



**City Council Hearing: Vacant Properties in New York City  
February 28, 2014**

**Testimony of the New York City Department of Finance  
Timothy Sheares, Assistant Commissioner for Property**

Good afternoon, Chairman Williams and members of the City Council Committee on Housing & Buildings. My name is Timothy Sheares, and I am the Assistant Commissioner for Property at the New York City Department of Finance. Thank you for the opportunity to testify before you today about the City's tax treatment of vacant land.

The Department of Finance is tasked with valuing more than 1 million property parcels every year. On January 15<sup>th</sup>, we released the Tentative Assessment Roll for the 2014/15 Fiscal Year. Almost 27,000 of the parcels on the Tentative Roll are vacant land parcels, and more than 14,700 are larger than 2,500 square feet. I have included a map in my presentation of the locations of these vacant lots for your reference.

N.Y. State law requires that vacant land in Manhattan is classified as Tax Class 4, or commercial, parcels. State law requirements are different for the other boroughs; vacant land there is classified as Tax Class 1 if it is in a residentially zoned area. If it is in a non-residential-zoned area, it is also classified as Class 1 if it meets the following three criteria:

- 1) It is adjacent to a property improved with a residential structure;
- 2) It has had the same owner as the adjacent residential property since 1989;
- 3) Its total area is 10,000 square feet or less.

Nearly 21,000 of all vacant land parcels on the roll are Tax Class 1 parcels, with a Market Value of \$5.8 billion. The remaining 5,800 vacant land parcels are Tax Class 4 and have a total Market Value of \$4.1 billion.

The Department of Finance values vacant land, whether in Tax Class 1 or 4, using a similar methodology, which groups vacant land into categories based on location, zone, and area ratings. We also use sales price data to determine Market Value.

However, the tax class of the vacant land has a major impact on the Assessed Value. The Assessed Value of a property is the value, along with exemptions, abatements, and the tax rate, that is used to determine property taxes. In Tax Class 1, the Assessed Value is up to 6% of the Market Value. In addition, there is a limit on how much the Assessed Value can increase from one year to the next. It cannot increase more than 6% a year or 20% over five years. In Tax Class 4, Assessed Value can be up to 45% of market value. Market value changes due to market forces are phased in over a 5-year period. Thus, in general, Class 4 parcels with the same Market Value as Class 1 parcels are subject to much higher property taxes.

From a public policy perspective, the current disparate treatment of vacant land in different tax classes raises obvious issues. With the exception of smaller-sized lots – less than 2,500 square feet – which are typically not suited for development or are frequently owned by homeowners, it is possible that the Tax Class 1 tax treatment may incentivize the warehousing or non-productive use of the property. Mayor de Blasio has highlighted this issue, and the Administration is actively studying a proposal on this subject, which would involve moving vacant lots from Tax Class 1 to Tax Class 4. The proposal under consideration would require N.Y. State legislation, and would exclude smaller lots that are less than 2,500 square feet in size. In addition, flood zone parcels would be excluded.

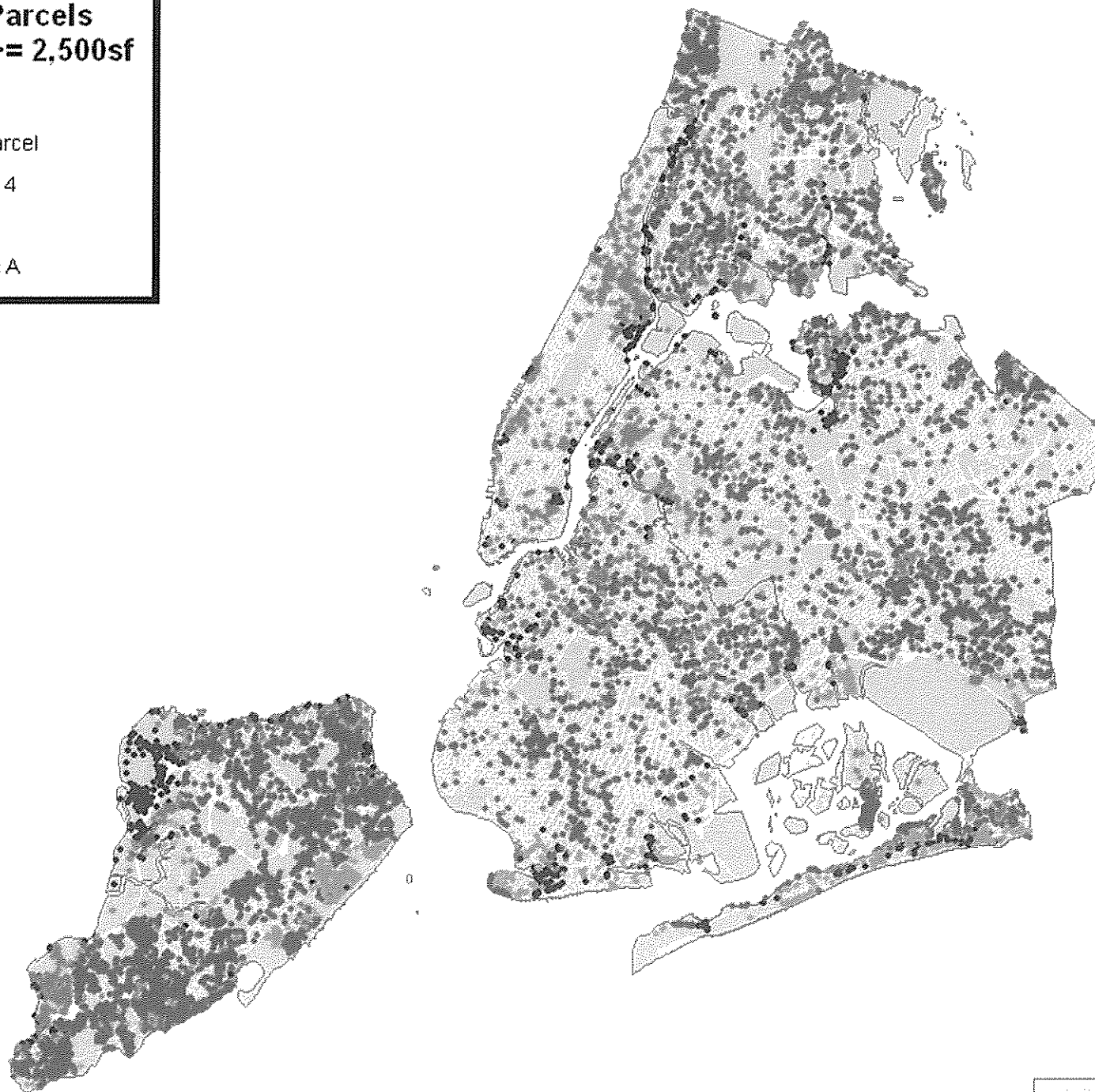
We estimate that this proposal would affect 6,893 vacant lots: 983 in Brooklyn, 1,957 in Queens, 1,365 in the Bronx and 2,588 in Staten Island. In aggregate, tax revenues from the lots switched from Tax Class 1 to Tax Class 4 would rise from \$15 million to \$143 million after a five year phase in, assuming no change in the usage of the lots, though the intention of this proposal would be to encourage development of these parcels.

At this time, I would be happy to take any questions you may have.

## All Vacant Parcels Land Area $\geq 2,500$ sf

### Category

- Vacant Parcel
- Tax Class 4
- Zone A
- TC4 Zone A



Total: 14,741 Parcels

**SAIL Away - Potential Sites**

DCAS Asset Management - February 2014

Name	District	Neighborhood	ULURP Approved	Not ULURP Approved	Total Lots
Robert Conegy	36	Bedford Stuyvesant, Northern Crown Heights	28	13	41
Rafael Espinal	37	East New York, Bushwick, Cypress Hills	5	6	11
Karen Koslowitz	29	Forest Hills, Rego Park, Kew Gardens and parts of Maspeth, Richmond Hill, Elmhurst	11	1	12
Mark Levine	7	Morningside Heights, Manhattanville, Washington Heights, Hamilton Heights	0	3	3
Rosie Mendez	2	Lower East Side, East Village, Gramercy Park, Rosehill, Kips Bay, Southern part of Murry Hill	0	1	1
Antonio Reynoso	34	Bushwick, Williamsburg in Brooklyn, Ridgewood in Queens	9	0	9
Ydanis Rodriguez	10	Washington Heights, Inwood and Marble Hill	2	0	2
Helen Rosenthal	6	Upper West Side, Lincoln Square	0	0	0
Ritchie Torres	15	Central Bronx	20	2	22
Eric Ulrich	32	Belle Harbor, Breezy Point, Broad Channel, Hamilton Beach, Rockaway Park, Howard Beach, Kindenwood, Neponsit, Ozone Park, Rockaway Beach, Rockaway Park, South Ozone Park, South Richmond Hill, Woodhaven	23	9	32
Jumaane Williams	45	Flatbush, East Flatbush, Flatlands, parts of Midwood and Canarsie	21	2	23
Totals			119	37	156

Manhattan			8	9	17
Bronx			121	10	131
Brooklyn			232	45	277
Queens			375	56	431
Staten Island			62	39	101
Totals			798	159	957



VACANT PROPERTIES IN NEW YORK CITY  
NEW YORK CITY COUNCIL  
COMMITTEE ON HOUSING AND BUILDINGS

TESTIMONY BY STACEY CUMBERBATCH  
COMMISSIONER, DEPARTMENT OF CITYWIDE ADMINISTRATIVE  
SERVICES  
FEBRUARY 28, 2014

Good afternoon Chair Williams and Members of the Committee on Housing and Buildings. My name is Stacey Cumberbatch and I am the Commissioner of the Department of Citywide Administrative Services (DCAS). Thank you for inviting me to appear before the Committee today to discuss DCAS' role in managing vacant City property. I look forward to working with all of you in the days ahead.

As you know, the City Charter directs DCAS to provide City agencies with the critical resources needed to provide services to the public. One of the critical supports we provide involves the disposal of the City's surplus real property. Surplus properties are those that are no longer needed for City operations and that agencies have transferred title to DCAS for disposal.

Currently, the City of New York has over 13,000 lots and DCAS holds title to approximately 2,000 of them. These lots can be disposed of by DCAS through two means: 1) public auction or 2) through the SAIL Away program, which stands for Slivers, Accessways and Interior Lots, and allows direct sales to adjacent property owners.

As background, the DCAS portfolio of surplus property has declined over the years largely due to the end of in rem tax foreclosures of private properties with delinquent taxes. Since the City stopped foreclosing on properties in 1996, the surplus property portfolio has been significantly reduced and now stands at approximately 2,000 lots. While lots may be transferred between agencies as operational needs change, most properties are disposed of through the public auction program.

#### **Public Auction**

Over the years, DCAS has held multiple public auctions, the most recent in 2013 where 8 lots were sold for \$17 million in revenue. Since the number of surplus properties has dwindled, most of the developable lots have been sold. The larger properties that remain in the portfolio are either on hold

for future projects of sister agencies, or leased out for private use, leaving about 1,000 tiny or narrow sliver lots. These lots are sometimes the remnants of past utilities, land locked interior lots with no street frontage or legal means of access, and accessways that are either fragments of old streets, or parts of private driveways or properties.

### **SAIL Away Program**

In response to the changing surplus portfolio, in 2010, DCAS initiated the SAIL Away program, which authorized the sale of small undevelopable properties directly to adjacent property owners. This process, approved in the City Charter with legislation that will sunset on December 31, 2015, provides DCAS with an important mechanism to sell non-developable properties to adjacent owners. However, all property, regardless of size, must receive Uniform Land Use Review Procedure (ULURP) approval in order for DCAS to sell them at auction or through SAIL Away.

To date, we have sold 28 lots representing 33,657 square feet through the SAIL Away Program, compared to 24 lots representing 23,000 square feet that were offered during the same period to adjacent owners, but not sold due to lack of interest. This program has generated \$313,869 in revenue, in addition to the tax revenue received by returning these lots to private hands and cost savings as the City no longer needs to maintain these lots anymore. Maintenance for vacant lots includes periodic inspections by a DCAS property inspection staff of eight employees and various contracts for rodent abatement, tree maintenance, and sidewalk and structure repairs. In fiscal year 2013, DCAS spent roughly \$280,000 on maintenance associated with this portfolio.

DCAS estimates that there are over 800 lots that could be potentially eligible for disposition through the SAIL Away Program. Each lot, however, needs to be approved for sale through ULURP, individually assessed for eligibility, appraised to determine market value, and there needs to be a willing and able adjacent party to purchase the properties. Outreach for this program is conducted to possible purchasers through a solicitation process. Solicitation letters are mailed to adjacent owners, including a map identifying the City property and the private adjacent properties, along with instructions to proceed with the sale. DCAS is also able to sell a lot to an entity comprised of multiple adjacent owners.

These limited market lots are distributed throughout the City, mostly located in the outer boroughs, with Queens and Brooklyn having the highest concentrations. Some of the neighborhoods with the highest concentrations of these lots include Council District 36, Bedford Stuyvesant and Crown Heights, with 41 lots, 28 of which are already approved for disposition through ULURP, and District 32, which encompasses various neighborhoods in Southern Queens with 32 lots, 23 of which are approved through ULURP. In fact, the districts represented by the members of this committee include over 150 potentially eligible properties, three quarters of which are already ULURP approved.

In sum, the DCAS portfolio of vacant surplus properties is mainly limited to small, irregularly shaped and isolated properties that are not suitable for City use or public auction. Many of these properties were offered for sale through past public auctions, prior to the existence of the SAIL Away Program, but did not receive bids.

DCAS continues to evaluate our portfolio and come up with new ways to repurpose these unmarketable lots. In addition, we are constantly in touch with our sister agencies to look for properties to support their needs.

Thank you very much for your time and I am happy to answer any questions.



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**Testimony of The Legal Aid Society Before the New York City Council Committee on Housing and Buildings Regarding the Oversight Hearing on Vacant and Abandoned Property through New York City.**

**February 28, 2014**

Thank you Chairperson Williams and members of the Committee on Housing and Buildings for the opportunity to provide testimony today.

**The Legal Aid Society**

The Legal Aid Society is the oldest and largest legal services provider for low income families and individuals in the United States. Annually, the Society handles more than 300,000 cases and legal matters for low income New Yorkers with civil, criminal and juvenile rights problems, including some 48,000 individual civil matters benefiting nearly 120,000 New Yorkers as well as law reform cases which benefit all two million low-income families and individuals in New York City.

Through a network of ten neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and special projects, the Society's Civil Practice provides direct legal assistance to low-income individuals. In addition to individual assistance, The Legal Aid Society represents clients in law reform litigation, advocacy and neighborhood initiatives, and provides extensive back up support and technical assistance for community organizations.

Chairperson Williams, recently I received an email in which you said that you "strongly believe that to address the crisis of affordability in housing, the city cannot build

its way out of the problem; instead, the city must develop creative and practical solutions to helping low- and middle-income families afford a basic human right: safe, affordable shelter.” We agree. We are optimistic that working together with this Administration and the Council, we will find solutions which enable New York City to provide safe, affordable housing for low income New Yorkers.

### **Declining Affordability of Housing**

New York City is facing an acute shortage of affordable housing. In the last twenty years, the State has enacted laws which have contributed to the loss of affordable housing. Since the passage of vacancy decontrol, automatic vacancy increases and the preferential rent amendments, landlords have been given an incentive to harass tenants or commit massive fraud to create vacant apartments that can be deregulated with higher rents. In the face of fewer rental opportunities and higher prices, New York City renters are suffering from a growing disparity between what they can afford and their actual rent. From 2002 to 2011, there was a 39% drop in the total number of apartments affordable to a family with an income of 200% of the federal poverty line.<sup>1</sup> Tenants in New York City face an increasingly dire situation..

### **Housing-related Hardships and Related Social Costs on the Rise**

The rate of housing-related hardships<sup>2</sup> among low-income renters has been increasing in recent years.<sup>3</sup> Per capita residual income – the household income that remains per member once rent is paid – dropped by about 10% over the last six years.<sup>4</sup> In 2011, 61% of New York’s low-income rent households paid at least half of their income in rent as compared to 46% in 1999.<sup>5</sup> Among the lowest income New Yorkers the rise was substantial, with 80% paying at least half their income in rent as compared to 66% in

<sup>1</sup> Thomas J. Waters, Victor Bach, Community Service Society, *What New Yorkers Want From the New Mayor: An Affordable Place to Live*. January 2014.

<sup>2</sup> These hardships include the “lesser” hardships of rent/mortgage arrears and utility cut-offs and the “severe” hardships of doubling up and using shelters.

<sup>3</sup> Victor Bach & Tom Waters, Community Service Society, *Making the Rent: Before and After the Recession*, September 2013.

<sup>4</sup> Victor Bach & Tom Waters, Community Service Society, *Making the Rent: Before and After the Recession*, September 2013.

<sup>5</sup> Thomas J. Waters, Victor Bach, Community Service Society, *Good Place to Work/Hard Place to Live*, April 2013

1999.<sup>6</sup> New Yorkers are increasingly relying on unconventional living arrangements; nearly 15,000 residents live in households of 3 or more roommates unrelated to the head of household.<sup>7</sup> High housing cost burdens and concentrated poverty are also associated with a range of more serious social harms, including higher arrest rates, poorer nutrition and health, higher financial burdens for local governments, greater educational failure, higher teenage pregnancy rates, more costly basic consumer goods, and greater difficulty maintaining steady jobs.<sup>8</sup> In addition, those suffering from high housing cost burdens are more likely to be evicted and more likely to experience homelessness.<sup>9</sup>

### **Effect of Stagnant Low-Income Wages and Increasing Prices on Residents**

Wages have not kept up with living costs, creating enormous pressure on households to somehow meet the cost of necessities other than rent. Per capita residual income — the household income that remains per member once rent is paid — has dropped about 10% over the last six years.<sup>10</sup> Inflation-adjusted wages decreased 4.5% from 2011-2012.<sup>11</sup> Earnings for low-end earners have declined; among low-income residents, the median wage and salary income dropped from \$15,000 in 2008 to \$14,000 in 2009.<sup>12</sup> New York City residents must pay increased rates for Con Edison and increased transportation costs for fare increases implemented by the Metropolitan Transportation Authority (MTA).<sup>13</sup> These price hikes in the midst of a recession signal continued economic difficulty for the residents of New York City, especially low-income New Yorkers who are already struggling to survive.

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<sup>6</sup> Id.

<sup>7</sup> Cara Buckley, "In New York, Breaking the Law on Roommates," *The New York Times*, March 10, 2010.

<sup>8</sup> Margery Austin Turner, *Current Rental Housing Market Challenges and the Need for a New Federal Policy Response: Statement before the Committee on Appropriations, Subcommittee on Transportation, HUD, and Related Agencies, US House of Representatives*, 5; Douglas Rice and Barbara Sard, Center on Budget and Policy Priorities, *The Effects of the Federal Budget Squeeze on Low-Income Housing Assistance*, 2.

<sup>9</sup> Douglas Rice and Barbara Sard, Center on Budget and Policy Priorities, February 1, 2007, *The Effects of the Federal Budget Squeeze on Low-Income Housing Assistance*, 2.

<sup>10</sup> Id. at 4.

<sup>11</sup> NYC Rent Guidelines Board *2013 Income and Affordability Study*, 3.

<sup>12</sup> Victor Bach & Tom Waters, Community Service Society, *Making the Rent, 2008 to 2010*, New York City Rent Guidelines Board Hearing, April 30, 2010, at 5.

<sup>13</sup> Patrick McGeehan, "Average Con Edison Bill to Rise by \$10 Over 3 Years," *New York Times*, March 25, 2010. Michael A. Grynbaum, "Despite Bad News, Subway Chief Hopes to Hold Line on Fare," *New York Times*, Feb. 24, 2010.

### **Growing Problem of Homeless Families**

The scarcity of affordable housing, rising rents, and the increasing cost of living have contributed to record use of the City's shelters. In November 2013, there were 53,270 children and adults sleeping in city shelters.<sup>14</sup> Since 2002, the overall homeless shelter population has risen an astonishing 71 percent.<sup>15</sup> In the last City fiscal year (FY 2013), more than 111,000 different homeless men, women and children slept in the New York City municipal shelter system, this includes more than 40,000 different homeless New York City children<sup>16</sup> Even more distressing, after a large drop in homeless families and individuals being placed in permanent housing in 2011, there was an additional 7.5 percent decrease in permanent housing placements for homeless families as of the Rent Guidelines Board's Income and Affordability Study last March.<sup>17</sup> There was also a decrease in permanent housing placements for homeless adult families; the rate for adult families dropped by 26.8 percent.<sup>18</sup> The rate of permanent housing placements for homeless single adults dropped by 19.9 percent.<sup>19</sup>

### **Increased Displacement Pressure from Landlords Despite Profits**

The New York City Rent Guidelines Board over the last couple of years has over compensated landlords. The Board has consistently overestimated projected owner operating costs, compared to actual increases later reported by owners<sup>20</sup>. In 2007, the Board projected a 7.1 percent increase in owner costs, against an actual increase of 5.2 percent; and in 2010, the projected increase was 5.5. percent against an actual increase of 0.9 percent<sup>21</sup>. Meanwhile, according to the Board, from 2010 to 2011 net operating income grew by 5.6 percent.<sup>22</sup> This is the seventh consecutive year that net operating increase has

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<sup>14</sup> Coalition for the Homeless, New York City Homelessness, The Basic Facts, <http://www.coalitionforthehomeless.org/pages/basic-facts-about-homelessness-new-york-city> Accessed on February 12, 2014.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> NYC Rent Guidelines Board, *2013 Income and Affordability Study*, 14.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Victor Bach & Tom Waters, Community Service Society, *Making the Rent: Before and After the Recession*, September 2013.

<sup>21</sup> Id.

<sup>22</sup> NYC Rent Guidelines Board *2013 Income and Expense Study*, 3

increased.<sup>23</sup> Landlords of rent-stabilized buildings retain a monthly average of \$396 per rent-stabilized unit as pre-tax profit or for use in financing the building and improvements, equivalent to an estimated annual mean of \$218,000 per building.<sup>24</sup> Even after adjusting for inflation, landlords' net operating income has increased 21.6% percent from 1990 to 2011.<sup>25</sup>

Despite landlords' solid profit margin, landlords continue to apply pressure in an effort to displace tenants. Fear of displacement runs high; a third of Black and Hispanic renters, 22 percent of White, and 25 percent of Asian renters express concern that they will be forced out of their neighborhoods over the next two years.<sup>26</sup>

### **Declining Availability of Housing**

Unfortunately for New York renters, declining affordability is coupled with declining availability. The net vacancy rate of units available for rent was 3.12 percent in 2011, significantly below the 5.0 percent threshold that legally defines a housing emergency.<sup>27</sup> The number of vacant units affordable to low-income New Yorkers is even more meager. In 2011, the vacancy rate for all units with rents less than \$800 was only 1.1 percent, and for apartments with rents between \$800 and \$999 only 2.58 percent were vacant. The vacancy rate for rent-stabilized units was even more troubling, measuring just 2.63 percent.<sup>28</sup> The loss of rent-stabilized units is primary due to vacancy deregulation.<sup>29</sup> Units that remain available are increasingly out of the range of low-income New Yorkers. From 2005 to 2008, the number of apartments renting for less than \$1,000 per month fell by over 80,000, and the number renting for less than \$800 per month fell by nearly 55,000.<sup>30</sup> Overall, from 2002 to 2008, there has been a 16.4 percent loss in rental apartments that low-income households can afford.<sup>31</sup>

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<sup>23</sup> *Id.*

<sup>24</sup> NYC Rent Guidelines Board, *2013 Income and Expense Study*, 8.

<sup>25</sup> NYC Rent Guidelines Board, *2013 Income and Expense Study*, 10.

<sup>26</sup> Victor Bach & Tom Waters, Community Service Society, *Making the Rent Summary*, May 2008, iii.

<sup>27</sup> Selected Initial Findings of the 2011 New York City Housing and Vacancy Survey, prepared by Dr. Moon Wha Lee, February 9, 2012, available at <http://www.nyc.gov/html/hpd/downloads/pdf/HPD-2011-HVS-Selected-Findings-Tables.pdf>. Accessed February 28, 2012.

<sup>28</sup> *Id.*

<sup>29</sup> NYC Rent Guidelines Board, *Changes to the Rent Stabilized Housing Stock in New York City in 2012*, 9.

<sup>30</sup> Coalition for the Homeless, *State of the Homeless 2010: How Governor Paterson's Budget Will Make New York's Historic Homelessness Crisis Even Worse*, 14.

<sup>31</sup> *Id.*

The scarcity of available rent-stabilized housing is a part of an overall decline in the availability of affordable housing. Furthermore, the steady decrease in Mitchell-Lama units has accelerated, with at least 43,000 lost to buyouts since 1985.<sup>32</sup>

Applicants for public or federally subsidized housing face similar shortages.

Indeed, 167,353 applicants are on the waiting list for public housing in New York City.<sup>33</sup>

The New York City Housing Authority (NYCHA) accepted only emergency applicants into the Section 8 program from May 15, 2007 to December 10, 2009. There are 123,533

families on the waiting list for Section 8 vouchers.<sup>34</sup>

This combination of market forces and governmental decisions has worked together to have a devastating effect on low- and moderate-income New Yorkers. The declining number of vacant units available for rent and the fact that housing expansion has not kept pace with population growth<sup>35</sup> have all contributed to the scarcity of available affordable housing.

### **Recommendations**

The depth of the crisis is clear. This hearing today is a good first step in studying whether City-owned and abandoned properties may be resources for building affordable

housing. We urge this Committee to consider other solutions as well. New York City

should create its own rent subsidy program modeled on Section 8 voucher program which

would allow low-income New Yorkers to afford their homes. Further, the City should

consider raising property taxes on abandoned property and using those additional funds to preserve the affordable housing that remains. The Bloomberg administration learned early

on that building housing did not solve the problem when affordable housing developments

were exiting the affordable housing programs. We must consider methods of ensuring that

our public housing, federally subsidized and state subsidized housing remain safe and affordable.

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<sup>32</sup> NYC Rent Guidelines Board, *2013 Housing Supply Report*, 8.

<sup>33</sup> New York City Housing Authority "Fact Sheet", available at <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>. Data accessed February 12, 2014.

<sup>34</sup> New York City Housing Authority "Fact Sheet", available at <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>. Data accessed February 12, 2014. There are 23,319 applicants that are on both waiting lists.

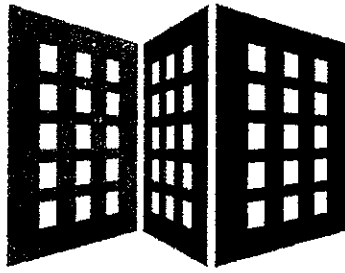
<sup>35</sup> Margery Austin Turner, *Current Rental Housing Market Challenges and the Need for a New Federal Policy Response: Statement before the Committee on Appropriations, Subcommittee on Transportation, HUD, and Related Agencies, US House of Representatives*, 2.

We are extremely optimistic that working together with this Committee, this Council and this Administration, we will begin to solve the housing affordability crisis. Thank you Chairperson Williams for inviting us to testify today. We look forward to working on these issues with you and your committee.

Respectfully Submitted:

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FTR



# STABILIZING NYC

*Vacant Properties in New York: How many are there and what is the City doing about them?*

*New York, New York  
February 28, 2014*

*Stabilizing NYC Coalition*

*Testimony before the Housing and Buildings Committee*

Good afternoon. My name is Harvey Epstein; I am the Associate Director at the Urban Justice Center and Director of the Community Development Project at UJC. The Urban Justice Center is a project-based umbrella legal services and advocacy organization serving New York City residents. The Urban Justice Center serves New York City's most vulnerable residents through a combination of direct legal service, systemic advocacy, community education and political organizing. The Community Development Project (CDP) of the Urban Justice Center formed to provide legal, technical, research and policy assistance to grassroots community groups engaged in a wide range of community development efforts through New York City. Our work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions.

CDP is one of the founding members of Stabilizing NYC, on whose behalf I am testifying today. Stabilizing NYC is made up of twelve community organizations and one civil legal services provider—CDP, CAAAV: Organizing Asian Communities, Chhaya CDC, Community Action for Safe Apartments at New Settlement Apartments, Fifth Avenue Committee/Neighbors Helping Neighbors, GOLES, Mirabal Sisters Cultural and Community Center, Northwest Bronx Community and Clergy Coalition, Pratt Area Community Council, Mothers on the Move, Flatbush Tenant Coalition, Asian Americans for Equality and Woodside on the Move. We are a diverse, neighborhood-based, multi-lingual and multi-borough coalition who are working together to preserve thousands of units of affordable housing and protect low-income tenants in dozens of predatory equity buildings throughout Manhattan, Queens, Brooklyn and the Bronx.

New York City has a housing shortage. The affordable housing shortage is extremely acute for low and moderate income New Yorkers. Meanwhile, the issue of Vacant Apartments/Buildings has been vexing advocates for years. The vacant or underutilized housing come in a variety of forms. We have vacant units in the City-owned housing stock waiting to get rehabilitated through an In Rem housing program. In addition, we have buildings that were foreclosed on by the City through the Third Party Transfer Program, however, those programs have insufficient capital as well as Section 8 certificates to fund the necessary rehabilitation. We have rallied against NYCHA for leaving apartments vacant as well. However, the largest problem is private landlords who purchase abandoned buildings and leave them vacant speculating that the real estate market will change in a few years to allow them to increase their profits.

Meanwhile, New York City policy has not evolved to address this increasing trend. One example of this short sighted view is that a vacant property is taxed at a much lower rate than an occupied building. In New York City, there are 4 tax classes, one through four. Class 1 building, including vacant property taxes 6% of the value of the property at 19.191%. However, a Class 2 building taxes 45 % of the value at 13.145%. Class 2 building get taxed a much higher rate. Just changing the tax policy on vacant property would do two things. First, it would limit the incentive for property owner to keep building vacant since they would be taxed at the higher rate whether occupied or abandoned. In addition, this additional tax revenue could be set aside for affordable housing preservation and development. While a lower tax rate for vacant buildings might have made sense historically, now we are encouraging owners to keep vacant property vacant since it is taxed at a low rate.

In addition, the city could affirmatively look for clusters of vacant property and use one of many tools to either acquire the site through eminent domain or through an urban renewal plan. These tools could be costly, but tax increases made available through changing the tax policies related to vacant buildings should adequately cover the cost.

In addition, a property owner could be subject to an additional tax for an apartment that he leaves vacant for more than 6 months. Many fail to rehabilitate apartments as they become vacant in the hopes that the deteriorating and bleak conditions will compel the remaining tenants to leave. A February 24<sup>th</sup> article in the New York Times, "Tenants Living Amid Rubble in Rent-Regulated Apartment War," describes how one Bushwick landlord gutted two of his apartments while tenants were still living there, forcing tenants to live in apartments that look like construction sites for the past eight months. We have also repeatedly seen instances where the Department of Buildings issues a vacate order, the rent-regulated tenants are forced to vacate and the owner drags his feet to rehabilitate the building. When the tenants give up on waiting and move on, the owner guts the apartments, installs high-end fixtures and rents out the units to market rate tenants. It has been termed demolition by neglect by housing advocates. Another article from February 24<sup>th</sup> in the Gothamist, "Gentrification Sparks Surge in Landlord Sabotage," depicts landlord's efforts to deliberately damage their buildings in the hopes of forcing out rent-stabilized tenants. We need to create a disincentive for landlords to keep apartments vacant, especially in gentrifying communities. In addition, we see this happening almost exclusively in rent regulated buildings. These are not just tactics to maximize profits in the short term; they are tactics that will obliterate our stock of affordable housing in NYC in the long term. Affordable housing is what makes our City thrive. The Mayor has talked a lot about the tale of two cities in New York, but there is a very real threatening possibility that it will soon be the tale of one city—the gentry's city.

NYCHA has continuously had a slow turnover process for their vacant units as well. Time and time again advocates have asked NYCHA to create a comprehensive plan to get vacant units back into the market. However, with limited oversight, NYCHA has not felt the pressure to reoccupy apartments. The council should require that NYCHA keep track of the vacant units and how long it took NYCHA to get those apartments reoccupied so we can determine how NYCHA can improve on increasing the stock of affordable housing by bring apartments back into the housing market quicker.

In addition, Housing Preservation and Development has dozens of buildings that were taken as In Rem Housing or through the Third Party Transfer Program. HPD represents that they no longer have the funds available to rehabilitate those buildings in addition to having Section 8 vouchers for the residents who reside in those building. However, with sufficient funds, the City could add thousands of apartments back into the housing stock.

Stabilizing NYC supports trying to reduce vacant apartment and vacant buildings and increase the availability of housing, especially affordable housing. It is a marked improvement and vital step in improving the housing stock by reducing the number of distressed buildings in New York City.



Testimony of  
Christie Peale,  
Executive Director  
**The Center for New York City Neighborhoods**

Before the  
New York City Council  
Committee on Housing and Buildings  
February 28, 2014

*Oversight: Vacant Properties in New York City: How many  
are there and what is the City doing about them?*

Good afternoon. My name is Christie Peale, and I am the Executive Director of the Center for NYC Neighborhoods. I would like to thank Chair Jumaane Williams and the members of the Housing and Buildings Committee for holding today's hearing on the issue of vacant properties in New York City.

### **About the Center for NYC Neighborhoods**

At the Center for NYC Neighborhoods, our mission is to promote and protect affordable and sustainable homeownership in New York City, focusing on those neighborhoods hardest hit by foreclosure. As the central hub of a diverse network of 37 partners who provide housing counseling and legal services throughout the five boroughs, the Center leverages public and private resources to ensure that homeowners have access to high quality foreclosure prevention services. The Center's unifying role allows us to provide streamlined funding, services and communications between homeowners, lenders and funders; design and implement new initiatives and programs; highlight neighborhood and citywide trends, and promote systemic reforms to encourage household stability.

### **The Foreclosure Crisis as a Driver of Vacant and Abandoned Properties**

Despite the intense demand for housing in New York City, vacant and abandoned properties continue to destabilize and blight many of our communities. In addition to reducing the supply of much-needed housing, vacant and abandoned properties diminish quality of life and economic opportunities in affected neighborhoods. They present health and public safety hazards for community members and lower property values for nearby homeowners.

Foreclosure is a major contributor to New York City's vacant and abandoned residential buildings: nationally, about 20% of properties in the foreclosure process have been vacated by their owners, and there are an estimated 10,000 vacated homes in foreclosure in the New York City metro area alone.<sup>1</sup> Though our national economy has slowly reemerged from the depths of the 2008 recession, the foreclosure crisis that precipitated the recession continues to be a daily source of stress, confusion, and anger for many New Yorkers. Today the crisis has resulted in thousands of foreclosures in New York City and even more homeowners struggling to make monthly mortgage payments. While foreclosures have declined in many parts of the country, in New York foreclosure starts ("lis pendens") are on the rise again, with filings increasing 30% in 2013.<sup>2</sup> Worse, there remains a tremendous backlog of owners stuck in the foreclosure process and thousands more families continue to fall behind on their mortgage payments each month.

A successful approach to vacant and abandoned properties in New York City must take the foreclosure crisis and its effects into account. We call on the Mayor, the Department of Housing Preservation and Development, and City Council to take action to address this issue and

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<sup>1</sup> RealtyTrac, Owner-Vacated Properties Represent 20 Percent of All Foreclosures Nationwide, June 18, 2013.  
<http://www.realtytrac.com/content/foreclosure-market-report/owner-vacated-foreclosure-update-7771>

<sup>2</sup> Prashant Gopal, Foreclosure Surging in New York-New Jersey Market, Bloomberg Feb. 26, 2013.  
<http://www.bloomberg.com/news/2014-02-26/foreclosures-climaxing-in-new-york-new-jersey-market-mortgages.html>

respectfully submit the following recommendations:

**1. Continue to support foreclosure prevention services**

The best strategy for combating foreclosure-related abandonment is to prevent foreclosures in the first place. New York City foreclosure prevention counseling and legal services provide essential assistance to homeowners struggling to keep their homes. Our Network of housing advisors and attorneys obtains results: an analysis conducted using the Center's data found that homeowners who received foreclosure prevention counseling from the Center's Network are 30% more likely to receive a modification than homeowners who do not receive counseling.<sup>3</sup> Since the City Council helped found the Center in 2008, our Network has served nearly 30,000 homeowners and helped homeowners prevent nearly 5,000 foreclosures, with thousands more at-risk homeowners continuing to work with Network counselors and attorneys to resolve their housing crises.<sup>4</sup> Finally, resources invested in foreclosure prevention target low and moderate income homeowners and increase their housing affordability: the average homeowner assisted through our network earns \$47,000 annually, and the average modification received by homeowners reduced payments by almost \$1000 a month.

At the Center, we are extremely grateful for the Council's strong partnership in the fight against foreclosure. The Council's funding support for our network of housing counseling and legal services organizations has been invaluable in providing much-needed assistance to New York City families at risk of losing their homes. Additionally, Council members provide crucial assistance through their visibility on the foreclosure issue and by continuing to spread the message that high-quality, free assistance for homeowners is available and can be obtained by calling 311. We look forward to continuing to work with you to combat this crisis.

**2. Monitor Properties that are vacant or at-risk**

As documented in a recent report by *Picture the Homeless*,<sup>5</sup> the City would greatly benefit from a unified approach to identifying and monitoring vacant buildings, whether owned privately or by the City. The Center supports efforts to implement an annual citywide count of vacant and abandoned properties. Additionally, the City could utilize existing data to identify foreclosed properties that are abandoned or at risk. Local Law 4 of 2012 requires mortgage servicers to inform the Department of Housing Preservation and Development (HPD) within fifteen days when they commence, discontinue, or receive a judgment in a mortgage foreclosure action on a residential property. It also requires servicers to inform HPD when a receiver is appointed, when a receiver hires a managing agent, or when a property maintenance company is hired.

We believe that Local Law 4 data could be used to effectively identify buildings at risk of abandonment and ensure bank responsibility for real estate owned (REO) properties. Additionally, by combining data from the vacancy count with data obtained through Local Law 4, the City could effectively target enforcement activities towards vacant REO properties.

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<sup>3</sup> Been, Vicki, et. al. "Determinants of the Incidence of Loan Modifications" New York University: Furman Center for Real Estate & Urban Policy, 2011. Available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1941915](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1941915)

<sup>4</sup> Center for New York City Neighborhoods data analysis, 2014.

<sup>5</sup> *Picture the Homeless*, Banking on Vacancy, 2012, available at: [http://www.picturethehomeless.org/Documents/Reports/PH01\\_report\\_final\\_web.pdf](http://www.picturethehomeless.org/Documents/Reports/PH01_report_final_web.pdf)

Finally, Local Law 4 data could be used to help guide acquisition of properties to ensure that they remain in the hands of homeowners, not speculators.

### **3. Provide affordable homeownership opportunities**

When foreclosure cannot be prevented, it is essential that the City work to acquire foreclosed properties, both to prevent their abandonment and disrepair, as well as to ensure that they do not fall in the hands of speculators. We at the Center are troubled by a recent New York Times article detailing the emerging securitization market backing the acquisition of foreclosed homes and their conversion into rental properties.<sup>6</sup> In addition to risking the creation of another destabilizing housing bubble, we are concerned that this trend may push families looking to purchase homes in New York City out of the housing market. Unable to compete with investors, they may instead add to the intense demand for affordable rental units. We know from our work at the Center that homeownership is an essential component of neighborhoods stabilization. By pushing out homeowners, we are inhibiting the recovery of neighborhoods still reeling from the 2008 financial crisis.

In response to this challenge, we recommend an approach to foreclosed homes that creates new affordable homeownership opportunities for low and middle income New Yorkers. One strategy to achieve this is to acquire foreclosed homes through a pass-through entity such as a land bank or other form of public-private partnership. This entity would then hold and sell foreclosed homes to low to middle income households, allowing them time to obtain downpayment assistance and rehabilitation financing if needed, as well as apply for a mortgage. Additionally, when the acquired home contains rental units, the City could obtain additional affordable housing units through the use of incentives such as downpayment assistance programs, savings match programs, and tax credits for homeowners who agree to keep rents at affordable levels.

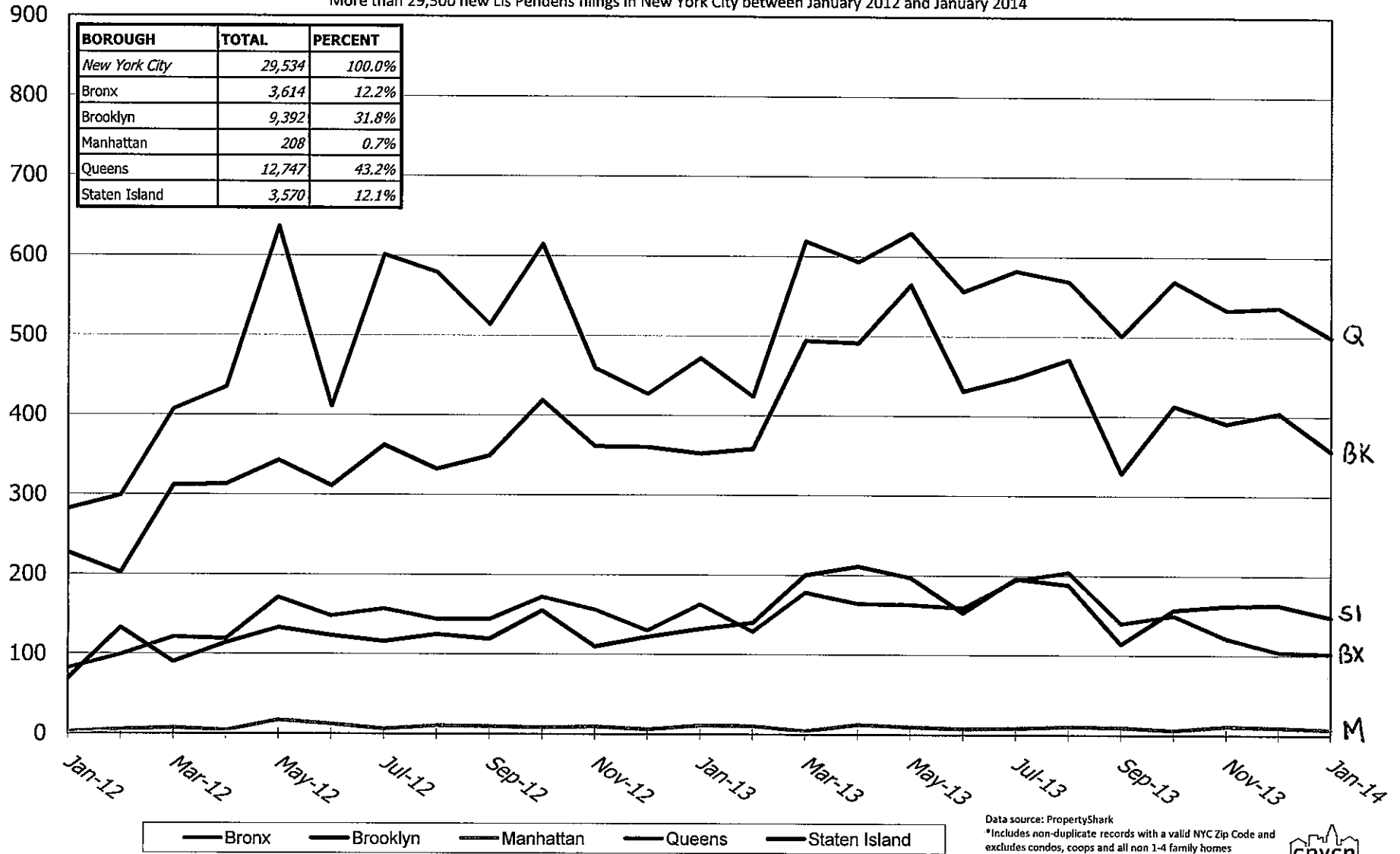
Thank you for the opportunity to testify. We look forward to working with you on this very important issue.

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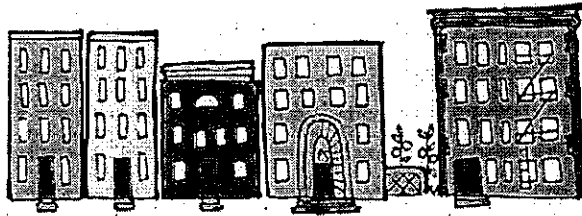
<sup>6</sup> Michael Corkery, Dealbook: Wall Street's New Housing Bonanza, New York Times, Jan. 29, 2014. Available at: <http://dealbook.nytimes.com/2014/01/29/wall-streets-new-housing-bonanza/>

# Lis Pendens by Borough in New York City

More than 29,500 new Lis Pendens filings in New York City between January 2012 and January 2014



# NYC community land initiative



Fighting for vibrant, equitable and sustainable housing and neighborhoods through community ownership of land

## Testimony before the New York City Council Committee on Housing and Buildings

### Oversight Hearing – Vacant Properties In New York City: How Many Are There and What is the City Doing About Them?

February 28, 2014

Good afternoon. My name is Claudia Wilner and I am Senior Staff Attorney at New Economy Project. I am here today to testify on behalf of the New York City Community Land Initiative, an alliance of social justice and affordable housing organizations, academics and urban planners committed to securing housing for all New Yorkers. We believe that land is a common good and housing is a human right. Housing should be for people, not for profit. Decisions about land and housing policies should include all community members and should prioritize people with extremely low incomes who are homeless or otherwise in dire need of housing and are not served by the private market.

We have a housing crisis in New York City. Homelessness has reached Depression-era levels. So-called “affordable” housing is not, in fact, affordable to huge numbers of New Yorkers, including people who are homeless, low-wage workers, or living on fixed incomes such as Social Security. Expiring subsidies are threatening the homes of many currently-housed low-income New Yorkers. Low-wage workers simply cannot afford to live in New York City, even if the minimum wage is raised, without significant steps by the Council and Mayor to create **permanently affordable housing that is affordable even for people with extremely low incomes.**

**Vacant properties** are a key part of the solution to the affordable housing crisis. A 2012 report by Picture the Homeless, *Banking on Vacancy: Homelessness and Real Estate Speculation*, found that there are enough vacant properties in just 20 community districts to house every homeless person in New York City if such properties can be identified and converted to affordable housing. Converting vacant properties into truly affordable housing will also reduce neighborhood blight that is associated with vacant and dilapidated properties. One way to transform vacant properties into affordable housing is to combine them with other properties in community land trusts.

We see community land trusts as a promising tool in the fight to create and preserve truly affordable housing while addressing key root causes of homelessness and displacement. Community

land trusts, or CLTs, separate ownership of land from ownership of what is built on top of the land. A non-profit entity—the land trust—owns the land and leases it to organizations, businesses and individuals. A land trust is typically governed by a board that is one-third residents of the CLT, one-third other community residents, and one-third other stakeholders, usually including government representatives and advocates. This board determines how the land should best be used, subject to zoning requirements. Land trusts can support **permanently affordable housing** by leasing space to mutual housing associations and other non-speculative forms of housing. Land trusts are flexible and also can be used to create green spaces, to support community institutions, and to create jobs by leasing space to small businesses and non-profits at affordable rates. Though CLTs require government subsidies at the outset to acquire land, **the subsidy does not expire** but stays with the land in perpetuity. CLTs thus contrast starkly with housing created by private, for-profit developers, who reap huge public subsidies to create housing that is affordable only for a limited time, and often is not truly affordable even then, and then enjoy windfall profits by taking that housing to speculative market rates when subsidies expire. Moreover, because CLTs can take full advantage of cross-subsidies, in which commercial and market-rate rentals in some buildings and units subsidize below-market rents in others, CLTs may help provide sustainable, affordable housing for people whose income is as low as \$10,000/year. As an example, consider the Cooper Square Land Trust and Cooper Square MHA, which has for decades provided quality housing on the Lower East Side at extremely low cost. Most Cooper Square households make 40% of the Area Median Income.

NYCCLI recommends that New York City do everything in its power to: (1) identify vacant properties; (2) publish a list of vacant properties so that community members are aware of vacant properties in their neighborhoods and can help plan what to do with them; and (3) convert vacant properties to affordable housing and other important community uses, ideally by creating mechanisms to consolidate and transfer vacant properties to community land trusts and other forms of non-speculative, democratically-controlled and community-led ownership. Specifically, the City Council should:

#### **1. Revise and Pass Intro 48, the Vacant Property Count**

The first step to being able to use vacant properties for the public good is identifying those properties. Currently, the city does not consistently track vacant properties, and thus it is unable to make a plan to put them to better use. Intro 48 would require the city to conduct an annual census of vacant buildings and lots and to publish the results. Aside from the obvious benefit of identifying vacant properties that could be converted to permanently and truly affordable housing, the publication of a list of vacant properties would enable local community members, who are directly affected by vacant properties in their neighborhoods, to weigh in on what should happen with those properties. Note, however, that the current version of the bill should be revised to include in the count vacant rental units that lie atop occupied ground-floor commercial spaces or in partially-occupied buildings. NYCCLI members Picture the Homeless and Dr. Tom Angotti, Director of the Hunter College Center for Community Planning and Development, have experience designing an affordable vacant property count and would be happy to work with the City on this initiative if that would be helpful.

## 2. Reform the Third Party Transfer program

City-owned property represents a precious opportunity to create affordable housing that we should not waste. To the extent that vacant properties are owned or controlled by the City, they should be transferred to community land trusts and/or non-profit, community-based developers that have the ability to create housing that is affordable even for people with very low incomes. The Third Party Transfer program, which is one of the main ways that the City conveys city-controlled property to housing developers, is up for renewal this year. The City Council should eliminate the role of private developers in this program. All properties in the Third Party Transfer program should go to non-profit developers, with a priority for community land trusts, that will create permanently affordable housing for extremely low-income people.

## 3. Create a New York City land bank

The City should establish a land bank that would take title to and hold vacant properties before transferring them to, for example, a community land trust, which would be able to hold and manage the land in perpetuity for the benefit of the community. Land banks are an extremely flexible tool that, in addition to dealing with vacant properties, could also be used to address other serious problems affecting New York City neighborhoods, such as Sandy-affected housing, over-leveraged multi-family buildings, and single and multi-family housing in foreclosure. Any land bank proposal must:

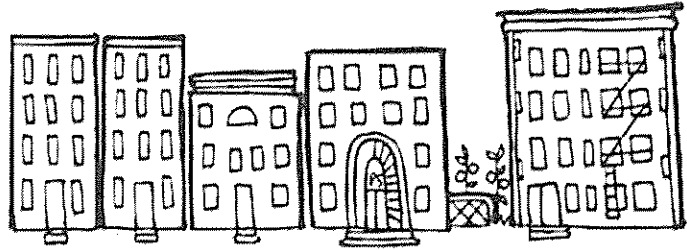
- Prioritize non-profit, community-led institutions, including community land trusts, that will create permanently affordable housing, including for extremely low-income people; and,
- Include community stakeholders—both individuals and members of non-profit, community-based organizations, government officials, and advocacy groups—in the land bank's governance to ensure that the land bank is accountable to the general public.

There is existing land bank legislation in the NYC council, but this legislation is deeply flawed because it lacks an accountable governance structure, could have the unintended consequence of promoting both segregation and gentrification, and would not create housing that is affordable for low-wage workers and others living on extremely low incomes. While NYCCLI does not support the existing land bank legislation, we are happy to work with the City Council to create a land bank proposal that would facilitate the creation of truly affordable housing in New York City.

NYCCLI members have a great deal of expertise to share, ranging from personal experience of extreme poverty and homelessness to policy expertise around CLTs nationally, to the practical ins and outs of creating and running programs that are very effectively and sustainably providing housing to very low-income people at very low cost. We welcome the opportunity to participate in this conversation, and we hope the City Council and this Committee will view NYCCLI as a valuable resource.

Thank you for the opportunity to testify today.

# NYC community land initiative



Fighting for vibrant, equitable and sustainable housing and neighborhoods through community ownership of land

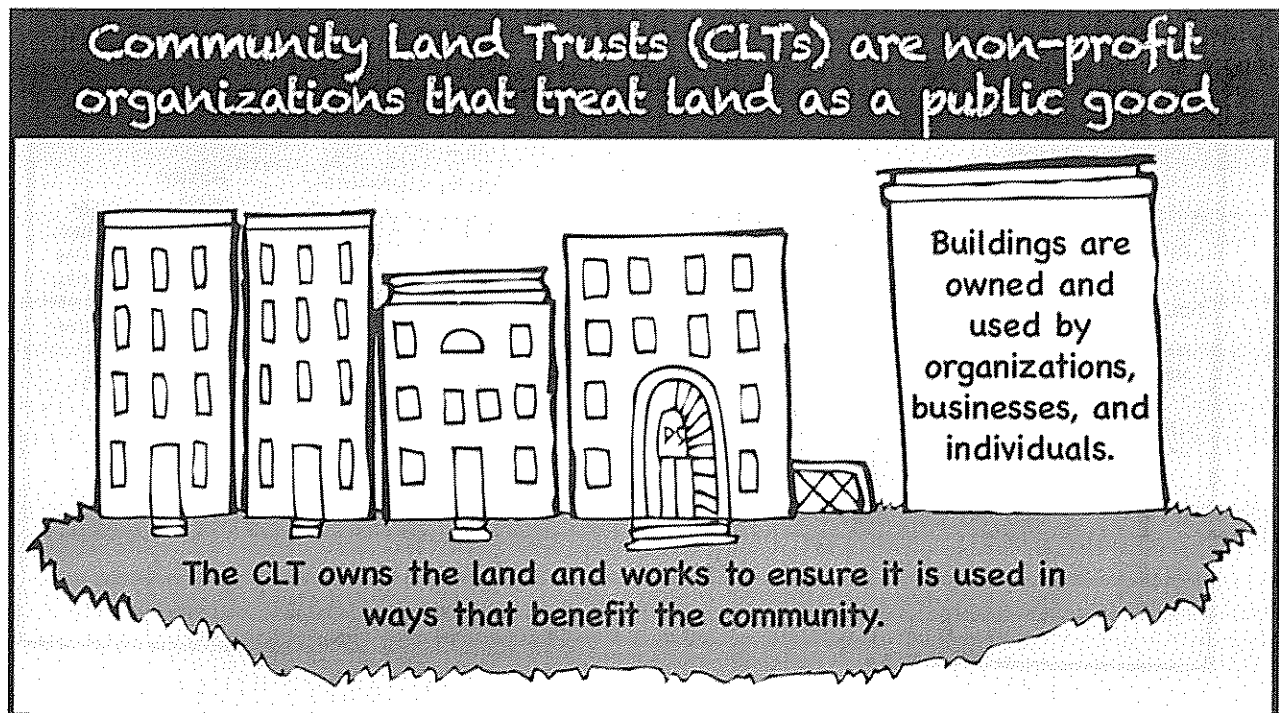
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## What is NYCCLI?

NYC Community Land Initiative (NYCCLI) is a group of social justice organizations and interested individuals fighting to preserve the right of low-income people to live in the city by supporting Community Land Trusts and other community-led housing and neighborhood development. We believe that land is a common good and that housing is a human right. NYCCLI provides technical support and engages in research, popular education, grassroots organizing, and advocacy.

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## What are Community Land Trusts (CLTs)?

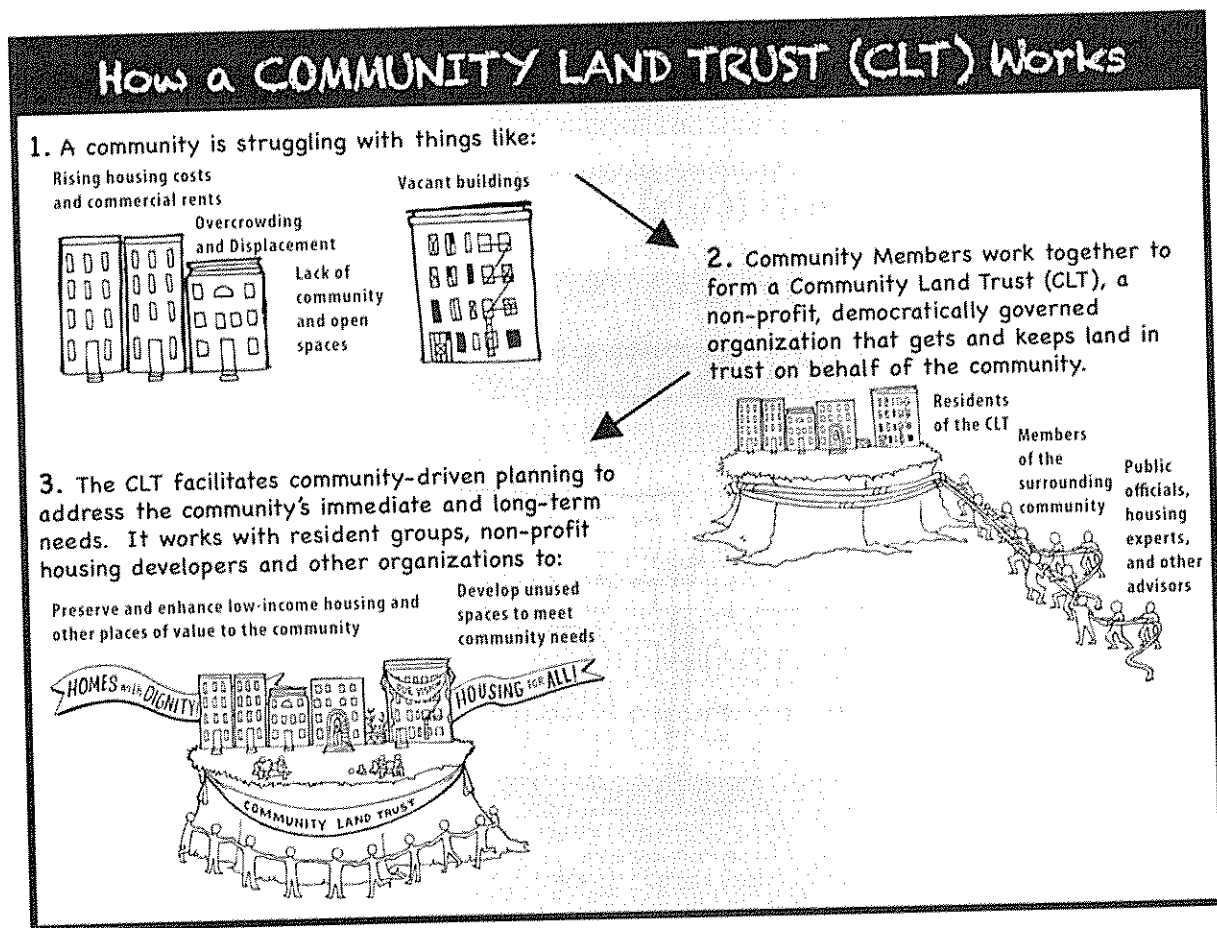


## What kinds of benefits can Community Land Trusts bring to my community?

- **Housing:** CLTs can support permanently affordable housing. They bring organizational support to groups of organized tenants. CLTs can also help secure more financial resources by pooling resources to effectively provide an extra layer of protection against rising rents and insufficient support from the city.
- **Community Spaces:** CLTs can acquire and develop non-housing spaces like parks, gardens, and public centers for recreation, health and social services, and job training.

- **Jobs:** CLTs can provide jobs by making space available and affordable to small businesses and non-profits, and by requiring businesses and development projects to practice local hiring.
- **A Right to the City for All:** CLTs give the people a say in how public resources are used and how their neighborhoods are developed. Using a democratic process, community members and the governance board make decisions based on what is best for their own community.
- **Environmental Quality and Justice:** CLTs can clean up toxic sites and rehabilitate properties that are in disrepair. They can also require the use of environmentally sound materials and fair practices in development projects.

## How does a Community Land Trust Work?



For more information, please visit [www.nyccli.org](http://www.nyccli.org) or contact Sam or Ryan at (646) 314-6423.



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**NYSFAH Testimony on Vacant Properties  
Hearing of the New York City Council Committee on Housing and Buildings  
February 28, 2014**

Good morning. My name is Alexandra Hanson and I am here representing the New York State Association for Affordable Housing (NYSFAH), the trade association for New York's affordable housing industry statewide. I would like to thank Chair Williams and the members of the Committee on Housing and Buildings for the opportunity to testify today on the issue of vacant properties.

NYSFAH is the trade association for New York's affordable housing industry statewide. Our 300 members include for-profit and nonprofit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSFAH's members are responsible for most of the housing built in New York State with federal, state or local subsidies.

NYSFAH commends Chair Williams and the Committee for calling this hearing to examine the issue of vacant properties. Vacant properties – whether buildings or lots – are a blight on communities. Vacant properties offer increased opportunities for crime, are magnets for illegal dumping and subsequent rodent infestations, create a drag on surrounding property values, and inhibit private investment in the block and surrounding areas. As a result, concentrations of vacant properties adversely impact the quality of life for neighborhood residents. In addition to the harm they do to residents, vacant properties also strain municipal resources. More police are needed to address increased crime levels, additional sanitation is required to address trash pile-up, and communities see reduced investment, with tax revenues from these vacant properties insufficient to cover their real cost to the city.

*Investing in Economically Distressed Communities*

High levels of vacancy are generally seen in neighborhoods that are economically distressed and often struggle to attract private investment. Prioritizing city affordable housing investment for mixed-income, mixed use development in economically distressed communities will help catalyze development of vacant lots, and preservation of properties that are in distress. In addition to decreasing the number of vacant properties and their adverse impacts and providing affordable housing, these areas will also experience the greatest benefit from an infusion of affordable housing dollars, creating one-time construction-related jobs and spurring ongoing commercial and other economic activity to support new and existing residents.

*City-Owned Vacant Properties*

New York City has existing tools to incentivize affordable housing on vacant land. One is the current process of prioritizing city-owned vacant land for affordable housing and awarding it through a competitive RFP process. The awarding of vacant land at well below market value is a

powerful tool at the city's disposal to not only subsidize affordable housing development, but also to transform plots that are often a blight on communities to resources that address the city's critical shortage of affordable housing. The city should do an assessment of all vacant land – not just land held by HPD – to identify and prioritize suitable sites for affordable housing. These sites should be awarded through the competitive RFP process to projects that best meet the city's affordable housing and community development goals.

### *Zoning*

While the negative impacts of vacant properties are felt in communities throughout New York City, the reality is that land is becoming a scarce resource when faced with the critical need to develop more affordable housing within the five boroughs. Zoning is another important tool that the city possesses to maximize the value of this land and extract as many affordable units as possible out of it. Exploring opportunities for additional upzonings in areas with high concentrations of vacant properties will help facilitate much-needed affordable housing development. While not directly targeted at vacant land, looking at innovative ways of approaching zoning to facilitate more affordable housing development will better position the city and its affordable housing development community to unlock the potential of its vacant land to best serve the needs of its residents.

### *Building Communities*

Ultimately, whatever strategy the city employs to deal with vacant land, at its core should be the commitment to supporting communities. A commitment to mixed-income affordable housing will help diversify the economic base of communities while still providing affordable homes for low-income families. Supporting mixed use development is also critical to ensuring that residents have access to the retail and community facilities necessary to building strong, thriving communities.

NYSAFAH looks forward to working with the Council to achieve its goals of tackling the challenge of vacant properties to benefit New York City's communities. I would like to thank Chair Williams the Committee on Housing and Buildings again for the opportunity to testify today and for your consideration of NYSAFAH's comments.

February 28, 2014

**Contact:** Alexandra Hanson, New York City Policy Director, NYSAFAH (646) 473-1209

**Testimony of Legal Services NYC  
before the  
City Council Committee on Housing and Buildings  
Oversight Hearing on Vacant Properties in New York City**



**February 28, 2014**

Thank you for the opportunity to testify. My name is Margaret Becker. I am director of the Disaster Recovery Unit of Staten Island Legal Services. I am here with my colleague, Meghan Faux, Acting Director of Brooklyn Legal Services. Staten Island Legal Services and Brooklyn Legal Services are offices of Legal Services NYC. I am testifying on behalf of Legal Services NYC.

Legal Services NYC fights poverty and seeks justice for low-income New Yorkers. For more than 40 years, we have challenged systemic injustice and helped clients meet basic needs for housing, access to high-quality education, health care, family stability, and income and economic security. LSNYC is the largest civil legal services provider in the country, with deep roots in all of the communities we serve. Our neighborhood-based offices and outreach sites across all five boroughs help more than 60,000 New Yorkers annually.

The foreclosure crisis left many abandoned or forgotten properties in New York. Some were abandoned by homeowners who, after receiving an initial foreclosure notice, saw no hope of saving the home. Others are post-foreclosure bank-owned ("REO") property. Others fall somewhere in the middle: banks often do not complete the foreclosure process after they initiate it, even when the homeowner has left the property; through neglect or by intention, banks leave these abandoned properties empty and deteriorating for years. In other cases, the bank completes the foreclosure but still leaves the property dormant in its inventory for years.

Hurricane Sandy added to the City's vacant land problem. The storm pushed many homeowners from their homes, which now sit abandoned because the homeowner lacked funds to make repairs. Sandy-affected homeowners who were displaced and unable to keep up their mortgage payments while they also paid rent are now receiving foreclosure notices, which will lead to more vacant property.

Compounding the problem further is another, coming wave of property abandonment in New York's coastal communities: the skyrocketing cost of flood insurance will force many homeowners in Sandy-affected areas into foreclosure. Because of the loss of preferred insurance rates based on claims history and FEMA's elimination of subsidized premiums under the Biggert-Waters Act of 2012, New York's coastal homeowners will see their annual flood insurance premiums jump from a few hundred dollars to \$10,000 or higher. Because New York's flood hazard zone—zone A—will double in size in 2015 when the new preliminary FEMA Flood Insurance Rate Maps are adopted, unaffordable flood insurance

burdens will hit thousands more properties. These homes will become not only unaffordable but also unmarketable, leading many homeowners with no option than to lose them to foreclosure, or, if another storm strikes, to simply abandon them. Moreover, banks that acquire these properties through foreclosure will likewise be unable to sell them. We can predict that these properties will sit vacant for years, if not decades.

As the Council contemplates how to address this current and coming stock of vacant and abandoned property, it should also bear in mind the inventory of vacant properties that it will be acquiring through the Build It Back Acquisition for Redevelopment program. Under Build It Back's current policies, the city will offer to purchase homes that were substantially damaged. Because Build It Back prioritizes households with incomes less than 165 percent of area median income in its first disbursement of Build It Back funds, the bulk of the properties will be acquired from lower-income neighborhoods. The structures on these acquired lots will be severely damaged, and in most cases will require demolition. How these properties will be redeveloped has not been determined. We urge the Council to include these acquired Sandy-damaged properties in its plans for redevelopment or repurposing of vacant land.

At the same time that New York City contains hundreds of acres of vacant and abandoned properties, and will be acquiring potentially hundreds of Sandy-damaged properties, rising housing costs are driving decent housing out of the reach of low- and middle-income New Yorkers. We have an opportunity now to address both these problems through a coherent plan for vacant and abandoned property that includes the following critical components:

- local community input and control over the ultimate use of these properties
- a non-profit land bank to hold properties (and mortgage notes, as discussed below)
- preference for community land trusts as a means of achieving lasting home affordability
- a vacant property survey in Sandy-damaged communities
- prevention of future property vacancy and abandonment

### **A Non-Profit Land Bank that Can Acquire Property and Distressed Homeowner Debt:**

A critical tool to addressing vacant and abandoned properties is establishing a non-profit Land Bank. A land bank can purchase and hold properties while long-term preservation plans can be pursued. Land banks allow flexibility to address diverse housing issues and community needs in New York City. In addition to vacant properties, a land bank can be used to address other serious housing problems such as over-leveraged single and multi-family housing. Any land bank legislation must prioritize disposition to non-profit, community-led institutions that create permanently affordable housing for low-income people. Additionally, its governance structure must include community stakeholders –both individuals and non-profit community-based partners –to ensure accountability to the general public.

### **Priority for Community Land Trusts:**

We urge City Council to give priority in the disposition of any vacant, abandoned, or acquired land to community land trusts. Community land trusts offer a model of homeownership that creates lasting affordability. Under the community land trust structure, the ownership of the land is separated from the ownership of the structure on the land (a home or a commercial structure). The community, in the form of the land trust board, retains ownership of the property. The increase in the value of the land accrues to the community. The homeowner owns the home, can bequeath it to heirs, and can sell it. While the homeowner normally receives some appreciation in value at the time of sale, it is not the full appreciation of the land. Because of this divided ownership structure, the housing remains affordable

potentially in perpetuity. The homeowner largely gives up the ability to use homeownership as a vehicle to build equity and wealth, but in return gains lasting affordability, and a variety of other supports that the community land trust offers, including foreclosure prevention. Foreclosure rates on community land trust homes is extremely low. This model stems the price inflation that is driving homeownership farther out of reach for low- and middle-income New Yorkers.

This model of homeownership has proven viable and effective in scores of communities throughout the United States, including in New York City in Manhattan's Cooper Square Community Land Trust. The model works for large multi-family buildings as well as for scattered, individual homes. Examples of the latter include Dudley Neighbors, Incorporated in Massachusetts and the Burlington Community Land Trust in Vermont. These community land trusts have existed and thrived for decades.

### **Redevelop Acquired Storm-Damaged Property as Housing Affordable to Those Who Live There Now:**

The city will be acquiring possibly hundreds of storm-damaged homes in the coming months. The communities where these properties are located have a stake in how they are developed. The City's decisions on the disposition of these properties will determine whether the redevelopment further disrupts these communities or strengthens them. We urge the city foremost to allow local communities to have decision-making power in how and which properties are redeveloped. For those properties that are appropriate for redevelopment as housing, the City should ensure that the new housing is affordable to those who currently live there, based on the median income of that local community, rather than the broader metropolitan area. The City should consider creating a "right of return" for those that Storm Sandy has displaced, by giving displaced residents first option on the new homes. A program of this type would make it possible for people to come home to the neighborhoods where their roots are, the neighborhoods they know and love.

In addition, the Build It Back program should not limit its acquisition program just to current Build It Back applicants. There are many abandoned properties in these neighborhoods, and we can assume that many of the owners of these properties did not apply for Build It Back. We urge the city to conduct a vacant property survey in Sandy-affected neighborhoods to identify abandoned properties (bearing in mind that some of these properties may be vacant but not abandoned, as many Sandy victims are still in temporary housing). Once the abandoned properties have been identified, the current owners should be contacted and allowed to apply for acquisition. Bank-owned (REO) properties could be acquired at post-storm value.

### **Prevent Future Vacant Property in Flood Hazard Zones:**

The dramatic increase in flood insurance premiums for un-elevated homes within New York City's current and soon-to-expand high flood hazard zones will certainly lead to widespread vacancy and abandonment without strategic, thoughtful government intervention to prevent it. Homeowners and small landlords need help to elevate their homes. The Build It Back program must attempt to address this problem more comprehensively than its current design envisions. *Otherwise unaffordable flood insurance premiums likely will displace far more coastal residents than Sandy itself.*

Under the current Build It Back program, only homes with substantial damage will be eligible for elevation help. Most estimates that we have been given put the number of such homes at one tenth or

less of the roughly 20,000 current Build It Back registrants. Offering homeowners repair funds without elevation gives them no more than a short-term solution. To date, not surprisingly, the vast majority of homeowners to whom repair without elevation has been offered have not accepted those offers. In no small part this is due to homeowners' recognition that this limited help gives them only a short-lived recovery, homeowners tell us. Many homeowners are waiting for and hoping for acquisition, not because they want to leave their communities but because they see it as their only real option.

In contrast, the State's New York Rising program, which is not available to New York City residents, offers elevation assistance to all registrants, subject to a total benefit cap of \$300,000. While the City's CDBG-Disaster Recovery funds per capita are more limited than the State's, the City can explore ways to offer elevation assistance more broadly. For example, the city could support non-profit elevation companies to bring costs down, use economies of scale to further reduce elevation costs, offer subsidized elevation help on a sliding fee scale, and use modern modular home designs to lower the total cost of building and elevation. These options could be coupled with interest-free elevation loans for homeowners with greater means. These ideas come from local community groups that we work with in Staten Island, such as the Siller Tunnel-to-Towers Foundation and the Staten Island Alliance. Surely the City and the local communities in collaboration could develop even more ideas. What we must not do is ignore the problem. If we do, the consequence will be widespread displacement of people from their homes, and coastal neighborhoods riddled with vacant properties.



**Testimony of the Alliance for a Just Rebuilding before the New York City Council Committee on Housing and Buildings regarding Vacant Properties in New York City: How Many are There and What is the City Doing About Them?**

February 28, 2014

Good afternoon Chairperson Williams and members of the Housing and Buildings Committee. Thank you for the opportunity to provide testimony today. My name is Susannah and I am Policy Coordinator of the Alliance for a Just Rebuilding (AJR). The Alliance for a Just Rebuilding is a citywide coalition of over 40 labor unions, worker centers, and community, faith-based, environmental and policy organizations advocating for a just and equitable short-term recovery and long-term rebuilding in the wake of Superstorm Sandy. Our member organizations collectively represent some of most vulnerable New Yorkers in the areas most affected by Superstorm Sandy and across the five boroughs: low-income homeowners and renters, public housing residents, day laborers, and undocumented immigrants.

Superstorm Sandy impacted nearly 76,000 buildings – an estimated 300,000 housing units throughout the five boroughs. Sandy survivors continue to struggle to meet their basic needs and the slow rate of recovery is placing more people in danger as they wait for aid. We are starting to see a wave of foreclosure and bankruptcies across Sandy affected neighborhoods, which is unfortunately common pattern after disasters. These foreclosures coupled with people walking away from severely underwater mortgages will leave the City with significantly more vacant land.

Superstorm Sandy has exacerbated an already tight affordable housing market; in fact many of the neighborhoods impacted were some of the last affordable areas in the City. A clear plan must be created to deal with this newly vacant land. We strongly advocate for the City to building deeply affordable housing on this land and when possible creating local ownership models and structures. By leveraging the federal relief and rebuilding funds, we believe there is a once in a generation opportunity to rebuild the City to be more equitable and affordable for all New Yorkers.

Thank you for your time.

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*Alliance for a Just Rebuilding members include: 32BJ SEIU, 350.org, ALIGN, Arts & Democracy, CAAAV: Organizing Asian Communities, Center for Popular Democracy, Center for Social Inclusion, Coalition for the Homeless, Community Development Project at the Urban Justice Center, Community Environmental Center, Community Voices Heard, Consortium for Worker Education, El Centro del Inmigrante, Faith in New York, Families United for Racial and Economic Equality (FUREE), Good Jobs New York, Greater New York Labor-Religion Coalition, Hunger Action Network of NY State, Legal Aid Society, LiUNA Local 10, LiUNA Local 78 Asbestos*

*Lead & Hazardous Waste Workers, Long Island Civic Engagement Table, Long Island Jobs with Justice, Make the Road NY, Mutual Housing Association of NY, National Day Laborer Organizing Network (NDLON), National Domestic Workers Alliance, New Economy Project, New Immigrant Community Empowerment (NICE), New York Committee for Occupational Safety and Health (NYCOSH), New York Communities for Change, New Yorkers for Fiscal Fairness, New York State Nurses Association (NYSNA), Occupy Sandy, Participatory Budgeting Project, Physicians for a National Health Program-NY Metro, Pratt Center for Community Development, Queens Legal Services, Red Hook Initiative, Respond & Rebuild, Retail Wholesale and Department Stores Union (RWDSU), Solidarity NYC, TWU Local 100, VOCAL-NY*



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February 28, 2014

## Testimony to the Committee of Housing and Buildings, Vacant Property In NYC

Hello Chair Williams and members of the Committee. My name is Paula Segal and I am the Director of 596 Acres, New York City's community land access advocacy organization. Thank you for opening up the conversation about vacant properties in New York City and giving me an opportunity to speak. I am going to focus my remarks on vacant land in New York City. I am glad to see that other advocates are here to address the opportunities presented by other types of vacant property.

I will divide my comments into and make recommendations for three distinct types of vacant land, as found in our neighborhoods: (1) vacant lots in the City portfolio, (2) privately-owned vacant lots, and (3) lots that will soon be acquired by the City in neighborhoods impacted by Superstorm Sandy.

### City-Owned Vacant Lots

Across the five boroughs, there are approximately 540 acres of city owned vacant land. This land is divided among different agencies, with the bulk of it in the inventory of DCAS, HPD and SBS. MTA has an at least additional 99 acres of vacant land in New York City; while not a city agency *per se*, their vacant land impacts New Yorkers in much the same way.

The primary area of work of 596 Acres is identifying opportunities for New Yorkers to shape their own neighborhoods; facilitating the transformation of city-owned vacant land into community spaces is a big part of this. In the last two years, twenty groups we have worked with in Brooklyn, Manhattan and Queens have gotten permission to change 5 acres of weeds behind fences into flower gardens, play spaces, vegetable bounties and other community resources. Some of these groups have direct agreements with city agencies that allow them to use the land and others are licensed through the GreenThumb program, either as temporary interim-use spaces that remain in the jurisdiction of other agencies or as groups managing lots that have been transferred to the Parks Department. We are working with approximately 120 other groups who are exploring the potential for transformation latent in 52 acres of vacant lots in their neighborhoods.

**We have been able to find lots that are good candidates for such transformations because they are too small to build on without a variance under the modern building code -- 100** Quincy Community Garden in Bed Stuy, formed last year, is one such lot which was formerly in Housing Preservation and Development's inventory; St Nicholas Miracle Garden in Harlem, which was a school garden in the 1930s and then a sliver of the Department of Citywide Administrative Services portfolio for half a century before becoming a garden again last year, is another. These transformations are a testament to the fact that not all land in the city's portfolio presents a future opportunity for housing development.

I urge this committee to require the agencies to examine their inventory and transfer lots that are not well-positioned for development to other agencies – such as the Parks Department – that can turn them into public benefits. Our analysis of the city's property portfolio is based on datasets available

through the open data portal and direct input from New Yorkers. I hope that our map, which you can see at [596acres.org](http://596acres.org), will be useful to this committee as it looks closely at the City's vacant land portfolio.<sup>1</sup>

One strategy that we use is actually labeling public lots so that neighbors are the first to know that these spaces present an organizing opportunity for open space or other community-enriching development. We urge the City to **adopt this successful tactic to make information about public land transparent and available through signage** that announces that the land is publicly owned and suggests ways that neighbors can get access to it. These signs can announce programs like GreenThumb and the DOT Plaza program directly on the locations that could participate in these programs and directly to the people who already walk by those places.

On the other hand, some land in the city portfolio is extremely right for development. We urge the Committee to explore strategies for making sure that development on these sites is as strongly influenced by people who live and work near them as possible. One suggestion for how to enable greater public participation: **require developers to put up signs on sites where development is proposed or where land use review is imminent in advance of public comments being accepted on the proposals.** Signs should clearly indicate that input from local communities is invited and how it will be accepted.

Another suggestion is having the Council **review all imminent development proposals for Community Benefit Agreement opportunities and make sure that, where such opportunities exist, already-organized groups like tenants' associations, churches and block associations, are the first to know and get training about the legal mechanisms involved.**

## Privately-Owned Vacant Lots

There are over 2,400 acres of vacant privately-owned land in New York City.<sup>2</sup> These are sites that present opportunities for collaboration between the owners and neighbors. We support neighbors who reach out to us when they try to negotiate for access to these lots in their neighborhoods as well, with some success. I would ask you to help incentivize this collaboration and am pleased that the Council considered a resolution last year in support of state legislation that will permit the Department of Finance to create a new tax abatement program - modeled on the not-for-profit property tax abatement - for owners who let their lots' neighbors use them to create temporary parks, farms and open spaces. This program will reward owners who work with their lots' community and neighbors to convert an underutilized fenced off lot into a resource.<sup>3</sup> With such a reward, it will be easier for more private owners of the holes in our city to opt into cooperation with their neighbors.

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<sup>1</sup> See <http://596acres.org/en/about/our-data/> for a step-by-step description of how we have transformed the lines of spreadsheet data into information neighbors can use.

<sup>2</sup> These numbers are from Columbia Urban Design Lab's report "The Potential for Urban Agriculture in New York City: Growing Capacity, Food Security, & Green Infrastructure," available at [http://www.urbandesignlab.columbia.edu/sitefiles/file/urban\\_agriculture\\_nyc.pdf](http://www.urbandesignlab.columbia.edu/sitefiles/file/urban_agriculture_nyc.pdf) (2012). There's a *caveat here*: the Lab's numbers turned out to be about twice the amount of public vacant land in reality when we subjected the city's data to a more refined process (see <http://596acres.org/en/about/our-data/>); we'd love to do the same for private lots but need some fiscal support to be able to do it. But even if we half the numbers above, that is an awful lot of acres. If we had support to refine the city's data regarding private vacant lots, the process would look like this: (1) We would start with MapPLUTO, which is the most complete and up-to-date land use database for the city. (2) We would filter the data to find just the parcels with private owners that have no buildings on them. (3) Someone would then look at each parcel individually using satellite imagery and Google Streetview to ensure that the parcel is actually not in use.

<sup>3</sup> See The Sustainable Economies Law Center, *Policies for a Shareable City #11: Urban Agriculture*, available at <http://www.shareable.net/blog/policies-for-a-shareable-city-11-urban-agriculture> (2011). Here's California's version

# 596 ACRES

It's important to note that this tax incentive goes hand in hand with the Mayor's proposed plan to tax vacant land to encourage development. Together, they shift the incentives away from private owners' warehousing unused land in areas zoned for residential construction with no benefit to the public.

## Acquisition for Redevelopment in the Wake of Superstorm Sandy

Land that will be acquired by the City of New York will become public land and presents opportunities for neighbors to control development in communities where Sandy made a lack of control the norm. I hope this committee will explore legislative options for creating conditions for equitable use of this public resource.

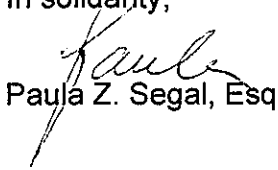
Following Sandy, the federal government set aside funds for the State and City of New York to acquire destroyed or damaged properties. Some funds will be used to buy homes for the creation of open space that will serve as a buffer against future storms. Other funds will be used for an acquisition program that earmarks lots for city redevelopment. **This redevelopment program is still unwritten and I urge the members of this Committee to focus attention on it as a neighborhood redevelopment program early this year.** New development in Sandy-affected areas should be mixed-income and reflect pre-Sandy income levels – not so-called “middle-income” levels that are well out of the means of neighborhood residents and actual middle-income New Yorkers. Preference should be given to displaced residents. Long-term affordability mechanisms should be put in place.

We have a unique opportunity to redevelop these areas in ways difficult to implement in other New York City neighborhoods. Block grant funding can be used to support new community land trusts and non-profit, neighborhood-based development corporations. These trusts and developers must be under a mandate to create and permanently maintain housing that is affordable to neighborhood residents who have been displaced by the disaster or by the unworkable economics of the storm recovery process.

With the opportunity to redevelop large swaths of land, the incoming administration has an incredible opportunity to stabilize New York City's low- and moderate-income coastal neighborhoods. Site design and community engagement in the design process will shape New York City's future social and ecological resiliency. It will determine whether the storm leaves in its wake safer communities for those who experienced it first hand or an opportunity for speculation and developer-driven change along our coastlines.

Thank you very much for accepting my testimony today.

In solidarity,

  
Paula Z. Segal, Esq.

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of a tax incentive bill, passed in 2013:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB551](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB551) (cities like Los Angeles and San Francisco are implementing this enabling legislation through ordinance now).

TESTIMONY OF QBBA AND BIANYC BEFORE CITY COUNCIL HOUSING &  
BUILDINGS COMMITTEE ON VACANT LAND  
FEBRUARY 28, 2014

Good afternoon. My name is Robert Altman and I am a consultant to the Queens & Bronx Building Association and the Building Industry Association of New York City, both of which are chapters of the New York State Builders Association.

The topic today on vacant land does not lend itself to testimony pro or con. Our members have read in the papers about the proposal to tax vacant land at higher rates. We realize that this policy was used with some success in Pittsburgh. But when started in Pittsburgh, it was done at a very different time and under very different circumstances than New York City in the present day (Pittsburgh was at the time in serious decline with a very weak real estate market and thus many sites, and New York today has a relatively robust real estate market).

The Building Industry Association has read that many of the vacant lots in the City are on Staten Island. Rapid development in Staten Island has led to significant infrastructure issues and accelerating that development even further would require significant capital investment, preferably before such a plan. However, while we welcome the effort to assist in making available new sites for development on the Island, we are also political realists. Rapid expansion is not a winning issue on Staten Island, and this led to more down-zonings than just about every other borough. And expanding before infrastructure improvements would probably be considered by many a provocative act. It should be noted that many of the lots that are available on Staten Island suffer from many of the general issues that are discussed below.

And the first of these is not all vacant land is the same, so a one-size fits all approach is dangerous. For example, vacant sites might include community gardens, environmentally challenged land, environmentally sensitive land (such as waterfront or wetlands), land in under-developed areas, land in areas already developed but inappropriate for further development or unable to be further developed or land being developed in stages. In industrial or commercial areas, there are many reasons why an area might remain vacant.

For example, some areas of the Bronx were built long ago on land where there is solid rock beneath it. These properties might be incapable of development now because the proper subsurface storm water or sewage connections are impossible. A drywell is not even feasible.

Properties such as these might not be economically feasible for development even if the land was procured at nominal cost. If a building cannot comply with code for such basic items, should it be built.

Properties might be part of a staged development for various reasons (community relations, financing, market conditions). It would seem bizarre for punishing a developer for doing the right thing and not immediately overwhelming a neighborhood.

Moreover, we do not know how many development sites actually would be freed by this. We would want to see the data. Our builders literally drive around neighborhoods looking for appropriate sites. When found, we might approach the owner even if the property is not for sale. We want to build, especially at the right site. Just because a property is vacant does not mean it can or should be built on.

TESTIMONY OF QBBA AND BIANYC BEFORE CITY COUNCIL HOUSING &  
BUILDINGS COMMITTEE ON VACANT LAND  
FEBRUARY 28, 2014

We are not negative on the general ideas presented. But we would counsel that the idea will not be a cure all and should not be implemented with a one-size fits all character. In the end, you will probably find the fix to be of nominal value.

Brooklyn Allied Composters and Carters  
a subcommittee of the Brooklyn SWAB  
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The City Council's Housing and Buildings Committee Hearing

"Vacant Properties in NYC"

Friday, February 28, 2104 @ 1 PM

Councilmember Williams and Committee Members, thank you for the opportunity to testify on this important topic.

It seems that the drought in California is really kicking in. According to the New York Times on February 13<sup>th</sup>, 2014, experts estimate that over 500,000 acres will not be planted in the Central Valley this year. As you may know, the Central Valley is the single largest source for fresh fruits and vegetables in the United States. The four most productive agricultural counties in the US are in the Central Valley. The total agricultural production of the Valley amounted to \$17 billion in 2002. It is the leading source in the US for tomatoes, almonds, grapes, cotton, apricots, and asparagus. No water has flowed in irrigation canals for three years now at some farms and drilling wells, if one can find a well-driller who isn't booked years in advance, is very expensive. Without regular rain to replenish the aquifer, it's only a matter of time until the water in the wells dries up as well.

In a February 13th article in the **National Geographic**, Celeste Cantu, manager of the Santa Ana Watershed Project Authority, states that "the cost of fruits and vegetables could soar" because of the drought. In the same article, B. Lynn Ingram, a paleoclimatologist at the University of California at Berkeley who has studied 1,000's of years of drought history, states that "California needs to brace itself for a megadrought—one that could last for 200 years or more."

Because we receive most of our fresh fruits and vegetables from areas such as California, the implications for NYC are clear. We need to obtain a lot more food independence. One of the ways we can do this, in addition to relying on local farmers, is to begin growing food on vacant lots.

With some **596 acres** of city land sitting vacant, growing in community gardens is a real possibility. And because we need to eat year around, we need to grow food year around as well. Growing fruits and vegetables inexpensively in the winter in the Northeast requires a special kind of greenhouse, one that maximizes the sun as a heat source.

Several gardens have been developing this capability for years. One example is at the **Central Rocky Mountain Permaculture Institute** at Basalt Colorado. Jerome Osentowski, their executive director, has been growing semi-tropical plants year around using what he calls a "climate battery" to capture the warmth of the sun. More well known in the Northeast of course is Eliot Coleman, whose **Four Season Farm** in Maine is an example of what can be grown year round in a cold climate.

The Imani Garden, at Schenectady and Dean in Crown Heights Brooklyn, is about to build a greenhouse that uses a climate battery and a below grade design that should achieve semi-tropical temperatures throughout the winter with few external inputs. Working with the architectural firm of SRY Rainbow, Imani and its sponsor Green Phoenix Permaculture with the assistance of Citizens Committee NYC, Project Green Thumb and New York Restoration Project, hopes to begin construction this spring. By using **earthbag** construction that incorporates earth from the excavation to build walls on three sides of the greenhouse, construction costs will be kept to a minimum.

If you would like to attend a pre-construction fund raiser to help us raise funds for the construction and view the design for this new greenhouse, please contact me at **gn.todd@verizon.net**.

Thanks for your time and attention.

Katie Goldstein, Director of Organizing  
New York State Tenants & Neighbors

*Testimony as Prepared*  
February 28, 2014

New York City Council Committee on Housing and Buildings Hearing  
Re: Oversight – Vacant Properties in New York City: How Many are There and What is the City  
Doing About Them?

Good morning. Thank you to Chairperson Williams and to the committee members for the opportunity to testify today.

My name is Katie Goldstein and I am the Director of Organizing for New York State Tenants & Neighbors Information Service and New York State Tenants & Neighbors Coalition, two affiliate organizations that share a common mission: to build a powerful and unified statewide organization that empowers and educates tenants; preserves affordable housing, livable neighborhoods, and diverse communities; and strengthens tenant protections. The Information Service organizes tenants in at-risk rent regulated and subsidized buildings, helping them preserve their homes as affordable housing, and organizes administrative reform campaigns. The Coalition is a 501c4 membership organization that does legislative organizing to address the underlying causes of loss of affordability. Our membership organization has over 3,000 dues-paying members.

Tenants & Neighbors organizes in rent-regulated, Mitchell-Lama, and project-based Section 8 developments citywide. In the buildings where we organize, the story is the same. Low and moderate income tenants in New York City are regularly experiencing the pressures of displacement; their frustration mounts as their rents go up, as they find they don't earn enough to qualify for newly developed affordable housing, and as we continue to lose existing subsidized affordable units.

Rent regulation is the largest source of affordable housing for low-income tenants. Tenants are facing dire economic conditions, with unemployment rising again, wages declining, and nearly a third of rent stabilized tenants city-wide putting half their income towards rent. The Income and Expense study prepared by the staff of the Rent Guidelines Board reported that landlord's net operating incomes have risen for the 7<sup>th</sup> consecutive year. Landlords reported that 9,499 apartments left rent stabilization last year, and the true number of deregulated apartments is surely much higher than that. This must be the year that the Rent Guidelines Board freezes rents to give rent-stabilized tenants much needed relief.

New York City still has a speculative housing market where there is great incentive for owners to buy buildings for more than the rent rolls can support and this pressure to deregulate units has led to the de-stabilization of strong neighborhoods. Tenants & Neighbors is organizing, along with allied housing organizations, in a portfolio of 42 buildings, encompassing over 1,500 units in Manhattan, Brooklyn, and the Bronx, that are in foreclosure due to speculation. Additionally, Tenants & Neighbors is organizing in two former Mitchell-Lama developments in East and Central Harlem, Metro North and the Schomburg, that are up for sale for \$500 million for 1,400

units. These are just two examples of the ways in which the trend of speculative investment is playing out to the detriment of working families in New York City. We need to rescue multi-family buildings that have been overleveraged by predatory equity and are now at risk of deteriorating conditions, loss of affordability, and foreclosure. There is a great need for strengthening tenant protections, and to adopt pro-preservation policies at the city, state, and federal level.

The same climate of speculation in the housing market helps explain why so many apartments and buildable lots are sitting vacant as landlords wait for an opportunity to sell them at the highest price. The dream that every block in the city could be devoted to the luxury market tomorrow is blocking investment in housing that meets the city's real needs today. Tenants & Neighbors supports efforts to change the incentives to get these potential housing resources out of the warehouse and into use.

Thank you for the Council Leadership on opening this conversation on vacant properties. We look forward to working with the Council on envisioning a pro-affordable housing preservation strategy and developing tools for vacant properties to become a much-needed affordable housing resource.



*Organizing For Justice and Respect:  
Don't Talk About Us: Talk With Us!*

# PICTURE THE HOMELESS

My name is Sam J. Miller, and I'm the Policy & Communications Organizer for Picture the Homeless. We're grateful for the opportunity to address this committee on the subject of vacant property, something we've wanted to do for some time. We also wanted to take a moment and thank the chair of this committee for his help in getting the MTA & NYPD to cancel this Monday's planned "purge" of homeless people from the subways. No one wants homeless folks sleeping on trains—least of all homeless people—and we believe strongly that today's hearing is a starting place for a conversation about real solutions.

Vacant property has always been a burning issue for the members of Picture the Homeless. The idea of homes without people while people are without homes offends common sense. For our membership, vacant buildings and lots are the answer to the conventional wisdom that there's no housing available in NYC, that there are no vacancies—while the city spends thousands per month on shelter, per household, so that landlords can make money from real estate speculation.

You can't fix a problem until you understand it. That's why we've been advocating for an annual citywide count of vacant buildings and lots. That will let us see just how much housing stock is being wasted by greedy landlords and city agencies. Right now the city doesn't keep track of vacant property. Counting these properties is an important first step to transforming them into housing for homeless people. A similar census was instituted by Boston in 1997, and they saw their overall volume of vacant property decline by 67% in the first seven years. With the city's sheltered homeless population climbing towards 53,000 people, low-income New Yorkers can't wait any longer for the city to take real steps to end the warehousing that has kept so much usable living space off the market.

Partnering with the Hunter College Center for Community Planning and Development, Picture the Homeless launched our own survey in the summer of 2011 to reveal the extent of vacant property in New York City. We walked every single block of 20 out of the city's 59 community boards, identifying 3,551 vacant buildings and 2,489 vacant lots—enough potential space to house 199,981 people, in 1/3 of the city! Contrary to claims from the prior administration that this initiative would be too complex or costly, we developed an efficient and duplicable methodology that's spelled out in greater detail in our report, *Banking on Vacancy: Homelessness & Real Estate Speculation*, included in your handouts.

Every year, an incalculable amount of money is spent as a result of property abandonment. Blocks with boarded-up buildings get 2-3 times as many police calls for violent offenses as blocks in the same neighborhood without vacant property. Homes

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near abandoned buildings lose more than \$7,000 in value. And last year the city spent a billion taxpayer dollars providing shelter to homeless people who could be living in these apartments.

But counting vacant property isn't enough. We have identified the following additional policy changes to return them to productive use. We were heartened to hear Attorney General Schneiderman's determination to use land banks to open up vacant properties, and we're asking that an NYC Land Bank prioritize disposition to mission-driven developers such as community development corporations and entities that seek to create or preserve long-term affordable housing for very low-, low-, and moderate-income households such as community land trusts.

The use of Community Land Trusts would allow for long term affordable housing that would be regulated by the tenants that live in them. Implementing more Community Land Trust would allow for a shift from a profit based housing system into a permanently resident focused model of housing. Since Community Land trust are non-profits, this model would also allow city owned and privately owned buildings to be gifted to community members that want to stay in their communities at an affordable rate reducing the high rate of homelessness and displacement.

Soon, this Council will be voting on a reauthorization of the legislation that governs the Third Party Transfer program. We believe this is a crucial opportunity to ensure that property that passes through the program goes to non-profit neighborhood-based housing development, particularly community land trusts, to make sure housing that's permanently affordable to homeless folks is developed out of vacant and partially-occupied buildings.

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*Organizing For Justice and Respect:  
Don't Talk About Us: Talk With Us!*

# PICTURE THE HOMELESS

Good Afternoon. My name is Kendall Jackman. I am a member and a Housing Campaign Leader at Picture The Homeless.

53,270 homeless people in shelter. 3,551 vacant buildings. 2,489 vacant lots. 199,981 people. In 1/3 of the city. 1 billion taxpayer dollars. My colleague Sam J. Miller gave you these figures. I would like to discuss them with you in a different way.

One billion taxpayer dollars used as a budget for the Department of Homeless Services.

I entered the DHS system on September 21, 2009. I moved into a "Supportive Housing Single Room Occupancy (SRO)" unit on March 13, 2013. **For the three and a half (3½) years I was warehoused in shelter, you could have paid my \$950 rent for a one (1) bedroom, garden apartment in Bedford-Stuyvesant for twelve (12) years.** Hmmm? Three and a half years making a "non-profit provider" richer and dehumanizing people or paying rent for twelve (12) years, in the community, with a support system that could help you get back on your feet? To my thinking, spending the money to house someone for twelve (12) years in a stable apartment makes more sense than making someone rich who needs the money less than I need a home. Additionally, my current housing is owned by DHS and managed by a "non-profit provider". I am now in the underground shelter system.

147,270 homeless people that we know of in the city. Let me break this down for you.

53,270 homeless people is incorrect. DHS' daily totals do not include Domestic Violence shelters. So how many people are in shelter? Currently there are at least 47,000 children living doubled and tripled up with family and friends. Each child has at least one parent, which brings this number to 94,000 people doubled and tripled up. These figures total 147,000 people, but even this is incorrect. As I said, Domestic Violence shelter numbers are missing. Children lucky enough to have two parents I only counted one. The street population, sleeping wherever they can. The untold numbers sleeping in churches, mosque, and synagogues. One population we do not talk about at all, those warehoused in nursing homes.

I want to take a moment to speak for the ones who have the smallest voice, our children. A child in shelter has to be shuttled back and forth to school, **IN THEIR HOME DISTRICT**. A six (6) year old has now become a pre-rush hour commuter just to get to school on time. The psychological impact on the child cannot be measured until the dysfunction appears. We have a member, raising two toddlers in shelter. Her son at the age of six (6) is seeing a therapist. Really? Shouldn't he be seeing a football, basketball, or baseball coach instead?

In our abbreviated census of vacant property, we found enough space to potentially house all of the people I mentioned above and then some. Two-thirds (2/3) of the city has not been counted. If all the vacant property in the city was counted, the real estate industry's scam of "not enough supply for the demand" would go out the window. The price of housing, purchasing or renting would go down. More importantly the 67,000 children who are living a nomadic life can have a home. Currently there is a commercial playing on the radio, where the children are singing, "I can go where my secrets are, where my things are, in my room." Our Community Land Trust Initiative would guaranteed permanent, affordable housing for the very least amongst us.

We have identified the problem—we at Picture The Homeless live it. We have come up with the solutions. We have taken steps one and two. Step three is to make it a reality.

## **Vacant Property FOIL Campaign**

### **Picture the Homeless**

Many people are concerned that the cost of conducting a citywide vacant building and lot count would be prohibitive. Interagency cooperation will be an important factor in reducing the cost of the bill, which is why the text of proposed legislation contains a provision requiring it. It is our belief that many city agencies contain information that will be critical to understanding the extent and nature of New York's vacancy problem. To test this, Picture the Homeless recently initiated a campaign of dozens of coordinated Freedom of Information Law requests to different city and state agencies. Most of these have not yet received responses, but we've already gotten a wealth of really useful data. The Division of Real Estate Services, for example, at the Department of Citywide Administrative Services, sent us a spreadsheet containing the addresses of 1,889 vacant lots owned by the city! And the Department of Buildings sent us a listing of more than 1,400 residential buildings with a current partial or full vacate order.

Our primary data requests are as follows, grouped by response type:

#### **DID NOT RESPOND**

##### **Fire Department**

- Addresses of all buildings which the Fire Department has determined to be structurally unsound, or to be lacking a roof or stable floors.
- Addresses of all buildings for which the Fire Department issued a vacate order that has not been subsequently rescinded.
- Addresses of all buildings sealed by the Fire Department for structural instability following a fire or other incident.

##### **Department of Finance:**

- Addresses of all properties for which a "Request to Update Vacant Land Data" has been submitted to your Department's Division of Property Services in the past five years.

##### **New York State Public Service Commission**

- Addresses of all residential buildings in the five boroughs of New York City that are currently "off-line," and which have no active power through Consolidated Edison or any other electricity provider certified through the Public Service Committee.

#### **RESPONDED BUT FAILED TO PROVIDE INFORMATION**

##### **Department of Buildings:**

- Addresses of residential buildings for which the certificate of occupancy has been revoked or has expired.
- Addresses of residential buildings having a current vacate order.

##### **Department of Health and Mental Hygiene**

- All buildings sealed by the Department due to health hazards.

##### **Department of Sanitation**

- Addresses of buildings with exorbitant and overdue violations for garbage.
- Addresses or locations of vacant lots identified through "Lot Cleaning Requests" submitted by the general public.

- Addresses of all residential buildings with lapsed sanitation registration.

**Landmarks Commission:**

- Addresses of vacant or structurally unsound buildings registered as landmarks with your Commission.
- Addresses of vacant or structurally unsound buildings that have been submitted to the LPC for consideration as landmarks but have not yet received a final decision, or have been rejected by the Commission.

**RESPONDED AND PROVIDED DATA**

**Department of Citywide Administrative Services**

- Addresses or locations of all city-owned vacant lots managed by the Division of Real Estate Services

**Housing Preservation and Development**

- Addresses of all buildings currently under development through HPD's "New Partners" Program.
- Addresses of all buildings with outstanding violations under Section 27-2089 of the Administrative Code.
- Addresses of all buildings identified as entirely empty in HPD's most recent Housing and Vacancy Survey.

**Department of Environmental Protection**

- Addresses of residential buildings within the five boroughs of New York City that do not currently have active water service.

# TEN KEY FEATURES OF THE CLASSIC COMMUNITY LAND TRUST

- 1. Nonprofit, tax-exempt corporation.** A community land trust is an independent, nonprofit corporation that is chartered in the state where it is located. Most CLTs are started from scratch, but some are grafted onto existing nonprofit corporations. Most CLTs target their activities and resources toward charitable goals like providing housing for low-income people & redeveloping blighted neighborhoods, and are eligible for 501(c)(3) designation.
- 2. Dual ownership.** The CLT acquires multiple parcels of land throughout a targeted geographic area with the intention of retaining ownership permanently. The parcels do not need to be contiguous. Any buildings already located or later constructed on the land are sold to individual homeowners, condo owners, cooperative housing corporations, nonprofit developers of rental housing, or other nonprofit, governmental, or for-profit entities.
- 3. Leased land.** CLTs provide for the exclusive use of their land by the owners of any buildings located thereon. Parcels of land are conveyed to individual homeowners (or the owners of other types of residential or commercial structures) through long-term ground leases.
- 4. Perpetual affordability.** By design and by intent, the CLT is committed to preserving the affordability of housing and other structures on its land. The CLT retains an option to repurchase any structures located upon its land if their owners choose to sell. The resale price is set by a formula in the ground lease providing current owners a fair return on their investments and future buyers fair access to housing at an affordable price.
- 5. Perpetual responsibility.** As the owner of the underlying land and of an option to repurchase any buildings located on that land, the CLT has an abiding interest in what happens to these structures and to the people who occupy them. The ground lease requires owneroccupancy and responsible use of the premises. If buildings become hazardous, the CLT has the right to force repairs. If property owners default on their mortgages, the CLT has the right to cure the default, forestalling foreclosure.
- 6. Open, place-based membership.** The CLT operates within the boundaries of a targeted area. It is guided by, and accountable to, the people who call this locale their home. Any adult who resides on the CLT's land or within the area the CLT deems as its "community" can become a voting member. The community may comprise a single neighborhood, multiple neighborhoods, or even an entire town, city, or county.
- 7. Community control.** Voting members who either live on the CLT's land or reside in the CLT's targeted area nominate and elect two-thirds of a CLT's board of directors.
- 8. Tripartite governance.** The board of directors of the classic CLT has three parts, each with an equal number of seats. One-third represents the interests of people who lease land from the CLT; one-third represents the interests of residents of the surrounding community who do not lease CLT land; and one-third is made up of other stakeholders like local funders, nonprofit providers of housing or social services, and other individuals presumed to speak for the public interest.
- 9. Expansionist program.** CLTs are committed to active acquisition and development programs aimed at expanding their holdings of land and increasing the supply of affordable housing and other structures under their stewardship.
- 10. Flexible development.** While land is always the key ingredient, the types of projects that CLTs pursue and the roles they play in developing the projects vary widely. Many CLTs do development with their own staff, while others delegate this responsibility to partners. Some focus on a single type and tenure of housing, while others develop housing of many types and tenures. Other CLTs focus more broadly on comprehensive community development.



# **BANKING ON VACANCY**

HOMELESSNESS AND REAL ESTATE

► a report by  
**PICTURE THE HOMELESS**

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*Vacant building and newly-constructed  
condo in Williamsburg, Brooklyn.*

A black and white photograph showing a stark contrast between modern architecture and homelessness. In the background, a multi-story building with a grid-like facade of windows and balconies rises. In the foreground, a makeshift tent city is visible, with several large, dark tents pitched behind a low, weathered brick wall. The scene is set in an urban environment, highlighting the issue of homelessness.

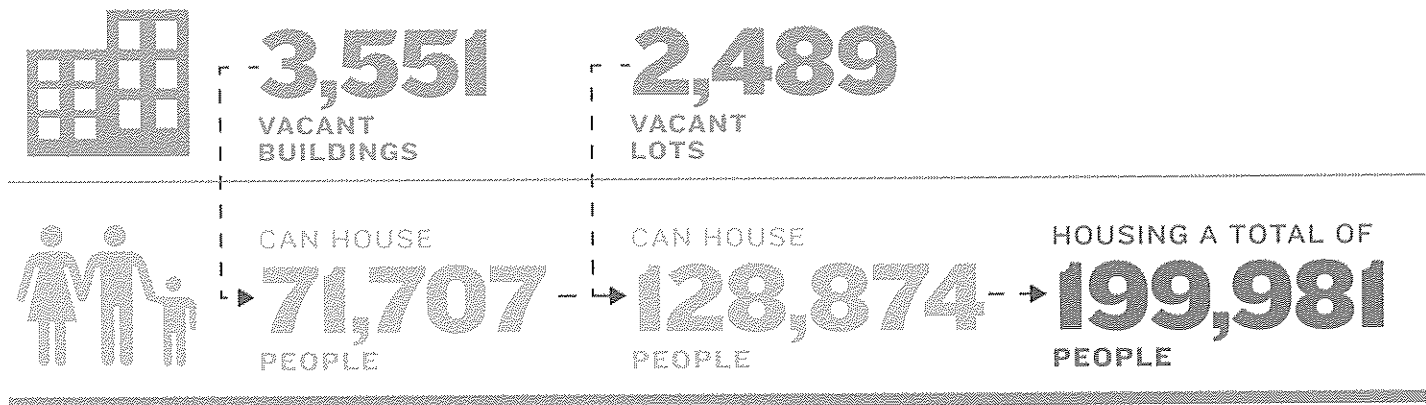
## MISSION

**Picture the Homeless was founded on the principle that homeless people have civil and human rights regardless of our race, creed, color or economic status. Picture the Homeless was founded and is led by homeless people. We refuse to accept being neglected and we demand that our voices and experience are heard at all levels of decision-making that impact us.**

**We oppose the quality of life laws that criminalize homeless people in any form by the city, state and national governments. We work to change these laws and policies as well as to challenge the root causes of homelessness. Our strategies include grassroots organizing, direct action, educating homeless people about their rights, public education, changing media stereotypes, and building relationships with allies. Our motto is "Don't Talk About Us, Talk With Us!"**

# EXECUTIVE SUMMARY

## TOTAL FINDINGS



The following report exposes the extent to which vacant buildings and lots permeate our landscape, concentrated in the very communities hardest hit by gentrification and homelessness. We believe vacant property can create housing, parks, urban farms, commercial and cultural space, and jobs—and this report will prove just what a transformative impact this property could have.

**Private Property—So What!** The majority of vacant buildings and lots in NYC are privately owned, and the trend toward privatization continues. While we envision different strategies for the transformation of publicly owned vacant buildings and lots vis a vis privately-owned vacant property, both types beg the same question: who benefits from vacancy, and does that benefit outweigh the social and economic costs of the housing emergency?

**If Picture the Homeless Can Do It, The City Can Do It!** Picture the Homeless gathered nearly 12,000 addresses of vacant buildings and lots in fall of 2010 from Freedom of Information Requests to 18 city agencies. We then partnered with Hunter College to create a sound methodology combining scientific and community organizing practice. If the City of New York can conduct a scientifically questionable count of homeless people one night a year (The Hope Count, costing tens of thousands of dollars), then surely they can count vacant properties: by upgrading and consolidating data they already have, and mobilizing a field count annually. Picture the Homeless did it for a fraction of what some elected officials claim would cost millions of dollars.

**Catalyze Community-Based Urban Planning** Community boards with some of the lowest incomes in the City have thousands of vacant apartments, tens of thousands of square feet of vacant commercial space, and hundreds of vacant lots. We look forward to the day when marginalized communities throughout NYC develop alternate plans for the use of vacant spaces across NYC, and organize for their implementation, for the benefit of all community members including homeless folks.

## SOLUTIONS

**Housing Creation is Jobs Creation** A jobs creation program that partners with construction trade unions to provide apprenticeships to unemployed people would help convert vacant properties in the communities hit hardest by the recession and housing emergency. Every dollar of investment in housing development generates an additional two dollars in economic activity.<sup>1</sup> In the 1970s the CETA program funded job training for public assistance recipients through employment in the rehabilitation of vacant buildings.<sup>2</sup> These “sweat equity” models allowed people to receive training to renovate and purchase properties through their labor during the 1980s, but were phased out in the 1990s. We need to bring back past models with proven track records.

**End Vacancy Decontrol and Liberate Thousands of Vacant Rent Stabilized Units** Ending vacancy decontrol for rent stabilized apartments, renovating them and renting them at the previous rents will create thousands of low rent apartments without rental subsidies. The City can launch a program to cover the cost of renovation in order to avoid Major Capital Improvement (MCI) increases passed onto tenants. The City would be better served funding housing development and job training for homeless folks than spending thousands per month on shelter costs, per family.

**Mandate a City Wide Vacant Property Count** Exposing the extent of vacancy in NYC includes demystifying the ownership of properties and tracking the length of time they have been vacant. The city can take immediate steps to centralize, improve, and de-mystify its property records, including the passage of vacant property count legislation by the New York City Council. If Con Edison were required to report electric and gas usage per unit, we would know exactly how many apartments are vacant in NYC and for how long. NYC has been in a housing emergency since 1947. It is time to evaluate and place limits on the housing market and to demand that government stop incentivizing real estate speculation at the expense of the public good.



## KEY FINDINGS

A vacant property count can be done at minimal cost to the city.

City agencies already collect a lot of data about vacancy, but make no effort to centralize and analyze that information to give a holistic picture of vacant property.

NYC's laissez-faire free-market strategy for dealing with empty buildings and lots harms communities and helps big real estate.

Property owners hide behind a maze of shell corporations and LLCs, making it nearly impossible for local communities to hold entities warehousing property accountable.

The same neighborhoods that send high numbers of families into the homeless shelter system have the highest density of vacant property—in most of them, there is enough vacant space to house ten times as many people as are currently housed in shelters in that district. Citywide, vacant property could house the entire shelter population five times over.

These findings are the tip of the iceberg. We counted 1/3 of the city, leaving 39 community districts untouched.

**“THIS COUNT WILL  
HELP US FIGHT  
TO TURN THESE  
BUILDINGS INTO  
PROPER HOUSING.”**

*Arvernetta Henry,  
Picture the Homeless Member*

*PTH member and intern prepare to  
scout for vacant property.*





## VACANT PROPERTY AND THE HOUSING CRISIS

How vacant property is developed, and for whose benefit, is one of the critical issues facing us as we seek to identify solutions to the housing crisis in New York City. Currently, housing is like any other commodity. Investors (real estate speculators), buy and sell property the same as they would shares in a corporation. Speculating on neighborhoods gentrifying is how many folks get rich in this city. It is all perfectly legal, and even incentivized by government policies.

Picture the Homeless believes that housing is a human right. From this perspective, the question of vacant properties vis a vis homelessness is simple. At what point does the promotion of the public interest in addressing basic human needs take precedence over the gross accumulation of private wealth? What happens when human rights are in conflict with property rights? This same question was at the heart of the nineteenth-century fight over slavery.

New York City government actively supports the warehousing of vacant buildings and land. In 2005, in the early days of our Housing Not Warehousing campaign, we asked (then) NYC Housing Preservation & Development Commissioner Sean Donovan to address the problem of vacancy. He responded that “development in our city requires that some property be temporarily held off the market to assemble development opportunities”... even though “temporarily” can be thirty years or more. Although New York City has been in a “housing emergency” since 1947, the City places no restrictions on how long residential buildings or land can be kept vacant!

One example: in Harlem, the buildings on the west side of Malcolm X Blvd. between 125th and 124th streets stayed empty for decades while the landlord purchased each one as it came on the market. Jeff Sutton, head of Wharton Realty, kept the apartments in these buildings vacant while making profit on the ground-floor commercial space. There was no shortage of people in Harlem looking for apartments: Harlem has one of the highest rates of homelessness in the City. Nor is it that Sutton couldn't afford to rehab the building. It just wasn't ripe for making a killing, as they say. Picture the Homeless held two “sleep outs” on the street in front of the buildings to educate the public about the connections between vacancy, gentrification and homelessness. We wrote to Jeff Sutton and asked for a meeting. In response, he demolished the buildings to construct a luxury hotel. The lot remains vacant as of this writing. (See photo on page 7) Under current law, he can do whatever he wants with his property, regardless of community needs or impact on the city as a whole.

Through Housing Boom and Housing Bust Regardless of market conditions, two constants remain: a steady increase in homelessness and the privatization of vacant property, because housing is a commodity. During an economic upswing,

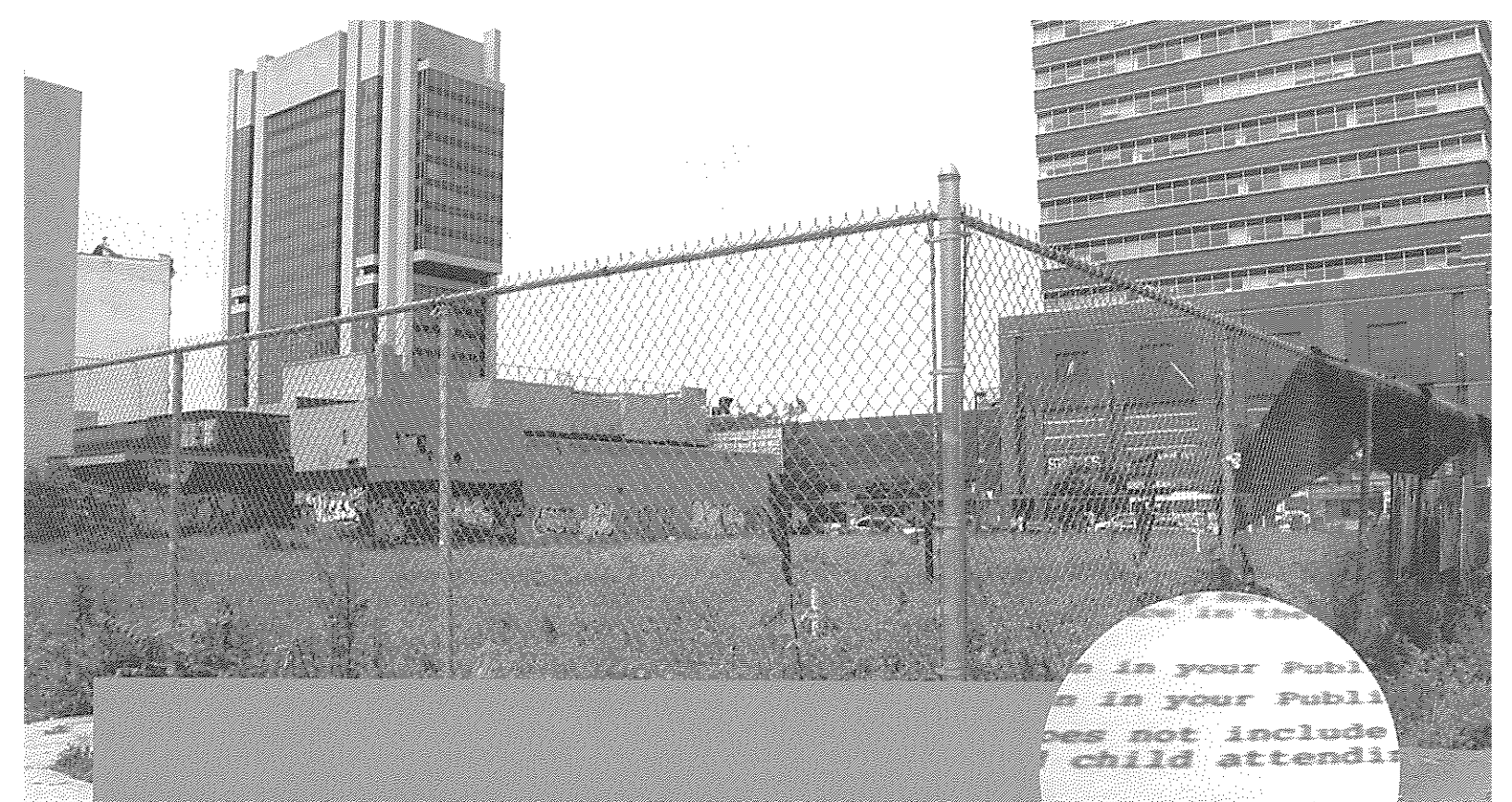
gentrification produces higher rents. When the economy declines, rents in low income neighborhoods don't go down. Unemployment goes up, and the city says there is no money to create housing. Through it all, New York City has set record levels of homelessness during the past 10 years. The number of homeless families entering shelter each year has doubled since Michael Bloomberg took office in 2002, and has reached 40,000 people as of today's writing.<sup>1</sup> This doesn't count street homeless, or folks doubled up in overcrowded housing, families in the domestic violence shelter system, or the hundreds of shelter beds provided by faith communities throughout the city.

## ROOTS OF THE HOUSING (NOT HOMELESS) CRISIS

Policies at all levels of government have created the housing crisis. Since the Reagan Administration, dis-investment in housing development for the very poor, withdrawal of funds for rental subsidies such as the Section 8 voucher program, stagnating and declining wages for low wage workers, and public assistance budgets that relegate folks to extreme poverty, have contributed to more households experiencing homelessness in New York City and throughout the United States. How much rent can you afford if you make \$10.00 per hour at a full time job, for a pre-tax income of \$1,733 a month? According to federal guidelines, families paying more than 30% of their income on rent are considered cost-burdened... so the most you could spend on rent is \$519 a month. Imagine if you have children. What happens when you lose that job? Over 50% of households in the city pay more than 30% of their income for housing!

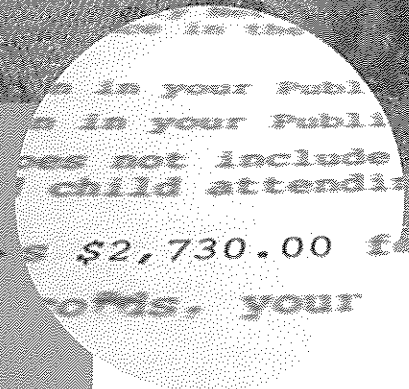
Warehousing isn't just a New York City problem. With unemployment and foreclosures on the rise and banks sitting on countless properties acquired fraudulently or immorally, the 2010 census estimated that there are 18.6 million vacant homes<sup>4</sup>, and an estimated 3.5 million homeless people nationwide<sup>5</sup>... which equals five vacant homes in this country for every homeless person! Picture the Homeless learned that other cities, like Boston, survey vacant properties, and we learned from those models. We are also anchor members of the Campaign to Restore National Housing Rights, leading a workgroup on addressing warehousing nationwide, learning from and providing support to allies nationally.

Shelter Money is Poorly Spent, Give Us Money to Pay Our Rent! Picture the Homeless members decry the amount of money spent on shelter, especially as compared to the absence of money spent on housing development or rental assistance for the very poor. We know that the claim by City officials that “there's no money” to turn vacant properties into housing is a lie, because shelter residents get a monthly update of the exorbitant amounts the City spends on shelter. In 2010, the city's budget for Housing Preservation and Development (\$489 million) was only 63% of what the city spent providing shelter to homeless people (\$773 million Department of Homeless Services budget)<sup>6</sup>.



**"BROOKLYN NEIGHBORHOODS ARE PLAGUED BY VACANT PROPERTY AND DISPLACEMENT, AND WE'RE LOSING MORE AND MORE OF OUR PEOPLE TO THE HOMELESS SHELTER SYSTEM. THE CITY NEEDS TO DO MORE. THE DATA WE GATHER WITH THIS COUNT WILL HELP US CREATE REAL SOLUTIONS THAT BENEFIT WORKING-CLASS NEW YORKERS."**

*Letitia James, City Council Member*



*Inset: portion of actual NYC human resources administration statement, showing how much the city pays for one person to be in a shelter for a month—provided by a PTH member*

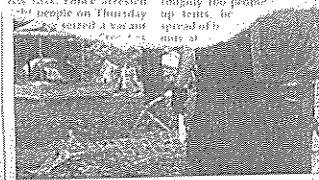
# Harlem tent city protest

'They say gentrify, we say occupy'

Police arrest a woman at the Picture the Homeless demonstration in Harlem. The group's board member, Rob Robinson, said he went to Miami to learn tactics from a group, Take Back the Land, that's been moving homeless into empty foreclosed homes.

## 8 arrested in homeless protest

Picture the Homeless people onto the unused space. Advocacy group Picture the Homeless raised roughly 100 people up tents in the city since. Police arrested people on Thursday morning seized a van and



With tent city in the background, police arrest the Rev. Frank



PTH members arrested at "tent city" protest on vacant lot, East Harlem, 2009.

### Protest at Council session

SERIAL miniprotests by housing activists briefly halted the City Council session yesterday and caused the eviction of public spectators.

The protesters called for a hearing on a stalled bill requiring a census of all vacant lots and buildings in the city for possible future uses for the homeless. "They didn't know how many of us there were," said William Burnett, one of the protest leaders for Picture the Homeless-NYC.

Frank Lomba

Participatory Research: The Manhattan Vacant Property Count We knew that we had to prove that warehousing was pervasive and harmful to community and the City as a whole. We designed and conducted a block by block count of vacant properties in Manhattan in conjunction with the Manhattan Borough President in 2006. Our report, *Homeless People Count*, proved that the total volume of empty housing units in abandoned buildings in Manhattan exceeded the number of homeless people in shelter and on the street citywide. 24,000 potential apartments could have been developed out of all those properties going to waste! And the housing crisis and economic recession have increased both homelessness and vacancy since then. The financial collapse of 2008 has also left countless condo developments stalled for lack of financing.<sup>8</sup>

Sleep Outs, Public Education and Relationship Building In early 2006, in conjunction with launching the vacant property count, we began a series of "sleep-outs", where we literally slept on the sidewalk in front of vacant buildings, engaging the community in conversations around vacancy and homelessness and gentrification. We also garnered extensive press coverage. Neighbors brought us coffee and warm soup. These public sleep-outs helped build solidarity within our organization, and public support for our work. It was during the process of building support for our first sleep out that members of PTH met with folks from the office of Manhattan Borough President Scott Stringer. His office partnered with us on the block-by-block count of vacant buildings and lots in Manhattan referenced above.

State Legislative Victory, City Legislative Challenge One policy change resulting from our Manhattan count was a bill introduced by State Senator Jose Serrano and passed through both chambers of the legislature, which eradicated a tax incentive that had essentially rewarded landlords for keeping property vacant above 110th Street in communities with high rates of homelessness and rampant gentrification.

Picture the Homeless members reached out to every member of the New York City Council in 2006, seeking to craft and find a sponsor for legislation to mandate a vacant property count and create incentives to develop housing for poor people. South Brooklyn Legal Services assisted us in the research and writing of the bill, which was sponsored by Councilman Tony Avella. By late 2009, it was clear that the Council legal department would not allow a bill to be introduced with provisions that included elements such as "duty to rent". We were in fact told that bills were not introduced at all if they weren't likely to be passed! Many of our members felt that council members should have had the opportunity to gather testimony, debate and vote on this bill, and preventing its introduction was a "subversion of democracy." Indeed, we learned a lot about the legislative process along the way.

In February of 2010, a new bill was introduced by Melissa Mark-Viverito. Intro 48 would empower the city to conduct an annual count of vacant buildings and lots throughout the five boroughs. We believed that this was a strategic and pragmatic compromise. We continue to be convinced that once vacant properties are counted and the results publicized, it will ignite outrage

Housing Not Warehousing Campaign History Picture the Homeless began our Housing Campaign in 2004, with a vacant property count in El Barrio/E. Harlem. The count taught us that most vacant properties were privately owned, and the property taxes paid. This was a very different scenario than the abandonment of previous decades. Picture the Homeless members were acutely aware of vacancy: the neighborhoods with the most vacant property are the same neighborhoods that send the most homeless families into the shelter system.

### SHIFTING THE CONVERSATION AND TAKING ACTION

Picture the Homeless members were convinced that the development of vacant properties was key to solving the housing crisis, and the renovation of vacant properties a source of good jobs. Our vision to create housing and jobs through the rehabilitation of vacant buildings isn't a new idea. It has worked in the past. But vacant property is a hot commodity now, and much of it is in the private market. Government officials told us that vacancy is a thing of the past, that the city doesn't keep records of vacancy, and there's just no way to prove it's really a problem. Most housing advocacy organizations also told us we couldn't do anything about privately owned vacant property. We weren't convinced. We realized that we had to shift the conversation by exposing the extent to which buildings and lots were being kept vacant. We conducted extensive outreach to homeless people, building our base to mobilize for town hall meetings and direct actions highlighting vacant property and its impact on the entire city, in the process building relationships with dozens of grassroots groups and faith leaders who felt that property warehousing needed to stop.

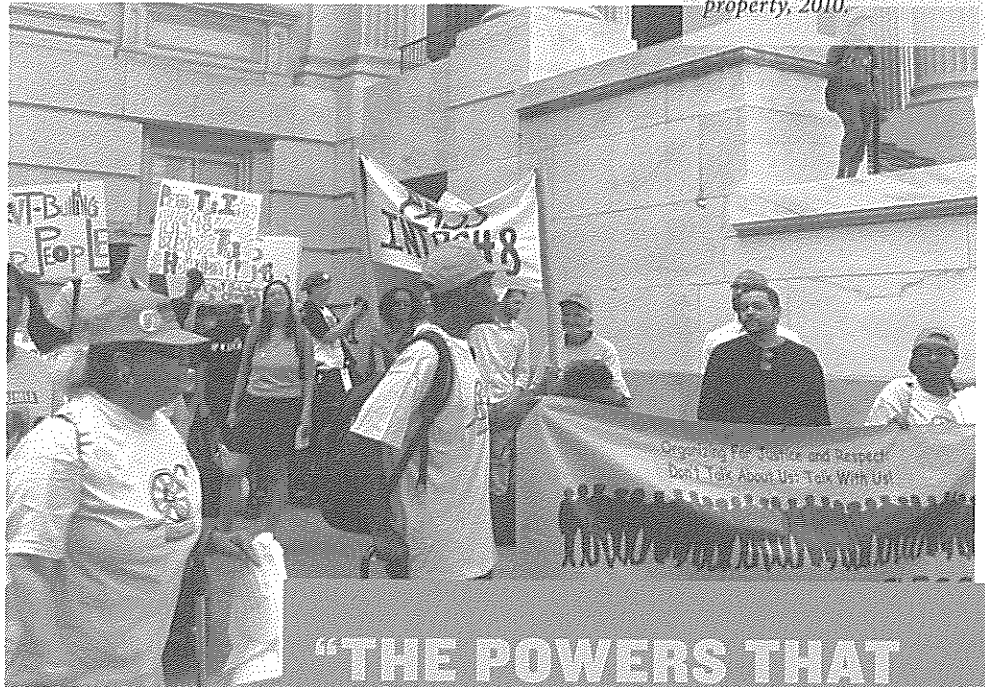
in the communities most affected by the housing crisis and create additional organizing opportunities. While Intro 48 garnered the majority of City Council members as co-sponsors in less than a month, as of the end of 2011 it still has not been calendered by the Chair of the Housing Committee of the City Council. We reached out to the Council's policy division to see what was happening—and learned that they were “getting push-back” from the Administration, who were concerned about the “cost of the bill” even after extremely-modest cost estimates were provided.

Takeovers, the Housing Not Warehousing Coalition and Upping the Ante Faced with the barriers to passing progressive legislation through the City Council, we knew we had to raise the stakes in order to get any sort of anti-warehousing or vacant property legislation passed. With support—and homelessness—increasing, we decided to create a Housing Not Warehousing! (HNW!) Coalition. Our intent was to formalize relationships with allies, build a structure to incorporate them into the work, increase our effectiveness to win a city-wide vacant property count, and build momentum to create housing for extremely low income folks. The HNW! Coalition includes members from sectors of the community and social justice movement that we believe are critical to changing housing policy in New York City, including grassroots and community based organizations, cultural workers, faith communities, labor, academics, and housing developers.

In 2009 we took over a vacant building in El Barrio, on the corner of 116th and Madison, that had been vacant for decades. With critical support provided by members of the HNW! Coalition, we turned out hundreds of supporters in the rain. That night we slept on the sidewalk in front of the building and deepened our resolved to liberate vacant property. In the summer of 2009, we held another public takeover of a vacant lot in El Barrio owned by Chase Manhattan Bank, where 10 of us were arrested, and hundreds turned out in support. These actions put even more of a public spotlight on property warehousing, and they built support internally for members to take up squatting as a form of collective resistance. It was within this context, and that of governmental inaction, that we embarked upon a mapping project to engage New Yorkers to partner with us to identify vacant properties city-wide and to show the city that the count could be done.

### **VACANT NYC: SEE SOMETHING, SAY SOMETHING**

In the summer of 2010, we attended a workshop on open-source crowd mapping as a means to map services for homeless folks. In our experience, homeless folks know where services are, so we suggested using the technology to map vacant properties to educate the public about vacancy instead! We launched



**“THE POWERS THAT  
BE DON’T WANT  
TO COUNT VACANT  
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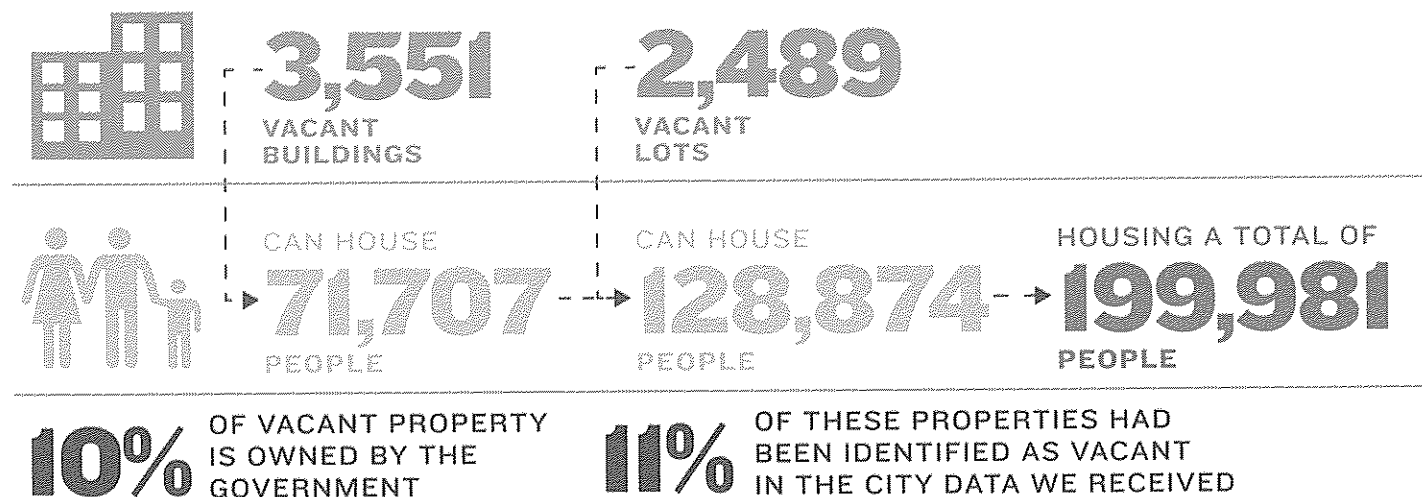
*Dwayne Austin,  
Picture the Homeless Member*

[vacantnyc.crowdmap.com](http://vacantnyc.crowdmap.com), which allowed folks to text the address to our Vacant NYC map, and created the See Something, Say Something initiative in the late summer of 2010. We requested lists of vacancies from a range of city agencies, and uploaded those into Vacant NYC, for a total of nearly 12,000 vacant properties by December of 2010. This resulted in several things, including the partnership with Hunter College whose findings this report addresses.

### **FALL 2010, TURNING UP THE HEAT**

Throughout the fall of 2010, we turned up the heat on the City Council to take action on Intro 48. We engaged with allies, met with electeds, and created public education and media opportunities around the issue of vacant properties. These actions included a massive press conference in support of Intro 48. Over 100 representatives from dozens of members of the HNW! Coalition joined us.

# FINDINGS



**NYC Vacant Properties Could House Every Homeless Person... and then Some!** These results show the outstanding amount of under utilized housing stock that is available in just a third of New York City! Every homeless person in New York City could have a home with the amount of vacant space that currently exists. By pushing for rehabilitation of the existing vacant buildings the city could create jobs and house people immediately.

**Shelters Would Become Obsolete** While the city chooses to waste money on the shelter-industrial complex, we have found that the number of shelter beds in each district is significantly lower than the number of potential housing units in each community district. There is space to house five times as many people in vacant property as are currently in shelter citywide. The city spends \$3,500 a month to house someone in a shelter—adding up to \$856 million a year, yet there is no plan in place to create real housing for the poor.

**Neighborhood Vacancy and Shelter Correlation** Results from our vacant property count demonstrate a pattern of displacement. According to the Vera Institute of Justice's report "Understanding Family Homelessness In New York City" almost half of eligible homeless families came from 10 of the 59 community districts in New York City.<sup>10</sup> Six of these ten community districts are the same ones where we found the highest rate of vacancy. This correlation demonstrates that homelessness and warehousing go hand in hand.

**City Data is a Useless Mess** In advance of the count, we compiled as much city data as we could, to identify the community districts with the highest rate of vacancies using Freedom of Information Law requests to many city agencies. We were unable to obtain a clear picture of vacancy in New York City. Once we took on the challenge of walking block by block, counting the number of vacant buildings and lots, we obtained thousands of surveys reporting vacant properties. Comparing what community members identified as vacant properties to the information that

we obtained from the city exposed an incomprehensible inconsistency between what the city records and what the community has to live with. Our data demonstrates that city records-keeping is useless for understanding housing conditions, and is in need of a dramatic overhaul.

**Warehousing with Commercial Space** Walking through blighted neighborhoods such as Harlem and Bed-Stuy one notices many storefronts that are active. What people generally do not notice is the amount of empty residential units that are available on top of these commercial spaces. Landlords warehouse their residential units because they can make enough money from extravagant commercial rents without any of the hassles of residential tenants.

**Available Commercial Space can Help Subsidize Low Income Residential Units** Within the thousands of vacant buildings that this report has identified, we found 4,544 units that are zoned for commercial or manufacturing use. The Cooper Square Mutual Housing Association focuses on providing affordable housing apartments on the Lower East Side through the Community Land Trust/MHA model. They are able to keep rents as low as \$350 a month, in part by subsidizing their rents using some of the profits made from their rented out commercial space. According to Valerio Orselli Executive Director of the Cooper Square Committee, they are able to raise 27% of their total operating cost by using the income gained from their commercial spaces to maintain affordable units.

**Affordable Housing is Not Really Affordable** The U.S. Department of Housing and Urban Development (HUD) uses "Area Median Income" (AMI) to identify the range for "affordable housing" guidelines. AMI in New York City is distorted by affluent neighborhoods in the greater New York Metropolitan Area including northern New Jersey and Long Island, pushing the AMI to \$80,200.<sup>11</sup> In order to provide real affordable housing, the city needs to mandate that the AMI be more locally determined. If a

building is being developed in the Bronx and is being subsidized by public funds, the AMI should be appropriate to the median income of the neighborhood! Current practices encourage gentrification and displacement while using public funds to do it.

**The City Masks Vacant Lots as "Parks"** In many instances our surveyors identified abandoned, garbage-filled, and weed-ridden lots that the city lists as public recreation spaces. The city needs to distinguish between lots that are publicly accessible and sealed-off lots where the community could create a plan for proper usage of the space. New Yorkers should not be living next to garbage and rat-infested lots that they claim to be recreational space! These spaces pose potential health hazards and devalue the quality of life for community members.

**This Can be Replicated** The city stated that a count of vacant properties in New York could not be done because it would cost too much money. We have proven that through the use of volunteers and partnering with a University a vacant property count can be done. Using our Analytical and Organizing Methodology this process could be replicated at a much lower cost than what city officials claim.

**Vacancy Affects Everyone** When organizing this project we reached out to as many community members as possible. We spoke at neighborhood events, rallies, protests, churches, high schools and colleges, community organizations, shelters, city council forums, and any other place where we could find an open ear. While engaging the community about the issue of vacant properties, we received unanimous concerns about vacancy being a problem. The staggering volume of empty buildings and lots that we identified causes major harm on all aspects of city life. People who are in need of housing want these vacant buildings to be put in use. Community members who feel like there are not enough parks and recreation spaces in their neighborhoods want the vacant lots to be turned into something useful. Homeowners living next to rodent-infested lots want the city to clean up the brown-fields that are ever-present across blighted neighborhoods in New York City.

**Hiding Ownership With LLCs and MERS** As we collected and analyzed the thousands of vacant properties found in our survey, we came across great difficulties in identifying their ownership. The usage of Limited Liability Corporations allow landlords to mask true ownership of warehoused and abandoned properties. In cases where the properties are bank-owned or are going through foreclosure, the usage of Mortgage Electronic Registration Systems, Inc (MERS) make it even more problematic to identify ownership and transaction history by community members. In the end, a community member would need a law degree and a substantial amount of free time to decipher the ownership of vacant buildings and lots in their neighborhood and uncover slumlords, warehouse, and property-flipping schemes. The city needs to clearly record property ownership and mortgage transactions and have that information be easily accessible. By allowing these practices to persist the city is supporting predatory tactics and displacement processes.

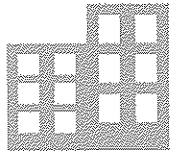
"People housed" is a speculative estimate, based on local zoning regulations on vacant residential buildings and lots, and contingent on development to the maximum floor/area ratio (FAR), following established city planning estimates of 350 square feet per person. Instead of mandating that all vacant lots be developed into housing, our goal is to empower neighborhoods to fight for their own needs—community gardens, parking lots, commercial use, housing development, etc. Our total figure is a potential maximum, subject in practice to detailed site analysis and community decision making.



**"DEVELOPERS, BUILDERS, AND SPECULATORS SEE VACANT SPACES AS FUTURE WEALTH. THAT FUTURE WEALTH DOES US NO GOOD NOW, WHEN PEOPLE ARE HUNGRY AND STARVING AND HOMELESS."**

*Owen Rogers,  
Picture the Homeless Member*

# MANHATTAN



**987**

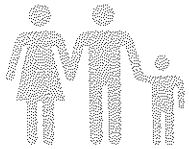
VACANT  
BUILDINGS

**257**

VACANT  
LOTS

**6,704**

EXISTING  
SHELTER UNITS



CAN HOUSE

**32,061**

PEOPLE

CAN HOUSE

**33,763**

PEOPLE

HOUSING A TOTAL OF

**65,824**

PEOPLE

## ► COMMUNITY DISTRICT FINDINGS

### CD 02 | SOHO/TRIBECA

total number of vacant buildings and lots: 297

> housing a total of 11,604 people

number of existing shelter units: 100

1,585 commercial/manufacturing units found within 263 vacant buildings. 1% of vacant property is owned by the government; only 5% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 03 | EAST VILLAGE/LES

total number of vacant buildings and lots: 222

> housing a total of 8,060 people

number of existing shelter units: 260

431 commercial/manufacturing units found within 172 vacant buildings. 3% of vacant property is owned by the government; only 8% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 04 | MIDTOWN/CHELSEA

total number of vacant buildings and lots: 99

> housing a total of 15,782 people

number of existing shelter units: 1,172

370 commercial/manufacturing units found within 172 vacant buildings. 10% of vacant property is owned by the government; only 6% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 06 | MIDTOWN/GRAMERCY

total number of vacant buildings and lots: 51

> housing a total of 6,250 people

number of existing shelter units: 342

643 commercial/manufacturing units found within 41 vacant buildings. 0% of vacant property is owned by the government; only 6% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 09 | MORNINGSIDE HEIGHTS

total number of vacant buildings and lots: 103

> housing a total of 3,882 people

number of existing shelter units: 736

50 commercial/manufacturing units found within 94 vacant buildings. 5% of vacant property is owned by the government; only 7% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 10 | HARLEM

total number of vacant buildings and lots: 327

> housing a total of 3,348 people

number of existing shelter units: 1,223

241 commercial/manufacturing units found within 255 vacant buildings. 15% of vacant property is owned by the government; only 13% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 11 | EAST HARLEM

total number of vacant buildings and lots: 143

> housing a total of 9,252 people

number of existing shelter units: 287

168 commercial/manufacturing units found within 96 vacant buildings. 5% of vacant property is owned by the government; only 17% of the vacant properties we found had been identified as vacant in the city data we received.

- VACANT BUILDINGS
- VACANT LOTS

These numbers are overall highlights showing relative density of vacant property. More comprehensive data is available on our website: [cityofchicagomultimedia.org/homeless/stm](http://cityofchicagomultimedia.org/homeless/stm)

CD 09

**94 VACANT BUILDINGS**  
**>HOUSING FOR**  
**3,269 PEOPLE**

**11 VACANT LOTS**  
**>HOUSING FOR**  
**583 PEOPLE**

CD 10

**255 VACANT BUILDINGS**  
**>HOUSING FOR**  
**6,632 PEOPLE**

**72 VACANT LOTS**  
**>HOUSING FOR**  
**4,706 PEOPLE**

CD 11

**96 VACANT BUILDINGS**  
**>HOUSING FOR**  
**7,055 PEOPLE**

**47 VACANT LOTS**  
**>HOUSING FOR**  
**2,197 PEOPLE**

CD 04

**66 VACANT BUILDINGS**  
**>HOUSING FOR**  
**1,887 PEOPLE**

**33 VACANT LOTS**  
**>HOUSING FOR**  
**13,895 PEOPLE**

CD 06

**41 VACANT BUILDINGS**  
**>HOUSING FOR**  
**1,978 PEOPLE**

**10 VACANT LOTS**  
**>HOUSING FOR**  
**3,272 PEOPLE**

CD 02

**263 VACANT BUILDINGS**  
**>HOUSING FOR**  
**8,109 PEOPLE**

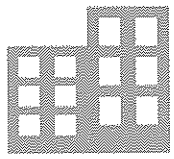
**34 VACANT LOTS**  
**>HOUSING FOR**  
**3,585 PEOPLE**

CD 03

**172 VACANT BUILDINGS**  
**>HOUSING FOR**  
**4,833 PEOPLE**

**50 VACANT LOTS**  
**>HOUSING FOR**  
**3,823 PEOPLE**

# THE BRONX



**368**

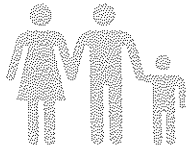
VACANT  
BUILDINGS

**186**

VACANT  
LOTS

**2,667**

EXISTING  
SHELTER UNITS



CAN HOUSE

**11,578**

PEOPLE

CAN HOUSE

**9,336**

PEOPLE

HOUSING A TOTAL OF

**20,914**

PEOPLE

## ► COMMUNITY DISTRICT FINDINGS

### CD 03 | CLAREMONT VILLAGE

total number of vacant buildings and lots: 161

> housing a total of 4,969 people

number of existing shelter units: 768

1,585 commercial/manufacturing units found within 263 vacant buildings. 1% of vacant property is owned by the government; only 5% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 04 | MOUNT EDEN

total number of vacant buildings and lots: 236

> housing a total of 11,179 people

number of existing shelter units: 1,143

431 commercial/manufacturing units found within 172 vacant buildings. 3% of vacant property is owned by the government; only 8% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 06 | BELMONT

total number of vacant buildings and lots: 157

> housing a total of 6,757 people

number of existing shelter units: 776

370 commercial/manufacturing units found within 172 vacant buildings. 10% of vacant property is owned by the government; only 6% of the vacant properties we found had been identified as vacant in the city data we received.

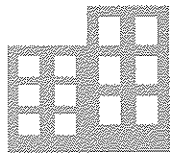
● VACANT BUILDINGS

● VACANT LOTS

These numbers are overall highlights showing relative density of vacant property. More comprehensive data is available on our website: [planninghomeless.org/vacancy.html](http://planninghomeless.org/vacancy.html)



# BROOKLYN



**1,623**

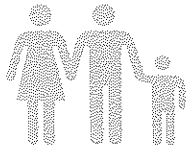
VACANT  
BUILDINGS

**1,412**

VACANT  
LOTS

**6,651**

EXISTING  
SHELTER UNITS



CAN HOUSE

**23,223**

PEOPLE

CAN HOUSE

**47,709**

PEOPLE

HOUSING A TOTAL OF

**70,932**

PEOPLE

## COMMUNITY DISTRICT FINDINGS

### CD 01 | WILLIAMSBURG

total number of vacant buildings and lots: 349

> housing a total of 22,511 people

number of existing shelter units: 688

145 commercial/manufacturing units found within 188 vacant buildings. 7% of vacant property is owned by the government, only 10% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 02 | DUMBO/CLINTON HILL

total number of vacant buildings and lots: 212

> housing a total of 5,100 people

number of existing shelter units: 1,094

204 commercial/manufacturing units found within 155 vacant buildings. 4% of vacant property is owned by the government, only 14% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 03 | BEDFORD-STUYVESANT

total number of vacant buildings and lots: 466

> housing a total of 10,378 people

number of existing shelter units: 852

123 commercial/manufacturing units found within 419 vacant buildings. 3% of vacant property is owned by the government, only 2% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 04 | BUSHWICK

total number of vacant buildings and lots: 384

> housing a total of 5,647 people

number of existing shelter units: 518

55 commercial/manufacturing units found within 202 vacant buildings. 8% of vacant property is owned by the government, only 19% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 05 | EAST NEW YORK

total number of vacant buildings and lots: 531

> housing a total of 13,978 people

number of existing shelter units: 970

36 commercial/manufacturing units found within 254 vacant buildings. 5% of vacant property is owned by the government, only 2% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 06 | RED HOOK/PARK SLOPE

total number of vacant buildings and lots: 294

> housing a total of 4,767 people

number of existing shelter units: 295

107 commercial/manufacturing units found within 134 vacant buildings. 3% of vacant property is owned by the government, only 14% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 08 | CROWN HEIGHTS

total number of vacant buildings and lots: 182

> housing a total of 5,078 people

number of existing shelter units: 832

78 commercial/manufacturing units found within 117 vacant buildings. 4% of vacant property is owned by the government, only 15% of the vacant properties we found had been identified as vacant in the city data we received.

### CD 16 | CYPRESS HILLS

total number of vacant buildings and lots: 307

> housing a total of 5,078 people

number of existing shelter units: 1,402

83 commercial/manufacturing units found within 154 vacant buildings. 31% of vacant property is owned by the government, only 26% of the vacant properties we found had been identified as vacant in the city data we received.

● VACANT BUILDINGS

● VACANT LOTS

These numbers are overall highlights showing relative density of vacant property. More comprehensive data is available on our website: [picographhomeless.org/vacancy.html](http://picographhomeless.org/vacancy.html)

CD 03

**419 VACANT BUILDINGS**  
**>HOUSING FOR**  
**4,161 PEOPLE**

**47 VACANT LOTS**  
**>HOUSING FOR**  
**6,215 PEOPLE**

CD 01

**188 VACANT BUILDINGS**  
**>HOUSING FOR**  
**5,252 PEOPLE**

**161 VACANT LOTS**  
**>HOUSING FOR**  
**17,359 PEOPLE**

CD 02

**155 VACANT BUILDINGS**  
**>HOUSING FOR**  
**2,544 PEOPLE**

**57 VACANT LOTS**  
**>HOUSING FOR**  
**3,558 PEOPLE**

CD 04

**202 VACANT BUILDINGS**  
**>HOUSING FOR**  
**1,636 PEOPLE**

**182 VACANT LOTS**  
**>HOUSING FOR**  
**4,011 PEOPLE**

CD 06

**134 VACANT BUILDINGS**  
**>HOUSING FOR**  
**975 PEOPLE**

**160 VACANT LOTS**  
**>HOUSING FOR**  
**3,792 PEOPLE**

CD 08

**117 VACANT BUILDINGS**  
**>HOUSING FOR**  
**1,140 PEOPLE**

**65 VACANT LOTS**  
**>HOUSING FOR**  
**1,833 PEOPLE**

CD 16

**154 VACANT BUILDINGS**  
**>HOUSING FOR**  
**953 PEOPLE**

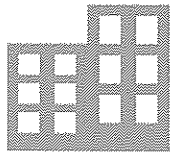
**153 VACANT LOTS**  
**>HOUSING FOR**  
**4,126 PEOPLE**

CD 05

**254 VACANT BUILDINGS**  
**>HOUSING FOR**  
**6,562 PEOPLE**

**277 VACANT LOTS**  
**>HOUSING FOR**  
**6,817 PEOPLE**

# STATEN ISLAND



**362**

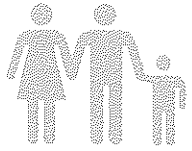
VACANT  
BUILDINGS

**250**

VACANT  
LOTS

**82**

EXISTING  
SHELTER UNITS



CAN HOUSE

**2,120**

PEOPLE

CAN HOUSE

**7,472**

PEOPLE

HOUSING A TOTAL OF

**9,592**

PEOPLE

## COMMUNITY DISTRICT FINDINGS

### CD 01 | NORTHERN STATEN ISLAND

total number of vacant buildings and lots: 612

> housing a total of 9,592 people

number of existing shelter units: 82

199 commercial/manufacturing units found within 362 vacant buildings. 2% of vacant property is owned by the government; only 3% of the vacant properties we found had been identified as vacant in the city data we received.

● VACANT BUILDINGS

● VACANT LOTS

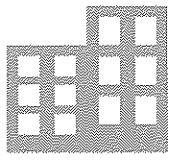
STATEN ISLAND'S COMMUNITY DISTRICTS  
ARE DIVIDED INTO SEVEN COMMUNITY DISTRICTS  
BASED ON GEOGRAPHY, DEMOGRAPHICS,  
AND ECONOMIC ACTIVITY. THE COMMUNITY DISTRICTS  
ARE: CD 01, CD 02, CD 03, CD 04, CD 05, CD 06, AND CD 07.

CD 01

**362 VACANT  
BUILDINGS  
>HOUSING FOR  
2,120 PEOPLE**

**250 VACANT LOTS  
>HOUSING FOR  
7,472 PEOPLE**

# QUEENS



**211**

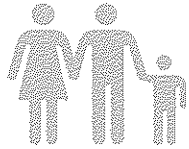
VACANT  
BUILDINGS

**384**

VACANT  
LOTS

**0**

EXISTING  
SHELTER UNITS



CAN HOUSE

**1,023**

PEOPLE

CAN HOUSE

**31,696**

PEOPLE

HOUSING A TOTAL OF

**32,719**

PEOPLE

## ► COMMUNITY DISTRICT FINDINGS

### CD 14 | FAR ROCKAWAY

total number of vacant buildings and lots: 605

> housing a total of 32,719 people

number of existing shelter units: 0

39 commercial/manufacturing units found within 211 vacant buildings. 36% of vacant property is owned by the government; only 24% of the vacant properties we found had been identified as vacant in the city data we received.

#### ● VACANT BUILDINGS

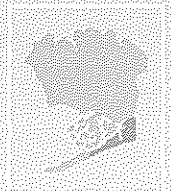
#### ● VACANT LOTS

These numbers are overall highlights showing relative density of vacant property. More comprehensive data is available on our website: [nycitydatahomeless.org/vacancy.html](http://nycitydatahomeless.org/vacancy.html)

#### CD 14

**211 VACANT BUILDINGS**  
>HOUSING FOR  
**1,023 PEOPLE**

**384 VACANT LOTS**  
>HOUSING FOR  
**31,696 PEOPLE**



# ANALYTIC METHODOLOGY

## ASSESSING CITY DATA

We began by assessing what data the city already had. In the course of our research we had learned that different city agencies collect different information about vacant properties—the NYPD keeps track of vacant property in which illegal activity has been reported, the Fire Department monitors properties that they had sealed up after fire damage, and so on. In November of 2010 we began an exhaustive campaign of Freedom of Information Law Requests to every city agency that could conceivably have kept relevant records. In the end we sent nineteen FOIL requests to eleven different agencies. Many city agencies ignored or outright refused to comply with our requests. Some provided data that was clearly out of date, or formatted in such a way as to make it impossible to collate or compare with other city agency data. And then some responded right away, with very helpful and thorough data.

Ultimately, by obtaining information regarding vacant lots and buildings from various governmental agencies via the Freedom of Information Law (FOIL) as well as information reported through other governmental and non-governmental sources, we stacked up a listing of over 40,000 properties. Our comprehensive data set came from the sources seen in “Initial Findings.”

We shared this dataset with our partners at Hunter College, who carefully reviewed it. They removed duplicate and erroneous listings. All vacant buildings and lots were mapped using Geographic Information Systems (GIS) software and the Department of City Planning’s PLUTO database. It quickly became apparent that the vast majority of the vacancies were concentrated in a small number of communities. We concluded that it would be most efficient and effective to concentrate time and resources on these neighborhoods. A complete block-by-block survey of the entire city would certainly have been possible, but we could not justify the additional time and resources it would require to survey and map the relatively small number of vacancies in many parts of the city.

In order to narrow down the areas to be surveyed, we had to use only the data that was up-to-date and available citywide. The Right to the City Condo Count listings were taken out because they were dated and in only one borough. The 4,000 partial vacate orders were removed, because the data was useless for our

purposes. The city fails to document the extent of the vacancy in a partially-vacant property, meaning that every one of these properties was somewhere between 1% and 99% vacant. It would have been impossible to count or verify partial vacancies in our field survey without having access to the buildings.

## IDENTIFYING CONCENTRATIONS OF VACANT PROPERTY

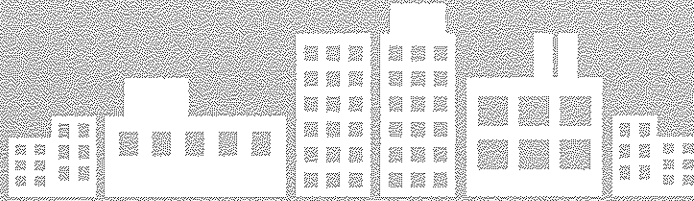
We considered mapping the concentrations of vacant property by census tract, zip code, Council District or informal neighborhood boundaries. We concluded that the best choice would be the city’s 59 community districts. Mapping these addresses in GIS, Hunter was able to identify the number of vacant properties per community board. We used this finalized list to identify target areas. Hunter collected information regarding the size of each community district from the Department of City Planning, and used this to control for density and determine the number of vacancies per square mile (mi<sup>2</sup>).

Community districts were ranked from largest to smallest in three scenarios: total number of vacancies per mi<sup>2</sup>, total number of vacant lots mi<sup>2</sup>, and total number of vacant buildings mi<sup>2</sup>. We then analyzed and compared the top ten community districts in each list. Because many community boards appeared in more than one “top ten,” removing the repeats left us with a list of 18 community districts. This list included all of the major areas of vacancy concentrations, and fit our own collective knowledge of the city’s neighborhoods. Because it was strategically important to cover all five boroughs, thus truly creating a replicable model for a citywide vacant property count, we expanded our list to 20 by adding CD 1 in Staten Island and CD 14 in Queens, the areas with the highest number of vacancies per mi<sup>2</sup> within their respective boroughs.

## AFTER THE FIELD SURVEY

**Data Entry** Once the field survey was done, the surveys were collected and grouped by borough. Each physical survey was then entered into a spreadsheet with columns for all of the information on the survey. We used Internet tools such as The Open Accessible Space Information System (OASIS~oasisnyc.net) designed by the CUNY Mapping Service to identify the addresses on each survey when a surveyor could not find an address for a particular property. OASIS uses City Planning information to create an online map

**WE FOUND THAT CITY RECORD-KEEPING  
IS USELESS FOR UNDERSTANDING VACANCY,  
AND NEEDS A DRAMATIC OVERHAUL.**



#### INITIAL FINDINGS

**905** vacant lots and buildings reported by volunteers

**1,067** vacant buildings reported by the NYC Department of Housing Preservation and Development (HPD)

**3,121** vacant lots reported from Department of Environmental Remediation

**434** vacant city-owned lots reported by the Division of Real Estate Services at the NYC Department of City-wide Administrative Services (DCAS)

**5,552** vacant buildings reported by the NYC Department of Buildings (DOB)

**706** reports of stalled construction sites

**697** buildings with full vacate orders, from the DOB

**4,151** buildings with partial vacate orders, from the DOB

**451** vacant lots and buildings from Right to the City Vacant Condo Count (RTTCC)

**30,080** vacant lots reported from NYC Department of City Planning (DCP) Pluto Data

→ **41,176** total vacant buildings and lots

#### SECONDARY FINDINGS

**1,808** Vacant Buildings from the Department of Building Lists, and HPD Vacant Buildings

**7,771** Vacant Lots from the Department of City Planning Pluto, Department of Environmental Remediation (Brownfields), vacant city-owned lots from Division of Real Estate Services, Department of City Planning Pluto Data

→ **9,579** total vacant buildings and lots

of New York City that provides city data on each property in all five boroughs. We then transferred the addresses of each property into its Borough, Block, and Lot location in order to extract the property information from the city data on PLUTO and map it via GIS. The bulk of the data entry and transfer was done by full-time and part-time interns at PTH and Hunter College.

**Margin of Error** While we provided numerous trainings for volunteers, and partnered less-experienced counters with veteran volunteers, working with non-professionals will inevitably produce a diversity of survey quality. Less than 5 percent of our surveys were invalidated as incomplete, wrong, or identifying addresses that upon follow-up research were not vacant. In some cases, we sent experienced organizers out to re-count entire transects to verify surveyor findings. This is a conservative count. Suspicious properties without clear evidence of vacancy (boarded-up windows, padlocked doors, overgrown lots) were omitted, and in the case of vacant condos we believe the quantity is significant. Any erroneous entries serve to underscore the need for the city to conduct an official citywide vacant property count as a matter of good public policy.

**Follow Up Research** After compiling all of the surveys on a spreadsheet and obtaining the city's PLUTO data for each address, we then did follow up research to further verify the data. We used Google Maps and OASIS which provides links to the Department of Buildings and ACRIS information on each property. The majority of the vacant buildings that were identified by surveyors had a clear record of vacancy complaints or vacate orders according to the Department of Buildings website, while other buildings were visibly vacant. The final set of data and maps combines the results of our field study with the valid data we received from the city. In many cases the field survey confirmed vacancies reported in city data. However, our survey found significantly more vacant buildings. In part this is because our survey found many completed residential buildings with active ground-floor retail and residential units intentionally held off the market (and thus not listed in the city data). In part it may have to do with a continuing growth in vacancies since earlier this year. We believe it also reflects the great value of having on-the-ground community surveys conducted by volunteers from our neighborhoods.

One of the shortcomings of the field survey, however, was the

ability to accurately identify vacant lots. Since vacant lots do not have observable street addresses, surveyors usually had to provide a reference from a nearby building. We had to check local and on-line sources to come up with block and lot numbers that best identified the vacant lots. Sometimes surveyors incorrectly identified a city park or side yard as a vacant lot and we were able to correct these mistakes. In the end, we found that existing city data shows many more vacant lots than found in the survey. Nevertheless, we still found a large number of vacant lots that were not previously recorded.

**Cost Analysis** The city-wide vacant property count was

achieved through a partnership between Picture the Homeless and the Hunter College Center for Community Planning and Development. Volunteers, including the volunteer labor of homeless leaders of Picture the Homeless, helped to keep costs low. The primary costs were staff time for organizing and coordinating the count, assistance with data collection and management, analysis of findings, preparation of maps, as well as other resources like printing, food for volunteers, and transportation. While objections to a city wide count include the claims that it would cost "millions of dollars"<sup>12</sup>, we did it for approximately \$150,000, less than \$1 per person who could be housed in the property we counted. Considering the potential savings to the city and neighborhoods, and families impacted by homelessness and the housing crisis, this is quite a bargain.



*PTH members and allies at Manhattan training.*

**WE MOBILIZED 295 VOLUNTEERS, FOR A TOTAL OF 1,475 HOURS SPENT COUNTING VACANT PROPERTY.**



## NEIGHBORHOOD SNAPSHOT: BEDFORD-STUYVESANT By Kendall Jackman

Prior to the financial crash of 1929, Blacks could not live on the Fulton Street side of Atlantic Avenue, only whites: doctors, lawyers, teachers, businessmen. Blacks were only allowed if they worked for the white folks. When the crash occurred, life changed in Bedford-Stuyvesant.

When they tell the history of the crash, they don't talk much about how entire neighborhoods changed hands, Bedford-Stuyvesant is one such neighborhood.

Bankers stopped you when you exited the train at Nostrand Avenue and Fulton Street. They asked you if you worked. Did you make \$5.00 a week? Do you want a house? We became proud owners of beautiful brownstones. The typical brownstone is three stories high. The duplex

apartment on the first two floors was where the owner (white folks) had lived, and the top floor apartment had been for "the help". The owners of four story brownstones were lucky and had an extra floor.

When we purchased them during this time, we turned most of them into boarding houses. The new owner lived on the first floor and split the upper floors into rooms. It became a strong, tightly-knit, Black middle-class community.

In the 1960s, banks started not giving home owners loans to improve their property, although the property had been paid for two, three times over. When landlords no longer work, they were forced to sell the property for a fraction of its real

worth. This was the beginning of modern day redlining in Bed-Stuy.

The gentrification of Bedford-Stuyvesant can be seen as the descendants of the original owners reclaiming their neighborhood. I see it as the destruction of a proud neighborhood that lived as a community, not a group of people who just owns property for profit.





*Dwayne Austin, Picture the Blameless Member*



*Vacant building walking tour, Chelsea, 2009.*

Lots of organizations are fighting for justice in New York City, and we're fortunate to have allies in lots of overlapping sectors of the struggle—from other groups that do community organizing to faith communities with a commitment to social justice, progressive labor unions, immigrant rights groups, community development corporations, nonprofit housing developers, and more. Many got their members to serve as volunteers. Some elected officials assigned staffers to work with us. Dozens of our allies in our target communities opened up their offices to serve as “Hubs,” so that volunteers could meet up on the day of our mass mobilizations, receive training from PTH members and staff, get donuts and coffee and a clipboard and survey forms, and head out into the field.

We broke up each community board into “transects,” smaller areas of 10 to 20 square blocks, and assigned these to our volunteers. First-time volunteers went out in teams, and more experienced vacant property counters on their own. Teams had five hours to count their transects, and they highlighted each block on their transect map as they covered it so that we'd know it had been counted. Later, interns and staff took these maps to go back and count the portions of each transect that the volunteers had not been able to get to. At the end of each count day, volunteers returned to their hubs to hand in their findings.

Because we wanted to spread the word about our count far and wide, we put a lot of energy into getting media coverage. Throughout the months of May and June we held press conferences in each Borough, announcing the kick-off of each count. With help from city officials, Hunter College, and allied organizations, we were able to have five successful press conferences that got us coverage from *El Diario NY1*, *Bronx12*, *Capital New York*, *New York Amsterdam News*, *Bronx News Network*, *WBAI*, *DNAinfo*, *New York Daily News*, and many blogs.

**HOMELESS PEOPLE  
GET ARRESTED  
FOR SLEEPING ON  
THE STREET—EVEN  
THOUGH IT'S NOT  
AGAINST THE LAW—  
BUT THERE'S NO  
PUNISHMENT FOR  
LANDLORDS WHO  
KEEP BUILDINGS  
VACANT FOR DECADES.**

# RECOMMENDATIONS



Brooklyn vacancy.



**End Warehousing** The city needs to prioritize housing by investing in real long term solutions to the housing crisis. Vacant-city owned properties identified in this report should be immediately turned into housing for low income New Yorkers. While many of the thousands of vacant buildings are empty condos where people could move right in, rehabilitation of distressed vacant buildings would provide jobs for countless skilled homeless people who have been laid off due to budget cuts and the economic recession. Low-income people who are willing to put their own work into fixing a vacant property should be granted ownership through the value of their sweat equity. A massive shift in how the city deals with housing needs to take place. The current record numbers of homeless people expose the dire need for housing and this report shows that there is more than enough housing available as long as the city is made to do something about it.

**Pass Legislation that Would Mandate a City Wide Count** The Vacant Property Count exposes the need for an annual census of vacant buildings and lots to be coordinated by the city. We have exposed potential housing for 199,981 individuals that is not being used while there are people suffering brutal winters on the street. Counting these properties is an important first step to transforming them into housing for homeless people and fighting back against displacement. An annual count would allow people to obtain a clearer picture of the available housing and lots that could be developed with community input.

**Three Year Vacancy Limit on Private Property** Many of the vacant buildings that surveyors identified have been vacant for numerous years by speculators waiting to turn a profit. To make sure that housing is made available, the city needs to impose a 3 year limit that a residential unit could remain without tenants. There is not a

homeless problem in New York city, there is a housing problem. By mandating use of residential spaces the city would ensure a higher rate of housing on the market and decrease the amount of vacancy. Those units that become vacant for more than 3 years should be taken over by the city and turned into housing for low income New Yorkers.

**Community Land Trust** The use of Community Land Trusts and Mutual Housing Associations would allow for long term affordable housing that would be regulated by the tenants that live in them, and facilitate a shift from a profit-based housing system to one based on people's needs. Since Community Land Trusts are non-profits, this model would also allow city- and privately-owned buildings to be gifted to people that want to stay in their communities at an affordable rate, reducing the high rate of homelessness and displacement. For more information on Community Land Trusts, check out our website at: [picturethehomeless.org/clt.html](http://picturethehomeless.org/clt.html).

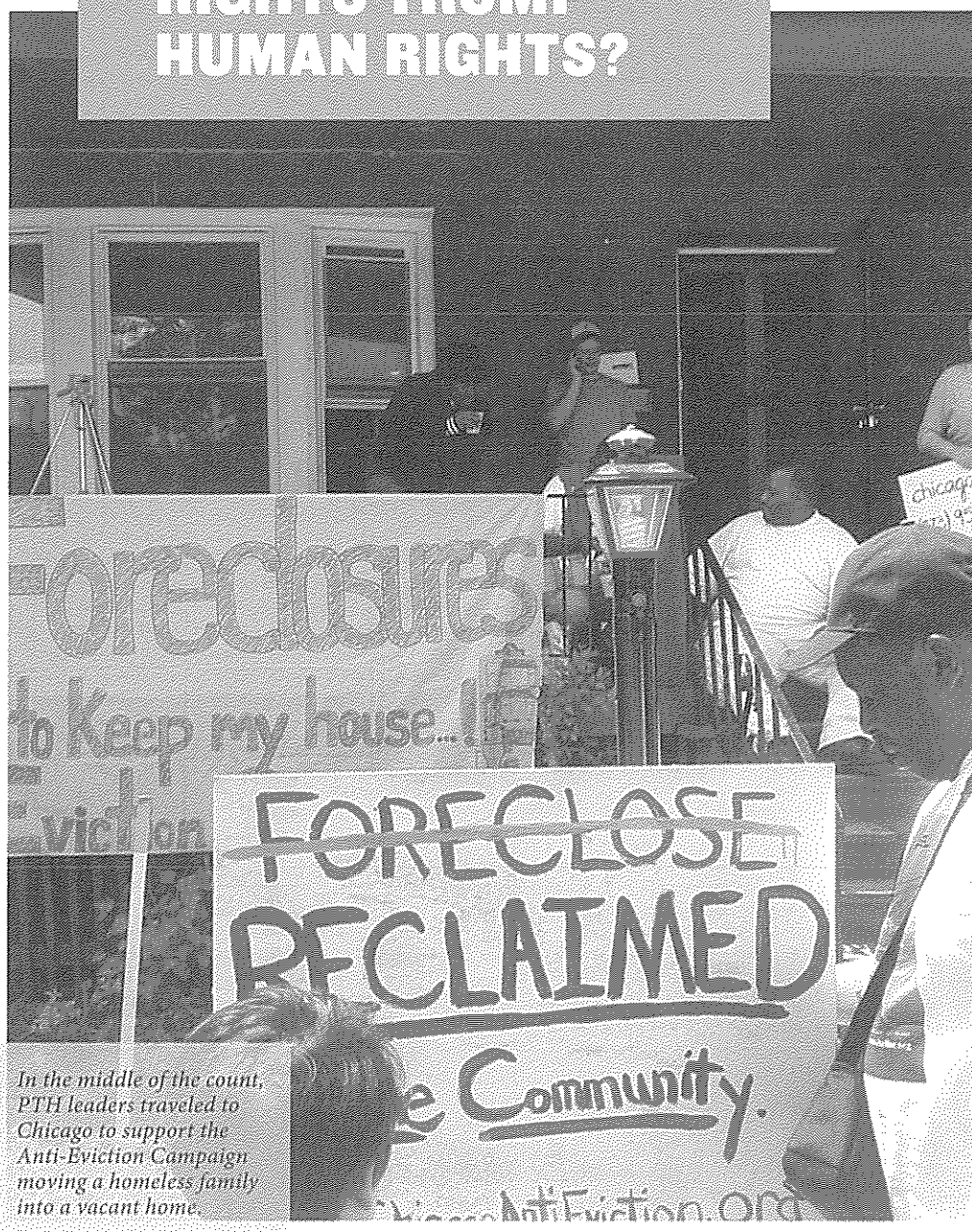
**Freedom of Information** Many governmental agencies simply refuse to comply with the Freedom of Information Law. We learned firsthand just how difficult it is to access the information that we need. This inconsistency is a major problem for New Yorkers trying to get information about their communities, or the actions of their elected and appointed officials. It also harms intergovernmental operations overall, and should be addressed through an executive order mandating uniformity, promptness and transparency in each agency's responses to FOIL requests.

## WHY SHOULD PROPERTY RIGHTS TRUMP HUMAN RIGHTS?

► Affordable Housing for Low- and Extremely-Low Income New Yorkers Any new development that is subsidized by public funds should have real affordable housing units. Right now the city uses a percentage of Area Medium Income that is considerably higher than the median income of the neighborhood where these developments are being built. In order to keep community members in their neighborhoods, the city must mandate that any development include affordable housing units using a percentage that corresponds to the median household income of the community.

Usage of LLCs and MERS The City needs to create a better system for recording and reporting ownership. The usage of LLCs and MERS allows building owners and banks to hide how many properties they actually own and makes it difficult to find them. People should be able to know who owns what in their neighborhood in order to know who to hold accountable for causing blight in their communities.

Partial Vacancy While this report identifies fully residential vacant buildings, it does not encompass partial vacancies. Surveyors were trained to only record a property that was clearly unoccupied. Many landlords maintain tenants in a building in the process of emptying it out. Given the scope of this report we could not identify how many vacant apartments were in a building with partial vacancy. Further research needs to be done to clarify and quantify partial vacancies in order to better assess under utilized residential spaces.



# ABOUT THE ORGANIZATION



*City Hall demonstration, 2010.*

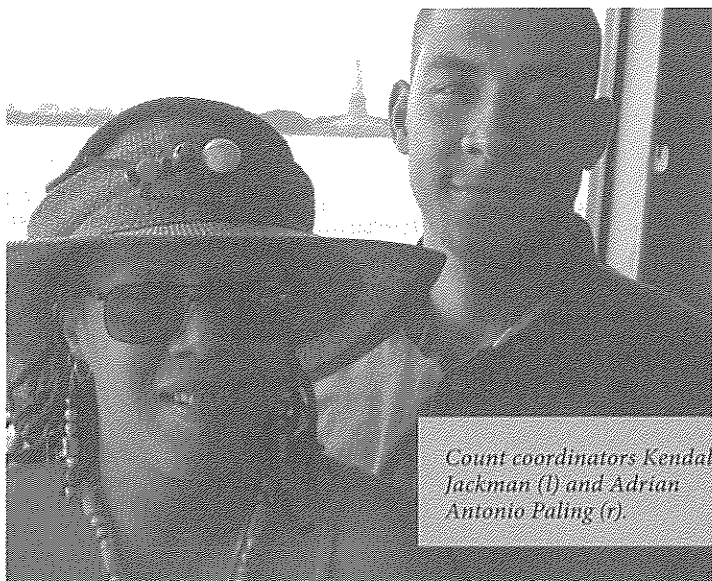


Picture the Homeless is a multiracial, city-wide, grassroots organization founded in 1999. Our membership is comprised of homeless and formerly homeless New Yorkers. Members of Picture the Homeless are living in shelters, doubled-up with friends and family, sleeping on subways, parks and transit facilities. Some have been unemployed or underemployed for the long term, some are juggling multiple low-wage or underground-economy jobs, others are union members who have recently lost work, others are disabled or senior citizens. All of them are extremely poor. Most are concerned with ending homelessness not only for themselves, but in working to make New York City a better place. Picture the Homeless works to build individual capacity and collective power for homeless New Yorkers as community stakeholders through grassroots organizing.

We are a resource for homeless folks to identify the root causes of homelessness and to develop solution-based organizing campaigns. The fundamental causes of homelessness are connected to intersecting issues rooted in our economy: particularly the commodification of housing and resultant housing exclusion, extreme poverty, racism, gender and sexual identity discrimination, immigration, and other forms of economic marginalization. Issues that frame our work include the impact of homelessness on individuals and communities, the financial and human cost of the shelter industrial complex, the intersection between government agencies such as the police department and homeless folks, and the (mis) representation of homelessness and homeless people in the media.

Picture the Homeless has worked since our founding to place ending homelessness on the agenda of the broader social justice movement, by pointing to the intersecting issues of racial, gender and economic justice. We sit on the coordinating committee of the Right to the City Alliance-NY, the steering committee of the Campaign to Restore National Housing Rights, the steering committee for the Campaign for Fair and Just Policing, Organizing for Occupation, and are involved in numerous other alliances. We are recipients of the Union Square Award, the Samuel Peabody Award of the Citizens Committee for Children, the Building the Blessed City Award from Interfaith Assembly on Housing and Homelessness, the Harry Chapin Self-Reliance Award, and the Rabbi Marshall Meyer Risk-Taker Award by Jews for Racial and Economic Justice. Ours was named one of the top 50 public policy blogs by the Policy Police.

# ACKNOWLEDGEMENTS

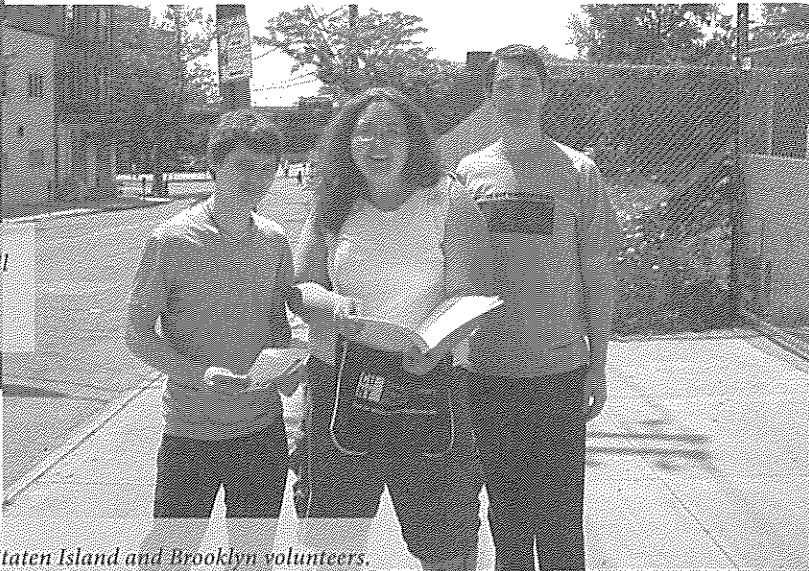


*Count coordinators Kendall Jackman (l) and Adrian Antonio Paling (r).*

Picture the Homeless conducted this groundbreaking, city wide survey of vacant buildings and lots with the vision, participation and assistance of many friends and allies. We are grateful to each and every one of them.

This report was written by Adrian Antonio Paling, Sam J. Miller and Lynn Lewis. The Vacant Property Count that it chronicles was executed under the meticulous direction of Adrian Antonio Paling, Housing Not Warehousing organizer at Picture the Homeless. This first city-wide survey of vacant properties is the culmination of seven years of efforts by our Housing Not Warehousing campaign, originally staffed by Sam J. Miller, who has been the consistent staffer of this work, since the campaign began. This participatory action research project is one of several strategies developed by our Housing Not Warehousing campaign to increase the supply of housing for the poorest New Yorkers, by identifying and exposing the extent to which land and housing is made unavailable by speculators. It represents the culmination of years of creative organizing and relationship building with allies. Anika Paris, Chris Blow, Eric Brelsford and Mara Gittleman all helped produce the "Vacant NYC" interactive online map of vacancy that was the immediate forerunner of this project. Support from Picture the Homeless Executive Director Lynn Lewis, Office Manager Anika Paris, interns Solène Junger and Tanaka Nyemba, and board member Ryan Gibbs were critical in different ways to the success of the count.

We are extremely grateful to Dr. Tom Angotti, Director of the Hunter College Center for Community Planning and Development, for sharing our enthusiasm for this project, and the belief that Housing is a Human Right. Tom committed the resources at Hunter College to help make this a reality. Angela Tovar of Hunter College spent hundreds of hours on data entry and mapping, and participated in the field research portion. The



*Staten Island and Brooklyn volunteers.*



most important aspect of their contribution however, was the ability of Tom and Angela to work with us as full partners in this project. They gave direction where we needed capacity and they took direction when we were clear about our goals for the project. Peter Marcuse was also instrumental in his enthusiastic support for this project.

The city-wide report was conceptualized during the winter of 2010 and throughout the spring of 2011. Picture the Homeless and Hunter College held several planning meetings to review project goals and methodology, with Angela Tovar, Adrian Antonio Paling, Genghis Khalid Muhammad, Kendall Jackman, Lynn Lewis, Sam J. Miller, Tom Angotti, William Burnett. At the weekly Picture the Homeless organizing team meetings, as well as the weekly Housing Not Warehousing campaign meetings, the vacant property count enjoyed the brain power of dozens of homeless leaders and the entire Picture the Homeless staff. Members

# "WE WANT TO SHED LIGHT ON THE HOMES WITHOUT PEOPLE AND THE PEOPLE WITHOUT HOMES."

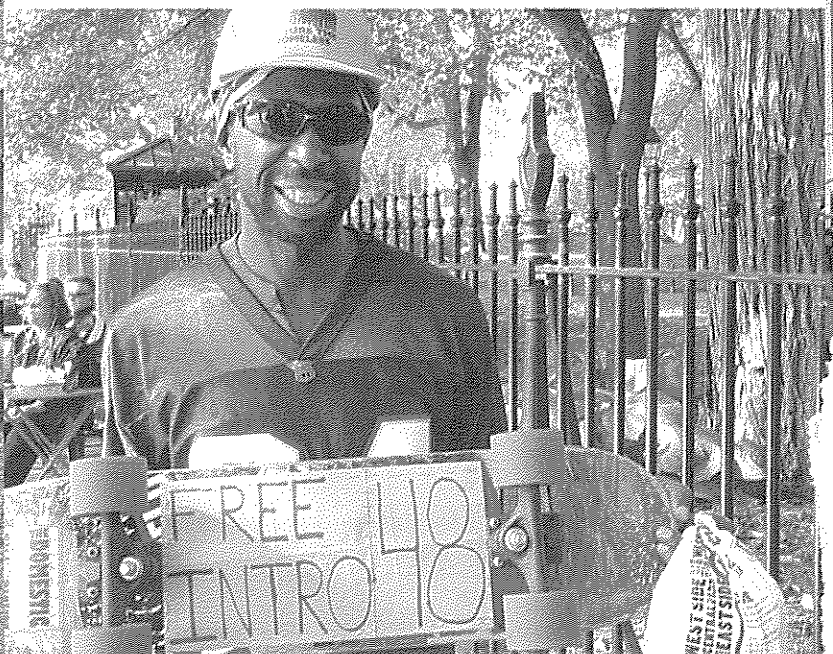
*Frank Clark, Picture the Homeless Member*

*Count volunteers in Staten Island (l); PTH member demonstrating at City Hall (r).*

contributed in many other ways, including phone banking, meeting with ally organizations to elicit support, and training volunteer surveyors. Jerry Singleton and Ryan Gibbs, for example, made hundreds of calls to mobilize volunteers. Marina Ortiz provided crucial support updating our website and social media work to help raise awareness and turn out volunteers for the count. Finally, the brilliant graphic design of this report is the work of Design Corps, a project of the Pratt Institute. Laurel Ames, Crissy Fetcher, and Lizzi Reid produced the winning design as decided by a vote of PTH members and staff.

Hundreds of volunteers spent thousands of hours walking up and down the streets of every borough in the city all summer long. They gathered the data that this report presents, helped with coordinating the count dates, prepared materials, facilitated trainings, and conducted volunteer outreach. We are grateful to the generous allies and community based institutions who opened their offices to us to use as "hubs," where count volunteers met for training and to pick up their survey packets, who mobilized their members and helped to spread the word. CAAAV, Coalition to Save Harlem, Community Voices Heard, Grace Church, Interfaith Assembly on Homelessness and Housing, John Wesley United Methodist Church, Neighbors Together, Not an Alternative, Pratt Area Community Council, Project Hospitality, Project Renewal, Queers for Economic Justice, Union Theological Seminary, numerous branches of the New York Public Library, and the offices of Council Members Margaret Chin, Letitia James, Jessica Lappin, Melissa Mark-Viverito, Diana Reyna and Manhattan Borough President Scott Stringer.

Finally, without the financial support provided by the Oak Foundation, New York Foundation and the Human Rights Fund, this city-wide vacant property count would not have been possible. Essential campaign support was also provided by the Mertz Gilmore Foundation, the Daphne Foundation, and the Ben & Jerry's Foundation.



# SOURCES

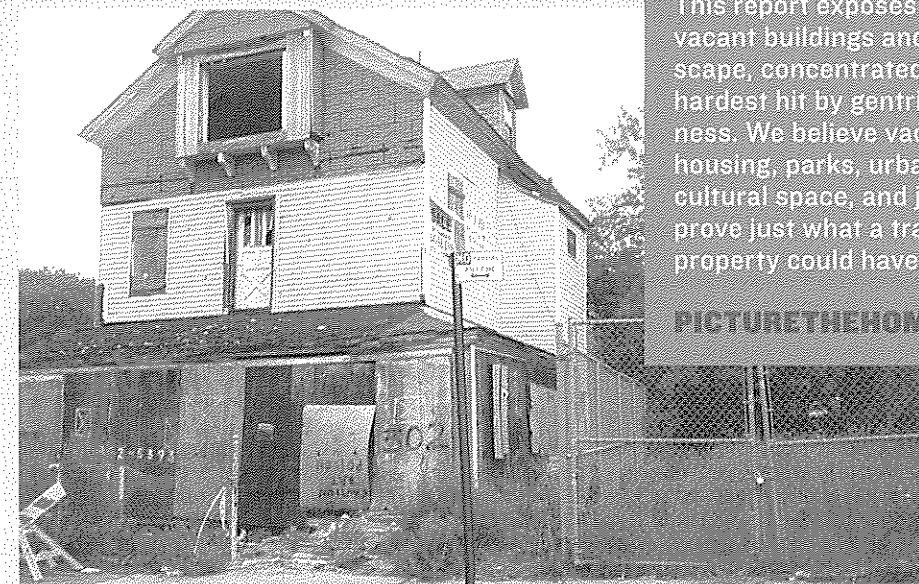
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## PICTURE THE HOMELESS

This report exposes the extent to which vacant buildings and lots permeate our landscape, concentrated in the very communities hardest hit by gentrification and homelessness. We believe vacant property can create housing, parks, urban farms, commercial and cultural space, and jobs—and this report will prove just what a transformative impact this property could have.

[PICTURETHEHOMELESS.ORG](http://PICTURETHEHOMELESS.ORG)



FTR

Cathy Dang  
Executive Director  
CAAAV Organizing Asian Communities (Member of Stabilizing NYC)

Peace. My name is Cathy Dang and I am the Executive Director of CAAAV Organizing Asian Communities. First, I want to thank Council Member Williams for pulling together this critical hearing – especially in a time where we have the opportunity to curb the Tale of Two Cities.

CAAAV is grassroots pan-Asian organization that organizes low-income Asian immigrants and refugees for racial, gender, and economic justice. We organize on two issue areas: housing and police accountability. Our youth helped with the passage of the Community Safety Act and continue in the struggle for greater police accountability. Our tenant base is largely in Chinatown/Lower East Side and we are growing into organizing Asian tenants in NYCHA to join the larger multi-racial public housing movement. I am here to provide a testimony on the impact of predatory equity and gentrification of Chinatown as it relates to the countless empty apartments units and buildings in our community.

Former Mayor Bloomberg's private development policies has led to accelerated rates of new building permits from 40 per year in 1990 to 970 in 2006 in Chinatown. As a result, there has been constant construction and demolition rather than repair of older buildings and rapid displacement of low-income immigrant families. Landlords continue to force tenants out of their homes using illegal tactics, including turning off the heat during the winter, refusing to make repairs even in potentially dangerous situations, and even launching frivolous eviction proceedings. For over a decade, Mayor Bloomberg reshaped New York City by enacting over 100 rezoning plans, affecting more than 40% of the City's land. The Census 2010 clearly shows the impact of gentrification with Chinatown losing more than 17 percent or 6,000 of its Chinese residents over the past decade.

With the rapid development of Chinatown that currently outpaces our ability to organize, scores of low-income Asians are unable to access affordable housing. Here are a few examples of how gentrification and predatory equity has resulted in the pervasive problem of empty apartment units and buildings in Chinatown impacting our members:

- In 197 Madison, the developer has spent years using illegal tactics to evict tenants including refusing repairs, bringing tenants to court for non-payment, and even shutting heat and hot water for weeks in the winter. Of the 20 units, there are only 11 occupied as the landlord tries to buy-out and drive out the remaining tenants so that he can flip their units.
- In 72 Forsyth, there are 16 units in which only 4 units are occupied by long-term tenants. The landlord drove out the previous low-income Asian tenants who were living in rent-stabilized units. These new units have been destabilized or are close to, at, or above market rate for wealthier individuals. The remaining unoccupied units are sitting there as the landlord tries to push out the remaining low-income Asian tenants so that it has a building of entirely new residents at market rate.

- In 81 Bowery, the landlord was trying to turn the SRO building into a hotel. He left the building unkept and in poor living conditions until the City evicted all the tenants. The tenants were forced out of their homes for months leaving an entirely empty SRO building that the landlord should have immediately made repairs to. Because of his continued inattention to the building, the tenants were evicted for the second time and constantly in fear of being thrown out from their homes again.
- In 11 Allen, the landlord was renting out the units as residential units though the street was zoned for commercial use. The tenants were evicted because of this and though we tried, we weren't able to rezone that specific building for residential use. The building has remained empty for the last year.

These are just a few of endless stories of apartment units and buildings that remain empty as developers: 1) evict low-income tenants from their rent-stabilized units, 2) destabilize units to put them at market-rate, and 3) leave units empty for months to even years while they push out the remaining tenants.

Some solutions we propose are:

- Rezoning vacant buildings for residential use to provide more affordable housing.
- Take on predatory equity and hold developers accountable for illegally evicting tenants, many who rightfully hold rent-stabilized leases, and leaving units vacant for months to years as they flip the units and the building. The City can restrict building permits or issue stop permits on current developments or invest resources into investigating predatory equity.
- CAAAV is part of a coalition of neighborhood-based organizations throughout NYC called Stabilizing NYC, where we are asking the City to support our organizations in organizing tenants, developing their leadership, and strategically holding companies accountable for predatory equity - eradicating affordable housing, leaving empty apartments units while our members become homeless or have to relocate, and giving those flipped units to wealthier individuals.

Community development is inevitable, but we want a fair process for Chinatown community development and one that is fair for the families who have lived in the community for decades and made Chinatown a welcoming neighborhood for people to want to move into. There are countless vacant units that we could use for housing and we hope to work with the City to make sure that there are homes for all.

Thank you for accepting my testimony as I submit this on behalf of CAAAV's 200 members.

FTB



# COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213

TEL.: (718) 467-5620 • FAX: (718) 778-2979

**Nizjoni Granville**  
*Chairperson*

**Robert Matthews**  
*Chairperson Emeritus*

**Michelle T. George**  
*District Manager*

February 13, 2014

Mr. Guillermo X. Patino  
Legislative Policy Analyst  
Infrastructure Division  
New York City Council  
250 Broadway, 14th Floor  
New York, NY 10007

**Re: 2/13/14 - Oversight Hearing - Vacant Properties in Brooklyn CB 8**

Dear Mr. Patino,

There are more than 25 vacant / abandoned buildings in the Crown Heights North Historic District in Brooklyn CB 8. Of those, eight buildings had permit applications submitted during 2013 for substantial repairs. There are even more vacant/abandoned buildings as you move East out of the landmarked area through the Community District. All of these buildings are potential homes and apartments for struggling New Yorkers. The presence of vacant/abandoned buildings causes insurers to raise their rates burdening an already economically distressed community.

We are being careful to differentiate between vacant buildings where the owner is apparently caring for the property, and decrepit or abandoned buildings where no maintenance is being done. The decrepit/abandoned building has a negligent owner who allows:

- snow, ice, and debris to accumulate on the sidewalk endangering the safe passage of neighbors and other passersby;
- the roof to deteriorate allowing water to permeate the interior of the building leading to interior collapse and providing harborage for vermin to plague the neighbors;
- the downspout to separate from the building wall spilling rain water and snow melt into the backyard and the neighbors' properties;
- the vegetation to become overgrown providing harborage for mosquitoes and more vermin; and
- squatters to occupy the building and cast human waste in the backyard because there is no water to flush the toilet, to burn whatever they can to stay warm and start fires that spread, and run drug dens and set traps for our NYPD.

While we recognize the property rights of individuals, we also decry the negative effect that abandonment has on neighborhoods. Some negligent owners will pay their property and water

taxes while allowing water damage to the building through leaking roofs and broken windows. Derelict/abandoned building owners need financial prodding by way of hefty fines for failure to maintain their buildings. This should include the deed holder as well as the lender, where there is one. Abandoned buildings should be seized by the City more quickly than the current two plus years and moved to a rapid rehabilitation program under the title and control of expert Community Housing Development Organizations to make the residential units available for affordable occupancy. This effort should exclude the current Third Party Transfer Program participants who have permitted partially tenanted buildings to languish for more than seven years without being rehabilitated.

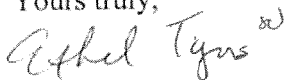
We need many more high school and college programs for the skilled building trades where our young people learn the math, science, and technical skills needed to become master electricians, plumbers, carpenters, roofers, welders, HVAC technicians employing sustainable energy sources, etc. with the appropriate amendments to the DOB licensing requirements for these trades so that in-school training counts toward the apprenticeship period. Having more skilled building trades people available will permit building owners to offer 'affordable' housing while establishing a reserve for repairs and making a profit at the same time. Please note that for Brooklyn CB 8, whether a housing unit is affordable should be based on 25% of the Community District's median household income of \$39,000. This economic profile makes it very difficult for owners to build and maintain affordable housing units given the going cost of skilled labor and materials. An enhanced skilled building trades education and training effort is critical for putting a real dent in the problem of building abandonment. The cost of skilled labor makes properly executed rehabilitation projects on any building (landmarked or not) inordinately expensive.

More outreach should be done to these owners and lenders to make them aware of the many and varied tax credit programs available to assist them in rehabilitating their properties, rather than walking away and leaving the buildings to collapse.

Brooklyn CB 8 is fortunate to have progressive thinking Councilmembers, an active Borough President, a passionate and sharp-witted City Comptroller, as well as State and Federal elected representatives working on this problem using various new market, preservation and other tax credits, and we have CB members willing to put in the efforts needed to formulate and effectuate an action plan to address this pernicious problem.

We have attached a draft list with a preliminary count and location of some of the buildings in CB 8 that need attention.

Yours truly,

A handwritten signature in cursive script, appearing to read "Ethel Tyus", with a small mark to the right.

Ethel Tyus, Co-Chair  
Housing/ULURP Committee

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 2/28/14

Name: \_\_\_\_\_

(PLEASE PRINT)

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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THE CITY OF NEW YORK**

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Date: 2/28

Name: \_\_\_\_\_

(PLEASE PRINT)

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 2/28/14

(PLEASE PRINT)

Name: Kathe Goldstein

Address: 69 Clara Street Brooklyn NY

I represent: Tenants + Neighbors

Address: 236 W. 27th St, 4th floor

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 2/28

(PLEASE PRINT)

Name: Haley Epstein

Address: 172 E 4th St

I represent: Urban Justice

Address: 123 William St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 2-28-14

(PLEASE PRINT)

Name: Greg Todd

Address: 866 Park Pl. Brooklyn NY 11216

I represent: Green Phoenix Permuture

Address: 866 Park Pl. Brooklyn NY 11216

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Juan A. Santibañez

Address: 533 E. 11th St. Apt 6N

I represent: ANCP/TLC Tenants

Address: 204 Ave. A

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 2/22/14

(PLEASE PRINT)  
Name: Cathy Dung

Address: 55 Hester St. NY, NY 10002

I represent: CAAAV organizing Asian Communities

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Vicki Been

Address: 100 Gold

I represent: HPD Commissioner

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Paula Segal

Address: 69 Ninth St. Brooklyn 11215

I represent: #596 ACRES\*

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 2/28/2014

(PLEASE PRINT)

Name: Matthew Rowland

Address: 450 Lexington Ave.

I represent: Election Protection/Lawyers' Committee

Address: for Civil Rights Order Law

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Claudia Wilner

Address: 126 Grand St. #506 NY NY 10013

I represent: NYC Community Land Initiative

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

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I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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Date: 2/28/14

Name: \_\_\_\_\_

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Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 2/28/14

Name: \_\_\_\_\_

(PLEASE PRINT)

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 2/28/2014

(PLEASE PRINT)

Name: SAM J. MILLER

Address: 675 ACADEMY ST. #6E

I represent: PICTURE THE HOMELESS

Address: 2427 MORRIS AVE / BRONX NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Charles Krezell

Address: 336 E 4th St

I represent: LUNGS Cloisaida

Address: United Neighborhood Gardens

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Ayo Harrington

Address: 336 E 4th St

I represent: LUNGS Cloisaida United

Address: Neighborhood Gardens

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition *X action*

Date: \_\_\_\_\_

Name: *Robert S Altmann* (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: *Queens & Bx. Bldg Assn & Bldg Industry Assn. of NYC*

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: *2/28/14*

Name: *BARBARA WILLIAMS* (PLEASE PRINT)

Address: *250 Broad St #1125 406 4th fl J+4A*

I represent: *ANAD*

Address: *250 Broad St #1125 NY NY*

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: *2/28/14*

Name: *Alexandra Hamon* (PLEASE PRINT)

Address: *242 W 36th St 3rd Fl 10018*

I represent: *NYSAFAH*

Address: *same*

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: SUSANNAH DYEN

Address: 50 BROADWAY 29<sup>th</sup> FLOOR NY NY

I represent: ALLIANCE FOR A JUST REBUILDING

Address: 50 BROADWAY 29<sup>th</sup> Floor NY NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 2/28/14

(PLEASE PRINT)

Name: Christie Peale

Address: 17 Battery Pl S NY, NY 10004

I represent: Center for NYC Neighborhoods

Address: Same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Mr. Livi

Address: 55 Hester St. NY N.Y. 10002

I represent: Chinatown Tenants Union, CAAAV.

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

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☐ in favor ☐ in opposition

Date: 2/28/14

**(PLEASE PRINT)**

Name: Margaret Becker & Meghan Faux, Legal Services NYC

Address: 40 Worth St., NY, NY

I represent: Legal Services NYC

Address: same

Please complete this card and return to the Sergeant-at-Arms