

STATE OF NEW YORK

5988

2021-2022 Regular Sessions

IN ASSEMBLY

March 4, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Housing

AN ACT in relation to enacting the End Warehousing act of 2021; and to amend the public housing law and the state finance law, in relation to establishing a database of affordable vacant dwelling units and allocating such units

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The End Warehousing act of 2021 is hereby enacted to read
2 as follows:

END WAREHOUSING ACT OF 2021

3 Section 1. Short title.

4 2. Legislative findings.

5 3. Housing emergency.

6 4. Database of vacant affordable apartments.

7 5. Tax abatements.

8 6. Allocation of vacant apartments.

9 7. Compensation of owners for allocation.

10 Section 1. Short title. This act shall be known and may be cited as
11 the "End Warehousing act of 2021".

12 § 2. Legislative findings. The legislature hereby finds and declares
13 that a serious housing and health emergency continues to exist in the
14 state of New York with over ninety thousand homeless individuals on any
15 given night. As recognized by the federal government, homelessness
16 during the COVID-19 pandemic makes this issue a health emergency as
17 well; thus, it is necessary to expeditiously provide housing for as many
18 homeless individuals as possible.

19 The legislature further finds that there are thousands of empty
20 affordable apartments in the state of New York not being offered for
21 rent. Therefore, this End Warehousing act of 2021 requires that the
22 state: declare a housing and health emergency; create a database of
23

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 existing vacant affordable apartments; require owner registration of
2 vacant apartments in such database; provide for penalties for owners who
3 fail to register vacant apartments; and allocate vacant apartments to
4 those with housing vouchers.

5 § 3. Housing emergency. As long as there are at least fifty thousand
6 homeless individuals for seven consecutive nights in the state of New
7 York, the state shall declare and maintain a housing and health emergen-
8 cy during which the provisions of this act shall be in effect.

9 § 4. Database of vacant affordable apartments. a. The division of
10 housing and community renewal shall establish and maintain a public
11 database of all residential dwelling units that have been vacant for at
12 least three months in the state of New York pursuant to subdivision
13 eight of section fourteen of the public housing law. The owner of any
14 buildings with at least four residential dwelling units shall register
15 with the database, under penalty of perjury, all units:

16 (i) that have been vacant for at least three months;

17 (ii) whose last tenant paid a rent that was rent stabilized, rent
18 controlled, administered by a state or local section eight administering
19 agency, or an amount of rent which was charged with the approval of a
20 federal, state or local governmental agency; and

21 (iii) that the owner is not offering for rent at a legal rate or less.

22 b. The division shall establish a filing fee of no less than two
23 hundred dollars for each dwelling unit registered. Such fees shall be
24 collected and deposited in the housing allocation compensation fund
25 under section ninety-nine-ii of the state finance law. Such fees shall
26 be used for compensation of owners for allocation of vacant dwelling
27 units pursuant to section seven of this act and fees that are not used
28 for such compensation of owners may be used as general funds for the
29 division of housing and community renewal.

30 c. If the registration of a dwelling unit that was registered the
31 previous calendar year has not been submitted, the division shall send a
32 letter to the owner of the building asking how long the apartment has
33 been vacant and notifying the owner of the vacant dwelling unit regis-
34 tration requirements of this section.

35 d. An owner who fails to register a residential dwelling unit for more
36 than three months after it has become vacant shall be fined two thousand
37 dollars each month such unit is not registered for the first three
38 months and three thousand dollars for each successive month that such
39 vacant unit is not registered.

40 e. Any individual or organization may report a vacancy of over three
41 months to the division of housing and community renewal.

42 § 5. Tax abatements. Any tax abatements currently in effect for the
43 benefit of the subject premises shall be continued only if vacant apart-
44 ments subject to rent regulation are offered for rent.

45 § 6. Allocation of vacant apartments. a. The division of housing and
46 community renewal shall make available to rent the vacant residential
47 dwelling units in such municipality to those individuals having federal
48 housing choice vouchers.

49 b. An owner of a building may petition the division of housing and
50 community renewal for a waiver of the allocation of a dwelling unit if
51 such owner can produce any necessary permits, documented funding and/or
52 a contract or other work agreement that demonstrate that such dwelling
53 unit is vacant due to substantial renovations that render such unit
54 uninhabitable. No waiver shall be granted under this subdivision where
55 substantial renovations causing a dwelling unit to be vacant are: (i)
56 estimated to take longer, or have taken longer, than three months to be

1 completed, or (ii) being performed on a unit with an outstanding hazard-
2 ous violation pursuant to the code of the local municipality, unless
3 such renovations are being performed to cure such violation.

4 c. An owner of a building located in a city with a population of one
5 million or more may petition the division of housing and community
6 renewal for a waiver of the registration fee imposed pursuant to section
7 four of this act if the commissioner of the division of housing and
8 community renewal has approved a hardship application from such owner.

9 No waiver shall be granted under this subdivision where: (i) the build-
10 ing is owned by a limited liability corporation; (ii) the owner owns or
11 manages more than two buildings with at least twelve residential dwell-
12 ing units; or (iii) the owner owns or manages any residential dwelling
13 units with an open hazardous violation pursuant to the code of the local
14 municipality.

15 § 7. Compensation of owners for allocation. a. Monies from the housing
16 allocation compensation fund under section ninety-nine-ii of the state
17 finance law shall be used for the compensation of an owner of a building
18 with vacant residential dwelling units which have been allocated pursu-
19 ant to section six of this act.

20 b. The commissioner of the division of housing and community renewal
21 shall determine the amount of compensation based on the difference the
22 owner shall receive from the federal housing choice voucher and any
23 actual and documented additional value based on an audit of such vacant
24 dwelling unit for the previous five years. Any owner aggrieved by the
25 commissioner's determination of compensation may seek judicial review
26 pursuant to article seventy-eight of the civil practice law and rules in
27 the supreme court for the county in which the vacant dwelling unit is
28 located.

29 c. Compensation shall be approved pursuant to this section, except
30 where the owner owns or manages any residential dwelling unit with any
31 one or more of the following:

32 (i) an open hazardous violation pursuant to the code of the local
33 municipality;

34 (ii) the apartment became vacant as a result of harassment by the
35 owner;

36 (iii) the owner failed to register the subject dwelling unit with the
37 department of housing and community renewal;

38 (iv) the owner, landlord or agent thereof, was found guilty in a
39 nuisance action regarding activity in the dwelling unit;

40 (v) the owner, landlord or agent thereof, was subject to a criminal
41 action for harassment in the previous five years that was settled or
42 ruled against such owner, landlord or agent thereof;

43 (vi) the dwelling unit is vacant due to the intentional or negligent
44 action or inaction of the owner, landlord or agent thereof;

45 (vii) the premises of the vacant dwelling unit have been subject to a
46 rent reduction order issued by the division of housing and community
47 renewal in the previous five years;

48 (viii) the premises of the vacant dwelling unit have open violations
49 for work, contrary to a plan or without a permit;

50 (ix) the owner, landlord or agent thereof, has been cited in the
51 previous five years for failure to file documentation legally required
52 by any municipal building department certifying that construction at the
53 premises of the vacant dwelling unit is safe for building residents;

54 (x) the premises of the vacant dwelling unit is subject to a regulato-
55 ry agreement and was cited for not adhering to the terms of such agree-
56 ment;

(xi) in a city having a population of one million or more, the premises of the vacant dwelling unit applied for but was denied a certificate of no harassment or other documentation which is required to change building classification; and

(xii) six months after the expiration of the state disaster emergency declared pursuant to executive order 202 of 2020, any building where more than five percent of all units, regardless of classification, are vacant at any time within the previous five years.

§ 2. Section 14 of the public housing law is amended by adding a new subdivision 8 to read as follows:

8. (a) The commissioner shall establish and maintain a public database of all residential dwelling units that have been vacant for at least three months in the state of New York, pursuant to section four of the End Warehousing act of 2021.

(b) The owner of any buildings with at least four residential dwelling units shall register with the database, under penalty of perjury, all units:

(i) that have been vacant for at least three months;

(ii) whose last tenant paid a rent that was rent stabilized, rent controlled, administered by a state or local section eight administering agency, or an amount of rent which was charged with the approval of a federal, state or local governmental agency; and

(iii) that the owner is not offering for rent at a legal rate or less.

§ 3. The state finance law is amended by adding a new section 99-ii to read as follows:

§ 99-ii. Housing voucher assistance allocation compensation fund. 1. There is hereby established in the joint custody of the state comptroller, the commissioner of housing and community renewal and the commissioner of taxation and finance a fund to be known as the housing allocation compensation fund.

2. Such fund shall consist of all moneys appropriated for the purpose of such fund, moneys collected pursuant to section four of the End Warehousing act of 2021 and all other moneys transferred to such fund pursuant to law. Any interest earned by the investment of moneys in such fund shall be added to such fund, become a part of such fund, and be used for the purpose of such fund.

3. Monies of the fund shall be expended only by the division of housing and community renewal for the compensation of an owner of a building with vacant dwelling units that have been allocated pursuant to section six of the End Warehousing act of 2021.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of housing and community renewal.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.