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Vacant Land, Buildings and Facilities Asset Management Project

Abstract

The purpose of the Vacant Land, Buildings and Facilities Asset Management Project (Project) is to develop recommendations for the sustainable, economical and productive conservation, development and management of vacant land, buildings and facilities throughout the City of Buffalo. The Vacant Land, Buildings and Facilities report is a product of an effort designed to provide an overview of an array of related subjects and issues deemed important by Project participants. The results are intended for use as a starting point for continuing dialogue, setting priorities, exploring solutions and selecting actions for change and improvements to the urban environment.

Keywords

Buffalo, Housing/Neighborhoods, Neighborhood Renewal, Environment, Buildings and Housing, Housing Conditions and Repairs, Report, Other, PDF



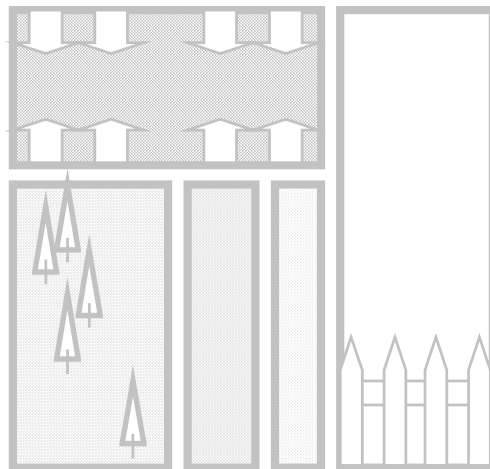
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**FINAL
DRAFT**

Vacant Land, Buildings and Facilities Asset Management Project

A Project Report, January 2004



Project Sponsors ~

The Vacant Land, Buildings and Facilities Asset Management Project funding partners include The City of Buffalo, Buffalo Urban Renewal Agency, Cornell Cooperative Extension Association of Erie County, Cornell University Cooperative Extension – Community and Economic Vitality, and Cornell University Community and Rural Development Institute. The report was prepared by Darlene Vogel, Community Educator, Cornell Cooperative Extension Association of Erie County.

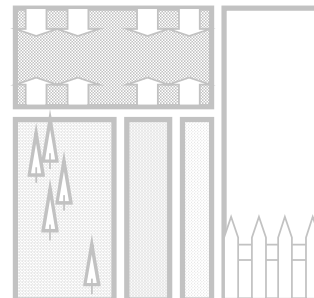


Cornell Cooperative Extension Association of Erie County and Cornell University provide equal program and employment opportunities.

Photographs are courtesy of Partners for Urban Resources and the Environment Erie-Niagara.

City of Buffalo, New York

Vacant Land, Buildings and Facilities Asset Management Project



A Project Report, January 2004

Services provided by Cornell Cooperative Extension Association of Erie County

Report Overview

The purpose of the Vacant Land, Buildings and Facilities Asset Management Project (Project) is to develop recommendations for the sustainable, economical and productive conservation, development and management of vacant land, buildings and facilities throughout the City of Buffalo.

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Executive Summary

City of Buffalo

Vacant Land, Buildings and Facilities Asset Management Project Report

*Cornell Cooperative Extension Association of Erie County
January 2004*

Project Purpose

The purpose of the Vacant Land, Buildings and Facilities Asset Management Project (Project) is to develop recommendations for the sustainable, economical and productive conservation, development and management of vacant land, buildings and facilities throughout the City of Buffalo. The Vacant Land, Buildings and Facilities report is a product of an effort designed to provide an overview of an array of related subjects and issues deemed important by Project participants. The results are intended for use as a starting point for continuing dialogue, setting priorities, exploring solutions and selecting actions for change and improvements to the urban environment.

Estimates put vacant land of all types around 12,700 or 13% of the total number of parcels in the City of Buffalo. This figure represents 10% or 2,860 acres (1,157 hectares) of the land area within the city. Approximately 8,500 vacant properties are privately owned, and less than 4,000 are city-owned.¹ To further heighten the urgency of action, 1998 neighborhood conditions analysis estimates a surplus or vacancy of 22,290 residential units. Some of these vacancies include vacant residential structures, and others have the potential to become abandoned structures or lots if reuse options are not established for them.² In addition to vacant land parcels, project estimates put the current number of vacant structures around 7,000. A conclusion of Project discussions is that it is very likely that the cost of vacant property exceeds millions of dollars per year spread over many city department and agencies and the community.

¹ City of Buffalo Office of Strategic Planning, estimate provided fall 2003.

² City of Buffalo, City of Buffalo Master Plan, Phase I: Community/Neighborhood Conditions Summary," November 1998, Appendix E.

A Vacant Land, Buildings and Facilities Asset Management Strategy

The Vacant Properties Asset Management Strategy described in this report is an attempt to build a decision-making framework that incorporates the challenges and near-term recommendations articulated by the Project participants.

Why develop an asset view of vacant properties? It cannot be stressed enough that vacant property prevention and intervention are City and regional priorities. The tasks of keeping properties habitable and occupied are challenging - so is conserving neighborhood assets and preserving cultural features. Those efforts should be stepped up, more efficiently utilized, and funded in a way that reflects their importance. There is a fact, however, that the pace of physical resource degradation, especially in housing, is outpacing the ability to rehabilitate and conserve. And further because of this, the prevalence of existing vacant land, buildings and facilities is a negative, cyclic factor in redevelopment. Recognizing vacant properties as assets attempts to uncover the value in future redevelopment and begins to reveal vacant properties from a “glass half full” perspective.

The primary goals of a vacant properties asset management strategy as determined through this Project include:

- ❑ Slowing the rate at which properties become vacant.
- ❑ Managing existing and future vacant properties.
- ❑ Returning vacant properties to appropriate, functional and revenue generating or cost-saving uses.

The asset management strategy has two major components. The first component recognizes the life cycle of a property in a set of 7 elements that are both continuous (1 through 3) and cyclic (4 through 8). The elements include:

1. Communication and Information
2. Monitoring
3. Prevention and Intervention
4. Preliminary Evaluation and Asset Review
5. Conservation
6. Remediation
7. Demolition
8. Vacant Land Reuse and Conversion

The second major component is Element 4 in its entirety – Preliminary Evaluation and Asset Review. There are seven asset layers described to aid in the evaluation of vacant property and provide guidance towards reuse and redevelopment. The layers include: “paper” layers, buildings and facilities, green infrastructure, infrastructure/utilities, land/at grade, land/sub-grade, and surrounding land use and conditions.

To aid in decision-making, the asset manage cycle elements and asset layers are tied together in a flow chart for decision-making.

Project Recommendations

Any recommendation should meet the following conditions as established in the Project purpose:

- ❑ Recommendations should lead to the sustainable, economical and productive conservation, development and management of vacant properties.
- ❑ Because this is a very broad charge, stating it in the negative can create some clarification - Recommendations or remedies in the forms of programs, solutions, actions, changes, reforms, etc., should not burden community and local government resources, should not adversely impact human health and the environment, should not be exclusive, nor be counterproductive or exacerbate negative conditions.
- ❑ Decision-making should be consensus based to preserve a sense of community, to encourage the development of joint solutions, and to reduce future conflict.
- ❑ Vacant land, buildings and facilities asset management recommendations should reinforce the City vision to:
 - Repopulate residential areas.
 - Rebuild the industrial base.
 - Revitalize commercial areas.
 - Maintain and enhance green and open space to support the preceding three.

The challenges and recommendations are placed into one of five categories. More detailed recommendations or guidance is provided within each section.

- ❑ Information and Communication
 - 1) Develop an information and communications system(s) that will serve the various needs of vacant property asset management.
 - 2) Community Education – Disseminate information supportive of vacant property goals and recommendations to the general community, or targeted as needed.
 - 3) Marketing – Use components of the information and communications system(s) to aid in the marketing of vacant land, buildings and facilities assets.
 - 4) Research and Technology – Monitor research and technology trends to optimize the city’s competitive position in the region, state, and nation.
- ❑ Policy and Planning
 - 1) Establish and support a multi-disciplined, representative team to regularly coordinate, review, and advise on policy, plans, local regulation, procedures and funding involved in or affecting vacant property asset management.

- 2) Policies should be re-evaluated, updated, or developed to reflect city and community-wide redevelopment goals. Such policies should be communicated in a manner to aid redevelopment and to promote solidarity of efforts.
- 3) Plans involving or impacting vacant properties must be centrally coordinated to optimize effectiveness, maximize the use of limited resources, and support citywide goals and policies.

▣ Regulation and Enforcement

- 1) Regulations are necessary to insure orderly development, protect the quality of life, preserve and manage resources, manage risk and control liability, and to track and monitor conditions and progress.
- 2) Consideration and study should be given to the recommendations in this report and other creative ideas that may require regulatory evaluation and/or adjustments to implement.

▣ Procedures, Processes, and Practices

- 1) An administrative priority for the team assembled to address vacant properties should be an effort to:

Shed the excessive number of city-owned vacant properties.

Reduce the number of vacant properties acquired.

Expedite closings to achieve reduction goals.

- 2) Conservation, rehabilitation, and preservation priorities must be incorporated into processes, procedures and practices to maintain the physical integrity of neighborhoods and to maintain the greatest number of properties on the tax role possible.
- 3) Demolition projections, practices and funding priorities must be re-evaluated to maintain the physical integrity of neighborhoods, to minimize maintenance costs, and to aid in redevelopment.
- 4) The sheer amount of vacant land in the City of Buffalo requires a vacant land maintenance and mowing plan that is implemented and funded to accommodate the number of existing and future vacant lots.

▣ Funding

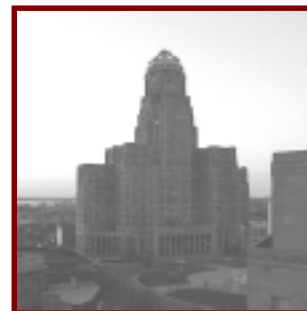
- 1) Budget planning around the vacant property cost center is an immediate need.

- 2) Decision-making and vacant property spending criteria must reflect established policies, regulations, plans and city and community priorities.
- 3) Funding development and leveraging community and private resources should be expanded for the purpose of conserving, developing, and managing vacant land, buildings and facilities throughout the City of Buffalo.

Next Steps

There are five items within the recommendations that comprise good near term, next steps. The good news is that aside from dedicating personnel, time, and creativity, only one of them costs anything additional to start.

1. A Vacant Properties Team (VPT) or Task Force should be assembled to guide the initiation of these preliminary actions. The team core can be composed of representatives of the original Project tracks originating in the Mayor's Office of Strategic Planning.
2. The Comprehensive Plan, currently in draft form, should be championed by the VPT by providing assistance with its further development and adoption by City elected officials.
3. The "community conservation plan" (historic preservation plan) and housing policy under development should be completed as soon as is practicable to fill significant gaps in community planning; they are the missing piece to the vacant land, building and facilities asset management strategy.
4. The VPT should begin provisions for existing vacant land, buildings and facilities implementation by:
 - a) Identifying all components of the vacant property cost center for budgetary planning needs; and
 - b) Developing criteria and costs for post-demolition site finishing and interim treatments for vacant land for budgetary planning.
5. The VPT should adapt Philadelphia's example reference, "Reclaiming Vacant Lots," for general community use in restoring existing vacant lots to help meet immediate community needs.



Part I - Project Description & Acknowledgements

Purpose

The purpose of the Vacant Land, Buildings and Facilities Asset Management Project (Project) is to develop recommendations for the sustainable, economical and productive conservation, development and management of vacant land, buildings and facilities throughout the City of Buffalo. The Vacant Land, Buildings and Facilities report is a product of an effort designed to provide an overview of an array of related subjects and issues deemed important by Project participants. The results are intended for use as a starting point for continuing dialogue, setting priorities, exploring solutions and selecting actions for change and improvements to the urban environment.

The issues of vacant urban properties, both causal and resultant, are vast in scope and in depth. Because the Vacant Land, Buildings and Facilities Project intercepts these issues in their various stages of progression, it did not attempt to investigate each issue, but instead strives to show the connectivity between and among important issues. Because of issue connectivity, and the interplay of cause and effect, addressing vacant property issues must be multi-disciplinary. Successful and sustainable solutions must be built on inclusive and multi-disciplinary problem solving, decision-making and capacity building. Piecemeal solutions and programs developed without considering the larger picture are at risk of fragmented or incomplete outcomes. More often, solutions developed without regard to the big picture only satisfy individual sectors of the community at the expense of others.

Process

The Project comes at a very interesting time in the history of the City of Buffalo. Though it appears that the local urban development and economic trends are stagnant,³ the dynamics

³ “Population Trends Keep WNY Stuck in Slow Lane,” Business First, 12/02/02.
(*footnote continued*)

within the City are very changeable and fluid. The energy associated with the dynamics has led to a surge in planning activity throughout the City and region. As of this writing, a draft Comprehensive Plan, *Queen City in the 21st Century*,⁴ has been released for comment. Works in progress include a Local Waterfront Revitalization Plan, a preservation plan, the Good Neighbors Planning Alliance areas plans, and many more localized neighborhood and specific resource and economic development plans. The City has formally adopted the New York State Uniform Fire Prevention and Building Codes and is in the process of adapting the codes for local use.⁵ The vacant properties Project attempted to be cognizant of the general flux in community goals and administrative process details, but the targets never the less are still moving.

In order to accommodate the number of initiatives in progress and be inclusive of community input, a Project process was developed by Cornell Cooperative Extension Association of Erie County and the City's Office of Strategic Planning, **Diagram 1.0 Project Process, pg. 12.**

Technical Assistance

Technical assistance for the Project was provided by Cornell Cooperative Extension staff, Cornell University's Community and Rural Development Institute (CaRDI), members of Partners for Urban Resources and the Environment Erie-Niagara (PURE), and the Office of Strategic Planning's comprehensive planning unit.

Cornell Cooperative Extension Association of Erie County provided project facilitation, monitoring, and reporting in large part. The agency's involvement grew out of its experience in regional urban programming, public issues education and access to Cornell University staff and resources. It has also been the lead agency for the PURE organization that has facilitated community-based, environmental Projects on vacant land in the City of Buffalo since 1998.

Participation

The Project design included the voluntary participation of representatives from major general stakeholder groups or tracks. Five Project tracks were selected to balance near-term administrative technical needs with general community needs relative to vacant properties.

Participant tracks –

- Administrative
- Community
- Youth
- Elected Officials
- Developers

The Administrative track was composed of City of Buffalo departments, divisions, agencies and authorities. Input was gathered through various meetings, exercises, individual conversations and correspondence.

The Community track availed itself of the already organized Good Neighbors Planning Alliance (GNPA). GNPA committees are designed to be inclusive of all stakeholders within

⁴ City of Buffalo Office of Strategic Planning, "Queen City in the 21st Century, DRAFT Comprehensive Plan" - June 2003, Buffalo, New York.

⁵New York State, "Governor: State Adopts New Fire Prevention and Building Codes – New Codes Encourage Construction, Rehabilitation, Energy Conservation." [Online] Available WWW: http://www.state.ny.us/governor/press/year02/march6_1_02.htm.

their designated geography. Input was gathered at meetings of the GNPA co-chairs, and through exercises with individual GNPA planning area committees. Informal questionnaires were answered by groups or representative individuals based on the routines of individual GNPA planning committees.

The Youth track was represented in a single, but important session organized through Cornell Cooperative Extension's urban 4-H programs. The Youth track was used for contrast and comparison, in addition to introducing a youth voice into municipal planning. High school students from YO Buffalo and Weed n'Seed were presented an overview of the Project and then asked to react through one of two facilitated exercises.

Elected Officials were presented an overview of the Project and then requested to react to it through meeting comments and a questionnaire similar to the one given to the GNPA committees. Responses were used to compare Council District priorities with community and administrative priorities.

Developers were taken as a separate track in a single gathering to balance administrative priorities. Meeting attendees were asked to react to a Project overview. The result is a set of comments that help to establish parameters that would ease the redevelopment of vacant property. Some developers also responded to the subject in general by telephone or writing.

In short, there were no groups or individuals that did not have an experience, opinion, or recommendation on the subject of vacant properties. The level of cooperation was commendable and an abundance of useful information was shared. As the Project became established, participants unfolded a universe of vacant property subject matter and experiences. Everyone knew someone or some other entity that was involved in some way with aspects of vacant properties. The number of hands that touch the subject, the paperwork, and the physical property itself involve, just within the city government, is over 48 departments, divisions, agencies, authorities, and organizations. *See Part V – Appendices, “City of Buffalo departments, divisions, agencies, and authorities involved in various aspects of vacant properties.”*

Project Status

Vacant Land, Buildings and Facilities Asset Management Project – The vacant property asset management Project process has been completed to the stage of recommendation development. This is the furthest practical point for the total Project until citywide housing and preservation policies are established. These two policy areas, and the city's comprehensive plan currently under construction, will guide major decision-making with respect to land use and vacant property development. The guidance provided by these policies can then be used to flesh out the asset management strategy described in Part II of this report. Conversely, there are many recommendations in this report that can be used to help fashion housing and preservation policy due to the close relationship to the vacant property subject matter.

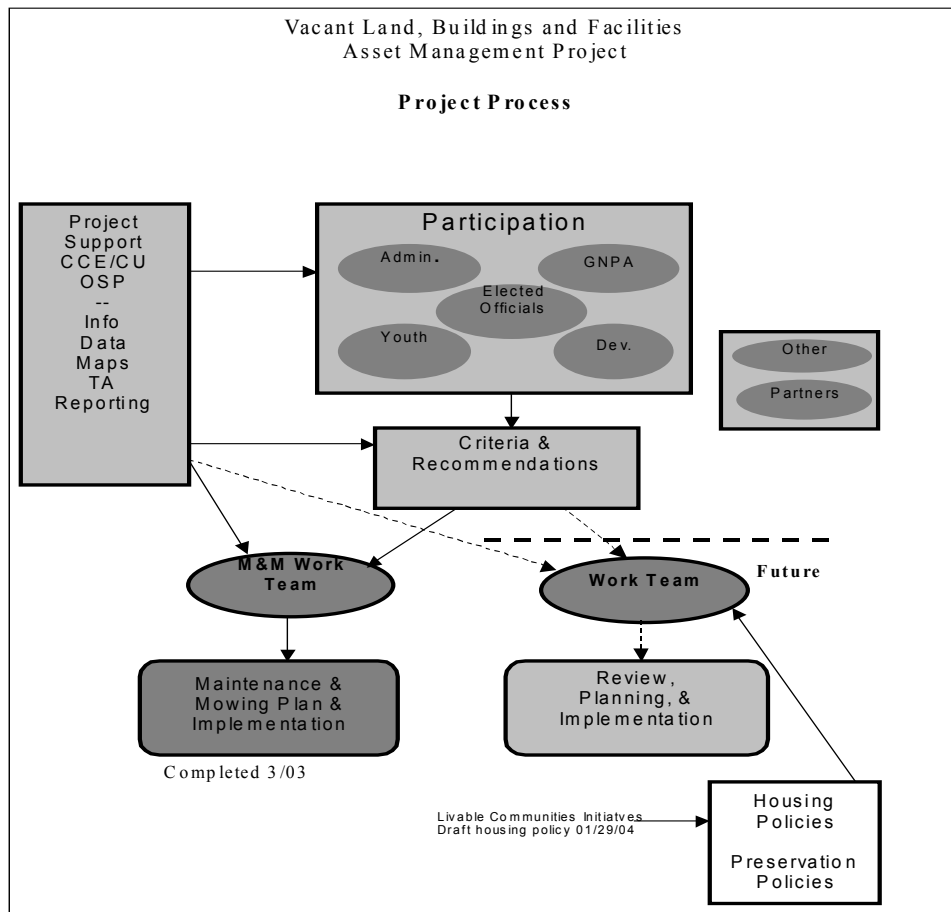
Maintenance and Mowing Plan 2003 - A vacant lot Maintenance and Mowing plan (M&M) was developed within the Vacant Land, Buildings and Facilities Asset Management Project. While not originally included in the Project, the M&M plan provided the Department of Public Works an opportunity to satisfy a Common Council request for a plan to maintain vacant lots in a timely and more frequent fashion. The Project provided a vehicle to assist the Department in meeting its March 2003 deadline. *A copy of the M&M plan is included in Part V of this report.*

The maintenance and mowing plan is the result of the cooperation and assistance of several City Departments and Divisions. Representatives of these units will also be involved in the coordination and implementation of this strategy. Participants include Public Works, Streets and Sanitation, the Office of Strategic Planning, Real Estate, Citizens Services, Inspections and Permits, Impact Team, Mayor’s Task Force, Mayor’s Office of Support Services, Parking Enforcement, and the Buffalo Police Department.

A wealth of information and experience was gained in the development of the M&M plan and in the challenge to implement it within weeks of its approval. The list of administrative participants involved in cleaning and cutting the grass on vacant lots points to the complexity of the tasks as it exists. However, it is property ownership issues, and labor, equipment, and funding access that are in the driver’s seat. Departmental reorganizations and a cool wet spring further challenged implementation of the plan. In the end, the grass was cut more often than most years and complaints were generally down. Opportunities for simplification still lie ahead. The M&M plan is due for review and adjustments prior to the 2004 maintenance and mowing season.

From the M&M Plan - The maintenance and mowing strategy is designed to help meet the challenge of caring for vacant properties in the City of Buffalo until such time that interim treatments or final reuses are developed for specific properties. **The immediate need is to organize and plan an approach for maintaining and mowing vacant lots using the available existing resources for the spring, summer and fall of 2003.** The items highlighted in the “FUTURE” sections of the plan include further proposed improvements for subsequent years.

Diagram 1.0 – Project Process



Vacant Land, Buildings and Facilities Asset Management Strategy

Why develop an asset view of vacant properties? It cannot be stressed enough that vacant property prevention and intervention are City and regional priorities. The tasks of keeping properties habitable and occupied are challenging - so is conserving neighborhood assets and preserving cultural features. Those efforts should be stepped up, more efficiently utilized, and funded in a way that reflects their importance. There is a fact, however that the pace of physical resource degradation, especially in housing, is outpacing the ability to rehabilitate and conserve. And further because of this, the prevalence of existing vacant land, buildings and facilities is a negative, cyclic factor in redevelopment. Recognizing vacant properties as assets attempts to uncover the value in future redevelopment and begins to reveal vacant properties from a “glass half full” perspective.

The problem of vacant properties is one of magnitude, however, and not of single, isolated incidences. The City of Buffalo has experienced visible waves of business and industrial disinvestments characterized by large, empty commercial and industrial facilities. Less visible from the main thoroughfares and internal to the neighborhoods that once supplied the labor for this commerce are the thousands of vacant residences and post-demolition residential lots. In some neighborhoods, individuals voluntarily care for abandoned houses next door or across the street in order to maintain the appearance of orderly and well-kept neighborhoods. In other neighborhoods, vacancies are so prevalent that the remaining houses are scattered in no pattern against vacant lots that have no readily apparent signs of ownership.

Estimates put vacant land of all types around 12,700 or 13% of the total number of parcels in the city. This figure also represents 10% or 2,860 acres (1,157 hectares) of the land area within the city. Approximately 8,500 vacant properties are privately owned, and less than 4,000 are city-owned.⁶ To further heighten the urgency of action, 1998 neighborhood conditions analysis estimates a surplus or vacancy of 22,290 residential units. Some of these vacancies include vacant residential structures and others have the potential to become abandoned structures or lots if reuse options are not established for them.⁷ Project estimates put the current number of vacant structures around 7,000.

Asset Management Strategy Goals

The primary goals of a vacant properties asset management strategy as determined through this Project include:

- ❑ Slowing the rate at which properties become vacant.
- ❑ Managing existing and future vacant properties.
- ❑ Returning vacant properties to appropriate, functional and revenue generating or cost-saving uses.

⁶ City of Buffalo Office of Strategic Planning, estimate provided fall 2003.

⁷ City of Buffalo, City of Buffalo Master Plan, Phase I: Community/Neighborhood Conditions Summary,” November 1998, Appendix E.

Urban land left as vacant, ranging from post-demolition residential to never developed parcels, may by its nature be perceived as common property.⁸ The positive view of the common property notion includes parcels that have been informally or formally adopted by a community. These parcels generally serve a common function such as gathering, gardening or open space. This is more likely to include parcels that have been vacant for long periods of time and where the property is publicly owned. Another public perception is that of “nonproperty.” The negative nonproperty condition is one in which the land is perceived to be owned by no one due to its lack of care, and “everyone therefore has both access and cause to abuse it.” The results are further decay, blight, illegal dumping and illicit activities, and ultimately, more vacant property. Both common property conditions are present within the City of Buffalo.

Vacant property is a leading quality of life issue that encompasses the majority of the City’s administrative and legislative responsibilities and interests. The recognition and utilization of inter- and intra-governmental and community relationships and linkages is essential to dealing with and managing vacant properties. The Census figures and neighborhood condition trends continue to indicate that there is a housing surplus of approximately 22,000 units.⁹ Housing and some retail (commercial) vacancies, if not occupied in a reasonable amount of time, can easily progress into structures requiring demolition. Abandoned housing is general rendered useless about two years after abandonment due to damages caused by weather and vandalism.

Tackling the subject of vacant properties involves slowing the rate at which properties become vacant, managing existing vacant properties, and returning vacant property to appropriate, functional, revenue generating uses.

Draft Project Recommendations

Vacant land, buildings and facilities asset management recommendations should reinforce the City vision to:

- ☐ Repopulate residential areas.
- ☐ Rebuild the industrial base.
- ☐ Revitalize commercial areas.
- ☐ Maintain and enhance green and open space to support the preceding three.

The Vacant Properties Asset management strategy described in this report is an attempt to build a decision-making framework that incorporates the challenges and near-term recommendations articulated by the Project participants. Both the challenges and recommendations address five areas:

- ☐ Information and Communication
- ☐ Policy and Planning
- ☐ Regulation and Enforcement

⁸ Alice E. Ingerson, “Urban Land as Common Property,” *Land Lines*, January 1997, Vol. 9, No. 1. [Online] Available WWW: <http://www.lincolnst.edu/landline/1997/march/commonprop.html>.

⁹ City of Buffalo, *City of Buffalo Master Plan, Phase I: Community/Neighborhood Conditions Summary*, November 1998, Appendix E.

- ☐ Procedures, Processes, and Practices
- ☐ Funding

Acknowledgements

The Vacant Land, Buildings and Facilities Asset Management Project was made possible by the generous contribution of time, guidance, and technical and financial resources from the following.

Sponsors

- City of Buffalo Office of Strategic Planning
- Buffalo Urban Renewal Agency
- Cornell Cooperative Extension Association of Erie County
- Cornell University Community and Rural Development Institute (CaRDI)
- Cornell University Cooperative Extension – Community and Economic Vitality

Participants

- Mayor Anthony M. Masiello, and Administrative Staff
- Buffalo Common Council Members and Staff
- Office of Strategic Planning
 - Real Estate
 - Land Use Planning
 - Analysis
 - Comprehensive Planning
 - Economic Development
 - Environmental
 - Neighborhoods & Housing, and CBO's
- Administration and Finance
 - Budget & Management
 - Collections
 - Parking Enforcement
 - Towing & Storage Operations
- Taxation & Assessment
- Audit & Control
- Citizens Services
- Community Services
 - Support Services
 - Mayor's Impact Team
- Fire Department
- Law Department
- Permit & Inspections
 - Inspections

Permits
Demolition

- Police
 - Public Works
 - Forestry
 - Engineering
 - Streets & Sanitation
 - Planning Board
 - Preservation Board
 - Buffalo Arts Commission
 - Wellness Institute
 - Good Neighbors Planning Alliance Co-Chairs and Committees
 - Buffalo Environmental Management Commission
 - Buffalo Municipal Housing Authority
 - Buffalo Economic Renaissance Corporation (BERC)
 - Buffalo Neighborhood Revitalization Corporation (BNRC)
 - Buffalo Urban Redevelopment Agency (BURA)
 - Buffalo Coalition of Community Gardeners
 - Cornell Cooperative Extension of Erie County 4-H Program
 - Partners for Urban Resources and the Environment (PURE) Erie-Niagara:

City of Buffalo Office of Strategic Planning	Erie Co. Soil and Water Conservation District
COB Mayor’s Office of Support Services	Erie Co. Department of Environment and Planning
COB Public Works – Parks and Forestry	NYS Department of Environmental Conservation – Forestry
COB Environmental Management Commission	
Buffalo Olmsted Parks Conservancy	
- And local or regional offices of:
- | | |
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| USDA CSREES Cornell Cooperative Extension Erie County (PURE lead agency) | USDA Natural Resources Conservation Service |
| US Environmental Protection Agency | USDA Forest Service |
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| NY Sea Grant | USDI Fish and Wildlife Services |

Appreciation is extended to the Buffalo community for their generosity and hospitality in hosting Project meetings and sharing valuable meeting time with us.

A special thank you to the following individuals for sharing their support, enthusiasm and knowledge in this special initiative that seeks to improve the quality of life in the City of Buffalo.

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- Rod Howe, Asst. Dir. Cooperative Extension, Cornell University
- Don Tobias, Assoc. Prof., Policy Analysis and Mgmt., Cornell University
- John Whitney, District Conservationist, USDA NRCS

A few words about references and resources – The references and resources used throughout this report were selected for one of two reasons. One, Buffalo is not alone in trying to deal with vacant properties. No one municipality has fully completed a comprehensive process or procedure for managing and redeveloping vacant land, but some municipal programs in progress have a strong relevance to the local situation. Two, Project participants have expressed ideas and concerns during the Project that bear support or further investigation. In your own exploration you will find that references and resources on vacant land buildings and facilities and all of the related issues are plentiful – many are very good and many more are interesting and inspiring.



Part II - Vacant Land, Buildings and Facilities

A Vacant Land, Buildings and Facilities Asset Management Strategy

The Development of Vacant Property

Cities with excessive amounts of vacant land, buildings and facilities are clearly in the midst of economic, social and environmental transition. The City of Buffalo was once fully built-out sometime in the 1960's. In the beginning of the 21st Century, the City again finds itself in a position to resettle itself using vacant property resources, ranging from available to unavailable in the near term. There is also a portion of vacant land resources that should remain undeveloped, or only minimally improved, as the highest and best use. These uses include flood plains and parcels that should be used to redistribute green space, environmental assets, and connect neighborhood amenities. Further, any proposed new development should be conducted in a coordinated manner that makes the best use of the land and community resources, and in a planned manner that corrects for past development incongruities. Smart growth principles used as guidance within the City will help to sustain the urban core as an important regional asset.

Any proposed new development should be conducted in a coordinated manner that makes the best use of the land and community resources, and in a planned manner that corrects for past development incongruities.

Estimates from 2003 put vacant land of all types around 12,700 or 13% of the total number of parcels in the city. This figure also represents 10% or 2,860 acres (1,157 hectares) of the land area within the city. Approximately 8,500 vacant land properties are privately owned, and less

than 4,000 are city-owned.¹⁰ To further heighten the urgency of action, 1998 neighborhood conditions analysis estimates a surplus or vacancy of 22,290 residential units. Some of these vacancies include vacant residential structures and others have the potential to become abandoned structures or lots if reuse options are not established for them.¹¹ Project estimates put the current number of vacant structures around 7,000.

Project discussions indicated a desire by city administrators, elected officials, community representatives, youth and developers that vacant, developable vacant land should have one or more the following qualities depending on its location. In the interim (prior to redevelopment), vacant land should be:

- ☐ In a useable condition to encourage community stewardship.
- ☐ In a developable condition or shovel ready to encourage economic development.
- ☐ In a permeable and “finished” condition to return environmental function to an area.
- ☐ In a visually pleasing and sanitary condition.
- ☐ In a condition appropriate for surrounding land uses that ameliorates impacts to nearby property values.
- ☐ In a condition that is affordable and efficient to maintain to minimize the strain on city and neighborhood resources.

A tension currently exists between the regional and local perception of vacant properties in the City of Buffalo. Vacant urban properties come in a distant second in comparison to the contemporary preference for suburban, campus-style developments and subdivisions. A published list of identified “shovel ready” development sites has so far excluded properties within Buffalo and cite many available in the region’s suburban and rural areas.¹² This is due to a number of factors, but important factors include existing parcel size limitations and their near-term availability.

To improve its competitive position there are options that the city is pursuing and can pursue to free up space for residential, commercial, and industrial redevelopment. For example, the City of Buffalo Office of Strategic Planning Analysis Section figures indicate that 56 parcels categorized as brownfields are 5 acres or larger. The total combined acreage is 1,448, ranging from 5.3 to 159.6 acres in size.¹³ Designated investment corridors,¹⁴ including land bank areas within the city have a substantial footprint, but assembly within the areas is fragmented

¹⁰ City of Buffalo Office of Strategic Planning, estimate provided fall 2003.

¹¹ City of Buffalo, City of Buffalo Master Plan, Phase I: Community/Neighborhood Conditions Summary,” November 1998, Appendix E.

¹² “Come and build...where?,” Buffalo News, 01/27/02.

¹³ City of Buffalo Office of Strategic Planning, estimate provided 02/21/03.

¹⁴ City of Buffalo Office of Strategic Planning, “Queen City in the 21st Century, DRAFT Comprehensive Plan” - June 2003, Buffalo, New York.

and cumbersome at the present time. *See Part IV, MAPS B and C – Strategic Investment Corridors, and Areas.*

In the past, Buffalo neighborhoods were subdivided into housing lots averaging 30’-40’ frontage and 60’-120’ depth. These narrow or small lots are undersized for rebuilding by current zoning regulations and development preferences. Both new housing and new industrial development generally require larger lots and multiple, contiguous parcels. Without a land assembly policy and procedures in place, the accumulation of multiple contiguous lots through attrition (abandonment and demolition) is a slow inefficient process. Land assembly done more effectively is a prerequisite of larger scale neighborhood and economic development.

Vacant buildings and facilities pose other challenges. Structures, as part of the real property, contribute to an area’s economic and social value - houses, apartments, places of worship, office buildings, corner stores and other neighborhood businesses. They can perform economic functions that help to constitute a “neighborhood” such as affordable shelter, the exchange of commerce and local employment. Structures also contribute to a sense of place, continuity and history – the other part of “neighborhood.” Place includes many aspects, but more important, many “local places” contribute to the complete entity that is the city. Within a neighborhood, the built landscape may include structures of unique, cultural significance as well as structures of regional landmark notoriety.

Problem solving involving vacant buildings and facilities (including preventing abandonment) must take into account social and economic systems via community participation in decision-making. For example, citywide public reaction to the topic of demolition runs the entire spectrum from doing more, faster, to slowing down or prohibiting demolition until a measure of control can be achieved. In practice however, opinion differs widely from neighborhood to neighborhood. Demolition can result as a request from the neighborhood to help eliminate abandoned structures that harbor illegal or dangerous activity. In contrast, private owners wishing to demolish structures significant to a neighborhood for any number of reasons may be met with local protest against demolition.

Common Ground, Potential and Liability

Early Project activity involved examining the prospects of viewing vacant properties as community assets. Vacant properties, in all of their variety, sizes and conditions, pose known liabilities and challenges to local governments and neighborhoods. What is also known, but less evident, is the potential stored in the asset value-view of vacant property. Value includes the economic, social and environmental aspects of vacant property. Value is further derived from property location and the identification of new strategic development locations as vacancies occur. The quality, reusability, and marketability of vacant properties can also be increased through interim investment in the form of maintenance, monitoring, and interim treatments.

Strengths & Opportunities

The Project tracks - Administrative staff, Good Neighbors Planning Alliance representatives, elected officials and youth - revealed common ground for moving forward with an asset management approach. For starters, vacant land, buildings and facilities in the City of Buffalo can feature local strengths and highlight opportunities. *A summary of the Strengths, Weaknesses, Opportunities, and Threats exercise results appears in Part V.*

Sample strengths and opportunities surrounding vacant property in the City of Buffalo:

- ❑ Available land at affordable prices.
- ❑ Great location – both Regional & International.

- ☐ Land assembly options for development.
- ☐ Development incentives, existing and new.
- ☐ An exceptional cultural and natural resources foundation.
- ☐ Room in the landscape for innovative solutions.
- ☐ Room in the landscape to provide community common areas in association with new development.
- ☐ Expanded access to green space, recreation and connecting corridors.
- ☐ Potential for a variety of development types and mixes.
- ☐ Generating jobs around a skilled workforce, development themes, restoration and greening.
- ☐ Build upon our strong neighborhood identities.

Weaknesses and Threats

The same groups were also asked to identify the weaknesses and threats associated with vacant properties. This listing reflects the common concerns across the community whether viewed from paper-based regulation or living among vacant houses, businesses, and vacant lots. *A more detailed listing is located in the Strengths, Weaknesses, Opportunities, and Threats exercise results in Part V.*

Sample weaknesses and threats surrounding vacant property in the City of Buffalo:

- ☐ Vacant properties create a negative public perception with regard to safety, cleanliness, blight, and property values.
- ☐ Vacant properties attract illegal activities.
- ☐ In general, the vacant sites are scattered and most are small in size.
- ☐ The current oversupply and low demand for city property works against redevelopment.
- ☐ The current cost of rehabilitation and conservation is high.
- ☐ Vacancies negatively affect the tax base and municipal resources.
- ☐ Absentee owner issues and cumbersome legal processes challenge the capacity of enforcement agencies and departments.
- ☐ Outside forces impact priorities and ability to deal with vacant property – Greenfield competition, global market economy, etc.

Problem-Solving

In the City of Buffalo, government, community and the marketplace are ready to work on vacant land, buildings and facilities, but not are positioned for comprehensive action together. The Project administrative group worked well as a group to identify priorities, share processes

and recommend administrative changes. The community is in a planning mode and is setting, or has set, neighborhood priorities and goals including planning for some vacant properties. Elected officials have been busy focusing on the condition of vacant properties and beefing up related ordinances. Developers are ready to participate in prioritized redevelopment initiatives. The next moves require a coordinated effort by the administration and elected officials to provide the community-based partners, citizens, regional partners and developers access to the information and the tools for more comprehensive decision-making and investing.

During the Project both structured and casual discussions about vacant properties invariably raised possible solutions to address the “problem” of vacant property development. The solutions varied in scope and creativity but were most often based on a personal or group position on a particular aspect or issue of the larger problem. These positions are extremely important in that many are formed over long periods of time and experience.

Vacant property positions are responses to decades of housing policies, community development initiatives, economic cycles and marketing trends. The positions also speak from the reality of the experience of living in the variety of neighborhoods and conditions that have flowed across and through the city boundaries over time. Identifying the common interests that underlie these various positions within the community on the other hand is essential to drive at more comprehensive solutions. The solutions will likely be multifaceted and more complicated than before, but the solutions will involve more partners and be more satisfying to implement and live with.

An interesting solution posed many times throughout the Project goes like this - bring 100,000 (or more) people to live in the City of Buffalo. The rationale is that the needs of the additional people would create a demand for housing, stimulate the local economy, and use the infrastructure more efficiently. Exploring the positions behind this solution would be very instructive, but revealing some of the interests or needs underlying this position might draw more people into problem solving around vacant properties. For example, many people have an interest in creating a positive image of the city as a great place to live, work and play. Others have an interest in attractive, healthy, vital neighborhoods. Many others have an interest in a healthy local economy with employment and entrepreneurial opportunities. And others would like to reduce the rate of sprawl into less developed areas of the region. All of these interests intersect with the possibility of attracting more people to live in the city. Examined in this fashion, the original proposed solution could be a milestone or goal in vacant property problem solving.

Vacant Land, Buildings and Facilities

What is vacant?

“Vacant” property in simplest terms is property not occupied or in use. Vacant property in this Project includes the land or parcel that may or may not have buildings, facilities or other improvements associated with it. Other descriptors include: derelict, deserted, abandoned, occupantless, unoccupied, unfilled, untenanted, unused, undeveloped, undevelopable,¹⁵ and occasionally “former”. In this sense, parks, farmland and forest are not “vacant.”

¹⁵ Roget’s International Thesaurus, (New York: Thomas Y. Crowley Co., 1962), 91-92.

Other more precise descriptions of vacant property tend to be linked with the property use or most recent past use or condition, i.e. vacant house, vacant residential lot, abandoned railway, former industrial site, brownfield, etc. In most cases however, the property is unoccupied or uninhabited by owners or legal tenants.

Vacant property may also include land otherwise “open” or undevelopable for human occupation other than recreation or natural uses. This includes riparian (stream bank) and shoreline, buffer areas, natural areas, wetlands, forests, wildlife habitat, or floodplain and other environmentally functional land uses.

Other unused¹⁶ or reserved vacant land includes:

- Single, small or odd shape parcels.
- Land-locked parcels.
- Parcels in designated land assembly or land bank areas.

In rem property includes many types of vacant properties described above but differs in that the properties may have delinquent property taxes and/or public liens associated with them. After title clearance the tax obligations and liens are dissolved through legal proceedings. Periodic *in rem* public auctions are held to disperse qualified properties for recovery of municipal costs. *In rem* means “against the property” as opposed to “against the owner” who in this case exhibits no interest in the property.

VACANT PROPERTIES TYPES - Current and former land and structure uses identified throughout vacant property discussions.

Residential – single	Brownfields	Commercial	Undeveloped “open” land
Residential – double	Other contaminated sites	Industrial	Floodplain and stream bank
Residential – multi	Inactive hazardous waste sites	Outbuildings	Storm water detention areas
Garages	Junk yards	Military facilities	Snow storage areas
Cultural facilities	Dumps	Utility transmission and conveyance	Reforestation areas
Historic structures - Monuments, etc.	Parking lots and off street parking	Water supply and conveyance	Community gardens
College and University facilities	Road, street & highways ROW’s	Wastewater treatment and conveyance	Greenways and linkages
Institutions	New parkways (lack of equipment for care)	Abandoned cemeteries	“Paper” streets
Schools	NYSTA – On/Off ramps		Inactive rail corridors
Religious facilities	Transportation facilities		Songbird and urban wildlife habitat
Health facilities	Railroad property		Land-locked lots
Community and public services facilities			

Who Owns Vacant Property?

Basically, every type of property owner can and does own vacant property. This includes both public and private, taxable and tax exempt entities.

¹⁶ FannieMae Foundation, “Housing Facts and Findings: Vacant Land Presents Problems and Opportunities,” Vol. 3, Issue 1. [Online] Available WWW: <http://www.fanniemae.com/factsandfindings/v3i1-sidebar1.shtml>.

Public ownership includes all levels of government and their agencies and authorities - city, county, state, and federal, including military. It may also include Sovereign Nation and international or bi-national ownership arrangements. **In addition to New York State Law, government-owned property has as a matter of regulation, prescribed methods for the acquisition and disposal of real property that vary with the level of government and agency or municipality involved.**

Private ownership includes individuals, community organizations, businesses, partnerships, corporations, investors, banks, mortgage and finance companies, trusts and many other interests.

Vacant property owners may be local, out-of-area, or foreign. A major challenge in addressing the disposition of vacant properties in the city is the number of out-of-area owners of local property and the time it takes to reach these owners. The City of Buffalo Office of Citizen Services manages the User Fee (garbage) statements distribution. It is reported that of the 90,000 statements mailed, 81,000 are destined for Zip Codes within Erie County. Approximately half of these have City of Buffalo addresses. The remaining 9,000 statements are spread over 1,500 out of area Zip Codes and 2 countries (Canada and Mexico) and South America. These numbers are an indication of the scope of the communication challenges facing property ownership resolution.¹⁷

Distribution of Vacant Property – General

Vacant land of all types is distributed throughout the city. *See Part IV MAP A – Vacant Land Use.* Property vacancy is most commonly tracked by the city through tax assessment rolls and the vacant label is attached to the parcel description. The majority of vacant property discussed in this report is property classified as “vacant” in the tax assessment rolls. Any parcel-based descriptive information refers to the parcels’ immediate past use. Due to the frequency of spot zoning throughout the city, the past use may or may not be of relevance to a categorization exercise using general zoning. As a result, correlating vacant property with land use can be a time consuming task. Therefore, the reliability of the estimate may be questionable. For the purpose of this Project, the gross area of the land listed as vacant is assumed to be 2,860 acres (1,157 ha.): 12,700 parcels of various sizes.

The Redevelopment Context

This Project attempts to address the vacant property categorization issue from a perspective of assets and opportunities. The existing or potential utility of a property can be derived from its redevelopment context. Therefore, the current and future opportunities are with those initiatives that can leverage the redevelopment of vacant property resources. Vacant property analysis should be performed in the context of redevelopment for neighborhoods, business, mixed use, commercial, industrial, recreational and environmental policies, plans and Projects. Occasionally, the vacant parcel may be better recognized as “natural capital” with minimum traditional redevelopment value. The ability to classify vacant property according to its potential highest and best use founded on community consensus will better position the city for sustainable redevelopment.

New plans, such as the City of Buffalo comprehensive plan currently in the draft review process, should be used as the platform for reinvestment and the eventual zoning changes that will provide the framework for vacant property redevelopment. This will ease the pressure of non-conformity and save time and effort over multiple, piecemeal spot zoning exercises. The draft comprehensive plan and its component plans offer a number of starting places. This

¹⁷ City of Buffalo Office of Citizen Services, estimate provided February 2003.

exercise should be done for each planning overlay to set a preliminary designation for all existing and Projected vacant property.

Vacant property analysis should be performed in the context of redevelopment for neighborhoods, business, mixed use, commercial, industrial, recreational and environmental policies, plans and Projects.

The Vacant Property Asset Management Strategy uses this perspective to gain the initial advantage as a basis for describing vacant property. The examples below use the various paper representations of the city's assets to build upon.

Strategic Investment Corridors

Strategic Investment Corridors include industrial development land bank areas. These potential land assembly areas total 5,000 acres (5,700 parcels).^{18,19}

See Part IV, MAP B – Strategic Investment Corridors; MAP C – Strategic Investment Areas; TABLE C-1 – Number of Parcels and Acres by Strategic Investment Corridors.

Neighborhood Planning

Good Neighbor Planning Alliance areas and general vacant property distribution. Area maps can be produced to establish neighborhood inventories and set local priorities.

See Part IV - MAP A – Vacant Land Use & GNPA Areas.

Neighborhood Business Development

Neighborhood commercial districts and nodes, 31 in all, contain a total of 419 vacant properties, both storefronts and empty lots.²⁰

See Part IV - MAPS D-1 and D-2 – Commercial Strips and Live Zones.

The information provided in the report “City of Buffalo Neighborhood Retail Area Tables, Draft, January 2003, further shows that including vacant properties in the analysis of retail areas shows a vacancy range of 15-52% by zip code using the number of retailers and vacant storefronts or lots in a specific retail area.

See Part IV - TABLE D-1 – Vacant Property in Neighborhood Retail Areas.

¹⁸ City of Buffalo Office of Strategic Planning, “Queen City in the 21st Century, DRAFT Comprehensive Plan” - June 2003, Buffalo, New York.

¹⁹ Buffalo Economic Renaissance Corp., “City Smart: Targeted Land Development,” May 2001.

²⁰ City of Buffalo Office of Strategic Planning, “Proposed Designation of Existing and Emerging Retail Areas as Neighborhood Redevelopment Areas”, Draft - January 2003.

Green Infrastructure

Vacant property should also be viewed as “potential green infrastructure” relative to existing protected and non-protected green infrastructure such as parks, greenways, institutional grounds, etc. This type of analysis is essential to planning for schools, parks, neighborhood connectivity, flood control, reforestation, waterfront habitat, and recreation access.²¹

See Part IV - MAPS E, F, G, H - Green Infrastructure, Exiting Protected, Existing Non-protected, Potential, and Composite.

Property Abandonment

The trends and reasons for property abandonment are varied and often complex. Intercepting abandonment through prevention and intervention can be a mixed proposition depending on the circumstances of ownership and the degree of structural deterioration of a particular property. Voluntary prevention and intervention programs that offer assistance for structural repair, maintenance, preservation and other rehabilitation activities are available through the city and many not for profit organizations. ***See PART V – Contacts and Assistance.***

Abandonment can occur from a single event such as the death of the property owner, or from a combination of variables including marketplace trends, shifts in employment, financing policy favoring new builds, and deteriorating housing stock to name a few. There are many publications and studies that look at the effects of single and multiple variables, and population and marketplace trends. A synopsis of a report entitled “The slow death of great cities? Urban abandonment or urban renaissance”²² mirrors the general assessments a person may make about the City of Buffalo. Surprisingly or not, the results are from the cities of Manchester and Newcastle, England. “The problems are at three levels: acute problems at the city level; extreme problems at the neighborhood level; and complete abandonment in the very worst pockets of the most difficult areas.” Yet here and there throughout these cities there are pockets of stable residential and commercial areas, and areas of moderate to high demand similar to Buffalo, NY.

An example of an aggressive approach to eliminate vacant properties and discourage abandonment can be found in the City of Wilmington’s Vacant Property Registration Fee Program.²³ Owners are required to register existing and new vacant properties and pay a fee based upon the length of time a property is vacant. A vacancy period of one year is charged \$500. A sliding scale can assess a charge in excess of \$5,000 and more for vacancy periods of 11+ years. Failure to comply is criminal with fines and other legal actions possible. Fee waivers are available for owners engaged in rehab, construction, and sales to new owners to discourage long-term vacancy.

²¹ Friends of the Buffalo Niagara Rivers and Buffalo Office of Strategic Planning, “Buffalo Green Infrastructure Report: Inventory, Analysis & Recommendation,” January 2001.

²² Anne Power and Katherine Mumford, “The problem of low housing demand in inner city areas,” Findings, May 1999 – Ref 519. [Online] Available WWW: <http://www.jrf.org.uk/knowledge/findings/housing/519.asp>.

²³ “City of Wilmington Vacant Property Registration Fee Program” [Online] Available WWW: <http://www.ci.wilmington.de.us/vacantproperties.htm>.

The Project's Top 4

There are four types of conditions that continually made their way into the Project discussions. Abandonment and rehabilitation remedies may be difficult to achieve in these cases but these problems should be the subject of citywide discussion and planning.

The pervasiveness and high level of poverty within the city is the foundation for the first two cases: low income renters and homeowners. With the poverty level approaching 40% in some census tracts and growing in others, it is no coincidence that the poor, inclusive of minorities, elderly, unemployed, underemployed, disabled and immigrant, are being shuffled through deteriorating housing stock.

The 2000 Census information using 1999 housing data shows that 57% of households (69,381 of 122,270) are living in rented units in the City of Buffalo. The percent of these renter-occupied housing units below the poverty level is 38% or 26,699 households. In contrast, the number of owner-occupied housing units with households below the poverty level is 9% of owner-occupied units. Approximately 32% of owner-occupied unit include householders over 65 years of age. *See Part IV – TABLE I-1 Census 2000, QT-H10.*

Case 1 – Low Income Renter

These renters generally have little control over the condition of the rented houses and apartments in which they live. When the conditions become intolerable, unsafe or too expensive, they may relocate relatively easily to other accommodations. Motivated renters seldom qualify for housing rehab assistance.

Case 2 – Low Income Home Owner

There is a significant portion of homeowners who live at or below the poverty levels in the census tracts noted above or scattered through the city. Typically these owners have little to invest in home maintenance beyond regular expenses even though mortgages are often paid off. Assistance for repairs may be obtained if the owner qualifies, however very often the unemployed or elderly owner has too few resources to qualify for home improvement loans. In these cases housing inspection and enforcement are difficult at best and compliance is low due to the inability to afford the repairs.

This situation can be further aggravated if unscrupulous lenders or home repair contractors agree to provide home repair loans to otherwise unbankable owners. The interest rates charged on the loan can quickly double or triple the amount borrowed in a short period of time. If a person cannot extricate his or herself from this situation, the owner can fall behind in taxes and city fees. The possible end result is losing the home through foreclosure or abandonment.

Case 3 – Walk Away

The simplest case is one in which the owner, for whatever reason, simply walks away from the property. Generally, the owner perceives that the property is no longer of any value to them or to the marketplace. The owner may be local or out-of-area, and no longer provides for the care of the property, nor responds to official inspection or court notifications. The condition of the property determines its fate – sale, rehab, city acquisition, or demolition. Project discussion estimates indicate that only 5% of those owners notified for a demolition hearing show up in court.²⁴

²⁴ Lou Petrucci, Department of Permit and Inspections, Project correspondence, 01/24/03.

Case 4 – Disinterested Absentee Owner

A category of irresponsible or disinterested owners is the fourth common case. Disinterested absentee owners may be local or out of area. Generally, but not always, this type of absentee owner has no ties to the area, nor any affinity for the tenants that may rent from them or their third party property managers. The typical pattern is for such a buyer to acquire the properties for very low prices, make minimal improvements or none, collect rent until the accommodations become uninhabitable, or end up with multiple code violations, whichever comes first. These home may get resold – flipped - or the owner might walk away. The proliferation of Internet “investment” sales and flipping opportunities across the country is growing, popular and very accessible.²⁵ Investors are attracted to buying up foreclosed, in rem, or auctioned housing anywhere in the U.S. in the mode of internet stock trading using a credit card as deposit. This further adds to the challenges of inspection enforcement and the owner notification process, and takes advantage of low/moderate income renters in the city.

The Cost of Abandoned and Vacant Property – A Hypothetical Example

Estimating the cost associated with vacant property is a difficult task because there are many paths that a piece of property, with or without buildings and facilities on it, can take to abandonment or eventual city ownership. Example studies are available from other cities such as St. Paul, MN and Philadelphia, PA.^{26,27} These examine rehabilitation payback and a vacant land cost benefit analysis. The Project explored possible paths and attempted to describe the processes and resources that are typically involved from the time a property is first cited by inspectors to final disposition or reuse.

Project discussions generated a hypothetical example of the cost associated with the number of times a single vacant residential property could possibly be touched by community and city resources. The example is spread over 5 years and assumes non-compliance by the owner and eventual demolition in year 4. The Year 1 assessed value of the home is assumed to be \$25,000; the Year 4 assessed value of the lot is assumed to be \$2,000. The taxation rate is fixed at \$19.04 per thousand for all five years.

For the purpose of this illustration, the labor costs were estimated using approximated direct man-hours and a citywide average salary (\$45,000) plus fringes estimated at 15% for a total hourly rate of \$25.00 per hour. Materials or other costs are estimated and no indirect costs were included. The actual costs will vary by circumstances and the complexity of ownership issues.

²⁵ “Internet sales leave houses in neglect,” Buffalo News, 08/26/02.

²⁶ Goetz, Cooper, Thiele, and Lam. “Pay Now or Pay More Later: St. Paul’s Experience in Rehabilitating Vacant Housing.” CURA Reporter, April 1998, pp 12-15.

²⁷ The Pennsylvania Horticultural Society, “Vacant Land management in Philadelphia Neighborhoods: Cost Benefit Analysis,” April 1999.

Table 1.0 Hypothetical Residential Case: Year 1 - Year 5

Activity	Est. Labor	Est. Materials/Charges	Estimated Taxes	Total
Year 1				
Initial inspection – confirmed vacant, code violations noted	\$75			\$75
Citation	50			50
Follow-up inspection	25			25
Clean and seal ordered	100	\$250		350
Year 2				
Fire response	250			250
Debris removal – 2 times	100	50		150
Series of citizen complaints	75			75
Police respond – 2 times	100			100
Inspection response initiates demolition proceedings	150			150
Year 3				
Notification to all parties with interests and ownership	200			200
Real estate, collections, courts	200			200
Court hearing scheduled – no response	100			100
Vector control (rodents)	50	50		100
Police response (x2)	100			100
Unpaid taxes Yrs 1-3			1,428	1,428
Year 4				
Demolition in year 4		7,500		7,500
Private land is idle – Neighbors voluntarily clean and mow	200	200		400
Year 5				
Abandoned vehicle reported and removed	50	50		100
City cleans and mows, bills owner		420		420
Unpaid taxes Yrs 4-5			76	76
Total est. costs	\$1,825	\$8,520	\$1,504	\$11,849

Given that this is a hypothetical example, there is much room for debate. Realistically, there are many cases that take less time and effort to resolve, and many cases that take more. The labor costs are purposefully conservative (low) but do represent the participation of a number of different city departments. Because the example ends with the private lot in a vacant idle condition, there were no costs added for reuse by neighbors or the community.

The significance of the example is in the number of abandonments and vacancies that currently exist and the number Projected for the future. Whatever the actual costs are, these costs can be multiplied by the thousands and are expected to continue for the foreseeable future. Using this example, and assuming there are 500 properties in this cycle at any given time, the annual cost to the city could be \$5.9 million dollars per year distributed over a number of municipal activities and departments.

Using this example, and assuming there are 500 properties in this cycle at any given time, the annual cost to the city could be \$5.9 million dollars per year distributed over a number of municipal activities and departments.

The actual municipal and community costs need to be studied more thoroughly to determine the fiscal burden of abandonment and vacant properties in the city. In January 2003, the Common Council approved the transfer to the property tax bills of over \$100,000 of unpaid city mowing and maintenance charges to owners of vacant property who neglected to care for their properties.

The Real Estate Division and the Inspection and Permit Department have been working at minimizing the time it takes for internal processes, and therefore reduce internal and external costs to the city. The tax delinquency threshold was reduced in 2000 from two years to one year to preserve the condition of houses and buildings in order to facilitate a more timely foreclosure and purchase procedure. The real challenge as explained throughout this report is the number accumulated “properties in the pipe” and the time it takes to resolve ownership issues.

Costs: Stability, Perception and Trust

Other important costs associated with abandoned and vacant properties not itemized above are property devaluation, insurance risk, and socio/psychological costs. There are entire studies on these important subjects that are beyond the detail of this report, but some major aspects mentioned throughout the Project are included below.

The presence of vacant property can have an immediate effect that **depresses the resale value of adjacent properties**. As the number of vacant properties increases in a neighborhood, depressed real estate values can spill into adjacent neighborhood.

The presence of an abandoned house can cause an insurer to abandon an insured homeowner next door to the vacant property even though the legality of this practice is in question. The rationale for **increasing the cost of homeowners insurance or dropping the homeowner** altogether is the increased fire risk presented by the vacant property or structures. The homeowner insurance controversy has pushed some owners into requesting that the vacant house affecting their insurance status be demolished.

The presence of vacant properties poorly or not maintained diminishes the quality of life and can further **attract nuisance and destructive behavior**. These are reflected in reduced physical activity, increased health problems, crime, and the cost of remedial social programs targeted to areas having high numbers of vacant properties. **The progressive decline commonly results in a loss of confidence in municipal governance and assistance efforts.**

From this perspective it is easy to conclude that vacant properties are a substantial drag on municipal and community resources and community redevelopment. It is likely that the cost of poorly or not maintained vacant properties exceeds millions of dollars per year spread over many city department budgets and the community. From an asset management perspective, changes in policy, management, and procedures can be justified through future avoided costs and cost-benefit comparisons.

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Maintenance and Mowing Plan 2003

A vacant lot *Maintenance and Mowing (M&M) Plan* was developed during the Vacant Land, Buildings and Facilities Asset Management Project. The M&M plan provided the Department of Public Works an opportunity to meet a Common Council request for a plan to maintain vacant lots in a timely and more frequent fashion. The Project provided a vehicle to assist the department in meeting its March 2003 deadline. *A copy of the M&M plan is included in Part V.*

From the M&M Plan – “The maintenance and mowing strategy is designed to help meet the challenge of caring for vacant properties in the City of Buffalo until such time that interim treatments or final reuses are developed for specific properties. *The immediate need is to organize and plan an approach for maintaining and mowing vacant lots using the available existing resources for the spring, summer and fall of 2003.* The items highlighted in the “FUTURE” sections include further proposed improvements for the subsequent years. The M&M plan is due for review and adjustments at the end of the 2003 season.”

The maintenance and mowing plan is the result of the cooperation and assistance of several City departments and divisions. Representatives of these units will also be involved in the coordination, implementation and improvement of this strategy. Participants included Public Works, Streets and Sanitation, the Office of Strategic Planning, Real Estate, Citizens Services, Inspections and Permits, Impact Team, Mayor’s Task Force, Mayor’s Office of Support Services, Parking Enforcement, and the Buffalo Police Department.

Vacant Property Asset Management Strategy

General

An asset management strategy can form the foundation for more detailed, site-specific recommendations for the productive, economical, and sustainable development, maintenance, and monitoring of the various types of vacant land, buildings and facilities within the City of Buffalo.

The asset management approach is broad in that it strives to integrate all of the parties involved in the various aspects of vacant property, and that it encompasses the entire life cycle of a property inclusive of land, buildings and facilities.

The strategy that follows is an attempt to utilize existing resources and processes in an integrated, coordinated manner. Its intended use is to provide a platform for continuing discussion and refinement of the elements of vacant property management in the City of Buffalo.

The asset management strategy presumes some form of centralized oversight and the incorporation of the conservation and preservation plan, and housing policies currently under development. The cost of implementing any part of the strategy is

dependent on the number and degree of the elements and recommendations selected.

The justification for an asset management strategy should be weighed in favor of avoided costs, future cost savings derived from efficiencies, and eventual investment throughout the community.

The primary **goals of a vacant property asset management strategy** established through the Project include:

1. Slowing the rate at which properties become vacant.
2. Managing existing and future vacant properties.
3. Returning vacant property to appropriate, functional and/or revenue generating uses.

The justification for an asset management strategy should be weighed in favor of avoided costs, future cost savings derived from efficiencies, and eventual investment throughout the community.

Vacant Property Asset Management Elements

A vacant property asset management strategy takes the view that the natural and built environments have tangible and intangible values that contribute, or may potentially contribute, in positive ways to the community. These values can be economic, environmental, social or any combination of the three.

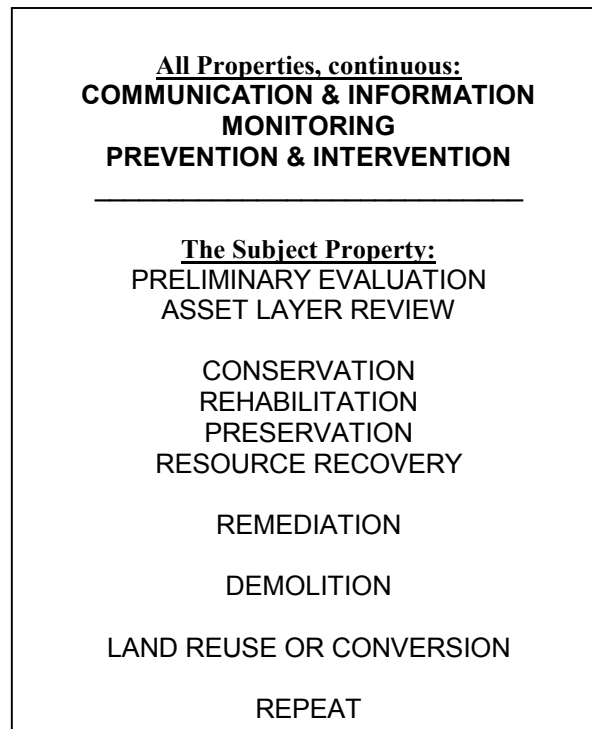
Decision making processes require a hierarchy to assure that land, buildings and facilities are used, reused, or changed in a manner that is productive, economical and sustainable. Prevention, conservation, rehabilitation, resource recovery, and property remediation, reuse, or conversion, represent various stages in a decision tree or property life cycle.

At first consideration, these various stages may seem a tall order. But in fact, these stages are all currently being implemented by a variety of departments, boards, community organizations and developers across the city. The challenge lies in carrying out decision-making and daily activities according to unifying policies, goals and coordinated procedures.

An asset management strategy calls upon a variety of disciplines and involves the community. The outline of a proposed asset review of a property includes an examination of all of the assets or resources that it contains, above, at and below grade. It is not exclusively a real property appraisal or an environmental assessment. It is an integrated combination of considerations to satisfy neighborhood, preservation, environmental, and development goals. The umbrella of the asset management strategy is a set of communication, monitoring and prevention elements.

The vacant properties asset management strategy elements follow and are summarized in flow chart form in the *Vacant Land, Building and Facility Asset Management Strategy Parts 1-3, pages 45-47*. The element components include the major considerations or aspects necessary to guide an asset management strategy as they relate to the systems or processes currently in place.

Diagram 2.0 Vacant Land, Building and Facility Asset Management Strategy Overview



Element 1: Communication and Information

1. The communication and information elements involve the development of systems and networks that support the productive, economical and sustainable conservation, management, and development of vacant land buildings and facilities in the City of Buffalo.
2. Communication and information systems or networks serve to preserve and enhance sense of community; reduce future conflict; facilitate joint, creative solutions; improved the quality of decisions; and save time and money.
3. Communication and information systems or networks integrate, and are accessible to, the stakeholders involved in and affected by vacant property.
4. Information systems provide a wide variety of information and resources related to vacant properties, the scope and content to be determined by the stakeholders.
5. Communication networks provide a means to exchange information and updates, facilitate decision-making, and should be designed to concentrate or focus resources.
6. Information and communication systems or networks provide an education opportunity for prevention and intervention resources, and a mode to report monitoring outcomes.

7. Information and communication systems or networks provide a foundation for marketing and its associated activities; these same systems can co-function as elements of a marketing strategy.
8. Information and communication systems or networks should be centrally organized or linked, efficient and regularly maintained.
9. Systems and networks may include representatives, committees, special task-oriented groups that reach both into the administration and the community. They may also include electronic portals such as web-based access to common information and resources. Good examples of this are the city's web-based, geographic information mapping system and assessment information, both located online at <http://www.city-buffalo.com>.

Element 2: Monitoring

1. Monitoring is an activity performed throughout the life cycle of a land use, and it repeats as the use is renewed or changed.
2. Monitoring is the generalized activity of recording real time transactions and observed changes to property that will aid in intervention and prevention, planning, preservation, and vacant property management.
3. Monitoring can be used to measure accomplishments, program outcomes, the impact of investments, compliance results, and to detect trends.
4. Many departments, boards, and community organizations perform independent monitoring. Sharing the resulting information through communication and information systems will aid in reaching mutual goals.
5. Monitoring criteria relevant to abandonment trends and vacant property should be reviewed to determine the scope of information currently collected. The criteria should be examined for information gaps and the appropriate manner for including the criteria or not.

Element 3: Prevention and Intervention

1. Prevention and intervention are taken to be a set of services, activities, programs and support that aims to arrest the deterioration of structures and intercept owners tending toward property abandonment, i.e. housing services, lending institutions, historic preservation districts, etc.
2. Prevention and intervention benefits individual property owners and is often dependent upon program education and varying degrees of financial support to achieve successful outcomes.
3. Prevention and intervention benefits neighborhoods and includes neighborhood conservation and redevelopment; the preservation of unique or historic places structures or articles; resource recovery; and the enhancement or establishment of accessible green and open spaces.

4. Prevention and intervention service providers include public and private sector agencies and organizations serving regional or localized audiences; all are collecting information and could benefit from information and communication (legal constraints recognized).
5. As with Monitoring above, the City of Buffalo Department of Permits and Inspection has an important and central role in Prevention and Intervention.

Element 4: Preliminary Evaluation & Asset Layer Review

“Evaluation, review, and assessment” are used interchangeably in this section to describe ways to consider vacant properties. This is a generalized concept that should not be confused with a tax assessment, a real estate appraisal, or an environmental review or audit unless specifically noted. Any “assessment, evaluation or review” conducted for the purpose of considering a property in the manner described in this report cannot be legally substituted for the latter.

Any “assessment, evaluation or review” conducted for the purpose of considering a property in the manner described in this report cannot be legally substituted for a tax assessment, a real estate appraisal, or an environmental review or audit.

Vacant properties can be reviewed in asset layers to help determine their condition and to enhance conservation and reuse decision-making. Each layer contributes, some objectively and others subjectively, positively or negatively, to the total potential or future use of the property.

The various layers may require research, site visits or interviews to determine answers to specific inquiries. Do not attempt to access a property without the permission of the owner, public or private – “vacant” is not a defense against trespass. Do not attempt to enter boarded buildings or facilities, or posted property; you may be placing yourself or others in danger. Environmental testing or chemical analysis of any part of any structure on the subject property, or of any surface or subsurface soil or water on the property requires the consent of the property owner(s), public or private. This includes seeking written permission from the City of Buffalo or any of its municipal agencies.

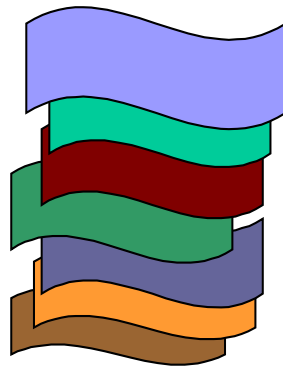
CAUTION!!!

- ***Do not attempt to access a property without the permission of the owner, public or private – “vacant” is not a defense against trespass.***
- ***Do not attempt to enter boarded buildings or facilities, or posted property; you may be placing yourself or others in danger.***

- **Environmental testing or chemical analysis of any part of any structure on the subject property, or of any surface or subsurface soil or water on the property requires the consent of the property owner(s), public or private. This includes seeking written permission from the City of Buffalo or any of its municipal agencies.**

Asset Layers

Not all asset layers require attention in every case, but each layer should be given consideration for possible future impacts and to eliminate unnecessary surprises and time delays.



Asset Layers

Vacant properties can be evaluated in layers to improve conservation and reuse decision-making.

- Paper layers
- Buildings and facilities
- Green infrastructure
- Infrastructure/utilities
- Land/grade
- Land/sub-grade
- Surrounding land use and general conditions

1. **Paper layers** – The paper layers are the man-made conditions, constraints and opportunities associated with a specific property. For example:

- | | |
|---|--------------------------------|
| Ownership | Economic development zones |
| Deeds and covenants | Development plans |
| Special districts | Strategic Investment Corridors |
| Zoning regulations | Land assembly areas |
| Development constraints associated with funding authorities | Former uses |

2. **Buildings and facilities layer** – If buildings and facilities are present on the land and are the subject of proposed conservation or demolition, the first review should be from a paper and sidewalk perspective.

DO NOT enter vacant buildings or facilities without the permission of the owner, and NEVER enter boarded, sealed, or posted building or facilities.

A preliminary search should use:

- | | |
|------------------------|----------------|
| Public records - deeds | Title searches |
|------------------------|----------------|

Photographs, regular, aerial
 Historic archives
 Inspection information
 GIS data and records

Interviews – neighbors, former
 owners or employees
 Tax assessment information

A more detailed study is generally necessary depending on the planned future use and funding sources involved. There may be city permit and inspection requirements; asbestos surveys; preservation and planning board reviews and approval processes; and/or environmental reviews such as New York State Environmental Quality Review or environmental testing. Inquire early in the planning process and add these requirements to your timetable.

Contact the City of Buffalo Planning Board for the “Design and Site Plan Review Checklist” package for submission requirements, process schedule, and fees, (716) 851-5086. See also Part V.

Contact the Buffalo Preservation Board for the operations and procedures package at (716)-851-5029.

Contact the City of Buffalo Department of Permit and Inspection Services for code standards permits and fees at (716) 851-4925, and Inspections at (716) 851-4949.

3. **Green infrastructure layer** – The green infrastructure layer includes live and natural resources on and in the vicinity of the property under consideration: the trees, landscaping and other vegetation on the property and the corresponding right-of-ways.

This layer is a part of the neighborhood and citywide system of green infrastructure that provides numerous benefits to the environment and supplements quality of life. Trees and landscaping contribute to individual and neighborhood property values and increase pedestrian circulation in commercial districts.

Green infrastructure should be preserved, enhanced or replaced in a manner that improves or preserves continuity. Green infrastructure can be used as a tool to direct and encourage neighborhood connectivity to shopping and cultural attractions.

The assessment of green infrastructure should also include a look beyond the immediate boundary of the vacant property for consideration of the property’s relationship to the neighborhood, watershed, viewshed, or other geographic or geopolitical region.

4. **Infrastructure/utilities layer** – This is a strategic layer that can guide or discourage development, and that may or may not impact vacant property in varying ways depending on location. It includes a number of manmade public and private services:

- Hardscape – sidewalks, curbs, driveways, parking lots
- Roads, highways, and bridges
- Sewers – storm water and sanitary
- Lighting – street and traffic
- Utilities
- Railroads

The presence or absence of manmade infrastructure may affect the feasibility of proposed reuse or development, and should be a major factor in locating commercial and industrial Projects.

This layer requires special attention in land assembly areas that may offer opportunities for consolidation and upgrade of aged public service districts.

The City of Buffalo Department of Public Works has a policy of coordinating city and regional infrastructure upgrades where feasible with road reconstruction.

5. **Land, at-grade layer** – This layer represents the physical shape and condition of the land at-grade. It can be described by the slope, surface condition, surface drainage and surface soil (about one shovel deep). These conditions can vary widely from parcel to parcel and across the city.

As with the sub-grade layer below, the surface soil is generally not the original topsoil in urban areas. Over the years topsoil may have developed under grass or could have been developed by the landowner through care and soils amendments. In contrast, post-demolition lots and long-time vacant lots tend to collect rubble and debris through backfill or illegal dumping at or just below the surface.

Above ground tanks and materials storage areas may require special attention.

A more detailed study is generally necessary depending on the planned future use and Project funding sources involved. There may be city permit and inspection requirements; preservation and planning board reviews and approval processes; and/or environmental reviews such as the New York State Environmental Quality Review Act (SEQRA) assessment or environmental testing. **Inquire early in the planning process and add these requirements to your timetable.**

6. **Land, sub-grade layer** – This layer though unseen requires serious attention depending on the location and former uses of the vacant property. The current legal owner(s) by law is responsible for its condition.

Reuse and development plans can be affected by underground utilities and drainage conveyances. Older residential areas often have underground heating oil tanks that require removal prior to construction or rehabilitation.

A more detailed sub-grade study is generally necessary depending on the planned future use and funding sources involved. There may be city permit and inspection requirements; preservation and planning board reviews and approval processes; and/or environmental reviews such as SEQRA assessment or environmental testing.

What you don't see might hurt you – or certainly slow you down. Inquire about underground storage or petroleum tanks, past land disposal and land filling practices, hazardous material spills, and plumes from underground leaks and spills from adjacent properties. These are topics worth checking off your list. Inquire early in the planning process and add these requirements to your timetable.

Plans that include excavation, tree planting, or digging for construction or repairs require that you CALL BEFORE YOU DIG to locate underground utilities. Property owners should contact 1-800-962-7962 for coordination of utilities in your area.

Also, remember to check for overhead electrical lines if ladders, scaffolding, and construction equipment will be required on site.

7. **Surrounding land use and general conditions layer** – This layer captures a variety of topics that may influence or add to the value of vacant property reuse and development.

The surrounding land use, including adjacent properties and the immediate neighborhood, should be observed for its prevailing characteristics. The proposed Project should enhance and not detract from the surrounding land use.

Area residents, especially the immediate neighbors (residents and businesses included), should be directly involved or provided ample opportunity for their recommendations to ensure the proposed Project is compatible with neighborhood plans and community spirit.

The site should be observed in more than one season and at several times of the day and evening to observe lighting, and pedestrian and vehicle traffic patterns. The differences may influence reuse and design parameters.

For sites that involve landscaping and gardening, the site should be checked for light and shade patterns, summer heat reflectance, prevailing winds, snow storage areas, soil type and fertility, and drainage. These will influence soil development requirements, plant and tree placement and selection, and drainage and watering needs.

Urban gardening for human consumption should address the potential for soils impacted by lead or other contaminants, and use alternative methods or location when necessary. *See Part V – Penn State “Lead in Residential Soils” bulletin.*

Element 4: Conservation

1. The conservation element includes structural rehabilitation, preservation and resource recovery.
2. A more detailed account of community conservation and preservation goals and plans are in progress as of the writing of this report. Those results should be substituted for like information contained in this report when it becomes available.
3. Conservation, like prevention and intervention, requires public education and financial support to be effective.
4. Rehabilitation and preservation initiatives benefit property owners directly and are difficult for renters to participate in; absentee owners have a general lack of interest in these opportunities.
5. Surrounding property and residents benefit from the stabilizing effect of conservation. Neighborhoods benefit from the exhibit of investment and enhanced reputation as a good or preferred place to live.
6. Preservation of unique or historic buildings and facilities help to maintain core business or residential districts and can be cultural destination points.
7. Resource recovery is an option for marginal sites or structures that contain unique, period or historic architectural elements worth relocating or storing for future display or rehabilitation. Resource recovery is also the last resort for unique or historic structures that require demolition.

The City has authorized the Buffalo Architectural Salvage Committee to perform architectural resource recovery based on an inventory of those resources, (716) 856-4533.

Element 5: Remediation

1. Remediation applies to land, buildings and facilities impacted or contaminated with listed chemicals or substances (solid, gaseous or liquid) at or above threshold levels set by the U.S. Environmental Protection Agency and/or the N.Y.S. Department of Environmental Conservation and the N.Y. S. Department of Health.
2. Sites or property requiring remediation before rehabilitation, preservation, reuse or development include: buildings and facilities

containing asbestos, petroleum products and other hazardous substances including lead; and listed hazardous waste sites, inactive hazardous waste sites, and brownfield sites.

3. Remediation or clean-up requirements are set by regulatory agencies and based on the actual contaminants present, contaminant levels, treatment options, the potential threat to human health and the environment, and the characteristics of the site itself. These parameters are established in regulated NYSEQRA Phase 1 and 2 environmental assessment procedures.
4. Brownfields represent opportunities for business and industry looking for larger parcels for industrial or commercial uses. Development incentives and regulatory programs are designed to encourage remediation and redevelopment in exchange for liability relief.
5. Community organizations should avoid environmentally impacted sites for community Projects or acquisition.

Element 6: Demolition

1. Demolition permanently removes a building or facility to its foundation (or a designated sub-grade depth) through deconstruction or destruction in a manner prescribed by regulations.
2. Deconstruction is a method of dismantling a structure to recover and recycle reusable materials; the separation of materials enables marketing of some recovered non-contaminated resources (ceramics, gypsum wallboard, brick, copper, metals, wood) and a reduction of solid waste for disposal.
3. Demolition is a procedure of last resort performed in a planned or emergency manner, depending upon the circumstances. Not all demolished structures are previously vacant buildings or facilities.
4. Demolition may be undertaken by the city, or by private landowners under city permit only.
5. The Department of Permits and Inspections, the Planning Board, and the Preservation Board must approve properties proposed for demolition, excluding some emergency demolitions.
6. The demolition process should include site finishing to a useable, shovel ready condition, appropriate for the surrounding land use that ameliorates impacts to surrounding property values, especially in residential areas.
7. A suitable turf or groundcover should be established to improve aesthetics, minimize airborne particles, and minimize runoff.

Element 7: Vacant Land Reuse or Conversion

1. The reuse or conversion of vacant land should be consistent with city and community-based planning for the area in which the vacant land is

located, and should return the land to appropriate, functional, revenue generating uses or remain natural.

2. Existing vacant land and projected new vacant land should be assigned near, mid, or long-term redevelopment timeframes to allow for interim or permanent reuses and land assembly opportunities.
3. Until such time that vacant land is reused, it should be maintained and mowed by the property owner(s) to a clean and sanitary condition.
4. New (post-demolition) vacant land should be “finished” with clean topsoil and seeded for grass cover to control soil erosion, reduce runoff, and to reduce airborne particles.
5. An inventory of vacant land and important parcel-based characteristics is essential to track progress, forecast budgetary needs, and to market properties. See “Information and Communication” above.
6. Not all vacant land can or should be developed or redeveloped. Open, undeveloped and natural land – forested, wetland, shoreline, and grassland – serves important functions in the landscape. Vacant land proximate to these areas can be reserved for floodplain relief, snow storage, recreation, green space and natural habitat areas.
7. Interim uses can be put in place until such time that permanent redevelopment of an area is feasible. Interim uses are intended to hold the land in a manageable condition such that the interim use of the land benefits the immediate community and the City of Buffalo. Interim use and management plans may vary depending upon the Projected redevelopment timeframes.

Interim uses are intended to hold the land in a manageable condition such that the interim use of the land benefits the immediate community and the City of Buffalo.

8. Land assembly areas require interim reuse and management plans that should be factored into the cost of redevelopment.
9. Impacted or contaminated land (surface or subsurface), buildings and facilities designated for reuse or conversion must be handled according to state and federal regulations. Cleanup and reuse alternatives are site and future use dependent. Brownfield redevelopment programs offer some relief for commercial and industrial redevelopment.

Land Reuse and Conversion, General

The current abundance of vacant land of all types in the City of Buffalo raises a general call from the community and community leaders to do something positive with this community asset. Many community groups and individuals across the city have been using public and private resources to reuse or convert vacant land for many years in different ways. There are

many successful neighborhood green spaces and gardens associated with block clubs and schools. Each was developed for a very specific localized need such as:

- ☐ The creation of a neighborhood gateway.
- ☐ The need for a place to enjoy the outdoors.
- ☐ A place for children to learn about the environment..
- ☐ A place to grow flowers, trees and food.
- ☐ The need to secure or take back a street.

The Project asked participants in the GNPA, youth and elected official tracks what their preferences are for vacant land reuse in three different settings. The results of this simple and limited exercise are interesting and point to the need for expanded and diverse community participation in neighborhood planning. *A summary of responses appears in Part V.*

GNPA and Elected Official Tracks

Preferred use of vacant land in a:

Residential setting -

- Side yard ownership
- New single family homes
- New multi-family homes
- Greening – grass and trees

Neighborhood retail/commercial setting -

- Mixed use – business street level, apartments upper
- New businesses – retail, commercial
- Side yard ownership

Industrial setting -

- New commercial and office
- New industry
- Passive recreation – seating only, common area

The youth track was assigned a slightly different exercise in that they were asked to design around sketches of given housing and businesses interspersed with vacant lots.

Youth Track

Preferred use of vacant land in:

Neighborhood residential, 3 scattered vacant lots -

- Community center
- Supermarket
- House/Basketball court/Church

Neighborhood residential, 5 clustered vacant lots -

- More houses
- Homeless shelter
- Community garden

Neighborhood business, 3 scattered vacant lots -

- Food franchises closer to inner city
- Youth transition home
- Community center
- Learning center

Neighborhood business, 5 clustered vacant lots -

- More businesses, parking behind
- Restaurant/recreation club/bar complex

Two relatively recent examples of community-based vacant land reuse include a local Project in progress by the West Side Planning Collaborative. This independent initiative under development will produce a guidebook for community organizations and individuals desiring to access vacant land for community or private use. The City of Philadelphia has a guide called “Reclaiming Vacant Lots, A Philadelphia Green Guide,” published by the Pennsylvania Horticultural Society, that offers strategies and checklists for vacant lot reuse.²⁸ This information is very helpful in developing interim reuses and determining the costs associated with reuse activities.

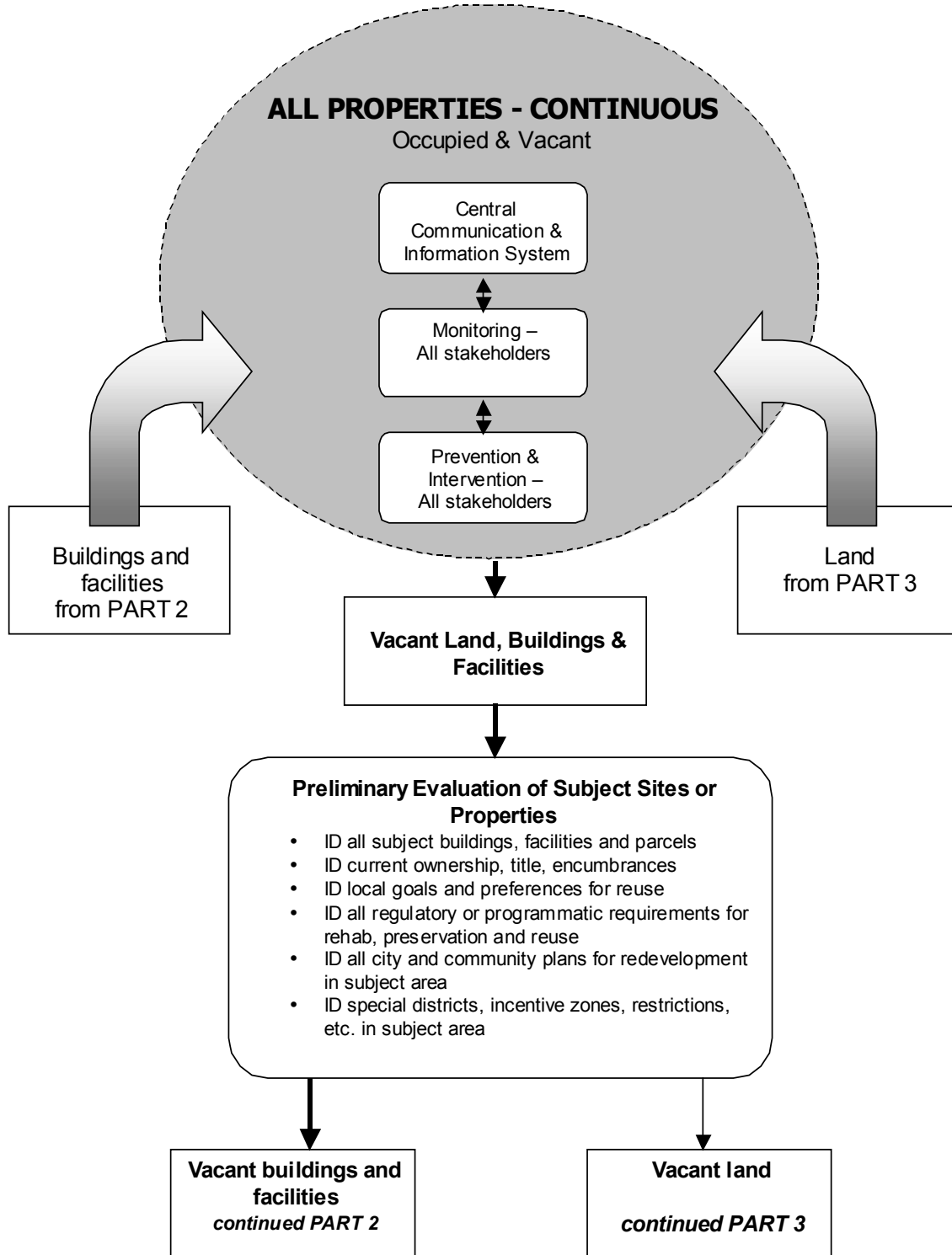
The Partners for Urban Resources and the Environment Erie Niagara (PURE) facilitated the development and funding for a variety of community based environmental Projects from 1998 through 2003. Many of these Projects were implemented on vacant lots of varying conditions. Average Project costs for basic vacant lot restoration (one or two adjacent residential lots) were around \$5,000.00. The range was about \$500 per lot to \$30,000 per site depending on the treatments. Site improvements included turf, perennial gardens, raised-bed community gardens, tree planting and passive recreation areas, outdoor educational spaces, wildlife habitat and water quality improvements. The United States Department of Agriculture Forest Service and Natural Resources Conservation Service provided matching funds for these projects.

Vacant Land, Buildings and Facilities Asset Management Strategy – FLOW CHART Parts 1-3, pages 45-47.

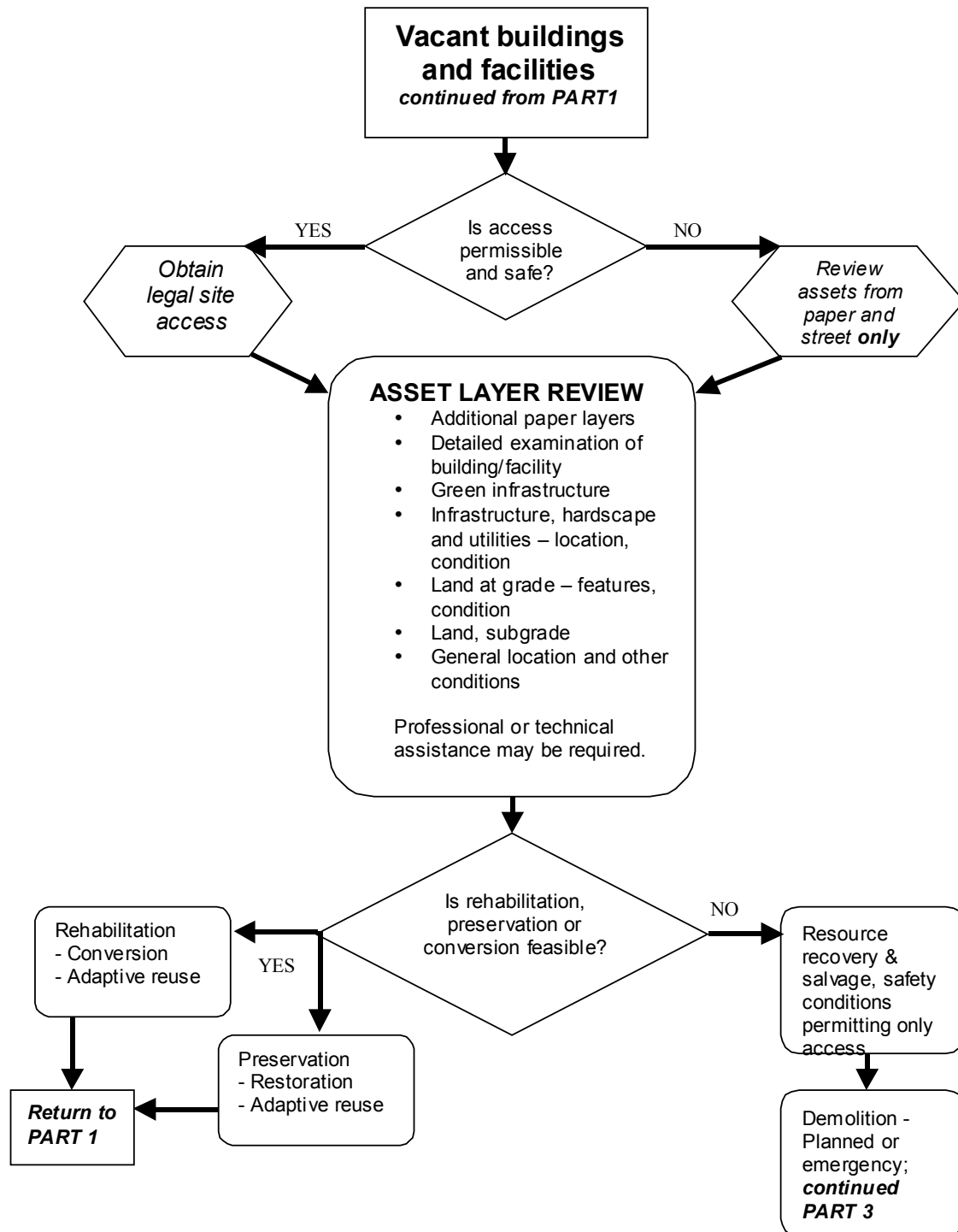
The “Vacant Land, Buildings and Facilities Asset Management Strategy” flow chart corresponds to the preceding description of the strategy components.

²⁸ The Pennsylvania Horticultural Society, “Reclaiming Vacant Lots,” 2002.

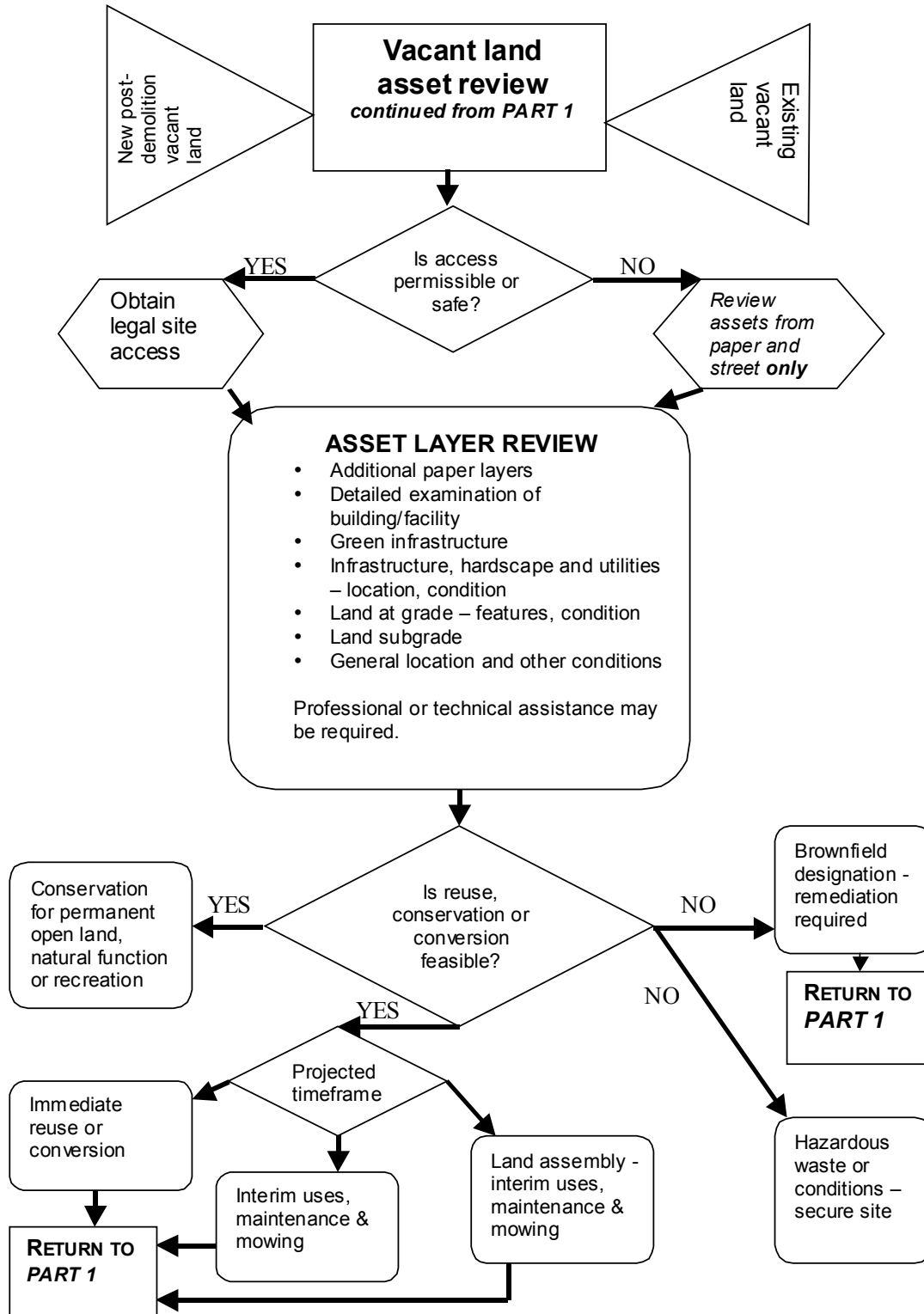
Vacant Land, Buildings and Facilities Asset Management Strategy PART 1



Vacant Land, Buildings and Facilities Asset Management Strategy PART 2



Vacant Land, Buildings and Facilities Asset Management Strategy PART 3





Part III - Project Recommendations

The main purpose of the Vacant Land, Buildings and Facilities Asset Management Project is to develop recommendations for the sustainable, economical and productive conservation, development and management of vacant land, buildings and facilities throughout the City of Buffalo.

Project participants recognized the importance and challenge of focusing on vacant properties because of the relationship vacant property has to the local quality of life and regional prosperity.

The sustainable, economical and productive conservation, development and management of vacant properties of all kinds impacts, and is impacted by, the quality of schools and neighborhoods, economic conditions, and investment in business and industry development.

This statement acknowledges the multiplicity of systems, disciplines and community sectors that are involved in, or affected by, vacant property.

There were many recommendations generated throughout the Project. Repeated items have been consolidated, and other individual or partial recommendations were combined as themes developed. The recommendations in this report do not include all of the possible recommendations in the current universe of vacant property conservation, development and management. More accurately, they represent a starting point that reflects programs, procedures and partial solutions currently in progress or in the planning stage.

Many solid recommendations or ideas proffered were things that are already being done as a matter of routine. This occurred many times demonstrating the need to simply communicate procedures within the city and to the community. Some items, especially in the Regulatory and Enforcement section, may be outside of what is presently permitted, but have been listed as recommendations here to stimulate problem solving and future feasibility.

Recommendation Criteria

Any recommendation should meet the following conditions as established in the Project purpose:

- ❑ Recommendations should lead to the sustainable, economical and productive conservation, development and management of vacant properties.
- ❑ Because this is a very broad charge, stating it in the negative can create some clarification - Recommendations or remedies in the forms of programs, solutions, actions, changes, reforms, etc., should not burden community and local government resources, should not adversely impact human health and the environment, should not be exclusive, nor be counterproductive or exacerbate negative conditions.
- ❑ Decision-making should be consensus based to preserve a sense of community, to encourage the development of joint solutions, and to reduce future conflict.
- ❑ Vacant land, buildings and facilities asset management recommendations should reinforce the City vision to:
 - Repopulate residential areas.
 - Rebuild the industrial base.
 - Revitalize commercial areas.
 - Maintain and enhance green and open space to support the preceding three.

Five general recommendation categories were developed for the purpose of managing discussions within the Project. The Vacant Properties Asset Management Strategy described in the previous section is an attempt to build a decision-making framework that incorporates challenges and near-term recommendations. Both challenges and recommendations will address five areas:

- ❑ Information and Communication
- ❑ Policy and Planning
- ❑ Regulation and Enforcement
- ❑ Procedures, Processes and Practices
- ❑ Funding

The five areas for discussion were compared to the Brookings Institute research brief entitled “Seizing City Assets: Ten Steps to Urban Land Reform”.²⁹ The brief describes ten steps that local governments might take to develop urban land and buildings. The publication is based

²⁹ Paul C. Brophy and Jennifer S. Vey, “Seizing City Assets: Ten Steps to Urban Land Reform,” October 2002, The Brookings Institution and CEO’s for Cities. [Also online] WWW: www.brookings.org.

on the experience and specific program components of larger urban areas involved in vacant property problem solving. The ten steps summarized below fit within and/or overlap with one or more of the five discussion areas listed above. The five report discussion categories note the Brookings Steps associated with the participant recommendations in each category for reference purposes.

Brookings 10 Steps to Urban Land Reform

1. Know your territory.
2. Develop a citywide approach to redevelopment.
3. Implement neighborhood plans in partnership with community stakeholders.
4. Make government effective.
5. Create a legal framework for sound redevelopment.
6. Create marketplace opportunities.
7. Finance redevelopment.
8. Build on natural and historic assets.
9. Be sensitive to gentrification and relocation issues.
10. Organize for success.

Information and Communication

(Brookings Steps 1,4,6,7,8,9,10)

Two common themes throughout the Project were 1) the need for coordinated, regular communication among and between parties engaged in vacant property activities; and 2) access to information for improved decision-making.

Depending on the interests of the group(s) taking action on vacant land, buildings and facilities, there are differing aspects, problems and opportunities associated with each type of vacant property. The number of municipal departments, housing agencies, development agencies, community organizations, for profit and not for profit groups ministering duties, programs and solutions for vacant properties for any the City of Buffalo is large – at least 48 excluding not for profits - making effective communication and coordination difficult.³⁰ The entities involved come with a wide range of capacity, accountability, and can often further redistribute or dilute resources.

Many involved entities develop organizational needs and objectives on city-based information sources, and many others are using or developing independent information sources. All of

³⁰ Vacant Land Buildings and Facilities Project listing, 07/03.

this information, used together or in combination, shared or directed, can be very powerful. The information needs reported throughout the Project includes vacant property facts, statistics, procedures, specific regulations, and referrals that could aid in planning, decision-making, property access and purchase.

Generally the information is available and much of it is or can be attached to a geographic information system. Basic tax assessment property information and map-based data is available through the city's web site. Regulations are available through the city charter and code updates, and permit and inspection procedures are provided through web links. Community and business needs could be served by repackaging common information requests, and by providing easy access to it through various media. It may also be necessary to restrict some information for use by official regulators only, but the scope of restricted information should not be limiting to community decision-makers.

Marketing of vacant properties is included in the information and communication section. Constructing a uniform message that reflects the strengths and opportunities associated with vacant property as a resource, and the responsibility of owning property, are both a function of providing information and effective communication. Vacant property is presently marketed though a variety of means, generally by type. Marketers include city real estate and housing departments, municipal economic development agencies, non profit and for profit developers, real estate companies and brokerages, state and federal agencies, and independent service providers such as publications, newsgroups, and internet trading companies. Marketing messages vary depending on the targeted sector or customer, and the level of market addressed, i.e. national, regional, local, and neighborhood.

Information and Communication Recommendations

1) Develop an information and communication system(s) that will serve the various needs of vacant property asset management.

Fully developed information and communication systems should be centralized and comprehensive to facilitate vacancy prevention and intervention, conservation and preservation, vacant property maintenance, monitoring and marketing.

City-based parties that can participate and support in varying degrees to form the basis of an information/communication system and network: Public Safety, Inspections, Courts, Housing Agencies, CBO's*, Public Works, Citizen Participation, Real Estate, GNPA Committees, Environmental and Historic Reviewers and Boards, Planning Department and Board, Economic Development, Collections, Common Council, Mayor's Office, Information Services, Central Referral Services, etc.

Provisions for improving communication and information access must include the use and accessibility of appropriate and efficient technologies.

General:

- ▣ Provide a One-Stop-Shop for direct communication with community – common request for user-friendly web-based information.

* CBO refers to Buffalo's 6 neighborhood housing organizations.

- ☐ Communication and information systems are a public relations opportunity that should reinforce City policy and goals
- ☐ Elements to be added to information/communication system should be prioritized – what information do decision-makers need and why.
- ☐ Sufficient training should be provided to city staff and community with any new information system.
- ☐ Mayor’s Complaint Line, (716) 851-4890, could be incorporated as the general tool to funnel information. Individuals responding should be well trained to efficiently direct inquiries to begin intervention/prevention if needed.
- ☐ Expand CityStat³¹ to include elements of vacant property asset management.

Prevention and Intervention:

- ☐ Consolidate neighborhood conservation and rehabilitation program information and promote it.
- ☐ Co-promote education on predatory lending practices.
- ☐ Agree on criteria for earlier intervention to identify problem properties.
- ☐ Consolidate information on problem properties and establish instructions for what can be done to bring it into compliance.
- ☐ Use CBO’s to assist in collecting information and reporting on problem properties.
- ☐ Outreach to CBO’s and block clubs to work on landlord/tenant accountability.

Vacant Land, Buildings and Facilities

- ☐ Develop vacant lot maintenance and mowing communication system as a priority – *See Part V, Maintenance and Mowing Plan.*
- ☐ Develop and improve a community reporting system for vacant lot condition reports and maintenance schedules.
- ☐ Promote the pre-demolition neighbor notification process to help facilitate the sale of newly cleared property to eligible adjacent property owners.

³¹ “Tracking system aims to red-flag inefficiencies,” [Buffalo News](#), 01/02/03.

2) Community Education - Disseminate information supportive of vacant property goals and recommendations to the general community, or targeted as needed.

Develop and/or assemble information on the following subjects or issues:

- ☐ Maintenance and mowing plans and schedule.
- ☐ Anti-littering and anti-dumping campaign.
- ☐ Develop a reverse, Internet community-to-city reporting process, possibly linked to City Stat.
- ☐ New building and property codes.
- ☐ Package prevention and intervention materials.
- ☐ Package preservation materials.

3) Marketing – Use components of the information and communication system(s) to aid in the marketing of vacant land, buildings and facilities assets.

Develop a marketing message that is supported by city vision, policy, plans and goals.

- ☐ Build on place – 3rd largest region of USA, with Great Lakes resources.
- ☐ Use “if you were here” marketing strategies.
- ☐ Promote the merits of urban living – assets include walkability, higher density living, more people interactions, support for retail and small business creation, distinctive architecture, parks, a variety of housing and ethnic diversity, etc.
- ☐ Co-market area assets – public-private initiatives.

Use the Internet to market screened, city-owned, vacant properties, and include the procedure and contacts for purchasing. Get screened properties catalogued and on the web.

Use inspection data to develop market characteristics of property sets (types); use inspection information to initiate marketing of recently vacant properties.

Post redevelopment RFP's on marketing site.

Investigate use of VA/FHA method for marketing city-owned buildings through real estate brokers through use of lock boxes and daily Internet pricing with streamlined purchase process.

4) Research and technology – Monitor research and technology trends to optimize the city’s competitive position in the region, state and nation.

Host annual or biennial research exchanges on vacant property asset management and related issues and subjects.

Re-establish linkages and protocol with local university and colleges using the city as a research or Project site – undergrad, graduate and doctoral studies, grants, etc. – to add to city information systems and help monitor trends.

Investigate the use of data loggers or palm pilots by inspectors, public works, planners and assessors to collect real-time data on properties and download into information system for ease of updates.³²

Policy and Planning

(Brookings Steps 1-10)

A conclusion from the Project discussions and experience with local, community-based initiatives is that there is a general difficulty in determining the differences between policy, regulation and procedures concerning vacant properties. Residents seeking information on city policy are often met with explanations of city procedures. City staff, meanwhile trying to implement procedure, can be frustrated by a perceived lack of policy backing for the important duties they are performing. This points to the need for centralized, uniform policies and goals regarding vacant properties and related issues.

Well-constructed policy can be very effective in dealing with different constituencies and the often times competing interests. Policy is the principles on which any measure or course of action is based.³³ Measures or courses of action may include regulation, processes, or procedures that can further entail specific practices and so on. Policy may be founded in legislation, local, state or federal, or it may be developed through local planning as guidance or proposed legislation.

The subject of demolition is chosen as an example to demonstrate how demolition, as an issue or activity, has become embedded in modern urban history as policy, procedure and practice.

- Demolition, like construction, is a regulated activity through the City Charter and building code. It includes the demolition of structures for any purpose, including site-specific redevelopment or emergency. Within the code there is a process for applying for a

³² “The City of Riverside, California, Takes Weed Abatement from Paper to Pixels,” GIS Trends in Local Government, 40. Publication information not available.

³³ New Webster’s Dictionary of the English Language, (Delair Publishing Co., 1981).

demolition permit and regulated conditions (practices) to be met by the party conducting the demolition.³⁴

- ❑ The activity of demolition (emergencies excluded) has a history in federal housing policy going back to 1937 – “clearance,” construed to be demolition, was part of the principles of urban housing redevelopment. Later urban renewal policy included putting the “cleared land to better use” i.e. economically productive.³⁵ These federal programs were adopted by the cities throughout the U.S.
- ❑ Subsequent federal housing policy changed somewhat by putting the emphasis on neighborhood conservation and housing rehabilitation, and demolition shifted to become part of the activity or a tool of community renewal.
- ❑ The demolition of housing and neighborhood commercial structures, as a matter of policy or procedure, continues throughout the city, but is concentrated in some areas more than others. The pattern is an enlargement of the previous public housing and urban renewal designated areas.³⁶ The demolitions are presently conducted at the end of the structures’ lifecycle when occupation standards cannot be met.

This simplified illustration points up the potential conflicts when policy, regulation, and procedures are substituted for each other. Absent a clear local policy on the use or prohibition of demolition in neighborhood redevelopment it is difficult to address embedded or related issues. Are there areas or districts in which demolition is generally prohibited (emergencies excluded)? Is there a citywide policy for surplus housing? Are there vacancy thresholds for relocation of residents in land assembly areas? And where is the available housing where these residents would be encouraged to relocate to?

The links between policy and planning are very strong where these questions are concerned. The importance here is that the planning be inclusive involving departments across the city administration and community stakeholders.

Policy and Planning Recommendations

1) Establish and support a multi-disciplined, representative team to regularly coordinate, review, and advise on policy, plans, local regulation, procedures and funding involved in or affecting vacant property asset management.

³⁴ City of Buffalo Department of Permit and Inspection Services, “Demolition” and “Demolition FAQ’s.” [Online] WWW: <http://city-buffalo.com/Document.asp?lid=1451> and <http://city-buffalo.com/Document.asp?lid=1330>.

³⁵ Uzochukwu E. Ihenko, “Constructive Approaches with Contradictory Results: Community Development and the Dynamics of Housing Demolition in the Inner City of Buffalo, New York, 1960-1997” (PhD dissertation, State University of New York at Buffalo, November 14, 2002), 107-138.

³⁶ Uzochukwu E. Ihenko, 238-246.

The team is charged to:

- ❑ Develop and maintain a system(s) of information and communication to support community education, monitoring, decision-making and marketing.
- ❑ Recommend policies to guide planning and legislative decision-making to maintain a level of control over the current inventory of vacant properties and the number of new vacant properties predicted to be added to the inventory. See Policy development below, and Regulation and Enforcement recommendations.
- ❑ Review proposed development plans to optimize the use of vacant properties and to advise on the compatibility or conflict of those plans with city plans, regulation, procedures, processes, and practices.
- ❑ A commitment to the team is necessary through city policy and administrative support and funding.
- ❑ The team should be centralized in the city administration, and convened and guided by the Mayor's Office of Strategic Planning until such time a formal team structure and operations can be determined by the team representatives.

2) Policies should be re-evaluated, updated, or developed to reflect city and community-wide redevelopment goals. Such policies should be communicated in a manner to aid redevelopment and to promote solidarity of efforts.

Policies involving or impacting vacant properties were determined to be unclear, incomplete, ineffective, or unavailable (unpublicized, not documented) or inadequately promoted and lacking in general support in several areas related to vacant properties.

Policy recommendations, or components thereof:

- ❑ Redevelopment with a regional and smart growth foundation should focus on people at appropriate densities, and an enhanced quality of life for the Buffalo community.
- ❑ The city values community input, and the resources and experience behind it in planning and decision-making processes.
- ❑ The city's responsibility to protect human health and the environment will be extended to all of its departments, agencies, agents, contractors, and development partners.
- ❑ Natural infrastructure should remain as healthy and as intact as possible; vacant land reuse should return identified land to floodplains, riparian, lakefront and other natural functions to balance urban development; this includes public access to open space and recreation.

- ❑ Existing vacant land and future vacant land will be Projected for development and reuse – legally, physically, and within an overall comprehensive plan.
- ❑ Policies for housing, infill and land assembly or land banking must apply citywide, be equitable, and be linked to citywide plans and goals.
- ❑ Policies involving demolition require re-examination to assure compliance with permitting and approval processes, consistency with development goals, and demolition practices that are safe, cost effective and compatible with property reuse.
- ❑ Policies must be linked with legislation, regulations, and city plans; and communicated to the community, administration, elected officials, and courts, to improve enforcement and compliance efforts.
- ❑ The administration should support community interim reuse of city-owned property that is consistent with city and neighborhood plans.
- ❑ A policy to adequately support and fund the activities associated with the asset management of vacant land, buildings and facilities is essential to the success of any such effort.

3) Plans involving or impacting vacant properties must be centrally coordinated to optimize effectiveness, maximize the use of limited resources, and support city and community-wide policies and goals.

With respect to vacant properties, existing plans were reported to be unclear, incomplete, ineffective, or unavailable (unpublicized, not documented) or inadequately promoted and lacking in general support for vacant property management or redevelopment.

Plans should be re-evaluated, updated, or developed to reflect city and community-wide redevelopment goals. Such plans should be communicated in a manner to aid redevelopment and to promote solidarity of efforts.

- ❑ The city of Buffalo Comprehensive Plan should guide all city and neighborhood redevelopment plans, both public and private.
- ❑ All redevelopment plans should be subject to an inclusive, integrated review process that is coordinated and streamlined for maximum effectiveness.
- ❑ The site plan review process should be restructured to place emphasis on preservation and environmental evaluations, and expanded to include a radius of impact or influence that is dependent upon site redevelopment criteria.
- ❑ Community and stakeholder participation in planning processes should be embraced and encouraged in all planning venues; this should include training in urban community revitalization.
- ❑ The City should accelerate the development of its preservation and conservation plan, to preserve, protect, and enhance the historic and unique integrity of city neighborhoods and special features.

- ❑ Comprehensive planning should set general rehabilitation, preservation, housing, and vacant land development targets.
- ❑ The city should establish reduction and accumulation reduction goals to help reduce the number of city-owned properties.
- ❑ The city should remap and market identified development areas that include vacant land, buildings and facilities; and, rezone these areas accordingly to help insure that development blends in with existing structures that ultimately lead to a series of attractive interconnected neighborhoods.
- ❑ Housing design and alternatives should include vacant land to be reused as development green space and connecting corridors.
- ❑ Well thought out plans include combining infill and rehabilitation of existing structures, including preservation and adaptive reuse.
- ❑ Develop land bank guidance and budgets for residential and commercial development, including density thresholds for relocation, relocation provisions, maintenance of land bank areas and redevelopment marketing.
- ❑ Plan and develop funding for demolitions necessary to meet development needs and surplus housing unit Projections.
- ❑ Adequately maintain infrastructure – sidewalks and curbs, pavement, lighting, street trees etc. – especially in residential and neighborhood business areas during land assembly to minimize liability exposure.
- ❑ Develop, enhance and maintain initiatives to attract industry and businesses retain and attract residents, improve neighborhood amenities and schools.
- ❑ Develop a menu of permanent and interim reuse alternatives and funding to support community –based vacant lot reuse efforts.
- ❑ City should sell qualifying vacant lots at a low cost to neighboring landowners for sideyards.
- ❑ City should donate more vacant lots to block clubs and CBO’s for conversion to community places (gardens, parks, green space). Term or permanent easements can be used to provide assurance for long term protection and availability for public benefit uses.
- ❑ Empower local planning area coalitions to do things such as:
 - Weekend cleanups.
 - Create development associations.
 - Obtain assistance from BMHA.
 - Obtain the use of, or get assistance for heavy equipment.
 - Develop lot maintenance and landscaping businesses.

Regulation and Enforcement

(Brookings Steps 1,3,4,5,7,8,10)

The seventh step of the Brookings Institute list, “create a legal framework for sound redevelopment” is a simply stated challenge that belies the complexity of the combination of regulations that directly, or indirectly, pertain to vacant properties. Again, regulation can be in the form of local, state and federal law, or prescriptions derived from federal or state legislated authorities and programs.

The scope of laws in the case of vacant properties touches everything from asbestos surveys prior to permitted reuse or demolition, to taxation, to conveyance of properties between parties, to environmental and historical review processes, to foreclosures, and much more. Many of these areas traditionally involve specialists to interpret, direct, monitor and enforce the regulations of the subject area. The functions of the city Inspection and Permit Department is a good example of the interface between state and city regulation and the application of building code inspection and enforcement.

Various regulations came up within Project discussions and through out the development of this report. The needs to reduce the number of “non-strategic” city-owned properties, and to refine the types of property that should transition through city ownership were important topics that gravitated toward regulations. Both topics invariably defaulted to an education on processes and procedures based on governing regulation - tax lien, notification, title perfection, foreclosure, sale event or posting, qualifying the purchaser, etc. Each element also has a time factor associated with its execution. The procedure just to the point of making a vacant property available for public or private acquisition could in total vary from 9 months to several years. If owner bankruptcy or probate is involved, 5 to 7 years is not unheard of.

The wide variation is due to matters involving regulation, but not necessarily regulation itself. Absentee owners, multiple ownership arrangements, and complicated third party liens all add time to notification, title perfection and foreclosure elements of the various processes. The publication “Renewing Public Assets for Community Development” offers a way to evaluate local processes based upon the framework of specific state and local laws.³⁷ The publication’s analysis flow chart has been printed with permission from the Local Initiatives Support Corporation. ***See Part V, “Renewing Public Assets for Community Development” Flow Charts.***

Regulations frequently include penalties for non-compliance and evasion. Building and property maintenance codes include a schedule of notices, fines and sentences for non-compliance. Citywide policy should be strong in support of enforcement efforts that reveal infractions requiring penalties. Many argue that the penalties be strong enough to truly discourage neglectful behavior and to encourage property maintenance. Raising the illegal dumping fine from \$1,000 to \$5,000 sends a clear message, but a stronger message is a message backed by the fine plus enforcement and court action can help to reduce the cost to the city.

For an example just considering vacant lot clean up – the city currently charges \$210 per lot to first clean, then to mow a vacant lot. Using very rough figures, if 60% of that cost involves

³⁷ Frank S. Alexander, “Renewing Public Assets for Community Development,” Local Initiatives Support Corporation, October 1, 2000. Pages 17-19 located in Part V of this report reprinted with permission.

removing heavy trash and debris and its disposal, and if this cost was recovered from one-third of the privately owned lots serviced (2,800), and saved from one-half of the city-owned lots (2,000), this amounts to \$605,000 - over one-half million dollars for one maintenance and mowing cycle. The results of this estimate have not been validated, but the illustration shows a potential cost savings to the city with an investment in enforcement and support from judicial partners.

Discussions and submitted recommendations mentioned enforcement of existing laws and ordinances repeatedly. There was no mention of adding new regulations, but there were many creative suggestions that might require flexibility or adjustments to procedure to work effectively. The consensus was that proper staffing, funding, policy and judicial support is necessary to implement the regulations currently in place given the magnitude of the challenge.

Regulation and Enforcement Recommendations

1) Regulations are necessary to insure orderly development, protect the quality of life, preserve and manage resources, manage risk and control liability, and to track and monitor conditions and progress.

Regulation, directly or indirectly related to the sustainable, economical and productive conservation, development and management of vacant land, buildings and facilities throughout the City of Buffalo:

- ❑ Must be clearly communicated to all parties administering and affected by such regulations, and should be part of any information and communication systems.
- ❑ Must be administered and enforced in an optimized, cooperative and collaborative manner with various governmental, agency, and program partners.
- ❑ Must be enforceable, and enforced uniformly under clearly understood conditions with consequences proportional to the actual burdens created by non-compliance.
- ❑ Is a means to recover actual costs incurred by the city and community to supplement vacant property prevention, preservation, reuse, and management.
- ❑ Should be reviewed regularly to determine the need for changes, redundancy, conflict, or enhancement, i.e. develop stronger language and enforcement for abandoned vehicles* and illegal dumping.
- ❑ Should be reviewed for procedural compliance and accountability.

* Abandoned vehicles are addressed in the Maintenance and Mowing Plan 2003.

2) Consideration and study should be given to the recommendations in this study and to other creative ideas that may require regulatory evaluation and/or adjustments to implement.

- ❑ Revise zoning laws to reflect actual and intended land uses immediately after the adoption of the City of Buffalo Comprehensive plan.
- ❑ Publicize the content and changes in the new Building and Fire Prevention Code affecting city departments, agencies, the community and developers.
- ❑ Develop more sophisticated quality of life design standards for new buildings, housing, and other facilities such as:
 - Improved building design and materials.
 - Expanded green space and incorporation of vacant land.
 - Criteria for mixed-use development.
 - Neighborhood walkability, connectivity and universal access.
 - Conformity with surrounding uses and special features
- ❑ Begin the SEQR process for selected land assembly areas as soon as possible.
- ❑ Use the most recent Brownfield legislation and funding to prioritize and plan for brownfield redevelopment; include in marketing information.
- ❑ Use eminent domain to clear problem properties or areas for public redevelopment purposes.
- ❑ Use more police presence, response and enforcement on quality of life issues.
- ❑ Install “no trespassing” signs on all vacant buildings – process trespassers accordingly.
- ❑ For buildings scheduled for demolition, but not in hazardous condition, publish a demolition date and salvage sale date.
- ❑ Improve financial access for the purchase of vacant lots by residents through amnesty of interest or penalties owed (taxes, user fees, etc. that might prevent qualifying for property purchase) in exchange for neighborhood community service.
- ❑ Sell qualifying adjoining lots to qualified adjacent property owners for a nominal fee with the condition that maintenance be done for a period of time (3 years) before title is transferred.
- ❑ Give community organizations first right of refusal on all qualifying city-owned properties at discounted prices in exchange for rehab and return to tax roles.
- ❑ Make vacant commercial/industrial lots tax-free if business/industry maintains the lots as green/park/art space for a

10-year period. After 10 years the properties will be given to businesses to use for development and taxation resumes.

- ❑ Sell adjoining lots with buildings on them to qualified adjacent property owners for a nominal amount and forgive the city taxes for a period of 5-10 years after the building is removed and the lot is cleared of all debris. If the city cites the property 3 or 4 times, the deal is terminated and the owner will demolish the building. Title is transferred only after the lot has been cleared. Drug and criminal arrests will cancel the arrangement.
- ❑ Give vacant houses to pre-qualified real estate investors for rehab. Place a limit to the maximum number homes (example - 5) for each investor and they must perform on their first house in exchange for a refundable deposit. Drug and criminal arrests will cancel the arrangement.
- ❑ Re-examine what the City requires for ownership – what potential buyers must bring to the table (violations, delinquent taxes, etc.).
- ❑ Investigate the feasibility of a quick closing for certain types of properties.
- ❑ Streamline processes to expedite closings – esp. inspections, collections, legal department, etc.
- ❑ Use flat fee per square foot or flat price on residential vacant land to speed up or eliminate Common Council approval process and increase ownership.
- ❑ Use a \$1,000 arrears cap as pre-qualifier for property purchase.

Procedures, Processes & Practices

(Brookings Steps 1,2,4,5,10)

Policy, and to varying degrees regulation, is the “what and why” behind the “how, where, who and when” of procedures, processes and practices. These 3-P’s must be built on a foundation of sound policy and planning. Alternately, they may be prescribed through policy-based regulation as a course of corresponding action or guidance.

Similar to the Regulation and Enforcement section, procedures, processes and practices involves many diverse specialties when it comes to vacant properties – tax assessment, collections, inspections, planning, zoning, historic preservation, economic development to name a few. And as previously stated, the 3-P’s may be predetermined, for example a condition of receiving grant funding, or set internal to a department or organization, i.e. management and operations plans.

The effectiveness of any particular procedure, process, practice, or collection of the same, should be evaluated based on outcomes or productivity, and the relationship to other parts of the city systems supporting similar policy and goals. Procedures, processes, and practices should be changed or eliminated if they prove to be redundant, unduly complicated, outdated, or if they produce results contrary to policy, regulations and goals. Effectiveness, efficiency

and timeliness are dependent on optimal support in manpower, budget, and cooperation or collaboration with the community and other partners.

The majority of time spent with the Project's Administrative Track was involved in the area of procedures, processes and practices. Many of the recommendations from this group focused on procedural or technical detail. The opportunities identified include:

- ❑ Communicating the various processes and information across departments, the community and common council.
- ❑ Using the existing available processes and resources to their fullest extent.
- ❑ Streamlining processes or procedures, especially where they intersect departmental lines.
- ❑ Using best practices in the office and field.
- ❑ Vacant property asset management should:

For public properties – centralize organization, labor and equipment.

For private properties – improve enforcement and communication at all levels.

General community interest in city processes included concern for the time processes or procedures take, and a need for communicating what the procedures are for basics such as homesteading, vacant lot purchase, housing rehabilitation opportunities, reporting concerns and complaints, and obtaining assistance for neighbors in need of property maintenance.

Procedures, Processes, and Practices Recommendations

1) An administration priority for the team assembled to address vacant properties should be an effort to:

- b) Shed the excessive number of city-owned vacant properties.
- c) Reduce the number of vacant properties acquired.
- d) Expedite closing to achieve reduction goals.

Identified opportunities include:

- ❑ Expanded notification for city actions – demolitions, change of use, new development, etc. – to increase sales potential.
- ❑ Reduce turnover to new ownership and rehab to 18 months or less (most residential becomes unusable after 2 years or more).
- ❑ Make homesteading a priority using a quicker, easier process.
- ❑ Educate and pre-qualify interested buyers to expedite debt clearance.

- ☐ Real Estate Office could be the central entity to coordinate with financial institutions and developers and to assist in loans for purchase and construction.
- ☐ Do collections process in-house to expedite real estate transactions.
- ☐ Use outside agency(s) to assist with dispersals.

2) Conservation, rehabilitation and preservation priorities must be incorporated into processes, procedures, and practices to maintain the physical integrity of neighborhoods and to maintain the greatest number of properties on the tax role possible.

The development of a community conservation plan is in progress. Project points relevant to this segment include:

- ☐ Maintaining and publishing the location of special and historic districts, sites of significance and how to access resources and the criteria for conservation and rehabilitation.
- ☐ Evaluate and inventory architectural, historic and unique features significance of structures across the entire city; monitor changes to the same.
- ☐ Emphasize alternative and adaptive reuse for structures and facilities.
- ☐ Create a fund for the “adoption” of priority structures or sites to enable mothballing and interim repairs.
- ☐ Encourage as a last resort the recovery of salvageable landscape and architectural features for reuse in another location or as a means to support preservation efforts (revenue).
- ☐ Investigate house-moving as an alternative along with compatible relocation sites.

3) Demolition projections, practices and funding priorities must be re-evaluated to maintain the physical integrity of neighborhoods, to minimize maintenance costs, and to aid in redevelopment.

- ☐ Identify vacant property potential and reuse *before* demolition to evaluate final grading and finishing requirements – drainage, topsoil, seeding, site security, etc.
- ☐ Develop awareness and protocols for possible contaminant assessment and remediation.
- ☐ Match demolition requirements to potential reuses in vicinity.

- ❑ Protect curbs and sidewalks during demolition in residential and commercial areas.
- ❑ Leave sites in condition to be dressed (seeded) or dress as part of demolition.
- ❑ Develop specifications for tree removals at or near time of demolition as part of total demolition because all trees and landscaping on property reverting to city-ownership become the city's maintenance and liability responsibility. Many trees are non-native, non-desirable species and many trees are left damaged post-demolition presenting immediate hazards. In the alternate, if trees and landscaping are left on-site, increase funding and staffing for the city forestry department to absorb the additional increase in responsibility.
- ❑ Provide 100' total clearance (removal area) where possible to improve management results, especially where vacant property is adjacent to ROW's.
- ❑ Include provisions for deconstruction and recycling of demolition debris.

4) The sheer amount of vacant land in the City of Buffalo requires a vacant land maintenance and mowing plan that is implemented and funded to accommodate the number of existing and future vacant lots.

A preliminary Maintenance and Mowing Plan (See Part V) was developed during this Project to utilize existing available city and agency staff resources.

This plan should be re-evaluated at the end of the season to determine actual costs and equipment needs to provide for future seasons.

The following recommendations were incorporated into the plan.

- ❑ Coordinate existing resources - city, agency, CBO, private, etc. - to clean and cut public and private vacant lots.
- ❑ Develop a reporting system for lot condition reports and maintenance schedules.
- ❑ Improve funding and recovery mechanisms to offset maintenance costs.
- ❑ Investigate the process, storage and cost recovery mechanism for abandoned vehicles.
- ❑ Develop educational recommendations for community cooperation.

Financial

(Brookings Steps 1,2,3,4,5,6,7,10)

Any proposed recommendations for the sustainable, economical and productive conservation, development and management of vacant land, buildings and facilities throughout the City of Buffalo require direct and indirect financial support to attain city and individual community goals. Throughout the Project discussions, insufficient financial support, both real and perceived, for existing policies, regulation, enforcement, planning, procedures and practices was a constant theme.

Funding for regular activities, staffing, programs, community-based Projects, and redevelopment initiatives involving vacant properties is a disjointed allocation process that fails to recognize vacant properties as a significant city cost center in the near and long-term. As a result, funds may be diluted among departments and agencies, or not used in a manner to support city goals and neighborhood priorities. While this report and Project participants acknowledge and commend the many fine efforts past and underway, the preceding statements seek to bring attention to the vacant property dilemma and the need to tackle it in a comprehensive manner.

Further investigation into vacant property issues beyond this report must develop the actual cost of vacant property to the city and its residents to advance financial decision-making. The report provides simple “what if” examples to help shift the focus to thinking in terms of vacant properties as potential assets using avoided costs, lost revenues, externalities, and Projected timeframes. These examples and similar queries should be the basis for budgeting, cost-benefit analysis and investment planning.

In an era of fiscal limitations and severe spending constraints, a vacant property asset management strategy and implementation plans becomes even more important. Currently there are too many city-owned facilities and vacant properties than a city of its size can maintain. There is also a concern for duplication and gaps in services that may prevent efficiencies and economy of services.

These same fiscal limitations also create opportunities through turning our attention to the basic elements of city and community services and economic development. There is potential job creation and investment potential in maintaining, conserving and redeveloping vacant properties. Incentives should be more tightly targeted and geared toward guaranteed redevelopment outcomes. Green and hard infrastructure strategies should be used to incorporate vacant property to attract retailers and customers to city business districts.

Financial Recommendations

1) Budget planning and development around the vacant property cost center is an immediate need.

- The vacant property team should develop annual estimates for the implementation of an optimal conservation, development and management of vacant properties for use in departmental and agency budget planning. The estimates should include information and communication costs, implementation costs, appropriate staffing levels, equipment and technology costs and provisions for marketing.

- ❑ Actual departmental and agency annual costs associated with the conservation, development and management of vacant properties should be monitored and reported for adjustments in subsequent years and Projected vacancy activity.
- ❑ Develop near and long term cost Projections for the vacant property cost center and corresponding financial contingencies in order to be prepared for unforeseen shortfalls or windfall incentives.

2) Decision-making and vacant property spending criteria must reflect established policies, regulations, plans and city and community priorities.

Properly done, this should shift funding within the vacant property cost center to reflect actual costs attributed to the departments and agencies charged with those responsibilities and duties to attain desired outcomes and common goals. It will also shift the distribution of funds applied across the city landscape and Common Council districts.

Detailed points include:

- ❑ Commit to support redevelopment in designated priority areas.
- ❑ Development awards should be evaluated against conformity with established policies, regulations, plans and city and community priorities.
- ❑ Return on investment, cost-benefit, and similar payback analyses should include all known and Projected costs and avoided costs over the period of investment terms. For example:
 - What is the “break-even” house/business structure to support current public and community services?
 - What are the break-even timeframes for various rehabilitation investments using tax income, avoided costs, etc. over the period of investment bonds (20 yrs or more)?
- ❑ Target the use of rehab support funding for housing and business in areas immediately surrounding new-builds and investment to insure the sustainability of community and private investment, i.e. Home Ownership Zones, Live Zones.
- ❑ Increase available grant funds for housing rehab and neighborhood infrastructure improvements.
- ❑ Concentrate funding in and around reuse (HOZO, etc.).

3) Funding development and leveraging community and private resources should be expanded for the purpose of conserving, developing, and managing vacant land, buildings and facilities throughout the City of Buffalo.

- ❑ Develop a dedicated fund for the sustainable, economical and productive conservation, development and management of vacant land, buildings and facilities throughout the City of Buffalo. The fund should be active until a manageable equilibrium of vacant properties is attained.
- ❑ Improve enforcement and tax/fee recovery mechanisms and reinvest to offset vacant property development and maintenance costs.
- ❑ Encourage department and agency efficiencies and reinvest to offset vacant property development and maintenance costs.
- ❑ Investigate low interest, incentive and grant programs.
- ❑ Specifically, investigate funding mechanisms for future Projected demolitions and land assembly activities.
- ❑ Re-institute the Matching Fund program to fund community based reuse of pre-qualified vacant properties.
- ❑ Provide incentives or rewards for residents who voluntarily maintain adjacent vacant property that they do not own.
- ❑ Work with building supply companies to offer donated or discounted home improvement materials and supplies.
- ❑ Work with utility companies to get donated services for tree removals on vacant lots.

Near Term, Next Steps Toward Implementing the Preceding Recommendations

At this critical juncture in the City of Buffalo's overall condition, positive and negative trends require that work on vacant land, buildings and facilities begin in earnest immediately. There are six items within the recommendations that comprise good near term, next steps. The good news is that aside from dedicating personnel, time, and creativity, only one of them costs anything additional to start.

1. A Vacant Properties Team (VPT) or Task Force should be assembled to guide the initiation of these preliminary actions. The team core can be composed of representatives of the original Project tracks originating in the Mayor's Office of Strategic Planning.

2. The Comprehensive Plan, currently in draft form, should be championed by the VPT by providing assistance with its further development and adoption by City elected officials.
3. The “community conservation plan” (historic preservation plan) and housing policy under development should be completed as soon as is practicable to fill significant gaps in community planning; they are the missing piece to the vacant land, building and facilities asset management strategy.
4. The VPT should begin provisions for existing vacant land, buildings and facilities implementation by:
 - a) Identifying all components of the vacant property cost center for budgetary planning needs; and
 - b) Developing criteria and costs for post-demolition site finishing and interim treatments for vacant land for budgetary planning.
5. The VPT should adapt Philadelphia’s example reference, “Reclaiming Vacant Lots,” for general community use in restoring existing vacant lots to help meet immediate community needs.



Part IV - Maps & Tables

CITY OF BUFFALO:

MAP A	Vacant Land Use and GNPA Areas
MAP B	Strategic Investment Corridors, From Draft Comprehensive Plan
MAP C	Strategic Investment Corridors and GNPA Areas
TABLE C	Number of Parcels and Acres By Strategic Investment Corridor
MAP D-1	Commercial Strips and Live Zones
MAP D-2	Retail Density with Commercial and Residential Vacancy
TABLE D-1	Vacant Property in Neighborhood Retail Areas
MAP E	Protected Green Infrastructure (parks, trails and recreation)
MAP F	Non-Protected Green Infrastructure (other public and private spaces – schools, institutions, etc.)
MAP G	Potential Green Infrastructure (vacant land)
MAP H	Green Infrastructure Composite (connectivity)
TABLE I	US Census – Units in Structure, Householder 65 Years and Older, and Householder Below Poverty Level: 2000



Part V - Appendix

1. Contacts and assistance
2. Project bulletin
3. City of Buffalo department, divisions, agencies, and authorities involved in various aspects of vacant properties.
4. Selected Project materials*:
 - a) Strengths, Weaknesses, Opportunities and Threats Exercises, Session 1 Summary - Combined GNPA and Administrative Tracks
 - b) Youth Neighborhood Design Exercise Results, Youth Session Summary 12/19/02
 - c) Administrative Track Session 3, Draft Summary 12/20/02, Recommendations Section
 - d) Vacant Property Projects, Priorities and Recommendations Questions Posed to GNPA and Elected Officials January 2003
 - e) Project Briefing - Area Developers and Development Agencies Summary

*Not all Project developmental materials are reproduced in this report.
5. “Renewing Public Assets for Community Development, pp17-19, analysis flow chart; reprinted with permission from LISC, July 2003.
6. Design and Site Plan Review Checklist, City of Buffalo Planning Board
7. 2003 Vacant Lot Maintenance and Mowing Plan
8. Other Project resources:
 - a) List of additional references
 - b) “Lead in Residential Soils: Sources, Testing, and Reducing Exposure,” Penn State Cooperative Extension