs of the program, such as property inspections and administrative management.

A failure to register the vacant property or to adhere to maintenance standards typically results in penalty fees. The cost of any maintenance completed by the City is also passed on to the property owner.

Several municipalities require that owners obtain a minimum amount of liability insurance on vacant buildings. In Cincinnati, the city requires the owner to maintain liability insurance in the amount of \$300,000 for residential properties and \$1 million for commercial or industrial properties.

The City should prepare a fee analysis based on the City’s current “Foreclosure and Investor-Owned” registry, which resulted in an annual registration fee of \$568, with additional charges for additional maintenance plans or inspections.

Other jurisdictions have pre-set increases to the fees for every year the property remains vacant. For example, in Fresno the registry fee is \$0 in the first year, the second year is \$500, the third year is \$800, and the fourth year or later is \$1,000. An incremental fee reflects the maintenance and security costs the city incurs from the existence of vacant commercial property and vacant lots. Given that the fee is in addition to the registration fee, the fee would have to either be a valid impact fee or tax. Berkeley has recently decided that the registration fee and maintenance/security fee (as determined by their nexus study) for their vacant commercial property registry is too low and not enough of an incentive for owners to register. Berkeley has chosen to classify their registry fee as a tax in order to implement a higher registration fee amount.

- 5) Security and Maintenance Standards – What security and maintenance standards should be included in the vacant property registry program? What properties should be required to file maintenance plans?

Most cities with vacant property registry programs, including the City of Oakland's Foreclosed and Investor-Owned Registry Program, have maintenance standards that are required in addition to the registration and payment of a fee. Generally the standards include the following requirements:

1. Property is free of junk and debris;
2. Property is free of graffiti or tagging;
3. Landscaped areas are maintained, are free of weeds and dead vegetation, and cannot include materials such as plastic sheeting, broken concrete, etc;
4. Windows and doors are secured; and/or,
5. Property management information is posted on site.

The maintenance standards for the expanded Registry Program can be based on those in the City's existing Foreclosure and Investor-Owned registration program. However, those standards are aimed at residential properties, and it will be important to consider additional or revised maintenance standards that are specific to vacant lots and vacant commercial storefronts, such as vegetation management for the former and façade treatments for the latter. Some cities allow windows and doors to be boarded up in order to secure buildings, while other cities like Philadelphia, charge owners \$300 a day for boarding windows and/or doors, since it negatively reinforces the properties' vacant image.

The City could consider requiring the owners of property with multiple code violations to submit a maintenance plan that outlines what the owner's plans are to either find occupants, sell, or redevelop the property. The registration fee could be waived if a plan is submitted, or as in Fresno, the fee could be based on how many plans are submitted (more plans leads to more inspection and administrative costs, and therefore higher fees).

The common components of a maintenance plan are as follows:

1. Expected period of vacancy;
2. Plan to make any building or lot ready for occupancy;
3. Reasonable time period for occupying, selling, leasing or redeveloping the property;
4. Plan for actively monitoring, maintaining, and securing the property;
5. Letter of written consent by property owners allowing Director to allow City code enforcement inspectors to enter the property for inspections consistent with enforcing the provisions of the article.

Similar to the City's current "Foreclosure and Investor Owned Registry", weekly inspections should be required, because blight, illegal dumping, and trespassing often occurs around vacant properties. Leaving the property unmonitored for more than one week could result in damaging blight, illegal dumping, and/or security concerns for an unnecessary length of time.

- 6) Time Frame – At what point should an owner of a vacant commercial lot and/or vacant lot be required to register their property?

The amount of time before an owner has to register for various vacant property registry programs in California ranges from 10 days to one year. The current Oakland Vacant/Occupied Foreclosed/Notice of Default Residential Registry requires the owner to register the property within 30 days upon discovering that it's vacant (60 days for 'Notice of Default' vacant properties). In order to remain consistent, the 30 days' time frame could be adopted for this registry as well.

Additionally, the registry time frame should provide enough time for the owner to seek out alternative remedies, such as requesting an exemption by working with the community to use the space. Thirty days could provide a reasonable amount of time, upon discovery of vacancy, for the owner to seek out alternative solutions.

- 7) Enforcement – What department should enforce the City's vacant property registry program?

Cities vary with what department they ultimately choose to enforce and manage their vacant property registry programs including: Code Enforcement, Building Services, City Attorney's Office, Planning Department, Police Department, Fire Department, and the Property Maintenance Division.

Other cities that focus on nuisance abatement (i.e. they define properties under the registry as vacant with blight) frequently choose Code Enforcement and/or the City Attorney's office to implement the program, because of their existing focus on nuisance abatement, and the prior experience both departments have with programs that deal with nuisance.

What is important is that the department or division that ultimately is chosen to enforce the program is able to manage the load of vacant properties and has sufficient staff resources to effectively implement the program to address the anticipated non-compliance.

In Oakland, Building Services is responsible for implementing the current Vacant/Occupied Foreclosed/Notice of Default Residential Registry program.

- 8) Initial Costs of Implementing the Registry Program – There are limited staff in Code Enforcement to implement the program and no initial funds to begin the new registry.

One of the main concerns with adopting a registry program is providing the up-front costs for additional staff to support the program. The additional City staff (which is already limited) would have to absorb the initial burden of the registry, unless additional upfront funding is provided.

Implementing an additional registry program without proper City staff support would create an ineffective and unsuccessful program. The fee would theoretically cover costs of the program, but may not be sufficient to pay for new staff depending on the fee amount and the number of properties covered by the program.

- 9) Consequences of Not Complying – What consequences should be included in the proposed registry to incentivize owners of vacant commercial property and vacant lots to comply with the registry program?

The most common result of not complying with a registry program, including the City of Oakland's current Registry for Foreclosed/NOD Residential Properties, are penalty fees and liens on the property. Some cities give authority for City personnel to maintain the property and subsequently charge the owner for the cost.

An additional tool cities may use to compel an owner of vacant properties who is not responsive is receivership. Receivership is used successfully in many cities and states across the country, including Baltimore, Cleveland, and New Jersey. When a property creates an imminent risk of harm to tenants and the surrounding community, a city or nonprofit housing organization can file a lawsuit and ask a judge to appoint a receiver to take over the property. The receiver then steps into the shoes of the owner. The receiver has a lien on the property for the receiver's expenses, but the receiver is responsible for providing the costs of rehabilitating the property. If the owner does not reimburse the receiver, the receiver can ask the court for permission to sell the property and is reimbursed out of the sales proceeds.

The City of Philadelphia has worked with its Law Department to ensure that blight cases flow through the legal process quickly ("Blight Court"). Furthermore, Pennsylvania State

law allows the City to ask the court to attach high dollar fines to owner's personal property (not just as liens).

Generally, a violation occurs in the following circumstances:

- (1) Failure to register;
- (2) Failure to follow maintenance standards; or,
- (3) Property constitutes a nuisance violation.

The consequences of not complying with the registry program must be strong enough to encourage owners to comply. However, piling on fees and liens on to a property may have the unintended consequence of making property less attractive or development leasing. The City's Foreclosure Registry Program is mostly focused on a limited number of banks as property owners, yet still requires significant City resources in attempting to recover registration fees and penalties. Including all vacant lots and commercial properties would significantly expand the number of properties and transactions.

Elements of a Successful Registry Ordinance

Based on a review of other registry programs and the City's own experience with its Foreclosed and Investor-Owned Registry, the following have been identified as elements of a successful registry program:

- The scope is narrowly focused, in order to come up with actions that will address specific issues related to type of vacant property (targeted solutions);
- Fees are sufficient to cover the costs of the registration program - high enough to incentivize landlords to rent, but not too high to discourage prospective landlords to buy property in Oakland;
- Penalties are complemented by incentive programs;
- Penalties must not create burdensome liens on property, making it less likely to be transferred to potential new owners who may want to use the property more productively;
- Exceptions and waivers must be clearly defined to avoid loopholes, but also incentivize non-traditional uses (like pop-up commercial storefronts);
- Minimum standards are established for maintenance of vacant space, and incentives are included to maintain those standards;
- Includes clearly defined consequences for failure of immediate response to comply, along with the registration/maintenance fee requirements;
- Includes an efficient system to minimize staff time and costs associated with implementing the program;
- Burden of proof should rest on property owners (for registration, maintenance, and proof of compliance);

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- Online database;
- Implementation initiated with a pilot program (perhaps a specific geographic area) to work out the details;
- Immediate response assessment of penalties and public nuisance declaration, if applicable;
- Proactive City Spot inspections; and,
- Comprehensive outreach, so property owners are aware of registry requirement.

Preliminary Schedule for Adoption of a Registry Program

Phase I – Stakeholder Identification (July – September 2015)

Identify relevant stakeholders who will provide feedback throughout the development of the program. Community stakeholders may include neighborhood business groups, commercial property owners, chambers of commerce, and commercial real estate brokers. Government stakeholders may include the Planning and Building Department (this includes Code Enforcement and Zoning Divisions), the City Attorney’s Office, the Economic Development Division, the Neighborhood Services Division, and the Police Department.

Phase II - Issues and Goals Identification (October – December 2015)

In collaboration with stakeholders, investigate reasons why commercial spaces remain vacant and/or become blighted, and desired outcome. For example, stand-alone vacant corner commercial storefronts in residential neighborhoods may not be leasable due to low market demand for commercial uses, and the desired outcome may be to convert the space into live-work spaces. While vacant commercial space within commercial corridors may be due to absentee landlords, and the desired outcome is to have an active commercial use. This phase will also provide an opportunity to refine the scope of the program.

Phase III - Action Identification (January – July 2016)

Based on the issues and goals identified, and in collaboration with stakeholders, determine what actions would be best-suited to resolving the issues with vacant commercial properties. Identify the mechanisms required to implement the actions. In the examples from Phase II, the action for the stand-alone vacant corner commercial storefront in a residential neighborhood may be to provide the property owner with information regarding how to convert the space to a different use. While the action appropriate for a vacant commercial space within the commercial corridors may be to pursue receivership. In addition, this phase could be used to identify incentives.

Phase IV – Program Adoption (July to October 2016)

Development of a proposal for Council review and adoption.

Phase V – Program Implementation (November 2016, and ongoing)

Once the main actions of the program are identified, this step would identify how the program would be rolled out, including necessary systems (such as databases and online registries), staff, fees, penalties, and outreach to property owners. The City may want to consider starting off with a pilot program in a specific geographic area.

PUBLIC OUTREACH/INTEREST

Community stakeholders may include neighborhood groups, business groups, commercial property owners, developers, chambers of commerce and commercial real estate brokers. It will be important to involve these stakeholders in the process to create the registry and during the implementation of a registry program.

Citizen Enforcement

Although Code Enforcement, the Planning Department, and the City Attorney's Office can undertake the role of enforcing the registry, the use of citizen volunteers can: (1) reduce case load, and (2) only target unresponsive violators. For example, in Atlanta, GA, neighborhood volunteers are trained by the city to issue warnings for various code enforcement violations. If the violations are not corrected, code enforcement begins the formal process.

Websites

Several cities provide websites that outline: (1) purpose of the registry, (2) registration requirements, (3) online registration, (4) important city contact information, and (5) the locations of registered properties. What is less common is GIS mapping, including an up-to-date registry of all the locations of the vacant properties. Additionally, a citizen complaint form would be a powerful tool.

COORDINATION

Development and management of a vacant property registration program will require careful coordination between various City departments, including the Planning and Building Department (this includes Code Enforcement and Zoning Divisions), the City Attorney's Office, the Economic Development Division, the Neighborhood Services Division and the Police Department.

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COST SUMMARY/IMPLICATIONS

The registration fees are intended to cover the costs of the vacant property registry program - including staffing, inspections and database management. Any enforcement costs would be passed on to the property owner. Additional elements of a program to *incentivize* use of these properties, such as a façade improvement program, could also be funded by *penalty* funds (they could not be paid for by registration fees). Since the revenues from the registry would be based upon the number of vacant storefronts and lots (numbers that fluctuate depending upon changing housing and economic market conditions), the overall program budget would be dependent upon ongoing available program revenues.

For comparison, the approved annual operating budget for FY 2014-15 of the City's Foreclosed Properties and Investor Owned Properties program is \$910,000. The existing City staffing for both the Foreclosed Properties and Investor Owned Properties programs includes:

- 0.25 FTE Program Manager
- 1.0 FTE Program Analyst I
- 1.0 FTE Program Analyst III
- 1.0 FTE Code Enforcement Inspector Supervisor
- 1.0 FTE Code Enforcement Inspector
- 0.5 FTE Public Service Representative

Since inception, Oakland's Foreclosed Properties and Investor Owned Properties program has generated sufficient revenue to both cover the costs of program operations, as well as fund foreclosure prevention programs, because the City has been quite successful in collecting fines and liens against properties. This is due in part to the foreclosed properties being owned by a relatively small number of banks, reducing the points of contact the City has to deal with and providing a publicly accountable entity. However, it's likely that a vacant commercial property registration program would not be as successful at recovering fees and penalties, because of the challenges the City currently experiences in dealing with code enforcement cases with thousands of individual property owners.

SUSTAINABLE OPPORTUNITIES

Economic: A proposed Registry is intended to help mitigate blighted abandoned properties to prevent deterioration of property values, support future development and assist the economic growth and revitalization of the City.

Environmental: A proposed Registry is intended to reduce blight, including accumulation of garbage, dispersal of pollutants and target-organ toxins, and uncontrolled growth of vector populations.


Social Equity: A proposed Registry is intended to help preserve quality of life in neighborhoods, and encourage the infusion and recurrence of diverse multi-cultural residents.

CEQA

In accordance with CEQA Guidelines Section 15301 (existing facilities) and 15061(b)(3) (no significant effect on the environment), a proposed Registry would be considered categorically exempt.

For questions regarding this report, please contact CHRISTINA FERRACANE, PLANNER II, at (510) 238-3903.

Respectfully submitted,



RACHEL FLYNN
Director, Planning and Building Department

Reviewed by:
Darin Ranelletti, Deputy Director, Bureau of Planning
Ed Manasse, Strategic Planning Division Manager

Prepared by:
Christina Ferracane, Planner II
Bureau of Planning

Attachments

Attachment A – Resolution No. 85025 C.M.S.

Attachment B – Survey of Registry Programs in Other Jurisdictions

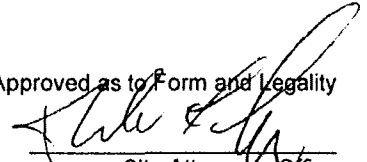
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OFFICE OF THE CITY CLERK
OAKLAND

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Attachment A

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 85025 C.M.S.

INTRODUCED BY COUNCILMEMBERS REBECCA KAPLAN AND DAN KALB

A RESOLUTION ESTABLISHING COUNCIL POLICY TO CREATE A REGISTRY FOR VACANT GROUND FLOOR COMMERCIAL PROPERTIES AND FOR VACANT LOTS, AND DIRECTING STAFF TO RETURN TO COUNCIL WITH AN IMPLEMENTATION SYSTEM TO ACCOMPLISH THIS GOAL

WHEREAS, vacant ground floor commercial properties and lots that are vacant for lengthy periods create blight in the City's commercial corridors, attracting illegal activity such as vandalism and dumping, discouraging new businesses from moving to these commercial corridors, deterring customers to existing surrounding businesses, and depressing the economic vitality of the area, as well as decreasing potential business tax revenue for the City and draining City resources to address blight and related conditions; and

WHEREAS, property owners of vacant ground floor commercial properties and lots in some cases let properties remain vacant until the market goes up, are not willing to lower the rent in order to fill the vacancy, or do not otherwise make reasonable efforts to productively use their property and be good neighbors in the community; and

WHEREAS, a ground floor vacant commercial property registration program can help to track various types of vacant properties, providing a data resource for the benefit of property owners, City agencies, and the public, and contribute to incentivizing the leasing or sale of properties and their productive use; now therefore, be it

RESOLVED: That the Oakland City Council directs the Administration to return to Council within 120 days with draft legislation and an implementation plan to create and administer a registry for vacant ground floor commercial storefronts and vacant lots; and be it

FURTHER RESOLVED: That staff shall consider including the following components in the requested legislation: (1) creation of a requirement that ground floor units of commercial properties and lots which are vacant for more than six (6) months in any twelve (12) month period shall be required to register and pay an annual fee that finances the registration program; (2) a definitions section, including a definition of

"vacant" and "ground floor;" (3) clear standards for what properties qualify for registration, including possible registration exemptions, and criteria and procedures for determining hardship waivers for the registration fee; (4) registration procedures, including an online system and mandatory disclosure of registrant information, including, if possible, identification of a "marketing agent" for each registered property; (5) an online registration database and mapping system that can help owners, buyers, and those seeking to lease properties; (6) a proposed fee structure, including, if possible, variation based on property size or other factors contributing to variable City implementation costs; (7) online payment of the annual fee; (8) a sign posting requirement for the registered property that indicates that the property is registered as vacant and provides, if possible, contact information; (9) a failure-to-register complaint intake system and penalties that apply for failure to register or comply with the ordinance; and (10) a possible private enforcement option that gives residents or Oakland-based Business Improvement Districts, after proper notice to the violator and City, a waiting period and continued inaction, the authorization to file suit to enforce the ordinance and collect legal costs; and be it

FURTHER RESOLVED: That the report accompanying the staff proposals shall include (1) recommendations regarding an annual registration fee and issues related to the establishment of a fee, (2) suggested options for the provision of or resource referral for leasing or sale incentives or assistance to owners whose properties are in distress, (3) an implementation plan, including modification of the annual business tax mailing to provide notice of the new requirement, and (4), if any components listed in the first "Further Resolved" clause were not included in the legislation, an explanation for why the component could not or should not be included in the legislation.

IN COUNCIL, OAKLAND, CALIFORNIA, = JUN 8 2014

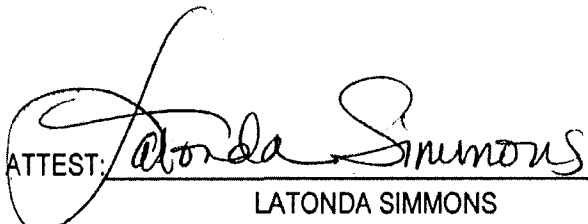
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND
PRESIDENT KERNIGHAN - 0

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS

City Clerk and Clerk of the Council of the
City of Oakland, California

Survey of Vacant Lot and/or Vacant Commercial Property Registry Ordinances

Jurisdictions across the county have enacted registries in order to keep track of the vacant properties in their neighborhoods. The following is a summary of ordinances in 12 different jurisdictions in California and 8 jurisdictions in other states that focus on commercial properties and/or vacant lots, in particular. Include Citizen Enforcement Examples (at end)?

California

City	Overseeing Department	Ordinance Title	City Code	Ordinance Description	Fee	Time Frame
1. Alameda	Code Enforcement (also handles appeals)	Boarded Building and Vacant Parcel Monitoring Fee	Ord. No. 2706	<p><u>Definitions</u> <i>Boarded Buildings</i> shall mean a building whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the building by persons or animals. <i>Vacant parcel</i> shall mean a parcel of real property upon which there is an improvement of any type on any part or portion of said parcel and the parcel is unoccupied or unused by either the owner or any person with the owner's consent.</p> <p><u>Fee</u> Reasonable cost of monitoring the boarded building, residential, or non-residential, or vacant parcel (set by resolution by city council). The fee is applied to any boarded building, residential, or non-residential, or vacant parcel that is boarded up by voluntary action or as a result of enforcement activities by the city or is vacant for more than 90 days for any reason, unless they plan to return.</p> <p><u>Fee Waiver/Exemptions</u> (1) Owner is diligently preparing premises for occupancy. (2) Building meets all applicable codes and is actively being offered for sale, lease, or rent. (3) Imposition of fee would impose a substantial economic hardship (4) Owners or occupants absent for over 90 days but intend to return</p> <p><u>Nonpayment</u> (1) same penalties and procedure as delinquent property taxes; (2) lien on real property Note: <i>Focuses on improved property; does not address unimproved property</i></p>	\$632; annually Administrative Assessment of \$1000 (min) also required.	90 days
2. Baldwin Park	Code Enforcement/Planning Manager	Vacant & Abandoned Property Registration	Ord. No. 1367 § 150.250 (04/15/09)	<p><u>Definitions</u> Jan. 2015 City expanded definition to include all vacant properties, not just foreclosed/notice of default properties.</p> <p><u>Maintenance Requirements (not exclusive)</u> (1) Free of junk & debris (2) Free of graffiti, tagging (3) Front & side yards visible from public right-of-ways or neighboring private land landscaped and maintained in accordance with city requirements. (4) Permitted landscaping (not limited to): grass, ground covers, bushes, shrubs, hedges, or similar plantings, decorative rock or bark, or artificial turf/sod designed specifically for residential installation. (5) Does NOT include: weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, indoor-outdoor carpet or similar material.</p> <p><u>Posting</u> The property shall be posted with the name and 24-hour contact phone number of a local property manager. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and state: "THIS PROPERTY MANAGED BY," "TO REPORT PROBLEMS OR CONCERNS CALL," "IF NO RESPONSE WITHIN 48 HOURS, CONTACT CODE ENFORCEMENT AT:" Note: Recently amended (1/15)</p>	\$470	10 days after inspect

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3. East Palo Alto	Community Development Department (Building Services & Planning Division)	Requirements for Maintenance of Distressed Vacant Properties	Ord. No. 329 (05/04/2010)	<p><u>Definitions</u> <i>Vacant</i> means a building and/or structure that is not legally occupied. <u>Vacant property as public nuisance</u> A property is a public nuisance when the property is vacant and the city has w/in 12 months issued a notice to correct a condition that violates a provision of the East Palo Alto Municipal Code or other law, has taken abatement action pursuant to section 8.08.030, or has taken enforcement action for a violation of a provision of the East Palo Alto Municipal Code by means of criminal prosecution or civil abatement (see ordinance for notification requirements) <u>Submission of Vacant Property Plan</u></p> <ul style="list-style-type: none"> - Name, address, contact info - Copy of notice to neighbors of contact info of person responsible for maintenance of property - Plan for actively monitoring, maintaining and securing the property <p><u>Maintenance</u></p> <ul style="list-style-type: none"> - Free of weeds, dry brush, dead vegetation, trash, junk, and debris, building materials, any accumulation of newspapers, circulars, flyers, notices, and discarded personal items. - Free of graffiti - Maintained landscaping - Free of obvious peeling paint, dilapidated stairs, handrails, or structures - Pools drained and secured - Secured so not accessible to unauthorized persons and not an attractive nuisance <p><u>Enforcement</u> Failure to comply w/ plan is misdemeanor violation punishable by a fine not less than \$500-\$1000 or imprisonment of not more than 6 months. (City may also seek enforcement through any administrative, civil, or criminal remedy available to it). The chief building official or designee has the authority to require the responsible party to implement additional maintenance and/or security measures including but not limited to securing any/all doors, windows, or other openings, installing additional security lighting, increasing on-site inspection frequency, employing property manager and/or security guard, or other measures to arrest decline of property. <u>Right of Appeal (w/in 10 days)</u></p>	\$300 (renewal \$250)	10 days
4. Fairfield	Code Enforcement	Neglected Vacant and Foreclosure Properties	Ch. 27 § 27.1107	<p><u>Definition</u> Vacant building means any building that is not legally occupied unless: (1) building actively being repaired (2) building meets all codes, does not contribute to blight, is ready for occupancy, and actively being offered for sale, lease, or rent, and being maintained. <u>Public Nuisance</u> Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows. <u>Required Boarding</u> Must be boarded when the building no longer is secured against intrusion by the closing and locking of doors and windows. <u>Maintenance Standards</u></p> <ul style="list-style-type: none"> - No fire risk - Secures unauthorized entry (refer to ordinance for specific requirements re: window and door openings) - All locks must be locked - Debris removal - Minimize appearance of vacancy (no graffiti, painted, landscaping maintained) <p><u>Monitoring Program</u> w/in 10 days of building becoming vacant owner must provide:</p>	\$185	10 days

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				<ul style="list-style-type: none"> - Address - Address/number of owner - Agent - Date building became vacant - Assessor's parcel # <p><u>Appeals</u> w/in 10 days (see ordinance for more details)</p> <p><u>Violations</u></p> <ul style="list-style-type: none"> - First infraction = fine not exceeding \$100 - Second & other infractions w/in one year is misdemeanor, punishable by a fine not to exceed \$1,000 per violation. - Public safety officer may issue an administrative citation for violation - Owners may be liable for City's reasonable costs of inspection, enforcement, and abatement. 		
5. Fresno	Code Enforcement City Attorney	Blighted Buildings; Vacant Building Plan	Article 6 Sec. 10-617	<p><u>Vacant Building Plan</u> <i>(must be approved by Director)</i></p> <ol style="list-style-type: none"> 1. Name & address of property owner 2. Name & address of local agent 3. Expected period of vacancy 4. Plan to make any building ready for occupancy 5. Plan to either occupy, sell, lease, or demolish the building w/in 180 days or reasonable time 6. Plan for actively monitoring, maintaining, and securing property 7. Letter of written consent by property owners allowing Director to allow City code enforcement inspectors to enter the property for inspections consistent to enforce the provisions of the article. <p><i>(Plan must be recorded)</i> <i>(valid for no more than 180 days)</i></p> <p><u>Non-Compliance</u></p> <ul style="list-style-type: none"> • Use of any abatement procedure • Issuance of criminal citation • Issuance of an administrative citation • Institution of legal action by City Attorney upon request of Director <p><u>Administrative Penalty for Non-Compliance</u> Failure to pay fee or submit plan the City may issue subsequent administrative citations for each 30 day period the property owners are in violation.</p> <ul style="list-style-type: none"> • Up to \$1,000 for first citation • Up to \$3,000 for second citation • Up to \$7,500 for the third & subsequent citations <p><i>(Amount of administrative citations can double for Property Owners who have two or more properties with vacant buildings that are in violation)</i></p> <p><u>Service</u> Service of an Order to submit a vacant building plan, notice of rejection, or approval shall be made on the property owner by personal service or first class mail. Note: The city has two ordinances. The Vacant Foreclosed Property Ordinance is not being enforced due to the volume of registrations of occupied properties. The Vacant Building Ordinance is in effect and enforced daily.</p>	1 st plan = \$0 2 nd plan = \$500 3 rd plan = \$800 4 th & later = \$1,000	
6. Galt		Vacant Building Monitoring Fee & Securing of Vacant Buildings	8.21.010 (06/03/2008)	<p><u>Definitions</u> <i>Vacant Building</i> – building which is without a legal resident or occupant or which is not being put to a lawful commercial or industrial use. <i>Blight</i> – Condition of decay, deterioration, disrepair, neglect, or inadequate maintenance, including</p>	To be identified by city	90 days

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				<p>but not limited to, conditions constituting a public nuisance, contributing to diminution of property values of surrounding properties, undermining the economic vitality, or creating health and safety dangers.</p> <p><i>Boarded Building</i> – building with any of the doors or windows of which have been covered with plywood or other material.</p> <p><u>Fee Waiver</u></p> <ul style="list-style-type: none"> • Owner has obtained a building permit and is progressing diligently to repair the premises for occupancy • Building meets all applicable codes and is actively being offered for sale, lease, or rent (Owner has 30 days after billing mailed to the owner to submit fee waiver) <p><u>Collection</u> If fee is not paid w/in 60 days after billing or decision, the fee may be collected through a lien.</p> <p><u>Securing Requirements</u> The city manager or designee may impose security requirements to secure the property they deem necessary to protect the public health, safety, and welfare.</p> <p><u>Cumulative</u> Penalties, procedures, and remedies are cumulative to each other and to any others available under state law or other city ordinances.</p>		
7. Kern County	Director of engineering, surveying, and permit services department are directed and empowered to investigate and enforce the provisions of this chapter. They are authorized to inspect any property where a violation of this chapter is alleged to exist.	Abandoned Property	Ch. 8.45	<p><u>Definition</u> <i>Abandoned</i>: any property that is vacant/abandoned for a period of 30 consecutive days and not being offered for sale, rent, or lease by the owner/responsible party/ OR Current owner of record has provided notice to the beneficiary that they no longer have an interest in the property and/or will no longer make payments OR meet at least one of the following conditions:</p> <ul style="list-style-type: none"> - Open and secure - Damaged by fire, flood, weather, or vandalism - Occupied by squatters or persons who do not have a legal right to reside on the property - Is under notice and order for being in violation of county ordinances - Has been secured or boarded up for at least 30 days - Has utilities disconnected or not in use - Is under a condemnation notice or legal right to vacate - Is structurally unsound - Is potentially hazard or danger to persons or properties <p><u>Exemptions</u> Property is being advertised for sale, rent or lease with contact information and a current phone number and/or an active listing in an electronic database accessible to the public. [Continued inspection by property owner also required]</p> <p><u>Maintenance Requirements</u></p> <ul style="list-style-type: none"> • Exterior of property (in comparison to neighborhood standards) kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law) discarded personal items. • Free of graffiti, tagging, or similar markings by removal of painting over with paint that matches structure. • Maintain existing landscaping. • Pools and spas shall be maintained free of water and debris • Adherence to this section does not relieve the owner of any obligations set forth <p><u>Security Requirements</u> Maintain property so as not to be accessible to unauthorized persons:</p> <ul style="list-style-type: none"> • Closing and locking of windows, doors, gates, and any other openings of such size that 	\$152 (12/17/13)	30 days

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				<p>may allow access to enclosed areas of the property or building or structures.</p> <p>MONTHLY INSPECTIONS REQUIRED</p> <p><u>Notice Requirement</u> The posting must include a name and 24-hour contact phone number.</p> <p><u>Enforcement/Violations/Penalties</u></p> <ul style="list-style-type: none"> • Misdemeanor (up to 6 months in jail and/or \$1,000 fine) • Administrative penalties (violation = public nuisance) • Abatement proceeding • Recovery of costs (cost accounting required) <p>*Severability clause</p> <p>NOTE: Residential properties only</p>		
8.Oroville		Vacant Building Registration Ordinance	Ch. 14 Art. III Sec. 12-24	<p><u>Registration Program</u> There is a fee imposed upon every owner of a vacant building an annual vacant building-monitoring fee in an amount to be set by resolution of the city council. The fee shall not exceed the estimated reasonable cost of monitoring the vacant building. The fee shall be payable to any building (residential or non-residential): (A) boarded up by voluntary action of the owner or as the result of enforcement activities by the city OR (B) is vacant for 90 days for any reason.</p> <p><u>Fee Waiver</u> (1) Owner has obtained a building permit and is progressing diligently to repair the premises for occupancy. (2) Building meets all applicable codes and is actively being offered for sale, lease, or rent. (3) Imposition of the fee would impose a substantial economic hardship on the owner or would hinder rehabilitation of the building.</p> <p><u>Non-compliance</u> Same as delinquent real property taxes; or notice of lien to be recorded.</p>	\$350.86	90 days
9.Pasadena	Administrator of neighborhood services	Vacant Building & Vacant Lot Maintenance and Registration Ordinance	Ch. 14.70	<p><u>Purpose</u> To abate nuisances, and implement vacant building/lot maintenance plan aimed at minimizing the period of time a building is in a blighted condition and to hasten abatement of nuisances on vacant lots.</p> <p><u>Violation</u> Unlawful and a misdemeanor for an owner to do any of the following:</p> <ul style="list-style-type: none"> - Maintain any vacant lot or building in a blighted condition - Fail to register a vacant lot or building w/ neighborhood services after receiving two notices of violation in 12 months. - Fail to submit property maintenance plan w/in 10 days after receiving 2nd notice of violation w/in a 12-month period. - Fail to comply w/ an approved vacant building or lot plan or approved modification. - Permit exterior of building to be in a state of partial construction beyond expiration date of building permit - Partially demolish building - Permit 50% of a vacant building's painted surface or stucco be in a state of peeling, cracking, or deterioration after notification by the city. <p><u>Special Assessment</u> Property fails to pay abatement costs w/in 30 days of receipt of the city invoice the city must keep an itemized report of the expenses involved in abating the nuisance (i.e. work performed, cost of the work). City must send expenses of abatement to owner. If the owner does not pay the expenses of abating nuisance w/in 5 days after the time set for reviewing and confirming the statement before the</p>	\$356	30 days

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				commission, the cost shall become a special assessment against the real property upon which the nuisance was abated. Note: Includes vacant lots		
10.Richmond	Code Enforcement	Maintenance and Monitoring of Vacant Dwellings or Buildings		<p><u>Violations Specified</u></p> <ul style="list-style-type: none"> - Public nuisance: vacant properties have broken windows/doors, not secured, violation code. - Vacant for more than 30 days = public nuisance, unless exceptions apply <p><u>Exceptions</u></p> <ul style="list-style-type: none"> - Building is subject of an active building permit for repair, rehabilitation, or demolition and the owner is progressing diligently to complete the repair, rehabilitation or demolition. - Building meets all codes, is actively being offered for sale, rent, or lease, or is actively monitored. <p><u>Standards for Secured building</u></p> <ul style="list-style-type: none"> - Windows boarded (specifications in ordinance) - Utility service shut down - Interior of building clear of trash, junk, garbage, and solid wastes. <p>Maintenance requirements Registration requirements Abatement/assessment of costs of City</p>		10 days; 30 days after assuming title
11.Torrance		Vacant Building & Lot Maintenance and Registration		<p><u>Violations</u></p> <p>It is unlawful and a misdemeanor for an owner to do any of the following:</p> <ul style="list-style-type: none"> - Maintain any vacant lot or building in a blighted condition in violation of the property maintenance and nuisance abatement ordinance and this section; - Fail to register a vacant lot or building with the environmental division after receiving two notices of violation in a twelve (12) month period; - Fail to submit a property maintenance plan within ten (10) days after receiving a second notice of violation within a twelve (12) month period; - Fail to comply with an approved vacant building or lot plan or approved modification thereto; - Permit the exterior of a building to be in a state of partial construction beyond the expiration date in a building permit; - Partially demolish a building; and - Permit fifty (50) percent of a vacant building's painted surface or stucco to be in a state of peeling, cracking or deterioration after notification by the City. <p><u>Appeals</u></p> <p>The owner shall have the right to file an appeal of the notice of violation and public nuisance and costs assessed by the City in abating the nuisance. Appeal shall be filed with the Torrance Environmental Quality Commission within ten (10) days of receipt of the notice or confirmed costs. The decision of the commission regarding costs shall be final. The property owner shall be notified that judicial review of the commission decision is available under the provisions of the California Code of Civil Procedure.</p>	30 days after 2 nd violation	
12. Waterford		*Under public nuisance code / Vacant Buildings	Ch. 15.42	<p><u>Definitions</u></p> <p>For the purposes of this chapter, the term "vacant building" means an unoccupied or an illegally occupied structure or an occupied structure without adequate facilities/utilities. (Ord. 05-02 §1).</p> <p><u>Time Period Maintenance</u></p> <p>No responsible party shall allow a building to stand vacant for more than sixty days, unless one of the following applies:</p> <ul style="list-style-type: none"> The building is the subject of an active building permit and the owner is progressing diligently to repair the premises for occupancy; The building meets all applicable codes in existence at either the time of its construction or at the time of its alteration or modification and is actively being offered for sale, lease, or rent; The building is being maintained in a safe and orderly manner and does not contribute to blight 	\$160	60 days

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				<p>conditions; Maintenance in a safe and orderly manner shall include: (1) Maintenance of any landscaping and plant materials in good condition; (2) Maintenance of the exterior of the building, including, but not limited to, paint and finishes, in good condition; (3) Regular removal of all exterior trash, debris and graffiti; and (4) Maintenance of the building in continuing compliance with all applicable codes and regulations. (Ord. 05-02 §1).</p> <p><u>Fee Waiver</u> The vacant building monitoring fee may be waived by the building official upon a showing by the owner that: (1) The owner has obtained a building permit and is progressing diligently to repair the premises for occupancy; or (2) The building meets all applicable codes and is actively being offered for sale, lease or rent; or (3) Imposition of the fee would impose a substantial economic hardship on the owner or would hinder the rehabilitation of the building.</p> <p><u>Non-Compliance</u> If the fee is not paid within sixty days after billing, or within sixty days after the decision of the building official or after the decision upon appeal by the owner becomes final, the fee may be specially assessed against the property involved and made a personal obligation of the owner. If the fee is to be specially assessed against the property, the board shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.</p>		

Jurisdictions in Other States

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Washington, D.C.	Department of Consumer & Regulatory Affairs: Enforcement & Compliance	Registration of Vacant Buildings	Title 42, Subch. II	<p><u>Definitions</u> <i>Vacant Building</i>: real property improved by a building, which, on or after April 27, 2001, has not been occupied continuously; in the case of residential buildings if Mayor determines that there is no resident with intent to return. Mayor shall consider the following:</p> <ul style="list-style-type: none"> • Electrical, gas, or water not running/low • Accumulated mail • Neighbor complaint • No window covering • No furniture observable • Open accessibility • Deferred maintenance • Dwelling is boarded up <p><i>Blighted Vacant Building</i>: a vacant building that is determined by the Mayor to be unsafe, insanitary, or which is otherwise determined to threaten the health, safety, or general welfare of the community.</p> <p>Considerations:</p> <ul style="list-style-type: none"> • Failure to comply w/ the following vacant building maintenance standards. • Doors, windows, areways, and other openings are weather tight and secured against entry. • Exterior walls are free of holes, break, graffiti, and loose or rotting materials. • All balconies, porches, marquees, signs, metal awnings, stairways, accessory and appurtenant structures, and similar features are protected from elements. <p>Exceptions</p> <ul style="list-style-type: none"> • Under active construction or undergoing active rehabilitation, renovation, repair, and there is a building permit to make the building fit for occupancy that was issued, renewed, or extended w/in 12 months of required registration date. • In compliance w/ housing regulations of District of Columbia and has been actively seeking in good faith to rent or sell it (ordinance limits time limit). • Undue economic hardship <p><u>Inspection/Maintenance Requirements:</u> Vacancy of the building will not:</p> <ul style="list-style-type: none"> • Be detrimental to public health, safety, and welfare • Unreasonably interfere w/ the reasonable and lawful use and enjoyment of the other premises w/in the neighborhood • Pose a hazard to police officers or firefighters entering the building in an emergency. • Building complies w/ the fire, building, and housing codes of the District of Columbia. • Continuance of maintenance work or condition of occupancy is not dangerous to life or property. • No false statements or misrepresentations have been made. • Orders on building have been complied w/ • Adequate water supply or facilities for fire fighting purposes is furnished required in the fire code. • Mayor permitted to inspect building. <p>(Also, notice & appeals requirements; non-compliance violations)</p>	\$250	30 days
Arden, DE		Annual Register of Vacant Dwellings and Registration Fees	Ord. #15/01-2015	<p><u>Definitions</u> <i>Occupied</i>: any dwelling shall be deemed if: (1) one or more persons actually reside in all or any part of the primary dwelling or conduct a lawful business as the licensed business-occupant. (Evidence of occupancy: postal service, valid business license, federal or state income tax statements). <i>Vacant</i>: no person or persons actually resides in or conducts a lawfully licensed business, in any part of</p>	Less than 1 year: No fee 1-less than	(see fee section)

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				<p>the building as the legal or equitable leaseholder, or tenant occupants, or leaseholder occupants, or tenants...</p> <p>Appeal Rights (w/in 30 days)</p> <p><u>One time waiver of registration fee</u></p> <ul style="list-style-type: none"> • Process of demolition, rehabilitation, or other substantial repair of vacant dwelling • Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of vacant dwelling. • Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period. • Has paid all past due vacant registration fees and all other debts associated with the Village. <p>Non-compliance/Lien</p> <ul style="list-style-type: none"> • Lien on property • \$100 fine 	<p>2 years: \$500</p> <p>2 – less than 3 years: \$1,000</p> <p>3- less than 5 years: \$2,000</p> <p>5-less than 10 years: \$3,500</p> <p>> 10 years = \$5,000 (+ \$500 for each year in excess of 10 years)</p>	
Dover, DE			Ch. 22, Art XII/ (2006)	<p><u>Definitions</u></p> <p>Vacant Building: building, structure, or dwelling that has been unoccupied for more than three consecutive months; or a commercial tenant space greater than 10,000 square feet in an otherwise occupied building, that has been left unoccupied for more than 3 consecutive months.</p> <p><u>Violations/Penalties (failure to pay or register)</u></p> <ul style="list-style-type: none"> • Lien (amount of owed fees) • Parcel’s tax bill • Paid prior to transfer • Prior to building permit issuance <p><u>Exemptions</u></p> <ul style="list-style-type: none"> • Building has fire damage; owner has 90 days to file for a permit to start construction or demolition. <p><i>Registered but exempt from fee:</i></p> <ul style="list-style-type: none"> • Building being offered for sale or lease by a licensed real estate agent or broker for max of 5 years. (After- fourth year fee due) • Owner has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy. • Property is in probate. • Property is undergoing environmental cleanup or assessment. <p>(Vacant building not allowed to file for an exemption if the city has notified owner that building is vacant)</p>	<p>Resident & <10,000 SF</p> <p>1 year or less = \$250</p> <p>1 year but less than 2 years = \$500</p> <p>2 years but less than 5 years = \$1,000</p> <p>5 years or longer = \$2,000</p> <p>Non-residential ≥10,000 SF</p> <p>Vacant less than one year = \$500</p> <p>1 year but less than 2 years = \$1,000</p>	30 days

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					2 years but less than 5 years = \$2,000 5 years or longer = 4,000	
Elsmere, DE				<p><u>Definitions</u> <i>Vacant:</i> A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants or tenant(s) on a permanent, non-transient basis.</p>	No fee for less than a year 1 year but less than 2 = \$500 2 years but less than 3 years = \$1,000 3 years but less than 5 = \$2,000 5 years but less than 10 = \$3500 At least 5 years = \$5,000 (500 for each additional year in excess of 10 years)	45 days
Georgia - Statewide	Local municipalities	Vacant and Foreclosed Registries	O.C.G.A. § 44-14-14	<p>A county or municipal corporation must follow guidelines in state law in order to establish by ordinance or resolution the requirement of registration of vacant or foreclosed real property (exception: repeated ordinance violations that remain uncorrected for at least 90 days).</p> <p><u>Definitions:</u> <i>Vacant property:</i> (1) has not been lawfully inhabited for at least 60 days and has no evidence of utility usage w/in the past 60 days or (2) partially constructed or incomplete, w/out a valid building permit (does not include a building or structure containing multiple units w/ common ownership that has at least one unit occupied w/ evidence of utility usage).</p> <p><u>Registration Requirements</u></p> <ol style="list-style-type: none"> 1. Real property owner's name, street address, mailing address, phone number, facsimile number, and email address. 2. The agent's name, street address, mailing address, phone number, facsimile number and email address. 3. Real property's street address and tax parcel number. 4. Transfer date of the instrument conveying real property to the owner. 5. Deed book and page numbers, of the instrument conveying real property to the owner. <p><u>Penalties</u> May require penalties for failure to register or failure to update info if they do not exceed \$1,000.</p>	No more than \$100	Less than 90 days (after 90 days city does not have to follow state law)

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				Exemptions are not defined by state law; city has authority to create exemptions. *NOTE: Georgia has enacted state-wide legislation that sets the precedent for vacant commercial property registries throughout the state. State wide legislation, in Georgia's case takes away freedom of local municipalities, should avoid similar state wide legislation.		
Albany, NY	Department of Fire, Emergency, and Building Services	Vacant Building Registry	§ 133-78.1	<u>Registration Forms Include:</u> <ol style="list-style-type: none"> 1. Description of the premises 2. Name, address, copy of driver's license, social security number, & telephone numbers of owner/owners. 3. Names & addresses of lienholders and other parties with ownership interest in the building. 4. Telephone number of responsible party 5. Building plan (see ordinance) 6. \$10,000 cash bond for insurance for (reimburse city for any expenses in inspecting or securing such building when building is not in compliance). 	1 st year - \$250 2 nd year - \$500 3 rd year - \$1,000 4 th - \$1,500 5 th - \$2,000	30 days
Philadelphia, PA	Department of Licenses & Inspections	Property Maintenance Code	Section PM-102.4	<u>Registration Requirements</u> The owner of every vacant lot, vacant building, or vacant wharf, pier, or dock is required to pay an annual fee. The owner of the vacant commercial property must post a bond or other security form in an amount determined by the Department to be necessary to secure the City's potential cost of correcting Code violations or abating unsafe or imminently dangerous conditions. If the City does incur costs, the City may recover costs from the posted bond or security. Failure to post bond shall result in suspension or denial of any license the owner has or will be issued. No license will be suspended until the owner has been provided written notice and an opportunity for a hearing. <u>Exemptions</u> A person who takes ownership of a property pursuant to an Abatement Agreement under the Emergency Nuisance Abatement Program (Section PM-309.0) shall be exempt from the forgoing license and bond requirements for a period of two years after taking ownership of property. <u>License Applications</u> <ul style="list-style-type: none"> • Address • Owner • Signatures of owner • Condition of license • Term • Transfer <u>Non-compliance</u> <ul style="list-style-type: none"> • Denied right to recover possession of the premises or collect the rent during or for the period of non-compliance. • Suspension/Revocation of license(s) • Code violation notice PM-306.2 Responsibility: The owner of any vacant building shall keep the interior and exterior of the premises free of garbage and rubbish. The owner of any vacant building shall keep all doors, windows and openings from the roof or other areas in good repair. Where such doors or windows or entrance to openings are readily accessible to trespassers, they shall be kept securely locked, fastened or otherwise secured. The owner shall take any other measures prescribed by the Department to prevent unauthorized entry to the premises by closing all openings with materials approved by the Department. A vacant building, which is not secured against entry shall be deemed unsafe within the meaning of Section PM-307.0. The owner of a vacant building that is a blighting influence, as defined in this subcode, shall secure all spaces designed as windows with windows that have frames and glazing and all entryways with doors. Sealing such a property with boards or masonry or other materials that are not windows with frames and glazing or entry doors shall not constitute good repair or being locked, fastened or otherwise	\$150 + \$50 inspection fee	30 days

City	Overseeing Department	Ordinance Title	City Code	Ordinance Description	Fee	Time Frame
				<p>secured pursuant to this subsection. Also, notice, service, compliance sections (see ordinance) PM-306.5 Penalties: If the owner does not comply with the notice or fails to correct the conditions specified in the Department’s notice within the required period of time, the owner shall be subject to penalties set forth in the administrative code, provided that it shall be a separate offense, for which a separate fine may be imposed, for the owner to fail to secure or seal each separate door, window or other entrance or opening enumerated in the written notice required by PM-306.3. As provided in A-601.2, each day that each such separate offense continues after issuance of a notice or order shall also be deemed a separate offense for which a separate fine may be imposed. PM-306.6 Abatement: If the owner does not comply with the order of the Department to correct the conditions prohibited by this section, the Department is authorized to correct the conditions or demolish the building with its own forces or by contract and charge the costs thereof to the owner, and with the approval of the Law Department, collect the costs, including administrative costs, by lien, or otherwise.</p> <p><u>Summary of Philly Initiatives</u> Finding the Right Owners: In the past, the City faced difficulties in holding private property owners responsible for the conditions of their blighted or vacant properties. In its current initiative, the Department is using a dedicated team of researchers (and software used by IRS) to cross-reference several databases to find good names and addresses for the owners of vacant properties. Utilizing New Enforcement Measures: The Department now enforces the “doors and windows” ordinance passed by Philadelphia City Council that allows the Department to ask the court to fine owners \$300 per day per opening that is not covered with a functional door or window. In addition, State Act 90 allows the department to ask the court to attach these potentially high dollar fines to owner’s personal property. Dedicating Court Time: In the past enforcement, efforts had run into difficulties getting cases into the court system. In its current initiative, the Department has worked alongside with the City of Philadelphia Law Department and Judge Bradley Moss to dedicate court dates exclusively to address vacant cases. This ensures that these cases flow through the legal process quickly. (“Blight Court”)</p> <p>Through efforts so far, the Department will collect over \$1,000,000 in license and permit fees, fines, and unpaid taxes.</p>		
Richmond, VA	City of Richmond Property Maintenance Division			<p><u>Registration Program</u> A building must be registered with the Commissioner of Buildings when it has been continuously vacant for over 12 months and meets the definition of “derelict” as found in the Code of Virginia §15.2-907.1. Registration requires the completion of the <u>registry form</u> and submission of the \$100.00 annual fee. Failure to register shall result in a two hundred dollar (\$200.00) civil penalty or in a two hundred fifty dollar (\$250.00) civil penalty if the property is located in a conservation or redevelopment area or in a designated blighted area. Upon re-occupancy, the owner shall notify the department of planning and development review in writing.</p> <p>A vacant building may contain more than one dwelling or unit. For example, if you have a quadplex under one roof and three units are unoccupied; this is not a vacant building. A building is not deemed vacant until it is completely unoccupied. The same principal applies to commercial structures.</p> <p><u>Definition of “Blighted”</u> Authority to require removal, repair, etc., of buildings that are declared to be derelict. Any locality that has a real estate tax abatement program in accordance with this section may, by ordinance, provide that: 1. The owners of property therein shall at such time or times as the governing body may prescribe submit a plan to demolish or renovate any building that has been declared a “derelict building.” For purposes of this section, “derelict building” shall mean a residential or nonresidential building or structure, whether</p>	\$100	12 months

City	Overseeing Department	Ordinance Title	City Code	Ordinance Description	Fee	Time Frame
				or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of six months, it has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.		

Citizen Enforcement Examples

Atlanta	<p>The city trains volunteer neighborhood deputies who patrol the neighborhood and send notice of code violations to property owners. If the conditions are not fixed, the deputies refer the cases to the city code enforcement department. Some of the problems that are addressed: trash, junk vehicles, illegal auto repairs, overgrowth, and abandoned houses.</p> <p>The goals of the program are:</p> <ol style="list-style-type: none"> 1. Educate residents about code and zoning violations. 2. Involve residents in the code enforcement process. 3. Identify community and government resources to assist residents in maintaining or revitalizing their neighborhoods. 4. Develop leadership in implementing volunteer clean-up and fix-up programs for neighborhoods. 5. Provide a NDP brochure and a NPD Code Violations Manual to assist volunteers in understanding the City of Atlanta codes and process. <p>The program is administered by Tim C. Hardy, Director of Bureau of Code Compliance, Councilmember, and planning department.</p>
Dallas	Local CDCs and community leaders formed an informal coalition to address nuisance properties. In 2008, the coalition put together the Revitalizing Nuisance Properties Summit, which was attended by more than 100 community members and public officials.
Memphis	Neighborhood groups put together program to address vacant and abandoned properties.
Providence	Community development corporations sit on the Nuisance Abatement Task Force along with representatives of various city departments. The task force meets semi-monthly to work on 20 problem properties nominated by the community, police, and others. The task force follows each property through resolution (Community Development Clinic, Texas Problem Properties Toolkit, 2010).