

## *Frequently Asked Questions about Vacant buildings*

Q: What qualifies as a “Vacant Building” that must be registered?

A: Any building in which no occupant lawfully resides, or no tenant is in lawful possession, or any building otherwise not being used for any lawful purpose.

Q: When must a vacant building be registered?

A: All owners of vacant or abandoned properties shall register with the Building Official/Code Enforcement Officer of the City of Kingston not later than 10 days after any building in the City becomes an abandoned or vacant building and not later than 20 days after being notified by the Building Official/Code Enforcement Officer of the City of Kingston of the requirement to register. The Building Official/Code Enforcement Officer may identify vacant and/or abandoned buildings through his/her routine inspection process as well as through notification by residents, neighbors, neighborhood groups or other community groups that a building may be vacant and/or abandoned and eligible for inclusion on the required registry. Registration by owners shall be submitted on forms provided by the Building Official/Code Enforcement Officer of the City of Kingston.

Q: How do I register my vacant building?

A: Please see and complete the online fillable Kingston vacant properties/building form on this website.

Q: Are there any fees associated with registering my vacant building?

A: The owner/mortgagee of an abandoned building or property shall pay an annual fee of \$1 per square footage of the building for the first year the building remains vacant or abandoned or any portion of said year. The fee shall cover the administrative costs for registering and processing the abandoned building or property and the cost for the City to monitor the abandoned property or building. The initial fee is due within 30 days of vacancy.

- 1) For the first year the building remains vacant or abandoned: \$1 per square footage of the building.
- 2) For the second year the building remains vacant or abandoned: \$1 per square footage of the building.
- 3) For the third year the building remains vacant or abandoned: \$1 per square footage of the building.
- 4) For the fourth year the building remains vacant or abandoned: \$1 per square footage of the building.
- 5) For the fifth year the building remains vacant or abandoned: \$3 per square footage of the building.
- 6) For the sixth year the building remains vacant or abandoned: \$3 per square footage of the building.
- 7) For the seventh year the building remains vacant or abandoned: \$3 per square footage of the building.

- 8) For the eighth year the building remains vacant or abandoned: \$3 per square footage of the building.
- 9) For the ninth year the building remains vacant or abandoned: \$3 per square footage of the building.
- 10) For the 10th year and any years thereafter, the building remains vacant or abandoned: \$5 per square footage of the building.

Failure to pay the fee shall result in said fee to be charged against the land on which the building existed, as a municipal lien, or shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or stood or shall be recovered in a suit at law against the owner.

All delinquent fees shall be paid by the owner prior to any transfer of ownership.

Exceptions:

A. Any building exempted from registration pursuant to the provisions of the New York State Real Property Actions and Proceedings Law or other controlling federal or New York State law.

B. A building which has been vacant for longer than one year, but less than two years, may request waiver of the fees set forth above upon submission of satisfactory proof of reasonable attempts to secure appropriate occupants or tenants for the building. The decision regarding said waiver shall rest in the discretion of the Deputy Chief (**Director**) of the Building Department and may be appealed in writing within 30 days to the Mayor of the City of Kingston.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

C. A building or property which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 180 days after the date of the fire or extreme weather event if the property owner/mortgagee submits a request for exemption in writing to the Deputy Chief of the Building Department. This request shall include a description of the property; the names and addresses of the owner and/or mortgagee; and a statement of intent to repair and re-occupy the building in an expedient manner or intent to demolish the building.

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

D. Additional exceptions to this chapter shall be if in the sole and reasonable discretion of the Deputy Chief of the Building Department the property is subject to any one or more of the following:

[Amended 3-5-2019 by L.L. No. 1-2019, approved 3-19-2019]

(1) A valid open building permit being pursued with diligence, not to exceed 12 months from the time the property became vacant or abandoned;

- (2) A pending land use application, including site plan, subdivision or special permit application, being pursued with diligence, not to exceed 12 months from the time the property became vacant or abandoned;
- (3) A pending application to a governmental body being pursued with diligence for an approval pertaining to the physical improvement of the property, not to exceed 12 months from the time the property became vacant or abandoned;
- (4) Utilization of the building by the City of Kingston, on a temporary basis not to exceed 12 months, for City purposes, including but not limited to fire training;
- (5) The current owner/occupier is absent from the property while receiving health-related care as an inpatient of a residential health-care facility, not to exceed 12 months.

E. The discretionary decision of the Building Official/Code Enforcement Officer as provided in Subsection A, B and C above may be appealed by the property owner/mortgagee in writing, within 30 days, to the Mayor of the City of Kingston.

**Penalties for offenses.**

If an owner and/or mortgagee shall violate any portion of this chapter, such person shall be subject to a fine of not more than \$500 or 30 days in jail, or both, with the understanding that each day a violation continues shall be deemed a separate offense.