

NYACK RENTAL VACANCY SURVEY REPORT

February 29, 2024

Andy Stewart, Village Administrator

INTRODUCTION

NYS Emergency Tenant Protection Act authorizes a municipality, under certain conditions, to declare a “housing emergency” and to place a selected class of apartment buildings into the ETPA rent stabilization program overseen by the NYS Division of Housing and Community Renewal (DHCR), and a local Rent Guidelines Board. The details of this law are available online, beginning with the Fact Sheet cited here.¹

To assign a class of buildings to DHCR for rent stabilization under ETPA, a municipality must complete a vacancy survey showing a less than 5% vacancy rate in the subject class of buildings.

This report provides information about Nyack’s second vacancy study, completed in February 2024. The first vacancy study, of October 2023, was found to be insufficient due to the inclusion of certain ineligible buildings and the updating of the ETPA law in December of 2023, which updates provided important clarifications of survey method. This report does not provide an analysis of the overall housing market, the ETPA law itself, or any other related matters. Rather, it is simply a report on survey results. The adoption of the vacancy study by the Village Board of Trustees, should that occur, is a separate action from actual assignment of buildings in the subject class into the rent stabilization program NYS runs under the ETPA law.

METHOD

The vacancy survey method involved the following steps:

1. Substantial legal research by Village Attorney on NYS Law, case law from ETPA-related lawsuits, conversations with other municipalities with recent ETPA adoption experience.
2. Identification of a target class of buildings from the total universe of eligible buildings in Nyack (ie, all buildings built before 1974 with six or more rental units). The Village Building Department provided a list of apartment buildings in Nyack, including data on year of construction and total apartment units, ownership contacts, to the extent available, etc. Board selected a class of buildings defined as those buildings with 12 or more apartment units, built before 1974.
3. A survey form was sent via certified mail, uncertified mail, and email, to the owners of the subject class of buildings, followed by phone calls and emails, as needed, to obtain completed surveys. One property owner, Nyack Housing Authority, failed to respond.
4. Under ETPA law, a nonresponsive property is deemed 100% occupied.
5. Nyack Housing Authority did not provide a survey response, despite several reminders, and therefore, as per ETPA, was recorded as zero vacancy. The absence of this data did

¹ ETPA Fact Sheet <https://hcr.ny.gov/system/files/documents/2022/09/fact-sheet-08-09-2022.pdf>

not affect the outcome of the survey which, in any case, revealed a vacancy rate above 5%.

6. Tabulation of results in Excel.

RESULTS²

Yr Built	Addresses	Building ID	total units	vacant units	Owner Name
9/1/1959	2 Gail Dr	Bldg 1 -	21	0	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 3	16	0	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 4	12	0	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 2	20	0	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 6	17	1	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 5	16	2	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 7	12	1	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 9	12	0	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 11	13	1	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 13	13	1	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 12	13	0	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 10	13	1	Warren Hills Assoc.
9/1/1959	2 Gail Dr	Bldg 8	12	1	Warren Hills Assoc.
1/12/1968	101 Gedney Street	North Building	54	5	West Shore Towers/ Hudson Shore Associates
1/12/1968	101 Gedney Street	Center Building	54	6	West Shore Towers/ Hudson Shore Associates
1/12/1968	101 Gedney Street	South Building	54	6	West Shore Towers/ Hudson Shore Associates
8/12/1969	36 S Broadway		83	1	Tallman Towers
1/1/1953	84 N Franklin St	Bldg 100	14	0	Rockland Gardens Assoc.
1/1/1953	84 N Franklin St	Bldg 200	13	1	Rockland Gardens Assoc.
1/1/1953	84 N Franklin St	Bldg 300	14	0	Rockland Gardens Assoc.
1/1/1953	84 N Franklin St	Bldg 400	14	0	Rockland Gardens Assoc.

² Updated 3-6-24 to correct the vacancy data at 84 N Franklin St, Building 300, previously listed as having two vacant units, when in fact the survey response indicates the two units are not available for lease because they are being held as hospitality units during the construction process.

7/31/1972	197 Sickles Ave	North BLDG. D, E, F	34	4	Riverview at Nyack
7/31/1972	197 Sickles Ave	South BLDG. A, B, C	35	4	Riverview at Nyack
2/15/1968	60 Depew Ave		48	0	Nyack Housing Authority
2/15/1965	1-14 Highview	(#2-14)	14	0	Nyack Housing Authority
2/15/1965	50 Highview	(44-55)	12	0	Nyack Housing Authority
7/31/1972	153-157 Sixth Ave		28	1	CNB Realty (Rose Garden)
7/31/1972	12-20 Francis Ave		18	2	CNB Realty (Rose Garden)
1/9/1963	306-312 High Ave		19	3	Sampatti Corp.
1/9/1963	314-320 High Ave		20	1	Sampatti Corp.
1959	1 Haven Ct		22	4	Haven on the Hudson LLC
1963	43-45 Hudson Ave		12	0	Hudson Avenue Rentals LLC
		TOTALS	752	46	
		Vacant/Total =		0.06117	

CONCLUSION

The vacancy rate in the subject class of buildings, those built before 1974 with 12 or more units, has been found to be 6.12% at this time. As such, the vacancy rate is above the 5% defined in the ETPA as enabling a community to declare a rental housing emergency, and therefore this class of buildings is currently NOT eligible for inclusion in the NYS ETPA rent stabilization program.

DISCUSSION

The low, albeit not under 5% for the surveyed class of buildings, vacancy rate in Nyack is similar to many other places in the Hudson Valley according to a recent report from the Center for Housing Solutions and Community Initiatives, a project of Hudson Valley Pattern for Progress. The Center's "Out of Reach 2020" report states:

The demand for rental units in the Hudson Valley is high, especially affordable rental units. The rental vacancy rate in a vast majority of market rate apartment complexes is under 5%, and affordable housing complexes all have waiting lists ranging from two years to as long as five years. The production of affordable rental housing has not kept pace with the demand.

Furthermore, even people who are able to find an apartment, face steeply escalating rents, relative to average incomes. Rents typically exceed the average renter's ability to pay by about \$1,343/month for a one bedroom apartment and \$1,624/month for a two bedroom apartment.³

In the Village of Nyack, residents have spoken out about high rents to the Board of Trustees at public meetings. People have also spoken about the apparent increase in panhandling behaviors in the Village business district, presumably symptomatic, in part, of a lack of appropriate housing, and an increase in indigency, coupled with matters of substance abuse and mental health.

APPENDIX

1. Blank survey mailing
2. Vacancy survey responses
3. NYS ETPA Fact sheet
4. Vacancy study draft adoption resolution

³ <https://www.pattern-for-progress.org/wp-content/uploads/2023/09/Out-of-Reach-2023.pdf>

Village

Of

Nyack

Incorporated February 27, 1883

*9 North Broadway
Nyack New York 10960-2697*

www.nyack-ny.gov

Mayor

Joseph Rand

Trustees

Pascale Jean-Gilles

Joe Carlin

Donna Lightfoot Cooper

Nathalie Riobe-Taylor

Village Administrator

Andy Stewart

Village Clerk / Treasurer

Jennifer Hetling

Village Attorney

Dennis D. Michaels

January 26, 2024

Address(es) of real property subject of this correspondence: < >

Tax Map Designation(s) of real property subject of this correspondence: < >

Hereinafter, the above-described real property will be referred to as the “subject property.”

To the owner(s) of the subject property:

- I.** This correspondence is being sent to you pursuant to Chapter 5, entitled “Emergency Tenant Protection Act of Nineteen Seventy-Four”, of Title 23, of the Unconsolidated Laws of the State of New York (“ETPA”), and §8623 therein, which empowers the Village of Nyack (“Village”) to conduct a survey or study to determine, on the basis of the supply of rental housing accommodations within the Village, the condition of such accommodations and the need for regulating and controlling residential rent amounts within the Village, whether or not a declaration of housing emergency may be made as to any class of rental housing accommodations where the vacancy rate for the housing accommodations, in such class, is not in excess of five percent (5%). On January 11, 2024, by its Resolution #2024-4, the Village Board of Trustees directed that the Village Administrator conduct a vacancy survey or study of rental housing accommodations in buildings constructed, or substantially rehabilitated as residential units, prior to January 1, 1974, and which contain at least twelve dwelling units or apartments (“subject vacancy survey/study”), which buildings will be referred to herein as the “subject class.”
- II.** Pursuant to ETPA §8623, as the owner(s) of a building, or buildings, that may fall within the subject class, you are required to fully, and accurately, answer the questions, and provide the documentation to the Village Administrator, that are set forth and described in the Questionnaire that follows below.
- III.** As prescribed in ETPA §8623(d), the Village is requesting, as a part of the subject vacancy survey/study, that you provide your most recent records of rent rolls and, if available, records for the preceding thirty-six months, which records must include (i) each tenant’s relevant

information relating to finding the vacancy rate, including, but not limited to, the name, address, and amount paid or charged on a weekly, monthly or annual basis for each occupied housing accommodation, and which housing accommodations are vacant and available for rent at the time of the subject vacancy survey/study; and (ii) any housing accommodations that are vacant, and not available for rent, and provide the reason why each such unit is not available for rent.

YOU MUST SUBMIT YOUR ANSWERS, AND YOUR DOCUMENTATION IN RESPONSE, TO THE QUESTIONNAIRE BY SENDING SAME VIA UNITED STATES POSTAL SERVICE MAIL, OR BY EMAIL, FAX OR HAND-DELIVERY, NO LATER THAN MONDAY, FEBRUARY 26, 2024, AT 3 PM, TO THE VILLAGE ADMINISTRATOR, WHOSE CONTACT INFORMATION IS BELOW HIS SIGNATURE. PLEASE TAKE NOTICE THAT, AS PER ETPA §8623(f), IF YOU FAIL TO RESPOND TO THE SUBJECT VACANCY SURVEY/STUDY BY THE SAID DEADLINE, THEN YOUR BUILDING(S) SHALL BE DEEMED TO HAVE ZERO VACANCIES.

Please take additional notice that, in accordance with ETPA §8623(e), your refusal to participate in, and to cooperate with the Village regarding, the subject vacancy survey/study, or your submission to the Village of knowingly and intentionally false vacancy information, may be deemed cause to deny you a rental permit and/or certificate of occupancy for a housing accommodation; and the Village may additionally impose a civil penalty, or fee, of up to \$1,000.00.

Please take further notice that (i) knowingly making a false statement, which you do not believe to be true; and/or (ii) offering or presenting a false instrument for filing to a public office or public servant, knowing that the written instrument contains a false statement or false information, with intent to defraud a municipality, with the knowledge or belief that it will be filed with or recorded in, or otherwise become a part of the records of such public office or public servant; may be considered to be a crime, as per NYS Penal Law §175.30, §175.35(1) and/or §210.45.

Respectfully yours,



Andy Stewart, Village Administrator
Village of Nyack
Phone #(845) 358-3581
Fax #(845) 358-1480
Email - administrator@nyack-ny.gov
9 N. Broadway, Nyack NY 10960

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: _____

2. Contact information of person completing this Questionnaire:

Name: _____

Mailing Address: _____

Email: _____

Phone: _____

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES

NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES

NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter “units”) that are located at the subject property? Answer: _____

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: _____

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: _____

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES

NO

9. If you answered “YES” to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral “III” above.

I AFFIRM THIS _____ DAY OF _____, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: _____ Date: _____

Your name neatly printed: _____

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 43-45 Hudson Ave, Nyack, NY 10960

2. Contact information of person completing this Questionnaire:

Name: Noem Radziemski
Mailing Address: 633 North Broadway Nyack NY. 10960
Email: NRADZIENSKI@yahoo.com
Phone: 917 517 2848

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 12

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 12

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 0

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES NO 1 unit is on AirBNB. 45A

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

45A is an AirBNB.

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 30 DAY OF January, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: Noemi Radziemski Date: 01/30/2024

Your name neatly printed: NOEMI RADZIEMSKI

**QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)**

1. Subject Property Location/Address: North Building (D, E, F) 197 Sickles Ave, Nyack, NY 10960

2. Contact information of person completing this Questionnaire:

Name: Sharon Ritter
Mailing Address: 500 T Franklin TRAE SUITE 326 Ramsey, RT 07446
Email: sr.ritter@vntfsc.com
Phone: 917 282 1645

3. Are you a current owner, or a principal of the current owner, of the subject property? YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property? YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 34

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 30

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 4

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease? YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the

information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 16 DAY OF Feb, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: [Signature]
Date: 02/16/24
Your name neatly printed: Shimon Rivlin

QUESTIONNAIRE: VILLAGE OF NYACK ETFA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: South Building (A, B, C) 197 Sickles Ave, Nyack, Ny 10960

2. Contact information of person completing this Questionnaire:

Name: Sharon Rieder
Mailing Address: 500 R Franklin TAKE Suite 326 Rosser, NJ 07446
Email: srieder@vtafsc.com
Phone: 917 282 1645

3. Are you a current owner, or a principal of the current owner, of the subject property? YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property? YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 35

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 31

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 5

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease? YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 16 DAY OF Feb, 2024, UNDER THE

PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH

MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I

UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING

IN A COURT OF LAW.

Your signature:  _____
Date: 02/16/24

Your name neatly printed: Shimon Rivlin _____

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 12-16 Francis Ave, Nyack, NY 10960 (Units 1-14)

2. Contact information of person completing this Questionnaire:
Name: ms cheng
Mailing Address: PO BOX 640186
Email: CNBRealty@yahoo.com
Phone: 718-264-7252

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 18

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 16

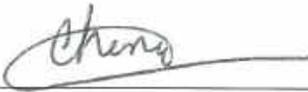
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 2

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 25 DAY OF Feb, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/25/24

Your name neatly printed: ms cheng

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 153-157 Sixth Ave, Nyack, NY 10960

2. Contact information of person completing this Questionnaire:
Name: ms cheng
Mailing Address: PO BOX 640186
Email: CNBRealty@yahoo.com
Phone: 718-264-7252

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 28

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 27

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 25 DAY OF Feb, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/25/24

Your name neatly printed: ms cheng

Village Of Nyack

Incorporated February 27, 1883

*9 North Broadway
Nyack New York 10960-2697*

www.nyack-ny.gov

Mayor

Joseph Rand

Trustees

Pascale Jean-Gilles

Joe Carlin

Donna Lightfoot Cooper

Nathalie Riobe-Taylor

Village Administrator

Andy Stewart

Village Clerk / Treasurer

Jennifer Hetling

Village Attorney

Dennis D. Michaels

January 26, 2024

Haven Court Apartments Co, Inc
12 N. Washington Ave
Bergenfield, NJ 07621

And

Haven Court Apartments Co, Inc
127 Woodside Ave
Briarcliff Manor, NY 10510

Address(es) of real property subject of this correspondence: 1 Haven Court, Nyack, NY 10960

Tax Map Designation(s) of real property subject of this correspondence: 66.22-3-43

Hereinafter, the above-described real property will be referred to as the "subject property."

To the owner(s) of the subject property:

- I. This correspondence is being sent to you pursuant to Chapter 5, entitled "Emergency Tenant Protection Act of Nineteen Seventy-Four", of Title 23, of the Unconsolidated Laws of the State of New York ("ETPA"), and §8623 therein, which empowers the Village of Nyack ("Village") to conduct a survey or study to determine, on the basis of the supply of rental housing accommodations within the Village, the condition of such accommodations and the need for regulating and controlling residential rent amounts within the Village, whether or not a declaration of housing emergency may be made as to any class of rental housing accommodations where the vacancy rate for the housing accommodations, in such class, is not in excess of five percent (5%). On January 11, 2024, by its Resolution #2024-4, the Village Board of Trustees directed that the Village Administrator conduct a vacancy survey or study of rental housing accommodations in buildings constructed, or substantially rehabilitated as residential units, prior to January 1, 1974, and which contain at least twelve dwelling units or apartments ("subject vacancy survey/study"), which buildings will be referred to herein as the "subject class."

II. Pursuant to ETPA §8623, as the owner(s) of a building, or buildings, that may fall within the subject class, you are required to fully, and accurately, answer the questions, and provide the documentation to the Village Administrator, that are set forth and described in the Questionnaire that follows below.

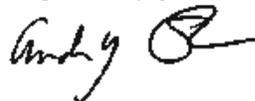
III. As prescribed in ETPA §8623(d), the Village is requesting, as a part of the subject vacancy survey/study, that you provide your most recent records of rent rolls and, if available, records for the preceding thirty-six months, which records must include (i) each tenant's relevant information relating to finding the vacancy rate, including, but not limited to, the name, address, and amount paid or charged on a weekly, monthly or annual basis for each occupied housing accommodation, and which housing accommodations are vacant and available for rent at the time of the subject vacancy survey/study; and (ii) any housing accommodations that are vacant, and not available for rent, and provide the reason why each such unit is not available for rent.

YOU MUST SUBMIT YOUR ANSWERS, AND YOUR DOCUMENTATION IN RESPONSE, TO THE QUESTIONNAIRE BY SENDING SAME VIA UNITED STATES POSTAL SERVICE MAIL, OR BY EMAIL, FAX OR HAND-DELIVERY, NO LATER THAN MONDAY, FEBRUARY 26, 2024, AT 3 PM, TO THE VILLAGE ADMINISTRATOR, WHOSE CONTACT INFORMATION IS BELOW HIS SIGNATURE. PLEASE TAKE NOTICE THAT, AS PER ETPA §8623(f), IF YOU FAIL TO RESPOND TO THE SUBJECT VACANCY SURVEY/STUDY BY THE SAID DEADLINE, THEN YOUR BUILDING(S) SHALL BE DEEMED TO HAVE ZERO VACANCIES.

Please take additional notice that, in accordance with ETPA §8623(e), your refusal to participate in, and to cooperate with the Village regarding, the subject vacancy survey/study, or your submission to the Village of knowingly and intentionally false vacancy information, may be deemed cause to deny you a rental permit and/or certificate of occupancy for a housing accommodation; and the Village may additionally impose a civil penalty, or fee, of up to \$1,000.00.

Please take further notice that (i) knowingly making a false statement, which you do not believe to be true; and/or (ii) offering or presenting a false instrument for filing to a public office or public servant, knowing that the written instrument contains a false statement or false information, with intent to defraud a municipality, with the knowledge or belief that it will be filed with or recorded in, or otherwise become a part of the records of such public office or public servant; may be considered to be a crime, as per NYS Penal Law §175.30, §175.35(1) and/or §210.45.

Respectfully yours,



Andy Stewart, Village Administrator
Village of Nyack
Phone #(845) 358-3581
Fax #(845) 358-1480
Email - administrator@nyack-ny.gov
9 N. Broadway, Nyack NY 10960

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 1 Haven Court, Nyack, NY 10960

2. Contact information of person completing this Questionnaire:

Name: Eric Rabbani

Mailing Address: 12 North Washington Avenue, Bergenfield, NJ 07621

Email: havenonthehudson11c@gmail.com

Phone: 201-503-4855

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 22

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 18

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 4

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

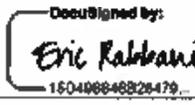
YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Eric Rabbani Date: 02/26/2024

Your name neatly printed: Eric Rabbani

Village

Of

Nyack

Incorporated February 27, 1883

*9 North Broadway
Nyack New York 10960-2697*

www.nyack-ny.gov

Mayor

Joseph Rand

Trustees

Pascale Jean-Gilles

Joe Carlin

Donna Lightfoot Cooper

Nathalie Riobe-Taylor

Village Administrator

Andy Stewart

Village Clerk / Treasurer

Jennifer Hetling

Village Attorney

Dennis D. Michaels

January 26, 2024

Marlene Campos
Rockland Garden Housing Partners, LP
2607 2nd Avenue, Suite 300
Seattle, WA 98121

Address(es) of real property subject of this correspondence: FOUR buildings at 84 N. Broadway,
Nyack NY 10960

Tax Map Designation(s) of real property subject of this correspondence: **66.29-1-23**

Hereinafter, the above-described real property will be referred to as the “subject property.”

To the owner(s) of the subject property:

- I. This correspondence is being sent to you pursuant to Chapter 5, entitled “Emergency Tenant Protection Act of Nineteen Seventy-Four”, of Title 23, of the Unconsolidated Laws of the State of New York (“ETPA”), and §8623 therein, which empowers the Village of Nyack (“Village”) to conduct a survey or study to determine, on the basis of the supply of rental housing accommodations within the Village, the condition of such accommodations and the need for regulating and controlling residential rent amounts within the Village, whether or not a declaration of housing emergency may be made as to any class of rental housing accommodations where the vacancy rate for the housing accommodations, in such class, is not in excess of five percent (5%). On January 11, 2024, by its Resolution #2024-4, the Village Board of Trustees directed that the Village Administrator conduct a vacancy survey or study of rental housing accommodations in buildings constructed, or substantially rehabilitated as residential units, prior to January 1, 1974, and which contain at least twelve dwelling units or apartments (“subject vacancy survey/study”), which buildings will be referred to herein as the “subject class.”
- II. Pursuant to ETPA §8623, as the owner(s) of a building, or buildings, that may fall within the subject class, you are required to fully, and accurately, answer the questions, and provide the documentation to the Village Administrator, that are set forth and described in the Questionnaire that follows below.

III. As prescribed in ETPA §8623(d), the Village is requesting, as a part of the subject vacancy survey/study, that you provide your most recent records of rent rolls and, if available, records for the preceding thirty-six months, which records must include (i) each tenant's relevant information relating to finding the vacancy rate, including, but not limited to, the name, address, and amount paid or charged on a weekly, monthly or annual basis for each occupied housing accommodation, and which housing accommodations are vacant and available for rent at the time of the subject vacancy survey/study; and (ii) any housing accommodations that are vacant, and not available for rent, and provide the reason why each such unit is not available for rent.

YOU MUST SUBMIT YOUR ANSWERS, AND YOUR DOCUMENTATION IN RESPONSE, TO THE QUESTIONNAIRE BY SENDING SAME VIA UNITED STATES POSTAL SERVICE MAIL, OR BY EMAIL, FAX OR HAND-DELIVERY, NO LATER THAN MONDAY, FEBRUARY 26, 2024, AT 3 PM, TO THE VILLAGE ADMINISTRATOR, WHOSE CONTACT INFORMATION IS BELOW HIS SIGNATURE. PLEASE TAKE NOTICE THAT, AS PER ETPA §8623(f), IF YOU FAIL TO RESPOND TO THE SUBJECT VACANCY SURVEY/STUDY BY THE SAID DEADLINE, THEN YOUR BUILDING(S) SHALL BE DEEMED TO HAVE ZERO VACANCIES.

Please take additional notice that, in accordance with ETPA §8623(e), your refusal to participate in, and to cooperate with the Village regarding, the subject vacancy survey/study, or your submission to the Village of knowingly and intentionally false vacancy information, may be deemed cause to deny you a rental permit and/or certificate of occupancy for a housing accommodation; and the Village may additionally impose a civil penalty, or fee, of up to \$1,000.00.

Please take further notice that (i) knowingly making a false statement, which you do not believe to be true; and/or (ii) offering or presenting a false instrument for filing to a public office or public servant, knowing that the written instrument contains a false statement or false information, with intent to defraud a municipality, with the knowledge or belief that it will be filed with or recorded in, or otherwise become a part of the records of such public office or public servant; may be considered to be a crime, as per NYS Penal Law §175.30, §175.35(1) and/or §210.45.

Respectfully yours,



Andy Stewart, Village Administrator
Village of Nyack
Phone #(845) 358-3581
Fax #(845) 358-1480
Email - administrator@nyack-ny.gov
9 N. Broadway, Nyack NY 10960

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: Building 100 at 84 N. Broadway, Nyack NY 10960

2. Contact information of person completing this Questionnaire:

Name: Valerie Warren
Mailing Address: 4 Executive Blvd Suite 100
Suffern, NY 10901
Email: vwarren@mmsgroup.com
Phone: 845-368-2400 #3300

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter “units”) that are located at the subject property? Answer: 14

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 14

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 0

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES NO

9. If you answered “YES” to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral “III” above.

I AFFIRM THIS 1 DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: Valerie Warren Date: 2/1/2024

Your name neatly printed: Valerie Warren

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: Building 200 at 84 N. Broadway, Nyack NY 10960

2. Contact information of person completing this Questionnaire:

Name: Valerie Warren
Mailing Address: 4 Executive Blvd Suite 100
Suffern, NY 10901
Email: vwarren@mmsgroup.com
Phone: 845-368-2400 #3300

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter “units”) that are located at the subject property? Answer: 13

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 12

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES NO

9. If you answered “YES” to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral “III” above.

I AFFIRM THIS 1 DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: Valerie Warren Date: 2/1/2024

Your name neatly printed: Valerie Warren

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: Building 300 at 84 N. Broadway, Nyack NY 10960

2. Contact information of person completing this Questionnaire:

Name: Valerie Warren
Mailing Address: 4 Executive Blvd Suite 100
Suffern, NY 10901
Email: vwarren@mmsgroup.com
Phone: 845-368-2400 #3300

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter “units”) that are located at the subject property? Answer: 14

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 12

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 2

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES NO

9. If you answered “YES” to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: 2

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

Unit is being used as hospitality space during rehab and will be available for rental after constuction
is completed

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral “III” above.

I AFFIRM THIS 1 DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: Valerie Warren Date: 2/1/2024

Your name neatly printed: Valerie Warren

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: Building 400 at 84 N. Broadway, Nyack NY 10960

2. Contact information of person completing this Questionnaire:

Name: Valerie Warren
Mailing Address: 4 Executive Blvd Suite 100
Suffern, NY 10901
Email: vwarren@mmsgroup.com
Phone: 845-368-2400 #3300

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter “units”) that are located at the subject property? Answer: 14

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 14

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 0

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES NO

9. If you answered “YES” to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral “III” above.

I AFFIRM THIS 1 DAY OF Feburary, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: Valerie Warren Date: 2/1/2024

Your name neatly printed: Valerie Warren

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 306-312 High Ave, Nyack, NY 10960
2. Contact information of person completing this Questionnaire:
Name: Aruna Bharati
Mailing Address: 93 Demarest Mill Rd West Nyack, 10994
Email: nyackgarden@gmail.com
Phone: 845-215-5500
3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO
4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO
5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 19
6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 16
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 3
8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO
9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: Anna Bhat Date: 2/26/24

Your name neatly printed: Anna Bhat

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 314-320 High Ave, Nyack, NY 10960
2. Contact information of person completing this Questionnaire:
Name: Aruna Bharati
Mailing Address: 93 Democrat Mill Rd, West Nyack, 10994
Email: nyackgarden@gmail.com
Phone: 845-215-5900
3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO
4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO
5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 20
6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 19
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1
8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO
9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
- a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:
- _____
- _____
- _____
- _____
- _____
- _____
- _____
10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: Anna Bharati Date: 2/26/24

Your name neatly printed: Anna Bharati

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 36 S. Broadway, Nyack NY 10960

2. Contact information of person completing this Questionnaire:

Name: Mark Soja
Mailing Address: 901 Main St, suite 300 Peekskill NY 10566
Email: msoja@mdyhd.com
Phone: (914) 736-7368

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 83

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 82

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 21st DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/21/24

Your name neatly printed: Mark Soja, Manager

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: ___ Bldg 1 -- 2, 4, 6, 8, 10

2. Contact information of person completing this Questionnaire:

Name: Carmella Conklyn
Mailing Address: 2 GAIL DRIVE NYACK NY 10960
Email: cconklyn@kamconcorp.com
Phone: 201-474-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 21 units

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 21 units

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 0

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: _____



Date: _____

2/26/24

Your name neatly printed: _____

Carmella Conkly

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW;

Your signature: _____



Date: _____

2/26/24

Your name neatly printed: _____

Carmella Conklyn

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 3 -- 1, 3, 5, 7
2. Contact information of person completing this Questionnaire:
- Name: Carmella Conklyn
Mailing Address: 2 Gail Drive Nyack NY 10960
Email: CCONKLYN@KAMSONCORP.COM
Phone: 201-414-6629
3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO
4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO
5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 16 units
6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 16 units
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 0
8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO
9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
- a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:
- _____

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: _____



Date: _____

2/26/24

Your name neatly printed: _____

Carmella Conkly

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 4 -- 9, 11, 13

2. Contact information of person completing this Questionnaire:
Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, Nyack NY 10960
Email: cconklyn@kamsanorp.com
Phone: 201-414-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 12 units

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 12 units

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 0

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conkly

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 5 -- 15, 17, 19, 21
2. Contact information of person completing this Questionnaire:

Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, NYACK NY 10960
Email: CCONKLYN@KAMSONCORP.COM
Phone: 201-414-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO
4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO
5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 16 units
6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 14 units
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 2
8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO
9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: _____



Date: _____

2/26/24

Your name neatly printed: _____

Carmella Conklyn

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 6 -- 22, 24, 26, 28
2. Contact information of person completing this Questionnaire:

Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, NYACK, NY 10960
Email: cconklyn@kamsonecorp.com
Phone: 201-414-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO
4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO
5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 17 units
6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 16 units
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1
8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO
9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conkly

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 7 -- 23, 23A, 23B, 25, 25A, 25B, 27, 27A, 27B, 29, 29A, 29B, 31, 31A, 31B

2. Contact information of person completing this Questionnaire:
Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, Nyack, NY 10960
Email: cconklyn@kamsoncorp.com
Phone: 201 484-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 12 units

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 11 units

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conkly

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 8 - 30, 30A, 30B, 30C, 32A, 32B, 34, 34A, 34B, 36, 36A, 36B, 38, 38A, 38B, 38C

2. Contact information of person completing this Questionnaire:
Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, Nyack, NY 10960
Email: cconklyn@kamsoncorp.com
Phone: 201-414-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 12 units

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 11 units

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conkly

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: **2 Gail Drive, Bldg 9 - 33, 33A, 33B, 35A, 35B, 37, 37A, 37B, 39, 39A, 39B, 41A, 41B**

2. Contact information of person completing this Questionnaire:
Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, NYACK, NY 10960
Email: CCONKLYN@KAMSONCORP.COM
Phone: 201-414-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 12 units

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 12 units

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 0

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conkly

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 10 - 40, 40A, 40B, 442, 42A, 42B, 44, 44A, 44B, 44C, 46, 46A, 46B, 48, 48A, 48B, 48c

2. Contact information of person completing this Questionnaire:
Name: Carmella Conklyn
Mailing Address: 2 Gail Drive NYack NY 10960
Email: CConklyn@Kamsoncorp.com
Phone: 201-414-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 13 units

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 12 units

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conklytt

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 11 - 43, 43A, 43B, 43C, 45, 45A, 45B, 47, 47A, 47B, 47C, 49, 49A, 49B, 51, 51A, 51B, 51

2. Contact information of person completing this Questionnaire:

Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, Nyack NY 10960
Email: cconklyn@kamsoncorp.com
Phone: 801-414-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?

YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?

YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 13 units

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 12 units

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?

YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conklyn

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 12 - 50, 50A, 50B, 52, 52A, 52B, 52C, 53, 54, 54A, 54B, 56, 56A, 56B, 58, 58A, 58B, 58C
2. Contact information of person completing this Questionnaire:

Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, NYack NY 10960
Email: cconklyn@kamsoncorp.com
Phone: 201-414-6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO
4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO
5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 13 units
6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 13 units
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 0
8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO
9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conkly

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: 2 Gail Drive, Bldg 13 - 53A, 53B, 53C, 55, 55A, 57, 57B, 57C, 59A, 59B, 61A, 61C
2. Contact information of person completing this Questionnaire:

Name: Carmella Conklyn
Mailing Address: 2 Gail Drive, Nyack, NY 10960
Email: ccconklyn@kamsoncorp.com
Phone: 201 414 6629

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO
4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO
5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 13 units
6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 12 units
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 1
8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO
9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

- a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 26th DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature:  Date: 2/26/24

Your name neatly printed: Carmella Conklyn

Village

Of

Nyack

Incorporated February 27, 1883

*9 North Broadway
Nyack New York 10960-2697*

www.nyack-ny.gov

Mayor

Joseph Rand

Trustees

Pascale Jean-Gilles

Joe Carlin

Donna Lightfoot Cooper

Nathalie Riobe-Taylor

Village Administrator

Andy Stewart

Village Clerk / Treasurer

Jennifer Hetling

Village Attorney

Dennis D. Michaels

1/26/24

Frank Kirwin
Hudson Shore Associates
101 Gedney St., Apartment L1
Nyack, NY 10960

Address(es) of real property subject of this correspondence: three buildings at 101 Gedney St, Nyack NY 10960

Tax Map Designation(s) of real property subject of this correspondence: 66.31-1-3

Hereinafter, the above-described real property will be referred to as the "subject property."

To the owner(s) of the subject property:

- I. This correspondence is being sent to you pursuant to Chapter 5, entitled "Emergency Tenant Protection Act of Nineteen Seventy-Four", of Title 23, of the Unconsolidated Laws of the State of New York ("ETPA"), and §8623 therein, which empowers the Village of Nyack ("Village") to conduct a survey or study to determine, on the basis of the supply of rental housing accommodations within the Village, the condition of such accommodations and the need for regulating and controlling residential rent amounts within the Village, whether or not a declaration of housing emergency may be made as to any class of rental housing accommodations where the vacancy rate for the housing accommodations, in such class, is not in excess of five percent (5%). On January 11, 2024, by its Resolution #2024-4, the Village Board of Trustees directed that the Village Administrator conduct a vacancy survey or study of rental housing accommodations in buildings constructed, or substantially rehabilitated as residential units, prior to January 1, 1974, and which contain at least twelve dwelling units or apartments ("subject vacancy survey/study"), which buildings will be referred to herein as the "subject class."
- II. Pursuant to ETPA §8623, as the owner(s) of a building, or buildings, that may fall within the subject class, you are required to fully, and accurately, answer the questions, and provide the documentation to the Village Administrator, that are set forth and described in the Questionnaire that follows below.

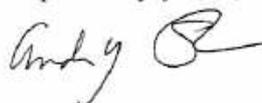
III. As prescribed in ETPA §8623(d), the Village is requesting, as a part of the subject vacancy survey/study, that you provide your most recent records of rent rolls and, if available, records for the preceding thirty-six months, which records must include (i) each tenant's relevant information relating to finding the vacancy rate, including, but not limited to, the name, address, and amount paid or charged on a weekly, monthly or annual basis for each occupied housing accommodation, and which housing accommodations are vacant and available for rent at the time of the subject vacancy survey/study; and (ii) any housing accommodations that are vacant, and not available for rent, and provide the reason why each such unit is not available for rent.

YOU MUST SUBMIT YOUR ANSWERS, AND YOUR DOCUMENTATION IN RESPONSE, TO THE QUESTIONNAIRE BY SENDING SAME VIA UNITED STATES POSTAL SERVICE MAIL, OR BY EMAIL, FAX OR HAND-DELIVERY, NO LATER THAN MONDAY, FEBRUARY 26, 2024, AT 3 PM, TO THE VILLAGE ADMINISTRATOR, WHOSE CONTACT INFORMATION IS BELOW HIS SIGNATURE. PLEASE TAKE NOTICE THAT, AS PER ETPA §8623(f), IF YOU FAIL TO RESPOND TO THE SUBJECT VACANCY SURVEY/STUDY BY THE SAID DEADLINE, THEN YOUR BUILDING(S) SHALL BE DEEMED TO HAVE ZERO VACANCIES.

Please take additional notice that, in accordance with ETPA §8623(e), your refusal to participate in, and to cooperate with the Village regarding, the subject vacancy survey/study, or your submission to the Village of knowingly and intentionally false vacancy information, may be deemed cause to deny you a rental permit and/or certificate of occupancy for a housing accommodation; and the Village may additionally impose a civil penalty, or fee, of up to \$1,000.00.

Please take further notice that (i) knowingly making a false statement, which you do not believe to be true; and/or (ii) offering or presenting a false instrument for filing to a public office or public servant, knowing that the written instrument contains a false statement or false information, with intent to defraud a municipality, with the knowledge or belief that it will be filed with or recorded in, or otherwise become a part of the records of such public office or public servant; may be considered to be a crime, as per NYS Penal Law §175.30, §175.35(1) and/or §210.45.

Respectfully yours,



Andy Stewart, Village Administrator
Village of Nyack
Phone #(845) 358-3581
Fax #(845) 358-1480
Email - administrator@nyack-ny.gov
9 N. Broadway, Nyack NY 10960

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: South Building, 101 Gedney St, Nyack NY 10960
2. Contact information of person completing this Questionnaire:

Name: Dawn Dispensire
Mailing Address: 101 Gedney St, Nyack NY 10960
Email: ddispensire@aol.com
Phone: 862-596-2876

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO
4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO
5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 54
6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 48
7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 6
8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO
9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

- a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 23rd DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: *Dawn Dispensire* Date: 02/23/2024

Your name neatly printed: Dawn Dispensire

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: Center Building, 101 Gedney St, Nyack NY 10960

2. Contact information of person completing this Questionnaire:

Name: Dawn Dispensire
Mailing Address: 101 Gedney St, Nyack NY 10960
Email: ddispensire@aol.com
Phone: 862-596-2876

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 54

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 48

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 6

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____

a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 23rd DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: *Dawn Dispensire* Date: 02/23/2024

Your name neatly printed: Dawn Dispensire

QUESTIONNAIRE:
VILLAGE OF NYACK ETPA VACANCY SURVEY/STUDY (JANUARY 2024)

1. Subject Property Location/Address: North Building, 101 Gedney St, Nyack NY 10960

2. Contact information of person completing this Questionnaire:

Name: Dawn Dispensire
Mailing Address: 101 Gedney St, Nyack NY 10960
Email: ddispensire@aol.com
Phone: 862-596-2876

3. Are you a current owner, or a principal of the current owner, of the subject property?
 YES NO

4. Are you an agent for, or a manager of, a current owner of the subject property?
 YES NO

5. What is the total quantity of separate residential rental apartments or dwelling units (hereinafter "units") that are located at the subject property? Answer: 54

6. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are leased, by written or oral agreement, to renters for purposes of human occupancy? Answer: 49

7. As of the date that you affixed your signature to this Questionnaire, what is the total quantity of units that are vacant? Answer: 5

8. Are any of the vacant units, that are included in the total quantity that you answered in the foregoing question #7, currently off the market, or otherwise unavailable to rent or lease?
 YES NO

9. If you answered "YES" to the foregoing question #8, what is the total quantity of units that are off the market, or otherwise unavailable to rent or lease? Answer: _____
 - a. Briefly describe the reason(s) for these units being off the market, or otherwise unavailable to rent or lease; for example, the unit is undergoing renovation or is not habitable, or a tenant is moving in at a later date:

10. Submit complete and legible copies of all of the documentation, and provide all of the information, that is described in Roman Numeral "III" above.

I AFFIRM THIS 23rd DAY OF February, 2024, UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE STATE OF NEW YORK, WHICH MAY INCLUDE A FINE OR IMPRISONMENT, THAT THE FOREGOING IS TRUE, AND I UNDERSTAND THAT THIS DOCUMENT MAY BE FILED IN AN ACTION OR PROCEEDING IN A COURT OF LAW:

Your signature: *Dawn Dispensire* Date: 02/23/2024

Your name neatly printed: Dawn Dispensire



Emergency Tenant Protection Act (ETPA) of 1974 Chapter 576 Laws of 1974 as Last Amended

5 PAGES

AT A GLANCE

This Fact Sheet describes the Housing Stability and Tenant Protection Act (HSTPA) of 2019 and the areas of New York State covered by the Emergency Tenant Protection Act (ETPA) of 1974.

DEFINITIONS

Division of Housing and Community Renewal (DHCR):

DHCR is the New York State agency that invests in communities, preserves and protects affordable housing and enforces the state’s rent control and rent stabilization laws.

Emergency Tenant Protection Act (ETPA):

Outside New York City, rent stabilization is also known as ETPA, short for the Emergency Tenant Protection Act, and is applicable in some localities in Nassau, Westchester, Rockland, and Ulster counties.

Housing Stability and Tenant Protection Act (HSTPA) of 2019:

The act, which went into effect on June 14, 2019, made changes to how rents can be raised and changed formulas for vacancy leases, Major Capital Improvements (MCI) and Individual Apartment Improvements (IAI).

SUMMARY AND HIGHLIGHTS

ETPA stabilizes rents in localities that declare a state of emergency, such as the counties of Nassau, Rockland, Westchester, and the City of Kingston.

Scope	<ul style="list-style-type: none"> ETPA covers buildings of six or more units that were built before 1974. Some municipalities limit ETPA to buildings of a specific size — for instance, buildings with 20 or more units.
Process	<ul style="list-style-type: none"> In addition to regulating rent increases, ETPA entitles rent stabilized tenants to receive required services, to have their leases renewed, and to be protected from eviction except on grounds allowed by law. HSTPA provides that any municipality declaring an emergency and adopting local legislation pays the cost of administering ETPA. In turn, each municipality can charge the owners of housing accommodations a fee of \$20 per unit per year. Each county that has declared an emergency and adopted ETPA has a Rent Guidelines Board (RGB) that sets annually the maximum allowable rates for rent increases in stabilized apartments.

FACT SHEET #8: IN DETAIL

This bulletin provides only general information concerning ETPA. For specific information, refer to the full text of the Act.

Currently, in Nassau, Rockland, Westchester counties and the City of Kingston, rent stabilization applies to non-rent controlled apartments in buildings of six or more units built before January 1, 1974 in localities that have declared an emergency and adopted ETPA. For rents to be placed under regulation, there must be a rental vacancy rate of less than 5% for all or any class or classes of rental housing accommodations. Some municipalities limit ETPA to buildings of a specific size, for instance, buildings with 20 or more units.

With the enactment of the Housing Stability and Tenant Protection Act (HSTPA) on June 14, 2019, any locality in New York State can enact rent stabilization if “a declaration of emergency” regarding available apartments is made in the subject locality pursuant to the Emergency Tenant Protection Act (ETPA) of 1974. “A declaration of emergency” can be made based on the kind of vacancy rate cited above.

It is the responsibility of the locality to secure and obtain a survey of the housing accommodations to determine the existence of an emergency.

Certain types of housing accommodations are not included in the provisions of ETPA, for example: housing accommodations in buildings containing less than six dwelling units; rent controlled apartments; motor courts; tourist homes; certain nonprofit units; certain governmentally supervised housing; and housing accommodations in buildings completed on, or after, January 1, 1974.

Each municipality declaring an emergency and adopting local legislation pays the cost of administering ETPA. In turn, each municipality can charge the owners of housing accommodations a fee of \$20 per unit per year as HSTPA provides.

Each county that has declared an emergency

and adopted the EPTA has a rent guidelines board that sets the maximum allowable rates for rent increases in stabilized apartments. These guidelines rates are set once a year and are effective for leases beginning on or after October 1st of each year.

If a municipality in a county outside of Nassau, Rockland or Westchester county declares a housing emergency, a County Rent Guidelines Board will be created by DHCR based on recommendations made by the local municipal government. If additional municipalities in that county subsequently declare emergencies, DHCR will recreate the County RGB to ensure that all of the participating municipalities are represented on the County RGB. The County RGB sets the rates for rent adjustments in covered housing accommodations in the municipality or municipalities that have declared an emergency.

Nassau County

Village of Baxter Estates
 Village of Cedarhurst
 Village of Floral Park
 Village of Flower Hill
 Village of Freeport
 City of Glen Cove
 Village of Great Neck
 Village of Great Neck Plaza
 Village of Hempstead
 Town of North Hempstead
 City of Long Beach
 Village of Lynbrook
 Village of Mineola
 Village of Rockville Centre
 Village of Russell Gardens
 Village of Thomaston

Rockland County

Town of Haverstraw
 Village of Spring Valley

Westchester County

Village of Croton-on-Hudson
 Village of Dobbs Ferry
 Town of Eastchester
 Town of Greenburgh
 Town of Harrison
 Village of Hastings-on-Hudson
 Village of Irvington-on-Hudson
 Village of Larchmont
 Town of Mamaroneck
 Village of Mamaroneck
 Village of Mount Kisco
 City of Mount Vernon
 City of New Rochelle
 Village of Ossining
 Village of Sleepy Hollow
 Village of Pleasantville
 Village of Port Chester
 City of Rye
 Village of Tarrytown
 City of White Plains
 City of Yonkers

Ulster County

City of Kingston

#8 ADDENDUM: FREQUENTLY ASKED QUESTIONS - MUNICIPALITIES CONSIDERING ADOPTING ETPA

1. What is rent stabilization?

Rent Stabilization is a system of rent regulation under New York State law that aims to protect tenants from illegal rent increases. Outside New York City, rent stabilization is often referred to by the law that governs the system, the Emergency Tenant Protection Act (“ETPA”). In addition to regulating rent increases, the ETPA entitles rent stabilized tenants to receive required services, to have their leases renewed, and to be protected from eviction except on grounds allowed by law.

Historically, the only municipalities that were eligible to adopt the ETPA outside of New York City were those located in the counties of Westchester, Rockland and Nassau. However, the Housing Stability and Tenant Protection Act of 2019 (“HSTPA”), which was adopted in June 2019, removed this geographic restriction so that any municipality in New York State that decides to adopt ETPA is eligible to do so.

2. Is my municipality subject to rent stabilization?

Not automatically. The ETPA is only applicable to municipalities that pass a local law adopting the system.

3. How do we opt in to the program?

ETPA is designed to address a housing emergency where there is a less than 5% apartment vacancy rate in a given municipality. The first step in opting into the ETPA is to complete a vacancy study of the class or classes of housing accommodations for which the municipality suspects there may be a housing emergency, the cost of which is paid by the municipality. If the vacancy study

finds that there is a less than 5% vacancy rate, then the municipality can declare an emergency and enact a local law adopting ETPA.

4. What buildings will rent stabilization apply to?

ETPA generally applies to residential buildings containing 6 or more units that were constructed prior to 1974. However, a municipality may limit the applicability of the ETPA by, for example, increasing the number of units per building that are required to fall under the ETPA.

5. Once ETPA is adopted, how are rents determined?

After a municipality adopts ETPA, a Rent Guidelines Board (“**RGB**”) is tasked with determining the percentage rent increases applicable to such municipality. An RGB is made up of two tenant representatives, two owner representatives and five public members, each of whom must meet certain criteria set out in the ETPA.

Under the HSTPA, if the municipality adopting ETPA is the first in the county to do so, it must make recommendations of individuals to make up the RGB to the DHCR within 30 days after adopting ETPA. At the time of adoption, the RGB will determine the initial percentage increases for the municipality as well as what the fair market rent should have been for new leases during a period, to be determined by the RGB, prior to the municipality’s adoption of ETPA. Thereafter, if additional municipalities in the same county declare emergencies, the HSTPA requires that the RGB be reconstituted so that every municipality that has adopted ETPA in a given county is represented by the same County RGB. DHCR will provide guidance on this process.

After the first year, the RGB would be tasked with meeting annually, typically in June, to

set the rent guidelines in effect for one- or two-year leases commencing on or after the following October. An RGB is required to make the determination of the appropriate rent guidelines after considering, among other things, comments from the public and data compiled by DHCR’s Research and Analysis Unit.

6. How will landlords in my municipality be affected?

Landlords of rent regulated apartments have obligations to their tenants that market rate landlords do not necessarily have. These include:

- **Documentation:** Landlords of rent regulated apartments are required to submit documentation to the DHCR each year. These submissions include registration statements for their rent regulated apartments detailing, among other things, the tenant and legal regulated rent for each apartment. Landlords are also required to submit responses to surveys about their annual income and expenses, which are used by the DHCR Research and Analysis Unit to compile data that is considered by the RGB in determining the appropriate yearly percentage rent increases;
- **Rent Increases:** Landlords of rent regulated apartments are limited to increasing rents by the percentages set by the RGB each year. Aside from these percentage increases, landlords may also be entitled to pass on the cost of certain upgrades made to their buildings and apartments to their rent regulated tenants. However, such increases are usually only allowed after permission is granted by the DHCR and strict limitations on such increases were instituted by the HSTPA. Rent collected in violation of the foregoing is considered an overcharge under the ETPA. Upon the complaint of

a tenant, such overcharges may lead to penalties and interest being assessed on the landlord by the DHCR. See [Fact Sheet #26](#);

- **Renewal Leases:** Landlords of rent regulated apartments are generally obligated to offer one or two-year renewal leases to each tenant prior to the expiration of each tenant's current lease unless the landlord has a valid basis for eviction as set out in the ETPA. Moreover, landlords of rent regulated apartments are generally unable to change the terms of a lease from those contained in an initial vacancy lease. Failure to offer a tenant a proper ETPA lease renewal may, upon the complaint of such tenant, lead to penalties being assessed on the landlord by the DHCR. See [Fact Sheet #4](#);
- **Services:** Landlords are required to maintain their rent regulated apartments in accordance with the standards set forth in the ETPA. While landlords of market rate apartments are bound by state and local building and housing maintenance laws, the ETPA adds another layer of compliance. A landlord who the DHCR determines has failed to comply with these standards may be subject to rent reductions and civil penalties until such services are restored. See [Fact Sheet #3](#).

7. Are there any administrative costs to a municipality that has adopted ETPA?

Yes. Each municipality declaring an emergency and adopting local legislation pays its proportionate share of the yearly cost of DHCR's administration of ETPA. As authorized by the HSTPA, the yearly administrative fee charged by DHCR to each ETPA municipality is equal to \$20.00 per rent regulated unit in the municipality per year. The ETPA permits a municipality to charge owners of rent regulated apartments an assessment of up to \$20.00 per unit per year to offset this cost.

8. Can a municipality opt out of ETPA?

Yes. The ETPA authorizes a municipality that has adopted rent stabilization to wholly opt out of regulation or to remove certain classes of buildings from regulation. However, a municipality looking to opt out must first take certain steps laid out in the ETPA, including holding a public hearing.



➤ **Rent Connect:**
rent.hcr.ny.gov

✉ **Ask a question:**
portal.hcr.ny.gov/app/ask

🗣️ **For translation help:**
hcr.ny.gov/language-accessibility

➤ **Our website:**
hcr.ny.gov/rent

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

QUEENS

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

BROOKLYN

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

UPPER MANHATTAN

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

LOWER MANHATTAN

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

BRONX

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

WESTCHESTER

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

5.2 Resolution No. DATE : Resolution of the Board of Trustees of the Village of Nyack, to Accept the Vacancy Survey/Study Conducted by the Village Administrator, Relating to the Emergency Tenant Protection Act's Declaration of Housing Emergency

WHEREAS, Chapter 5, entitled “Emergency Tenant Protection Act of Nineteen Seventy-Four”, of Title 23, of the Unconsolidated Laws of the State of New York (hereinafter “ETPA”), and §8623(a) therein, empower the Village Board of Trustees (“Village Board”), as the local legislative body of the Village of Nyack (“Village”), to conduct a survey or study to determine, on the basis of the supply of rental housing accommodations within the Village, the condition of such accommodations and the need for regulating and controlling residential rent amounts within the Village, whether or not a declaration of housing emergency may be made as to any class of rental housing accommodations where the vacancy rate for the housing accommodations, in such class, is not in excess of five percent.

WHEREAS, over the past year (or more), the Village Board has regularly, and consistently, heard from Village residents, both during Village Board meetings and, separately and individually, outside of meetings (including on social media), that (i) there has been an increase in unwarranted, and/or excessive, rent amounts; (ii) there is an acute shortage of rental housing accommodations caused by continued high demand and limited supply; (iii) there are a substantial number of persons residing in rental housing, not presently benefitting from (for example) “Section 8” or State subsidies, who are being charged excessive and/or unwarranted rents or rental amount increases; and (iv) there are low to middle income residents, who have lived in the Village for many years, who may need to relocate outside of the Village due to inability to afford higher rental payments.

WHEREAS, in an effort to confirm, or debunk, the aforesaid anecdotal information expressed by residents, which, if confirmed, would prompt the Village Board (i) to explore options for governmental action to inhibit the exaction of unreasonable and oppressive rents, and rental agreements, and (ii) to forestall uncertainty, hardship and dislocation of Village residents, which governmental action the Village Board finds to be necessary and designed to protect the public health, safety and general welfare, the Village Board requested that the Village Administrator conduct a vacancy survey/study of rental housing accommodations in buildings constructed, or substantially rehabilitated as residential units, prior to January 1, 1974, and which contain at least 12 dwelling units or apartments (“vacancy survey/study”), and to report back to the Village Board whether or not the vacancy rate, for this class of rental housing accommodations, is not in excess of five percent.

WHEREAS, the Village Administrator, utilizing his “Nyack Rental Vacancy Survey” questionnaire (“survey questionnaire”) and his explanatory cover letter that was sent with the survey questionnaire, completed the aforesaid vacancy survey/study and has submitted same to the Village Board, and has explained his methodology, procedure and process to the Village Board. The Village Administrator’s vacancy survey/study, and his survey questionnaire and cover letter template, are appended hereto and made a part hereof – the

vacancy survey/study is marked as “NYACK RENTAL VACANCY SURVEY REPORT,” dated February 29, 2024.

WHEREAS, one property, after several phone calls and email reminders, nonetheless did not return the survey by the deadline, the Nyack Housing Authority, and therefore, as per NYS ETPA law, was recorded as having zero vacant units.

WHEREAS, the survey results show a vacancy rate of over 6% for the subject class of buildings, making the Village ineligible for rent regulation under the NYS ETPA, which law requires documentation of a vacancy rate under 5% to qualify for a declaration of a rental housing emergency.

WHEREAS, the Village Board finds that its acceptance of the vacancy survey/study, as constituting information or data collection, and/or conducting of research or a survey, and/or the adoption of procedures in connection with the vacancy survey/study, is a Type II Action, as per §617.5(c)(24) and/or (33) of the Regulations of the State Environmental Quality Review Act (“SEQRA”), which, as a Type II Action, is exempt from, and not subject to, environmental review under SEQRA.

NOW, THEREFORE, based on all the documentation and information before, and testimony heard by, the Village Board, and the findings and determinations made herein;

BE IT RESOLVED that the Village Board hereby accepts the Village Administrator’s vacancy survey/study, appended hereto as “NYACK RENTAL VACANCY SURVEY REPORT,” dated February 29, 2024, and as same may have been amended “by-hand” during the meeting; and

BE IT FURTHER RESOLVED that the Village Board, at this time, is **not** declaring a housing emergency, as contemplated by ETPA §8623(a), which declaration, if any, will be determined, if at all, after the Village Board holds a Public Hearing on this matter.