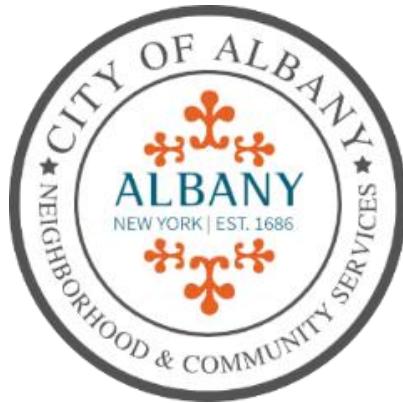


Rental Vacancy Study

Albany, New York

October 28, 2024



Prepared by the Department of Neighborhood & Community Services

200 Henry Johnson Boulevard, Albany, New York 12210

Introduction

The NYS Emergency Tenant Protection Act (ETPA) was amended in 2019 to allow upstate municipalities to declare a state of emergency for the purposes of stabilizing rents if the vacancy rate for eligible buildings is below 5%. The City of Albany's Common Council directed the undertaking of a rental vacancy study (the Study) to determine the housing vacancy rate in eligible buildings, which include residential properties that were completed prior to January 1, 1974, and contain at least six (6) dwelling units. This report delivers on that directive, and is a tool to assist the Common Council in making an informed decision as to whether it may declare a housing emergency pursuant to the NYS ETPA. Per State Law, subsidized housing and buildings that underwent substantial rehabilitation or conversion to residential after 1974 were not considered to be eligible for the final calculation of the vacancy rate.

As of this writing, the Cities of Poughkeepsie, Newburgh, and Kingston have all adopted rent stabilization measures following reported vacancy rates below 5%. Following ongoing lawsuits by the Hudson Valley Property Owners Association against all three municipalities, only Kingston currently utilizes rent stabilization measures free of a restraining order. The Village of Nyack adopted rent stabilization measures in November 2023 before deciding that their study was inaccurate and opted out in January 2024.

Methodology & Process

New York State, by and through the New York State Department of Homes & Community Renewal (HCR), has neither adopted nor required a specific methodology for municipalities to use when conducting a rental vacancy study. Thus, the City began by looking at established practices utilized in ETPA surveys conducted by other municipalities in New York State. Specifically, the City of Albany referenced recent rental vacancy studies conducted by the Village of Ossining (2018), the City of Kingston (2020 and 2022), the City of Rochester (2021), the City of Newburgh (2023), and the City of Poughkeepsie (2024). Prior to beginning the study, City staff reviewed each of these methodologies, sought guidance from professionals involved in the rental vacancy studies from those municipalities, and reviewed and monitored relevant case law before adopting our own methodology that anticipates and corrects for specific challenges previous studies faced.

The study considered housing accommodations that could be subject to ETPA regulations ("Eligible Property"). Thus, the Study only considered housing accommodations believed to have six (6) or more legally established residential units built prior to January 1, 1974. The following types of properties were also exempted from ETPA regulations and were excluded from the final calculation of the vacancy rate:

- Housing accommodations containing five (5) or fewer dwelling units;
- Housing accommodations completed on, or after, January 1, 1974;
- Housing accommodations built as commercial prior to 1974 and converted to residential after 1974;
- Housing accommodations in buildings completed or buildings substantially rehabilitated as residential units on or after January 1, 1974;
- Motor courts;
- Tourist homes;
- Rent controlled apartments, including buildings owned by the Albany Housing Authority, or buildings that are subject to rent regulation through the New York State affordable housing program or similar Federal programs;
- Not-for-profit units, including buildings owned by hospitals, colleges, or not-for-profit entities operating for charitable or educational purposes.

Our methodology uses the U.S. Census Bureau's definition of Rental Vacancy Rate, defined as "the proportion of rental inventory which is vacant for rent". For the purposes of this study, rental inventory was calculated as the total number of eligible units according the reported number of units by property owners. Units "vacant for rent" were calculated as the total number of legal units reported by property owners, less: (a) confirmed occupied units; (b) vacant units due to construction, repairs, or being used for storage or for some other non-residential use; and (c) vacant units not made available for rent by the property owner¹.

Staff assembled the property list used for this study in February & March 2024, and reviewed it for compliance with the City's Rental Dwelling Registry prior to and during the commencement of the survey. Staff primarily relied upon data and information from the City Assessor's Office, Buildings & Regulatory Compliance in the Department of Neighborhood & Community Services, and property lists previously assembled for the RFP's that were published in March 2020, December 2020, & May 2021 seeking a consultant to complete the study². The initial list comprised of 429 parcels of real property with a total of 6,715 dwelling units.

The list included the owner's mailing address of record. Staff used the mailing address of record for the initial mailing, and then used any additional addresses listed in Buildings & Regulatory Compliance's database for the

¹ See Analysis section for a brief discussion on the difference between this study and others on the rate calculation

² There were no qualified responses to these RFPs

second and third mailings. A handful of owners requested mailings to be sent to different addresses, which was also accommodated. Copies of all mailings are included in the Appendix.

The City contracted with the Center for Disability Services to handle the printing and mailing of the survey. On March 25, Staff sent the initial list of addresses and form letter to the Center for Disability Services for mailing to property owners. The letter was on Neighborhood & Community Services letterhead with a Survey Monkey link to the survey and information about NYS ETPA, including a link for recipients to NYS HCR's fact sheet on ETPA. The letter included a statement in bold text that read, "If the City is unable to obtain any credible occupancy data for your property, the law requires that the City is to assume each and every unit in your building is occupied for the purposes of the survey". The survey contained twenty-three (23) questions to be completed by the property owner or authorized property manager. The letter also included a survey code to help ensure accuracy and a requested completion date of April 26th. A copy of the initial mailing, the survey, and subsequent mailings is in the Appendix.

On April 19th City Staff sent out a reminder email to those who hadn't responded to the initial survey mailing. Not every property owner had an email address linked with their property in the Buildings & Regulatory Compliance's database, so some property owners did not receive this email.

A planned second, certified, mailing went out the week of April 22nd, as City staff had received only 125 survey responses. This mailing utilized an address list updated to correct for mail returned from the first mailing where possible and included a cover letter, a copy of the original letter, a paper copy of the survey, and a postage paid return envelope. The cover letter extended the requested completion date for the survey to May 10th.

City staff had attempted to utilize professional phone banking services in the area to conduct follow-up phone calls to non-responsive owners in the ETPA-eligible survey, but were unable to secure their services due to the demand for phone banking and polling services in a national election year. Instead, six additional staff members from the Department of Neighborhood & Community Services completed over 300 follow-up phone calls using a staff generated script to non-responsive property owners over three weeks in June, garnering an additional 37 responses.

A third mailing went out the week of June 17th, informing owners of our last and final attempt to have them complete the vacancy study, with a requested completion date of June 28th. This mailing utilized an updated mailing list and included a cover letter, a copy of the second letter, a paper copy of the survey, and a postage paid return envelope.

Additional emails and phone calls were made to individual property owners throughout May, June, & July based on early reviews of provided answers, relationships staff had with various non-responsive property owners, and requests made by some property owners for more information. In total, the City received 353 responses on the ETPA-eligible survey for a response rate of 82%. Table 1 below shows the response rates to vacancy studies conducted across NYS, along with ours.

Table 1: Vacancy Surveys in NY

City	Response Rate	Properties Surveyed	Units Surveyed	Length of Time (months)	In-House or Consultant
Newburgh	88%	68	738	7	In-House
Albany	82%	357	4701	8	In-House
Ossining	76%	64	1503	4	Consultant
Kingston	74%	59	1270	3	In-House
Poughkeepsie	61%	112	1494	7	Consultant
Rochester	38%	668	10248	7	Consultant

Beginning in July, staff began thoroughly examining survey responses for accuracy and claimed exemptions. Of the 353 responses we received, 251 property owners claimed an exemption to ETPA (71% of all responses). All of these claimed exemptions required extensive and time-consuming follow-up that included but was not limited to additional conversations with property owners, site visits from city and codes staff, coordination with NYS HCR's Office of Rent Administration, and checking building permit records both electronically and in-person³. The largest claimed exemption was for buildings that were substantially renovated or converted post-1974. Many of the claims property owners made were that conversions or renovations occurred after 1974 but before 2016 when Buildings & Regulatory Compliance began keeping records electronically in Energov, the software used by Buildings & Regulatory Compliance for code enforcement and permitting activities. This required City staff to make multiple time-consuming trips to the basement of City Hall and the County Hall of Records to try to locate building permit records or loan documents that corroborated property owner's claims. Table 2 shows the number of exemptions claimed and the percentage of those claims found by staff to be accurate.

Table 2: Summary of ETPA Claimed Exemptions

	Claimed Exemptions	Proven Exemptions	Proven Claims (%)
Substantial Renovations or Conversions	164	47	29%
Unit Counts below 6	26	23	88%
Subsidized Units	61	4	7%

Reviewing these claims was made more difficult and time-consuming due to the vague language used in the State statute, particularly around the definition of what constitutes a "substantial renovation". Thankfully, NYS HCR's Office of Rent Administration provided guidance which was helpful in determining whether a building was exempt (See the Appendix for a copy of this guidance). Similarly, the language in the law regarding subsidized units is also vague, which resulted in a significant amount of property owners believing that their units with tenants utilizing Section 8 vouchers were also exempt. Again, guidance from NYS HCR assisted city staff in working through those claims and coming to a determination in each case.

³ Given the evolving nature of these studies and the lawsuits filed by landlord groups, the amount of work produced by the claimed exemptions demanded an exorbitant amount of time from city staff which could not have been anticipated. For example, NYS HCR provided city staff with previous determinations made on individual buildings in Kingston. The quickest determination made on any of those individual cases by NYS HCR was seven months.

Though the majority of the data quality control work was done via phone calls and reviews of claimed exemptions, city staff also utilized information from several other departments to check responses and conduct quality control. Information from Buildings & Regulatory Compliance's Rental Dwelling Registry and permitting operations were used multiple times, along with water usage from the Albany Water Department and Calls for Service to the Albany Police Department. Thanks to the recent city-wide reassessment, rent rolls were gathered from the City Assessor's office where possible for properties that had challenged their reassessments. Some site visits were also conducted, though these were the least effective in determining whether the provided answers were correct⁴.

In total, nearly a dozen buildings were assumed to be fully occupied due to issues in the property owner's responses and the lack of follow-up communication from those owners. Most of these issues stemmed from what appeared to be simple arithmetic errors or typos combined with the property owner's failure to respond to city staff's questions about the errors. One set of properties was deemed as fully occupied due to a property owner's claim of being fully vacant while simultaneously challenging their assessment of "income-producing" properties. It is theoretically possible for both claims to be true given the timeline of the assessment challenge and the survey response, but the owner failed to provide city staff with additional information (such as a rent roll) that would settle the question.

⁴ NYS law does not require site visits as a part of a vacancy study, nor does it require property owners to give city staff access to their buildings. The mere decision as to which buildings would be the subject of a site visit without obvious errors in their responses is subject to potential biases. City staff's conversations with staff from Newburgh & Kingston revealed similar experiences, as did Rochester's 2021 study. Staff from both cities described the results of their site visits to be limited to correcting obvious errors from property owners and did not report discovering that any property owners had lied in their initial responses.

Universe of Rental Properties

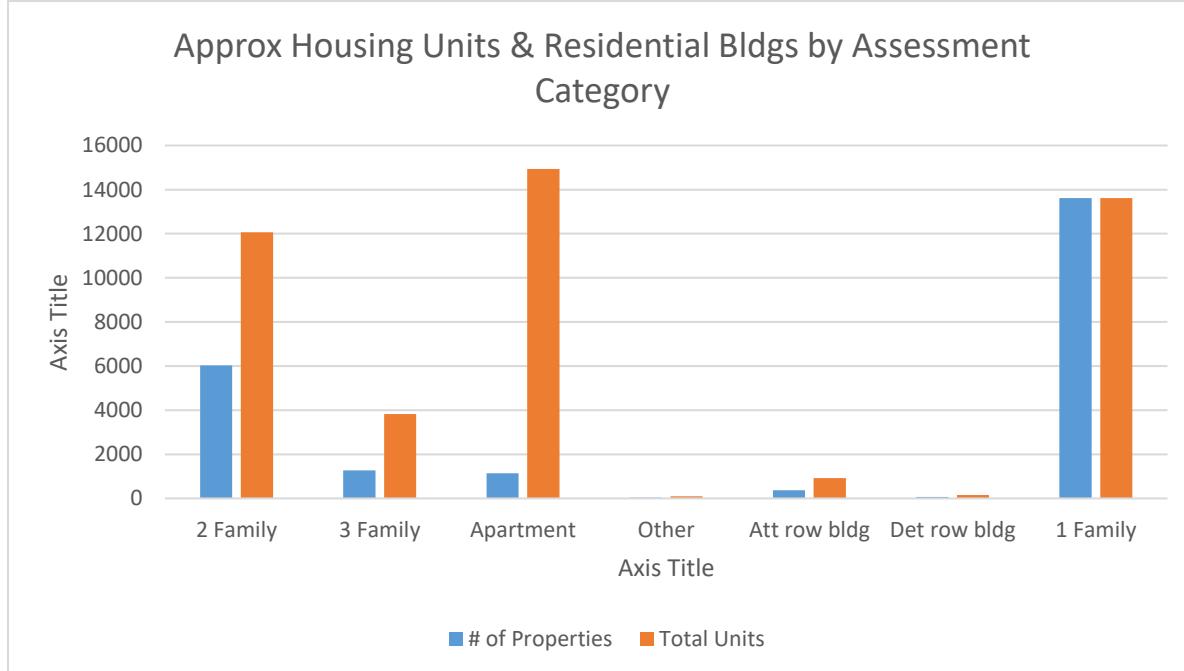
A key question city staff grappled with during this study was how much of the city's rental stock was captured in this survey? The initial list of 429 parcels with a total of 6,715 dwelling units – what percentage of the city's rental housing stock does that comprise?

City staff used assessment records in the Building Blocks software by Tolemi to answer this question.

Table 3: Breakdown of housing units in the City of Albany by tax code

Property Classification (per Assessor's Office)	# of Properties	Factor (Units per property) ⁵	Total Units	% of Total Rental Units	% of Total Housing Units
2 Family	6031	2	12062	37.7%	26.4%
3 Family	1276	3	3828	12.0%	8.4%
Apartment	1139	13.11	14935	46.7%	32.7%
Other	40	2.5	100	0.3%	0.2%
Att row bldg	368	2.5	920	2.9%	2.0%
Det row bldg	62	2.5	155	0.5%	0.3%
Rental Summary	8916	N/A	32000	100.0%	70.1%
1 Family	13617	1	13617	N/A	29.9%
All Housing summary	22533	N/A	45617	N/A	100.0%

Chart 1: Approximate housing units & residential buildings in the City of Albany by tax code



⁵ Two assumptions are made in this column. First, given that the vast majority of properties in the survey are in the "Apartments" classification, the average number of units per ETPA-eligible building is used as the factor here. Second, the "other", "Att row bldg", and "Det row bldg" are each assumed to have an average of 2.5 units.

Utilizing the Assessor's property classifications in Building Blocks, there are roughly 32,551 total rental units in 8,916 buildings across the City of Albany. After adding in the single family homes, we estimate there are approximately 46,168 total units of housing across 22,533 buildings, for an average of just over 2 units per building.

Table 4: ETPA-eligible properties as a % of total housing stock

ETPA Eligible Bldgs	ETPA Eligible Units	ETPA units as a % of total rental units	ETPA units as a % of total housing units
357	4681	14.63%	10.26%

The number of eligible units for ETPA, as determined by the survey responses and analysis, represent just under 15% of the total universe of rental units, and just over 10% of all housing units. The 349 buildings these units are in represent only 4% of all residential rental buildings and 1.5% of all residential buildings in the City of Albany. If the vacancy rate is below 5%, it is only these eligible buildings (357) and units (4681) that would see the impacts of rent stabilization.

Looking at this from a regional perspective, the US Census Bureau's American Community Survey 2018-22 5 year estimates⁶ assessed that the Capital Region has approximately 132,633 occupied rental units, with over 55,000 of those in Albany County alone. The units eligible for ETPA in this study account for a mere 8% of all rental units in Albany County and 3.5% of all occupied rental units in the Capital Region.

⁶ <https://cdrpc.org/capital-region-housing-affordability>

Findings

The final survey results included 350 properties with 4,681 units. The response rate was 82%.

There were 23 properties in the initial list that were removed due to the buildings containing fewer than six units. There were an additional 47 properties in the initial list that were removed due to having substantial rehabilitation or conversion after 1974 – these buildings contained a reported 1,309 total units. An additional four buildings on the initial list were removed due to information from NYS HCR that they were already rent controlled and thus ineligible – these four buildings contained 752 units. 35 units within the buildings considered eligible were removed from the study due to exemptions under NYS law. There were 73 properties with 700 units where the owners did not respond to the survey, despite numerous attempts to reach them. Per NYS law, these 700 units were counted as being fully occupied. Six additional properties did not respond but were determined to not be eligible for ETPA. There were two responses received for properties that were not included in the original study because they were not eligible for ETPA.

The **overall vacancy rate** for buildings that were completed prior to January 1, 1974, contain at least six (6) dwelling units and are eligible for ETPA in the City of Albany is **8.30%**. This rate is not sufficient to declare a housing emergency for eligible property under ETPA.

Summary Table	
Properties included in the study	431
# of Eligible Properties	357
# of Ineligible Properties	74
Responses Received	352
No Responses Received	79
Response Rate	82%
Total number of rental housing units eligible for ETPA	4701
Total number of eligible rental units reported to be vacant	550
<i>Total number of vacant eligible rental housing units unavailable for rent</i>	160
<i>Total number of vacant eligible rental housing units available for rent</i>	390
Housing Vacancy Rate	8.30%

Analysis

Astute readers of this report (and other vacancy reports from across the State) will notice a small difference between our methodology and other municipalities. Property owners in our survey reported roughly 40 more units than were authorized by residential occupancy permits. Our study utilizes the reported number of units by property owners, as we believe that is a more accurate representation of the number of units being rented at the time of survey response, whereas the rental dwelling registry information could be outdated. All other municipalities used the number of units authorized by their rental dwelling registries. This change resulted in an inconsequentially lower vacancy rate (about 0.1% lower).

In order to achieve a vacancy rate below 5%, there would need to be no more than 234 units available for rent, which is 162 less units than what this study found. Similarly, you would need to add 3,239 more occupied units without adding any additional vacancies in order to reach the 5% threshold.

Adding in any of the exempted classes of units that were initially included in this study would also not reach the sub-5% threshold.

While it may be surprising to many that the vacancy rate is above 5%, and thus not eligible for the Common Council to declare a housing emergency pursuant to the NYS Emergency Tenant Protection Act, our own experiences and regional research suggest there is still a housing crisis in the City of Albany, just not one eligible for rent stabilization under NYS law.

Tenants with means to move are likely looking at and comparing apartments across multiple municipalities in the regional rental market, while tenants without means to move are limited to sub-markets, often within municipalities and within specific neighborhoods. Tenants without means have very limited choices, often to housing that is substandard. Previous engagements city staff have completed with residents have documented this well – renters across the city feel they aren't getting a fair value for what they're paying, regardless of means. Those who can afford better with the ability to move often do, in some cases leaving the City of Albany entirely. Most neighborhoods that often express worries about displacement through gentrification are already experiencing displacement, but through decline and/or regional competition, not gentrification. These divergent experiences are well-documented in national academic literature and important to understand in housing policy. Given that the City of Albany exists within a regional housing market, a vacancy rate of below 5% would likely mean that multiple other local municipalities are also experiencing vacancy rates at or below 5%. Similarly, vacancy rates above 5% in Albany likely mean that other local municipalities in the Capital Region have higher than 5% vacancy rates.

City staff in the Department of Neighborhood & Community Services are no strangers to desperate housing situations and substandard rental housing – we work on this issue daily. Some of us live it. The average building in Albany is over 90 years old, and those in formerly redlined neighborhoods are often 110 to 130+ years old. Given that every ETPA-eligible building is at least 50 years old, it is expensive housing stock to maintain. Our partners at Habitat for Humanity, the Albany County Land Bank, Albany Housing Authority, and NYS Housing & Community Renewal are reporting financing gaps for both renovations and new construction to be up to \$300k per unit. While most of this housing stock is run by good property owners, there are some who act as day traders instead of long term investors, by renting out properties that are not up to code, delaying property maintenance, and retaliating against tenants who complain of code violations.

The Capital District Regional Planning Commission's (CDRPC) 2024 Housing Affordability Study⁷ noted that while renter wages increased 3.3% from 2022 to 2023, the rent for one and two bedroom apartments increased by 8.8%. That same report found that renter occupied units increased across the whole Capital Region by 11,142 between 2017 & 2022 (2,228 units per year), with the majority of that increase (70%) occurring outside of Albany County. Their regional reporting on permitting from 2021 – 2023⁸ found 7,078 permits issued across the Capital Region (2,359 per year), with 45% of those permits going to buildings with 5 or more units. Only 26% of those permits on 5+ unit buildings across the Capital Region were issued in the City of Albany. Interestingly, CDRPC's Cost of Living Index, which measures relative price levels for consumer goods and services in the Capital Region, shows a steady decrease in the cost of housing starting in Q4 of 2020⁹.

The findings from this survey combined with the experiences of staff, our partners across the State, and residents on the ground suggest that the housing crisis in the City of Albany is not necessarily one of occupancy, but of condition and perceived value.

Given that this study only looks at less than 15% of the total rental units in the City of Albany, we look forward to completing additional research into our local housing market to further explore housing issues across the City.

⁷ <https://cdrpc.org/capital-region-housing-affordability>

⁸ <https://cdrpc.org/building-permits>

⁹ <https://cdrpc.org/cost-of-living-index-coli>

Acknowledgements

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Staff from the Department of Neighborhood & Community Services, who set aside countless hours of their time to complete this study while continuing to complete their normal duties. Multiple staff members were subjected to abusive language, insults, and deliberate provocations while carrying out this study.

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Jonathan Midler, City Planner, & Ali Church, Director of Planning & Development, City of Newburgh NY, for sharing their experience and information on the Newburgh vacancy study

Elizabeth Murphy, Community Planner, City of Rochester NY, for sharing their experience and information on the Rochester vacancy study

Appendix

- 1. Eligible properties with Vacancy Information**
- 2. Ineligible properties with Vacancy Information**
 - a. Ineligible for Substantial Renovation or Conversion post-1974**
 - b. Ineligible for already being rent controlled**
 - c. Ineligible for having too few units**
- 3. Initial Mailing**
- 4. Second Mailing**
- 5. Survey Questions**
- 6. Third Mailing**
- 7. Eligible ETPA properties by Ward**
- 8. Ineligible properties for Renovation or Conversion Post-1974 Property Count by ward**
- 9. ETPA-eligible owner locations by mailing address**
- 10. ETPA-eligible owner typologies by property count**
- 11. Guidance from NYS HCR on Substantial Rehabilitation**

1. ETPA Eligible properties

Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
11 S Lake Ave	93	17	9	84	8	10%
123 S Main Ave	7	2	0	7	2	29%
145 S Lake Ave	8	2	0	8	2	25%
147 Eagle St	6	0	0	6	0	0%
40 Parkwood St	10	0	0	10	0	0%
302 Quail St	8	0	0	8	0	0%
219 Lark St	10	0	0	10	0	0%
22 S Lake	7	0	0	7	0	0%
251 State St	19	4	0	19	4	21%
266 Hudson Ave	8	0	0	7	0	0%
277 S Allen St	16	4	2	14	2	14%
318 State St	11	2	0	11	2	18%
360 State St	6	0	0	6	0	0%
353 Madison Ave	10	1	0	10	1	10%
542 Madison Ave	15	3	1	14	2	14%
582 Park Ave	10	2	0	10	2	20%
59 Mc Alpin St	6	1	0	6	1	17%
69 Trinity Pl	61	4	0	61	4	7%
211 Central Ave	8	4	4	4	0	0%
99 S Lake Ave	12	1	0	12	1	8%
7 Weis Rd	18	1	0	18	1	6%
70 Weis Rd	18	2	0	18	2	11%
268-284 Hackett Blvd	22	0	0	22	0	0%
28 Weis Rd	16	0	0	16	0	0%
35 Weis Rd	8	0	0	8	0	0%
45 Weis Rd	22	2	0	22	2	9%
6 Weis Rd	22	2	0	22	2	9%
69 Weis Rd	18	0	0	18	0	0%
27 Weis Rd	8	1	0	8	1	13%

276 State St	10	0	0	10	0	0%
518 Hudson Ave	6	0	0	6	0	0%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
542 Washington Ave	8	0	0	8	0	0%
576 Western Ave	7	1	0	7	1	14%
456 Washington Ave	6	1	1	5	0	0%
731 Madison Ave	7	2	0	7	2	29%
145 Lancaster St	8	1	0	8	1	13%
80 Willett St	8	1	0	8	1	13%
407 State St	6	0	0	6	0	0%
409 State St	7	1	0	6	1	17%
300 State St	8	1	0	8	1	13%
101 Winnie St	10	1	0	10	1	10%
286 S Allen St	10	2	1	9	1	11%
173 Western Ave	12	0	0	12	0	0%
93 Columbia St	8	2	0	8	2	25%
86 Willett St	68	4	0	68	4	6%
141 Jay St	6	1	1	5	0	0%
65 Watervliet Ave	9	0	0	9	0	0%
145 Quail St	12	1	1	11	0	0%
102 Willett St	6	1	1	5	0	0%
142 Washington Ave	12	1	0	12	1	8%
493 State St	9	7	0	9	7	78%
1066 Washington Ave	6	0	0	6	0	0%
1070 Washington Ave	6	0	0	6	0	0%
53 Tryon Ct	6	3	3	3	0	0%
55 Tryon Ct	6	3	3	3	0	0%

282 State St	8	0	0	8	0	0%
390 Madison Ave	18	1	0	18	1	6%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
9 St Joseph Ter	8	3	0	8	3	38%
335-345 Hackett Blvd	18	0	0	18	0	0%
336-346 Hackett Blvd	20	0	0	20	0	0%
351-361 Hackett Blvd	18	1	0	18	1	6%
365-375 Hackett Blvd	20	0	0	20	0	0%
255 State St	9	0	0	9	0	0%
9 Hartman Rd	7	2	2	5	0	0%
264 S Allen St	11	0	0	11	0	0%
274 S Allen St	9	0	0	9	0	0%
200 Lancaster St	6	0	0	6	0	0%
306 State St	8	1	0	8	1	13%
190 Spring St	8	3	0	8	3	38%
49 S Lake Ave	13	4	0	13	4	31%
226 Jay St	11	2	0	11	2	18%
555 New Scotland Ave	6	0	0	6	0	0%
557 New Scotland Ave	6	0	0	6	0	0%
180 Washington Ave	37	8	0	37	8	22%
99 Hawthorne Ave	6	1	0	6	1	17%
1135 Western Ave	8	0	0	8	0	0%
762 Madison Ave	23	7	0	23	7	30%
420 Madison Ave	6	0	0	6	0	0%
55 S Lake Ave	48	12	0	48	12	25%
152 Lancaster St	7	1	0	7	1	14%

421 Livingston Ave	199	17	0	199	17	9%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
38 S Main Ave	21	1	0	21	1	5%
1146 Madison Ave	10	5	0	10	5	50%
570 Western Ave	25	5	0	25	5	20%
20 Old Hickory Dr	179	9	0	179	9	5%
21 Old Hickory Dr	140	3	0	140	3	2%
216 Morton Ave	7	5	4	3	1	33%
232 Morton Ave	6	3	3	3	0	0%
141 Southern Blvd	6	0	0	4	0	0%
1060 Western Ave	12	0	0	12	0	0%
208 Western Ave	6	0	0	6	0	0%
206 Western Ave	6	0	0	6	0	0%
298 State St	10	0	0	10	0	0%
419 Sheridan Ave	6	3	0	6	3	50%
357 Morris St	31	9	0	31	9	29%
285 State St	6	1	0	6	1	17%
252 State St	13	2	0	13	2	15%
256 State St	16	5	0	16	5	31%
71 Chestnut St	18	7	1	17	6	35%
400 Delaware Ave	28	4	1	27	3	11%
27 Dove St	7	3	0	7	3	43%
336 Hudson Ave	8	2	0	8	2	25%
338 Hudson Ave	7	2	0	7	2	29%
26 Dana Ave	41	11	0	41	11	27%
385 Morris St	43	8	0	43	8	19%

8 S Lake Ave	66	19	3	63	16	25%
325 State St	9	1	0	9	1	11%
361 State St	7	1	0	7	1	14%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
363 State St	7	2	0	7	2	29%
305 New Scotland Ave	33	3	0	33	3	9%
600 Warren St	97	6	0	97	6	6%
611 N Pearl St	10	1	0	9	1	11%
620 N Pearl St	10	2	0	9	2	22%
58 Willett St	7	0	0	7	0	0%
826-828 Chestnut St	10	1	0	10	1	10%
917 Park Ave	7	0	0	7	0	0%
921 Park Ave	7	0	0	7	0	0%
156 S Swan St	7	0	0	7	0	0%
33 N Main Ave	6	0	0	6	0	0%
1071 Madison Ave	6	0	0	6	0	0%
120 Chestnut St	6	1	0	6	1	17%
132 Chestnut St	10	3	0	10	3	30%
361 Washington Ave	9	2	0	9	2	22%
277 Western Ave	6	0	0	6	0	0%
21 Mc Alpin St	12	1	1	11	0	0%
775 Myrtle Ave	30	23	23	7	0	0%
74 Willett St	70	8	5	65	3	5%
110 N Allen St	8	3	3	5	0	0%
8 S Allen St	6	1	1	5	0	0%
514 Bradford St	6	0	0	6	0	0%
268 Quail St	6	1	0	6	1	17%
280 State St	9	2	0	9	2	22%

8 Madison Pl	6	2	0	6	2	33%
9 Ten Broeck St	8	0	0	8	0	0%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
1 Sprague Place	10	1	0	10	1	10%
202-204 S Allen St	10	1	0	10	1	10%
210 S Allen St	10	2	1	9	1	11%
265 S Allen St	8	0	0	8	0	0%
27 Winnie Pl	16	3	0	16	3	19%
34 Glenwood St	10	0	0	10	0	0%
38 Glenwood St	10	0	0	10	0	0%
29 Winnie St	16	0	0	16	0	0%
323 State St	9	0	0	9	0	0%
330 State St	8	0	0	8	0	0%
395 State St	10	0	0	10	0	0%
948 Washington Ave	6	3	0	6	3	50%
950 Washington Ave	6	3	0	6	3	50%
28 Willett St	8	1	0	8	1	13%
102 S Lake Ave	12	4	0	12	4	33%
63 Second Ave	14	1	0	14	1	7%
14 S Lake Ave	6	0	0	6	0	0%
740 Madison Ave	9	1	0	9	1	11%
64 Willett St	10	0	0	10	0	0%
18 Providence St	7	0	0	7	0	0%
156 Jay St	7	1	0	7	1	14%
383 State St	6	1	1	5	0	0%
115 Philip St	12	11	0	12	11	92%
480 Ontario St	8	1	1	7	0	0%
121 S Lake Ave	6	0	0	6	0	0%

1156 Madison Ave	16	1	0	16	1	6%
391 State St	7	1	1	6	0	0%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
294 Washington Ave	6	1	0	6	1	17%
2 Colby St	6	0	0	6	0	0%
31 S Main Ave	7	1	1	6	0	0%
100 N Pine Ave	6	0	0	6	0	0%
96 N Pine Ave	6	0	0	6	0	0%
297 Myrtle Ave	6	0	0	6	0	0%
479 State St	12	9	0	12	9	75%
21 Ten Broeck St	9	0	0	9	0	0%
93 Dana Ave	9	0	0	9	0	0%
1 Leonard Pl	6	0	0	6	0	0%
2 Leonard Pl	6	0	0	6	0	0%
6 Pine St	7	0	0	7	0	0%
445 Ontario St	6	0	0	6	0	0%
1 Stonehenge Ln	45	0	0	45	0	0%
2 Circle Ln	62	0	0	62	0	0%
2 Stonehenge Ln	106	0	0	106	0	0%
387 State St	6	1	1	5	0	0%
182 Delaware Ave	6	1	0	6	1	17%
202 Washington Ave	12	4	0	12	4	33%
56 Second Ave	7	0	0	7	0	0%
54 Parkwood Ave	9	1	0	9	1	11%
36 Spring St	6	0	0	6	0	0%
718 Madison Ave	8	0	0	8	0	0%

714 Madison Ave	11	0	0	11	0	0%
70 Ontario St	6	2	0	6	2	33%
520 Morris St	8	2	0	8	2	25%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
135 S Lake Ave	13	0	0	13	0	0%
620 Madison Ave	12	2	0	12	2	17%
618 Madison Ave	7	2	0	7	2	29%
604 Madison Ave	6	1	0	6	1	17%
314 State St	11	7	7	4	0	0%
304 Washington Ave	7	3	3	4	0	0%
272-274 Central Ave	8	3	3	5	0	0%
18 N Manning Blvd	19	6	0	19	6	32%
46 Willett St	6	1	0	6	1	17%
329 State St	11	0	0	11	0	0%
122 S Allen St	7	2	0	7	2	29%
391 Madison Ave	6	0	0	6	0	0%
268 Washington Ave	32	2	0	32	2	6%
230 Lark St	13	3	0	13	3	23%
236 Lark St	6	1	0	6	1	17%
461 State St	8	1	0	8	1	13%
44 Willett St	9	1	0	9	1	11%
429-431 Washington Ave	8	0	0	8	0	0%
364 Hamilton St	7	0	0	7	0	0%
248 State St	34	8	3	11	5	45%
137 S Allen St	6	0	0	6	0	0%
465 S Pearl St	6	6	6	0	0	#DIV/0!
81 Ten Broeck St	8	0	0	8	0	0%

199 S Allen St	24	3	0	24	3	13%
35 Mc Alpin St	6	1	0	6	1	17%
40 Cleveland St	12	0	0	12	0	0%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
1154 Madison Ave	14	2	0	14	2	14%
351 Myrtle Ave	7	0	0	7	0	0%
303 State St	10	1	0	10	1	10%
893 Lancaster St	8	1	0	8	1	13%
246 Lark St	12	2	0	12	2	17%
274 State St	9	3	0	9	3	33%
33 N Pearl St	6	0	0	6	0	0%
98 Central Ave	10	1	1	9	0	0%
137 Clinton St	6	0	0	3	0	0%
229 Morris St	12	0	0	12	0	0%
91 Southern Blvd	6	1	1	5	0	0%
8 Ryckman Ave	6	0	0	6	0	0%
16 Ryckman Ave	6	0	0	6	0	0%
441 State St	8	8	8	0	0	#DIV/0!
51 Elm St	10	5	0	10	5	50%
83 S Lake Ave	6	0	0	6	0	0%
52 Watervliet Ave	7	7	7	0	0	#DIV/0!
25 Woodlawn Ave	8	0	0	8	0	0%
187 S Allen St	11	1	0	11	1	9%
5 Pine St	6	2	0	6	2	33%
500 Park Ave	8	1	1	7	0	0%
1 Edison Ave	9	0	0	9	0	0%
644 Morris St	6	0	0	6	0	0%
674 Madison Ave	6	0	0	6	0	0%
560 Myrtle Ave	6	2	0	6	2	33%

1102 Western Ave	6	0	0	6	0	0%
1098 Western Ave	6	0	0	6	0	0%
99 Columbia St	8	2	0	8	2	25%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
205 S Allen St	21	2	0	21	2	10%
97 Columbia St	8	8	8	0	0	#DIV/0!
111 State St	6	1	0	6	1	17%
299 Quail St	6	4	2	4	2	50%
328 Western Ave	10	3	1	9	2	22%
548 Madison Ave	6	0	0	6	0	0%
29 Second St	19	6	0	19	6	32%
39 Jeannette St	13	4	0	13	4	31%
41 Jeannette St	13	5	0	13	5	38%
483 State St	9	2	0	9	2	22%
485 State St	7	2	0	7	2	29%
31 S Lake Ave	6	2	2	4	0	0%
56 S Main Ave	6	2	0	6	2	33%
58 S Main Ave	7	0	0	7	0	0%
127 Ryckman Ave	6	0	0	6	0	0%
123 Ryckman Ave	6	0	0	6	0	0%
811 Madison Ave	8	2	0	8	2	25%
294 State St	8	1	0	8	1	13%
578 Madison Ave	7	2	0	7	2	29%
449 State St	7	0	0	7	0	0%
405 Spring St	6	0	0	6	0	0%
345 State St	7	1	1	6	0	0%
347 State St	8	1	0	8	1	13%
21 Elk St	8	0	0	8	0	0%
131 S Lake Ave	8	0	0	8	0	0%

62 N Pine Ave	6	0	0	6	0	0%
407 Spring St	6	0	0	6	0	0%
24 N Allen St	6	0	0	6	0	0%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
95 N Manning Blvd	6	0	0	6	0	0%
53 N Allen St	7	0	0	7	0	0%
21 Watervliet Ave	10	0	0	10	0	0%
204 Washington Ave	7	0	0	7	0	0%
61 Central Ave	8	0	0	2	0	0%
403 Spring St	6	0	0	6	0	0%
107 Lincoln Ave	219	29	26	193	3	2%
101 Eileen St	6	0	0	6	0	0%
137 Madison Ave.	9	0	0	9	0	0%
196 Washington Ave.	10	0	0	10	0	0%
27 N Pearl St.	18	0	0	18	0	0%
27 Western Ave.	31	0	0	31	0	0%
285-287 Quail St	6	0	0	6	0	0%
328 Madison Ave	9	0	0	9	0	0%
42 Ten Eyck Ave	6	0	0	6	0	0%
419 Madison Ave	6	0	0	6	0	0%
718 Central Ave	9	0	0	9	0	0%
100 Morris St	16	0	0	16	0	0%
170 Knox St	8	0	0	8	0	0%
19 Avenue B	10	0	0	10	0	0%
20 Avenue B	10	0	0	10	0	0%
337 New Scotland Ave	6	0	0	6	0	0%

95 Eileen St	6	0	0	6	0	0%
1094 Madison Ave	6	0	0	6	0	0%
51 Broad St	8	0	0	8	0	0%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
420 Delaware Ave	6	0	0	6	0	0%
151 Henry Johnson Blvd	8	0	0	8	0	0%
117 Southern Blvd	6	0	0	6	0	0%
54 S Main Ave	6	0	0	6	0	0%
201 Park Ave	46	0	0	46	0	0%
96 Chestnut St	7	0	0	7	0	0%
98 Chestnut St	7	0	0	7	0	0%
234 S Allen St	6	0	0	6	0	0%
520 Hamilton St	7	0	0	7	0	0%
164 Homestead Ave	6	0	0	6	0	0%
166 Homestead Ave	6	0	0	6	0	0%
170 Homestead Ave	6	0	0	6	0	0%
135 Dana Ave	6	0	0	6	0	0%
28 Robin St	6	0	0	6	0	0%
30 Robin St	6	0	0	6	0	0%
192 Ontario St	8	0	0	8	0	0%
180 Fairlawn Ave	6	0	0	6	0	0%
522 Broadway	14	0	0	14	0	0%
70 Morris St.	7	0	0	7	0	0%
6 St Joseph Ter	7	0	0	7	0	0%

7 St Joseph Ter	12	0	0	12	0	0%
570 Madison Ave	6	0	0	6	0	0%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
865 Madison Ave	6	0	0	6	0	0%
135 Central Ave	8	0	0	8	0	0%
68 Morris St	8	0	0	8	0	0%
142 Morton Ave	13	0	0	13	0	0%
70 Central Ave	6	0	0	6	0	0%
397 State St	10	0	0	10	0	0%
94 Spring St	50	0	0	50	0	0%
39 Parkwood St	9	0	0	9	0	0%
111 S Lake Ave	6	0	0	6	0	0%
369-371 Morris St	6	0	0	6	0	0%
106 N Allen St	8	0	0	8	0	0%
31 Parkwood St	6	0	0	6	0	0%
17 Picotte Dr	16	0	0	16	0	0%
28 Picotte Dr	16	0	0	16	0	0%
31 Picotte Dr	18	0	0	18	0	0%
352 Hackett Blvd	10	0	0	10	0	0%
366 Hackett Blvd	16	0	0	16	0	0%
100 Ryckman Ave	7	0	0	7	0	0%
518 Broadway	9	0	0	9	0	0%
304 Ontario St	6	0	0	6	0	0%
214 Jay St	7	0	0	7	0	0%
26 Dove St	7	0	0	7	0	0%
40 Willett St	9	0	0	9	0	0%
546 Madison Ave	8	0	0	8	0	0%

550 Madison Ave	8	0	0	8	0	0%
26 Willett St	6	0	0	6	0	0%
369 Hudson Ave	6	0	0	6	0	0%
Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total Eligible Units	Total vacant units available for rent	Vacancy Rate
371 Hudson Ave	6	0	0	6	0	0%
373 Hudson Ave	6	0	0	6	0	0%
441 Yates St	6	0	0	6	0	0%
800 Madison Ave	7	0	0	7	0	0%
540 Madison Ave	7	0	0	7	0	0%
117 S Pearl St.	8	0	0	8	0	0%
10 Brevator	12	0	0	12	0	0%
12 Brevator	14	0	0	14	0	0%
14 Brevator	12	0	0	12	0	0%
20 Brevator	23	0	0	23	0	0%
841 Western Ave	28	0	0	28	0	0%
127 Central Ave	6	0	0	6	0	0%
690 State St	3	0	0	3	0	0%
48 Weis Rd	4	0	0	4	0	0%
Total	4876	550	160	4681	390	8.33%

2. Ineligible for Substantial Renovation or Conversion post-1974

Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total eligible units	Total vacant units available for rent	Vacancy Rate
152 Washington Ave	36	3	0	N/A	3	8%
16 Sheridan Ave	133	5	0	N/A	5	4%
240 Sheridan Ave	12	1	0	N/A	1	8%
39 Columbia St	39	2	0	N/A	2	5%
42 Willett St	9	DNP	0	N/A	DNP	DNP
43 Columbia St	22	4	0	N/A	4	18%
160 Myrtle Ave	77	4	0	N/A	4	5%
138 Morton Ave	8	1	0	N/A	1	13%
175 Jay St	97	97	97	N/A	0	0%
83 Beaver St	9	0	0	N/A	0	0%
56 Sheridan Ave	6	0	0	N/A	0	0%
60 State St	14	0	0	N/A	0	0%
1 Steuben Pl	43	3	0	N/A	3	7%
4 Central Ave	37	3	0	N/A	3	8%
103 Columbia St	9	9	9	N/A	0	0%
138 Washington Ave	8	2	1	N/A	1	13%
666 Third St	184	DNP	0	N/A	DNP	DNP
14 N Manning Blvd	64	DNP	0	N/A	DNP	DNP
37 Maiden Ln	6	1	0	N/A	1	17%
105 Morris St	28	0	0	N/A	0	0%
420 Broadway	8	1	0	N/A	1	13%
883 Broadway	31	3	0	N/A	3	10%

Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total eligible units	Total vacant units available for rent	Vacancy Rate
87 Columbia St	7	0	0	N/A	0	0%
260 Washington Ave	14	0	0	N/A	0	0%
89 Columbia St	10	0	0	N/A	0	0%
76 N Pearl St	55	2	0	N/A	2	4%
889 Lancaster St	13	0	0	N/A	0	0%
560 N Pearl St	6	6	6	N/A	0	0%
50 Colvin Ave	14	3	0	N/A	3	21%
522 Washington Ave	30	6	0	N/A	6	20%
688 Madison Ave	10	2	0	N/A	2	20%
301 S Allen St	8	1	0	N/A	1	13%
184 Washington Ave	6	1	0	N/A	1	17%
81 Grand St	8	2	0	N/A	2	25%
80 N Allen St	6	0	0	N/A	0	0%
382 Broadway	10	2	0	N/A	2	20%
109 State St	9	2	0	N/A	2	22%
111 State St	6	1	0	N/A	1	17%
346 State St	13	4	0	N/A	4	31%
39-49 Sheridan Ave	44	1	0	N/A	1	2%
1 Columbia Pl	21	1	0	N/A	1	5%
23 N Pearl St	7	1	0	N/A	1	14%
4 Sheridan Ave	13	2	0	N/A	2	15%
412 Broadway	32	0	0	N/A	0	0%

Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total eligible units	Total vacant units available for rent	Vacancy Rate
81 Columbia St	8	1	0	N/A	1	13%
368-370 Broadway	6	1	0	N/A	1	17%
20 Park St	73	0	0	N/A	0	0%
Total	1309	178	113	0	65	4.97%

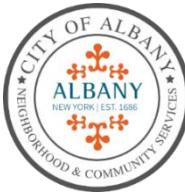
3. Ineligible for already being rent controlled

Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total eligible units	Total vacant units available for rent	Vacancy Rate
<i>400 Hudson Ave</i>	182	36	0	N/A	36	20%
<i>400 Central Ave</i>	308	41	0	N/A	41	13%
<i>315 Northern Blvd</i>	103	0	0	N/A	0	0%
<i>175 S Swan St</i>	159	0	0	N/A	0	0%
Total	752	77	0	0	77	10%

4. Ineligible for having too few units

Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total eligible units	Total vacant units available for rent	Vacancy Rate
244 Lark St	5	0	0	N/A	0	0%
721 Madison Ave	2	1	0	N/A	1	50%
1080 Madison Ave	5	0	0	N/A	0	0%
236 Morton Ave	5	1	1	N/A	0	0%
455 Washington Ave	4	0	0	N/A	0	0%
186 Western Ave	1	0	0	N/A	0	0%
654 Western Ave	1	1	0	N/A	1	100%
115 S Lake Ave	5	0	0	N/A	0	0%
172 Jefferson St	1	0	0	N/A	0	0%
342 State St	5	0	0	N/A	0	0%
519 Central Ave	2	0	0	N/A	0	0%
586 Western Ave	0	N/A	0	N/A	N/A	N/A
442 New Scotland Ave	4	0	0	N/A	0	0%
469 S Pearl St	1	1	1	N/A	0	0%
131 Ryckman Ave	4	0	0	N/A	0	0%
1278 Broadway	2	0	0	N/A	0	0%
25 Monroe St	0	N/A	0	N/A	N/A	N/A
269 Lark St	2	1	0	N/A	1	50%
800 Broadway	3	0	0	N/A	0	0%

Property Address	Total units	Total vacant units	Total vacant units not available for rent	Total eligible units	Total vacant units available for rent	Vacancy Rate
634 Madison Ave	Boutique Hotel	N/A	N/A	N/A	N/A	N/A
93 Ten Broeck St	1	0	0	N/A	0	0%
271 Central Ave	Treatment Addiction Center	N/A	N/A	N/A	N/A	N/A
8 Thurlow Ter	Boutique Hotel	N/A	N/A	N/A	N/A	N/A
Total	53	5	2	N/A	3	5.66%



200 Henry Johnson Boulevard, Albany, New York 12210

Month Day, Year

(Insert Name)

(Insert Address)

RE: Property Located at: (Insert building address)
Survey Code: (Insert Survey Code)

Dear Property Owner,

You are listed as the owner of the above residential building in the City of Albany (the City). We are seeking to understand the availability of rental units in the City of Albany and we hope you will participate in our survey.

Please complete the survey no later than April 26, 2024.



Visit <https://www.surveymonkey.com/r/vacancystudy> or use the QR code

The results of the survey **will be used to determine whether the City of Albany Common Council can vote to opt into the New York State Emergency Tenant Protection Act (ETPA)**. The ETPA of 1974 is a statewide law that was amended in 2019 to **allow upstate municipalities to implement rent control if the vacancy rate in buildings constructed before 1974 that contain six (6) or more units is below 5%**.

If the results of the survey show the vacancy rate in buildings constructed before 1974 that contain six (6) or more units is below 5%, the City of Albany Common Council may vote to opt into the ETPA which is the first step in implementing rent control and may restrict the rents you can charge in the future.

The City strongly encourages you to respond to this survey accurately and thoroughly. **If the City is unable to obtain any credible occupancy data for your property, the City will assume each and every unit in your building is occupied for the purposes of the survey.**

Please note the City may attempt to obtain information and/or verify your answers by other methods, including but not limited to review of public documents or records and requests for site visits.

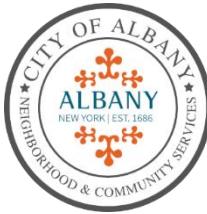
The City may impose a civil penalty or fee of up to \$500 on an owner or their agent if the owner or their agent refuses to participate in such vacancy survey and cooperate with the municipality in such vacancy survey, or submits knowingly and intentionally false vacancy information.

Additional information on ETPA can be found here: <https://tinyurl.com/NYSETPA>. Thank you for your assistance. If you have any questions, contact me below.

Sincerely,

Sam Wells, Neighborhood Stabilization Coordinator, housing@albanyny.gov, 518-434-2489

P.S. Please complete the survey online <https://www.surveymonkey.com/r/vacancystudy> by April 26, 2024.



200 Henry Johnson Boulevard, Albany, New York 12210

Month Day, Year

(Insert Name)

(Insert Address)

Dear Property Owner,

We are seeking to understand the availability of rental units in the City of Albany.

Please return the survey by the, now extended, deadline, May 10, 2024.

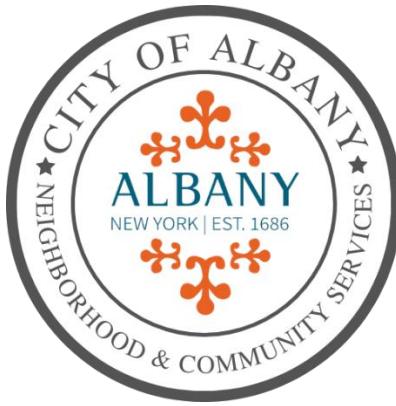
We are reaching out to you again because our records indicate that you have not yet completed the requested online survey.

Included in this mailing is the original letter we sent you with the address of the property and the link for the online survey. Additionally included is a paper copy of the survey and a postage paid return envelope if you prefer to use instead of the online survey.

If you have any questions, contact me below.

Sincerely,

Sam Wells
Neighborhood Stabilization Coordinator
vacancystudy@albanyny.gov
518-694-4813



City of Albany Rental Vacancy Survey - ETPA

The City of Albany is seeking to learn more about the availability of housing in the rental market.

You are listed as the owner of a residential building in the City of Albany (the City). We are seeking to better understand the availability of rental units in the City and we hope you will participate in our survey.

Please complete the survey no later than May 10, 2024. (Extended from original date.)

The results of the survey will be used to determine whether the City of Albany Common Council can vote to opt into the New York State Emergency Tenant Protection Act (ETPA).

The ETPA of 1974 is a statewide law that was amended in 2019 to allow upstate municipalities to implement rent control if the vacancy rate in buildings constructed before 1974 that contain six (6) or more units is below 5%.

If the results of the survey show the vacancy rate in buildings constructed before 1974 that contain six (6) or more units is below 5%, the City of Albany Common Council may vote to opt into the ETPA which is the first step in implementing rent control and may restrict the rents you can charge in the future.

The City strongly encourages you to respond to this survey accurately and thoroughly. If the City is unable to obtain any credible occupancy data for your property, the law requires that the City is to assume each and every unit in your building is occupied for the purposes of the survey.

Please note the City may attempt to obtain information and/or verify your answers by other methods, including but not limited to review of public documents or records and requests for site visits.

The City may impose a civil penalty or fee of up to \$500 on an owner or their agent if the owner or their agent refuses to participate in such vacancy survey and cooperate with the municipality in such vacancy survey, or submits knowingly and intentionally false vacancy information.

Additional information on ETPA can be found here:

https://hcr.ny.gov/system/files/documents/2024/01/fact-sheet-08-01-2024_1.pdf

Thank you for your assistance. If you have any questions, contact Sam Wells, Neighborhood Stabilization Coordinator at vacancystudy@albanyny.gov or 518-694- 4813.

* 1. Enter Survey Code - located at top of letter from the City of Albany.

(Insert Survey Code)

* 2. Please provide the property address that was listed in your letter from the City of Albany.

3. If this is not the correct address for the property, please correct below.

(Insert building address)

Address

Address 2

City/Town

State

ZIP

* 4. What is your name?

First name

Last name

5. Business Name if applicable.

6. Email address where we can reach you to verify the information you have provided:

7. Phone number where you can be reached.

8. Are you the current owner of this property?

- Yes
- No

9. If you answered "No" to question above, are you the designated property manager of this property?

- Yes
- No

10. If you are not the owner, nor the property manager, what is your title or role?

11. How many rental units are in the above property?

12. How many units are subject to any State or Federal subsidies?

13. How many units are owned by a not-for-profit and used as housing for a vulnerable population?

of units

Name of not-for-profit

14. Have any units been substantially renovated after January 1, 1974? (Refer to Section 5 of the Legislation here.)

- Yes
- No
- If yes, what year, how many and to what extent were the renovations?

15. If you think this property is exempt from this reporting as listed in the State statute, please indicate which exemption and why. (Refer to Section 5 of the Legislation here, <https://www.nysenate.gov/legislation/laws/ETP/5>)

16. As of today's date, how many units are occupied?

17. As of today's date, how many units are not occupied?

18. Are any of the not occupied units you listed above currently off the market or unavailable to rent?

Yes

No

19. If you answered "yes" to above question, how many units are off the market and why? (e.g. undergoing renovation, uninhabitable, a tenant is moving in at a later date, etc.)

20. How many units are currently utilized as short-term rentals (i.e. Airbnb, VRBO, etc.)?

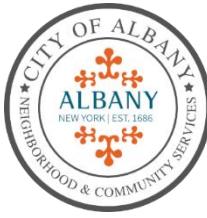
21. Is there anything else we should know that may inform the study?

22. Today's Date

* 23. By checking this box, you agree that all answers in this survey are accurate to the best of your knowledge.

Yes

****Required answers***



200 Henry Johnson Boulevard, Albany, New York 12210

Month Day, Year

(Insert Name)

(Insert Address)

RE: Property Located at: (Insert building address)
Survey Code: (Insert Survey Code)

Dear Property Owner,

This is the LAST and FINAL ATTEMPT we will make to have you complete the Vacancy Survey by June 28, 2024.

Failure to respond will result in your building being reported as having no apartment vacancies and contribute to a low city-wide vacancy rate.

If the city-wide vacancy rate is lower than 5%, NYS law allows the City's Common Council to opt into rent control for your building.

So it's to your advantage to accurately report your vacancy information.

To complete the survey, return the attached survey using the pre-addressed envelope,

or visit <https://www.surveymonkey.com/r/vacancystudy>

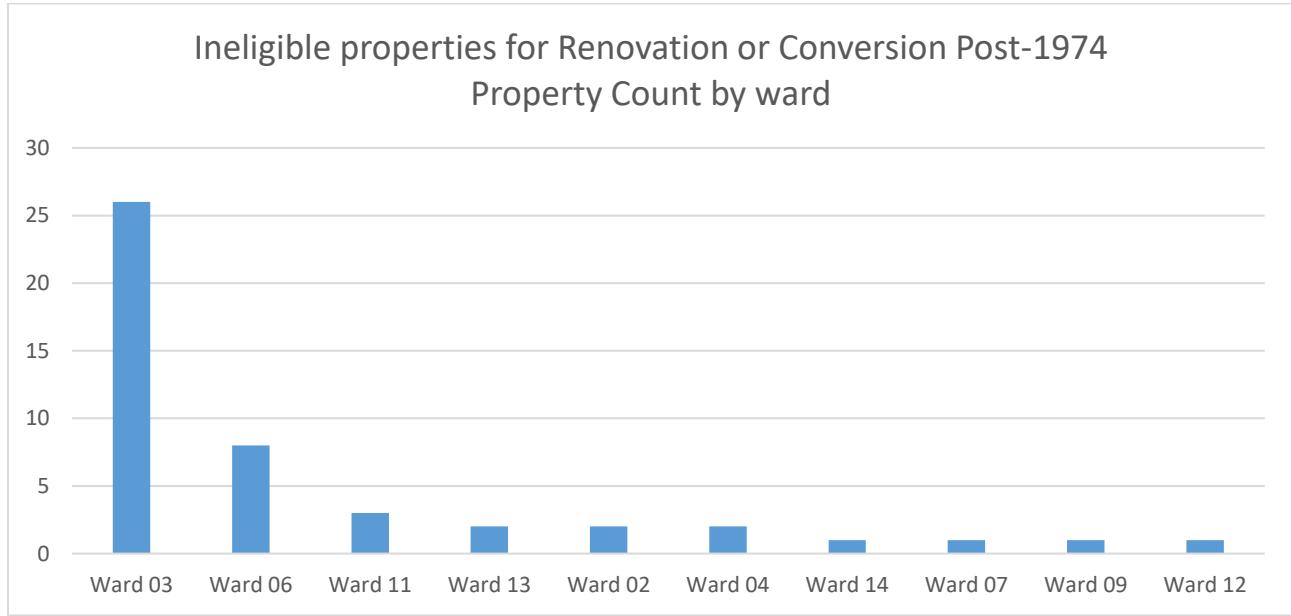
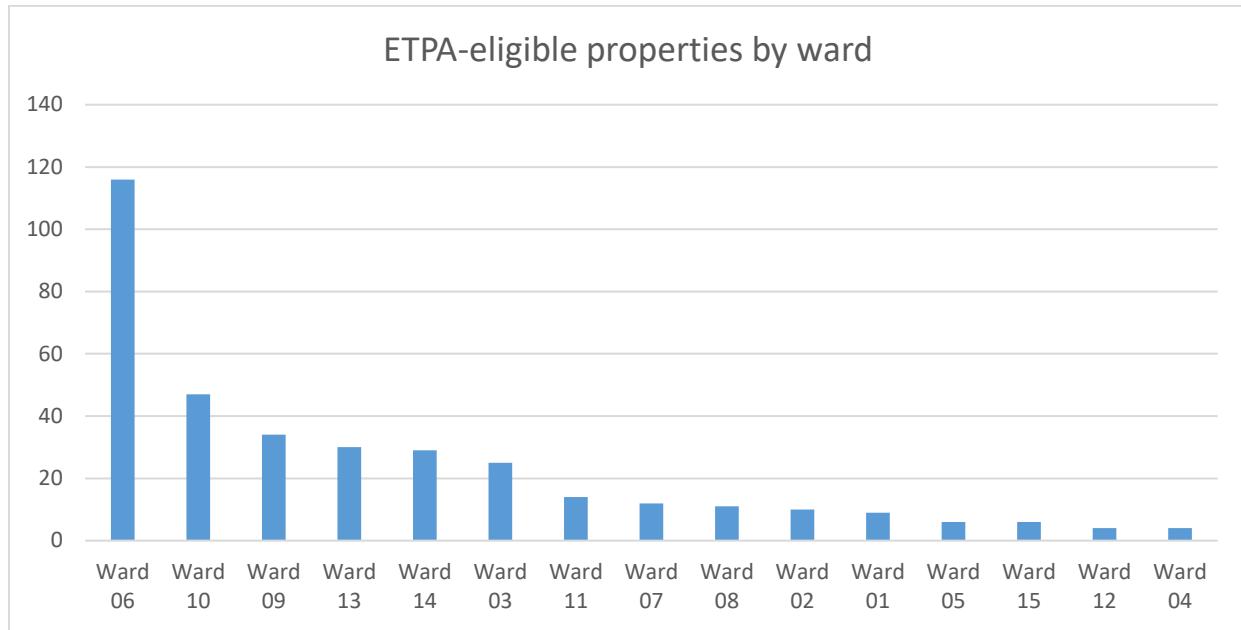


or use the QR code

The original letter is printed on the other side. If you have any questions, contact me below.

Sincerely,

Sam Wells, Neighborhood Stabilization Coordinator, housing@albanyny.gov, 518-434-2489





Homes and Community Renewal

Office of Rent Administration

FACT SHEET # 38

Substantial Rehabilitation

2 PAGES

Introduction

The DHCR will find that a building has been substantially rehabilitated within the meaning of the Tenant Protection Regulations or the Rent Stabilization Code, and is therefore exempt from coverage under the Emergency Tenant Protection Act (ETPA) or the Rent Stabilization Law (RSL), respectively, for rent stabilized properties where the owner demonstrates, based upon the totality of the circumstances, that the following criteria have been met:

(1) At least 75% of building-wide and individual housing accommodation systems must have been replaced.

(2) The rehabilitation must have been commenced in a building that was in a substandard or seriously deteriorated condition. Space converted from non-residential use to residential isn't required to have been in substandard or seriously deteriorated condition;

The DHCR will not find the building to have been in a substandard or seriously deteriorated condition where it can be established that the owner has attempted to secure a vacancy by an act of arson resulting in criminal conviction of the owner or the owner's agent, or the DHCR or other governmental entity has made a finding of harassment;

(3) All building systems must comply with all applicable building codes and requirements,

and the owner must submit copies of the building's certificate of occupancy.

Where occupied rent regulated housing accommodations have not been rehabilitated, such housing accommodations shall remain rent regulated until vacated, notwithstanding a finding that the remainder of the building has been substantially rehabilitated.

"Constructive Occupancy" by Rent Stabilized Tenants in Substantially Rehabilitated Buildings

Where, because of the existence of hazardous conditions in his or her housing accommodation, a tenant has been ordered by a governmental agency to vacate such housing accommodation, and the tenant has received a court order or an order of the DHCR that provides for payment by the tenant of a nominal rental amount while the vacate order is in effect, and permits the tenant to resume occupancy without interruption of the rent stabilized status of the housing accommodation upon restoration of the housing accommodation to a habitable condition, such housing accommodation will be excepted from any finding of substantial rehabilitation otherwise applicable to the building. A housing accommodation will also be excepted from a finding of substantial rehabilitation where, although a vacate order has not been issued, the owner has requested the tenant to temporarily vacate so as to facilitate the rehabilitation of the building and the tenant does so for the owner's convenience, without surrendering such accommodation.

However, the exemption from rent regulation based upon substantial rehabilitation will apply to a housing accommodation that is subject to a right of re-occupancy, if the returning tenant subsequently vacates, or if the tenant who is entitled to return pursuant to court or DHCR order chooses not to do so.

Prior Opinion

An owner may apply to the DHCR for an advisory prior opinion that the building will qualify for exemption from rent regulation on the basis of substantial rehabilitation, based upon the owner's rehabilitation plan.

Individual Apartment Improvements, Major Capital Improvements, First Rents and Combined Apartments Distinguished from Substantial Rehabilitation

Where the work performed fails to meet the criteria set forth above for exemption from coverage under the ETPA or RSL on the basis of substantial rehabilitation, the owner may still qualify for rent increases based upon work performed on building-wide systems or in individual apartments. See Fact Sheets #11, #24 and #33, and Operational Bulletin 2016-1.

Where an owner creates a housing accommodation in space previously used for non-residential purposes, the DHCR may find that the resultant housing accommodation was not in existence on the applicable base date. Such a finding may entitle the owner to charge a market or "first rent," subject to guidelines limitations for future rent adjustments.

When two apartments, at least one of which is rent stabilized, are combined to create a new apartment the resulting new apartment is rent stabilized and the legal rent for such apartment is the combined rents of the two original apartments. When an apartment dimensions are increased or decreased the first rent thereafter is to be increased or decreased by the same percentage as the percentage change in the dimensions.

Binding Determination

Where, after completion of the work, DHCR issues a final order determining that the building is exempt from rent regulation on the basis of substantial rehabilitation, that order will be a binding determination on a building-wide basis, notwithstanding occupancy by subsequent tenants. DHCR will not thereafter entertain challenges by subsequent tenants except upon showing that the determination was obtained as a result of fraud by the owner or the owner's agent.

This Fact Sheet is a summary of this topic. For a detailed discussion, please refer to: Operational Bulletin 2023-3, "Substantial Rehabilitation."



► Rent Connect:

rent.hcr.ny.gov

✉ Ask a question:

portal.hcr.ny.gov/app/ask

📞 For translation help:

hcr.ny.gov/language-accessibility

► Our website:

hcr.ny.gov/rent

To visit a Borough Rent Office, by appointment only, please contact:

QUEENS

92-31 Union Hall Street
6th Floor
Jamaica, NY 11433
718-482-4041

BROOKLYN

55 Hanson Place
6th Floor
Brooklyn, NY 11217
718-722-4778

UPPER MANHATTAN

163 W. 125th Street
5th Floor
New York, NY 10027
212-961-8930

LOWER MANHATTAN

25 Beaver Street
New York, NY 10004
212-480-6238

BRONX

1 Fordham Plaza
4th Floor
Bronx, NY 10458
718-430-0880

WESTCHESTER

75 South Broadway
3rd Floor
White Plains, NY 10601
914-948-4434

