Marketing City-Owned Properties

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Executive Summary

An effective housing strategy must incorporate efficient disposition of city-owned property. A successful disposition program should include a marketing campaign that facilitates the transfer of city-owned property to productive use. Last year, the City of Buffalo initiated a marketing program that assisted in the sale of 125 homes. A major component of this marketing program was a catalog of City-owned homes. The City distributed the catalog to local nonprofits, community organizations, neighborhood block clubs, and posted it on the City's website. Every home featured in the catalog was sold. The City is in the process of producing a 2008 catalog and anticipates that this year's catalog will be available by the middle of May.

The catalog included only those homes considered saleable by the Real Estate Division. Properties selected for demolition were not featured in the catalog. Some of the properties selected for demolition are not structurally deficient, but the City has determined that it is not economically feasible to rehabilitate them. Despite the high costs associated with rehabilitation, buyers might factor in the potential for neighborhood revitalization and other more subjective factors when deciding whether rehabilitation would be a prudent investment. As a result, it is current city policy to place a six month hold on property demolition if a buyer demonstrates an interest in acquiring the property. The fact that such a policy exists suggests that there may be a market for some of the properties that are slated for demolition. Therefore, the City should include these properties in its marketing campaign. Also, due to the maintenance costs associated with abandoned property, the City should devote more resources, including more staff,

towards creating the annual catalog so it can be completed and marketed to the public as early as possible each year.

The City of Buffalo should also consider various marketing techniques used by other cities to spur market demand for city-owned homes. These techniques include working more closely with real estate professionals, collaborating with nonprofit and private developers, establishing economic incentives such as property tax abatements, and taking the view that the fair market value of abandoned properties is nominal. The benefits of these strategies will exceed the initial investment because of the overwhelming costs associated with abandoned property, including the average cost of \$4,000 per year in maintenance and upkeep, the average cost of \$20,000 per demolition, the maintenance costs incurred following demolition, the loss of property tax revenue, and other economic and non-economic costs associated with neighborhood deterioration.

I. Introduction

There has been no shortage of news stories highlighting the housing and mortgage crisis that is currently plaguing the country. The wave of foreclosures and the downturn in the housing market have brought property abandonment concerns to the forefront of legislative agendas across the country, including the City of Buffalo. The City's efforts to reduce housing abandonment will have a lasting impact on the City's financial health, the standard of living for City residents, and the well-being of the entire Buffalo-Niagara region.

To be effective, the City's housing strategy must provide for the successful disposition of City-owned property, including a marketing effort that gets City-owned properties back to productive use as efficiently as possible.

II. The City of Buffalo's Acquisition and Disposition Process

The City of Buffalo takes ownership of certain properties through a taxforeclosure process.¹ If a property owner is delinquent in paying property taxes, the city has the right to institute the tax-foreclosure process which includes an annual taxforeclosure auction.² If the property is not sold, or adjourned through the tax-foreclosure auction, the property is "struck" to the City, granting title to the City. If a building is on the property, the City will then designate the building be demolished or attempt to sell it in the future. The aim of the disposition strategy should be to get every struck property back into productive use as efficiently as possible to balance short term and long term fiscal objectives. A successful disposition process is one that not only satisfies

immediate revenue concerns, but also contributes to healthy economic development and neighborhood revitalization.³

According to the Division of Real Estate, the City of Buffalo owns over 4000 parcels of improved properties and vacant lots.⁴ The City was struck 1100 homes from the 2007 In Rem auction.⁵ The City is projecting an average sales price of between \$5000 and \$5,250 for these properties.⁶ The average length a property remains in the Division of Real Estate's inventory is 2 to 3 years.⁷ If the City cannot sell the property within 3 years, the City usually designates it to be demolished based on ongoing deterioration of the property.⁸ The City uses three tools to dispose tax-foreclosed property: public auction, urban homestead program, and negotiated purchase.

A. Public Auction

Each year, the City assesses its inventory of properties acquired by tax foreclosure. Those properties deemed salable are offered for sale at public auction to the highest responsible bidder.⁹ The bidder must sign an affidavit promising to cure any housing code violations within six months¹⁰ The location, date, and time of the In Rem sale are publicized through local media.

B. Urban Homestead Program

The Urban Homestead Program provides opportunities for a homeowner to acquire vacant or abandoned City-owned property for residential purposes for one dollar, plus closing costs.¹¹ Homesteading also applies to vacant land for new home construction. The property must be in certain, designated areas, must be deemed not needed for public purposes, and must have been offered for sale in the past.¹²

There are three ways to participate in the homestead program.

- Applicants who own and occupy the residential structure adjoining the Cityowned vacant lot can participate.¹³ The applicant must be current on all city and county taxes and fees. The applicant is also required to clean, improve, and maintain the property for a period of thirty-six months.
- Any first-time home buyers wishing to acquire a City-owned single or two-family home can participate if they have sufficient proof of financial ability to repair and maintain the property.¹⁴ Repairs must be completed within eighteen months and the house must be occupied for thirty-six months.
- Applicants who buy city lots through tax foreclosure can homestead them if they
 provide certified building plans and proof of financing for the construction of the
 home.¹⁵

C. Negotiated Sale

The negotiated sale program allows any person wishing to acquire an improved property or vacant lot owned by the City to make an application to the Division of Real Estate. If the property includes a building, the buyer must provide an estimate for repairs, and prove financial ability to complete purchase and repairs. The City sets the purchase price at the time of application, and the City is required to receive fair market value for its real property. ¹⁶

III. Current Marketing Strategy

The Office of Strategic Planning, which oversees the Division of Real Estate, implemented a marketing program last year to facilitate a more effective process for returning city-owned assets, such as homes and other buildings, to the tax rolls. The marketing program targeted homeowners, developers, and community organizations that could demonstrate a funding source and a plan to repair and rehabilitate the properties.¹⁷

The first component of the program included a catalog to show an updated photo and brief description of each property. Copies of the catalog were distributed to community organizations, neighborhood housing service centers, the Buffalo Homeownership Center, and block club organizations.¹⁸

The second component of the program was a website. The website, created by the Office of Management Information Systems and maintained by the Division of Real Estate, displayed properties online and allowed the user to search for a property by zip code or neighborhood.¹⁹ Also, the Division of Real Estate was charged with keeping the homes in a "ready to show" condition, including the removal of snow and debris.²⁰

The last component of the program targeted homebuilders, land developers, and property owners adjacent to vacant lots. An interactive map was available on the City's website that showed City-owned vacant land. The properties were identified as homestead or non-homestead eligible. There was also a brief description of the homestead program on this section of the website. ²¹

The marketing program's future objectives included expanding the number of homes rehabilitated for homeownership by community housing development organizations, and the development of funding sources for prospective homeowners to renovate a vacant house for their primary residence.²²

This marketing program led to the sale of all 125 homes that were featured in the catalog. ²³ The average sales price for City-owned homes was around \$4,250.²⁴ The City is now in the process of compiling photographs and information on the homes that were

struck from the last auction to create another catalog, and anticipates that this process will be completed by mid-May. The Division of Real Estate estimates the average sale price will be around \$5,250. However, more than 1100 homes were struck to the city from this past auction which is significantly more than the 525 properties acquired last year.²⁵ Also, only those properties considered saleable were included in last year's catalog. It did not include City-owned homes that were designated to be demolished.

The City should include at least some of the houses slated for demolition in its catalog. ²⁶ The City will designate a property to be demolished based on the structural integrity of the property, safety to the surrounding neighborhood, and the economic feasibility of rehabilitating the property. ²⁷ Some argue that the City should consider only the structural integrity of the property. ²⁸ If it is possible for a structure to be rehabilitated, then it should be featured in the catalog, because, depending on location, neighborhood revitalization planning, and other, more subjective factors, someone might be interested in a property even if it includes substantial rehabilitation costs. ²⁹ Currently, the City will refrain from demolishing a property for six months if there is interest in rehabilitating the property. ³⁰ The fact there is already this interest demonstrates that there is a market for homes slated for demolition. Therefore, the City should market all homes to the public for sale. If the City sells a property that is scheduled for demolition then it will save money on maintaining the building, demolishing it, and then maintaining the vacant lot.

Also, the cataloging process is too slow. Six months has lapsed since the In Rem auction, and a catalog has yet to be produced. Considering the costs associated with maintaining the property, the potential for misuse and squatting, and further deterioration, a greater sense of urgency is required.

In 2007, the City was more aggressive in acquiring properties, apparently because the City wants to demolish more buildings as quickly as possible.³¹ This is a risky proposition, as the City relies very heavily on state funding for demolitions. Furthermore, the average property costs the City nearly \$20,000 over the course of five years in maintenance and upkeep, not including demolition expenses which also average roughly \$20,000 per house.³² After a demolition the City continues to incur substantial expenses because it still owns the land. Considering the costs associated with maintenance, demolition, loss of tax revenue, and neighborhood blight, it is imperative that the City put these properties back into productive use as quickly as possible, either before or after demolition.

IV. How Other Cities in NYS are Marketing Their Properties

The City of Buffalo is not the only city in New York State that is attempting to address the housing crisis. Syracuse, Rochester, and New York are evaluating and implementing various techniques to stave off further urban deterioration and transform a tremendous challenge into an exciting opportunity. The City of Buffalo should look to these neighboring cities to determine if any of their techniques could help Buffalo.

A. Syracuse, New York

Matt Driscoll, mayor of the City of Syracuse, outlined several new proposals in his State of the City Address. In fact, the Mayor stated that Syracuse is "about to launch a housing initiative as ambitious as any the city has ever witnessed."³³ Included in this initiative, selling city-owned property to non-profits and private developers for \$1, providing a seven-year property tax abatement, and aggressively seizing tax delinquent homes while there is still time to restore those homes to productive use.

The first program, selling city-owned property to non-profits and private developers, stems from an initiative started in 2007. ³⁴ Last year, the City of Syracuse transferred tax delinquent vacant homes to its non-profit housing partners for \$1.³⁵ Home Headquarters, one non-profit, purchased 24 vacant houses with the goal of rehabbing and then selling them to new home owners.³⁶ Mayor Driscoll would like to "expand the one dollar program to unleash investment from private developers."³⁷ The City is in the process of seizing approximately 20 tax delinquent homes; it then will issue an RFP offering them to private developers for \$1.³⁸

Mayor Driscoll believes that Syracuse needs "a bold proposition that convinces new investors to take on properties long considered too far gone [and] send a strong message to new owners who will consider moving into once-neglected neighborhoods."³⁹ Therefore, Mayor Driscoll proposed an aggressive residential tax abatement program. The proposal includes a seven-year 100 percent exemption on city and school taxes for owners who renovate a vacant residential property, or build a new home on a vacant lot. ⁴⁰ Mayor Driscoll believes that this is a wise public investment because demolishing vacant homes costs an average of \$25,000 each. ⁴¹ The Syracuse Common Council has already approved this proposal.⁴² It now awaits approval by the NYS Legislature.

B. Rochester, New York

The City of Rochester is also implementing creative techniques. Currently, the City partners with a non-profit organization to rehabilitate vacant and foreclosed housing. "The HOME Rochester program allows individuals and families of low and moderate incomes an opportunity to participate in the American Dream through homeownership." ⁴³ The program provides a "three-pronged approach" to revitalizing neighborhoods. It

"removes the blighting influence of vacant properties through rehabilitation, while providing a beautiful, affordable home for a family to own and live in for the long term. Additionally, the HOME Rochester program contributes to Rochester's economy by utilizing local contractors to rehabilitate the houses and having trained community organizations supervise the rehabilitation."⁴⁴

The HOME Rochester program is administered by the Rochester Housing Development Fund Corporation ("RHDFC").⁴⁵ The RHDFC was created as a community-wide response to the large number of foreclosed homes in Rochester. ⁴⁶ The City, working with Enterprise Community Partners and Greater Rochester Housing Partnership formed RHDFC to purchase vacant single-family homes for renovation and sale to first time homeowners.⁴⁷ These single family homes are available to first time homeowners who agree to be owner-occupants for periods between three and ten years, have an annual income at 115 percent or below median family income, and contribute \$1,500 towards a down payment and closing costs.⁴⁸

The program is financed through a unique consortium of lenders. Under the leadership of JP Morgan Chase, a pool of \$16,000,000 is available to the RHDFC for purchasing and renovating single family homes. ⁴⁹ The participation loan consists of 10 lenders including: JP Morgan Chase, HSBC, Citibank, Citizens Bank, M&T Bank, Bank of America, Key Bank, City of Rochester, Enterprise Community Partners, Greater Rochester Housing Partnership and the United Way of Greater Rochester.⁵⁰ This funding will be used to purchase and rehabilitate over 200 single family homes over the next two years. ⁵¹ Also, the City provides financial assistance to the RHDFC for the administration and management of HOME Rochester.⁵²

The homes available for sale under the Home Rochester program are listed at www.homerochester.org as well as on the City's website. Also, "Your New Home" is a new show on City 12, Rochester's Government Access Channel, which focuses on homes acquired by the City and rehabilitated through the HOME Rochester program. ⁵³ Not only do viewers have a chance to see the homes on their own TV set, but they also will learn more about the HOME Rochester program.

The HOME Rochester program was developed in accordance with an overall housing strategy that focuses on promoting rehabilitation, redevelopment, and new construction of housing.⁵⁴

C. New York City, New York

New York City has used two different techniques under the Building Blocks initiative created in 1994 by the Giuliani Administration: the Neighborhood Entrepreneurs Program and the Tenants Interim Lease Program. ⁵⁵

In the 1970's and 1980's, NYC foreclosed on residential properties that were in tax arrears and then managed these properties. ⁵⁶ In 1993, the City stopped this practice and a year later launched Building Blocks, an initiative that accelerated disposition of City-owned property to private owners.⁵⁷ The City reduced the number of City-managed housing units from 30,358 in FY 1994 to about 3,000 in FY 2003.⁵⁸ The Neighborhood Entrepreneurs Program ("NEP") enables private property managers to manage and own clusters of occupied and vacant city-owned buildings.⁵⁹ This program transferred 3,537 units to private owners from 1994-2003. ⁶⁰ It was selected as one of HUD's 100 Best Practices in 1999 and won a 1999 Innovations in American Government Award. ⁶¹ The Department of Housing Preservation and Development ("HPD") administers the program

with assistance from the Neighborhood Partnership Housing Development Fund Corporation ("NPHDFC"), an entity controlled by the Enterprise Foundation.⁶²

Under the NEP, HPD and the NPHDFC arrange financing for the rehabilitation and permanent ownership of buildings that contain about 100 vacant and occupied housing units, and provide technical assistance to owner/managers.⁶³ NEP has attracted experienced, for-profit property managers who are based in communities with high concentrations of City-owned property.⁶⁴ The private property managers, who are selected through a RFQ process, contract for the maintenance and rehabilitation of a cluster of buildings for a transitional period that ranges up to four years, during which time title is held by NPHDFC.⁶⁵ NPHDFC initially takes title to the property by purchasing it for \$1.⁶⁶ After this period, the entrepreneurs then take title to the property, if they meet performance requirements.⁶⁷ During the transition period, the NPHDFC contracts with non-profit community organizations to provide tenant support and referral services.⁶⁸ Various commercial banks allocate funds for constructions financing while other public financing tools include low income housing tax credits and local real property tax abatements.⁶⁹

The second Building Blocks program, the Tenants Interim Lease Program ("TIL"), provides assistance and training to organized tenant associations to develop self-sufficient tenant-owned cooperatives. ⁷⁰ TIL transferred 5,644 units from 1994 through 2003. ⁷¹ TIL allows organized tenant associations in City-owned building to develop low-income cooperatives where tenants eventually purchase their apartments for \$250.⁷² In order for a building to be allocated to TIL, the tenant associations must meet various requirements demonstrating the tenants' desire and ability to self manage.⁷³ If accepted,

the associations enter a lease agreement with the City to maintain and manage the buildings in which they live.⁷⁴ In order to purchase, the tenant association must have managed the building successfully and 80 percent of tenants must agree to buy.⁷⁵ HPD and the associations will share responsibilities associated with repairs, with the associations using rent money to do routine repairs and maintenance.⁷⁶ As a result, a temporary rent increase is instituted to help the association meet initial costs.⁷⁷

V. What Cities Outside of NYS Are Doing to Market Their Properties

A. Baltimore, Maryland

The City of Baltimore implemented an initiative known by the acronym SCOPE, "Selling City-Owned Properties Efficiently." Under SCOPE, which is a joint venture between the City and the Greater Baltimore Board of Realtors, real estate brokers receive a commission or flat fee for helping buyers cut through the red tape in purchasing Cityowned properties. ⁷⁸

In 2003, Mayor O'Malley instituted Project SCOPE in hopes of selling 2,000 abandoned city-owned properties.⁷⁹ The project calls on real estate professionals, who receive \$2,500 or an 8% commission, to market the properties to private individuals and help reduce the time it takes for those individuals to purchase City-owned homes.⁸⁰ The sales are conditioned on the buyer renovating the house within 18 months and either using it as a primary dwelling or selling it to someone who will.⁸¹ The project also provides buyers with costs assessments, loan assistance, and information on tax incentives.⁸²

In 2002, prior to implementation of SCOPE, houses would spend 193 days on the market. ⁸³ After 2 years of being implemented, SCOPE helped get that number down to

53.⁸⁴ In 2005, SCOPE led to the sale of 150 city-owned properties, netting the city a little more than \$1 million in the process, not including the benefit derived from an influx of new property taxes and appreciation in neighboring homes.⁸⁵

SCOPE properties are selected by the City and offered to a set of realtors who list them in the state's Multiple Listing Service (MRIS).⁸⁶ Interested individuals simply contact the listing agent.⁸⁷ Typically, offers are reviewed after the properties have been listed for a couple of weeks and are accepted or rejected within 10 days. SCOPE helped city official sell 132 properties in 2007.⁸⁸ As of April 4, 2008, there are about 50 properties available on the SCOPE list with new properties added every month.⁸⁹ The list is made available online at www.baltimorehousing.org. The address of the property, the listing agent's contact information, the listing price, and rehabilitation costs are listed as well.⁹⁰

B. Cleveland, Ohio

The City of Cleveland has operated a residential land bank since the 1970's. ⁹¹ The City acquires properties through tax-foreclosure proceedings as well as through its spot-blight ordinances. ⁹² The City demolishes properties and allows the vacant land to be sold through the land bank, or rehabilitates the property for resale. ⁹³ Even though Cleveland state law requires Cleveland to receive fair market value for property, the land bank adopted the view that vacant, abandoned property has only nominal value.⁹⁴ Thus, adjacent lot owners may buy non-buildable vacant land for one dollar, and the City offers buildable lots for \$100 for new home construction.⁹⁵ When a number of City-owned lots and tax-delinquent properties are located in close proximity, the City will assemble the lots in the land bank and keep them there until other neighboring properties are able to be

placed in the land bank through the foreclosure process.⁹⁶ The lots are then consolidated to allow for new development. Buildable and non-buildable lots are advertised on the City's website.⁹⁷

Cleveland works closely with community development corporations to ensure they have adequate access to property to implement their strategies. Nearly 90% of the properties developed by community development corporations are obtained through the land bank program. ⁹⁸ Typically, the City sells about 500 properties per year to the community development corporations. ⁹⁹

The Cleveland land bank has a clear mission; to return all non-productive lands to a tax-producing status. ¹⁰⁰ Procedural transparency and cooperation are two components of the land bank program that contribute to its success. "In Cleveland, everyone involved in the process, from foreclosure to development, understood the challenges and cooperated. The different actors worked together to improve systems rather than criticizing each other and the procedures publicly." ¹⁰¹ The Community Development Department, the office charged with oversight of the land bank, works with community development organizations to advance the interests of neighborhoods, while leaders of community development networks serve on task forces to improve the land bank's operation.¹⁰² Many of those involved have worked together for years and remain committed to returning City-owned property to productive use.¹⁰³ The land bank's written disposition policy, application forms for buildable and non-buildable lots, clearly stated requirements for applicants, and publicly stated procedures all help to increase the transparency of the operation.¹⁰⁴

VI. Recommendations

The City of Buffalo implemented a successful marketing program last year to help get City-owned properties back into the hands of tax-producing users. However, the City of Buffalo acquired many more properties in 2007: a new situation which will demand a more extensive marketing approach.

The City believes that vacant homes should be demolished as quickly as possible because of the high costs of maintaining vacant properties and the threat they pose to public safety. The homes that are structurally deficient should be demolished as quickly as possible. However, the City should be more proactive in getting abandoned homes that are not structurally deficient back to productive use. The City should institute a comprehensive strategy that aims to return City-owned properties back to tax-producing status.

The City should explore implementing its own version of the programs that have been mentioned. Although there might not be a one-size fits all approach, the City should borrow and amend, as needed, these techniques to address Buffalo's housing crisis and to reach the future objectives that were outlined in the City's marketing plan. As mentioned previously, last year's marketing plan's goals included expanding the number of homes rehabilitated for homeownership by community housing development organizations, and developing funding sources to prospective homeowners to renovate vacant homes.

The two most promising techniques are the property tax abatement program that Syracuse is implementing and a Buffalo version of Baltimore's Project SCOPE. The City of Syracuse is currently seeking approval from the NYS Legislature for its tax abatement

program. If it is approved, Buffalo should follow Syracuse's lead in offering this lucrative incentive. Also, the City of Buffalo should work with the local real estate association to determine the best way to implement its version of SCOPE. This will allow professional real estate brokers to help the City by offering their professional skills to sell City-owned property.

The City should also include homes that are slated for demolition in its annual marketing catalog because not all of these homes are structurally deficient. With the right incentives in place, the properties that are not structurally deficient might be able to be rehabilitated in an efficient and economical manner. Also, although the City is required to sell a property for its fair market value, the City should adopt the view that an abandoned property has a nominal value, especially considering the expenses associated with maintenance and demolition.

As a long term objective, the City should consider setting up a program that is similar to HOME Rochester. This would allow nonprofits and community housing development organizations to help the City return dilapidated housing to tax producing status by providing good, affordable housing to city residents.

The City needs to begin to look at the housing crisis as an opportunity for growth and develop a coherent strategy that seeks to acquire property not only for the purpose of demolition, but also for returning the properties to tax-producing status.

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KEY RESOURCES

Information On Purchasing City-Owned Property - City of Buffalo website <u>http://www.city-</u> <u>buffalo.com/Home/Leadership/City_Departments/Office_of_Strategic_Planning/RealEstate/Purchasing_City_Owned_Properties</u>

City of Buffalo - Office of Strategic Planning http://www.ci.buffalo.ny.us/Home/Leadership/City_Departments/Office_of_Strategic_Planning

Baltimore Housing - Project SCOPE http://www.baltimorehousing.org/index/Opportunities.asp?ItemID=113&rcid=74&pcid=73&cid=74

City of Rochester, NY - Draft Housing Policy http://www.ci.rochester.ny.us/main/docs/dcd/Draft%20Housing%20Policy%20Final%201-28-08.pdf

City of Rochester - HOME Rochester Program http://www.homerochester.org/index.asp?pageId=11

Syracuse, NY - State of the City Address 2008 http://www.syracuse.ny.us/pdfs/State%20of%20the%20City%202008%20Speech%20.pdf

Syracuse, NY - Common Council Approves Housing Initiatives http://www.syracuse.com/poststandard/stories/index.ssf?/base/news-4/1207645226255470.xml&coll=1

NYC - Tenants Interim Lease Purchase Program http://home2.nyc.gov/html/hpd/html/developers/til.shtml

NYC - Neighborhood Entrepreneurs Program http://www.nyc.gov/html/hpd/html/developers/nep.shtml

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