



NEW YORK STATE SENATOR

Michelle Hinchey

## Hinchey Bill to Help Communities Stabilize Rents through Accurate Vacancy Rate Data Signed into Law

MICHELLE HINCHEY December 13, 2023



**Bill Requires Precise Rental Vacancy Data to Help Municipalities with Housing Stability and Affordability**

**KINGSTON, NY** – Senator Michelle Hinchey today announced that her bill requiring property owners to submit accurate vacancy rate surveys to help municipalities address the housing crisis was signed into law by the Governor. Hinchey's bill (S1684A) specifies that property owners must provide the latest rent rolls and, if possible, records from the past three years upon municipal request and within a timeframe designated by the municipality.

Noncompliance may lead to a municipality-imposed civil penalty of up to \$500, and a nonresponding owner will be presumed to have a 0% vacancy rate.

“Our communities face a dire lack of housing supply, and having accurate vacancy rate data that shows how many homes are available is a vital tool that can help municipalities stabilize rents in a housing crisis,” **said Senator Michelle Hinchey**. “My bill was needed to close a loophole that allowed property owners to evade vacancy rate surveys, and now, the law is clear – property owners must provide accurate data when a municipality requests a survey. This measure is essential for the Hudson Valley and all New York State communities to get the data they need to tackle the housing crisis and keep residents housed and safe.”

**City of Kingston Mayor Steve Noble said**, “I thank Senator Hinchey for moving this vacancy rate bill forward. When Kingston was struggling with compliance on our vacancy survey, I reached out to Senator Hinchey for assistance, and I greatly appreciate her ongoing advocacy and support. When we conduct our next vacancy study, this bill will go a long way in helping us to get an accurate account of the current housing situation. With this bill in place, I encourage other municipalities to pursue vacancy studies to provide critical protections to their residents.”

**Rebecca Garrard, Deputy Executive Director of Citizen Action of New York, said**, “As communities across New York face an unprecedented housing crisis, we are enormously grateful to Senator Hinchey as her legislation is signed that ensures vacancy rate surveys accurately reflect the availability of housing stock within municipalities. When localities wish to opt-in to affordability mechanisms at their disposal, it is crucial that the real estate industry cannot use loopholes in order to circumvent those processes.”

**Lukee Forbes, Civil Rights Coordinator for the Hudson/Catskill Housing Coalition, said,** “I am so grateful for the passage and signing of the vacancy rate bill. This pivotal legislation represents a major stride in our longstanding battle against the housing crisis, addressing the acute shortage of affordable housing that plagues our communities. By mandating accurate vacancy reporting, it empowers municipalities to make informed decisions, paving the way for more effective housing strategies in the Hudson Valley and beyond. I extend my profound gratitude to the Senate and Assembly for their commitment to this cause. This milestone brings us a step closer to ensuring every New Yorker has access to the stable, affordable housing they deserve.”

In 2019, the Housing Stability and Tenant Protection Act granted municipalities with vacancy rates below 5% the authority to declare a housing emergency and opt into rent stabilization while requiring property owners to conduct vacancy rate surveys. Under the previous system, however, property owners could sidestep vacancy rate surveys and, in some cases, submit inaccurate data, perpetuating a deepening housing crisis.

A 2020 [study](#) on rental vacancy rates in the City of Kingston reported a 6.7% vacancy rate, contrasting with the city’s own survey indicating a rate of 1.57%. This disparity stemmed from property owners evading surveys and providing inaccurate data. Hinchey’s bill addresses this issue by reinforcing, in law, municipalities’ authority to request and receive timely, accurate vacancy rate data as a tool to respond to the housing crisis.

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RELATED LEGISLATION

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## 2023-S1684A

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to the information to be included in vacancy rate studies

January 13, 2023

Signed by Governor

Sponsored by **Michelle Hinchey**

Do you support this bill?