

# BLUEPRINT **BUFFALO**

**ACTION PLAN**

REGIONAL STRATEGIES AND LOCAL TOOLS FOR RECLAIMING  
VACANT PROPERTIES IN THE CITY AND SUBURBS OF BUFFALO

Frank Lloyd Wright's "Tree of Life" window originally adorned the Darwin Martin house and complex in Buffalo. One of 394 art-glass works that once graced the Martin home, the window was returned to the City of Buffalo in 1994 after years in a private collection in Toronto. Now this resplendent art-glass window resides at the Albright-Knox Gallery. For information on the Darwin Martin House restoration, see [www.darwinmartinhouse.org](http://www.darwinmartinhouse.org).

Cover photo: Biff Henrich

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## Acknowledgments

The *Blueprint Buffalo Action Plan* is the result of an intensive team effort, led by Joseph Schilling, Professor in Practice at the Virginia Tech Metropolitan Institute; and facilitated by project writer Lisa Schamess and Jonathan Logan, graduate researcher at the Institute. The result reflects many hours of local interviews and follow-up calls, conversations, and refinements to create a pragmatic action plan suited to the Buffalo-Niagara region's specific challenges and assets. Particular thanks go to assessment team members and co-authors of sections of this plan: John Kromer of the Fels Institute of Government, University of Pennsylvania; Lucinda Flowers, New Orleans Neighborhood Development Collaborative; Kermit Lind, Community Advocacy Clinic, Cleveland-Marshall College of Law, Cleveland State University; and Lee Sobel, U.S. Environmental Protection Agency.

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Adam Ploetz, AICP, currently manager of sustainable development programs at the 495/MetroWest Corridor Partnership in Boston, was a key catalyst for pulling together the three sponsoring organization and creating momentum around this project as a program manager for the Amherst IDA from 2003 to 2005. Adam led the first study visit and has continued to take part in discussions and to review drafts of the plan along the way.

With the Surdna Foundation's generous financial support, *Blueprint Buffalo* evolved into the flagship project of the NVPC's 2005-2006 Technical Assistance Demonstration Program. The partnership between Surdna and Campaign staff was indispensable to the realization of this action plan. For their personal contributions as well, we would like to thank Kim Burnett at the Surdna Foundation; Jennifer Leonard, executive director of NVPC; Lisa Mueller Levy, program director of LISC's Vacant Properties Initiative and director of technical assistance at NVPC; and Donald D.T. Chen, executive director of Smart Growth America and chairman of the NVPC.

## Preface

**What if a broken window could provide a whole new outlook?** This question was the starting point for the National Vacant Property Campaign's Buffalo assessment project, launched in the fall of 2005. The region's many "broken windows"—the vacant and abandoned properties that once were homes and businesses and factories—are mute testimonials to the greatness of Buffalo's industrial heritage and to its potential rebirth.

Building on the Broken Window paradigm first articulated by James Q. Wilson and George L. Kelling in the *Atlantic Monthly* in 1982, in which the neglect of one broken window can prompt the decline of an entire street, the developers of the *Blueprint Buffalo* intend to provide a new paradigm: the paradigm of the New Window, through which one positive step can lead to another and still another, if applied consistently.

In an important sense, this document is the first such step. In early 2005 the National Vacant Properties Campaign (NVPC) launched its Technical Assistance Demonstration Program, with financial support from the Surdna Foundation, to bring together teams of practitioners to evaluate existing policies and programs that address abandonment and blight in seven pilot communities.

The Buffalo-Niagara region was one of seven communities selected from among fifty who responded to NVPC's nationwide request for proposals. The Buffalo-Niagara proposal was sponsored by the Office of the Local Initiatives Support Corporation (LISC), the Amherst Industrial Development Agency, and the Institute for Local Governance and Regional Growth, University at Buffalo. This team requested a regional vacant property assessment that would include the surrounding suburban communities of Amherst, Tonawanda, and Cheektowaga. The informal advisory committee includes Partners for a Livable Western New York, Buffalo's Director of Strategic Planning, and other key stakeholders in the Buffalo region.

Over a period of about nine months, the NVPC team conducted interviews and gathered insights that have resulted in this report. During the study period, Buffalo-Niagara emerged as a region broadly challenged by decades of disinvestment and population loss, but also as a close network of communities singularly blessed with a wealth of historic, transit-friendly, and affordable neighborhoods and commercial areas. Building on the City of Buffalo's "asset management" strategy first proposed in 2004 by the Cornell Cooperative Extension Association—and now formally adopted by the Buffalo Common Council as part of its comprehensive 20-year plan for the city—the NVPC team sought to reexamine how the revitalization of Buffalo's vacant properties could actually serve as a catalyst to address the region's other most pressing problems: population loss, a weak real estate market in the inner city, signs of incipient economic instability in older suburbs, quality-of-life issues, school quality, and suburban sprawl.

Since the study's inception, Buffalo has taken important steps to address the overwhelming surplus of vacant properties and build a regional framework for both abatement and prevention of further vacancies. Several of the ideas discussed in *Blueprint Buffalo* have been initiated or are already receiving serious consideration. This progress is in keeping with the primary finding of the authors of this report: that Buffalo's vacant and underused properties offer a crucial convening point for turning the region around economically and protecting its intrinsic value as a livable, friendly "City with a Heart."

### **Background on *Blueprint Buffalo***

Professor in Practice Joseph Schilling from Virginia Tech's Metropolitan Institute worked with the host organizations and advisory committee to design and facilitate the nine-month assessment process. Schilling selected practitioners from previous NVPC vacant property studies in Cleveland and New Orleans, along with national experts in commercial reuse, smart growth, tax foreclosure, housing, and real property information systems. For information on the experience and credentials of the Assessment Team, please see page 102.

The NVPC team evaluated ways to enhance existing practice in light of model programs from other cities, especially in the Northeast and Midwest. They met extensively with government officials, community groups, academics, and business leaders from Buffalo, Erie County, and the surrounding inner-ring communities of Amherst, Tonawanda, and Cheektowaga. Feedback from the local hosts and advisors refined the team's analysis of Buffalo's vacant-property challenges and opportunities and further enhanced the potential strategies for closing the gap between Buffalo's vision for an economic renaissance and its current population and employment bases.

The assessment process began with background research and review of key reports on the region, especially *Queen City in the 21st Century: Buffalo's Comprehensive Plan* (City of Buffalo, October 2004, adopted by Common Council 2006); *The Facilities and Vacant Land Management Plan* (City of Buffalo, December 2004, adopted as part of the comprehensive plan in 2006). The adoption of these documents by the Buffalo Common Council culminated several years of focused study and strategy development toward reducing vacant properties in the urban core. Based on *Vacant Land, Buildings, and Facilities Asset Management Project Report* (Cornell Cooperative Extension Association of Erie County, January 2004), the newly adopted vacant-property strategy makes Buffalo one of the few cities in the nation with a comprehensive plan that includes specific strategies for vacant property redevelopment.

The NVPC team also reached beyond the city limits to examine regional issues, particularly the fate of first-tier suburban communities—established older suburbs close to the city center. An especially informative document for this effort was the *Erie-Niagara Framework for Regional Growth*—Public Review Draft (Erie & Niagara Counties, May 2006).

The NVPC assessment team made two study visits during the fall of 2005. In September they evaluated the city's vacant property challenges, while the October study visit focused on the first-tier suburban towns and cities. For both visits the Institute, LISC-Buffalo, and Amherst IDA staff set up interviews and interest group meetings with nonprofit organizations, representatives of city and suburban governments, private developers, and citizen groups.

The scope of the NVPC project on commercial blight constrained the study team's tour and interviews, which were limited to retail sites in the host community of Amherst and its neighbors Tonawanda, and Cheektowaga. The team did not tour other commercial properties such as office, industrial, or hotel sites in these three suburban communities, nor was the team able to scrutinize the retail redevelopment market in the city of Buffalo. The team had several general discussions with local representatives about downtown Buffalo, area office parks, and industrial development and (BIDs and Empowerment Zones).

During the NVPC assessment visits, the study team met with prominent commercial development companies, commercial real estate brokers, economic development officials, and planning staff. Although the NVPC study team did not have time or resources to do independent market research, the team’s conversations with local practitioners covered general commercial market conditions such as area demographics, population shifts, development incentives, rental rates, rates of occupancy/vacancy, and commercial absorption rates. Discussions also focused on the plight of certain suburban shopping malls, strip centers, and commercial properties, existing centers and growing commercial corridors, area developers and investors, specific retailers and office tenants, and trouble spots. Local leaders gave an in-depth tour of Amherst’s commercial centers and corridors and offered brief drive-by visits of select commercial strips in Cheektowaga and Tonawanda. The tour and interviews, while brief, provided sufficient context for the team to formulate preliminary observations about the general health of these suburban retail markets.

After the study visits, the assessment team kept abreast of new developments and changing programs with regular phone calls and e-mails with the project hosts, along with monitoring of local media, including the burgeoning “pajama press corps” of citizen bloggers in Buffalo. The overall assessment was a pragmatic, on-the-ground examination of existing vacant property policies and programs and current market conditions in Buffalo-Niagara region, along with input from local stakeholders on how to overcome longtime obstacles to returning vacant properties to use.

The resulting document, *Blueprint Buffalo*, provides a framework for taking a systematic and regional approach to abate and prevent vacancy and abandonment; to encourage rehabilitation; and to acquire and reuse the valuable assets that now lie dormant as vacant and unclaimed or underused property among communities within the Buffalo-Niagara region.

### **The Action Plan and Policy Brief Reports**

*Blueprint Buffalo* offers pragmatic approaches to vacant properties that builds on the assets of the city and suggests important strategies for enhancing regional relationships. Some of these actions may require changes in state and local laws, while others could happen with simple policy shifts. Most can be initiated within the next six months.

The *Blueprint Buffalo Action Plan* provides policymakers, civic and business leaders, and citizens with specific ideas and tools for addressing vacant properties, highlighting current activities in Buffalo and providing information on model practices from other communities, including the Youngstown, Ohio Visioning process; the Genesee County Land Bank Authority in Flint, Michigan; and the Cleveland Vacant Properties Coordinating Council. The *Action Plan* offers the technical details on how to create a stronger, more stable, and more vibrant Buffalo-Niagara region.

The *Blueprint Buffalo Policy Brief* offers an overview of these recommendations and models to emphasize the *Blueprint’s* major theme: that a comprehensive vacant properties initiative will require coordinated action by the city, surrounding communities, state and federal agencies, and neighborhood groups. Both components of the *Blueprint* make the case for why vacant property revitalization should become the major focal point for the rebirth of the city of Buffalo and the entire Niagara region.

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# Introduction: Restoring the Heart to the City with a Heart

**Queen City...The City of Good Neighbors...**City with a Heart...Buffalo is known by many names. Anchoring an eight-county region in Western New York State, Buffalo is a friendly and affordable place to live, with an average 20-minute commute from tree-lined neighborhood streets to jobs in industry, technology, education, banking, and government. Its beautiful setting on the eastern shore of Lake Erie offers great recreation and cultural opportunities. The Buffalo-Niagara region as a whole, with its 1.2 million residents, shares close economic and residential ties to the City of Toronto and the entire Niagara Peninsula of Southern Ontario, Canada.

So why have out-migration and job loss tarnished the Queen City's reputation, leaving almost 40,000 homes and land parcels vacant in downtown and in surrounding Erie County, more than half of these in Buffalo itself? Why have nearly half of the city's once-600,000 residents fled from the city or, worse, the state? The vacancies left behind represent vast challenges—and opportunities—for business and government leaders in the Buffalo/Niagara region.

## **Numerous Studies, Modest Results**

The shifting fortunes of the Buffalo-Niagara region have made it one of the most-studied urban areas in the nation. Organizations as diverse as the Brookings Institution, University at Buffalo's Institute for Local Governance and Regional Growth, the American Institute of Architects, and the Congress for the New Urbanism have issued reports or sponsored study teams to evaluate planning and development policies and specific projects for Buffalo. Dozens of experts have documented the challenges confronting Buffalo and its surrounding communities, including a loss of manufacturing companies, poverty, property speculation, fiscal instability of local governments, poorly performing schools, and crime. A convergence of factors—some causal, some symptomatic—have led to significant population loss, sprawl, and property abandonment.

Buffalo has been studied so well and so often that its challenges appear to dwarf the considerable advantages and opportunities the region offers. Few commentators have devoted enough attention to the area's significant architectural treasures designed by Frank Lloyd Wright, Stanford White, H.H. Richardson, and Louis Sullivan, among others; Frederick Law Olmsted's beautiful and extensive park system; and the city's impressive stock of single- and multiple-family homes. Buffalo's waterfront—lined with

**Out-migration threatens the Buffalo-Niagara region's farmland and open space. The 1997 Census of Agriculture reported that between 1987 and 1997, 42,069 acres (65 square miles) of farmland was converted to other use. In land area, this loss is roughly equivalent to the combined area of the cities of Buffalo (52.5 square miles) and Niagara Falls (16.8 square miles) (2000 U.S. Census).**

factory buildings from its manufacturing past—shows great promise for residential development and neighborhood retail areas. The city and its suburbs are home to many traditional neighborhoods (such as Elmwood in Buffalo) that new urbanists tout as the perfect places for attracting and retaining young professionals. In fact, Buffalo’s traditional street grid and historic building stock (from the late nineteenth and early twentieth centuries) is among the most intact in the nation. Buffalo’s growing arts community and burgeoning bio-medical industry are poised to build the base for new businesses and jobs. The city’s 70 public schools are undergoing a 10-year facilities modernization that could help draw families back to the region’s core. The region’s strategic location as a key hub between Canada and the United States and a logical pressure valve for crippling freight congestion in eastern seaboard ports could serve as the gateway for expanded international trade.

The many studies of Buffalo-Niagara have offered a wealth of good ideas for attracting residents and businesses back to the city and protecting the livability of suburbs. The city and nearby towns, with assistance from New York State, have developed promising individual programs and initiatives—more than 100 at last count. But Buffalo-Niagara still lacks a comprehensive strategy and the necessary regional leadership to address its difficulties.

An important recent step forward at the citywide level was the Buffalo Common Council’s February 2006 adoption of *The Queen City in the 21<sup>st</sup> Century Plan*, a comprehensive 20-year plan that includes a *Facilities and Vacant Land Management Plan*. The City has also worked to strengthen the responsiveness of its planning department in recent years, establishing an Office of Strategic Planning by public referendum; and the Good Neighbors Planning Alliance, a network of 10 neighborhood-based volunteer planning groups with whom the City coordinates its planning.

A collaborative regional strategy is called for, however, because Buffalo’s vacant-property challenge is urgent: Estimates place nearly 10 percent of the city’s land and 15 percent of its structures as vacant (Cornell, 2004, p. 5). Nearby “first-tier suburbs” such as Cheektowaga, Tonawanda, and Amherst are undergoing vacancy problems as well, which could accelerate without coordinated attention. Although the problems in inner-city Buffalo

## Brownfields, Greyfields, Greenfields

**THE U.S. ENVIRONMENTAL PROTECTION AGENCY** defines BROWNFIELDS as real property where the actual presence or potential presence of hazardous substances, pollution or contaminants may complicate expansion, redevelopment, or reuse of the site.

A GREYFIELD is a vacant or under-performing commercial property such as a shopping mall or strip commercial property.

A GREENFIELD is undeveloped, raw land, considered the opposite of a brownfield. Because state laws governing the clean-up and reuse of brownfields can add time and expense to redevelopment costs, the Buffalo region is especially vulnerable to the loss of greenfields, even though the development of raw land incurs additional costs for new infrastructure, from roads to utility lines.

warrant immediate intervention, the region's nearby suburbs should begin now to establish action frameworks to prevent and address vacancies, especially commercial vacancies and industrial brownfields.

### **Why a Regional Approach to Vacant Property Revitalization?**

The need for a regional focus extends well beyond any one issue such as vacant properties. But because the need to reclaim and reuse these properties is so pressing, it could become an important focal point and testing ground for new regional working relationships.

Already, the signs of a less livable region are in the air: Although Buffalo remains one of the few cities in the United States for which average commute times are manageable, area residents are driving more and farther every year. The *Erie-Niagara Framework for Regional Growth* found that "the average number of vehicle miles traveled (VMT) by each person in Western New York communities increased 50 percent between 1984 and 1999, from 10 VMT per capita to 15, with Erie and Niagara Counties registering sharp increases between 1997 and 1999." Low-density development threatens the region's natural resources, which poses a threat not only to the region's livability and amenities, but to the agricultural and dairylands that are the lifeblood of New York State:

Without careful management, the region places at risk the region's best agricultural lands, major riparian corridors, wetlands, floodplains, and forests. While topographic challenges and distance to employment centers have historically protected rural areas from rapid urbanization current trends may upset this balance. Farming is not as stable a source of income as it once was and many people seem willing to trade longer commutes for larger lots and newer homes in rural and developing areas (*Erie-Niagara Framework for Regional Growth*).

In the Erie-Niagara Region, land-use decision-making powers are exercised by 64 independent municipal governments—3 cities, 25 towns, and 16 villages in Erie County and 3 cities, 12 towns, and 5 villages in Niagara County. The City of Buffalo—which has had a financial control board for the past three years, further complicating its land-use decisions—has tried to unilaterally address vacant properties and the barriers to redevelopment, such as designating investment corridors. But assembly within these areas is fragmented. Without the cooperation of surrounding counties to redirect incentives for growth of both jobs and population in the urban core, these efforts are unlikely to get off the ground.

The difficulties associated with attaining a regional perspective for land use and property reclamation in the Buffalo region has created an unintended irony: a region that's long on everyday neighborliness but short on regional identity. A collaborative strategy to tackle the vacant property dilemma could go a long way toward creating a larger sense of place and a common stake in the region's future.

According to *The Erie-Niagara Framework for Regional Growth*, prepared by HOK Associates for the counties of Erie and Niagara Counties, "Since the early 1990s, when the Erie-Niagara Counties Regional Planning Board was dismantled, the region has not had a single, bi-county authorized platform to address regional planning, development and

conservation issues.” Important regional work is done on an ad hoc basis by existing organizations and institutions, including LISC, University at Buffalo, and others:

In the last 10 years, several organizations have filled the void left by the closure of the Regional Planning Board. The county legislatures jointly created the Erie-Niagara Regional Partnership (ENRP) to conduct special studies and administrator regional programs, the Institute for Local Governance and Regional Growth’s (ILGRG) State of the Region initiative and other research has elevated the quality of public debate around planning issues, and the Western New York Regional Information Network (WNYRIN) has become a valuable repository and clearinghouse for regional information.

But, the report found, “important planning functions have fallen through the cracks.” A coordinated citywide and regional approach to the vacant-property challenge will offer

- the opportunity for localities to share the risks, ideas, and resources to reduce the number of vacant properties and prevent further losses;
- the potential to pool collective expertise and become a national showcase for regional cooperation;
- an important forum for sound management practices that can transcend local politics; and
- a venue for asserting an Upstate perspective on job and population issues, and a tool for collective clout regarding Downstate approaches.

### **Wanted: Strong Leadership and Comprehensive Strategy**

At the beginning of the 21<sup>st</sup> century, Buffalo has an unprecedented opportunity to identify, assemble, and reclaim vacant parcels for start-up businesses, new families, artists, entrepreneurs, and major commercial partners to join in the region’s renaissance. Public resources are limited, and the challenge of redrawing Buffalo’s future is immense. Buffalo-Niagara’s leaders need clear direction and a cohesive, strategic blueprint for how best to target their efforts.

The NVPC team observed numerous stakeholders in Buffalo and nearby suburbs pursuing strategies to address vacant properties. A coherent citywide and regional approach is still needed to integrate all elements of the vacant property revitalization cycle, from information-gathering to reacquisition or land banking to redevelopment and ongoing

**“There’s no denying the serious problems our cities face. But when I look at our cities today, I also see vast potential. Our cities have outstanding assets, including a skilled workforce, an infrastructure that can support growth, a relatively low cost of living, strong colleges and universities, and great cultural and heritage institutions.”**

**—Elliott Spitzer, New York State Attorney General, March 2, 2006**

“People love living where they live. There are reasons why the suburbs exploded in growth, and we know that the exurbs are following in their footsteps, so to speak. In 50 years they’ll face the same problem. So part of it is to get ahead of the curve, come up with the ideas that we can begin implementing around the country, create these best practices, make sure that the features of suburban living as many of us remember or certainly understand stood for the American Dream, get reinvigorated, recreated where necessary, and reestablished right where they first started.”

—Hillary Rodham Clinton, U.S. Senator from New York

stewardship. Leadership and management roles for these efforts need to be clarified and strengthened, along with organizational capabilities at key agencies, other public entities, and private participants in revitalization efforts. The very nature and depth of Buffalo’s challenges also position the region to emerge as a national model of innovation in addressing those challenges.

For these reasons, the authors of this report have proposed **four leadership actions** and **four key strategies** to abate the current vacancy crisis in Buffalo and prevent it from widening into the region’s suburbs. The *Blueprint Buffalo Action Plan* offers clear steps toward developing the institutional capacity and regional relationships Buffalo-Niagara needs to take advantage of its attributes.

The *Action Plan* builds on the “asset management” paradigm first articulated in the 2004 *Vacant Land, Buildings, and Facilities Asset Management Project* undertaken for the City of Buffalo by the Cornell Cooperative Extension Association. As the Project’s report stated: “It cannot be stressed enough that vacant property prevention and intervention are City and regional priorities....Recognizing vacant property as assets attempts to uncover the value in future redevelopment and begins to reveal vacant properties from a ‘glass half-full’ perspective” (p. 5). In the spirit of such a perspective, the next section of this report begins with an examination of Buffalo’s recent past and current vacant property challenges.

## Buffalo Then and Now— Vacant Property Challenges and Opportunities

**O**nce the eighth largest city in the United States, Buffalo grew alongside the maturing canal and rail systems of the 19<sup>th</sup> century. The city's residential neighborhoods drew their distinctive character from the ethnic groups that came to Buffalo in the latter half of the 19<sup>th</sup> century to seek new opportunities and settle their families: African Americans, Irish Americans, and first-generation Polish, German, and Italian immigrants. The city's growing stock of single- and double-family houses increased several-fold after the Civil War, notably on the city's east side in what is now the Broadway-Fillmore neighborhood, and to the south in the Triangle. These neighborhoods matured into transit- and pedestrian-friendly areas with dense canopies of trees and modest houses in a variety of now-historic styles, including Craftsman, Queen Anne, and "stick style."

With the advent of World War II, the iron and steel business supported exponential growth beyond the city core into the region's first modern suburbs. During the 1950s, Buffalo employed more than 200,000 people in 1,400 factories. By 1960, the region had reached just over 1.3 million.

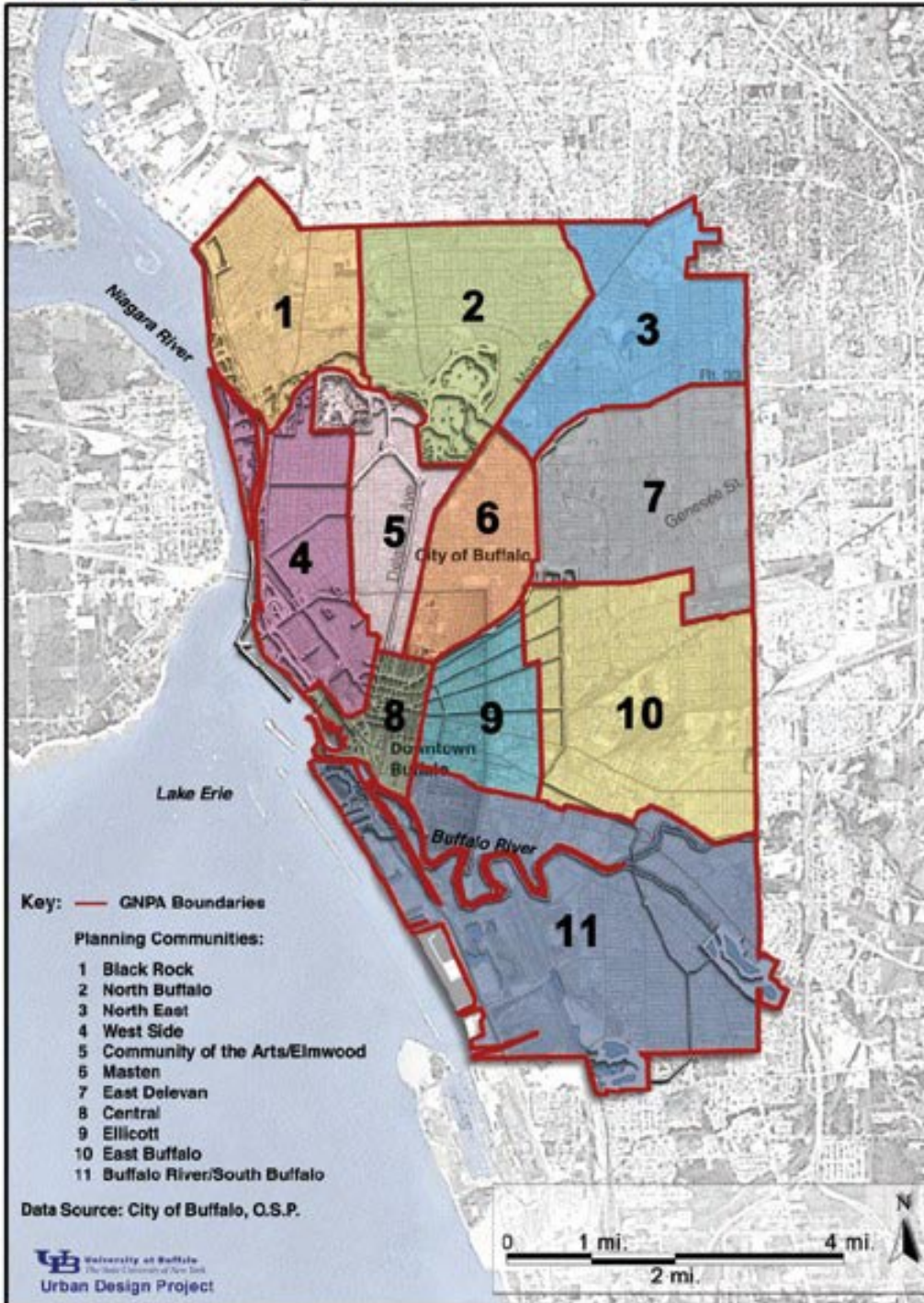
Within 20 years, the combined effects of the Interstate Highway Age and declining factory employment had taken their toll on the city's heart. Between 1960 and 2000, the Buffalo region lost 137,000 residents (roughly one in ten), overwhelmingly from within the city limits, yet the suburbs continued to grow. The region's urbanized area nearly tripled in size, expanding from 123 square miles in 1950 to 367 square miles in 2000. Between 1980 and 2000, households in developed areas of the Buffalo-Niagara region increased by 1 percent, while they increased by 33 percent in outlying areas, most of which were previously open land and greenspace. By 1998, nearly 23,000 residential units in 7,000 structures were vacant in the city of Buffalo, many of these abandoned or on the verge of abandonment. All told, at least 12,700 parcels are vacant or underused in the city, approximately one-third of them city-owned (Cornell, p. 5).

In the face of daunting changes, "Queen City" has maintained its innate charm and livability, winning *USA Today's* 2001 "City with a Heart" contest, when city-proud residents flooded the paper with anecdotes praising their hometown. *Money* magazine has named the nearby Town of Amherst (home of the University at Buffalo's North Campus) the Safest City in America three times in recent years. The Port of Buffalo-Niagara

"Why do I live here? So I can sail, sit on the beach, cycle country roads, pick apples, enjoy a picture-perfect white Christmas, and ski, all within 30 minutes of home . . . so my kids can thrive in a community of friendly people."

—Robert M. Greene, Buffalo Attorney, on I Am Buffalo-Niagara Jobs web site, [www.iambuffaloniagarajobs.com/life](http://www.iambuffaloniagarajobs.com/life)

## Good Neighbor Planning Alliance



Source: *Queen City in the 21st Century: Buffalo's Comprehensive Plan*





Source: Erie-Niagara Framework for Regional Growth

consistently ranks among the top 10 international trade gateways in the United States (U.S. DOT, 2005). And the recently revived Buffalo Old Home Week drew hundreds of down-staters and out-of-staters back to the city for the first “Buffalo natives’ reunion” since 1907, with a job fair, architectural tours, and street festivals.

Buffalo’s sizeable surplus of infrastructure and properties far outweighs the needs of its current population. According to the 2005 *Interim Census*, only 279,745 residents officially live within the city of Buffalo, a steep decline from its all time peak population of 580,132 in 1950, and a reduction of 4.2 percent of its population since 2000 (Thomas, 2006). Economic and demographic trends do not indicate any dramatic influx of new residents on the horizon. Without intervention, the surplus of infrastructure and properties will likely persist for years to come. Without intervention, many of these surplus properties will eventually become blighted. Without intervention and *regional* as well as local action, vacancies will continue to spread outwards beyond the city limits, and other state and local policies to attract private and public reinvestments and rebuild Buffalo and the region will fail.

### **Buffalo’s Challenge—A Footprint Too Big for its Needs**

Although Buffalo’s population is less than half of what it once was, the city still has roughly the same footprint of roads, housing, and commercial / industrial buildings. Buffalo has lost thousands of residents and jobs as families moved to the suburbs in search of better schools, safer neighborhoods, and new opportunities. This trend mirrors the overwhelming population stagnation in Upstate New York since 1970, particularly the decline of population in the prime working years of 35 to 55 years of age, according to the Buffalo Branch of the Federal Reserve Bank of New York (*The Regional Economy of Upstate New York*, Winter 2005).

As in other communities, this exodus left behind thousands of dilapidated homes, abandoned buildings, and vacant lots (see text box below: *What Are Vacant Properties?*). U.S. Census data from 2000 reveal that the city alone has 23,000 vacant housing units, with perhaps another 16,000 within the region. Buffalo’s challenge is how to readjust or “right-size” the city’s physical and built environment so it mirrors the city’s and the region’s existing and projected population.

### **Buffalo’s Costs of Abandonment**

Cities rely on U.S. Census data to quantify current vacancies. Although the data categories are not refined enough to distinguish actual abandonment and chronic vacancies from temporarily or seasonally empty residences (such as houses for sale or rent, and vacation homes), the Census does have an “other vacancies” category that indicates the magnitude of long-term vacancy problems. The danger signal for a city is a high percentage of overall vacancies combined with a high percentage of “other” vacant properties within overall vacancies (these are units that are neither for rent, for sale, seasonally vacant, nor vacant for typical real estate reasons).

Buffalo received its danger signal in the 2000 Census. That year, 15.7 percent of all housing units were vacant. Of those vacancies, an astonishing 43.7 percent were classified as “other,” a rate that exceeded those of other Rust Belt cities such as Cleveland, Detroit, Pittsburgh, and Philadelphia.

The greater Buffalo-Niagara region has a tremendous supply of vacant properties. A recent report of the Cornell Cooperative Extension Association of Erie County estimates that in the City of Buffalo alone, there are 13,000 vacant parcels, 4,000 vacant structures and an estimated surplus or vacancy of 22,290 vacant residential units (*Vacant Land, Buildings, and Facilities Assets Management Project*, January 2004). No one knows the precise number, a fact that itself indicates the hidden costs of these properties: By their nature, many of these vacant parcels and buildings stay under the radar of local governments, calling attention to themselves only when drastic and expensive public measures are needed.

Each of these known abandoned residential properties may involve 20 or more city actions and cost taxpayers nearly \$12,000 over a five-year period, according to the Cornell Cooperative Extension Association report (p. 29).

Nuisance response, inspections, maintenance and mowing, foregone taxes, and eventual demolition costs represent public funds that could be spent on more productive city priorities, from education to health care to housing innovations. Since 1995, Buffalo has spent in excess of \$30 million to demolish more than 4,500 vacant buildings. The 2007 New York State budget has allocated half of the \$10 million requested by the City of Buffalo to aid in the demolition of 3,000 more (Precious, *Buffalo News*, March 22, 2006).

### **Blight and Abandonment Capture a Foothold in the Suburbs**

The Buffalo region's established suburban communities need a wholly different approach to the vacant property challenges than does the city center. These suburbs, most developed

## **What Are Vacant Properties?**

The National Vacant Properties Campaign (NVPC) views vacant properties through a continuum of residential, commercial, and industrial buildings and vacant lots that either:

- Threaten public safety (e.g., meet the definition of a public nuisance); and/or
- Have been subject to the neglect of fundamental duties of property ownership (e.g., failure to pay taxes or utility bills, defaults on mortgages, and liens against the property).

These problem properties can include abandoned, boarded-up buildings; lots with trash and debris; vacant or under-performing commercial properties known as greyfields (such as shopping malls and strip commercial properties); and neglected industrial properties with environmental contamination, known as brownfields. The NVPC continuum also includes deteriorating and vacant single-family homes, apartments with significant housing code violations, and long-term vacant housing as indicators of future abandonment.

State laws and uniform building codes further refine what defines an abandoned building in particular jurisdictions, such as vacancy of over one year, deficiencies deemed beyond repair and serious public safety hazards.

**A study in Austin, Texas found that police intervention was required much more often where there were vacant buildings. “Blocks with unsecured buildings had 3.2 times as many drug calls, 1.8 times as many theft calls, and twice the number of violent calls” as did blocks without vacant buildings (Spelman, 481). The U.S. Fire Administration has reported that more than 12,000 fires in vacant structures are reported each year in the United States, resulting in \$73 million in property damage annually (Munich Re America).**

just after World War II, need a “wellness” approach that supports the relatively healthy residential and commercial markets in these communities, yet recognizes that these communities face challenges similar to those faced by the traditional urban core: declining population, aging housing, underused commercial sites, and deteriorating infrastructure. Within Erie County, 17 percent of the suburban population is over the age of 65, the fourth highest proportion of older residents among 64 regions studied by Robert Puentes and David Warren of the Brookings Institution in their 2006 report *One-Fifth of the Nation: America’s First Suburbs* (p. 20). The report found that from 1970 to 2000, the number of children under 15 in Erie County dropped by 34.5 percent. More than 50 percent of the county’s housing stock was built before 1960. Erie County’s first suburbs ranked 60<sup>th</sup> of 64 regions studied in terms of housing values with an average inflation-adjusted appreciation of only 33.5 percent.

In Spring 2003, the Federal Reserve Bank of New York, Buffalo Branch reported a trend toward more home foreclosures in three outer-ring neighborhoods of Buffalo, on both the east and west sides—a strong indicator of the spread of long-term or chronic vacancy beyond the city limits. Vacant properties are already becoming more common in each of the adjacent suburban communities of Tonawanda, Cheektowaga, and Amherst. Tonawanda’s Building and Housing Department reports a steady annual increase in problem property cases, now handling several hundred problem-property cases each year—and inspectors are seeing more chronically vacant homes and dilapidated rental units owned by out-of-town investors. Cheektowaga has fewer housing cases, but its code enforcement staff is now confronting the same business model that slumlords and speculators once reserved for the central city. Amherst’s strip shopping centers are experiencing a downturn, with vacant storefronts and “big-box” sites threatening to become chronic greyfields. As these commercial properties sit idle, sometimes for years, they can become eyesores that discourage and even drive away new retail and office uses. Together all of these conditions create a climate ripe for future abandonment.

### **Vulnerable Populations**

Within Buffalo itself, those most vulnerable to economic change have been left behind: Renters represent nearly 40 percent of all households in a city with a 15 percent vacancy rate, while 15 percent of all residents are 62 years old or older. Nearly 30 percent are under 18.

Buffalo’s high population of school-aged children attends 70 public schools that suffer directly from the city’s overall population loss and abandoned properties. As one of the

“Big Four” city school systems (along with those of Rochester, Syracuse, and Yonkers) that also benefit from county sales-tax revenue sharing, the Buffalo school system is actually hit twice by population loss: “Because many sales tax sharing agreements are based on population, cities which have lost population are particularly vulnerable to sales tax revenue losses,” according to the New York State Comptroller’s Office report, *Local Government Sales Taxes in New York State* (p. 18). Property values in the City of Buffalo dropped by about \$2 billion between 2000 and 2003, according to a 2003 profile in the *Pittsburgh Post-Gazette* (Toland, 17 Aug. 2003). The result for Buffalo’s newest generation of residents is potentially dire: Chronic annual school budget shortfalls may approach \$164 million by 2007 (BFSA, 2004, p. 3).

Even as the Buffalo Fiscal Stability Authority was working with the Buffalo School System to significantly reduce staff and programming and close some schools to address budget shortfalls, the Joint Schools Construction Board was established in 2000 to oversee a 10-year plan to modernize the Buffalo public schools, with significant funding from the State of New York. Such actions reveal both the possibilities and the challenges of addressing vacant properties in the context of a weak residential market without a broad framework in which to coordinate decisions. Citizen blogger David Torke recently commented on the \$28 million construction of the new public high school in the Masten neighborhood, the Buffalo Academy of the Visual and Performing Arts, noting, “The transformative quality of the decision to locate BAVPA here in this little corner of Masten should not be underestimated. It is the long awaited bridge between the two Buffalos.... the connection between Buffalo’s East side and the already well developed arts, educational and retail neighborhoods of the West side.” Yet Torke also says that “the City is still struggling with abandoned, boarded and derelict residential and commercial property surrounding some of the City’s newest schools.” Torke cites at least three other recent school renovation projects, in which newly modernized schools still sit among abandoned and boarded-up homes and businesses (Torke, *Fix Buffalo Today*, June 2006).

On the other end of the population continuum, more than one-third of all Buffalo households consist of single individuals, and 12 percent of these are people aged 65 or over. All in all, 13.4 percent of Buffalo’s residents are senior citizens. Many of these are longtime residents in neighborhoods experiencing the worst vacancies and dereliction; in effect, many older Buffalonians are living under house arrest in under populated neighborhoods where services and stores have relocated, and crime and vandalism abound.

### **Struggling Real Estate Markets**

Buffalo’s housing markets have become weaker as population has moved outward. Although the region’s suburbs have absorbed many residents from the inner city, Buffalo differs from other “urban-flight” cities in that a greater proportion of residents have moved downstate or out of state in search of economic opportunities. Relatively stable housing markets remain in Amherst and West Seneca. The overall weakening of the U.S. housing market during 2006, and aging housing stock in many parts of Buffalo, further complicate the challenge of revitalization. This dubious distinction places it among the company of at other “weak market cities,” cities that continued to lose population during the 1990s as other cities were rebounding. The Community Development Partnership Network estimates that 55 percent of all American cities with population over 100,000 are challenged by weak markets (Brophy and Burnett, 2003).

**Population Changes in Erie and Niagara Counties**  
 [Source: HOK, *Erie-Niagara Framework for Regional Growth*]

	Population						
	1900	1940		1960		2000	
	#	#	percent 00-40	#	percent 40-60	#	percent 60-00
<b>Erie County</b>	433,686	798,377	84.09%	1,064,688	33.36%	950,265	-10.75%
<b>Niagara County</b>	74,961	160,110	113.59%	242,269	51.31%	219,846	-9.26%
<b>Region</b>	508,647	958,487	88.44%	1,306,957	36.36%	1,170,111	-10.47%

Source: U.S. Census Bureau

As more residents leave the city, decline will spread to adjacent communities. Interim Census data indicate dramatic population reductions in Buffalo’s first-tier suburbs—from 2000 to 2005 Tonawanda’s population fell 4.9 percent to 77,965; Lackawanna’s decline of 4.5 percent to 18,175 was only slightly less; and Cheektowaga dropped 3.6 percent to an estimated population of 90,526. Only Amherst made a modest rebound of 1.1 percent. As more properties (residential as well as commercial and industrial) become vacant, the gap will widen between infrastructure and population. Many surplus properties are or will become seriously blighted, stigmatizing entire neighborhoods and hampering efforts to reestablish a healthy housing market in Buffalo and its adjacent core communities.

Commercial and industrial economic development also lag behind those of newer regions of the state and cities in other parts of the country. Though the region gained 600 jobs in 2005, manufacturing and construction industries continued to decline. Economic redevelopment efforts in the region have languished, as annual employment growth (0.1 percent) fell far short of the national average of 1.6 percent. In fact, the Buffalo area currently has 12,000 fewer jobs than in 2000 (*Buffalo Business First*, Aug. 18-24, 2006, p.1). Buffalo Niagara Enterprise, a regional organization focusing on business development and retention, recently attracted the New Era Cap Company to move its headquarters to the former federal reserve site in downtown Buffalo, bringing 150 existing positions and potentially 150 new positions into downtown from outlying Derby instead of moving to Alabama. Hydro-Air Components, Inc. also is moving into the city from a south-lying suburb rather than moving to North Carolina, bringing 165 jobs and promising expansion of about 135 more to the Lakeside Commerce Park brownfield redevelopment site. Several submarkets within the city have gained strength and increased dramatically in value in the last four years, mainly walkable neighborhoods around stable/successful retail strips such as North Buffalo, Elmwood, and Allentown.

**Mortgage Foreclosure Crisis**

Following a national trend, mortgage foreclosures quadrupled in the City of Buffalo from 1990 to 2000, and continue to rise. There is no reason to expect a decline any time soon. According to researcher Ramon Garcia’s 2003 study, *Residential Foreclosures in the City of Buffalo, 1990-2000*, the dramatic increase in Buffalo’s foreclosure filings is similar to that of economically and demographically distressed Midwestern Rust Belt cities (p. 64).

Garcia also found that foreclosures in Buffalo are concentrated in a concentric ring along the city’s periphery, especially in higher-income minority neighborhoods such as Kensington-Bailey, East Delevan, and the West Side, according to the report. Buffalo’s high-

## What Is “Flipping”?

“Flipping” once referred to the legitimate act of purchasing dilapidated property, renovating, and selling at a profit. But today’s “flippers” are looking for more than a lucrative investment: They are looking for easy marks in unwitting buyers. Some flippers make no improvements whatsoever before selling to a new investor, who in turn might make only cosmetic improvements and sell again with full knowledge that a property is no bargain. Sometimes an individual flips a property, and sometimes a cartel of unscrupulous investors do the flipping. One trait is consistent, however: Flipping does not benefit the final buyer or the neighborhood where flipped property is located.

est foreclosure rates essentially occurred where neighborhood racial composition changed from predominantly white to predominantly minority – i.e., upwardly mobile minority homebuyers. Garcia further notes that foreclosures in the city tended to be on relatively young loans (those less than six years old) and on purchase-money loans. Only one-third involved refinancing loans. New homeowners accounted for the majority of foreclosures. The foreclosure rate in those areas was double the citywide rate. This suggests that the harmful impact of increased foreclosures in neighborhoods like Ellicott-Masten and East End is related to the concentration of subprime financing.

These trends indicate that high-risk loans and bank foreclosures in Buffalo neighborhoods have combined to aggravate property vacancies in vulnerable neighborhoods, by lowering values, increasing abandonment, and leading to more physical deterioration and loss of value for taxpaying neighborhoods. From 1992 to 2000, for example, lending increased by 24 percent but the homeownership rate increased only 1 percent. Buffalo actually lost 3,500 homeowners due to population decline (p. 69). This disparity suggests that mortgages are increasingly going to investors, and that many of those investors are deliberately defaulting or “flipping” properties without improving them.

Rampant mortgage foreclosures seem to spawn speculative real estate transactions such as flipping. In 2005 Wende A. Mix of Buffalo State College reported that flipping is concentrated in neighborhoods in the Fillmore, Lovejoy, and University districts. This flipping is likely to be associated with fraudulent lending and equity stripping. The Mayor’s Anti-Flipping Task Force is currently investigating the connections between flipping and specific types of loans and lenders.

### **Assets and Opportunities: A New Way of Seeing**

At the request of the City of Buffalo in 2004, the Cornell University Cooperative Extension Association of Erie County conducted a project to help reclaim the city’s vacant properties. Led by Darlene Vogel and drawing on wide participation, the project emphasized an “asset approach” to the challenge of identifying, rehabilitating, and reusing vacant land and buildings in Buffalo. Although focused on the city, the report identified vacant property prevention and abatement as a regional priority (p. 5). Its findings have particular application to close-in suburbs, which are showing signs of incipient vacancy and abandonment.

The report noted the region's many strengths, including cultural and natural resources, a strategic location within the region and the U.S.-Canadian trade corridor, and strong neighborhood identities. In fact, the report found that the very challenges presented by vacant properties have also opened doors in Buffalo:

- Available land at affordable prices.
- Land assembly options for development.
- Development incentives, existing and new.
- Room in the landscape for innovative solutions.
- Room in the landscape to provide common community areas in association with new development.
- Potential for a variety of development types and mixes.
- Potential for job generation around a skilled workforce.

Despite these advantages, the Buffalo-Niagara region cannot sustain its regeneration until its leaders and citizens band together to address vacant properties as *assets* to be managed and cared for through a consistent, systemic approach. For decades, public officials have tried traditional redevelopment policies to retool the existing economy and attract new business development with modest success. Such traditional policies are flawed for the present conditions: Complaint-driven and reactive enforcement strategies and duplicative, uncoordinated redevelopment strategies fall far short of the visionary, systemic change Buffalo now needs.

City, county, and town leaders must make the revitalization of vacant properties their top priority, and must base their cooperation on a new view of vacant land and properties as potential assets to be reclaimed, either as green space or as redeveloped sites and structures, bringing revenue and residents to the city and region.

At first it might be difficult for public officials, business leaders, and citizens to view dilapidated buildings and boarded-up homes as assets. Residents become immune or numb to the constant presence of vacant properties—they have lived next door or driven past blocks of vacant properties for years, perhaps even decades. Policymakers have instituted numerous programs to gain control over the ever-expanding inventory of vacant and abandoned buildings with only modest success. But this new view of vacant properties is well worth the effort. *Blueprint Buffalo* proposes that this new policy lens—supported by a coordinated regional effort and translated into a specific step-by-step framework—will help the City and region transform thousands of vacant properties into assets for the next century and beyond.



## Framework for Action: Leadership to Support Key Strategies

**R**egional challenges demand regional solutions. Regional solutions need enlightened and committed leadership throughout all government, business, civic, and nonprofit sectors. While Buffalo-Niagara’s latter-day legacy of disinvestment and decline has been studied and re-studied, few experts have considered the reclaiming of vacant properties as a regional revitalization strategy. Only within the past three years have several groups begun to assess vacant properties in a regional context, notably the Cornell Cooperative Association and the sponsors of this NVPC assessment report (Buffalo LISC, the Institute, and the Amherst IDA). Vacant properties could easily serve as a catalyst for collaboration among regional leaders by implementing the comprehensive set of revitalization strategies set forth by the NVPC team. This report outlines four key actions for public, private and nonprofit leaders along with a framework of effective vacant property strategies.

### **Making the Case for Regional Vacant Properties Action**

Although viable ideas are on the table, and promising programs are on the ground, a truly regional strategy to reclaim these properties has yet to emerge. The lack of clear regional consensus around vacant properties lies partly in the perception that abandonment and disinvestment are largely “city” problems.

The May 2006 release of the draft *Erie-Niagara Framework for Regional Growth* carefully details the close relationship of abandonment in Buffalo and the adjacent first-tier suburbs in contrast to the steady, yet not spectacular, growth and new development in region’s outlying towns and cities.

Although most vacancies are found in or near downtown Buffalo, the difficulties—and potential benefits—presented by these properties extend far beyond the city’s boundaries. Not only Buffalo itself but its older surrounding communities—from close-in suburbs to the small villages serving threatened farmlands—suffer disproportionately from what the *Erie-Niagara Framework* report calls “the progressive draining of population and households from the region’s traditional urban and rural centers.” The greatest declines in population and household correlate directly with declining or stagnant housing values, eroded demand for retail and commercial services, and deterioration of housing stock, not only in the city, but also in town and country.

The livability of newer suburbs—once praised for their bucolic settings and quiet streets—is threatened by the blurring boundary between developed and rural areas. Newer development hotspots include those near the towns of Wheatfield and Lockport in Niagara County; and East Amherst, Clarence, Cheektowaga, Lancaster, Orchard Park, and Hamburg in Erie County. These areas are the region’s most recently built communities and with relatively low overall densities they continue to consume more of the region’s farmland. Meanwhile, the region’s most densely settled inner-city neighborhoods and its compact rural village and town centers continue to lose households. The urban areas experiencing decline include portions of the cities of Buffalo, Niagara Falls, Lockport, Tonawanda, and North Tonawanda, along with portions of the town of Niagara in

Niagara County and Amherst, and Cheektowaga and West Seneca in Erie County. Rural communities experiencing losses include the northernmost towns in Niagara County and the southern tier of towns in Erie County.

Even a few of the region's more stable suburban communities, such as Amherst, are beginning to experience challenges similar to those faced by older communities—declining population, aging housing, vacated and underutilized commercial buildings and sites, and tired infrastructure. Early commercial corridors are at a disadvantage similar to that of properties in more newly developed areas. Accessibility, code compliance, parking deficiencies, and declining population and income put mid-century commercial properties in a difficult competitive position.

As clearly set forth in the *Erie-Niagara Framework*, abandonment and disinvestment have now become regionwide problems that call for regional solutions. Without a cohesive array of development incentives and a coherent, regional approach, city and suburban governments will continue to work on their own programs, often duplicating efforts and investing resources that could be more efficiently used through regional collaboration and coordination.

#### **Four Essential Leadership Actions**

Given the complexity and longevity of Buffalo-Niagara's vacant property problems, public, private, and nonprofit leaders throughout the region should launch a series of initiatives in concert with one another. Local and state governments, universities, and the nonprofit community must play major roles. The City of Buffalo should take the

## **Erie-Niagara Framework for Regional Growth**

Since the fall of 2002, Erie and Niagara county officials have been working on a plan for regional cooperation and development through 2020. The Erie-Niagara Framework for Regional Growth establishes a range of actions that local governments, private-sector, and nonprofit organizations can take to focus and reinforce regional growth and development where it is most needed. The process has engaged community and regional stakeholders through interviews, focus group meetings, presentations, and public workshops. The intent of the plan is to coordinate local planning and investments and to slow the spread of development by encouraging reinvestment in previously developed centers.

Local implementation of the plan is voluntary, but the goal of the counties is to achieve buy-in from communities so that the Erie-Niagara Framework can become a catalyst for more environmentally and fiscally sound planning and development practices in the region. Current development practices have created a system that causes inefficient infrastructure utilization, loss of important natural resources, abandonment of urban/village centers, and sprawling growth. The plan is to be implemented by Erie and Niagara Counties, with oversight by the newly formed bi-county planning board, comprised of officials from both counties and affiliated with a reconfigured Greater Buffalo Niagara Regional Transportation Council.

lead for certain initiatives while Erie County or the Institute for Local Governance and Regional Growth, University at Buffalo oversee the design and development of other vacant property programs and policies. Together they and other entities will coordinate and contribute to a broad base of regional actions. Each leadership action provides support for the specific vacant property strategies and tools discussed beginning on page 33 of this Action Plan.

This report identifies local institutions and the roles they can play in leading these initiatives. The report's authors recognize that local leaders, with guidance from neighborhood residents, must ultimately decide whether these institutions should and can lead these critical initiatives, but the successful revitalization of Buffalo and its first-tier suburbs depend on making these four **leadership actions** a top priority for the region:

**Leadership Action One:** Launch a **citywide vacant properties initiative** led by Buffalo's Mayor Byron Brown and his Offices of Strategic Planning and Economic Development.

**Leadership Action Two:** Develop a **first-tier suburban vacant property agenda**, spearheaded by local elected officials and civic/business leaders from first-tier suburban communities.

**Leadership Action Three:** Create an **Erie-Buffalo Vacant Properties Coordinating Council** as a vehicle for ongoing communication and information sharing and to develop institutional capacities and partnerships; and

**Leadership Action Four:** Establish Buffalo-Niagara as a **Vacant Property Living Laboratory** (the nation's first such national demonstration model) through a series of innovative policy initiatives driven by the state's new Governor in cooperation with state legislature and the area's elected Federal officials.

The NVPC team anticipates that each sector (public, private, civic, and nonprofit) must do its part by making vacant property revitalization a top priority for at least the next four to five years. Thereafter, leadership activities may continue at a similar level of commitment, depending upon market conditions and the success or potential success of the partnerships set in motion by these actions.

### **Leadership Action One: The Citywide Vacant Properties Initiative**

Within the next six months Mayor Brown should lead the Offices of Strategic Planning and Economic Development to launch a citywide vacant properties initiative that addresses the multiple fronts of vacant properties. The recently adopted comprehensive plan and its *Facilities and Vacant Land Management Plan* establish a strong foundation for the citywide initiative and will guide city vacant property programs for many years. Without such a management approach, Buffalo would run the risk of merely reacting to its growing surplus of land and properties.

The city must build citizen education and outreach into virtually every aspect of its vacant property initiative. Through established mechanisms such as the Office of Strategic Planning's Good Neighbors Planning Alliance and the Housing Court's Citizen Liaison, the city initiative could offer foreclosure prevention workshops, provide urban home-

# Leadership Actions Roles and Responsibilities



**KEY** ● Leadership Role ○ Major Player

steading incentives, conduct “visioning” processes in preparation for demolition and land-banking activities in neighborhoods, gain citizen input into the design and training for a comprehensive Real Property Information System (RPIS), and consistently base its own vacant-property planning on citizen-driven neighborhood plans.

The first public education effort will be to communicate with citizens about the citywide initiative itself. The “Queen City” theme has been a prominent and successful means of educating Buffalonians about plans for the city. Also successful, more recently, was the citizen-driven revival of Old Home Week, which drew expatriates back to the city for a job fair and neighborhood tours. Whatever the theme chosen, the mayor and Common Council will need to craft and communicate a compelling message that energizes staff and residents. The mayor will definitely need the buy-in of all local officials so they can fully support the strategic targeting of resources to certain vacant property programs and neighborhoods.

Buffalo’s mayor must reach out to many local partners—including major public institutions such as the Institute for Local Governance and Regional Growth, University at Buffalo; private nonprofits such as Partners for a Livable Western New York and LISC-Buffalo; real estate experts and developers; faith-based community groups; and individual citizens. Strong partnerships and community support behind a citywide vacant

## Mayors are more than managers

**A MAYOR’S ABILITY TO PROVIDE VISION AND DIRECTION** is as important as providing good public services. How today’s mayors address their city’s vacant properties and their redevelopment potential will determine their future legacy. A mayor can focus attention and action on vacant properties through these actions:

**Broad community leadership.** The mayor can use his prominent position in the region as a bully pulpit. People look to mayors to set the tone and direction for the community and articulate a vision to which they can aspire.

**Setting the direction for city government.** Mayors can inspire and motivate city employees and take concrete steps to create change, from setting up interagency coordinating bodies to restructuring the functions and organizational lines of command at City Hall to get the job done.

**Uniting governmental and nongovernmental partners.** As head of the area’s largest government, the mayor is the one public official best suited to reach out and gain the attention of the city’s nongovernmental partners, from major corporations and foundations to community organizations.

**Advocating for change at the state level.** State governments define the framework for local abandoned-property efforts through the ground rules established by state statutes and the opportunities created by state funding and investment. Individually and through their peer networks, mayors can be powerful advocates for state-level change.

Source: Alan Mallach, National Housing Institute, *Mayor’s Resource Guide to Vacant and Abandoned Properties*, 2006.

properties initiative would build momentum for several suburban and regional strategies as outlined by this Action Plan. Engaging in such activities as the regional Real Property Information System (Strategy One) and formation of the Erie-Buffalo Vacant Properties Coordinating Council (Leadership Action Three) will not only advance the city's vacant property strategies, but build goodwill and cooperation with its suburban neighbors and regional partners.

**Although the city has a role in all four of the recommended strategies that begin on page 37, the citywide initiative should take a leadership role on Strategies Two and Three, comprehensive code enforcement and land banking and green infrastructure.**

### ***Comprehensive Code Enforcement Approach***

Communities will need to enhance existing code enforcement approaches in ways that strategically target the most complex cases and that link enforcement actions with rehabilitation resources for those owners in need—a good strategy to preserve and stabilize vacant properties. Moreover, commissioning a new citywide vacant property unit and strengthening the role of the Housing Court as recommended in Strategy Two could contribute to more far-reaching institutional change. These agencies could also work together to focus on building the capacity of the local development community (profit and non-profit) to act as court-appointed receivers to rehabilitate and perhaps acquire and manage these vacant properties.

### ***Right-Sizing, Green Infrastructure, and Neighborhood Reinvestment Plans***

Buffalo has increased its activity in recent years to demolish derelict structures and acquire or transfer title to usable vacant properties. In effect, Buffalo has already entered the land-banking arena. All that remains is to institutionalize these functions and establish a reliable ongoing source of funding for the important work of acquiring vacant sites and clearing title so they can be returned to use. Although the effort needed to establish a permanent land bank for Buffalo seems daunting, the establishment of such an entity, as recommended in Strategy Three, can increase the city's autonomy, reduce dependence on the State Legislature for funding demolition/acquisition activities, and enable the city to expedite the clearing, acquiring, and retitling of land and properties.

The cities of Atlanta, Louisville, Cleveland, and St. Louis have some of the longest-running land-banking programs in the nation (Alexander, 2005). Land banking has also been implemented at the county and regional level. Recently Genesee County, Michigan established one of the nation's most comprehensive land-bank programs to revitalize more than 25,000 parcels of vacant and abandoned land in the city of Flint. Although these land-bank programs vary by community need, they have all broken through legal and technical barriers to restore neighborhoods and commercial areas once plagued by vacant and abandoned land.

Given shrinking populations, Buffalo's own land bank will likely contain a specific element addressing green infrastructure, whereby a large percentage of vacant properties will be transformed into open space, trails, community gardens, and parks. A green-infrastructure initiative could create value in the habitable properties that remain, and attract investors and residents back to these neighborhoods devastated by decay. In order to right-size the city, a considerable number of these sites will become pocket parks and

open spaces linked with an extensive web of trails and greenways. Opportunities also exist to develop urban agricultural sites and community gardens, such as the Massachusetts Avenue Growing Green Project.

Creating a stable land-banking program or entity at the city level will call for greater leadership from the mayor and Office of Strategic Planning. These offices should examine functions of key city departments and staff to realign them with the requirements of a land-banking program. The city/county tax foreclosure procedures will also need to be streamlined to expedite the acquisition of vacant properties by a central land trust or land bank that can facilitate the eventual transfer to qualified and capable nonprofit and for-profit developers or responsible owners.

### **Leadership Action Two: First-Tier Suburban Vacant Properties Agenda**

The nearby towns and suburbs of Buffalo need their own agenda to address the special nature of suburban blight and abandonment. For the surrounding towns of Tonawanda, Cheektowaga, and Amherst, the primary goal is containing and managing the growing number of vacant properties before the problem gets out of hand. As outlined in Strategy Two on page 47 of this report, these first-tier communities need a suite of tools, from code enforcement strategies to zoning changes, that address the suburban scale of vacancy. As outlined in Strategy Four (see page 83), these communities need more of a “wellness” approach than the city when it comes to the problems of housing vacancies and underperforming or vacant shopping centers and retail strips.

**Suburban elected and civil officials should work with a knowledgeable convener, such as Partners for a Livable Western New York, to hold a series of short forums aimed at creating a first-tier suburban agenda to consistently nip vacant-property problems in the bud.** Topics could include code enforcement, consolidation of existing economic development programs and incentives, changes and updates to comprehensive plans and local zoning codes, and incentives to stimulate population retention and commercial revitalization.

These forums could naturally lead to establishment of a **First-Tier Suburbs Network** to coordinate the agenda and help these smaller governments share resources to carry out the strategies recommended for suburbs in this *Action Plan*. For example, as one of its first actions, the Network could convene code enforcement managers from throughout the Buffalo-Niagara region to work together on various vacant property strategies—essentially form a regional code enforcement working group. The Network could also offer a meeting ground for the suburban vacant-property coordinators recommended in Strategy Two.

The Network would be an effective mechanism for assuring that the unique perspective and needs of older established suburbs are well-represented in regional actions to address land use, from the Erie-Buffalo Vacant Properties Coordinating Council described in Leadership Action Three to the anticipated follow-through on *Erie-Niagara Framework for Regional Growth*.

The First-Tier Suburbs Network might eventually develop a series of MOUs among suburban leaders to confirm their commitment to make vacant property revitalization a policy priority. In the short term (within the next six months) the first-tier suburban

agenda could be a means to coordinate existing development incentives to target vacant properties consistent with the principles set forth in the proposed *Erie-Niagara Framework for Regional Growth*.

Recent research by Robert Puentes from the Brookings Institution highlights the experience of similar networks of suburban public officials. Mayors and city council members from Cleveland suburbs formed the Northeast Ohio First Tier Suburbs Consortium in 1996. Seven groups have followed in their footsteps. In 2002 the National League of Cities officially formed a First Tier Suburbs Council for its members to network, discuss common needs, and articulate the unique challenges and opportunities that municipalities adjacent to central cities confront (see *Unifying Voices, Confronting Challenges—A Resource Guide for Developing Regional Collaborations of First Tier Suburbs* (December 2005); see also the web site for NLC’s First Tier Suburbs Council at [www.nlc.org/inside\\_nlc/communities\\_councils/465.cfm](http://www.nlc.org/inside_nlc/communities_councils/465.cfm)).

## Michigan Redevelopment Ready Communities

**THE MICHIGAN SUBURBS ALLIANCE** launched the Redevelopment Ready Communities (RRC) program to aid older, inner-ring suburban communities in competing for new development. The process of becoming a certified RRC helps municipalities become more attractive to redevelopment by streamlining the development practices and eliminating the inefficiencies associated with out-of-date physical and planning infrastructure.

Dues-paying charter members of the Suburbs Alliance are eligible to participate in the RRC process free of charge. For roughly a year, city staff works with an RRC consultant, a certification evaluator, and Suburbs Alliance staff throughout the certification process. An RRC consultant, typically a local planning firm, works with the city to amend and reform the planning process to make it more attractive for prospective developers. The development of sustainable solutions through technical assistance—research and case study analysis, mentorship by industry professionals from the RRC Committee, templates and/or guidelines for ordinances, zoning processes, marking site information, and cataloguing vacant property—is a main component of the program. One of the goals of the RRC program is to share information on successful measures with other RRC communities.

RRC Best Practices are used to guide cities in increasing their score for certification, where a minimum of 80 out of 100 points must be attained. Participating cities have 120 days to complete an initial phase of the program, demonstrating their commitment to the process. Certification lasts for two years and cities are encouraged to begin the recertification process after a year and a half.

In March 2006, the Suburbs Alliance certified the first five Redevelopment Ready Communities in southeastern Michigan. These cities will use the RRC certification to advertise that their vacant and underutilized properties are prepared to meet the needs of prospective developers with the same efficiency as greenfield sites.

Sources: Redevelopment Ready Communities, available at [www.redevelopmentready.com](http://www.redevelopmentready.com) (August 2006) and Redevelopment Ready Communities – Michigan Suburbs Alliance, available at [www.michigansuburbsalliance.org/redevelopment/redevelopment\\_ready\\_communities/php](http://www.michigansuburbsalliance.org/redevelopment/redevelopment_ready_communities/php) (August 2006)



### **Leadership Action Three: Erie-Buffalo Vacant Properties Coordinating Council**

Successful implementation of the vacant property revitalization strategies set forth in this report will require the cooperation of Buffalo, Erie County, the surrounding towns and cities, and New York state agencies, along with strong partnerships beyond government. Models, information-sharing, and coordination with neighboring jurisdictions, including Niagara County and Toronto, would also be instrumental, both in establishing the regional vision and coordinating council, and in carrying out the Living Laboratory recommended in Leadership Action Four.

A regional vacant properties coordinating council for Erie-Buffalo (and possibly Niagara County as well) is the logical first step toward building consensus around a shared vision for revitalizing vacant properties. **The NVPC study team suggests that the three organizational sponsors of this assessment report—LISC-Buffalo; the Institute for Local Governance and Regional Growth, University at Buffalo; and the Amherst Industrial Development Agency—convene the Council.** Foundation support and public/private funds could cover the expenses of the Council's first year or two.

The Council's primary goal is building the regional capacity to tackle vacant properties by providing joint oversight and implementation of various vacant property initiatives and strategies set forth in this report. The Coordinating Council should then help Erie County build its involvement and capacity for addressing vacant properties. Erie County should definitely play a larger role or eventually become a leader of the Coordinating Council; however, the revitalization of vacant properties has not yet become a pressing county priority.

Based on a similar successful model for the Cleveland region, membership should start with local government officials from the city, the suburbs, and the county or counties, such as the mayors, county executives, and their key staff, (tax collectors, judges, municipal attorneys, planners, building officials, housing and redevelopment authority directors, and so forth). Representatives from nonprofit, civic, and private-sector organizations could play critical roles in shaping the Council's approach to a regional framework for vacant property policies and programs.

Buffalo is rich in potential partnerships that can help build the regional capacity to address vacant properties. Leading institutions with local expertise on vacant properties include the Institute for Local Governance and Regional Growth, University at Buffalo, LISC-Buffalo, and Partners for a Livable Western New York, as well as important knowledge centers such as University at Buffalo's Urban Design Center, other academic institutions, and the Cornell Cooperative Extension Association. These public and nonprofit organizations would need to engage numerous housing groups, private housing and commercial developers, and local entrepreneurs in the acquisition, repair, and reuse of vacant properties. The challenge is how to provide a regular forum for bringing together all of these potential entities and resources.

Preliminary steps could include creation of a county or regionwide Vacant Properties Work Plan based on the City of Buffalo's recently adopted *Facilities and Vacant Land Management Plan* in its comprehensive plan. The Coordinating Council's Work Plan should also integrate and refine the recommendations found here in *Blueprint Buffalo*. Some strategies can be implemented through a phased approach as capacity is strengthened. For example, certain approaches can be pilot tested in Buffalo and then expanded countywide.

## Cleveland's Vacant Property Coordinating Council

**WHEN NVPC RELEASED CLEVELAND AT THE CROSSROADS**, an NVPC Technical Assistance document, Neighborhood Progress, Inc. (NPI) and Cleveland Neighborhood Development Corporation convened a meeting for public agencies and local community groups. This meeting resulted in the creation of the Vacant Property Coordinating Council, a semi-annual working group of seven city and county agencies, as well as local community development agencies. The Coordinating Council now actively works to implement the policy and practice recommendations from the *Crossroads* publication. While seeking funding to implement specific recommendations, the Council has made progress by coordinating efforts for reducing inefficiencies and identifying common priorities among its members.

**The Coordinating Council should make the implementation of a comprehensive real property information system one of its first priorities, as many of the other strategies will depend on it for accurate and updated information.** After the information system is in place, the Coordinating Council may eventually work with the City to take Buffalo's land-banking program to the regional scale. The Council would also be a logical leader on brownfield and greyfield redevelopment activities such as those recommended in Strategy Four.

The Vacant Properties Coordinating Council's vacant property work plan and leadership actions should ideally become part of the policy recommendations to implement the proposed *Erie-Niagara Framework for Regional Growth*. Given the fragmentation of local government land-use powers and the historical and political tensions surrounding intergovernmental collaboration, the *Erie-Niagara Framework for Regional Growth* will provide the first cohesive regional vision for future growth and development. The VP Coordinating Council can ensure that its strategies become an integral part of the *Framework*.

Coordination of the Vacant Properties Coordinating Council's Work Plan with implementation of the *Erie-Niagara Framework for Regional Growth* makes sense. The Coordinating Council should consider these possible joint activities:

**Reforming comprehensive plans and zoning codes to facilitate vacant properties revitalization.** The townships and the County should make recommendations for reforming outdated zoning codes to facilitate infill development and mixed-use projects. For example, recent zoning revisions by the Town of Amherst provide a potential model for other municipalities in the region. Elsewhere, the recently revised City of Dayton, Ohio's zoning code identifies certain neighborhoods and characteristics that are ideally suited for infill development and revitalization.

**Convening a regional dialogue on the Framework's vision and goals.** A useful model is Northeast Ohio's *Voices with Choices*, a regional collaboration to revitalize the economy in Northeast Ohio. In September 2005 over 900 Northeast Ohio residents gathered in Akron for the largest meeting of its kind in the nation focused on regional revitalization. ([www.voiceschoices.org/](http://www.voiceschoices.org/))

### **Leadership Action Four: National Model and “Living Laboratory” of Vacant Property Revitalization**

The very depth and breadth of Buffalo’s challenges present an opportunity to become a national model and a living laboratory for policy innovation. A Japanese proverb presents itself as particularly apt: “Barn’s burnt down, now I can see the moon.”

Imagine Buffalo as the place that attracts experts from around the world to design and build new, community-driven models for revitalization. Imagine Buffalo as the place that attracts investors and residents searching for the new ideas about commerce, capital investment, and a higher quality of life. Imagine Buffalo as the nation’s first **Living Laboratory** for vacant property revitalization.

Molding the Buffalo of today into a Living Laboratory will take bold action and transformative leaders. For the past 25 years Buffalo and Erie-Niagara officials have been tinkering around the edges of revitalization. They have relied on the safe, traditional approaches to redevelopment with modest results. They have commissioned dozens of studies that make similar policy recommendations based on similar assumptions. Despite good intentions, decline and decay persist within the city of Buffalo, and now vacant properties and abandonment now has a foothold in Cheektowaga, Tonawanda, and other first-tier suburban communities (Esmonde, 16 Aug. 2006).

The Buffalo Living Laboratory will invite new ideas, take bold action, and require transformative leadership that can

- engage citizens in rebuilding their own homes and neighborhoods,
- redefine the built environmental of the city to match its current and future populations,
- rely on the *Erie-Niagara Framework* to engender a new spirit of regional collaboration, and
- take strategic risks, recruit superior staff, and exhibit a willingness to test new ideas.

#### **State Leadership to Charter the Buffalo Regional Living Laboratory**

Strong and innovative state leadership will be necessary to ensure the long-term success of regional and local actions set forth in this report. The vacant property strategies implemented by the city, county, and other regional partners will require institutional support to encourage the permanent, transformative change the Buffalo-Niagara region desperately needs.

**“It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”**

**—Justice Louis Brandeis, *New State Ice Co. v. Liebmann*, 1932**

Only strong state leadership can meaningfully advance the Buffalo region as the nation's first Living Laboratory for Vacant Property Revitalization. With an infusion of energy and resources from the new governor along with legislative support from the region's state and federal legislative delegations, New York State would officially charter the Living Laboratory. The Living Laboratory would facilitate a collaborative, transdisciplinary enterprise that includes broad participation of public, private, and nonprofit leaders. State policies would allow local governments, universities, and business to experiment with alternative, community-driven redevelopment approaches that transform blighted areas into destinations and neighborhoods.

University at Buffalo, along with other local universities and colleges, would engage faculty and students to design and test new policies and document the results from this revitalization laboratory. Lessons learned from pilot projects could be applied to other regions of the state with serious vacant property problems—perhaps one day leading to a network of Living Laboratory regions throughout New York. Officials from other states and perhaps other countries might participate in the Regional Living Laboratory so they can share their expertise and also take back new ideas to their own communities.

While the notion of a Living Laboratory might seem far off, with swift state action and supportive regional and local partnerships, the Living Laboratory could realistically open its doors by January 2008. Discussions on state legislation that would officially designate the Buffalo/Erie-Niagara region as a Living Laboratory for Vacant Property Revitalization could happen in time for the 2007 legislative session. More research would be necessary to identify the optimum legal structure and sources of funds for its initial launch. Perhaps the authorizing charter could create a Living Laboratory Fund to which private business and regional and national foundations could contribute grants and gifts in support of this work in Buffalo.

### ***Living Laboratory Management Framework***

One initial question is what entity would oversee such a broad regional initiative. The local institution would need the respect and trust of its partners so it can facilitate collaboration across the region and help coordinate the vacant property leadership actions of the city, the suburbs, and the region. **The authors of this report propose that University at Buffalo, through the Institute for Local Governance and Regional Growth, act as the institutional home for the Living Laboratory.** The activity of inviting and supporting innovative practices for the purpose of advancing knowledge and expertise is consistent with a university's mission. Moreover, the Institute appears to be in a good position to bridge the political, academic, and policy worlds. First and foremost, the Institute would act as the convener, coordinator, and manager of the Living Laboratory.

The Living Laboratory would have an advisory board or board of directors (depending on the nature of its legal status) that would include the regional and local government officials leading the charge of their own vacant property initiatives (e.g., the mayors, town supervisors, etc.) along with directors or deputy directors of critical state agencies, (e.g., Division of Economic Development, Empire State Development, the BuildNow NY program, Division of Environmental Remediation, Division of Housing and Community Renewal, etc). Perhaps the governor would appoint a special designee to co-chair the advisory board with two or three members of the state legislature. Regional directors of relevant federal agencies (e.g., HUD and EPA) and perhaps even members of Congress

would serve in some capacity. Business, industry, and civic leaders would also serve on the Living Laboratory advisory board along with nonprofit organizations.

### **Programs and Projects for the Living Laboratory**

Foremost to the Living Laboratory ethos are the goals of designing and testing new approaches to revitalization. The Living Laboratory would incubate policy innovation and pilot projects that create new models of regulatory integration, and would serve as a catalyst for new programs and projects to revitalize distressed regions throughout the nation and abroad. Here are a few preliminary ideas to consider:

**Coordination and Integration of Economic Revitalization Resources:** New York State offers local governments and industry dozens of economic development incentives and tax breaks, such as the Enterprise Zones and the Brownfields Opportunity Areas. Regional and local programs provide yet another layer of programs and policies. The Living Laboratory could provide a base from which to search for ways to integrate these revitalization policies and consolidate the duplicative and myriad redevelopment incentives and redevelopment agencies. State officials, working with policy experts from University at Buffalo, local governments, and business leaders, could devise models that streamline the administrative reviews and paperwork. State and local agencies might allocate resources that adhere to the *Erie-Niagara Framework for Regional Growth* and the City of Buffalo's *Facilities and Vacant Land Management Plan*. Perhaps a large number of state housing and economic revitalization resources within the region would get additional benefits or bonus points if they were used as part of an official Living Laboratory project or program.

**Performance-Based Regulatory Standards:** Participants in the Living Laboratory might want to identify and test the feasibility of more performance-based regulatory and development standards, such as state environmental cleanup standards for brownfields

## **EPA's Project XL**

**CREATED IN 1995, EPA'S PROJECT XL** was designed to investigate regulation reform in order to streamline federal requirements for agency projects using site-specific experiments. Fifty pilot projects were implemented under the program by 2001 and applications were no longer accepted starting in January 2003. Numerous innovations affecting the core functions of the agency were developed during the program. The innovations included the testing of smart growth principles, alternative compliance monitoring, and pollution prevention and recycling practices. The final challenge for the agency has been to transfer and disseminate the lessons learned and practices developed from the pilot projects to the agency-wide structure.

One notable XL project is Atlantic Steel in Atlanta, which has transformed a 138-acre brownfield into a mixed-use development incorporating smart growth principles and creative approaches to reducing air quality impacts. The former steel site is located near the Midtown Atlanta and will have bus, bike, and pedestrian linkages to reduce vehicular trips for residents and workers. The project also decreases greenfield development pressure by reusing an urban site with existing transportation and other infrastructure improvements.

redevelopment or special state rehabilitation codes. Performance-based models do not dramatically change the level of protection, but permit the government to work with property owners, the private sector, and nonprofit groups to forge creative solutions to intractable regulatory barriers. U.S. EPA experimented with a similar approach called Project XL (environmental excellence) whereby regulators negotiated new standards that were tailored to a particular project. In exchange, the industry or developer provided enhanced or supplemental environmental benefits. One of the Project XL success stories was the redevelopment of the old Atlantic Steel complex in Atlanta ([www.atlanticstation.com/concept\\_greenstar.php](http://www.atlanticstation.com/concept_greenstar.php)) that has been transformed into a new-urbanist, mixed-use village.

Given Buffalo-Niagara's existing expertise with brownfields redevelopment, the Living Laboratory could adapt the lessons from Project XL and Atlantic Steel by modifying existing state environmental, housing, and economic development programs to a more performance-based model. The Living Laboratory could also test these approaches with state and local building codes and local land development permit processes.

**Revitalization Authorities:** Another area for the Living Laboratory to explore is new models for redevelopment authorities. Recent discussions about the possible merger of the Industrial Development Agencies within Erie County raise the larger and long-term question of whether merger of these IDAs perpetuates a model that no longer fits the conditions of the region. In light of this discussion and the recommendations found in this report on land-bank authorities and urban land trusts, perhaps the Living Laboratory could make the design of new revitalization authorities one of its first priorities. They may want to take a close look at such multi-purpose entities as the Urban Redevelopment Authority of Pittsburgh ([www.ura.org/](http://www.ura.org/)), which includes brownfields redevelopment and vacant housing) and the Genesee County Land Bank Authority ([www.thelandbank.org](http://www.thelandbank.org)).

**Emulating the International Building Exhibition Model:** For decades the state governments, universities, and foundations in Germany's rust belt regions have chartered several International Building Exhibitions (IBE, pronounced Ee-ba) to spotlight creative environmental project designs. For 10 years, Emscher Park in the Ruhr Valley was a special focus for innovative policies that sparked the revitalization and rebirth of the region ([www.epa.gov/brownfields/partners/emscher.html](http://www.epa.gov/brownfields/partners/emscher.html)). These IBEs provide the essential ingredients necessary for incubating pilot projects to test new policies and new designs. More than traditional design competitions, IBEs provide policy frameworks that integrate economic redevelopment, arts, and culture. As part of a new IBE framework, since 2002 four international interdisciplinary teams have been studying and documenting the process of shrinking cities in Detroit, Manchester/Liverpool, Ivanovo (Russia) and Halle/Leipzig (Germany) (see [www.shrinkingcities.com](http://www.shrinkingcities.com)).

Buffalo's Living Laboratory could borrow and adapt various elements from the successful IBE model:

- **The "Right-Sizing Buffalo" Design Competition:** Building on the IBE experience in Germany, University at Buffalo and the city could sponsor an international design competition that brings together the most talented landscape architects, planners, and policy experts to collaboratively craft a potpourri of strategies for "right-sizing" Buffalo neighborhoods with projected population and job growth and existing levels of property abandonment. Major themes of the competition could include green infrastructure, landscape urbanism, and green building design.

- **“Retrofitting Commercial Corridors” Design Competition:** Another design competition could focus on the underused or neglected commercial zones that plague first-tier suburbs along with the City of Buffalo. Many communities across the country are transforming tired malls and decaying shopping centers into vibrant mixed-use villages with housing and retail along with public schools, libraries, and town halls. Why not bring talented architects and designers from these successful projects to Buffalo through a competition that also includes the nation’s first design competition for form-based codes? The New Millennium Group of Western New York, a citizen group committed to focused regional growth and urban design, is already exploring form-based codes; they could team up with Partners for a Livable Western New York or the First Suburbs Network.
- **Green Business Attraction Strategy.** Just as some regions have created new market niches in their business base by offering incentives to high-tech or bio-tech businesses, Buffalo could encourage green-building designers, architecture firms, and construction companies to establish offices in a Buffalo Green Business Corridor, offering tax incentives and site relocation assistance to businesses in the growing green-building sector, along with resources for testing and perfecting green building techniques. Such businesses—with their high tolerance for risk and challenge and their focus on environmental remediation and enhancement—are ideal partners for the brownfield/greyfield sites, reclaimed land, and older buildings that will make up the bulk of the Living Laboratory’s focus areas.
- Recruit an international team of **Living Laboratory Fellows** that would bring some of best minds in the United States and abroad to develop and test new policies, designs, and projects. Perhaps higher education funding at the state and federal levels, along with foundation grants, could provide stipends and fellowships of 18 to 36 months so they can become temporary residents of Buffalo.
- Develop a **Living Laboratory Consortium** of local universities to recruit and empower students and professors for a series of practicums and clinics that devise and assist innovative vacant property programs and policies. Expand the concept to local middle and high schools to develop curricula around vacant property revitalization and devote public service classes or offer credit to students to help community groups and property owners revitalize their neighborhoods and homes.

The term “landscape urbanism” was coined in the late 1990s by landscape architect and author Charles Waldheim to describe emerging approaches to urban planning and urban design in which the interaction of natural and built systems is taken as the basis for decisions about urban form. Instead of taking built volume as the determining characteristic of the city, landscape urbanism looks at a wider range of variables to develop a dynamic approach to planning within constantly evolving urban landscapes.

Source: Cleveland Urban Design Consortium, Shrinking Cities Initiative, at [www.cudc.kent.edu/d-Service-Learning/Shrinking/initiative.html](http://www.cudc.kent.edu/d-Service-Learning/Shrinking/initiative.html)

- Select and oversee a series of **Living Laboratory Demonstration Pilot Projects** for revitalizing different types of vacant properties throughout the entire region. The Living Laboratory would pilot-test new building designs and land-use plans at various scales ranging from the neighborhood and community level to cities/towns and perhaps even on a regional scale. Similar to the IBE at Emscher Park, these pilot projects could test new adaptive reuses of industrial properties, such as cultural heritage museums of the industrial age. Green building design could also be highlighted, along with landscape urbanism.
- **Community Engagement Activities:** The Living Laboratory concept must catch on within the communities and the neighborhoods—it cannot exist only within the minds of academics and policymakers. Perhaps Buffalo LISC, along with Partners for a Livable Western New York and the New Millennium Group, could lead a series of activities to energize and engage the communities and citizenry throughout the region, such as:
  - o Living Laboratory Study Circles

## Philadelphia's Urban Voids 2006 Design Competition

### GROUNDS FOR CHANGE ([WWW.VANALEN.ORG/URBANVOIDS](http://WWW.VANALEN.ORG/URBANVOIDS))

**THE URBAN VOIDS INTERNATIONAL DESIGN COMPETITION** is part of the Philadelphia LandVisions project to generate imaginative, long-term solutions for the city's 900-plus acres of vacant land distributed among 40,000 vacant properties. The City Parks Association is leading the project, in partnership with The Pennsylvania Environmental Council, the Pennsylvania Horticultural Society, and The Reinvestment Fund. Urban Voids is partially funded by the National Endowment of the Arts. Divided into three phases, the project seeks to integrate community visioning and the city's ecology in a design competition to create new design alternatives for the future of vacant properties in Philadelphia.

Community visioning sessions, completed in May 2005, engaged residents and other stakeholders in Philadelphia using small group discussions and keypad voting technology. The Public Community Forum gathered information on how residents envisioned Philadelphia's future. The River Corridors session was used to instigate discussion on how to best integrate the river corridors with recreational, residential, and commercial uses. The final session focused on how vacant lands can be used to transform Philadelphia's neighborhoods by capitalizing on their environmental, social, or economic assets.

The second and third phases invited entries from around the world to imagine new possibilities for creating a relationship between ecology and the built environment using Philadelphia's vacant properties and the information gathered at the visioning sessions. Over 200 entries from 25 countries were received. In Phase III, five finalists were asked to cultivate the strategies for implementing their ideas by preparing a site-specific design proposal and further engaging neighborhood community groups. The winning design, *Waterwork*, incorporates ecological, social, economic, and built-environment components to explore historical and contemporary assets of Philadelphia.



- o Living Laboratory Charrettes that focus not only on the physical redesign of neighborhoods but also the redesign of policy and regulatory structures, such as zoning.
- o Circle of Elders: retired public and private sector officials who volunteer their time and talent for projects and serve as the connection to Buffalo's rich traditions and culture
- o Circle of Young Leaders: young professional, entrepreneurs, and nonprofit leaders who show great promise and commitment to the revitalization of Buffalo. Build on the extensive virtual network of Buffalo Rising and Fix Buffalo.

**Document Results—Share New Models**

A major part of the Living Laboratory is documenting the experience itself and the results. Important insights can be learned from testing new programs and policies that do not always generate the anticipated result or benefits. The Living Laboratory must encourage certain level of risk-taking so that it can truly invent innovative approaches to revitalizing vacant properties. University at Buffalo and other members of the Living Laboratory Advisory Board could enlist the expertise of documentary film makers (perhaps even convene a film making competition as well) to tell the story of the Living Laboratory—its successes and its failures. Beyond documenting the experience, the medium of filmmaking, photography, storytelling and the arts are powerful ways to share the lessons of revitalization.

If the Living Laboratory can create new models that change Buffalo, then why not use the same approach for revitalizing Upstate New York? If you can right-size Buffalo, then why not set a positive course for the rebirth of Rochester, Syracuse, and other Upstate cities that struggle with vacant properties? If you can right-size Western New York, then why not Western Massachusetts or other regions struggling with decay and blight caused by vacant properties? Repairing one window is the first step back to repairing them all.

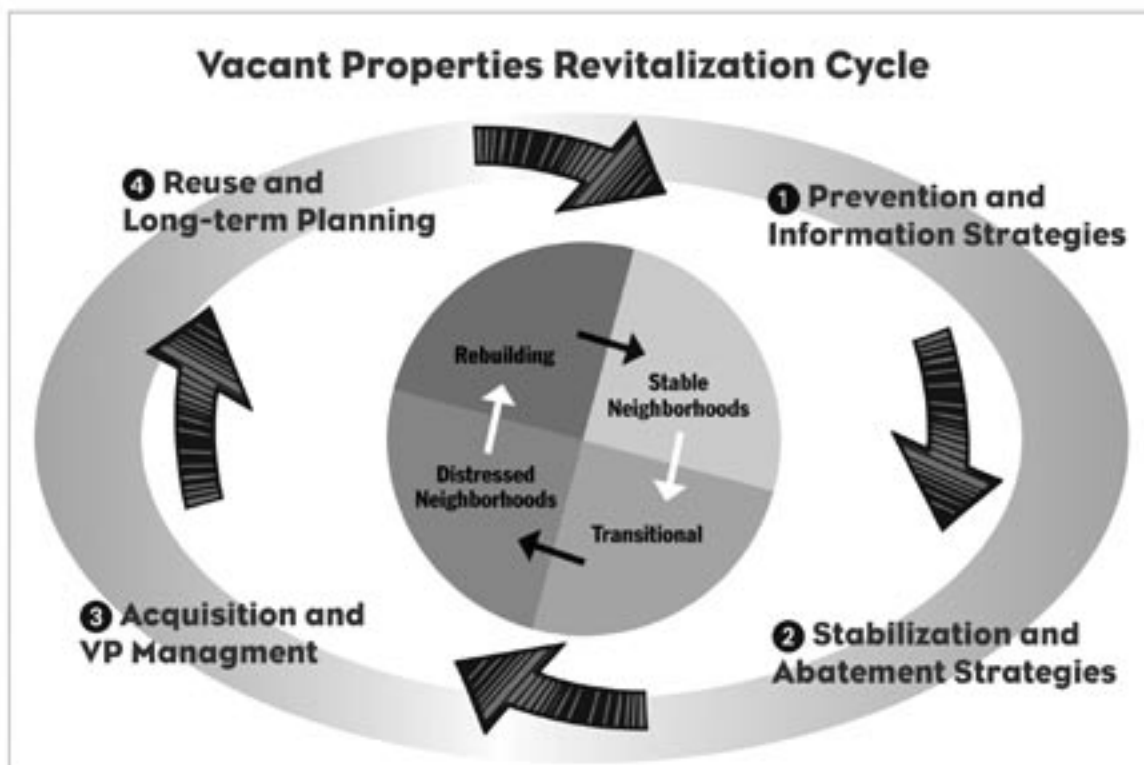
# Action Plan: Overview of Key Strategies

**E**ffective vacant property initiatives have a holistic action plan that contains an array of strategies and tools. These plans tailor certain strategies to the vacant property conditions of each community and neighborhood as illustrated in the Vacant Properties Revitalization Cycle below. Those relatively stable neighborhoods with modest levels of abandonment could benefit from preventive measures such as real property information systems, code enforcement inspections, and access to rehabilitation resources. As some transitional neighborhoods decline, local officials should aggressively exercise their nuisance abatement powers to stabilize substandard and abandoned buildings. Distressed neighborhoods with significant numbers of decaying and abandoned buildings will need stronger acquisition and vacant property management measures, such as land banking. Eventually a few communities will need long-term strategic planning and code reforms so they can rebuild entire neighborhoods. The action plan must also identify the respective roles and responsibilities of the community, business sectors, and government agencies at all levels, and nonprofit organizations.

Building on its technical assistance work with other cities, the NVPC team believes that four sets of strategic actions are essential to a comprehensive and effective approach to vacant properties in the Buffalo-Niagara region:

## Strategy One: Regional Real Property Information System

An effective regional Real Property Information System (RPIS) is critical to support all of the recommendations and actions set forth in this *Blueprint*. The RPIS is an important first



step toward implementing regional and citywide land-use plans, such as the Buffalo's recently adopted comprehensive plan, *Queen City in the 21<sup>st</sup> Century*, and those proposed by the *Framework for Regional Growth* to redirect investment into existing communities. These plans would focus existing resources on the neighborhoods with the greatest potential for successful revitalization, while relieving growth pressures on the region's fringe.

The city of Buffalo and Erie County both operate databases with important data and interfaces for use in this effort. However, the RPIS is envisioned as a multipurpose and truly regional resource capable of yielding both aggregate and fine-grained data for use in addressing and abating vacant properties throughout the Erie-Buffalo region. Broad citizen involvement and training are also needed; it would be wise to provide these through a nongovernmental entity uniquely suited to delivering such training. Possibly the Institute for Local Governance and Regional Growth, University at Buffalo could act as critical convener or host for RPIS. Given the recent foreclosure crisis gripping the region, the City's Anti-Flipping Task Force would also be a key participant.

### **Strategy Two: Comprehensive Code Enforcement**

Successful vacant property initiatives include a variety of strategies that prevent dilapidated buildings from becoming vacant and abate abandoned buildings that pose serious threats to public health and safety. Code enforcement strategies address blight and abandonment throughout multiple stages of the Vacant Properties Revitalization Cycle. A mix of code enforcement and nuisance abatement approaches (e.g., vacant property registration ordinances, civil judicial actions, and housing courts) can effectively address a wide range of communities and neighborhoods with different types of problem properties. What works best for Buffalo may or may not work for its suburban neighbors. The NVPC team recommends a comprehensive approach that coordinates code enforcement across multiple departments, creates special enforcement units and vacant property coordinators, and establishes a regional code enforcement network for sharing information and best practices. In particular, the citywide initiative recommended in Leadership Action One should make enforcement approaches a priority. The first-tier suburban agenda recommended in Leadership Action Two should also focus on a blend of compliance and code enforcement actions.

### **Strategy Three: Right-Sizing and Greening the City**

Buffalo-Niagara policy makers, business leaders, and nonprofit organizations must take aggressive actions to remove and reuse the significant blight in inner-city Buffalo so there is a healthy foundation for regional reinvestment. Once Buffalo removes the abandoned housing and decreases its surplus infrastructure, policies and programs for attracting more people back to Buffalo's core communities are more likely to succeed. Two critical strategies that other shrinking cities have used to right-size their built environment are land banking and green infrastructure.

Addressing the challenge of right-sizing Buffalo, however, involves delicate trade-offs with deep implications for the city's character and the daily lives of its residents. Crucial concerns for social equity, citizen involvement, and historic preservation must be reflected in any right-sizing effort in Buffalo. Fortunately, neighborhood residents and responsible property owners have been advocating the drive toward right-sizing, and there seems to be growing public support for a land-banking approach to redevelop the city. To avoid

the mistakes of the past, neighborhoods and citizens must drive the land-banking and green- infrastructure initiative in a meaningful way. The citywide vacant-property initiative recommended in Leadership Action One should make this strategy a priority, along with code enforcement approaches.

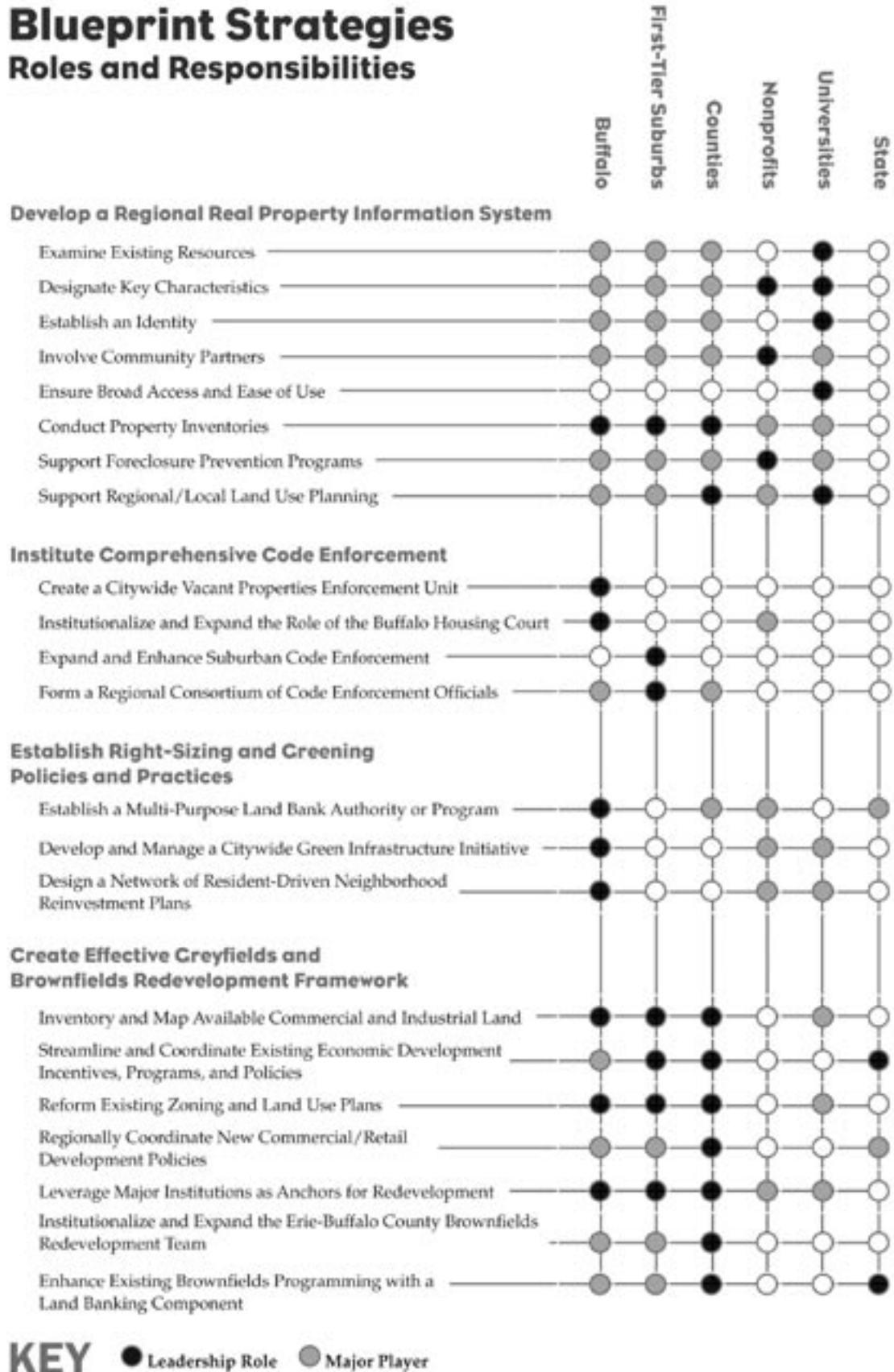
#### **Strategy Four: Greyfields and Brownfields Redevelopment**

The Buffalo-Niagara region contains many underperforming and vacant commercial plazas, as well as dozens of large abandoned industrial properties. Often known as greyfields or brownfields, these sites are the product of market forces that dictate whether companies maintain properties with significant vacancies or decide to reinvest elsewhere. Competing government and business programs and policies make the reuse of greyfields and brownfields especially challenging. The Buffalo-Niagara region could greatly benefit from joint strategies that streamline existing economic development programs and more closely link greyfields and brownfields redevelopment strategies across jurisdictional boundaries.

Regional and local leaders, along with developers and the retail/commercial industry, should design policies and projects integrate the economic redevelopment of these greyfields/brownfields with the neighborhood revitalization of residential properties. Although the city plays an important role in the redevelopment of these properties, the NVPC team anticipates that the suburbs will also want to create their own agenda and actions for promoting commercial revitalization of brownfields and greyfields. An instrumental convener for this activity would be the Vacant Properties Coordinating Council recommended in Leadership Action Three. This strategy would also likely be an important component in the sites and priorities designated for attention under the Living Laboratory as recommended in Leadership Action Four.

# Blueprint Strategies

## Roles and Responsibilities



**KEY** ● Leadership Role ● Major Player

## STRATEGY ONE

### Regional Real Property Information System

**A**n effective regional real property information system (RPIS) is critical to support all of the recommendations and actions set forth in this blueprint. This network of information systems is also an important first step toward implementing regional and citywide comprehensive land-use plans, such as those proposed by the *Framework for Regional Growth* and the City of Buffalo's Good Neighbors Planning Alliance, to redirect investment into existing communities. The goal of such plans would be to focus existing resources on the neighborhoods with the greatest potential for successful revitalization, while relieving growth pressures on the region's fringe.

Although the RPIS would rely on several databases maintained by local and county governments, the new, comprehensive RPIS would be best developed and maintained by a regional, nongovernmental entity specializing in data frameworks, such as University at Buffalo's Institute for Local Governance and Regional Growth. NVPC has observed the development of similar data systems throughout the country, notably the Neighborhood Information System at the University of Pennsylvania, and the Northeast Ohio Community and Neighborhood Data for Organizing (NEO-CANDO) at Case Western Reserve University. Not only are these institutions well-equipped to develop data systems with state-of-the-art software and user interfaces, but as educational institutions they also have a broad orientation that can help government practitioners "think beyond the box" about the possibilities for how community groups and real estate/development interests can access and use the system. Since an academic institution has as its primary purpose the effective use of research through communication and training, housing the RPIS at a university will virtually assure that the system will be designed with many users in mind, and that training modules will be developed to empower users to take advantage of the system with a minimum of preparation.

As in many other urban areas, opportunities to develop new information technology or upgrade existing information systems in Buffalo and the region are constrained by limitations of public agency staff and funding. But opportunities exist for the city and inner-ring communities to share resources with University at Buffalo or a similar partner to design and implement a vacant property information system at low cost and with a relatively low commitment of public agency staff time. This section contains a series of recommended next steps for developing a real property information system:

- Examine **existing information resources** and **designate key characteristics** of the necessary data.
- **Establish an identity.**
- Involve **community partners.**
- Ensure **broad access and ease of use.**
- Conduct **property inventories.**
- Design and deploy the RPIS to support **foreclosure prevention programs** and **regional/local land-use planning.**

### **Review Existing Information Resources**

Buffalo's municipal and county government agencies already have organized real estate data that would support the design of a vacant property information system. The Mayor's Anti-Flipping Task Force has conducted research to explore the local sources of property information in the region. In particular, Erie County Department of Planning has created an online GIS-based map of land parcels overlaid with ownership information and other critical Census data ([erie-gis.co.erie.ny.us/website/buffalony/viewer.htm](http://erie-gis.co.erie.ny.us/website/buffalony/viewer.htm)). Viewers can see key characteristics of the region and its residential communities through parcel "layers" of the map. Information in this database needs to be updated and refined, however, to be fully useful for planning neighborhood investments and market decisions.

Other Internet-accessible data resources for Buffalo include the City of Buffalo's property information system, which provides address-specific information about property ownership, dimensions, use and occupancy characteristics, sales history, and other factors ([www.city-buffalo.com/applications/propertyinformation/propsearch.aspx](http://www.city-buffalo.com/applications/propertyinformation/propsearch.aspx)). The City has identified the Office of Strategic Planning as the lead agency for information systems development, a valuable first step toward establishing a regional information system. A critical next step is determining how often to update information, as annual or multi-year updates will not be useful for the purposes of market-responsive planning and reinvestment.

### **Identify Essential Characteristics**

NVPC recommends that city, suburban, and county governments work together to develop a vacant property information system with the following elements:

- A single data warehouse containing real estate records from all public agencies, updated periodically. The data can be readily displayed in text form and mapped through the use of a GIS application. To be truly useful for neighborhood reinvestment decisions and market creation, data should be updated at least quarterly.
- User access to all public information about properties, including code enforcement history, tax delinquency, and fire incident history.
- Collaboration between public agencies and at least one academic institution to design, develop, finance, and manage the system; as well as to train users, develop related applications, and support research on vacant property issues.
- Design and training that support independent use of the system by developers, community groups, and neighborhood planners, with little or no need for ongoing support from public agency staff.

### **Establish an Identity**

The system should have an identity of its own and should be readily accessible to a variety of users who can also contribute to it. The process to establish an identity should define the system's goals and priorities, get "buy-in" for the system's approach, assign management roles, and create a home page on the Internet for the system.

Buy-in and assignment of management roles are especially important. Even if no formal authorization is needed from elected officials, institutional leaders, and other key parties, their support will influence the level of commitment that can be obtained at the administrative and managerial levels. Establishment of clear administrative leadership for the

**The Northeast Ohio Community and Neighborhood Data for Organizing (NEO CANDO) was designed in coordination with government agencies by the Center on Urban Poverty and Social Change (a research institute housed at Case Western Reserve University’s Mandel School of Applied Social Sciences). NEO CANDO provides parcel-specific information as well as aggregated social and economic data for the seventeen-county Northeast Ohio region. The NEO CANDO home page can be found at [neocando.case.edu/cando/index.jsp](http://neocando.case.edu/cando/index.jsp).**

system (in the City of Buffalo, the Office of Strategic Planning) should be followed by identification of individuals in each municipal department who are prepared to enter departmental records into the system and maintain updates.

Last but not least, a home page for the system should include a summary of the system’s goals and related applications. This homepage can be in place even before the system is fully developed, to provide users with information on the progress made in designing and implementing the system.

### **Involve Community Partners**

In addition to partnership with academic institutions, community-based organizations and their supporters are important collaborators in the design and implementation of the system. These partners include intermediary organizations such as the Local Initiatives Support Corporation. Developers and real estate professionals could also play an important role as both users of the system and providers of valuable market information.

In a number of cities, community-based organizations support property information systems by 1) conducting vacant property surveys, 2) taking digital photos that can be integrated into the system, 3) testing and making use of new technology (e.g., hand-held computers for vacancy surveys), and 4) training new users. The establishment of strong working relationships with these partners provides the best opportunity for attracting as much of this significant added value as possible.

### **Ensure Broad Access and Ease of Use**

In NVPC’s experience, vacant property reclamation initiatives are most successful when representatives of a variety of constituencies are knowledgeable about related issues, challenges, and opportunities. One way to build support for local and regional initiatives is to make the vacant property information system accessible to a wide variety of users, many of them unable to commit time to participate in training or completing a comprehensive tutorial.

Ideally, at the home page described above, a new user could type in a property address and, after clicking “Enter,” view, on a single screen, a property data summary, a section of parcel base map that shows the property in context with other properties on the block,



and a digital photo, if available. Although (limited) address-specific property data and parcel boundary maps are currently available for property addresses in the Buffalo region via the Internet, a simplified application that produces both text and map in response to an address query would be ideal.

One important related issue is the question of whether the system is intended to be used as part of a strategy to attract responsible developers and investors to neighborhoods where vacant properties are available for development. Easy access to property information and digital images would facilitate the promotion of residential communities and neighborhood development opportunities.

### **Conduct Property Surveys**

Buffalo, along with the local governments within Erie County, should conduct some type of property survey so they can accurately determine the extent and location of vacant properties and blighted buildings. The completion of property surveys can facilitate performance monitoring and program evaluation by providing information in response to questions such as the following:

- In what locations has vacancy status changed (i.e., where have vacant properties been developed and reused and where have new vacant properties emerged)? As important, what can be learned about the reasons for these changes?
- Are code-related complaints, code enforcement actions, tax delinquency, and/tax-delinquent property sales increasing in certain areas? Are these issues associated with particular owners, investors, or lenders?
- What is the status of vacant properties purchased at tax or mortgage sale one year ago: which ones have been developed and reused, and which are still vacant? What is their tax status? Which regular purchasers at tax or mortgage sales produce the best results (i.e., occupied, code-compliant properties with no tax delinquency), and which ones produce little or no change in property status?

A number of approaches can be used to organize and conduct property surveys: vacant property counts, building condition surveys, and digital image inventories. The results of these can be incorporated into a vacant-property information system. The approaches described below are not mutually exclusive; one or more can be used within the same neighborhood or area of the city if desired. The selection of a survey approach or approaches for the Buffalo region should be based on the availability of labor to complete survey work in a timely manner and on the value of the survey results in guiding future planning and programming. An annual property survey of neighborhoods in which LISC-supported organizations are active could be a useful starting point.

**Some cities and non-government entities use public data to report on owners of properties that are tax delinquent and/or not in compliance with city codes. For a powerful example of this capability see “Top 100 Tax Delinquents” at [www.hallwatch.org/proptax/about/redelinq/stats/topdelinquents/individuals](http://www.hallwatch.org/proptax/about/redelinq/stats/topdelinquents/individuals).**

### **Vacant Property Count**

A simple recording of the addresses of vacant buildings and lots can be a valuable information resource; very few U.S. cities have an up-to-date, accurate count of vacant property addresses. If a targeted vacancy inventory were mobilized every summer, then the resulting information would provide significant insight into patterns of disinvestment and reinvestment. Local government staff and community groups could lead an inventory project of this kind in coordination with one or more academic institutions. Community and student surveyors could be recruited to inventory neighborhoods and digitize and post results on the Internet.

A vacant property count can reveal valuable insights that can guide strategic planning for future investment. Among the results of a property count completed in Reading, Pennsylvania in 2004, for example, are the following;

- Although City agency staff and others had estimated the number of vacant buildings to be about 4,000 citywide, the actual number was far less—about 1,200.
- On more than half of the blocks where vacant properties were found, only one or two houses on the block were vacant; the remaining properties on the block were occupied. This finding suggests that the City of Reading should consider adopting block stabilization and housing preservation strategies to restore blocks such as these to full occupancy.
- Some dispersed vacant houses were identified in areas near relatively strong housing markets not far from Albright College. Based on the favorable location of these houses, city officials concluded that a relatively small commitment of public funds for moderate-rehabilitation financing and/or an employer-assisted housing incentive program sponsored by the college would strategically address these isolated pockets of blight.

### **Building Conditions Survey**

In some neighborhoods, it would be useful to complete a property inventory that includes information about building conditions. This inventory might include occupied as well as vacant properties. Because municipal code enforcement agency staff is not likely to have enough time to survey all of the areas in which such information is desired, the design and implementation of a simplified building conditions survey may be the next-best alternative. In some cities that have conducted such surveys, buildings are classified as either “1” (occupied property in good condition), “2” (occupied property requiring cosmetic or finish work; no apparent code violations), “3” (occupied or vacant property requiring repair or rehabilitation involving issuance of a building permit), or “4” (vacant property requiring substantial rehabilitation or demolition). In Buffalo, a private neighborhood group, the Old First Ward Community Association, has already begun to do this work with help from Americorps and interns.

Building-conditions surveys could also be completed in targeted areas every summer by student surveyors. Clear criteria would be necessary to ensure a baseline of useful information. Although the accuracy of these surveys will vary, the information generated can provide insight into cycles of property deterioration and renewal. In York, Pennsylvania, for example, the updating of a building conditions survey completed two years earlier made it possible to identify blocks on which deterioration had advanced most rapidly and where intervention to prevent further decline might be most appropriate.

## Documenting Property Conditions

**THE OLD FIRST WARD COMMUNITY ASSOCIATION** in Buffalo is part of a NeighborhoodWorks America pilot project using Success Measures. This online data management system allows community-based organizations to document outcomes, measure impact, and inform change. Old First Ward is using the NeighborhoodWorks format for building condition surveys as a template to completely examine residential and commercial properties with the aid of Americorps volunteers. This information is recorded and mapped using GIS software.

### **Digital Image Inventories**

Digital images of vacant properties provide valuable information about property conditions. As with the other activities described above, students could photograph vacant properties within specified areas during the summer. Neighborhood associations or city organizations could sponsor competitions to increase the base of photo documentation of vacant properties. Results could be integrated into the vacant property information system web site and compared annually with photographs taken during the previous summer in order to support the evaluation of changes in property conditions.

### **Benefits of an RPIS**

Creation of a collaborative regional property information system has several significant benefits, over and above the value of information dissemination:

#### **Low Cost**

Significant public funds are not needed to support the design and development of system architecture. In Philadelphia, the University of Pennsylvania's Cartographic Modeling Lab (CML) manages a real estate data warehouse for the Neighborhood Information System ([cml.upenn.edu/nis/](http://cml.upenn.edu/nis/)). The City of Columbus, Ohio and other municipalities have entered into license agreements with the CML to replicate the NIS. The arrangement is a win-win: students and faculty at Penn have the opportunity to use their established database to expand their knowledge and expertise, and Columbus benefits from an established data protocol. The annual cost of the agreement is \$5,000, including CML technical support.

#### **Financial Leverage**

If government agencies and academic institutions develop and manage the system together, they can leverage funding that is not directly available to government alone. The government/university collaboration that produced the NIS in Philadelphia has been supported by grants from The William Penn Foundation (a Philadelphia-based charitable foundation) and by other funders. NEO CANDO has received support from three foundations for systems development and operation. In addition to foundation funding for development and design, access to an integrated database can attract academic research grants for the study of related topics. Academic researchers at the University of

Pennsylvania routinely obtain federal, state, or charitable foundation funding for research projects that draw on data available through Penn’s Cartographic Modeling Lab, and a portion of this funding pays for CML support services associated with these research projects.

### **New Windows on Population Conditions and Housing Trends**

Government agencies can use an integrated real property information system to address important social issues related to housing. For example, a Penn research team used computerized real estate records to identify the prior addresses of persons who had entered emergency shelters in New York City and Philadelphia, revealing that a relatively small number of census tracts in each city generated a substantial number of homeless people, including a large number of repeat users of the system (see “Where the Homeless Come From” at [www.fanniemae.foundation.org/programs/hpd/pdf/hpd\\_0702\\_culhane.pdf](http://www.fanniemae.foundation.org/programs/hpd/pdf/hpd_0702_culhane.pdf)). These findings suggest that targeted interventions in these high-risk areas could significantly reduce emergency shelter use and associated costs. Thus, the establishment of a RPIS to address Buffalo’s vacant-property problems could eventually lead to solutions in other arenas of regional policy involving property and population status.

### **Using the RPIS to Address the Mortgage Foreclosure Crisis**

Buffalo, its immediate suburbs and the entire Erie-Niagara region are particularly hard-pressed by the factors that produce quantum growth in foreclosure filings. Most frequently, these cases involve debtors who lose their primary residence. These are difficult, often tragic, circumstances that spawn an outcry against foreclosures and those who use that legal proceeding. Recent studies in Ohio and North Carolina indicate that unregulated subprime mortgage companies, along with predatory lending practices, play a major role in many foreclosures. The RPIS could be used to target education programs, like Freddie Mac’s trademarked “Don’t Borrow Trouble” education program, to particular neighborhoods where buyers and owners are most vulnerable to foreclosure and likely to need coaching on how to avoid predatory practices in financing and re-financing transactions. Along with targeted education on home financing, the RPIS could serve as an early warning system for imminent foreclosures, so that the city or county can act quickly to intervene, offering a “rescue program” where owners can redeem their defaulted mortgages or get on a payment plan for back-taxes.

**“[“Repats”] are here because we want to be, and that’s very powerful. We can appreciate the unrivaled magnificence of the architecture, enjoy the mere 5-minute commute to just about anywhere, celebrate the proximity to vast bodies of water and having an international border on our doorstep, revel in the low cost of living and the extraordinary quality of life, and see and support the renaissance that is taking place in this City of Very Good Neighbors...”**

**—Marti, a self-described “Repat” on Buffalo Rising, [www.buffalorising.com](http://www.buffalorising.com)**

# Mortgage Foreclosure Abandonment and Assistance

## **PROPERTY ABANDONMENT THROUGH MORTGAGE**

**FORECLOSURE** is a growing problem in Buffalo. The Housing Court has observed that in situations where the property has little or no value, lenders will often abandon their mortgages, sometimes after a foreclosure action has been initiated. Lenders are not legally bound to foreclose and clear the titles of encumbrances, nor are they required to give any notice if they abandon a mortgage. These liens are toxic to the title and prevent any transaction that would clear the title. A municipality may be able to intervene in a pending foreclosure to assert claims for equitable relief to remove the lien, or to otherwise ensure that the legal proceeding concludes with clear title going either to the public or to a public interest entity for future redevelopment.

In cases where an owner wants to retain the property, the NVPC team recommends a combination of pre-foreclosure financial counseling with financial assistance. Borrowers in foreclosure actions also sometimes have defenses and counterclaims that can be raised but are rarely able to obtain competent legal representation for foreclosure defense. More resources for the legal aid and public interest agencies doing foreclosure defense work can get reinstatements and settlements in more cases.

In Dayton, Ohio the Miami Valley Fair Housing Center is an exemplary program that targets a wide variety of foreclosure education and prevention services to those neighborhoods and residents suffering from foreclosures ([www.mvfairhousing.com/](http://www.mvfairhousing.com/)).

### **Track and Inventory Notices of Intent to Foreclose**

Abandonment of a property by the owner often occurs in conjunction with a foreclosure suit. When a bank or mortgage company files the *lis pendens*, the notice of intent to foreclose, many owners abandon all care and even possession of the property. This makes the property subject to the foreclosure more vulnerable to rapid deterioration, vandalism, and loss of value. The abandonment may go unnoticed for months or even years. In areas particularly vulnerable to high foreclosure rates and abandonment, Buffalo's Department of Permits and Inspections, working closely with the Housing Court and community development organizations such as LISC, should develop a program to inspect properties identified in *lis pendens* filings and mitigate the harm to both the property and the neighborhood. The costs of securing the property and abating public nuisance conditions should be taxed to the property so that those with a legal interest bear them.

### **Integrate Property and Tax Foreclosure Data into the Design of the RPIS**

In the design and development of a comprehensive real property information system, Buffalo and Erie County should track existing property foreclosures (both tax and mortgage), their location, their relationship to types of sales or transfers, their relationship to types of loans and to loan servicing and trends over time. Such data would be critical to the city and nonprofit groups so they can target programs to neighborhoods most in need of assistance. The establishment of a land-banking program for the region (as recommended in Strategy Three) will depend on such information to identify those tax-delinquent properties ideal for acquisitions and reuse.

Developing a unified parcel-based data system would require cooperation among the City and Erie County officials. For example, the Erie County Clerk collects and maintains a number of important documents that could shed light on the disposition and status of current and future vacant properties:

- Real property transfer documents that list the sale price and mention whether the sale was a foreclosure.
- Transfer tax documents used to calculate tax on transfer—the County Clerk collects the transfer tax and sends it to the State of New York.
- Property sales: The City Assessment and Taxation Department currently maintains a spreadsheet that indicates property value by square feet.

All of these data would be valuable elements of a comprehensive RPIS. Unfortunately, different agencies independently maintain the data so they are unable to interact in a way that allows for efficient investigation or analysis of all aspects of real property (e.g., the city’s tax and title data are not connected to condition of buildings and land). Perhaps Buffalo can build on recent efforts by the Office of Strategic Planning to build a citywide GIS mapping capability. The different departments within the city, along with key county agencies will need to sit down and develop a game plan for maintaining and sharing standard data elements—creating that common language and routine communication protocols. Such agreements are relatively easy to do with existing resources once departments and agencies can understand they are working towards a common goal—the revitalization of the region.

### **Land-Use Planning Infrastructure**

The regional property information system should be designed with land-use planning needs as a central focus. Wise land-use planning is critical to the success of any comprehensive vacant properties initiative. Regional planning frameworks can establish policies that redirect investment into existing communities while relieving growth pressures on the region’s fringe. Local comprehensive plans can set general goals and specific vacant property strategies that can facilitate revitalization. A comprehensive plan can call for adoption of neighborhood plans that could guide local government officials and nonprofit

**“Cities also have a special function today because an economy based on knowledge bestows new importance on institutions of knowledge—in particular, universities and medical research centers—many of which are located in the heart of central cities and urban communities... The physical layout and assets of most American cities—mixed use downtowns, pedestrian-friendly neighborhoods, historic districts and buildings, grand parks, downtowns adjoining rivers and lakes—are uniquely aligned with the preference expressed within the innovative economy.”**

**—Bruce Katz, Vice President and Director  
of the Metropolitan Policy Program, Brookings Institution**

organizations in leveraging and targeting resources to neighborhoods with the greatest potential for successful revitalization. Such comprehensive plans can also facilitate the reform of zoning ordinances and the streamlining of land-development processes to encourage infill and redevelopment of brownfields and greyfields. A regional property information system could easily build the data and communication linkages among this suite of vacant property plans, policies, ordinances, and processes.

Important planning efforts already underway create a solid foundation for the Buffalo-Niagara region. For example, the recently adopted *Queen City in the 21<sup>st</sup> Century* plan provides a long-term vision of how to integrate land-use planning with investment within the City of Buffalo. The plan's *Facilities and Vacant Land Management Plan* is a model for other cities in the Northeast and Midwest. The nearby jurisdictions of Amherst and Tonawanda have recently revised their comprehensive plans and reformed their zoning codes to enable the changes in their planning approach.

Within Buffalo, careful attention to design and data needs during the development of the RPIS can help build upon the long-range visions of the Good Neighbors Planning Alliance, and support the development of a series of community-driven neighborhood reinvestment plans, as called for in the *Facilities and Vacant Land Management Plan*. These plans should include special programs and incentives to revitalize brownfields and greyfields and to accommodate neighborhood residential and commercial uses.

Perhaps new policies to implement the *Framework for Regional Growth* could institute programs that support local governments in revising their comprehensive plans and zoning codes to address vacant properties. Implementation of the *Framework* should also encourage these local governments to adopt neighborhood reinvestment plans.

City and nonprofit leaders will need to take several steps to prepare the ground for neighborhood-focused planning processes, supported by the new regional property information system. Key actions to support community planning are highlighted beginning on page 76 (“Network of Neighborhood-Driven Plans”).

## STRATEGY TWO

# Comprehensive Code Enforcement

**C**ommunities rely on numerous legal and administrative systems to prevent, abate, and acquire vacant properties. Local governments rely primarily on code enforcement and nuisance abatement actions to control abandonment and dereliction:

- **Code enforcement** (administrative citations, criminal prosecution, and civil actions against property owners to address substandard building conditions);
- **Nuisance abatement** (demolition of unsafe buildings and the assessment/recovery of abatement costs through administrative hearings procedures).

Each action has slightly different goals and legal procedures. Local government officials must follow different legal procedures and often work across multiple departments within each jurisdiction to accomplish each action. Certain actions may even require coordination among city, county and town officials. Vulnerable to bureaucracy, overlapping agendas, and conflicting requirements, these systems can break down at crucial junctures. For this reason, many communities cannot effectively address the problems of vacant properties. In fact, such system failures can make the conditions substantially worse.

Effective vacant property programs coordinate code enforcement approaches across local government departments. These coordinated programs offer a range of appropriate remedies to address all types of problem properties. For example, in relatively stable neighborhoods, routine housing inspections and aggressive code enforcement programs are often sufficient. In neighborhoods with properties that present imminent threats to public safety, local officials must respond with stronger remedies, such as criminal prosecution or nuisance abatement. Many communities often struggle to target these remedies to address the wide variety of vacant property problems that exist within a region or neighborhood.

Buffalo, like many urban areas, has substantially more abandonment in the inner city compared with its first-tier neighbors (Tonawanda, Cheektowaga, and Amherst). These older suburban communities are potential recipients of the vacancy “virus” as it has the capability to quickly spread outward. Buffalo’s first-tier communities have isolated pockets of vacant properties that require different code enforcement approaches than the urban core cities. Despite the differences, **Buffalo and its surrounding cities and towns could greatly benefit from redesigning these legal and regulatory procedures so they more effectively address the region’s wide variety of vacant property problems.**

The following recommendations attempt to identify which strategies might be more appropriate for the City of Buffalo and which have more potential to benefit adjacent communities. The NVPC team also suggests potential county-wide reforms and programs. Any jurisdiction within the Buffalo-Niagara region (as well as throughout Western New York) could adapt any of these approaches to address the particular category of vacant property facing their community.

The City of Buffalo, as part of its citywide vacant property initiative, should undertake the following actions:



- Create a special **citywide vacant properties enforcement unit** to coordinate and streamline Buffalo’s existing and new approaches to vacant properties. The unit would work closely with the Buffalo Housing Court to pursue civil judicial actions for complex code cases and to enhance the Housing Court’s community-based receivership program with elements that specifically address vacant properties.
- Institutionalize and **expand the role of the Buffalo Housing Court** and its suite of vacant property programs.

Buffalo’s first-tier suburbs should undertake complementary actions as part of its first-tier suburbs vacant-properties agenda to expand and **enhance suburban code enforcement** approaches that contain and prevent the spread of decay and property abandonment. Suburban official should consider the following near-term actions:

- designate a staff person in each community to serve as the local vacant properties program coordinator;
- establish vacant property registration programs;
- pursue civil judicial actions for complex cases (or work with the city unit to pursue these on a fee-for-service basis);
- create a vacant property repair and revitalization fund across several suburban townships and cities, perhaps through the First-Suburbs Network described on page 22;
- Form a **regional consortium of code enforcement** officials to develop alternative code enforcement strategies and enhance existing tools/programs.

### **Citywide Vacant Properties Enforcement Unit**

The NVPC study team recommends that the City of Buffalo designate a special vacant properties enforcement unit that includes at least one full-time code enforcement attorney and one special investigator. This unit of the city government would

- coordinate and consolidate existing city programs that deal with vacant and nuisance properties;
- work closely with the Buffalo Housing Court;
- pursue civil judicial actions (e.g., injunctions, receiverships, and lien foreclosures, etc.) for the more complex code cases; and
- create a community-based receivership program to specifically address vacant and abandoned properties.

### **Buffalo’s Existing Housing and Vacant Property Enforcement Approaches**

The city of Buffalo has taken some steps to address the overwhelming surplus of vacant properties; yet the overwhelming nature and scope of the problem has created a largely reactive, complaint-driven stance among its code enforcement officials. Buffalo’s vacant property system often begins with the Mayor’s Citizen Services Department, which processes more than 8,000 calls related to housing cases per year. Many of these complaints involve vacant properties investigated by the city’s Department of Economic Development Permit and Inspection Services. Permit and Inspection Services includes several pro-

grams that individually address facets of problem properties—board and secure, demolition, and maintenance of vacant properties. Inspectors also work with the city attorney’s office and the Housing Court to criminally prosecute property owners who fail to comply. In addition to these functions, the City of Buffalo’s Inspection Department includes special units devoted to code enforcement:

- **The Clean and Seal Team** manages the boarding and securing of vacant buildings that pose imminent threats to public safety. Using a combination of city crews and private contractors, the Clean and Seal Team boards and secures about 1,000 vacant houses per year, in response to requests from the Housing Court and City Council. As of January 2006 they estimate that over 10,000 vacant and unoccupied buildings and homes within the city need securing. The Mayor’s 2006-2007 Action Plan includes just over \$566,000 for salaries and supplies for the Clean and Seal Team, whose powers are solely administrative and response-driven, and do not extend to the investigation or preparation of complex code cases for court.
- The **Abandoned Buildings Demolition Team** expends about \$1 million in CDBG funds per year to manage the demolition of primarily single-family homes at a cost of \$10,000 to \$15,000 per structure. The team has only enough funds to cover emergency demolitions; the system does not allow the department or the city to strategically target these demolitions.
- After demolition, the city often inherits the responsibility of maintaining properties, whereby they handle the abatement of overgrown weeds on vacant lots. The **Buffalo Vacant Property Maintenance Program** manages several hundred new cases per year by first issuing warning notices to property owners. When they fail to heed the warnings, city crews cut the weeds at a rate of over \$200 per hour and then charge the property owner.

Within the last year the city, through its financial control board floated a five-year bond to finance the demolition and clean-up of vacant properties owned by the city. A recent law enacted by the state assembly now allows the city to use these bonds to demolish buildings on private property. Both reforms should allow the city to demolish more buildings in the coming years. In addition, the New York State Legislature recently approved a \$5 million allocation Buffalo Demolition Funding Initiative, and created a new competitive program called Restore New York’s Communities. During the first year, municipalities will compete for up to \$5 million of the \$50 million fund, to be used for community development activities, including acquisition and demolition of abandoned properties.

**Despite their best efforts, managers and inspectors in Buffalo confront challenges that would overwhelm most inspections departments across the country.** City staff confessed to the NVPC interviewers their general frustration in confronting such a longstanding and intractable problem as vacant properties. Their jobs are made even more difficult by insufficient financial resources and lack of a city commitment to a strategic demolition and deconstruction plan. Several inspectors characterized this reactive policy as “presiding over the collective demise of Buffalo for the past 25 years.”

If the City cannot get owners to voluntarily take action, it relies almost exclusively on criminal prosecution to compel compliance. In the 2005 Annual Report of the Housing Court Reform Project, the authors identified delays and inefficiencies in the ability of city staff to fully use the Housing Court for typical code enforcement cases: 1) administra-

tive difficulties in bringing cases to court; 2) delays in carrying out court orders; and 3) reluctance in bringing new types of enforcement actions. As a result of the 2005 Annual Report, the Housing Court Judge has noted important improvements in case processing during the first six months of 2006. Buffalo did have one part-time corporation counsel assigned to prepare and prosecute cases in the Housing Court. We understand the city's new Corporation Counsel was considering plans to greatly expand the city's staffing and recourses before the Housing Court. Given the concentration of problem properties in many Buffalo neighborhoods, the city could easily double or even triple its 2005 level of city attorney resources.

The city often pursues criminal prosecution even when the case poses special circumstances (e.g., the owner is not a speculator but does reside out of town, or the owner lacks the financial resources to make repairs). Buffalo needs a broader range of code enforcement remedies to resolve the more difficult vacant property cases without costly prosecution. The city could also use a special-purpose entity to institute a systematic approach in response to neighborhood conditions and case complexity.

### **Model Vacant Property Enforcement Units**

A growing number of city attorney offices (e.g., San Diego, California, Cleveland and Columbus, Ohio) have special code enforcement units where several attorneys work exclusively on code enforcement litigation (criminal prosecution and civil injunctions). They also hire former law enforcement officers as litigation investigators who work closely with the inspection departments in preparing these complex cases for court.

Buffalo could benefit from a cross-department team handling complex housing and vacant property cases. For the simple housing code cases, the existing criminal prosecution system seems to work fine (though as the case load grows, even the basic system could be overrun with complaints). The city struggles with how to identify and enforce more complex cases against out of state and/or corporate property owners and managers, as well as

## **Tucson's SABER Team**

### **TUCSON'S SLUM ABATEMENT AND BLIGHT ENFORCEMENT RESPONSE TEAM (SABER)**

(SABER) is a model program that enhances coordination and communication in addressing vacant land and unsecured buildings and structures. Tucson is a fast-growing Sunbelt city that consists almost entirely of single-story structures, with the exception of some commercial and apartment buildings. Because blight in this sprawling city does not occur in any one central area of the city, the city manager and city attorney felt that they needed a more systematic approach to nuisance abatement. SABER brings together the resources of nine city departments, each of which shares responsibilities relating to the enforcement and prosecution of slum and blight laws. By institutionalizing interdepartmental cooperation and coordination, SABER facilitates a more effective response to the problems of vacant and unsecured buildings. See the ICMA Las Vegas Vacant Properties Roundtable Summary at [www.icma.org/vacantproperites](http://www.icma.org/vacantproperites).

how to respond administratively to cases in which true hardship or other circumstances prevent an owner from complying.

An important question is whether Buffalo currently has sufficient investigative, administrative, and legal capacity to package and prosecute cases that involve multiple properties and multiple owners. Ideally, the city could reassign or hire additional corporation counsels (preferably with civil litigation experience) to lead a special vacant properties enforcement unit; however, such a simple option may not work given the city's recent fiscal history and oversight by the state-appointed Fiscal Stability Authority. Perhaps the mayor and city council, with guidance from the control board should explore creative ways to support a more sustainable investment in its code enforcement programs, such as civil penalties, administrative fees, and grants.

One of the first places to start is to ensure that all of the departments speak the same language and establish joint priorities and procedures. **The Permit and Inspections Department, working closely with its municipal attorney, could sit down and develop cohesive remedy selection criteria and institute a collaborative, multi-department selection process so they can more efficiently target the right remedy to the right property or neighborhood.**

### ***Pursue Civil Judicial Actions for Complex Code Cases***

Many progressive code enforcement units (e.g., Columbus, San Diego, etc.) specialize in using civil judicial actions to pursue difficult property owners and other complex cases. The code enforcement programs in Buffalo have begun to expand remedies to include civil recourse. The City efforts deserve further support, and the communities of Amherst, Cheektowaga, and Tonawanda need further assistance to approach civil remedies to more complex cases, whether they involve an out-of-town slumlord who refuses to comply or a complicated estate property with clouded title. All the municipalities should use civil remedies to supplement their capacity to criminally prosecute vacancy and dereliction cases.

Civil judicial actions, such as the appointment of receivers, the assessment of civil penalties, and the issuance of injunctions or court orders, are ideal remedies against absentee property owners. Certain civil remedies, such as receivership, work equally well in those cases that demand more sensitive approaches, such as occupied homes where the owner is elderly or on fixed-income. Civil litigation can provide a host of advantages compared with criminal prosecution:

- Judges in civil cases obtain jurisdiction over the property and can issue orders that compel compliance, even when the owner cannot be found or does not appear in court.
- The court can impose a variety of remedies to address the circumstances of the particular property. For example, civil enforcement actions with housing violations routinely involve temporary restraining orders and preliminary injunctions that compel the owner to make corrections and repairs and to provide proof in court by a specific date. In most civil enforcement cases, judges have broad equitable powers to fashion the remedy to fit the unique circumstances at hand. In some states, they can appoint nonprofit development corporations as receivers to repair these properties, or they can permit city work crews to abate violations.

- In cases that demand more punitive approaches, judges in civil enforcement actions often impose penalties and assess costs against the property for inspections and abatement actions taken. If the owner fails to pay these costs, the court can generally convert them into judgment liens and, ultimately, foreclose and transfer the property.
- Most permanent injunctions or final court orders can also be recorded against the property to prevent future property owners from violating the housing code.

Few municipal attorneys and housing inspectors have used these broad civil enforcement remedies against substandard housing and vacant properties. Buffalo would need to take a variety of preliminary steps so they could effectively use civil enforcement actions.

To increase the use of civil enforcement actions, the City should

- develop a manual for investigation and preparation of civil injunction cases for housing code violations;
- meet with local judges to ensure that they are aware of the process and the strategic effort to file more civil cases;
- prepare legal memoranda and opinions that clearly establish the legal authorities of the local government and the scope of receivership powers and duties; and
- train legal and housing inspection staff members on the use of civil enforcement actions and receivership, as well as collect model pleadings from other cities.

To facilitate consistent and efficient processing of these new cases, the City should

- draft case-management guidelines for processing civil injunction cases; and

## Ohio's Receivership Law for Vacant Properties

**SECTION 3767.41 OF THE OHIO REVISED CODE** authorizes a municipality, nonprofit housing development corporation, or nonprofit organization to file a civil court action that seeks the appointment of a receiver to take control of a substandard or abandoned building. The plaintiff must provide sufficient evidence that the property's conditions create a public nuisance—a relatively easy task in the case of most abandoned buildings and vacant properties. The court can then issue a civil injunction or abatement order that gives the property owner or responsible party a reasonable opportunity to abate the public-nuisance conditions before the court appoints a receiver.

If the owner fails to comply with the abatement order or fails to respond to the lawsuit (e.g., if the owner cannot be found), the court can appoint a receiver, who can then make the necessary repairs to rehabilitate the property. Because the receiver's costs have a higher lien priority than do existing mortgages and encumbrances on the property, the law requires that all parties who have a financial interest in the property get notice of the civil action and appointment of the receiver. Before the owner can legally reclaim the property, he or she would need to pay the receiver's repair costs and associated liens. Otherwise, the receiver and/or the local government could acquire the property through foreclosure.

- assign a special group of existing staff members (law and housing) to handle civil enforcement cases on an ongoing basis.

### **Create a Community-Based Receivership Program to Address Vacant Properties**

Civil courts in most states have general equitable powers to appoint receivers to minimize waste, preserve assets, and maintain properties. States such as New Jersey, Ohio, and California have special housing receivership statutes that apply to substandard housing and vacant properties. The National Vacant Properties Campaign is currently working with nonprofits in Los Angeles and Memphis to fashion new receivership statutes and ordinances. These receivership laws provide local governments and community development organizations with a powerful tool to repair and, in certain cases, to acquire these significantly substandard properties. A court can appoint receivers to repair any substantially substandard or vacant property—apartments as well as owner-occupied homes.

Even in states with housing receivership laws, many cities have been unable to institutionalize sound receivership programs and practices. Receivership requires the close coordination of many critical players, such as the courts, city attorney, housing inspectors, receivers, nonprofits, banks, property owners, and nearby residents. Communities contemplating a receivership program should consider the following policy ideas:

- Seek legal assistance from law schools and volunteer attorneys from private law firms to represent community groups and other nonprofits in receivership actions.
- Build a local network of public, private, and nonprofit organizations that could act as receivers of substandard and abandoned buildings; this may require several of the region’s community development corporations (CDCs) to shift their attention away from land assembly and new housing development toward rehabilitation and receivership.
- Identify and procure dedicated funds to support receiverships and rehabilitation; in the short term, perhaps obtain seed funding from local or statewide foundations that could support a pilot project with several nonprofit organizations acting as receivers.

**Receivership is a highly specialized remedy that could soon become one of Buffalo’s most effective code enforcement tools.** Buffalo Housing Court Judge Nowak already exercises his inherent judicial powers and the court’s statutory charge to collect fines and prevent waste and destruction of property by appointing special court managers or receivers. The Buffalo Housing Court can also issue *Orders to Vacate* if it learns from the city or its own Program Coordinator that certain individuals and groups are illegally using uninhabitable buildings for shelter, squatting, vandalism or other criminal activity. Such orders are remedial measures that can be issued prior to a criminal or civil trial if there is serious risk to health and safety. Once the order is posted, anyone found on the property can be arrested for violating the court’s order (*Housing Court Reform Project 2005 Annual Report*, p. 7). Judge Nowak issued 275 such orders in 2005. The Court may also direct rental income to a court-appointed receiver for repair of property code violations where the owner has failed to assume responsibility. These receiverships can be nonprofit, community-based organizations such as the Lt. Colonel Matt Human Services Center of Western New York, a group that serves the Broadway-Fillmore and East Side areas of the city.

## Baltimore's Community Law Center

**IN BALTIMORE, THE NONPROFIT COMMUNITY LAW CENTER** works with community-based organizations to implement innovative strategies to address blight, such as the appointment of community groups as receivers to rehabilitate vacant properties. The Center's Real Estate Services Project assists in the rehabilitation of derelict and abandoned properties by representing community-based organizations in a receivership lawsuit. The receivership program addresses problem properties whose owners often are absent or do not have the financial ability to maintain the building. Negligent owners are given the opportunity to repair the property, or the court may give qualified community groups the property. The Center also provides a variety of pro bono legal services to help Baltimore neighborhoods address blight, drug trafficking, and general nuisance conditions that exacerbate abandonment, disinvestment, and property neglect. See [www.communitylaw.org/community\\_law\\_center.htm](http://www.communitylaw.org/community_law_center.htm).

Building on the Baltimore model and the experience of other cities, Buffalo should explore the possibilities of having professors and students from the University at Buffalo Law School's Housing and Community Development clinic tackle civil code enforcement and receiver cases for nonprofit organizations. As part of a Community Receivership Project perhaps several of Buffalo's finest law firms could volunteer one or two staff attorneys to work pro bono on receivership cases before the Housing Court. A special Buffalo Housing Court Receivership Program Fund could support the appointment of community groups as receivers and their management of rehabilitation funds. At some point Buffalo should seriously consider special legislation to clarify and expand existing Housing Court powers to appoint receivers and eventually cause the sale of the property for failure to repay the receivers' repair and management costs.

### **Institutionalize and Expand the Buffalo Housing Court's Suite of Vacant Property Initiatives**

Among the frustration and chaos of Buffalo's struggle to address vacant properties, the city's Housing Court has emerged as the institutional anchor of the city's code enforcement efforts. The Buffalo Housing Court Act grants the judge broad powers to act in the public interest and craft programs and remedies to resolve housing problems in the community. Current Housing Court Judge Henry Nowak (appointed in January 2003), has been instrumental in connecting its function with neighborhood preservation and removal of blighted, nuisance properties. Judge Nowak stresses that compliance, not necessarily punishment, is one of the court's major goals, but even in certain circumstances the court must rely on its punitive powers to achieve compliance. Given the difficult housing conditions in certain neighborhoods, Judge Nowak must often go beyond compliance in tailoring appropriate remedies. Technical compliance with code may not be enough to ensure the problems do not reemerge within a few years.

The Buffalo City Housing Court hears housing code violation cases, evictions, landlord/tenant disputes, and Health Department violations. Code violation inspections are limited to the exterior of the structure unless an interior inspection of a slum or blighted property

interior inspection is ordered by the court. Inspections are completed by a district inspector for single- or two-family residences; a Multiple Dwellings Unit, for three or more units in a structure; and a Slum and Blight Unit, for vacant or significantly blighted properties.

Buffalo's Housing Court is among the nation's local housing courts that have taken leadership for the vacant property problem. Beyond having special expertise with housing and land-use enforcement matters, judges from environmental and housing courts in cities such as Cleveland and Memphis have become active champions of community revitalization and blight programs. They can also creatively fashion court remedies for single-family property owners who do not have the financial ability to repair their homes.

Buffalo's Housing Court's 2005 Annual Report confirms the diverse roles that Judge Nowak plays. The Judge and the court's executive director and program coordinator spend considerable time working within the community. As a result, city residents, block clubs, and neighborhood groups now spend more time actively engaged in Housing Court actions. Through greater neighborhood empowerment and collaboration, the court can shape alternative forms of relief to address the specific nature of the problem properties. The Court now has established a community participation process by creating a system of outreach and education and improving property management through community-based receiverships. The Court also works closely with the City's Anti-Flipping Task Force.

In 2004 Judge Nowak started the Housing Court Reform Project. With funding from the John R. Oishei Foundation, Buffalo LISC provides the Court with two full-time staff who work with the judge and local and neighborhood leaders to enhance the court's capacity to facilitate the rehabilitation of properties and neighborhoods within the City of Buffalo. The 2005 Reform Project Report identified a series of challenges in the capacity and ability of the city to bring cases to court, along with the complexities associated with flipping and mortgage foreclosures. To maintain progress, the court will no doubt continue to work with local leaders and community groups on these issues.

A January 2006 article in the *Buffalo News* described the results of Nowak's proactive approach to the Housing Court. For example, when Nowak criticized the Inspections Department for failing to write enough code violation cases, his caseload markedly increased. Nowak also sees more inspectors working hand in hand with neighborhood activists on the front lines of the war against blight. When asked what his advice for Mayor Byron Brown would be, Nowak told a reporter, "I would encourage him to find a way to increase the volunteer, citizen component of the inspections process" (Fairbanks, *Buffalo News*, 3 Jan., 2006).

Under the leadership of Judge Nowak, the Buffalo Housing Court has become a focal point and catalyst for addressing blight and vacant properties within the city. City officials and community groups rely on the court to take a leadership role. For example, Judge Nowak regularly communicates with leaders in City Hall, including the new mayor,

**"Inspectors can be the most important [people] in a neighborhood. They really have the ability, in many cases, to turn a neighborhood around."**

**—Buffalo Housing Court Judge Henry Nowak.**



## Cleveland's Housing Court

**WITHIN OHIO, ONLY A HANDFUL OF CITIES** have a specialized division of their state trial courts devoted exclusively to housing and code enforcement cases, and Cleveland has one of the best. County and municipal courts of general jurisdiction hear the standard criminal and civil cases, such as personal injury suits, contract disputes, and felony or misdemeanor prosecutions. Housing courts, however, can devote their exclusive attention to complex cases involving substandard housing and abandoned buildings (i.e., both multi- and single-family homes) brought by the city prosecutor. Cleveland's Housing Court includes ten housing specialists and inspectors who work, at the judge's direction, with responsible property owners to correct the violations on their properties. Beyond the activity within the courtroom, Housing Court Judge Ray Pianka, a former Cleveland city council member and former executive director of a CDC, works closely with community groups, professional organizations, civic and political leaders, on a wide range of housing and community development initiatives.

Byron Brown, and the director of Office of Strategic Planning, Timothy Wanamaker. As a result of the Housing Court Reform Project, the Buffalo Common Council adopted a resolution in late 2005 to institute the Buffalo Housing Court Receivership Fund.

Unfortunately, the court's enabling authority only allows the Presiding Judge to make short-term appointments to the Housing Court. **Given the critical role of the Housing Court and requisite expertise of this housing and code enforcement law, the Housing Court Reform Project should explore statutory and policy changes that could institutionalize the Housing Court's expertise and expand the Court's vacant properties programs.**

### **Suburban Code Enforcement**

The vacant property problems continue to grow within the first-tier suburban communities. While the scale of abandonment is not as great as in Buffalo, the conditions and circumstances are similar. Within Cheektowaga alone, nearly 400 homes stand vacant, roughly one-third of them bordering the City of Buffalo (Esmonde, 16 Aug. 2006). According to local officials, many of these homes were purchased by residents with modest income who defaulted on their mortgages; the banks have taken their time to foreclose.

Another common challenge in the suburbs is the age of the housing stock and long-term residents. As older owners leave or pass away, their heirs do not take over the property, especially if they live out of state. At times, residents die without a will, heirs fail to probate wills, or properties are left with outstanding liens that cloud ownership and prevent title transfer to heirs. Rental properties are often small and obsolete by current suburban market standards, and apartment vacancies may increase in an oversaturated rental housing market, especially if heirs live outside the city or state. A few notorious landlords may then fold such units into their growing portfolios of blighted properties.

The NVPC team suggests Buffalo’s first-tier suburbs can select from the following menu of actions to enhance their existing code enforcement approaches:

- **Establish local vacant properties program coordinators.** Local designation of vacant property coordinators is a practical alternative to a full vacant property task force, especially for small towns. Each coordinator would act as a liaison among the various departments, agencies, and property owners in the region.
- **Establish vacant properties registration programs** (perhaps to include both commercial and residential units). The registration program should be coordinated with the regional real estate information system recommended in Strategy One.
- **Pursue civil judicial actions for complex cases.** The suburban towns and cities also rely exclusively on criminal prosecution when owners fail to heed violation notices. These jurisdictions should also consider using civil actions in certain complex code enforcement cases.
- **Create a housing repair and revitalization fund.** Many property owners just do not have the financial or physical ability to maintain their homes. For deserving property owners, the local governments need access to a pool of resources to provide grants and low interest loans to facilitate repair, rehabilitation, and reuse of substandard and vacant properties. Perhaps the local jurisdictions could band together to create a regional housing repair and revitalization fund.

### **Current Suburban Code Enforcement Efforts**

Most property owners maintain their homes and commercial properties in these three first-tier suburban communities. Yet local officials worry that as time marches on, the housing stock will decline, and economic and demographic changes will eventually create more property-maintenance problems.

Each year Amherst, Cheektowaga, and Tonawanda confront more vacant property cases as more and more people run into personal financial problems and walk away from their home mortgages. Because out-of-state banks proceed slowly through the mortgage foreclosure process, the property can remain an eyesore for many months (even years) as the building inspectors track down the bank or owner to ensure they maintain the property. If no one maintains the property, the state property maintenance code enables the city to issue a notice, cut the grass, and assess costs against the property.

Like the City of Buffalo, the three first-tier suburban communities studied during this project—Amherst, Cheektowaga, and Tonawanda—rely almost exclusively on the classic “notice of violation” to gain compliance with the large majority of their housing code cases. If the owner fails to comply (generally within three to six months) the local housing inspection departments, working with their city or town attorney, pursue criminal prosecution. Although this approach seems to work fine for the typical housing code case, in which simple repairs are needed and the owner lives in or near town, more complex cases are not so easily resolved and can cost jurisdictions thousands of dollars.

Cheektowaga files several hundred criminal cases per year. Under New York statutes most housing code violations are infractions that come with a maximum fine of \$250 per day per violation (local court procedures require separate inspection dates for each day alleged in the complaint). Per New York law, the city could file the case as a misdemeanor criminal prosecution under certain conditions (repeat offenders). However, misdemeanor

criminal cases would require the town's attorney to make several court appearances to settle the case, make the appropriate motions, and so forth. The local officials from all three communities felt that such an approach could be time-consuming and costly, especially since the town judges generally dismiss the criminal cases once the owner shows proof of compliance.

For repeat offenders or more complex cases (multiple properties or serious and substantial violations), building and housing officials in all three jurisdictions felt the fines and penalties were insufficient and not a deterrent for landlords. For some landlords it might be cheaper to fight the case in court than to finance repairs on multiple properties. For most property owners, having to go to court and hire an attorney is deterrent enough. Unfortunately, the property owner under either scenario is not placed on any probation (informal or formal) that would make it easier for the local governments to pursue future court actions against repeat offenders.

The NVPC identified other code enforcement challenges as part of its work with these three suburban communities:

**Reactive versus proactive stance:** Staffing levels within the respective housing/building inspection departments of these three local governments has remained relatively constant while the number of complaints continues to grow. As of fiscal year 2006 Amherst had two full-time housing/property maintenance inspectors. Cheektowaga had four full-time inspectors and two part-time inspectors who cover certain areas or zones within the city. Cheektowaga hopes to add another position in fiscal year 2007. Ten years ago these departments conducted more proactive inspections and investigations. Today community groups and tenant organizations are more engaged and more knowledgeable about the code enforcement process—as a result they generate more complaints. Some taxpayer groups create their own warning notices and lists of violations.

**Preference for Rehabilitation over Demolition:** All three suburban communities prefer repairs and rehabilitation over demolition. Amherst rarely demolishes a building; when it does, the costs for city crews and contractors (over \$20,000) has proven difficult to recoup in a few recent cases. Given such experiences, the town board and town attorney are reluctant to approve future demolitions. Cheektowaga has demolished only three buildings in the past 28 years. While most of the buildings and housing stock are more than 30 years old and tired, they are structurally sound and are prime candidates for rehabilitation and reuse. The state property maintenance code also focuses more on fixing up properties than tearing them down. However, Cheektowaga's town board recently adopted a zero-tolerance policy to more aggressively pursue mitigation or demolition of fire-damaged buildings.

### ***Establish Local Vacant Properties Program Coordinators***

For smaller municipalities and townships, a dedicated investigation team or enforcement unit might not be practical. An alternative would be to create a vacant property coordinator who acts as a liaison among the various departments, agencies, and property owners. Such coordinators generally take more of a compliance approach than one of enforcement, providing a point person for staff within the local government and a point of contact to work with single-family property owners, realtors, landlords, and neighborhoods. Having a vacant property coordinator has worked well for the city of San Diego over the past

## San Diego's Vacant Property Coordinator

### **AS PART OF ITS NEIGHBORHOOD CODE COMPLIANCE**

**DEPARTMENT,** San Diego's vacant property coordinator is charged with a variety of responsibilities: (1) identifying vacant properties throughout the city; (2) maintaining a list or database of properties; (3) administering the city's abatement ordinance to clean and secure vacant properties; (4) coordinating efforts among city departments (e.g., code compliance, police, and the city attorney's office); (5) communicating regularly with community groups, the real estate industry, and financial institutions; and (6) performing liaison tasks with the city's vacant property task force. See J. M. Schilling, *San Diego Case Study*, available at [www.icma.org/vacantproperties](http://www.icma.org/vacantproperties).

ten years, especially in helping owners and the city creatively resolve some of the more complex and sensitive vacant property challenges.

### **Develop a Vacant Properties Registration Program**

The suburban communities should put in place a program requiring owners of vacant or abandoned properties to formally register them within a specified time since the initial vacancy (e.g., six months or more). Such registration provides a point of contact in case the property becomes a public nuisance, and encourages the owner to devise a timely rehabilitation plan by imposing a sliding fee—the longer the property remains vacant, the greater the fee. Through its research into other registration programs, the NVPC identified the following common element of successful vacant property registration programs:

- A broad scope that requires registration of many different types of vacant and abandoned properties, not just those that have not gone through the foreclosure process.
- Clear guidelines and directions for the property owner to abate the inherent nuisances of maintaining an abandoned building, such as boarding, fencing, and removing trash and debris from the interior and exterior of the premises. Some cities, such as San Diego, require owners to file a written statement of intent or a repair plan with a time frame for returning the property into productive use.
- Ownership information that requires a local point of contact or agent who will accept service of legal notices and who works or resides in the city or county. Such a requirement can make it easier to locate owners when they fail to respond.
- Insurance on the property and/or a performance bond posted to cover potential costs to the city should it have to abate nuisances on the property.
- Registration fees to cover the estimated costs for city departments to monitor, inspect, and reinspect the property routinely.
- Administrative fees and/or civil penalties that increase annually or after several months of vacancy.
- Assessment of fees and penalties as a municipal lien when they have not been paid and officially become delinquent.

### **Pursue Civil Judicial Actions for Complex Cases**

When a case requires taking tougher code enforcement action, Amherst, Cheektowaga, Tonawanda, and other local towns rely on criminal prosecution just as the City of Buffalo does. For the vast majority of enforcement actions, criminal prosecutions works as well for the suburban communities as it does for the City. A few of the outlying courts also have special criminal dockets to hear code enforcement cases a day or two per week.

Criminal prosecutions, however, cannot address the more complex code case—those cases where the property owner lives out of state or owns multiple properties and refuses to respond to criminal service. These first-tier communities should also pursue civil judicial actions as explained on page 51 of this report. All of the legal and policy advantages for Buffalo would equally apply to its suburban neighbors, such as the appointment of a receiver or the assessment of civil penalties. However, they may not have a sufficient number of such cases to justify creating their own special enforcement unit. **These smaller cities and towns should consider forming a multi-city legal enforcement team to handle these complex civil judicial actions. Perhaps they can pool resources to hire local counsel to pursue a number of cases across jurisdictional boundaries.** Once Buffalo forms its special code enforcement unit, maybe it could handle these complex cases for the local jurisdictions on a fee for service basis. The proposed community receivership project could also work with suburban towns and cities.

### **Establish a Vacant Properties Repair and Revitalization Fund**

Given the nature of the housing stock and moderate level of housing code cases, Buffalo's first-tier communities have great need for housing repair and rehabilitation programs and resources. That need will continue to escalate as the housing stock ages and abandonment creeps forward. Unfortunately, these jurisdictions have few dedicated resources and programs for housing rehabilitation. Community development groups within the region focus more on the City of Buffalo and less on the surrounding cities and townships. With the decline of federal assistance through CDBG dollars and other HUD programs, these first-tier communities will need to invent new programs and creative pools of resources.

The NVPC suggests forming a local or perhaps even regional Vacant Properties Repair and Revitalization Fund. National and regional financial institutions could facilitate access to private capital for low interest loans. Perhaps state and local governments could allocate dollars for rehabilitation grants to elderly property owners or those on fixed

## **Tracking Vacant Properties**

**WILMINGTON, DELAWARE HAS EFFECTIVELY USED ITS VACANT PROPERTIES** registration ordinance as a strategy to manage speculators and encourage active rehabilitation. San Diego recently amended its ordinance to address long term and intentional delays in the repair and rehabilitation of properties (e.g., owners pull numerous building permits over the course of many years). Several municipalities in Ohio—most notably Columbus, Dayton, and Cincinnati—have adopted vacant property registration ordinances.

## Duluth's Housing Repair Trust Fund

**DULUTH, MINNESOTA RECENTLY** created a special housing repair trust fund that can support community group repair programs. The Greater Minnesota Housing Fund awarded the City of Duluth a \$200,000 interest-free loan to establish a revolving maintenance fund designed to encourage unresponsive property owners to comply with the city housing code. As part of Duluth's Quality of Life Neighborhood Improvement Program (QLNP) a judge can hire a contractor to do the repairs and the landowner would pay for the work through their tax bills, according to a recent article in the *Duluth News Tribune* (Mohr, 18 July 2006.)

incomes. The NVPC study team understands that the recent fiscal troubles of the City of Buffalo and Erie County make it problematic for these entities to join such a collaborative fund today. However, the suburban communities, with their stronger fiscal situation, could form the VP Repair and Revitalization Fund now. More importantly, the City of Buffalo and its surrounding first-tier communities could work together to seek any necessary state authorization and resources to support the fund.

Virginia has enacted special revitalization funds and zones that could serve as a framework for drafting similar legislation for New York:

- Housing Revitalization Zone Act (HRZA): In 2000 the legislature enacted the HRZA (Virginia Code section 36-157 et seq.). Local governments, working through the Virginia Department of Housing and Community Development (DHCD), can designate revitalization zones for certain distressed neighborhoods, making the property owners eligible for various incentives (e.g., reduction of permit and user fees, exemption of real estate taxes, special zoning districts—section 36-168) and gives local governments special powers and programs (e.g., sale of public lands). Cities can also use these grants for code enforcement (section 36-168). Another creative section empowers local governments to recapture the incremental revenues raised in the housing revitalization zone—a type of tax increment financing (TIFs) common to economic development projects.
- Urban Redevelopment Fund: Virginia Code section 15.2-2414 creates a perpetual state fund known as the Urban Public-Private Partnership Redevelopment Fund to address the serious lack of developable land in urban areas of the state. The Fund can make grants to local government for assembling, planning, clearing, and remediating sites. Section 15.2-2417 establishes a maximum grant of \$500,000 and requires a 100 percent match of funds from the local government.
- Removal and Rehabilitation of Derelict Structures Fund: Virginia Code section 36-152 establishes the Derelict Structures Fund that applies to residential, commercial, and industrial structures. DCHC can make grants to local governments to finance the acquisition, removal, rehabilitation, repair or demolition of derelict structures that are no longer habitable and create blight in the neighborhood. As with the Urban Redevelopment Fund above, local governments must provide a 1:1 match of funds.

## **Form a Regional Code Enforcement Network to Coordinate and Leverage Strategies and Programs**

By its very nature, code enforcement is limited to codes and ordinances within a local government jurisdiction—thus, code inspection staff in one city rarely works with the corresponding staff in another. Most code enforcement departments struggle just to manage their own case loads and complaints, let alone have the time or interest to reach out to their counterparts in neighboring jurisdictions. Yet, the conditions and characteristics of vacant properties extend throughout the entire Erie-Niagara region. Moreover, speculators and slumlords likely own properties across several jurisdictions within the region.

Buffalo's surrounding communities and local governments could benefit greatly from coordinating many of the strategies and tools, such as the repair and revitalization fund and civil judicial actions, across cities and towns throughout the region. **A regional network of code enforcement officials engaged with housing-code cases and vacant properties could establish routine communications and problem-solving opportunities with community development practitioners and programs throughout the region.** Such a network could also build consensus around enforcement priorities, identify target problems or neighborhoods, and develop a longer-term agenda for reforms at the state and local levels.

Strategies for sharing information and coordinating investigative staff would likely require informal agreements among the jurisdictions but would not necessarily require any changes in local laws. Beyond regular meetings, the network could also consider creating a password-protected ListServ to discuss issues and solve problems routinely. Perhaps a regional entity could convene and facilitate the sharing of strategies, tools, and information as was done in Hamilton County, Ohio in cooperation with a state or regional association of code enforcement officials.

Such a network might develop template ordinances for suburban municipalities. Buffalo's suburban communities will need legal changes to respond effectively to their vacant property challenges. Ordinance templates for municipalities to adapt could include an ordinance for local cost recovery of reinspection fees and an ordinance for rental housing inspection.

## **Training for Code Enforcement**

During 2004, the Regional Planning Commission in Hamilton County, Ohio (Cincinnati region) convened a series of workshops and trainings for its local government members on code enforcement and property maintenance ordinances for addressing neighborhood blight. In cooperation with the Professional Association of Code Enforcement (PACE), Hamilton County compiled a wealth of resources and information (e.g., handbooks, PowerPoint presentations, and case studies) on the following topics:

- Property Maintenance for Elected Officials and Administrators
- Property Maintenance—Effective Enforcement
- Legal Aspects of Code Enforcement

For more information, see [www.planningpartnership.org/prop\\_maint](http://www.planningpartnership.org/prop_maint).

The NVPC team noted that such an association or affiliation may need to be created: New York does not appear to have a statewide chapter of the Professional Association of Code Enforcement (PACE) or another state or regional chapter of code enforcement officials. Although building officials in the state may participate in training and workshops sponsored by the International Code Council, it is unclear whether their code enforcement curriculum focuses on housing code and vacant property tools and techniques.



## STRATEGY THREE

### Right-Sizing and Green Infrastructure for the City

**B**uffalo-Niagara policy makers, business leaders, and nonprofit organizations must take aggressive actions to contain and remove the significant blight in inner-city Buffalo to establish a healthy foundation for regional reinvestment. Right-sizing Buffalo—matching the footprint of its built environment with its existing and future population—is necessary for the long-term viability of the city and the region. Once surplus housing stock and infrastructure are decreased, policies and programs for attracting more people back to Buffalo’s core communities are more likely to succeed.

The NVPC team recommends the following actions to right-size and reinvest in the city:

- Establish a **multi-purpose land-bank authority or program in Buffalo** (and eventually Erie County) to right-size the city by decommissioning surplus public infrastructure and acquiring truly abandoned properties (e.g., tax-delinquent or seriously blighted sites) in certain strategic neighborhoods. The land bank would be charged with implementing the City’s *Facilities and Vacant Land Management Plan* and acquiring abandoned properties through eminent domain or an expedited property tax foreclosure policy.
- Develop and manage a **citywide green-infrastructure initiative** that acquires, assembles, and reuses vacant properties for open space, parks, greenways community gardens, and urban agriculture.
- Empower residents and property owners to design a network of **neighborhood-reinvestment plans** that will stabilize residential and commercial properties in neighborhoods that have sustained the most decay.

Addressing the challenge of right-sizing Buffalo involves delicate trade-offs with deep implications for the city’s character and the daily lives of its residents. No demolition-redevelopment strategy can proceed in the United States without the humbling reminder of the mistakes made during “slum clearance” in the 1960s and early 1970s. Crucial concerns for social equity, citizen involvement, and historic preservation must be reflected in any right-sizing effort in Buffalo. Fortunately, neighborhood residents and responsible property owners have been watching the drive toward right-sizing, and there is emerging public support for a land-banking approach to redevelop the city. **To avoid the mistakes of the past, neighborhoods and citizens must drive the land-banking and green-infrastructure initiative in a meaningful way.** Now is the time to prepare and design the land bank and launch the green-infrastructure initiative so Buffalo can take action before the level and intensity of abandonment get worse.

#### **Buffalo’s Existing Efforts to Demolish, Acquire, and Reuse Vacant Properties**

Over the past decade Buffalo has spent millions of dollars demolishing an estimated 4,448 structures (“Local News Briefs,” *Buffalo News*, 22 Feb., 2006). In fiscal year 2005 alone the City spent roughly \$1 million in CDBG funds to manage its vacant property demolition program. The city’s *Facilities and Vacant Land Management Plan* sets a five-year goal of 4,250 residential demolitions at a rate of 750 to 1,000 per year; the estimated cost is between \$5.6 and \$7.5 million annually, for a five-year total of \$31.875 million (p. 38). These calculations

are based on reasonable but somewhat unrealistic assumptions that the city can recover 100 percent of its demolition costs from the private owners; that demolitions cost \$7,500 each, on average; and that the city will steadily reduce its inventory of vacant properties by 500 lots or buildings each year, with no net increases in new vacant properties.

After demolition, the city often must mow and maintain vacant lots and locate private property owners to pay for failure to comply with city codes. The *Facilities and Vacant Land Management Plan* assumes the city must mow and maintain 25 percent of the vacant lots in the city at an average cost of \$450 per year, per lot, for five years, yielding a total cost of \$8.662 million. Despite the city's ambitious demolition goals and attempts to recover costs, the costs and supply of vacant properties will likely outstrip the city's resources and demolition capacity for the foreseeable future.

Given the overwhelming level of blight and general frustration with the pace of demolitions, numerous local organizations have set forth proposals to acquire and transfer ownership of vacant properties in certain city neighborhoods. One example is People United for Sustainable Housing (PUSH).

## Urban Homesteading

**URBAN HOMESTEADING PROGRAMS AND POLICIES** are regaining interest after their heyday in the 1970s. At one time 90 such programs existed throughout the nation, each with its own unique structure that created diverse roles for bringing together public, private, and nonprofit entities. Generally, these programs offer citizens the opportunity to become homeowners of formerly tax-delinquent properties through "sweat equity:" renovation instead of cash payments or traditional mortgages. Although early programs ran into management and legal challenges, such as the inability of state laws and local ordinances to transfer clear title to the resident workers, contemporary programs have refined their approaches to title transfer and other steps toward ownership. Eligible participants may purchase a city-owned or foreclosed property for a nominal fee (sometimes as low as \$1), but must bring the building up to code and inhabit the structure as a primary residence within a pre-disclosed period of time and for a minimum duration.

In New York City, the Urban Homesteading Assistance Board works in low-income neighborhoods to assist in the development of resident-controlled, limited-equity housing cooperatives. A more traditional approach has been applied by the City of Lakeland, Florida, where eligible participants can purchase city-owned vacant properties or foreclosed single-family residences. In both scenarios, the end use of the property is required to be a primary residence to be occupied for a minimum of three years.

The City of Buffalo authorized a homesteading program in 2005, although it has not been fully implemented. In early 2006, PUSH proposed its homesteading pilot program for more than 100 homes, primarily in two neighborhood districts in Buffalo. **A new land bank, working closely with organizations, such as PUSH, could set aside appropriate tax-delinquent properties as part of their portfolio for homesteading.**

A new resident-based community group, PUSH works primarily in the West Side and Niagara districts to reclaim empty houses for low-income resident occupancy. As a result of 2003 tax lien sales agreement between Buffalo and the New York Municipal Bank Bond Agency (MBBA) about 1,500 abandoned properties throughout the city remain in a state of legal limbo because either MBBA or JER, the private company that owns the liens cannot sell them and has done nothing to repair the properties. In the spring of 2006 PUSH launched a public campaign to urge state and local officials to do something with these neglected MBBA/JER properties (Williams, *Buffalo News*, 24 Mar., 2006). On April 4, 2006, the Common Council for the City of Buffalo passed Resolution 142 inviting MBBA and JER representatives to meet with the City Council.

PUSH also advocates a homesteading pilot program that would provide resources for necessary repairs to eligible low- to moderate-income participants for revitalizing 100 city-owned and tax-delinquent single and multifamily dwellings. Through a combination of grants and loans, participants would have a year to do the repairs and eventually own the property as a result of their long-term commitment and physical work on the property. PUSH suggests that the city Office of Strategic Planning, along with HomeFront and other capable housing organizations, administer the pilot program. For more information about the Homesteading Pilot Program see [www.pushbuffalo.org](http://www.pushbuffalo.org).

Beyond existing city demolition and mowing/maintenance programs, Buffalo will need a comprehensive program that not only manages demolition in a more systematic way, but strategically acquires these properties (e.g., tax delinquency and demolition lien foreclosure) and then facilitates the transfer and reuse to reliable private and nonprofit developers. Building on these neighborhood-driven efforts such as PUSH, Buffalo should devise a citywide, systematic program to demolish, acquire, assemble, and reuse vacant properties.

### **A Comprehensive Strategy for Right-Sizing the City and the Region**

The process of right-sizing the city—matching the footprint of the city’s built environment with its existing and future population—is necessary for the long-term viability of the city and the region. Buffalo-Niagara policymakers, civic and business leaders, and community groups must begin an honest and transparent dialogue on policies to aggressively acquire, assemble, and hold hundreds of vacant and abandoned properties. Given shrinking populations, a large percentage of vacant properties will likely be transformed into open space, trails, and other elements of green infrastructure. A green-infrastructure initiative could create value in the habitable properties that remain, and attract investors and residents back to these neighborhoods devastated by decay. In order to right-size the city, a considerable number of these sites will become pocket parks and open spaces linked with an extensive web of trails and greenways. Opportunities also exist to develop urban agricultural sites and community gardens, such as the Massachusetts Avenue Growing Green Project.

Transforming abandoned buildings and surplus infrastructure into elements of green infrastructure would also advance the goals set forth in the City’s recently adopted Comprehensive Plan and its *Facilities and Vacant Land Management Plan*. Such a shift in policy from attempting to rebuild every property to turning properties into green space naturally raises critical questions:

- How to acquire, manage, and reuse vacant properties in a more strategic and targeted manner?

- How to adjust the infrastructure/population ratio within the city in a fair and socially equitable manner?
- How will the communities identify and select target neighborhoods and blighted properties for reclamation?
- How can the City engage the neighborhoods, residents, and property owners in this process?
- What legal tools and procedures are available to acquire and dispose of these properties (e.g., tax foreclosure, eminent domain, and land banking)?
- Which properties are ready for immediate reuse, and which should be held for later redevelopment?
- Which type of entity (e.g., a land bank authority or land trust) can acquire, assemble, and manage multiple parcels, and dispose of abandoned properties?
- How would such endeavors be created, funded, and managed? How to design and administer a more systematic and regional approach to reinvestment and redevelopment?
- How to institutionalize vacant property revitalization and reclamation?

The NVPC and its network of practitioners have been grappling with these policy questions in cities such as Flint, Michigan; Dayton and Youngstown, Ohio; and New Orleans. A compilation of model programs from other communities reveals three essential elements to effective right-sizing:

- a designated department or independent land bank authority to systemically acquire, assemble, and plan for the reclamation of vacant properties;
- the design and development of a green-infrastructure initiative; and
- a network of neighborhood-driven reinvestment plans.

### **Land-Banking Structure and Scope**

Over the past thirty years, land banks have emerged as powerful tools for converting vacant and abandoned properties into assets for community revitalization. Land banks have special powers to acquire and assemble multiple abandoned properties and then legally transfer the land to responsible nonprofit and private developers for redevelopment. Land banks take on the initial risk of preparing land in areas with uncertain real estate markets. They help developers establish footholds in transitional neighborhoods, thereby attracting more private investment and creating momentum for revitalization. Land banks generally acquire the worst properties within a neighborhood, properties that are initially too troubled or risky for other parties to touch. Some land banks also participate in strategic planning with neighborhood leaders or networks to fulfill community visions for redevelopment.

Several model practices from other cities could be easily adapted to match local conditions, especially within the City of Buffalo. The NVPC study team identified the following issues and possible approaches for regional and local leaders to consider.

# The Genesee County Land Bank

**COMPREHENSIVE REFORM** of Michigan's property tax foreclosure laws in 1999 was the initial impetus behind the creation of the Genesee Land Bank. The new laws authorized the foreclosure of multiple tax-delinquent properties in a single judicial proceeding. In the event that the property is not redeemed by an owner as part of the foreclosure proceedings, title to the property passes to the land bank authority. At each of the first two such tax-foreclosure proceedings in Genesee County in February 2002 and February 2003, title to more than 1,200 parcels immediately vested in the Treasurer of Genesee County. The bulk of this inventory was subsequently transferred to the Genesee County Land Bank.

In January 2004, the most extensive land bank authority statute in the country was enacted in Michigan. Unlike other states, Michigan elected to create a "state land bank fast-track authority" with broad-ranging powers to minimize the potential for the state to inherit large portfolios of vacant properties. Local governments in Michigan are now granted the option to enter into intergovernmental agreements with the state authority for the creation of land banks. Following the enactment of the statewide land bank authority legislation, the Genesee County Land Reutilization Council, Inc. was transformed into the Genesee County Land Bank.

Source: Frank S. Alexander, *Land Bank Authorities: A Guide for the Creation and Operation of Local Land Banks* (2005); see [liscnet.org](http://liscnet.org).

## ***Institutional Structure and Legal Authorization***

A search of relevant New York statutes uncovered no state legal authority to either prohibit or expressly permit a local government from chartering a land bank authority. Buffalo officials should start by examining general provisions from the New York Public Benefit Authorities law or the Private Housing Finance Law that might support the creation of a separate land bank entity. Plus, New York State Municipal Law authorizes municipal urban renewal agencies (Articles 15 and 15-A) which have similar structures and powers as land banks. In keeping with New York's strong home-rule tradition, provisions from NYS General City Law also empower cities to adopt local laws and ordinances to repair and remove dangerous buildings (Article 2 and 2-A)—a primary policy objective behind land banking. More in-depth legal research and analysis will be necessary to pinpoint legal strategies for establishing a land banking entity. Eventually Buffalo and other Western New York communities struggling with significant levels of abandonment may want to create a coalition that supports new land bank authority legislation. In fact, Task S 7.0 of the city's *Facilities and Vacant Land Management Plan* calls for the city to collaborate with other Upstate cities to promote regulatory reforms that facilitate vacant property redevelopment.

**In the short term, the City of Buffalo could task key departments (e.g., planning, law, building, tax collection, economic development, real estate) to form a new, multi-agency land bank program.** Existing processes (especially demolition and tax foreclosure) should be carefully evaluated for ways to expedite demolition, acquisition, and reuse of vacant properties. The city would need to dedicate staff or create a contractual relationship with private or nonprofit organizations to maintain any and all properties under its control or ownership and manage a suite of programs and initiatives.

Eventually the land bank would provide services to both the City of Buffalo and Erie County. Although Buffalo has the most surplus property and most pressing need for a single-purpose land bank authority, city and county officials should have a joint role in the design and development of any land banking program. These factors suggest the formation of the entity in Buffalo first, and then perhaps expansion of its scope to contractual services to Erie County and other local governments.

### **Implementing Buffalo's Facilities and Vacant Land Management Plan**

Buffalo's recently passed comprehensive plan, which contains the *Facilities and Vacant Land Management Plan*, contains major policy recommendations and programmatic ideas related to land banking (see Appendix B). The NVPC study team concurs with many of the plan's goals and ideas. Although the strategy presumes centralized municipal oversight, it does not identify the city departments responsible for implementing its recommendations. A dedicated land bank or land-banking program could adapt the plan into a multi-year action agenda. The land bank could manage across city departments and coordinate with county agencies. **A land bank would be the ideal entity to lead Buffalo's successful transformation of vacant properties into assets.**

### **Financing and Fiscal Structure**

The land bank's initial and ongoing activities will require a concerted effort to finance its activities. Generally, land banks receive funds from a combination of bonds, foundations, grants, local funds, and sometimes federal and state brownfield and economic development programs. In Buffalo, which along with other Upstate cities has received state-level attention to its vacant property challenges, statewide or shared resources should also be considered to finance a land bank.

The fiscal conditions within Buffalo and Erie County suggest that special governmental entities, such as a conservation district or even a port authority, could finance aspects of the land bank as an important element of its green-infrastructure initiative. A state or regional entity could float bonds for activities to salvage and protect green infrastructure, which links directly to its mission of land conservation and waterway management. Port

## **Revenue for Land-Bank Management**

THE GENESEE COUNTY LAND BANK in Flint, Michigan relies on three primary revenue sources for the management and holding costs of land-banked properties: (1) a state tax-foreclosure fee to fund staff, overhead, and basic maintenance; (2) land-sale proceeds for mowing, cleaning, and other routine cleanup as authorized under Michigan law; and (3) Brownfields Tax Increment Finance (TIF) Revenue derived from a \$5 million land bank issuance of TIF bonds that covers the majority of demolition and site-preparation funding. Many of the properties come to the Land Bank through tax-default judgments, and Michigan law removes any outstanding tax liens on such properties, thus providing the purchaser with clean title and making many of them ideal candidates for rehabilitation. The bank also has short-term construction bonds to support rehabilitation. As of March 2005, \$1.5 million was drawn by the Land Bank for these purposes.

Authorities in communities such as Minneapolis and Cincinnati have used their bonding capacities to finance the redevelopment of brownfields.

Jurisdictional and institutional relationships in Erie County may need to be clarified first. Numerous regional players are involved in land conservation in the Buffalo region, especially in waterfront development, including the Erie Canal Harbor Development Authority (an arm of the Empire State Development Corporation), the Niagara Frontier Transportation Authority (which is overseeing 120 acres of potential development on an outer-harbor brownfield), and the Niagara River Greenway Commission (which is coordinating a waterfront greenway from Niagara Falls through Buffalo and into the southern suburbs). In such a labyrinth of authorities and commissions, the money is hard to follow. For example, funds for the Niagara River Greenway have been designated by the 50-year relicensing of the New York Power Authority. Although this challenge does not preclude the involvement of any such agencies, state and regional leaders should take steps to clarify roles and identify the most logical partnerships.

### **Acquisition of Tax-Delinquent Abandoned Properties**

One of the most important ways for land banks to acquire vacant and abandoned properties is through property tax foreclosure, which allows local governments to collect delinquent property taxes through a sale of the property. Foreclosure can be a cumbersome procedure to involuntarily convey legal title for low value, blighted, or environmentally compromised property. Nonetheless, effective land-banking programs strategically use property tax foreclosure as an important tool for controlling and recovering abandoned real property.

Although state law mandates foreclosure on tax-delinquent property, tax foreclosure processes are generally designed to encourage and help taxpayers to pay the back taxes and impositions to avoid foreclosure and sale of the property. Taxes are repaid in the vast majority of cases. The use of tax foreclosure for acquisition and assembly of vacant and abandoned properties should be considered with care.

Abandonment of real property by an owner does not automatically release or terminate an owner's legal title to the property. A legal conveyance of the title is required. Judicially supervised tax foreclosure sales result in a title to the purchaser free of all unpaid liens that otherwise make the title to the property unmarketable. Even if an owner wants to convey title to property, the conveyance may be impossible because the liens exceed the value of the property in the hands of the title grantee. **Where, as in Buffalo, a growing number of unused and unusable properties are encumbered with liens, foreclosure is an important tool for clearing title in preparation for repair, rehabilitation, or redevelopment.**

Compared with other cities, Buffalo's property tax foreclosure system has several advantages. Since the tax collector is a city agency, there is opportunity for close coordination between tax lien enforcement and the role of other City agencies in code enforcement and redevelopment. For example, because the purchaser's Agreement of Sale provides for filing of the deed by the City, the lender and purchaser become the record owners promptly and are less likely to avoid code enforcement processes. Such coordination in Buffalo is already apparent and should be developed further. Likewise, coordination with local non-profit developers is essential. Priorities for fast and aggressive foreclosure proceedings should be determined within the context of development plans.

In 2005, only 2,400 of the delinquent tax foreclosure cases filed by Buffalo went to auction. Only 680 were bought by new owners. Of those not sold, 1,176 were no-bid and “adjourned” for future attempts to sell while the remaining 800 or so went to the City. This suggests that about 2,000 “orphan” parcels per year are available for purchase at tax foreclosure auctions—a potentially significant development opportunity for clearing title. Buffalo’s Office of Strategic Planning should work closely with the Tax Assessor’s Office to link the tax foreclosure process with neighborhood reinvestment plans so that year-by-year acquisition and assembly of parcels leads to sustainable redevelopment.

### **Sale of Tax Liens in Buffalo**

Property tax collection and foreclosure on property in a weak market is better done by local government than by investors in tax liens. Buffalo’s recent experience with the sale of tax liens seems to support this conclusion. Through a state lien agency (MBBA), a private firm (JER) owns 1,499 worthless liens on properties that have little value. The City is prevented by the terms of the tax lien purchase agreement from enforcing any collection of taxes accruing since the lien sale. Meanwhile, the subject properties are both a tax loss to the City and a blighting influence eroding the value of surrounding properties.

The City’s efforts to get state help to resolve this problem have until recently been unsuccessful. In August 2005 the state announced a \$2 million grant to help rehabilitate some of the MBBA tax lien homes. Since the proceeds of a sale of these properties in their present condition will not remove the liens, this urgent problem demanded state intervention. The problem is far from solved and the City, allied with nonprofit advocates and developers, must convince the state to absorb the high cost created by its agency’s acquisition of unmarketable tax liens. While the state grant is helpful, it is not a sufficient, long-term cure.

## **State Foreclosure Reforms**

**NEW OHIO LEGISLATION** went into effect in September 2006 to provide authority to its tax collecting agencies authority to use a special summary foreclosure procedure for tax delinquencies involving permanently unoccupied property valued at less than the amount of tax impositions owed. Because of this state law, Ohio municipalities with land banks may more swiftly get vacant and abandoned lots and buildings under control and readied for redevelopment.

Ohio’s legislation builds on recent successes in Michigan with its two-track property tax foreclosure law. In 1999 Michigan adopted Public Act 123, which empowers the state or the county to commence foreclosure after only two years and a fast track of one year on abandoned property as defined by state law. The Michigan law establishes a judicial foreclosure process that results in clear title through the court’s judgment. Under the 1999 law all property lost to foreclosure is initially titled to county ownership or to the state for the counties that choose to want title. Sales of property with positive value can then be deposited into a county Land Reutilization Fund to pay the costs associated with managing the entire inventory of foreclosed land.



Tax liens held by MBBA are concentrated in Buffalo's weakest-market neighborhoods. Not surprisingly this tax lien sale to private investors compounds the city's ability to attract reinvestment and return these properties back on the tax rolls. Since only a small proportion of these properties will likely be rehabilitated, it will be a challenge to attract and keep ownership that can finance and maintain properties in what will remain for some time a weak housing market. Therefore, the City and its development partners need to design a special revitalization plan for the MBBA properties that perseveres for a number of years until the critical mass of restored properties outweighs the mass of abandoned and blighted properties. City and community leaders should continue their dialogue with MBBA and JER to explore any of the following possibilities:

- Could JER give the City these liens as a gift deed and could the City accept the deed in lieu of tax redemption? This approach might remove the mortgage and other existing liens.
- New York State law creates a default and loss of any right of redemption or interest where there is no response to a foreclosure complaint. If the statutory notice is given in the Lis Pendens Notice, could the court, upon notice of default, order the deed to the City?
- Could the Housing Court petition to process foreclosure actions requested by the City or the proposed land-bank program?

### **Green-Infrastructure Initiative**

Acquisition is only the first part of the right-sizing equation. Reuse is the second half. Any future land-banking effort will soon confront the city's surplus of housing units, infrastructure, and vacant land. As noted in the city's *Facilities and Vacant Land Management Plan*, only some surplus properties are good candidates for rehabilitation and immediate redevelopment. Buffalo will likely need to transform some abandoned properties into a network of greenways, trails, community gardens, pocket parks, and recreational open space.

Every year government invests billions of dollars in traditional types of public infrastructure (e.g., roads, railways, utilities, police and fire stations, phone and cable communication systems, etc.) to attract development and support growth. When it comes to green space why not adopt a similar approach? Buffalo's Office of Strategic Planning has already completed several important draft land-use plans that could guide such investment, including the *Buffalo Greenways Plan*, *Local Waterfront Revitalization Plan*, and *Buffalo's Olmsted Park*; and *Parkway System: A Restoration and Management Plan*. These could serve as the foundation for a more comprehensive green-infrastructure initiative.

Under the guidance of a green-infrastructure master plan, the land bank would acquire abandoned buildings and tax-delinquent properties and decommission public infrastructure in certain neighborhoods so that it more closely aligns with Buffalo's existing population and growth projections. Then the land bank could facilitate the transformation of these places into green infrastructure, perhaps by creating an urban land trust framework.

Green infrastructure can provide innumerable environmental and social benefits, increase the values of adjacent homes, and serve as a business-attraction strategy. For example, the Tennessee Riverpark in Chattanooga stimulated more than a quarter-billion dollars worth of new residential and commercial development in downtown Chattanooga ([rivercity-company.com/pdfs/media/tn\\_riverpark.pdf](http://rivercity-company.com/pdfs/media/tn_riverpark.pdf)).

### **Green Infrastructure and Green Printing**

According to the Conservation Fund ([www.conservation.org](http://www.conservation.org)), **green infrastructure is a strategically planned and locally managed network of protected green space with multiple purposes.** Green infrastructure includes a wide range of landscapes, such as natural areas (wetlands, woodlands, waterways, and wildlife habitat); public and private conservation lands (nature preserves, wildlife corridors, greenways, and parks); and public and private working lands of conservation value (forests, farms, and ranches). These landscape hubs are then linked with a network of trails and greenways.

Principles of green infrastructure also translate well for urban and suburban communities. The Trust for Public Land ([www.tpl.org](http://www.tpl.org)) employs a strategic planning process they call *green printing* that integrates these networks of open space, parks, and greenways into community land-use plans. They use state-of-the-art GIS models to inventory and analyze community data and then design maps that can guide the community's vision for growth and redevelopment along with protecting recreational opportunities, sensitive natural areas, and farmland. Beyond the mapping and planning, TPL works with communities to secure resources for land acquisition, land stewardship, and program administration.

**Green infrastructure could easily become the cornerstone initiative of Buffalo's land bank.** By following a community-driven *green print* plan, the land bank could work closely with civic leaders, residents, and property owners to identify and select neighborhoods and properties; target the tax-delinquent and seriously blighted properties; and provide incentives for voluntary acquisitions. While green infrastructure might be an interim use (20+ years) for some properties, Buffalo's weak housing and business markets mean that many of these sites will remain dedicated parks and pathways. Green-infrastructure planning enables the city to prioritize lands it would like to see remain green in perpetuity and to restore natural features of the land (i.e., daylighting buried streams, restoration of floodplains that are currently developed, reawakening industrial waterfronts as greenways and river walks).

The "greening" process will interact and overlap with efforts to address brownfields in Buffalo. For example, the City of Buffalo comprehensive plan calls for the creation of a major park on the city's east side in a 150-acre brownfield bounded by William, Bailey, and a railroad yard. Because this land does not currently meet the New York State thresholds for designated parkland, some brownfield mitigation will be called for to prepare the site.

### **Urban Land Trust Models**

Most land banks are driven by community and economic redevelopment objectives; they acquire and prepare abandoned properties for eventual rebuilding by private investors or nonprofit developers. Green infrastructure requires a different framework and investment of public funds and foundation grants. **As a special program for its new land bank, Buffalo should fully explore the dimensions of the urban or community land trust model to oversee its green-infrastructure initiative.** Such a program could incorporate the strengths of land trusts within the structure and overall management of a land bank. An urban land trust might allow the land bank to access alternative funding resources in the conservation field that could assist in the acquisition and long-term stewardship of green infrastructure. Several experts view the land trust model as an alternative mechanism to citywide land banks.

**Insights and lessons learned from these diverse land trust models could lay the foundation for similar endeavors in Buffalo.** Land trusts are local, regional, statewide, or national organizations that protect lands with natural, ecological, recreational, scenic, historic, or productive value, according to Nancy Green Leigh, writing in “Promoting More Equitable Brownfield Redevelopment” (*Land Lines*, Sep. 2000). Also known as “conservancies,” “foundations,” or “associations,” land trusts represent the fastest-growing area of the conservation movement. Approximately 1,200 land trusts already exist and roughly 50 new trusts are formed in the United States each year (*Ohio State University Extension Fact Sheet—Community Development, 1998*) (CDFS-1262-98). Land trusts have also been engaged in smart-growth strategies for protecting farmland and open space from development. A number of national organizations, such as the Land Trust Alliance and the Nature Conservancy, provide support for traditional conservation land trusts. In Western New York, the Western New York Land Conservancy in East Aurora has been working with outlying towns on open space preservation and sprawl abatement since 1991.

## From Brownfields to Parks and Habitat

**THE TRUST FOR PUBLIC LAND** also does substantial work adapting trusts for purposes of land conservation and community revitalization of urban parks and riverfronts. Established in 1972, the Trust is a national nonprofit land conservation organization that works with landowners, community groups, and national, state, and local agencies to conserve land for public enjoyment. The scope of their work encompasses working, natural, and heritage landscapes in rural and urban settings.

TPL provides conservation visioning, finance, transactions, research, and education services to help conserve land to be enjoyed publicly as parks, community gardens, and other natural places in an effort to ensure a high quality of life for residents. Since 1998, TPL has participated in numerous projects that have resulted in the transformation of brownfield sites into parks in localities across the county (*Parks for People*). Recent TPL projects, in various stages of completion, are in St. Paul, Minnesota; Seattle, Washington; and Los Angeles, California.

The Bruce Vento Nature Sanctuary in St. Paul, a former industrial rail yard near downtown, was originally known as the Lower Phalen Creek Project. The conversion process involved orchestrating various local, state, and national partners to acquire, remediate, and redevelop the site. TPL helped to negotiate and fund the conversion of the site. The project, which brought together local residents from various neighborhoods and cultures, is being viewed as a way to generate further revitalization in adjacent communities.

The Olympic Sculpture Park project in Seattle will convert nine acres from oil tanks to the largest downtown waterfront park in the city. TPL, in conjunction with the Seattle Art Museum, purchased the land to protect it from development. The park, which is under construction, will include elements reflecting the diverse Pacific Northwest natural environments.

Los Angeles’ first California state park is to be located on the site of a former rail yard adjacent to Chinatown. Community groups advocating for a public park on the site were joined by TPL, who purchased and undertook remediation of the site. The site currently features temporary art installations while designs for the new Los Angeles Historic Park are being completed.

Scenic Hudson ([www.scenichudson.org/brownfields](http://www.scenichudson.org/brownfields)), an environmental advocacy organization located in upstate New York, established a land trust to develop environmentally progressive projects for derelict riverfront sites. Since 1963, Scenic Hudson has worked with local communities, state agencies, other nonprofits, and private corporations to preserve and enhance environmental assets for public benefit. The Scenic Hudson Land Trust, the land preservation arm of Scenic Hudson, is responsible for the protection of over 20,000 acres in nine counties.

Through its preservation efforts, the trust works to reclaim and transform neglected industrial waterfront sites and revive community centers through purchase of strategic properties. Scenic Hudson partners with state and local governments, other nonprofit organizations, and community volunteers to create equal opportunities for public enjoyment of waterfront resources. Two examples of current waterfront revitalization projects are the Long Dock Beacon Project and the redevelopment of a former GM plant in Tarrytown and Sleepy Hollow. The Beacon project involves a partnership with Foss Group Beacon, an environmentally conscious developer who is proposing a green hotel and conference center on the former industrial property. The development will create a world class eco-friendly waterfront park with enhanced storm-water treatment, vegetated roofs, and geothermal heating systems. The GM project will enhance wildlife habitat and provide environmental education opportunities while reconnecting the communities to the waterfront.

Countries outside of the United States also have made extensive use of land trusts to redevelop urban lands with green infrastructure on a regional scale, including the Toronto Waterfront Regeneration Trust in Canada and the Groundwork Trust in the United Kingdom (Schilling, 1999).

## Toronto Waterfront Regeneration Trust

**ESTABLISHED IN 1992**, the Waterfront Regeneration Trust coordinates and supports a strong network of waterfront communities along the Lake Ontario shoreline. The Trust uses an ecosystem management approach to develop a healthy and sustainable waterfront, a goal established by the Lake Ontario Greenway Strategy in 1995. The Trust works with municipalities, conservation authorities, governments, community groups, landowners, and other public and private entities to integrate environmental, economic, historical, and social components in its projects. While the primary initiative of the Trust has been to create, enhance, and expand the Lake Ontario Waterfront Greenway and Trail, it has also played an active role with the International Brownfields Exchange, a forum used to bring together different players to discuss various approaches for brownfield redevelopment.

The Trust published a guide to creating a green-infrastructure system along Toronto's former industrial waterfront, *Greening Toronto's Port Lands*. The complex and interconnected nature of the contamination along the waterfront led to an areawide rather than site-by-site approach to remediation. The green-infrastructure model generated as a part of this process seeks to improve environmental quality, restore habitat, enhance recreational opportunities, and improve urban design while involving the community. The \$10.5 million project along Cherry Beach, started in 2005, is the beginning of implementing green-infrastructure plans for the Port Lands and has propelled Toronto into the forefront of sustainable city planning.

## The Pennsylvania Horticultural Society

**THE PENNSYLVANIA HORTICULTURAL SOCIETY** (PHS) through its nationally recognized program—Philadelphia Green—has redeveloped hundreds of vacant lots as pocket parks and community gardens. As part of the city of Philadelphia's Neighborhood Transformation Initiative, PHS has perfected a management model that organizes and empowers community and neighborhood groups to clean, prepare, landscape, and maintain these sites. From 1998 to 2003 Partners for Urban Resources and the Environment Erie-Niagara (PURE) completed similar community-based environmental projects, such as community gardens, tree plantings, outdoor educational spaces, water-quality improvements, and wildlife habitat. PURE continues to carry out such activity under the leadership of the Cornell Cooperative Extension Association.

Given its proximity and warm regard for Toronto, Buffalo should consider seeking strategic guidance from its Toronto counterparts in government, civic life, and the business community to assist in the design and development of a model similar to the internationally acclaimed Waterfront Regeneration Trust. Another successful model adapted from abroad is the Groundwork USA Network, a cooperative program of the National Park Service and Environmental Protection Agency to establish and support a network of independent "groundwork trusts" ([www.groundworkusa.net](http://www.groundworkusa.net)). Borrowing from the land trust model in the United Kingdom, Groundwork USA has worked with communities such as Lawrence, Massachusetts and El Paso, Texas, to create collaborative programs that redevelop river areas and neighborhoods within and adjacent to national parks. Through the EPA's Brownfields program, the NPS offers technical assistance, expertise, and targeted resources to the communities forming the local trusts and their requisite partnerships.

### ***Benefits of a Green-Infrastructure Initiative***

A land bank with a community-driven urban land trust could generate tremendous excitement among the region's residents and also serve as the basis for an effective business attraction strategy. Creating the necessary green infrastructure can improve the quality of life for residents, provide recreational opportunities, and increase the property values of adjacent homes. With an effective urban land trust, regional leaders could use green infrastructure as part of business and worker recruitment strategies.

### **Network of Neighborhood-Driven Reinvestment Plans**

Any land-banking program must be sensitive to neighborhood concerns and perceptions of the social-equity aspects of property acquisition and reuse. Over the past several years Professor John Powell from Ohio State has worked with different communities to explore the feasibility of creating land banks. Through his work with the Metropolitan Organizing Strategy Enabling Strength (MOSES) in Detroit, Powell helped design a set of operating principles to address community concerns about land banking. These principles would translate well for any land-banking effort in Buffalo.

One of the first challenges Buffalo's new land bank would confront is how to select the neighborhoods and properties for right-sizing. Neighborhood-level planning would serve

as the foundation for selecting the vacant properties slated for demolition/acquisition and for replacement with the appropriate type and scale of green infrastructure. Such neighborhood-scale plans could evolve into a network of revitalization visions that guide citywide (and perhaps even regional) reinvestment and economic development strategies. Effective community-driven neighborhood planning generally involves several important interrelated elements:

- neighborhood indicators obtained through census information, municipal records, real estate market data, and other information necessary to evaluate development potential and to identify, implement, and monitor strategies designed to take advantage of available opportunities;
- a classification or typology of neighborhoods based on a market or cluster analysis of regional and local housing markets so that revitalization plans are drawn up in accordance with opportunities and constraints associated with neighborhood, local, and regional real estate markets;

## Green Space Turns Green Profits

**A 2005 UNIVERSITY OF PENNSYLVANIA STUDY** of Philadelphia's New Kensington neighborhood found that greening vacant lots increased sale prices of homes near the lots by as much as 30 percent. Cumulatively these benefits could translate into a \$12 million gain in property value for this Philadelphia neighborhood (Wachter, 2005). University of Pennsylvania researcher Susan Wachter teamed up with Kevin Gillen to apply her New Kensington methodology to a citywide study of various Philadelphia green infrastructure and redevelopment strategies (Wachter and Gillen, Oct. 2006). They found the following public investment strategies not only enhanced the overall vitality of Philadelphia neighborhoods but increased the values to adjacent and nearby properties, based on 2004 median home price of \$82,700:

- Adjacent to stabilized and greened lot:  
17% increase in value or \$14,059
- Near a new tree planting:  
9% increase in value or \$7,443
- Near an excellent commercial corridor:  
23% increase in value or \$19,021
- Near streetscape improvements:  
28% increase in value or \$23,156
- Located within BID:  
30% increase in value or \$24,397

As both studies demonstrate, an array of strategies for greening abandoned neighborhoods has been an effective element of Philadelphia's Neighborhood Transformation Initiative. Green infrastructure also facilitates the interim use of vacant land as community green space until these properties can be eventually redeveloped.

- collaborative involvement techniques that engage government, business, institutional, residential, and community leaders in the planning process; and
- transparent selection of strategic neighborhoods and subsequent targeting of resources.

Buffalo’s Office of Strategic Planning guided an extensive community process to identify and support 11 geographic planning areas (including downtown) throughout the entire city. The *Good Neighbors Planning Alliance* empowers neighborhood groups to develop a set of locally driven plans. As part of this process the Office collected essential data about these neighborhood planning areas that could become a more robust market-cluster analysis. These plans should also inventory and track the vacant property challenges in each neighborhood. Any land-bank program should rely on and coordinate its activities consistent with these neighborhood plans.

### **Neighborhood Typology and Market-Cluster Analysis**

A classification of neighborhood types relies on market-cluster analysis involving census data, data about real estate transactions, and data from municipal records. These data are then extracted, aggregated, and evaluated. The information is mapped to characterize and rank neighborhood real estate markets in terms of their existing development potential. Information used for this purpose may include address-specific data and Census-tract or Census-block data on variables such as property values, foreclosures, aging of the population, number of rental housing units, number of vacant houses, and median sale prices.

## **Principles of Equitable Land Banking— Detroit’s MOSES Land-Bank Committee**

- Planning-driven: Land banks that benefit neighborhoods beyond short-term fiscal benefits
- Shared governance: The executive board represents a diverse group of stakeholders and oversight of the land bank’s decisions by the mayor and city council
- Local representation
- Integration with public safety programs and activities
- Promotion of environmental responsibility
- Enhancement of opportunities for parks and open spaces
- Regional integration
- Efficient land-disposition guidelines
  - Transparent systems
  - Public input on disposition
  - Conformity with neighborhood plans

This and other papers prepared by Professor John Powell can be found at the Kirwan Institute for the Study of Race & Ethnicity at Ohio State University ([www.kirwaninstitute.org](http://www.kirwaninstitute.org)).

## Philadelphia's Neighborhood Transformation Initiative

**IN PHILADELPHIA**, a citywide market-cluster analysis completed by The Reinvestment Fund (TRF—a Philadelphia-based nonprofit organization that has pioneered this approach) guided important reinvestment strategies associated with Mayor John F. Street's Neighborhood Transformation Initiative (NTI—see [www.phila.gov/nti](http://www.phila.gov/nti)). Based on TRF's analysis, NTI investment decisions included demolition and site assemblage in "reclamation" markets characterized by high vacancy and widespread blight, complemented by activities such as targeted code enforcement, vacant-house rehabilitation, and home repair/improvement financing in areas with greater market strength. TRF has completed similar analyses in Camden, New Jersey ([www.trfund.com/policy/policy.camden.htm](http://www.trfund.com/policy/policy.camden.htm)). Several municipal governments (including Baltimore and the District of Columbia) have also used this approach as a starting point for neighborhood strategic planning.

The resulting neighborhood typology shows

- strong neighborhood markets that contain areas of interest to buyers and investors with sufficient financial resources to consider any location in the region;
- weak neighborhood markets, where demolition and land assembly are key activities because the current real estate market is so weak; and
- stable or transitional neighborhood markets in which a combination of prevention, preservation, and development strategies is recommended.

Market-cluster analysis provides a broad but detailed frame of reference on the basis of data that are generally believed to be relevant to decision making in the real estate marketplace. GIS mapping of these aggregated data reveals citywide and regional patterns as well as the defining characteristics of individual neighborhoods.

Market-cluster analysis provides a "snapshot" of existing conditions, and should not be used as the sole guide to investment and development strategy. But used to support and refine neighborhood-level planning, market-cluster analysis is a powerful tool for revealing buyer trends and preferences, as well as previously unforeseen patterns and opportunities.

Many urban neighborhoods that have experienced dramatic turnarounds during the past decade were among the weakest neighborhood real estate markets in the cities where they are located. Other factors, including proximity to assets or investment, unique features of the built environment, or availability of developable property, that outweighed existing conditions as factors influencing investment and development in these turnaround neighborhoods.

### **Collaborative Neighborhood Engagement Processes**

Visioning is an essential tool of any successful neighborhood strategic planning process. Broad civic engagement processes engage community members in a dialogue about the future identity and character of a neighborhood. Through this collaborative approach,



residents and planners identify and map community assets and problems in an effort to achieve consensus on community goals and priorities, along with related development and improvement activities to be implemented over a period of years.

Civic engagement is particularly important in older urban areas, where residents and planners must broadly rethink blight removal, preservation of valued existing assets, housing density, the location and scope of retail development, and the prospects for mixed-income development. The results of such a neighborhood strategic-planning process can be documented in a comprehensive report, on a Web site, in a summary publication containing equal parts narrative and graphic illustrations, or on a map or poster.

One potential pitfall of this process is that it can create unrealistic expectations; not every community can have its own recreation center or supermarket. Although community buy-in is an essential part of strategic planning, “visioning” activities must be guided by recognition of the realities of the real estate market and the limited availability of public resources to support unique improvement projects.

### **Selecting Strategic Neighborhoods and Targeting Limited Resources**

Because the cost of addressing vacant property reclamation substantially exceeds the level of available community resources, communities must allocate resources and focus on investment opportunities that build on existing neighborhood strengths, leverage other commitments of support, and produce tangible benefits. One of the key challenges for policy makers is how to identify and select these neighborhoods. Answers to the following questions may provide criteria for this process:

- What important characteristics define this neighborhood?
- What should the neighborhood’s future identity be? What are the key characteristics of this new identity?

## **Youngstown’s Charrette on Shrinking Cities**

**YOUNGSTOWN, OHIO** has lost roughly 84,000 residents since the early 1960s. Today, with a population of only 83,000, Youngstown has more than 10,000 vacant properties, many of them single-family homes in decaying neighborhoods. Youngstown’s 2010 comprehensive plan sets out a major policy goal of shrinking the city. In the fall of 2005 the Community Design Center at Kent State/Cleveland State University, in collaboration with the City of Youngstown and the Southside Community Development Corporation, held a three-day charrette to develop ideas for Youngstown’s Oakhill neighborhood. Only 30 percent of the homes and businesses in Oakhill remain occupied, with dozens of vacant lots and derelict structures surrounding them. Teams of professors, students, and practitioners worked with local residents to create four different design visions for the neighborhood’s future. Several weeks later the charrette team returned to Youngstown to present the four schemes, along with general policy recommendations to assist in their implementation. For more information about the Community Design Center’s Shrinking Cities Institute, see [www.cudc.kent.edu/d-Service-Learning/Shrinking/charrettehome.html](http://www.cudc.kent.edu/d-Service-Learning/Shrinking/charrettehome.html).

- What will it take to advance the neighborhood from its current status to its desired future status? How should related development and improvement activities be timed?
- How do these actions, as set forth in the neighborhood plan, relate to comprehensive land-use planning or citywide revitalization plans?
- Understanding the availability of public and private resources for investment, what realistically can be accomplished during the next twelve to eighteen months? Which individuals and organizations will lead and manage which elements of these activities?
- How will resources be monitored and evaluated over the course of these programs and initiatives?

## Neighborhoods in Bloom (NIB)

**THE CITY OF RICHMOND, VIRGINIA** launched NIB to target its revitalization resources in specific neighborhoods where reinvestment was most likely to reduce crime and improve neighborhood economies. Starting in 1998, the city evaluated data to classify its neighborhoods into four broad categories based on their poverty rates, concentrations of abandoned buildings, levels of crime, and other factors. City officials coordinated a consensus-based neighborhood planning effort with assistance from the Richmond LISC office and Richmond's Neighborhood Development Network. Using these strategic plans, the mayor and the city council targeted the majority of Richmond's HOME and CDBG funds, along with other city programs and resources, to six neighborhoods, which have since seen significant reductions in crime and increases in property values and reinvestment. In 2002 and again in 2004, the mayor and city council reauthorized the six original NIB neighborhoods and included one new neighborhood (Schilling and Friedman, 2002).

A 2005 report entitled *The Impacts of Targeted Public and Nonprofit Investment on Neighborhood Development* commissioned by the Federal Reserve Bank of Richmond highlights the quantifiable benefits of the Neighborhood in Bloom program. The report was summarized in "The Ripple Effect" a publication of the Richmond LISC office. NIB's strategies for sustained leadership involvement include

- partnership development,
- housing rehabilitation and new construction,
- existing homeowner repairs,
- proactive code enforcement,
- resident empowerment,
- public safety initiatives, and
- leveraging private investment.

Crime in NIB neighborhoods has fallen 19 percent, compared with 6 percent for the city. Housing prices in targeted neighborhoods appreciate at a rate nearly 10 percent higher than that of the rest of the city. Spillover effects are indicated by a 5.3 percent increase in the values of properties adjacent to targeted neighborhoods. The most significant impacts occurred after a threshold investment of \$20,100, indicating targeted investment on a block by block basis produced more results than spreading investment more thinly throughout the neighborhood. Political will and partnerships between stakeholders such as LISC, Richmond Community Development Alliance (RCDA), and City of Richmond staff play a key role, especially in recognizing the value of this project for the entire city.

The American Planning Association (APA) and U.S. Department of Housing and Urban Development (HUD) recognized the success of the program by selecting it for the 2006 U.S. Department of Housing and Urban Development Secretary's Opportunity and Empowerment Award. This award is given annually to a project or program that positively influences quality of life for low- and moderate-income community residents.

## STRATEGY FOUR

### Greyfields and Brownfields Redevelopment

**T**he Buffalo-Niagara region contains many underperforming and vacant commercial plazas, as well as dozens of large abandoned industrial properties. Although no current inventory exists to track the precise number and location of such greyfield and brownfield sites in the Buffalo-Niagara region, local officials and residents generally know which properties pose problems and which properties present opportunities for reinvestment.

The NVPC study team focused on two aspects of commercial-industrial vacancy: 1) the suburban retail markets, which need to prevent market vacancies from evolving into chronic and long-term retail vacancy and warehousing; and 2) the brownfields programs and activities within the core industrial neighborhoods of Buffalo and Tonawanda.

During the study visit the local sponsors of the NVPC assessment sought specific guidance on the commercial retail dynamics within the first-tier suburban communities of Amherst, Tonawanda, and Cheektowaga. Residents are seeing more and more empty storefronts and long-term vacancies in strip commercial areas and former big boxes. Although routine market forces and retail practices account for some of the vacancy, local leaders are concerned that increases in market vacancies could create a self-fulfilling prophecy of economic downturns in suburban communities, and in turn lead to a preponderance of chronic “problem” properties.

Buffalo’s brownfields legacy, compounded by regional decline and suburban sprawl, does not reflect poor planning, failing environmental regulation, or political incompetence. Brownfield sites today are visible reminders of the once-vital and now transforming industrial markets that touch Buffalo and dozens of other cities throughout Upstate New York. While the City of Buffalo and Erie County have a ten-year track record of successful Brownfields redevelopment projects, few large parcels of five acres or more are currently clean and ready for redevelopment in the city. Many of the contaminated sites are located in South Buffalo, rendering the waterfront underused and unattractive. As Buffalo’s northern neighbor, Tonawanda shares many of the characteristics of Buffalo’s brownfields legacy—huge, abandoned industrial sites.

Overlapping programs and policies make the reuse of greyfields and brownfields especially challenging. One local development company recently identified nearly 100 economic development programs that clients could potentially use. Many of these state and local incentives have narrow objectives and specific requirements that inhibit innovative revitalization. Redevelopers often confront strict state environmental cleanup standards

**Robert Shibley, professor of planning and architecture and director of the Urban Design Project at the University at Buffalo, reports a 28 percent commercial vacancy rate for the entire city of Buffalo, with vacancies in many architecturally significant downtown buildings (Stromberg, Oct. 2005).**

## Coordination of Brownfields and Greyfields Redevelopment in Amherst

**WITH GRANT FUNDS** from the state, the Amherst IDA is conducting a brownfields assessment along Sheridan Drive to evaluate how brownfields redevelopment incentives could spur revitalization of this older commercial corridor. Because the area was once home to gas stations and auto dealers and repair shops, the study would address possible contamination under the now nearly vacant shopping centers and retail strips. Revitalization of the Sheridan Drive area is consistent with Amherst's recently revised master plan to redevelop older areas.

and processes. Banks and other lending institutions worry about the inherent risks of redeveloping aging buildings and properties with the perception of contamination. Many commercial lenders are also reluctant to support mixed-use projects because they do not fit the traditional retail lending portfolio. Attracting and retaining the right mix of anchoring retail and smaller businesses for major redevelopments is a precise balancing act. Some communities within the region may support a thriving retail market, others may not

When it comes to the city and the suburbs, local leaders and the commercial developers operate in separate environments and different markets. For several generations, zoning's separation of land uses has segregated industries, primarily along the waterfront in Buffalo, and sent commercial/residential uses to the surrounding suburbs. **The Buffalo-Niagara region could greatly benefit from joint strategies that streamline existing economic development programs and more closely link greyfields and brownfields redevelopment strategies across jurisdictional boundaries.**

The NVPC recommends that regional leaders, along with developers, institute a "wellness approach" to commercial and retail vacancy, using a variety of policies and programs to prevent and contain market vacancy problems. Swift intervention should be applied to neighborhood or community retail complexes before they become chronic vacant properties. The city and region should institutionalize and extend its existing approaches to brownfields and should integrate the economic redevelopment of greyfields/brownfields with the neighborhood revitalization of residential properties. Here are a few ideas to consider:

- **Inventory and map available commercial and industrial land** throughout the region, either through the new regional Real Property Information System or through a parallel system designed to interface with the RPIS;
- Streamline and coordinate **existing economic development incentives, programs, and policies** to better integrate the specific redevelopment needs of brownfields and greyfields, and to reflect current market realities;
- **Reform existing zoning and land-use plans** to facilitate commercial and industrial reuse;
- Coordinate **new commercial/retail development policies** throughout the region to focus on matching markets with redeveloped and reusable properties;

- Leverage **major institutions (e.g., universities, hospitals, and schools) as anchors for redevelopment** and revitalization;
- Enhance **partnerships and incentives** to facilitate rehabilitation and adaptive reuse; and
- Enhance existing **brownfields programming with a land-banking component**, either as part of the proposed land bank authority in Strategy Three or as a separate but complementary entity.

### **Buffalo's Existing Community and Economic Revitalization Projects**

Buffalo features many examples of successful site revitalization and redevelopment, such as the Buffalo Lakeside Commerce Park and the South Buffalo Brownfields Opportunity Area. The Buffalo-Niagara Enterprise, the Buffalo Economic Renaissance Corporation (BERC), and the area's Industrial Development Agencies (IDAs) provide a wide range of incentives to retain and attract businesses and facilitate redevelopment projects. Moreover, efforts by the Good Neighbors Planning Alliance and the recently adopted *Queen City Comprehensive Plan* and its *Facilities and Vacant Land Management Plan* provide a solid framework for future reinvestment within the city.

Ongoing regional efforts at community revitalization, business development, and job creation remain slow and inconsistent. Buffalo's new Director of Economic Development Richard Tobe recently remarked that only one "shovel-ready" site of more than 20 acres currently existed within the city. Redevelopment happens opportunistically on a project-by-project basis. Several economic development practitioners and private developers mentioned that Buffalo-Niagara often misses opportunities to retain existing or attract new companies because the region lacks a systematic or coordinated approach to preparing land. Neither Buffalo nor Erie County has a single-purpose entity that can strategically obtain and hold land for future redevelopment, in accord with neighborhood needs and regional markets (See Strategy Four for recommendations on how to strengthen city and county brownfield redevelopment).

Redevelopment activity that waits for investors and nonprofits to appear before land is acquired and cleared will not work well over the long term. Not only does such a reactive stance impose a burden and cost on any potential project, it involves uncertainty about project timing and legal implications. The recent U.S. Supreme Court decision in the *Kelo* case suggests that municipalities seriously consider adopting a redevelopment plan in advance of exercising the powers of eminent domain.

Even for relatively modest residential redevelopment, communities must still assemble and reparcel multiple, small properties consistent with contemporary development and housing market demand. Residential projects may also call for revised subdivision or rezoning, time-consuming processes that are best addressed prior to development.

Land assembly for reuse that is consistent with neighborhood reinvestment plans should become part of any successful revitalization initiative, whether commercial or residential, and must precede the appearance of developer proposals.

### **Snapshot of the Region's Suburban Retail Markets**

The suburbs of Buffalo have a diversity of retail styles, from traditional Main Street and village centers to malls, strip centers, "Big Boxes," a power center, and other conventional

commercial corridor structures. In March 2006 Benderson Development proposed the region's first "lifestyle center" for a 30-acre parcel at Maple Road and Millersport Highway in Amherst, near a suburban campus of the University at Buffalo.

Commercial vacancy seems to be prevalent in the suburbs. **Many commercial vacancies in Amherst, Tonawanda, and Cheektowaga appear to be driven by market conditions and standard retail industry practices.** The level and type of vacancy vary among these three first-tier suburban communities. Area vacancy appeared consistent with overall market vacancy as described by local professionals. Within Amherst many shopping centers were fully leased during the study visit in November 2005; a few had vacant bays or boxes. The vacant Service Merchandise on Maple Road was sold in early 2006 after being vacant for a couple of years. Tonawanda has less mall-style development than Amherst and less strip-plaza development compared with Amherst or Cheektowaga. Tonawanda's big retail challenges are shared with Amherst primarily along its border on Niagara Falls Boulevard.

Vacancy alone in an otherwise well-leased shopping center or area does not indicate abandonment or neglect, as measured by the NVPC's definition of vacant properties. However, community leaders and residents perceive that vacant greyfields significantly hamper their ability to attract new businesses or facilitate redevelopment of these older commercial corridors.

The Amherst retail market has a large share of retail property owned and leased by large national real estate firms and well-known local and regional interests. Through leasing and management signs, the study team identified the presence of several prominent national retail owners such as Benderson Development and Developers Diversified Realty (DDR). These two firms are also the dominant retail owners in the greater Buffalo market, including Amherst. Local developers and officials estimate that Benderson and DDR may control as much as 70 percent of the total Amherst retail market.

Several national retail property owners are taking steps to upgrade existing properties to maximize their property values. For example, an out parcel at a Benderson shop-

## The Rise of Lifestyle Centers

**ACCORDING TO A RECENT ARTICLE** on *Buffalo Rising Online*, "lifestyle centers are one of the biggest trends in retailing today. According to the International Council of Shopping Centers ... a lifestyle center is most often located near affluent residential neighborhoods, and caters to the retail needs and "lifestyle" pursuits of consumers in its trading area. It has an open-air configuration and typically includes 150,000 to 500,000 square feet of retail space occupied by upscale national chain specialty stores. Other elements differentiate the lifestyle center in its role as a multi-purpose leisure-time destination including restaurants, entertainment, and amenities such as fountains and parks. Many are designed as a 'Main Street' with nostalgic building facades, including residences above stores, office space and even hotels."  
([www.buffalorising.com/city/archives/2006/03/urban\\_mirage\\_proposed\\_for.php](http://www.buffalorising.com/city/archives/2006/03/urban_mirage_proposed_for.php))

ping center had a new and high-end looking car wash. North Town, an older shopping mall in Amherst under local ownership, was able to re-tenant a vacant department store with a furniture outlet (Value City) and office space. Sheridan Center, along Sheridan Drive at Bailey, was in the process of emptying out a vacant grocery store for the purposes of enticing Wal-Mart to redevelop the entire property. The Thruway Mall and Seneca Mall brought in “big-box” tenants and Benderson was able to introduce a “power center” into the market by bringing in a Lowes Home Improvement store. The power center property, unfortunately, sat empty for a long period of time as community concerns about the vacancy of the site could have undermined the project’s success or efforts to lease nearby sites.

Most retail properties within Amherst seem to be doing fine. Several properties had new or existing national retailers and specialty stores, such as Lowe’s, Target, Wegman’s Supermarket, JC Penney, Kaufman’s (recently purchased by Macy’s), Sears, Home Depot, etc. These national retailers are leaders in their niche and offer quality goods at price points reflective of the Amherst demographic. The Walden Galleria (the regional enclosed shopping mall) did have upscale retailers such as The Gap, Banana Republic, Abercrombie & Fitch, and Ann Taylor. **For Amherst and the region, the presence of these and other national tenants is a general sign of good health and continued demand for retail property.**

## Who are Benderson and DDR?

**BENDERSON DEVELOPMENT** is one of the largest privately owned companies in North America, operating in over 35 states, and has received recognition from the retail industry community for excellence in property management. Formerly headquartered in Buffalo, NY, and now residing in University Park, Florida, Benderson is an established leader in retail and power center development and one of the largest strip center developers in the nation. An expert in shopping center development, the company owns and operates more than 250 properties nationwide. In addition to the over 25 million square feet of retail space, Benderson also owns and manages office buildings, industrial parks, residential communities, hotels, and self storage facilities.

Developers Diversified Realty Corporation (DDR) owns and manages approximately 500 retail properties encompassing nearly 114 million square feet of real estate. This self-administered and self-managed real estate investment trust (REIT) acquires, develops, leases, and manages shopping centers in 44 states and Puerto Rico. DDR’s largest tenants include Wal-Mart, Tops, and PetSmart.

Since the relocation of its headquarters from Buffalo, many local officials perceive that Benderson has been not very responsive to community concerns about long-term market vacancies at several of its properties. In June 2006 Cheektowaga delayed a Benderson rezoning request for a redevelopment of the old Brand Names store into a retail plaza. City council members were reluctant to change the zoning because Benderson already owns a number of vacant retail sites in the town. (O’Brien, *Buffalo News* June 6, 2006). Moreover, DDR’s web site states a clear preference for greenfields development as it ensures investors get a higher rate of return compared with revitalization. Perhaps the time is ideal for regional leaders to sit down with the CEOs for both companies to explore ways of working collaboratively on commercial corridor redevelopment.



In 2001 the Maryland Department of Planning defined big-box retail, also known as superstores, as “large, industrial-style buildings or stores with footprints that generally range from 20,000 square feet to 200,000 square feet. While most big-boxes operate as a single-story structure, they typically have a three-story mass that stands more than 30 feet tall.... These typically no-frill stores seek to attract customers with the low prices and/or large selection possible with large floor space and high volume sales.” In May 2005, the California Court of Appeals refined a 1999 definition by the state legislature, identifying “big-box retail” as stores occupying more than 75,000 square feet and relying on walk-in buyers for much of their business. The prevalence of deep discounts and price-slashing among the major big-box retailers—which pressures smaller competitors in similar categories to the point of going out of business—has also earned these stores the nickname “category killers.”

“Power centers” are conglomerations of superstores in parcels of 250,000 to 750,000 square feet (Columbia University, “Big Box Retail,” 2001).

Despite the overall stability of the retail market in Amherst (and to lesser degrees in Cheektowaga and Tonawanda), local redevelopment officials and a few commercial developers believe that current conditions could easily change and prolong these market vacancies, leading to chronic vacancies. Even within the town and village of Kenmore the old main street retail core seems uneven and inconsistent—not the best sign of a vibrant retail market.

Many of the region’s suburban plazas and strip malls were built between the 1950s and 1970s. As these buildings become older, obsolete, and less attractive, they could continue to lose economic value and eventually become chronic vacant properties that pose public nuisances.

### ***The Question of Over-Leasing***

The study team heard divergent views on whether the region retail market was over-leased. A few local business and redevelopment experts felt the existing regional retail market, particularly in Amherst, was fine. **A growing number of local officials and commercial redevelopers raised concerns that as new development moves further out, over-retailing will eventually become apparent and commonplace.** Regardless of the market conditions today, regional leaders would be wise to explore retail trends and perhaps commission a commercial build-out analysis.

Local officials pointed to the Walden Galleria in Cheektowaga as it expands and contracts, with various tenants competing against many other retail centers in close proximity. These adjacent plazas also have lots of shifts in retail tenants, as well as conspicuous vacancies (e.g., a former Dick’s Sporting Goods store across from the Galleria has been a large empty

lot for a couple of years). The Galleria is a success story compared with the Thruway Mall, less than one mile away and also in Cheektowaga, which lost its competitive edge to the Galleria some 20 years ago. The Thruway Mall was partially demolished and converted to a power center, with a Wal-Mart, Home Depot, and Value City.

In these and in other cases, the question is not whether these fluctuations reflect over-retailing or normal, expected market turns. **The question, from the perspective of the NVPC team, is whether these suburban markets are strong enough to reabsorb and repurpose the older retail sites in which vacancies are growing.**

### ***Sprawl and Population Shifts***

Local officials worry that as townships on the region's fringe build new commercial plazas and recruit big box retail, it will become more and more difficult to fully lease older strip plazas within Amherst. In fact, Northtown Plaza, while fairly well leased-up is quickly becoming a haven for "dollar stores" as its more prestigious retail tenants leave the region once their leases expire and head to Clarence. Amherst has other plazas that exhibit similar warning signs.

One of the relatively constant market conditions for the Buffalo-Niagara region is its slow and consistent population decline and increasing numbers of elderly residents on fixed incomes. Both changes will no doubt have more impact on the region's retail markets. Amherst, with its modest population increase of 1.1 percent, may be a small exception.

### ***A Wellness Approach to the Region's Commercial Vacancy***

Because the level and location of commercial retail vacancy varies within the suburbs surrounding Buffalo, no single prescriptive strategy will resolve the vacant property issues. Regional and local leaders, developers, and the retail/commercial property owners and managers should devise a holistic "wellness" strategy that gathers critical market data and then uses that information as the foundation for a collaborative vision for regional reinvestment.

Amherst seems to enjoy a relatively stable retail market when compared with Tonawanda and Cheektowaga. But for all these communities and their nearby neighbors in the "first-tier" or inner ring around Buffalo, market vacancies can easily become entrenched, leading to blight and neglected vacant properties, especially as developers create major retail and residential areas in newer suburbs and formerly rural exurbs. The NVPC has seen such subtle, gradual declines accelerate in other first-tier communities across the country, communities at the proverbial tipping point. Local leaders can take positive steps today to ensure that market conditions in Buffalo's established suburbs tip toward the positive.

### ***Inventory and Map Available Commercial and Industrial Land Throughout the Region***

Local leaders should jointly commission a regional inventory of all commercial and industrial zoned properties, for use as a long-range planning tool. Under the guidance or management of the Institute at the University at Buffalo, perhaps such a study project could be one of the first collaborative activities under the *Framework for Regional Growth* or the Regional Real Property Information System. This step will essentially answer the question

about whether a surplus of commercial properties exists in the region, specifically within the first-tier communities of Amherst, Cheektowaga, Tonawanda, and others. Such a comprehensive inventory could provide the private and public sectors with the data they need to implement policies consistent with existing and projected commercial markets.

The inventory should include not only retail, but office and industrial properties, and should classify the current conditions and uses. The inventory could map performance indicators, zoning of the site, age and physical condition of structures, and traits that support adaptive reuse. Results from this inventory should be translated into a typology and GIS map of commercial land that identifies potential sites and commercial corridors for revitalization. Armed with this critical information, local officials could then sit down with national and local commercial development firms to integrate current market data and projected trends for retail and office development. Such a public-private partnership would ensure that commercial markets within the entire region have a healthy baseline instead of pitting older communities against new.

The Buffalo-Niagara's brownfields team also needs a current inventory of shovel-ready sites as well as vacant properties that have redevelopment potential (e.g., they are not yet shovel ready). Using funds from a series of U.S. EPA brownfields assessment grants, the team did prepare a detailed list of 170 potential brownfields sites, but these properties would still need a Phase I assessment and likely remediation to become shovel ready. The Industrial Real Estate Council created a pro bono commercial real estate database. **Perhaps the Council and the Brownfields Team, along with the BNE, could design and maintain such a database so that policymakers and prospective businesses can easily search for potential brownfields AND greyfields redevelopment sites.** Perhaps funding for the web site could come from advertisements from regional businesses.

### ***Streamline and Coordinate Existing Economic Development Incentives, Programs, and Entities***

For the past 30 years New York legislators and governors, along with agency directors, have adopted dozens of economic programs to reinvigorate the state's ailing manufacturing and business sectors. By layering multiple laws and policies on existing ones, New York has weaved an incomprehensible patchwork of inconsistent goals and duplicative incentives.

Many of these programs are administered by industrial development authorities (IDAs) chartered by the local governments. Within Buffalo-Niagara Region there are six IDAs (Amherst, Clarence, Concord, Erie County, Lancaster, and Hamburg). **IDAs are essentially creatures of the industrial economy designed to address traditional attraction and retention of industrial and economic redevelopment projects.** Existing state laws and local charters restrict IDAs from providing incentives for commercial and residential projects—the mixture of uses that lies at the very foundation of new urbanism and smart growth. IDAs as they currently exist cannot comprehensively address the revitalization of region's ailing commercial corridors.

In 2005 Erie County IDA adopted a new policy that lists the types of projects eligible for assistance based on U.S. Census Bureau industry codes. It limits assistance for new hotel projects and associated service businesses. They continue to debate the applications of these policies to projects that include housing and office buildings—typically not the type of industrial development IDAs were designed to address. ECIDA is also studying

the impact of offering incentives to “spec” office buildings (constructed without having any signed tenants) as a potential job creation strategy. IDA officials estimate they have funded 10 multi-tenant facilities over the past five years, adding 730,000 sq. feet of office space to the market. The vacancy rate for multi-tenant industrial space is 8.5 percent and 5.5 percent for commercial space, which are below national averages.

In 2002 the IDAs within the Buffalo-Niagara region adopted a countywide IDA Eligibility Policy to guide the provision of financial assistance under New York Municipal Law for proposed projects within Erie County. Over the course of the past five years the IDAs have loosely followed the countywide IDA policy. Questions and interpretations have arisen about retail and housing projects that IDAs have supported that were inconsistent with these original guidelines. In June 2005 an IDA Policy Task Force proposed clarifications of the countywide policy to address some of the concerns regarding the support for hotels, retail, and mixed-use developments.

Despite these attempts to coordinate, regional leaders, public officials, and economic development practitioners have recently debated the potential merger of the Amherst IDA with Erie County IDA. In August 2006, the Amherst Town Board voted to request state enabling legislation allowing for the merger of the Amherst IDA and ECIDA (Robinson, “A New Push to Merge Areas IDAs,” August 13, 2006). Arguments that the current structure has allowed for and utilizes regional cooperation among the six IDAs, debate continues on the positive aspects of merging all IDAs. Instead of asking how many IDAs should exist, perhaps the real question is how the region should reorganize its economic development efforts to better compete in the information/knowledge economy. It seems that IDAs struggle to work in a world for which they were not designed.

No doubt the multiplicity of programs and IDAs fosters competition among these local jurisdictions, especially given the limited opportunities for attracting new industry and business. The proposed *Erie-Niagara Framework for Regional Growth* might provide the impetus to form a new regional approach or perhaps even a new regional economic development entity that replaces the multiple IDAs. **As a first step the NVPC team suggests creating a Regional Economic Development Coordinating Council (REDC) that includes the leaders from the local IDAs along with representative from the local governments and the regional business/industry councils and organizations (e.g., the Buffalo-Niagara Enterprise).** Having a regular forum that identify issues and opportunities for collaboration will foster stronger partnerships and regional coordination. Perhaps the leaders of the Coordinating Council might act more as a mediator or arbiter of economic development competition. The Council could establish ground rules that facilitate regional coordination and regional equity so that it minimizes the potential for conflict. Such an approach could easily become an asset that attracts industry and business to the region.

### **Reform Existing Zoning and Land-Use Plans to Facilitate Commercial and Industrial Reuse**

Existing zoning codes often make it difficult to transform old commercial/retail sites into vibrant mixed use developments—the type of place that attracts young workers and innovative businesses. In May 2006 the town of Amherst adopted a new “form-based” zoning code that should make it easier for owners of strip plazas to redevelop their properties with residences, greater densities, a mixture of uses, and site designs that are more pedestrian friendly. The code is available online through the town’s web site at [www.amherst.ny.us](http://www.amherst.ny.us).

The new Amherst code allows form-based overlays, incentive zoning, shared parking, and other solutions to land use in older commercial corridors. One of the rationales for the new code was to encourage redevelopment BEFORE the long-term market vacancies become true greyfields. Tonawanda, Cheektowaga, and other first-tier towns should follow Amherst's lead by revising their zoning codes to promote infill development and adaptive reuse of these old commercial plazas with their abundant oversupply of surface parking. These would also aid in promoting street-to-boulevard reconfiguration, which can help new development models that work under a form-based code (FBC). The FBC should also call for housing and mixed development so that people and commercial uses could benefit from area proximity. Downtown Kendall in Miami, Florida, successfully used form-based codes as a revitalization strategy of its declining strip commercial areas.

A potential test site for the new code is Amherst's Northtown shopping plaza, which has already received attention through a Spring 2006 design studio sponsored by the Amherst IDA. Further efforts to apply form-based zoning and draw up plans for reviving the mall could be part of the Living Laboratory discussed in Leadership Action Four of this Action Plan.

Another potential area for Living Laboratory applications is exploring how new codes and policies for commercial development in suburban markets can encourage and support housing to promote "24/7" neighborhoods. As the commercial vacancy problem grows, mixed-use zoning would definitely ease the transition from excess land or vacant property to prime redevelopment opportunities. New housing close to remaining retail would help stabilize the businesses that remain.

### **Coordinate New Commercial/Retail Development Policies Throughout the Region**

Local experts and practitioners agree that new development within the region is marching north and east at a steady pace—these commercial corridors will be getting the bulk of the new large retail development. No doubt the development is encouraged by a suite of incentives as local towns lure new businesses away from Buffalo and its core communities. Such policies and practices work against the essential message of policies to strengthen and direct development towards existing centers. Without a coordinated policy across jurisdictional boundaries, the current structure facilitates competition and not strate-

## **Form-Based Codes**

**FORM-BASED CODES (FBC)** seek to better address the connection between the built environment and public space than traditional zoning codes. FBC utilizes design and its influence on the physical form and layout of buildings in relation to the public space to address some of the concerns raised in the sprawl debate. The complications arising from completely replacing existing zoning codes with those developed on FBC principles often lead communities to adopt FBC overlays, which allow the new principles to be applied in designated areas.

Source: Schilling, Joseph "Creating a Regulatory Blueprint for Healthy Community Design" International City/County Management Association. August 2005

gic collaboration. New policies could help protect the existing places as viable areas for redevelopment.

**Local officials, with support from the local development community and the University at Buffalo's School of Architecture, should consider a regional forum that includes regular meetings to identify challenges and opportunities, and begin developing new policies for the revitalization of commercial corridors (e.g., Buffalo and the first-tier suburban communities).** Partners for a Livable Western New York could act as conveners/managers of the commercial revitalization forum, with participation from the New Millennium Group of Western New York and local and national chapters of Congress for the New Urbanism, National Association of Industrial and Office Properties, American Planning Association, and International Council of Shopping Centers. The outcome should be a written set of principles and perhaps even design guidelines for regional and local redevelopment authorities to follow.

Amherst, Cheektowaga, and Tonawanda also need a way to engage property owners and commercial developers in constructive discussions about the impact and possible solutions for reinvigorating these underperforming and vacant commercial properties. Many communities have effectively used BIDs to galvanize businesses behind a collaborative revitalization plan. Given its long-standing roots in Buffalo, Benderson Development might step in to support the formation of one or two BIDs. Beyond the benefits of collaborative problems solving, BIDs can also provide potential development incentives and help level the playing field with exurban locations. Recent research by from the Wharton School at the University of Pennsylvania confirms that home values within Philadelphia BID were 30% higher than comparables homes not located in a BID (Wachter and Gillen, 2006).

### **Leverage Major Institutions as Redevelopment Anchors**

Many greyfield sites, with their expansive parking lots and simple concrete construction, present ideal opportunities for redevelopment as mixed-use neighborhoods. More and more communities, such as Muskegon, Michigan, have torn down ailing shopping malls, reconstructed the original grid street pattern, and are rebuilding traditional neighborhoods with a blend of commercial and residential uses. Buffalo has a few similar revitalization examples, such as the initial downtown redevelopment of the University at Buffalo Life Science Centers and the transformation of the former Buffalo Electric Vehicle Co. building into Art Space Buffalo. The outstanding challenge is to how to transfer the momentum from these isolated projects into a successful regional revitalization strategy.

One strategy is to leverage academic and health care institutions as catalysts for transforming decaying commercial centers and neighborhoods. Academic and health care institutions serve as anchors for the neighborhoods where they are located, and they can play important roles in stimulating investment and development in these areas. In light of the number of institutions located in the region, and their status as major employers and owners of real estate, these entities could serve as the centerpieces of a regional reinvestment strategy.

The Buffalo-Niagara region, like many metropolitan regions in the Northeast and Midwest, became a population and business center during the nineteenth and early twentieth centuries. Because of the rapid growth of the nation's manufacturing sector, this region was considered an excellent place to establish and expand colleges, universities, hospitals,

and research centers. These academic and health care institutions developed their facilities outside the business districts of central cities, in nearby neighborhoods, or in relatively unpopulated areas where residential communities subsequently grew up around the institutional campus. As major employers and property owners, these institutions helped define the regional environment and the identities of the neighborhoods and municipalities where they are located.

While the decades-long trend of population decline and job loss in older metropolitan areas would be a major concern to any business enterprise, Buffalo-Niagara's academic and health care institutions have a greater stake in the region's future because most of them, unlike many private businesses, do not have the ability to move elsewhere. Thus, it is in their best interests to actively promote economic revitalization in the region.

In collaboration with area wide nonprofit organizations (e.g., LISC and local CDCs), the City of Buffalo, Erie County, the Buffalo-Niagara Enterprise, local universities (University at Buffalo and Canisius College), banks, adjacent neighborhood groups, and health care institutions have already begun several redevelopment initiatives in the region:

- The St. John Fruitbelt neighborhood revitalization project is building new housing to compliment investments in the Buffalo-Niagara Medical Campus. Plans call for rental and owner-occupied housing, neighborhood commercial outlets and a Hospice facility.
- Bethel AME's Church's community development corporation has been building new housing and commercial space further north and near the Canisius College campus, where significant new development is taking place.

Local efforts can be guided by the experiences of institutions in other cities that have led or participated in a variety of vacant-land reclamation and development activities and housing-preservation initiatives. For example, the West Philadelphia Initiative, launched in the mid 1990s, is a very ambitious redevelopment project led by the University of Pennsylvania.

Although academic and health care institutions in the Buffalo-Niagara region might not have the resources to adopt an approach as wide-ranging and capital-intensive as the University of Pennsylvania's (see box next page), similar strategies and interventions should be considered for possible refinement and replication in the Buffalo-Niagara region. A critical ingredient to the success of the West Philadelphia Initiatives was the leadership provided by senior administration rather than by a community affairs officer or by faculty and students engaged in community-service activities. Even in locations where an institution is not playing a direct development role, the stability of the institutional campus can make it an important element of neighborhood strategic plans based on a principle of "building from strength."

Similar anchoring strategies for local universities and hospitals could also extend to public and private schools (K-12). Successful neighborhood schools can serve as catalysts for community revitalization and economic development. Several cities across the nation are leveraging high-school reform as a way to engage neighborhoods and municipal leaders. As Elliot Washor, cofounder of the Big Picture Company ([www.bigpicture.org](http://www.bigpicture.org)) recently said, "We believe that it takes a whole city to reform high schools and to build the necessary structures for learning. Only by establishing true community learning places can

cities restore to high schools and their students a sense of place.” A March 2005 article in the *National League of Cities Weekly* focused on this critical connection (“Successful Schools Can Contribute to Community Revitalization,” March 24, 2005).

**The City of Buffalo should strengthen the community planning link to the 10-year, \$1 billion project to rehabilitate and modernize the city’s 70 public schools.** In 2002 city and school officials formed the Buffalo Joint Schools Construction Board to undertake the school rehabilitation effort. The Board is comprised of the Mayor’s office, city council members, and members of the Buffalo School Board. Although the Joint Schools Construction project has called for a concerted neighborhood revitalization effort as part of the reconstruction of Buffalo’s school buildings, very little has happened to date as the project enters its third phase. Although there is confusion about the relative roles of the City, Board of Education, and contractor, an explicit focus on school facilities for neighborhood revitalization and market creation in residential areas represents an important step forward.

### **Enhance Partnerships and Streamline Existing Brownfields Incentives and Programs**

Successful brownfields redevelopment demands the close coordination of multiple agencies, technical experts, and community stakeholders. Building on early successes, Buffalo and Erie County now have exceptionally qualified and experienced staff leading their brownfields redevelopment team. Core team members include the Erie County Industrial Development Agency, Erie County Planning, Buffalo’s Office of Strategic Planning, and Buffalo’s Office of Environmental Services. The team works informally across

## **The West Revitalization Initiative— University of Pennsylvania as Developer**

The University of Pennsylvania’s trustees, the university’s president, and its senior administrators have taken the lead in a series of local redevelopment activities. Penn participated in the creation of a special services district (funded by grants from institutions and foundations, not by a property tax assessment) to help make the neighborhood adjacent to the university “clean and safe.” The university has also promoted a targeted, employer-assisted housing program that included an incentive for university employees to buy homes in nearby neighborhoods, as well as matching grants to encourage employees who currently own homes in these neighborhoods to undertake exterior-improvement projects.

Penn is also developing new retail facilities on vacant or underused land, with priority consideration given to retail services that appeal to neighborhood residents as well to students and faculty (e.g., supermarkets, movie theaters, and bookstores). The university is acquiring and rehabilitating vacant single-family houses for subsequent sale to home buyers; and acquiring, rehabilitating, and managing vacant or deteriorated apartment buildings.

Penn has also collaborated with the school district and teachers’ union to develop a new, high-quality public elementary school in a neighborhood adjacent to the University of Pennsylvania’s campus (Kromer and Kerman, 2004),



## Dayton's Neighborhood School Centers Project

Dayton and Montgomery County, Ohio, together with the Dayton School Board, have begun to revitalize six area elementary and middle schools as neighborhood centers. With support from the Dayton Foundation (a \$365,000 planning grant), the Raymond Fitz Center for Leadership at the University of Dayton is leading the current strategic planning effort. The goal is to launch a wide range of community activities and programs along with the physical renovations of these six pilot schools by the fall of 2006. Dayton's public schools are already spending hundreds of millions of dollars to remodel their buildings after approval of a bond issue in 2004, so why not design these schools to serve as centers for neighborhood services as well? Each school will offer a menu of recreation and medical and social services, depending on the neighborhood's needs. The *Dayton Daily News* editorial on January 15, 2005, remarked, "By turning its schools into genuine community centers, Dayton's schools are trying to make precious resources go further. The model they're creating shouldn't just apply to schools."

The Fitz Center designed and facilitated a collaborative process for selecting the schools and encouraging ownership in the project by executive-level officials from the city, county, and school district. The six pilot schools represent different locations, with diverse institutional partners in neighborhoods with histories of active associations. School officials talked directly with adjacent neighborhoods and individual school staff along with prospective social and recreational service providers. They also met with principals and potential partners, created an oversight council, and coordinated media relations. For more information see [clc.udayton.edu](http://clc.udayton.edu).

departments, coordinates among local governments, and partners with the New York State DEQ. As they see it, their mission is to identify high impact sites (1,200 acres or more of contiguous land) within Buffalo that are prime for redevelopment.

### *Erie-Buffalo County Brownfields Projects*

Buffalo's brownfields redevelopment projects range from the William Gaiter Parkway (a former abandoned railroad line that community groups transformed into a linear park) to the Lakeside Industrial Park. Each of these projects successfully integrated city, county, state and federal brownfield resources and entities. The challenge is taking these individual projects to scale so they serve as catalysts for citywide and regional revitalization.

- National Fuel Site: Brownfields redevelopment happening right behind city hall as they prepare the site for a Blue Cross—Blue Shield offices that are currently located in smaller quarters three miles north of downtown. Regional economic development leaders and local officials were extremely pleased with their ability to attract Blue Cross—Blue Shield downtown. The site is located within a NY State Enterprise Zone that allows a property tax abatement over a period of roughly 14 years. Initially NYDEC was willing to link the level of cleanup to the commercial reuse of the property, but legislators and leaders from NY City voiced concerns that such flexibility with cleanup standards might set a bad precedent statewide. Finally, local leaders were able to make their case and NYDEC proceeded with the more flexible cleanup standards.
- Robins Steel Plant in Tonawanda: Using CDBG funds and brownfields grants the city commissioned a creative industrial property study that will transform the site from

industrial to residential and mixed use. The plan will include waterfront zoning that remains consistent with the comprehensive plan for the western sector of town.

- **Union Ship Canal/ Buffalo Lakeside Commerce Park (BLCP):** For the current Erie-Buffalo County brownfields team, the BLCP site represents more than 8 years of hard work. The team leveraged multiple resources from federal and state agencies as well as take title to the property by filing a legal action to foreclose on delinquent property taxes. EPA Region two awarded a \$200,000 clean grant to Development Downtown, Inc. under the supervision of the City of Buffalo to fund the actual cleanup of 13,888 cubic yards of petroleum contaminated soils. Getting the entire 225-acre site “shovel ready” for private investors required the Erie-Buffalo County Brownfields Team to partner with the Buffalo Economic Renaissance Corporation, ReBuild Now, the U.S. Army Corps of Engineers and also creatively tap funds from the state Clean Air/ Clean Water Bond Fund.

#### *New York State Brownfields Programs, Policies and Grants*

New York State law provides some of the most attractive BFs incentives in the nation. New York State Department of Environmental Conservation (NYDEC) manages a portfolio of brownfields programs that support assessment and cleanup—especially the Brownfields Cleanup Program (BCP) with its generous tax credits and the Brownfields Opportunity Areas (BOAs). Local government staff and private developers, however, have found it difficult to access and easily apply these numerous brownfields incentives to specific projects within the Buffalo-Niagara region. For more information, see [www.dec.state.ny.us/web-site/der/bfield/](http://www.dec.state.ny.us/web-site/der/bfield/).

**Brownfields Cleanup Program:** Once NYDEC approves a site owner’s application to enter the BCP, the owner must meet all conditions and guidelines for conducting the site assessment and all cleanup activities. If they adhere to those conditions, NYDEC can issue a letter that limits the owners’ legal liability as well as make the owner eligible for a suite of tax credits (brownfields redevelopment, real property and environmental insurance).

## **Toledo’s Comprehensive Neighborhood Redevelopment Strategy**

Like many Great Lakes cities, Toledo has a strong brownfields program that successfully redeveloped several large industrial and commercial sites (e.g., Owens Corning World Headquarters, Daimler Chrysler Assembly Plant, Marina District and Docks restaurant complex at International Park). Toledo worked closely with its Port Authority, community groups, and teams of local environmental consultants. Through a 2003 Smart Growth grant from U.S. EPA, Toledo and the Port Authority are now working on an area wide strategy (Brownfields Impact Area) that will focus on revitalizing central city neighborhoods by linking brownfields redevelopment resources with a comprehensive K-12 school rebuilding program called *Build for Success* (Toledo voters approved additional property tax levies to raise approximately \$818 millions for school rehabilitation). The three-year EPA grant will support the development of a Smart Growth Ranking Systems and Community Involvement Action Plan aimed at furthering Smart Growth principles through urban neighborhood revitalization.

Many of the state's redevelopment tax credits begin to accrue when the site formally enters the BCP and the owner and NYDEC sign a formal BFs Cleanup Agreement. The tax credits range from 10 to 22 percent of the total cost of all site investigation and remedial costs, the development or redevelopment of the property (including buildings and structural components) and on-site groundwater remediation. Nearly the entire city of Buffalo satisfies the criteria of the environmental opportunity zones making it possible for taxpayers to receive 18-22 percent tax credit on all remediation and property development expenditures.

The BCP is still a relatively young program, but has great potential given its generous tax credits. One of the recent challenges is the state did not provide sufficient funds to meet the initial demand from developers for the tax credits. Moreover, developers still shy away from having to navigate the NYDEC process as they still perceive that NYDEC staff have more of an enforcement culture (polluter must pay)—which makes it hard for them to take on the role of facilitating redevelopment

**Brownfields Opportunity Area (BOA):** Another relatively new program (BOA was launched in 2003) the state awards planning grants to local governments and/or community organizations to tackle neighborhoods and perhaps even regions with multiple brownfield sites. Grants can cover a maximum of 90 percent of the planning costs for pre-nomination studies, and site assessments (limit of \$1 million per grant). According to environmental justice and community advocates, “[BOA] funds from the first round of 2004 grant awards are only now being processed. Announcements of the 2005 grants are still hostage to budget decisions in Albany. No resources have yet been dedicated to implement these community visions, nor are any grants, loans, or tax credits are being made available to encourage private property owners to participate. Changes in the law and improvements to the program are necessary for community-based revitalization. This is particular true in upstate cities that lack a strong tradition of community organization ready to function as developers and planners.” (Kass and Stanislaus, June 2006).

### *Challenges*

Several major challenges exist to better-coordinated Erie-Buffalo's brownfields redevelopment programs and resources: lack of “shovel-ready” sites, rigid clean-up policies, lack of strategies for small sites, and fiscal challenges.

**Without sufficient funds and staff resources, Erie-Buffalo's Brownfields Team reacts to developer interest instead of having an inventory of shovel ready redevelopment sites.** Such a reactive approach puts Erie-Buffalo County at a serious competitive disadvantage in larger brownfields redevelopment market. Strategic redevelopment of Buffalo's brownfields must include the assembly of larger parcels either contiguously or packaged together and the creative targeting and leveraging of available state brownfields funds and remediating brownfields prior to developer interest. Buffalo has assembled some properties within certain strategic areas (South Buffalo) and the foreclosure on demolition liens have worked with mixed success as the city acquires the property; city property managers, however are reluctant to acquire potentially contaminated properties using this nuisance abatement lien approach.

**City and county officials mentioned the general lack of flexibility of federal and state brownfields programs.** For example, during the redevelopment of the former Bethlehem Steel site the state prevented the owners from doing the cleanup because the prop-

erty was in “interim status” under the state BCP; unfortunately the property lay idle for 18 months until NYDEC approved the activities but by then the company declared bankruptcy. Moreover, NYDEC tends to set strict environmental remediation standards for certain chemicals based on more of a downstate urban model that does not take into account the region characteristics in Buffalo-Niagara (DePalma, “Brownfields Law Insufficient,” 7 Mar. 2006). Many of these chemicals exist as background in the Buffalo-Niagara region (especially in South Buffalo) given its long history of steel plants and the plume they generated. Since these levels of contamination are pervasive throughout most of south Buffalo it makes it nearly impractical to do a brownfields redevelopment.

**The Erie-Buffalo County Brownfields Team also struggles with how to develop and design a program that addresses small-scale, scattered sites that are difficult to assemble.** They should consider how to leverage CDBG dollars for redevelopment and rehabilitation of smaller sites, finding ways to combine them into larger contiguous parcels in order to maximize their benefits for redevelopment.

**Buffalo and Erie County currently do not have the financial health to take on fiscal and legal responsibility for many brownfields.** This is in contrast to many successful U.S. EPA Brownfields Pilot Grant communities, which have been financial capable of taking on the risk of acquiring and cleaning up contaminated properties. Buffalo faces a particularly difficult brownfields cleanup challenge because of its severe budget limitation, shrinking tax base, and fiscal insolvency (a state control board currently oversees the city’s finances).

#### **Formalize Erie-Buffalo County’s Brownfields Redevelopment Team**

The old adage that strength can also become a weakness applies to the long-term future of Erie-Buffalo County Brownfields Program. While the chemistry among the Erie-Buffalo County Brownfields Team lies at the heart of their success, what will happen once these team members retire or take other jobs? The team members should consider adopting a process guide or other management tool to capture its experience and insights. They could easily draft and produce a guidebook that would help ensure consistency as process and personnel inevitably change over the years.

Beyond these simple process strategies, Buffalo and Erie County should explore ways of institutionalizing the city-county brownfield team into a permanent brownfields task force or joint redevelopment program. Everyone seems to know that major and potentially valuable commercial and industrial properties exist throughout the region, but Erie-Buffalo lack a dedicated program whose sole charge is to prepare “shovel ready” large-scale properties and inventory and facilitate their reuse. The study team heard several stories about national and regional companies seeking “shovel-ready” sites in the Buffalo-Niagara region, but walking away when the city and county were unable to deliver. Without the ability to inventory, track, and prepare these sites, the region operates at a serious competitive disadvantage to other metropolitan areas. Currently the region’s existing redevelopment agencies—and even programs dedicated to brownfields in the region—primarily react to these opportunities project-by-project. A formally chartered city-county Brownfields Task Force could act as centralized point of contact and clearinghouse to share information and lessons learned, and maintain brownfields property inventories and status. It could also include junior staff from these and other agencies so they can learn from the senior staff.

Eventually the Erie-Buffalo Brownfields Task Force should consider creating a special land bank for industrial and commercial properties. A land-bank program dedicated to brownfields and greyfields would make Erie-Buffalo more responsive and nimble to the demands of the market. This land-bank effort would be somewhat separate from the right sizing and green-infrastructure initiative discussed in Strategy Three, but perhaps could occur within the same entity.

Building on the successful land bank authority models in Genesee County, Michigan, the City of Cleveland's Economic Development Department recently commissioned a study to create the nation's first brownfields land bank. The NVPC team recommends that a multi-jurisdictional commercial/industrial land bank be created, either through a separate new authority or the expansion of an existing city or county residential land bank.

## **Industrial Land Banking Pilot Program (Cleveland, Ohio)**

Cleveland's Industrial Land Bank program, through authorizing legislation passed by the City Council in July 2005, aims to be the first local government to charter a land bank authority that assembles abandoned and vacant industrial properties for economic development.

- The Strategy for the Implementation of an Industrial Land Bank, a report prepared by the Great Lakes Environmental Finance Center (GLEFC), outlines how an industrial land bank can be established and managed in Cleveland, which already operates a land bank for vacant or abandoned residential properties. The Strategy establishes basic criteria for Industrial Land Bank property acquisitions, including redevelopment opportunities to retain existing manufacturing/industrial jobs, locations near existing industrial or commercial landowners, convenience to highways and existing infrastructure, size of at least 20 acres or opportunity for assembly into parcels of 50 to 100 acres, and relationship to neighborhood economic development priorities and plans.

While the city has started to acquire properties for an Industrial Land Bank, it is also grappling with how to manage what could become a very extensive program. The Strategy outlines three possible organizational structures for establishing the program:

- Within an existing city function, such as the Economic Development Department
- Within a newly created department of the city
- Creating a separate board or commission

The current coordinator of the Industrial Land Bank is housed in the Economic Development Department, although efforts are being made to establish partnerships with private organizations to help the city identify, assemble, manage, and market potential sites. Establishing a partnership outside city government, such as with Cuyahoga County, other local governments or the creation of a Community Improvement Corporation, is part of the eventual external operating structure the Strategy recommends for assisting the internal administration of the program. Eventually, this partnership would operate the program on a regional scale.

## Conclusion

**N**ow is the ideal time for leaders to act. Buffalo Mayor Byron Brown and his cabinet are receptive to the message of targeting vacant properties. Federal and state leaders are finally giving Buffalo and Upstate New York the attention it deserves. Residents and neighborhood groups are demanding action. Leaders from the region's inner-ring suburbs are also poised to take steps to stabilize vacant properties and prevent blight from spreading further.

Buffalo's sister communities—such as Cleveland and Dayton in Ohio, Genesee County in Michigan, and Philadelphia, Pennsylvania—are testing innovative vacant property programs that show great promise. With guidance from the NVPC, Buffalo could learn from and easily adapt these model practices to fit local conditions. *Blueprint Buffalo* gives the mayor and regional leaders a policy framework they can craft as a catalyst for the renaissance of the city and the region.

Without a citywide and regional strategy, however, regional settlement patterns are unlikely to change. Buffalo cannot hold its own indefinitely against the undertow of sinking property values and decreasing population. The incidence of vacancies and their attendant ills—from vandalism and unlawful occupancy to crime and health hazards—will continue to creep out into the close-in suburbs. And beyond the city core, low-density land uses will likely prevail, leading to higher suburban infrastructure costs, disappearing boundaries between town and country, increasing pressure on farmlands and natural areas, and a scattered population that contributes little to Buffalo's reputation as "The City of Good Neighbors."

### A New Window

Buffalo and its first-tier suburbs can start with virtually any of the strategies suggested in this report, provided they are applied from the basis of regional collaboration and a sound regional agenda. Like the first encouraging signs of reinvestment in a neighborhood, the first signs that Buffalo and nearby suburbs are working together to address vacant properties will lead to a supportive environment for more collaborative solutions. Whether through prompt establishment of a new Regional Real Property Information System, initiation of a citywide Code Enforcement Unit, or convening of a First-Tier Suburbs Network and Regional Vacant Property Coordinating Council, Buffalo's initial actions can surely lead to more systemic, lasting change to address and prevent vacant properties.

Consistent, strategic investments, made on the basis of regional collaboration and a sound regional agenda, can actually turn around the neglect of neighborhoods, cities, and counties. Starting here in Buffalo.

**"Many cities in New York State are in a state of crisis. But as many of you have heard me say, a crisis is a terrible thing to waste."**

**—State Attorney General Elliott Spitzer**

# Appendix A

## Biographies of NVPC Assessment Team Members

**John Kromer**, Senior Consultant at the University of Pennsylvania's Fels Institute of Government, specializes in strategic planning and program development to support urban neighborhood reinvestment. Mr. Kromer has completed consulting assignments for public, nonprofit, and private clients in a variety of cities and has organized a series of three successful statewide conferences on "Vacant Property in Pennsylvania Cities and Towns." He wrote a Brookings Institution discussion paper on local government policies and strategies for vacant property reclamation in Baltimore and Philadelphia. He co-authored *West Philadelphia Initiatives: A Case Study in Urban Revitalization*, a publication designed in part to encourage administrators at urban "anchor institutions" to consider opportunities to replicate the University of Pennsylvania's West Philadelphia neighborhood investment program

Between 1992 and 2001, Mr. Kromer served as the City of Philadelphia's Director of Housing, where he managed the allocation of more than \$1 billion in public-sector investment. His book, *Neighborhood Recovery: Reinvestment Policy for the New Hometown*, is now in its second printing.

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**Kermit J. Lind** is Clinical Professor of Law at Cleveland-Marshall College of Law, Cleveland State University where he has been on the faculty for more than 11 years. He supervises the Urban Development Law Clinic, a law school-based practice providing services to neighborhood and community-based nonprofit community development corporations in Cleveland, Ohio. His work is currently concentrated on abandoned real property and the development of better legal tools for preventing abandonment and salvaging abandoned property for productive reuse. The Clinic is litigating civil cases in which nonprofit developers sue to force the abatement of nuisances in residential property by court-appointed receivers. In addition to representing nonprofit developers in Cleveland, Professor Lind consults and advises on local and state public policy development related to code enforcement, foreclosure, and land use.

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**Joseph Schilling**, as a founding member of the National Vacant Properties Campaign (NVPC) ([www.vacantproperties.org](http://www.vacantproperties.org)), works closely with state and local officials and community development practitioners on designing innovative revitalization strategies in such areas as code enforcement, zoning and housing codes, land use planning, and green infrastructure. Schilling was the team leader for the Campaign's assessment work in Cleveland and Dayton, Ohio and served on the New Orleans study team. He directs the Campaign's research and policy activities.

As Associate Director for Metropolitan Institute's Green Regions Initiative, Schilling explores the dimensions of creating environmentally sustainable regions through collaborative planning, better community design, and consensus building strategies. Schilling provides strategic guidance to community organizations, government officials, and business leaders in such areas as the revitalization of vacant properties/abandoned buildings, brownfields redevelopment, smart growth, land use planning and zoning code reforms, active living, and the reuse of former military installations.

Prior to joining the Institute, Schilling directed the community and economic development programs for the International City/County Management Association (ICMA). Before coming to Washington, D.C., Schilling served for over ten years as a Deputy City Attorney for the City of San Diego in charge of its code enforcement unit where he drafted land use ordinances and building codes. Mr. Schilling earned a Masters of Environmental Law from George Washington and a J.D. from Hastings College of the Law in San Francisco.

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## Appendix B

# The Queen City Plan's Facilities and Vacant Land Management Plan

In early 2006 Buffalo's Common Council formally adopted the innovative *Queen City Comprehensive Plan*, which includes a special Facilities and Vacant Land Management Plan. Although the plan does not go as far as Youngstown, Ohio's 2010 Comprehensive Plan, which contains explicit policy statements about shrinking the city, Buffalo's vision does include 1) repopulating residential areas; 2) rebuilding the industrial base; 3) revitalizing commercial areas; and 4) maintaining and enhancing green and open space to support the precedent three goals.

Buffalo is one of the few cities with a comprehensive plan that includes specific strategies for vacant property redevelopment. Buffalo aims to repopulate residential areas, rebuild the industrial base, revitalize commercial areas, and enhance green and open space to support the preceding three goals. Major policy recommendations and programmatic ideas include the following:

- **Systems Support**—educate and promote comprehensive planning policies:
  - Establish and maintain a vacant properties team
  - Rezone properties to provide creative and compatible vacant properties uses (e.g., interim uses such as green space and urban forests, community gardening)
  - Build a variety of planning information resources
  - Market all vacant properties in a comprehensive manner
- **Financial Support**—control current and future vacant property costs through budgeting over time:
  - Institute comprehensive vacant property cost accounting across all departments
  - Explore creating a vacant property registration fee
  - Explore creating a dedicated development and/or property transfer fee to conserve and manage vacant land for public purposes (e.g., green infrastructure)
  - Establish a dedicated development fund through the Buffalo Development Program
- **Dispersal of City-Owned Properties/Facilities**—reduce the inventory of city owned property to conserve neighborhoods, generate sale revenues, increase the tax base and minimize maintenance costs:
  - Employ housing rehabilitation and homestead programs to address sound residential properties in priority areas
  - Select properties in the worse condition for demolition
  - Develop a portfolio of structurally sound vacant properties and bundle adjacent vacant properties where possible based on comprehensive plans
  - Reserve vacant lots in Strategic Investment Areas for future development; assign ownership and interim maintenance provisions.
  - Explore redevelopment options for surplus Buffalo Public School Facilities.

- **Clean, Safe, and Green Initiative**—removal of vacant property blight and promote neighborhood safety and conservation:
  - o Include vacant property inventories in the Good Neighbors Planning Alliance target areas
  - o Work with community advisory groups to develop community reporting protocol for code violations (e.g. illegal dumping, unsecured buildings, etc.)
  - o Launch a city-county Clean, Safe, Green education campaign
  - o Coordinate and convene meetings with entities in control of vacant, open, right-of-way lands (e.g., railroads, private utilities, transportation departments, etc.)

Unlike Youngstown, Ohio's *2010 Comprehensive Plan*, Buffalo's *Queen City Plan* makes no direct policy statements about shrinking the city. Buffalo should consider readjusting its vision to reflect strategies that shrink the city along with repopulation and redevelopment. Strategies to address vacant land and buildings should reinforce the comprehensive plan's overall vision by establishing three primary goals: 1) slow the rate of vacant properties; 2) manage existing and future vacant properties; and 3) return vacant properties back to appropriate, functional, and revenue-generating or cost-saving reuse.

# References

- Alexander, F. *Land Bank Authorities: A Guide for the Creation and Operation of Local Land Banks*. Local Initiatives Support Corporation. 2005.
- Bartsch, C., and Wells, B. *Life After the Grant, Phase II*, Northeast-Midwest Institute Washington D.C: January 2004.
- Buffalo Housing Court. *Housing Court Reform Project 2005 Annual Report*.
- Brophy, P. and Burnett, K. *Building a New Framework for Community Development in Weak Market Cities*. Community Development Partnership Network. Apr. 2003.
- Buffalo Fiscal Stability Authority. *Review of Four-Year Financial Plan for Fiscal Years Ending 2005-2008*. 28 July 2004, p. 3.
- City of Buffalo. *Buffalo Greenways Plan, Local Waterfront Revitalization Plan*.
- *Buffalo's Olmsted Park and Parkway System: A Restoration and Management Plan*.
- *Queen City in the 21st Century: Buffalo's Comprehensive Plan*. October 2004, Adopted by Buffalo Common Council, 2006.
- *Queen City in the 21st Century: Facilities and Vacant Land Management Plan*. December 2004, Adopted by Buffalo Common Council, 2006.
- Columbia University Graduate School of Architecture. "Big Box Retail." *New Rochelle Studio Website*. 2001. 2 Sep. 2006. At <[www.columbia.edu/itc/architecture/bass/newrochelle/extra/big\\_box.html](http://www.columbia.edu/itc/architecture/bass/newrochelle/extra/big_box.html)>.
- Cornell Cooperative Extension Association of Erie County, *Vacant Land, Buildings, and Facilities Asset Management Project Report*. Jan. 2004.
- DePalma, A. "Brownfields Law Insufficient for Safe Cleanup, Critics Say." *New York Times*. 7 Mar. 2006.
- Erie & Niagara Counties. *Framework for Regional Growth—Public Review Draft*. May 2006.
- Esmonde, D. "Warnings of Sprawl Come True." *The Buffalo News*. 16 Aug. 2006.
- Fairbanks, P. "Putting Housing in Order." *The Buffalo News*, 3 Jan. 2006.
- Federal Reserve Bank of New York, Buffalo Branch. *The Regional Economy of Upstate New York*. Spring 2003.
- *The Regional Economy of Upstate New York*, Winter 2005.
- Federal Reserve Bank of Richmond. *The Impacts of Targeted Public and Nonprofit Investment on Neighborhood Development*. 2005.
- Garcia, Ramon. *Residential Foreclosures in City of Buffalo, 1990-2000*. Federal Reserve Bank, Buffalo Branch, June 2003.
- Good Jobs First. *Breaking the Codes—How State and Local Governments Are Reforming Building Codes to Encourage the Rehabilitation of Existing Structures*. 2006.
- Hevesi, A. *Local Government Sales Taxes in New York State*. New York State Comptroller's Office. Albany. April 13, 2006. At <[www.osc.state.ny.us/press/releases/apr06/041106.htm](http://www.osc.state.ny.us/press/releases/apr06/041106.htm)>.
- Hudnut, W. *Halfway from Everywhere: A Portrait of America's First-Tier Suburbs*. Urban Land Institute. June 2003.
- Kass, J. and Stanislaus, M. "New York's Chance to Reclaim Brownfields." *Times Union*, June 12, 2006.
- Kelling, G., and Wilson, J. "Broken Windows." *Atlantic Monthly*. March 1982.
- Kromer, J., and Kerman, L. "West Philadelphia Initiatives—A Case Study in Urban Revitalization," Fels Institute of Government, University of Pennsylvania (2004). At [www.sas.upenn.edu/fels/](http://www.sas.upenn.edu/fels/).
- Leigh, N.G. "Promoting More Equitable Brownfield Redevelopment." *Land Lines*. Vol. 12, No 5. Sep. 2000. At <[www.lincolninst.edu/pubs/pub-detail.asp?id=281](http://www.lincolninst.edu/pubs/pub-detail.asp?id=281)>.
- Local News Briefs. "Council Asks for Aid to Demolish Buildings." *The Buffalo News*, 22 Feb. 2006.
- Mallach, A. "From Abandonment to Reuse: Issues and Policies in Urban Abandonment." Prepared for seminar hosted by Fannie Mae Foundation. 5 Nov. 2001: 1.
- *Mayor's Resource Guide to Vacant and Abandoned Properties*. Fannie Mae, National Housing Institute, National Vacant Properties Campaign, U.S. Conference of Mayors. 2006.

- Marshall, K., and Stafford, M. *Buffalo's Brownfields Redevelopment Initiatives—An Analysis of Policies and Programs Addressing Brownfields Reuse*. Virginia Tech, July 2005.
- Maryland Department of Planning. *Managing Maryland's Growth: Models and Guidelines*, October 2001.
- Mix, W. *House Flipping: An Analysis of the City of Buffalo, NY*. Buffalo State College, October 2005.
- Mohr, J. "Anti-blight Measures Moving Ahead." *Duluth News Tribune*. 18 July 2006.
- Munich Re America, formerly American Re Corporation. "New Tool Ready to Combat Arson: Vacant and Abandoned Buildings Targeted." 16 Apr. 2002. 15 Aug. 2006. At <[www.amre.com/content/press/press-main.asp?release=04-16-02\\_abandonedbuildings](http://www.amre.com/content/press/press-main.asp?release=04-16-02_abandonedbuildings)>.
- National League of Cities. *Unifying Voice, Confronting Challenges—A Resource Guide for Developing Regional Collaborations of First-tier Suburbs*. December 2005.
- O'Brien, B. "Benderson Questioned on Plans for Plaza." *Buffalo News*. 9 June 2006.
- Ohio State University. *Ohio State University Extension Fact Sheet—Community Development*. CDFS-1262-98. 1998.
- Pennsylvania Horticultural Society. "Vacant Land Management in Philadelphia Neighborhoods: Cost Benefit Analysis," Philadelphia, 1999: 17.
- Precious, T. "Is Buffalo Really Another Appalachia?" *The Buffalo News*, 22 Mar. 2006.
- Puentes, R., and Warren, D. *One-Half of the Nation: America's First Suburbs*. Brookings Institution. Feb. 2006.
- Robinson, D. "Area IDAs Are Trying But Still Lack Full Coordination." *Buffalo News*. 29 January 2006.
- Schilling, Joseph "Creating a Regulatory Blueprint for Healthy Community Design" International City/County Management Association. August 2005.
- Schilling, J.M. *International Brownfields Case Studies—Examples in Collaboration and Coordination*, International City/County Management Association: Washington, D.C. 1999. At <[www.icma.org/brownfields](http://www.icma.org/brownfields)>.
- Schilling, J.M., and Friedman, N. "Richmond Neighborhoods in Bloom Case Study," At <[www.icma.org/vacantproperties](http://www.icma.org/vacantproperties)>, 2002.
- Spelman, W. "Abandoned Buildings: Magnets for Crime?" *Journal of Criminal Justice*. 21.5.1993: 481.
- Stromberg, M. "Tough Love in Buffalo." *Planning Magazine*. October 2005.
- Temple University Center for Public Policy and Eastern Pennsylvania Organizing Project. "Blight Free Philadelphia: A Public-Private Strategy to Create and Enhance Neighborhood Value." Philadelphia, 2001.
- Thomas, G. Scott. "Declining Population Shrinks Cities, Suburbs." *Buffalo Business First: Western New York's Business Newspaper*. June 23, 2006. At <[buffalobizjournals.com/buffalo/stories/2006/06/26/story3.html](http://buffalobizjournals.com/buffalo/stories/2006/06/26/story3.html)>.
- Toland, B. "Buffalo Grapples with a Problem Familiar to Pittsburgh: Lack of Money." *Pittsburgh Post-Gazette*. 17 Aug. 2003.
- Torke, D. *Fix Buffalo Today*. June 2005. 23 August 2006. At <[fixbuffaloarchives.blogspot.com/2005/03/school-house-project-preliminary.html](http://fixbuffaloarchives.blogspot.com/2005/03/school-house-project-preliminary.html)>.
- U.S. Census Bureau. *Census 2000*.  
 ———. *U.S. Interim Census*. 2005.
- U.S. Department of Transportation, Bureau of Transportation Statistics. *National Transportation Statistics 2005*.  
 "Vacant Broadway K-Mart Making It Harder to Live in Neighborhood." *The Buffalo News*. 31 Mar. 2006.
- Wachter, S. *The Determinants of Neighborhood Transformation in Philadelphia—Identification and Analysis of the New Kensington Pilot Study*. Philadelphia: The Wharton School, University of Pennsylvania. 2005. At <[www.wharton.upenn.edu](http://www.wharton.upenn.edu)>.
- , and Gillen, K. *Public Investment Strategies: How They Matter for Neighborhoods in Philadelphia*. October 2006.
- Wilgoren, J. "Urban Renewal Without the Renewal." *The New York Times*, 7 July 2002.
- Williams, D. "Agency Seeks Action on Vacant Homes." *The Buffalo News*, 24 Mar., 2006.

## Web Sites Mentioned in this Report

Atlantic Steel complex

[www.atlanticstation.com/concept\\_greenstar.php](http://www.atlanticstation.com/concept_greenstar.php)

Baltimore Community Law Center Real Estate Services Project

[www.communitylaw.org/community\\_law\\_center.htm](http://www.communitylaw.org/community_law_center.htm)

Big Picture Company

[www.bigpicture.org](http://www.bigpicture.org)

Buffalo Niagara

[www.buffaloniagara.org](http://www.buffaloniagara.org)

Buffalo Rising

[www.buffalorising.com](http://www.buffalorising.com)

Buffalo Good Neighbors Planning Alliance

[www.ci.buffalo.ny.us/Home/NewsCalendar/Good\\_Neighbors\\_Planning\\_Alliance](http://www.ci.buffalo.ny.us/Home/NewsCalendar/Good_Neighbors_Planning_Alliance)

Dayton Neighborhood School Centers Project

[clc.udayton.edu](http://clc.udayton.edu)

Erie County Department of Planning

[erie-gis.co.erie.ny.us/website/buffalony/viewer.htm](http://erie-gis.co.erie.ny.us/website/buffalony/viewer.htm)

FixBuffaloToday

[www.fixbuffalo.blogspot.com](http://www.fixbuffalo.blogspot.com)

Genesee County Land Bank Authority

[www.thelandbank.org](http://www.thelandbank.org)

Hamilton County Regional Planning Commission

[www.planningpartnership.org](http://www.planningpartnership.org)

International City/County Management Association

[www.icma.org/brownfields](http://www.icma.org/brownfields)

Kent State/Cleveland State University Community Design Center

Shrinking Cities Institute

[www.cudc.kent.edu/d-Service-Learning/Shrinking/charrettehome.html](http://www.cudc.kent.edu/d-Service-Learning/Shrinking/charrettehome.html)

Kirwan Institute for the Study of Race & Ethnicity at Ohio State University

[www.kirwaninstitute.org](http://www.kirwaninstitute.org)

[www.mosesmi.org/pages/landbank.shtml](http://www.mosesmi.org/pages/landbank.shtml)

Land Trust Alliance

[www.lta.org](http://www.lta.org)

National League of Cities First-tier Suburban Council

[www.nlc.org/inside\\_nlc/committees\\_councils/465.cfm](http://www.nlc.org/inside_nlc/committees_councils/465.cfm)

National Park Service/Environmental Protection Agency/Groundwork USA

[www.groundworkusa.net](http://www.groundworkusa.net)

National Vacant Properties Campaign

[www.vacantproperties.org](http://www.vacantproperties.org)

Nature Conservancy

[www.nature.org](http://www.nature.org)

Northeast Ohio Community and Neighborhood Data for Organizing (NEO CANDO)  
[neocando.case.edu/cando/index.jsp](http://neocando.case.edu/cando/index.jsp)

People United for Sustainable Housing (PUSH) Buffalo  
[www.pushbuffalo.org](http://www.pushbuffalo.org)

Philadelphia Neighborhood Transformation Initiative  
[www.phila.gov/nti](http://www.phila.gov/nti)

Scenic Hudson Land Trust  
[www.scenichudson.org/brownfieldswww.greeninfrastructure.net](http://www.scenichudson.org/brownfieldswww.greeninfrastructure.net)

Tennessee Riverpark, downtown Chattanooga  
[www.rivercitycompany.com/pdfs/media/tn\\_riverpark.pdf](http://www.rivercitycompany.com/pdfs/media/tn_riverpark.pdf)

The Reinvestment Fund (TRF), Philadelphia  
[www.trfund.com/policy/policy.camden.htm](http://www.trfund.com/policy/policy.camden.htm)

Trust for Public Land  
[www.tpl.org](http://www.tpl.org)

Tucson Slum Abatement and Blight Enforcement Response Team (SABER)  
[www.icma.org/vacantproperties](http://www.icma.org/vacantproperties)

Urban Redevelopment Authority of Pittsburgh  
[www.ura.org](http://www.ura.org)

Urban Voids  
[www.vanalen.org/urbanvoids](http://www.vanalen.org/urbanvoids)

University of Pennsylvania's Neighborhood Information System (NIS)

Western New York Land Conservancy  
[www.wnylc.org](http://www.wnylc.org)

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**The National Vacant Properties Campaign's** mission is to help communities prevent abandonment and reclaim vacant and abandoned properties. The Campaign focuses on properties – homes, factories, stores, and vacant lots – that are not legally occupied, show signs of neglect, or pose a public nuisance.

The Campaign is pursuing four core activities:

- developing a national network of vacant property practitioners and experts;
- providing tools and research;
- developing persuasive arguments for property reclamation; and
- building the capacity of local, regional, and national practitioners and decision-makers through technical assistance and training.

The National Vacant Properties Campaign is a project of Smart Growth America, Local Initiatives Support Corporation (LISC), and the Metropolitan Institute at Virginia Tech. The Campaign is funded by the generous support of the Fannie Mae Foundation, the US Environmental Protection Agency, the Ford Foundation, and the Surdna Foundation.

For more information visit the web site at [www.vacantproperties.org](http://www.vacantproperties.org)



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