



NEW YORK STATE SENATOR

Michelle Hinchey

Hinchey Bill Requiring Rental Vacancy Rate Surveys Passes Senate

MICHELLE HINCHEY June 6, 2023



ALBANY, NY – Senator Michelle Hinchey today announced that her bill requiring property owners to submit timely and accurate vacancy rate surveys to help municipalities address the housing crisis passed the State Senate. Hinchey’s bill ([S1684A/A6843A](#)) clarifies that property owners must provide the most recent records of rent rolls and, if available, records from the past three years when requested by a municipality. Under Hinchey’s bill, if a property owner fails to submit a vacancy rate survey, this can result in the loss of their permit of occupancy or a civil penalty imposed by the municipality of up to \$1,000. A nonrespondent owner will be deemed to have a zero vacancy rate.

Senator Michelle Hinchey said, “Our communities are facing an extreme shortage of affordable housing that is perpetuating instability and displacement among our residents, and one of the most important data points that allow municipalities to pass emergency housing measures is an accurate calculation of the local vacancy rate. My bill closes a loophole that enables property owners to evade vacancy rate surveys and clarifies that when a municipality requests one, a property owner must provide accurate and up-to-date data. This will help ensure that communities in the Hudson Valley and across New York State have the information they need to stabilize the housing crisis and protect their residents. I’m proud that my bill passed the Senate, and I urge the Assembly to take immediate action.”

In 2019, the Housing Stability and Tenant Protection Act (HSTPA) established that any municipality with a vacancy rate under 5% can declare a housing emergency and opt into rent stabilization. Under the HSTPA, property owners are responsible for completing vacancy rate surveys.

In 2020, a **study** of rental vacancy rates was undertaken on behalf of the City of Kingston by the Center for Governmental Research, which showed a vacancy rate of 6.7%; however, based on the City’s own **survey** findings published last year, it was found that Kingston’s rental vacancy rate is just 1.57%. This discrepancy occurred because, under the current system, property owners have the ability to avoid vacancy rate surveys, and, in some cases, provide inaccurate data, perpetuating a growing crisis, which this bill seeks to address.

The same survey also found that over 55% of Ulster County renters are housing-cost burdened, signifying that residents pay at least 30 percent of their income toward housing. According to Pattern for Progress, all affordable housing complexes in the Hudson Valley have **waiting lists** ranging from two years to as long as five years, further displaying the dire

shortage in the local housing supply. Hinchey's bill will help ensure that vacancy rates can be a critical tool to help municipalities address the housing crisis.

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