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Gale A. Brewer, Borough President

Testimony of Gale A. Brewer, Manhattan Borough President New York City Council Committee on Housing and Buildings Intros 1034-2015, 1036-2015, and 1039-2015 on Vacant Properties Thursday, September 15, 2016

My name is Gale A. Brewer and I am the Manhattan Borough President. Thank you Chair Williams and the members of the Committee for the opportunity to testify today regarding this package of legislative introductions to address the city's need for identifying vacant properties and directing those suitable for development to become affordable housing.

Intros 1034, 1036, and 1039 use the term "vacant property" for owners to report vacancy, for the proposed vacant property annual census, and for identifying parcels suitable to be developed into affordable housing. Specifically, Intro 1036 defines "vacant building" as "a building which is not being used for any purpose for which it may lawfully be used."

I urge the committee to broaden the scope of these three bills to incorporate partially vacant properties as a third category in addition to vacant lots and vacant (whole) buildings. My recommendation is based on two observations.

First, my office has identified many vacant storefronts throughout Manhattan. Often, these storefronts are ground-floor commercial spaces within a mixed-use building with occupied residential units on top. While occasional turnover of commercial tenants with brief gaps in occupancy is common, long-term vacancies on the street level can negatively impact a neighborhood. Under the current definition of a vacant building, vacant storefronts beneath occupied residential units would not be counted because another part of the building fulfills its lawful purpose. Accurately capturing commercial vacancies can establish a baseline to work toward revitalization of under-utilized commercial corridors, and incentivize building owners to seek suitable tenants to fill the vacancy.

Second, my office partnered with the Speaker's office, Community Board 11, and Community Voices Heard to engage the East Harlem community to develop a comprehensive neighborhood plan. At numerous community visioning meetings, East Harlem residents raised

concerns about vacant, warehoused residential units on top of thriving ground-floor businesses. In 2011, Picture the Homeless did a foot count of vacant units — counting both whole-building vacancies and vacant residential units above operating storefronts as “vacant buildings”— and found 96 such vacant buildings within Community District 11. The foot count confirmed what many East Harlem residents already know through anecdotal observation, yet at the time of the report only 17% of vacant properties identified by Picture the Homeless were listed as vacant by the City. Similar under-reporting of vacancies was found across all community districts surveyed in the report. If the committee does not amend the proposed bills to allow for partial vacancy to be counted, then the new registry and new annual counts will continue to capture only a fraction of total vacancies that exist citywide.

Additionally, I have specific recommendations for each of the introductions.

Intro 1034 relies on self-reporting by property owners. As we have all seen from the self-reporting system of rent-regulated units to NYS Homes and Community Renewal, this method will result in an incomplete database. I recommend that the City Council and the Administration allow the inclusion of vacant properties identified by the community through calls to 311 at present and to explore the possibility of app-based reporting in the future.

In September 2012, the City of Philadelphia launched its 311 app for iOS and Android. Among the app’s capabilities is the option for citizens to report vacant properties by snapping a photo and delivering the report directly to the appropriate agency. Utilizing local knowledge in this way, in addition to self-reporting by property owners, would ensure a more complete list of vacant properties.

It is also important to require registration of vacant commercial storefronts. In May 2014, the San Francisco Board of Supervisors introduced amendments to the San Francisco Vacant or Abandoned Buildings Law (VABO) which requires the owners of vacant or abandoned buildings to register their properties. VABO had been passed in 2009, and over the subsequent five years after enactment, the Board of Supervisors saw the need to amend VABO to include registration of vacant commercial storefronts. The May 2014 amendment would close a loophole for building owners with empty storefronts but occupied residential units used to avoid registration, thus allowing their vacant spaces to remain unfilled.¹ The committee has the opportunity today to

¹ <http://bomasanfrancisco.blogspot.com/2014/05/update-registration-of-vacant-or.html>

ensure that Intro 1034 does not contain such a loophole, and I urge committee members to require registration of vacant commercial space in light of San Francisco's experience.

Finally, regardless of the method and type of reporting mandated under Intro 1034, the registry must be made available to the public via the Open Data portal.

Intro 1036 should allow for the tracking of partially vacant buildings, as described above. I recognize that tracking individual vacant residential units has been a long-term challenge for policymakers and advocates, and that further work will be required to ensure accurate and efficient tracking of vacant residential units above thriving businesses. However, empty storefronts with occupied higher-floor residential units would become much easier to track by adding a simple question to the census form: Does the building have a vacant commercial storefront? If the rest of the building is vacant, then the property would already fall under Intro 1036's definition of "vacant building." If only the storefront is vacant this requirement would identify it, and the added data would bring us closer to capturing the real picture of total vacancies in New York City.

Intro 1039 encourages returning vacant lots and buildings to active use as affordable housing, a goal which I support and commend Chair Williams for spearheading. In identifying suitable properties for affordable housing development, however, I urge HPD and other land-owning agencies to incorporate comprehensive community planning. For example, some vacant properties may benefit a neighborhood more if maintained as publicly accessible open space. As we have seen with HPD's list of "underused" parcels identified for housing development under the New Infill Homeownership Opportunities Program (NIHOP) and Neighborhood Construction Program (NCP), thriving community gardens were placed on the list. Intro 1039 must safeguard against similar over reach.

I believe Intros 1034, 1036, and 1039 — incorporating the recommendations I am submitting — will become effective tools to capture New York City's stock of vacant properties and bring these parcels back into use to benefit communities and the city as a whole.

Thank you for the opportunity to testify today.