



## MEMORANDUM IN OPPOSITION

### Int. 195-A & Int. 352

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the city. We thank the Committee for giving us the opportunity to provide comments in opposition to Int. 195-A, which would require HPD to conduct inspections in vacant units and Int. 352, which would require owners to register vacant units.

#### Intro. 195-A

The city already has wide-ranging inspection and enforcement authority in residential buildings. DOB is charged with addressing conditions that might impact safety and HPD habitability. HPD's resources should be directed towards ensuring occupied units are habitable as is its mandate. **Int. 195-A**, which would create a new inspection requirement for HPD - to inspect vacant apartments - is a waste of limited staffing resources.

HPD already has the power to write violations when conditions impact habitability. If conditions in a vacant unit are impacting occupied units and causing the residents to suffer - for example, if leaks, mold, vermin, dust or debris, or any untold other number of conditions are discovered in an occupied unit and determined to be emanating from a vacant unit- a violation is issued and repairs are mandated. And since the owner is responsible for the conditions that affect tenant living conditions, HPD has the power to bring an owner to court for failure to cure these violations, no matter their origin, in order to ensure habitability. To create a second violation to be written against the vacant unit is a way to create additional violations for no real purpose other than to be punitive.

The inspection items contemplated by Int. 195-A fail to recognize that circumstances that may be driving the situation. For example, debris may be inside a vacant unit because it is undergoing renovation. To require upgrades in vacant units, such as weatherization, when it might never lead to occupancy is misdirected because the bill fails to consider why a unit may be vacant and not habitable. Owners may lack the resources to bring it to code given the limited Individual Apartment Improvement (IAI) recoupment amount. Leaving the unit vacant may be a financial necessity and to undertake these measures would squander resources that could be used to improve occupied units.

#### Intro. 352

**Int. 352** would require owners to register vacant commercial and residential properties. For residential properties, owners would be required to provide an extensive recounting of the type,

nature, duration and condition of each vacancy as part of the annual multiple dwelling registration process. This onerous tracking requirement adds little value to the information gathered by the city. Tracking a one-month vacancy nearly a year earlier between tenancies is nothing more than bureaucratic busy-work prone to error. Even accounting months-long vacancies and the condition and reasons for vacancy serves as an intrusion into one's personal property rights, with no rational government interest in doing so. The definition of what is a vacant unit and why is not straightforward as shown by the Housing Vacancy Survey (HVS). The HVS, a comprehensive survey undertaken by the US Census Bureau and a needed step to justify the NYC housing emergency under the rent stabilization law, tracks vacancy information and provides in depth data on the number, rates, rents of vacant units, and clarity on the reasons for vacancy with vacant units assigned to one of 16 pre-listed categories that include such reasons as: not available for rent; vacant but held for occasional, seasonal, or recreational use; awaiting or undergoing repairs; rented but vacant; sold but vacant; dilapidated; otherwise, uninhabitable; in legal dispute, etc. As the city already has comprehensive vacancy information, this bill is unnecessary, onerous and performative.

For the above reasons RSA is opposed to Intros. 195-A and 352 and urges the council to table these proposals.