

## HOUSING

# City Council Passes Bill Enabling Tenants to Report Vacant Apartments

*In response to “warehousing” and THE CITY’s coverage, measure cues up inspections of hazardous conditions in empty units.*

BY SAM RABIYAH |  
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Councilmember Carlina Rivera (D-Manhattan) speaks at a rally outside City Hall in support of a bill that empowers tenants to report vacant units in their building, Dec. 6, 2023. Credit: Sam RabiyaH/THE CITY

The City Council passed a bill Wednesday that enables tenants to report vacant apartments in their buildings to the city housing agency — with sponsors hoping to spur action on tens of thousands of empty units.

**Intro 195** allows tenants to report maintenance code issues to the Housing Preservation and Development (HPD) department via 311, and have city officials inspect vacant units when they may pose a hazard to those in units nearby. Tenants living among empty apartments have described trash, mold, open windows, leaky gas pipes and rodents as scourges in their buildings.

“We’re feeling very hopeful. We’re not used to getting this far,” says Illapa Sairitupac, a tenant organizer with Cooper Square Committee, about the bill. “I’m looking forward to tenants having more power in making sure HPD comes to inspect these units.”

A spokesperson for Mayor Eric Adams did not immediately respond to an inquiry about whether the mayor intends to sign the bill, which passed 39 to 8.

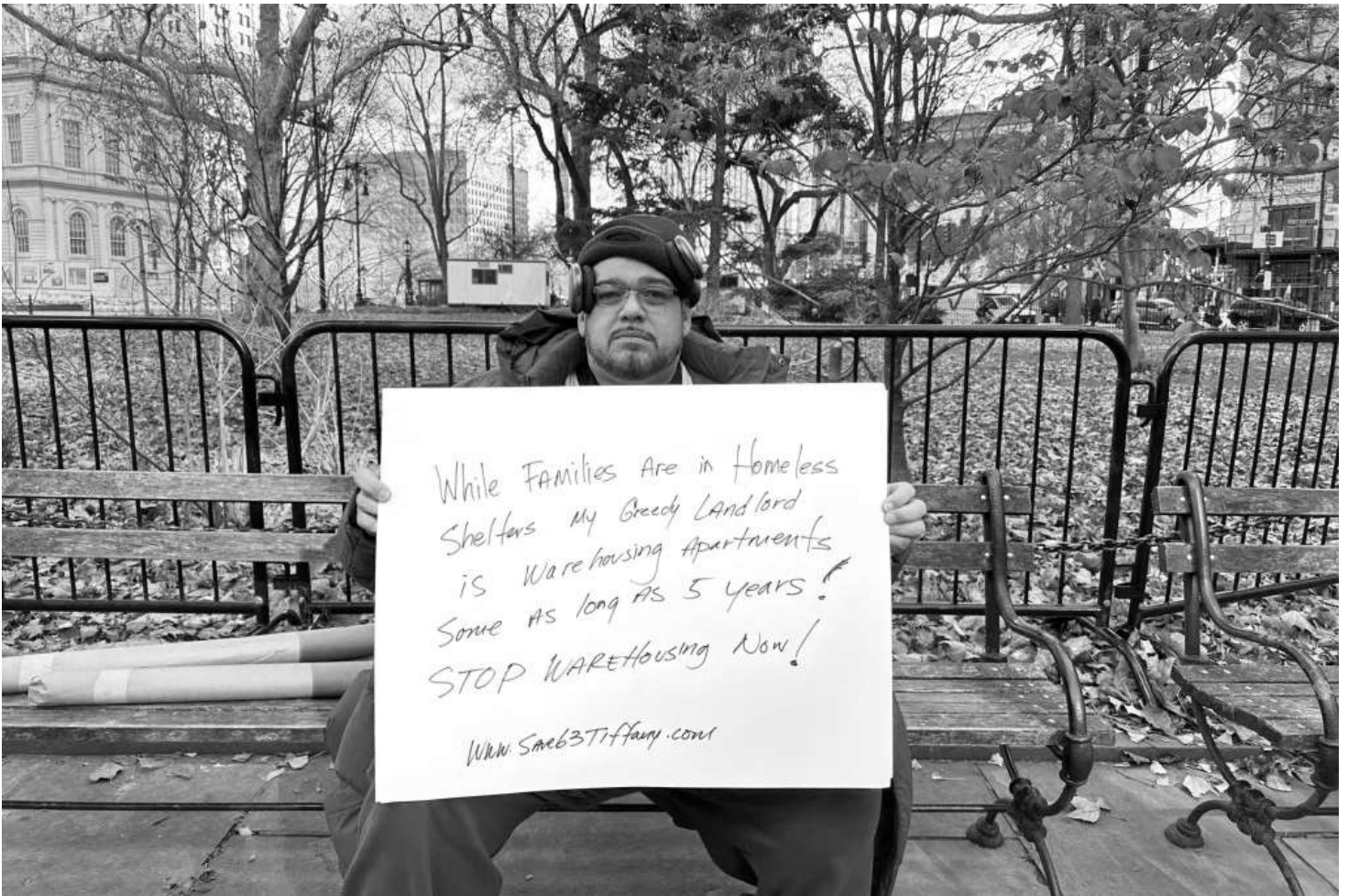
Tenants, advocates and elected officials rallied outside City Hall on Wednesday ahead of the Council vote, championing the bill and other measures to rein in “warehousing” — in which landlords keep apartments vacant in anticipation of future rent increases.

Landlords **reported more than 60,000 vacant rent-regulated apartments** to the state in 2021 — a figure that **dipped to about 39,000** the following year, roughly the same as pre-pandemic levels.

Landlord groups don’t dispute that thousands of rent-regulated apartments are vacant, and blame 2019 changes to state rent laws that severely limit how much they can charge new tenants for after longtime renters move out.

“This bill will do absolutely nothing to address the current problems with empty rent-stabilized units, or improve renting conditions for tenants,” said Jay Martin, executive director of the Community Housing Improvement Program, an organization representing landlords of rent stabilized properties. “If HPD issues violations or writes fines on vacant units, it will just suck more money out of struggling rent-stabilized buildings.”

John Leyva lives at 63 Tiffany Pl. in Brooklyn, a building where expiring subsidies will permit the landlord to rent what had been affordable apartments at much higher rents — and several apartments are vacant. “The conditions they talk about, I know them,” says Leyva, citing mold due to a water leak.



John Leyva, a tenant at 63 Tiffany Pl. in Brooklyn, says his landlord has kept several apartments in his building vacant for nearly five years, Dec. 6, 2023. Credit: Sam Rabiya/H/ THE CITY

“It should burn their soul that there are families right now in homeless shelters when they could have been in an apartment for the last five years,” says Leyva. “The landlords, they just do whatever they want. But who protects the tenants? Because it’s not HPD.”

At a June 6 Council hearing, HPD officials pushed back on the bill.

Intro 195 “would divert critical resources from HPD’s enforcement,” testified Assistant Commissioner for Housing Policy Lucy Joffe, remarking that the debate on apartment warehousing “has become a bit of a distraction in the press in the past few months.”

HPD presented data showing only about 2,500 empty rent-stabilized apartments were available for rent, had a legal rent below \$1,000, were in need of repairs, and had been vacant for more than one year.

“Dismissing it outright and entirely, it felt offensive,” said Councilmember Carlina Rivera, (D-Manhattan) the prime sponsor of Intro 195, to THE CITY this week. “You have dozens and dozens of tenants continuing to speak up on this issue and organizing around the city.”

HPD now supports the bill and has “worked closely with the Council to ensure this legislation works in a way that puts New Yorkers first,” HPD spokesperson William Fowler told THE CITY.

The Council projects the law would require HPD to spend an additional \$150,000 to create an appointment system allowing landlords to sign up for inspections of unoccupied apartments.

The new bill also empowers tenants to sue landlords to force owners to open up vacant apartments for inspection.

“That’s huge and very important to tenants,” says Jodie Leidecker, an organizer with the Coalition to End Apartment Warehousing.

The bill’s backers see tenant reports as a step toward quantifying the scale of warehousing.

“When calling 311, not only are you memorializing something, but the data can be tracked online,” said Rivera. “Having publicly accessible data is helpful to track trends. We know there are certain property owners who are keeping a lot of units vacant.”

While the Council also has a [bill](#) pending that would require landlords to register empty apartments and stores, it has not moved forward to a vote.

Landlords have potential financial incentives to intentionally keep apartments vacant.

Until recently, landlords could legally combine two adjacent vacant apartments into one larger one — a process tenant groups call [“frankensteining”](#) — and reset the legal rent to be higher than what they’d make from the rents of the two original units. [New state rules](#) aim to end that practice, as do [bills passed by the state legislature](#) that sit on governor Kathy Hochul’s desk for her signature.

Meanwhile, [an investigation from THE CITY](#) highlighted widespread use in some neighborhoods of a provision allowing landlords to remove apartments from regulation once they’ve undergone “substantial rehabilitation” — encouraging owners to empty and renovate all apartments in a building.

“Warehousing as a whole has really permeated the public consciousness,” said Leidecker, citing [THE CITY’s reporting](#). “We are in a major, historic housing crisis ... People are down here fighting for crumbs and we need every unit of housing that’s available.”