

2025 City of Kingston Rental Vacancy Survey Findings

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A Look at Kingston’s Proactive Housing Initiatives and Changes Since 2022	3
Statutory Changes	4
Introduction to the 2025 Vacancy Survey	6
City of Kingston’s Ongoing Efforts to Meet Housing Needs using Regulatory and Supply-Side Tools.....	6
Ongoing Challenges.....	7
Trends in Rental Vacancy: Local, Regional, and National Perspectives	8
Methodology	9
Expanded Building Categories	9
Survey Process	11
Sampling Approach for ETPA-Eligible Properties	12
Response Rates	13
Crunching the Numbers: Is Kingston Facing a Housing Emergency?	14
Units covered under ETPA	14
Broader Rental Market Conditions: Differences Between ETPA Buildings and Other Rental Categories	16
Interpreting the 2025 Vacancy Survey Results	17
Conclusion	18
Appendix 1 – Letter And Survey Sent To ETPA Properties	19
Appendix 2 - Letter And Survey Sent to All Rental Categories Other Than ETPA	22
Appendix 3 – Response Tables	24
Regulated Units Category	24
Dubious Units Category.....	24
ETPA Category	24
ETPA Category – Not Sampled	25
Market-Rate Category.....	26

A Look at Kingston's Proactive Housing Initiatives and Changes Since 2022

The City of Kingston's Office of Housing Initiatives leads strategic housing policy for the municipality. The Department's accomplishments over the past three years have been substantial:

- **Led and completed a comprehensive citywide rezoning.** This initiative replaced the City's outdated 1960s-era zoning code with a modern, citywide form-based code designed to promote greater density and mixed-use development. The new code earned both the 2024 Form-Based Code Award from Smart Growth America and the 2024 Charter Award from the Congress for New Urbanism.
- **Implemented and enforced new short-term rental regulations,** limiting short-term rentals to 1% of the City's total housing units to help protect long-term housing availability. Over 96% of active listings are in full compliance with these regulations.
- **Conducted a strategic review of City-owned properties** to identify parcels suitable for housing development. As a result, Baxter Development recently received site plan approval to construct 70 residential units at 615 Broadway—one of the identified sites.
- **Became the first upstate community to opt into the Housing Stability and Tenant Protection Act of 2019 (HSTPA)** based on a 2022 rental vacancy survey. The methodology findings of the survey, and subsequent emergency declaration were upheld at three judicial levels, including the New York Court of Appeals.
- **Pioneered innovative mixed-income housing models.** In 2025, the City announced plans to create a nonprofit organization to implement a public mixed-income development model, inspired by successful programs in Montgomery County, Maryland, and other jurisdictions.
- **Initiated Kingston's first eminent domain proceedings in modern history.** In 2024, the City initiated eminent domain proceedings to reclaim 3.5 acres of vacant land that were part of federal urban renewal efforts in the 1960s. Using the Walkable Neighborhood Plan provisions that are part of the form-based zoning, the property could accommodate new commercial spaces and 200 new housing units.
- **Engaged actively in broader housing policy conversations.** The Office is a participant in Ulster County's Housing Smart Communities Initiative, the Ulster County Continuum of Care, and recently joined a learning network for small and mid-sized cities convened by the NYU Furman Center's Housing Solutions Lab and Enterprise Community Partners.

As the Department and the City of Kingston continue their housing work, this analysis is intended to inform future housing policy decisions. It is essential to maintain a clear and holistic understanding of rental vacancy rates across various housing types—including those exempt from HSTPA coverage—to ensure that policy decisions reflect on-the-ground conditions of rental availability.

Statutory Changes

The survey methodology described herein accounts for significant developments in the statutory framework and decisional law that post-date Kingston’s last vacancy study, published in June 2022. As a starting point, the HSTPA was amended multiple times to facilitate municipal data-collection efforts. The current version of the statute, New York Uncon. L. § 8623 (Local determination of emergency; end of emergency), states the following:

- d. When requested by a municipality or a designee, as a part of a study to determine its vacancy rate, owners, or their agent, of housing accommodations in the class of housing accommodations determined, shall provide the most recent records of rent rolls and, if available, records for the preceding thirty-six months. Such records shall include the tenant's relevant information relating to finding the vacancy rate of such municipality 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 at the time of the survey and available for rent. Such records shall also include any housing accommodations that are vacant and not available for rent and provide the reason why such unit is not available for rent.
- e. A municipality may impose a civil penalty or fee of up to five hundred dollars on an owner or their agent if the owner or their agent refuses to participate in such vacancy survey and cooperate with the municipality or a designee in such vacancy survey, or submits knowingly and intentionally false vacancy information.
- f. A nonrespondent owner shall be deemed to have zero vacancies.
- g. Identifying data or information shall be kept confidential and shall not be shared, traded, given, or sold to any other entity for any purpose outside of such vacancy study.

Moreover, the City’s successful defense of its 2022 emergency declaration culminated in a Court of Appeals decision. *See Hudson Valley Property Owners Association Inc. v. City of Kingston*, 2025 N.Y. Slip Op. 03691, 2025 WL 1698151, at *4 (June 18, 2025). There the court held that parties challenging housing emergency declarations bear the burden of establishing that a municipal “vacancy rate finding” fails to “rest[] [on] a reasonably reliable and relevant measure of

the municipality’s actual vacancy rate for the relevant class of housing accommodations.” The Court of Appeals added that “the support for a municipality’s emergency declaration need not be unimpeachable.” *Id.* Likewise, “[t]he mere fact that the data underlying an emergency declaration could be more thorough or comprehensive should not suffice, standing alone, to invalidate a declaration.” *Id.* Rather, courts should uphold a declaration if, when challenged, a municipality can “explain why a survey was reasonably likely to yield reliable and relevant results” and show that the factfinders did “not ignore obvious flaws in survey design that would distort the results.” *Id.*

The City also carefully evaluated decisions rendered in other cases challenging local housing emergency determinations. In *Hudson Shore Associates Limited Partnership v. N.Y.*, 139 F.4th 99, 110 (2d Cir. 2025), for example, the Second Circuit clarified how property owners may contest rent roll demands and other survey-related procedures under New York Law. Furthermore, recent trial court rulings informed the City’s decisions to pinpoint a discrete “as-of” date for assessing vacancies. Those decisions highlighted the potential for inadvertent survey inaccuracies if vacancies are assessed as-of the date of each owner’s survey response, rather than at a fixed point in time. *See Corlies Manor Realty v. City of Poughkeepsie*, Index No.2024-53504 (Sup. Ct. Dutchess County Nov. 24, 2024); *Chadwick Gardens Assoc., LLC v. City of Newburgh*, 82 Misc.3d 1234(A) (Sup. Ct. Orange County Apr. 19, 2024) (responses from survey data).

The City, while confident that its 2022 results reasonably reflected the then-existing availability of housing accommodations, also recognizes arguments raised by small and medium-sized property owners in the Court of Appeals and in other rent stabilization disputes. Consequently, this iteration of the vacancy study reflects a true *survey* of those properties that could offer a reasonably representative sample of those housing accommodations while allowing the City to enhance its follow up with the surveyed property owners in the small- and medium-sized property categories. *See, e.g., 74 Pinehurst LLC v. N.Y.*, 2024 WL 674658, at *1 (U.S. 2024) (denying certiorari petition filed by “owners of small and midsize apartment buildings who challenge New York City’s rent stabilization laws”); *Hudson Valley Prop. Owners Assn. Inc. v. City of Kingston*, 231 N.Y.S.3d 828 (Apr. 10, 2025) (granting Small Property Owners of New York’s motion for leave to filed amicus brief on behalf of members who own, on average, “11 housing units” and “are typically family-owned businesses”).

Introduction to the 2025 Vacancy Survey

Between April and June 2025, the City of Kingston conducted a housing vacancy analysis to reevaluate current conditions in the local rental housing market. This analysis offers a snapshot of rental unit availability across various housing types pursuant to Resolution 228 of 2022, whereby the “Common Council deemed it appropriate to periodically reevaluate whether a public emergency continues to exist requiring a continuing need for the Emergency Tenant Protection Act...” Under the HSTPA, a locality may declare a housing emergency when the vacancy rate for any class or classes of rental housing accommodation does not exceed 5 percent.¹

The survey and this subsequent analysis were performed exclusively by the City’s Office of Housing Initiatives.

City of Kingston’s Ongoing Efforts to Meet Housing Needs using Regulatory and Supply-Side Tools

Since the last vacancy surveys in 2019 and 2022, the housing policy landscape in Kingston has continued to evolve. As a result of the 2022 study, the Common Council declared a housing emergency in August 2022, thereby opting into HSTPA for approximately 1,200 units.²

In August 2023, the City adopted a new form-based zoning ordinance that, among other changes, aimed to make it much easier to develop new housing units across the city. In passing the new zoning code, the Common Council acknowledged “the need to permit additional housing throughout the City, as additional multifamily housing will improve housing affordability and accessibility [and] increase housing choice to support a range of income level and age groups...”³

In July 2024, the City exercised authority delegated under Real Property Law Article 6A to opt into Good Cause Eviction, which outlines new defenses tenants can use to prevent an eviction without “good cause.” Generally, this law means that Kingston renters living in housing accommodations that fall under the law have the right to continue living in their homes “except upon order of a court...in which the petitioner has established one of the [defined] grounds as good cause for removal or eviction.”

¹ <https://www.nysenate.gov/legislation/laws/ETP/3>

² Since the 2022 study, the New York Division of Housing and Community Renewal has made a series of administrative determinations to exclude a portion of these units from coverage under the ETPA, meaning that the portion of the city’s rental units covered by ETPA is now under 20%.

³ Resolution 138 of 2023, see: https://kingston-ny.gov/filestorage/8399/10476/11808/14649/55272/60092/Resolution_138_of_2023.pdf

As of June 2025, based on a review of permitting and planning approval data, the City has over 600 units of housing in its pipeline, representing projects that have been proposed, have been approved or permitted, or that are under active construction. **This is the most housing under construction since the 1970s.**⁴ If completed and occupied, these new units — particularly those designated as affordable or mixed-income — could help ease pressure on the most constrained parts of Kingston’s rental market.

The 2023 zoning ordinance also capped the number of short-term rentals in the city at 1% of the city’s overall housing stock. The Common Council has taken other steps to encourage new housing development, including being the first legislative body in New York State to opt into the 421-P tax incentive for new mixed-income housing.⁵

These local efforts are complemented by broader initiatives at the County and State levels. Ulster County launched the Housing Action Fund in 2024 to support the construction, revitalization, and preservation of affordable and workforce housing. The County also initiated the Housing Smart Communities Initiative, of which Kingston is a member, to help municipalities meet their housing needs.

At the state level, New York introduced the Pro-Housing Communities Program to support and incentivize municipalities actively addressing the housing crisis. Kingston received Pro-Housing certification in March 2024. In addition, new state funding streams such as the Mid-Hudson Momentum Fund have helped spur residential development within the City.

Ongoing Challenges

Despite this progress, key indicators suggest that these efforts have not yet substantially altered the availability of housing units and therefore the affordability trajectory of the local housing market. Rental and home prices remain high, and there is mixed evidence as to whether vacancy rates have improved meaningfully since the 2022 study. Several barriers to construction persist, including high interest rates, elevated construction costs, and broader economic uncertainty—all of which may be slowing the pace of new development.

Kingston remains a majority renter-city: 52% of households are renters, 48% are homeowners. Of these renters, over fifty percent of renters in the Kingston metropolitan area are cost-burdened (paying over 30% of their income for housing), with over thirty percent severely cost-burdened

⁴ See analysis by HR&A for the Kingston Housing Task Force, <https://engagekingston.com/housing-task-force-outreach-campaign>

⁵ Local Law 7 of 2024, see: https://kingston-ny.gov/filestorage/8399/10476/11808/36541/67247/Local_Law_7_of_2024_%282%29.pdf

(paying over 50% of their income for housing costs).⁶ The affordable housing shortage is particularly acute for those households that earn under \$75,000 annually.⁷

In Ulster County, median home values have tripled since 2016, increasing from \$119,800 to \$421,800.⁸ Median rents have also increased significantly in that same time period, rising from \$1,100 to \$2,000.⁹

Despite the current pipeline of new housing units, Kingston's housing stock remains one of the oldest in New York State. Fewer than 5% of homes have been built after 2000, and 54% of homes were built before the 1940s.¹⁰ These older homes often require more maintenance, pose accessibility challenges, and may contain environmental hazards such as lead paint. Indeed, nearly two-thirds of renters live in smaller multifamily buildings with under 9 units, many of which were constructed before 1940.¹¹

The Ulster County Continuum of Care annually performs a Point-in-Time Count of sheltered and unsheltered persons experiencing homelessness. In 2025, the PIT found a total of 566 sheltered persons and 45 unsheltered persons, an increase compared to 409 sheltered persons and 39 unsheltered persons in 2022.¹²

Trends in Rental Vacancy: Local, Regional, and National Perspectives

In 2019, a previous pre-COVID Kingston study of units that qualify under the ETPA found a vacancy rate of 5.8%. In 2022, in the midst of significant changes in the City's rental market after the COVID-19 pandemic, a vacancy study found the vacancy rate had decreased to 1.57%. This decline suggested a tightened supply, which likely contributed to rising rents and affordability pressures.

The most recent published vacancy survey performed by Ulster County in 2023 found a County-wide vacancy rate of 3.1%, and a citywide vacancy rate of 3.4%.¹³ However, the utility of this data is limited because the sample size is only 88 units for the City of Kingston.¹⁴

⁶ [Harvard Joint Center for Housing Studies](#) tabulations of US Census Bureau, American Community Survey 1-Year Estimates using the Missouri Data Center MABLE/Geocorr 2023.

⁷ See analysis by HR&A for the Kingston Housing Task Force, <https://engagekingston.com/housing-task-force-outreach-campaign>

⁸ Zillow Home Value Index, Ulster County

⁹ Zillow Observed Rent Index, Ulster County

¹⁰ American Community Survey, U.S. Census Bureau, City of Kingston

¹¹ See analysis by HR&A for the Kingston Housing Task Force, <https://engagekingston.com/housing-task-force-outreach-campaign>

¹² See https://caresny.org/continuum-of-care/reports/#608_UCCoC

¹³ See https://ulstercountyny.gov/sites/default/files/documents/planning/2023_Rental_Survey_Report.pdf. However, the sample size is only 88 units for the City of Kingston.

¹⁴ https://ulstercountyny.gov/sites/default/files/documents/planning/2019_Rental-Housing-Survey-Report.pdf

To the south, the 2023 New York City Housing and Vacancy Survey found that New York City’s vacancy rate dropped to 1.4%, a historic low.¹⁵ In 2021, the same survey found a vacancy rate of 4.54%. Given that Kingston is part of a broader regional housing market, lower vacancy rates in downstate areas are likely to drive some renters—unable to find suitable accommodations—to seek alternative options in regions like the Hudson Valley. This, in turn, will increase competition for available housing units in those areas, potentially placing additional pressure on local vacancy rates and affordability.

As of Q1 2025, the U.S. Census Bureau estimates that the rental vacancy rate in the United States is 7.1%.¹⁶ At 5.6%, this benchmark was also near historic lows in Q2 2022, around the time the 2022 study in Kingston was reported. A similar pattern can be observed in estimates for New York as a whole, with the rental vacancy rate bottoming out at 4.3% in 2022, rising to 5.5% in 2024.¹⁷

Methodology

The 2025 housing vacancy study largely follows the approach used in the 2019 and 2022 studies, with several important updates. These methodological changes reflect the City’s commitment to learning from past efforts, enhancing data quality, and ensuring the results are more actionable and relevant for policy development.

Similar to the 2019 and 2022 studies, the methodology for 2025 uses the U.S. Census Bureau’s definition to estimate the rental vacancy rate: the percentage of apartments that are vacant, habitable and available for rent out of the total number of apartments in the class being studied. Units that are vacant but not available to rent are not counted as vacant. Typically, such units are not available to rent because they are under renovation. The percentage of vacant units that are readily available for rent out of all rental units is called the net vacancy rate.

Expanded Building Categories

Unlike previous years, the 2025 study categorized properties into five distinct classes of rental buildings (see Figure 1). The City calculated a net vacancy rate for each class, based on survey responses from property owners:

Table 1 - Description of 2025 Building Categories

Category of Buildings Surveyed	Description
ETPA - sampled	Buildings with six or more units built before 1974 (i.e., eligible for ETPA rent stabilization) that were selected for the City's

¹⁵ <https://www.nyc.gov/site/hpd/news/007-24/new-york-city-s-vacancy-rate-reaches-historic-low-1-4-percent-demanding-urgent-action-new#/0>

¹⁶ <https://fred.stlouisfed.org/series/RRVRUSQ156N>

¹⁷ <https://fred.stlouisfed.org/series/NYRVAC>

	survey sample. Survey request letters were mailed on May 1, 2025.
ETPA – not sampled	ETPA-eligible buildings (built before 1974, six or more units) that were not part of the official sample. Some of these owners submitted responses voluntarily, which are summarized separately for informational purposes.
ETPA – dubious status	Buildings built before 1974 with six or more units that have pending exemption applications with the New York State Division of Housing and Community Renewal. This survey does not determine ETPA eligibility, but reports their net vacancy rate separately due to the uncertainty of their legal status.
Regulated	Buildings with six or more units where rental costs are subsidized by state or federal programs. These units have tenant eligibility requirements, such as income or age. This study does not claim to include all regulated housing units in Kingston but presents vacancy data for informational purposes.
Market Rate	Non-subsidized buildings with six or more units and no tenant eligibility restrictions. As with regulated units, this study does not include all such buildings in Kingston, but calculates an informational net vacancy rate.

These broader survey categories will assist the City of Kingston and the Common Council to have a more comprehensive understanding of housing market conditions for current and future residents at all income levels. These expanded categories align with § 862, which states that any determination of the existence of public emergency “requiring the regulation of residential rents” shall be made “on the basis of the supply of housing accommodations [and] the condition of such accommodations.”

However, the results for the Dubious, Regulated, and Market-Rate categories represent only a snapshot in time for the sampled buildings. Unlike the ETPA category, they may not be statistically representative of the broader population of units in their respective categories and were sent different survey requests than those sent to ETPA buildings.¹⁸

¹⁸ When putting all responses together from all building categories, the total net vacancy rate is 4.55%. But due to the reasons presented here, this survey presents results from each building category.

Survey Process

For ETPA properties, the City sent out a survey request letter via USPS certified mail on May 1, 2025 requesting responses by May 15, 2025. The City confirmed that letters were received by owners by cross-checking USPS Certified mail tracking information. The City followed up with non-respondents via phone or email to ensure data collection and clarify submitted responses when necessary.

The survey asked owners or managers to report the following as of March 27, 2025:

- Total number of units
- Number of occupied units
- Number of unoccupied units
- Number of unoccupied but unavailable units (due to renovations, safety issues, etc.)

The March 27 date was selected for the survey to help minimize the impact of seasonal fluctuations in vacancies. Evidence indicates that on average vacancy rates tend to fluctuate in warmer months, due to increased demand from renters who prefer to move during warmer weather and/or from seasonal workers seeking housing. In contrast, the winter and early spring months typically reflect more stable housing market conditions.¹⁹

The survey also asked for other property information, including if any of the tenants in the occupied units were voucher holders or if they have recently performed major renovation or construction work.

Unlike the 2019 and 2022 studies, the survey requested that responders include rental rolls for the previous 12 months showing for each month, at minimum, unit identifiers, the name of the tenant occupying each unit, and the monthly cost of that unit for May 2024 through April 2025. The purpose of requesting rent roll information was to have insight into rental trends for buildings within the ETPA sample. For example, if a unit was vacated in October 2024 and remained unoccupied by March 2025, this would indicate that the vacancy reflects a generally slower rental market rather than a vacancy caused by a tenant moving out just before the survey. Rent roll information was also used to verify survey responses that property owners submitted, i.e., if a vacancy is reported in an owner's survey, that vacancy should be reflected in the rent rolls submitted.

The survey stated that responses could be given via phone, mail, email, or via an online portal. The survey also stated that owners could also provide a response or ask questions about the survey by attending a survey session for owners at City Hall on May 14.

¹⁹ See, for example: <https://www2.census.gov/library/publications/2010/demo/p70-122.pdf>

Finally, owners were notified that the City is authorized to impose civil penalties if an owner chooses to not cooperate with the municipality or submits knowingly false information in a survey response. If an owner does not provide occupancy information, the survey stated that the City will assume there are no vacancies in the building.

For regulated and market-rate categories, the City used a streamlined version of the ETPA survey, distributed via mail or email, depending on available contact information. These surveys requested basic occupancy information only and did not require rental rolls. Follow-ups were conducted via phone or email when necessary.

Sampling Approach for ETPA-Eligible Properties

Unlike the City's 2019 and 2022 surveys—which attempted to gather responses from all eligible buildings—the 2025 survey used a targeted sampling approach to calculate the net vacancy rate for properties eligible under the ETPA. This change was made in response to challenges in obtaining full participation from property owners in previous years. By focusing on a smaller, representative sample, the City was able to concentrate its outreach and improve data quality.

This sample was determined via the following process:

- All buildings with 15 or more units were automatically included in the sample, comprising 9 buildings with 352 units. These buildings were prioritized because they represent the majority of units covered by ETPA.
- For buildings with 14 or fewer units, a random sample was generated using an online tool that randomly selected 25 addresses from the complete list of ETPA buildings in this category. These 25 randomly selected buildings represent 194 units, out of the total sample of 42 buildings with 329 units. The threshold of 14 or fewer units was determined based on the City's experience with the 2022 survey, in expectation that more time-intensive follow-up would be needed to receive responses from smaller building owners.

This means that in total, 546 out of a total of 681, or 80%, of ETPA units were sampled.²⁰ This exceeds the “common sense” sample described in the well-settled case of *Spring Valley Gardens Associates et al. v. Marrero et al* in which the village received responses from 69.8% of relevant complexes.

²⁰ This sample is broadly representative of the larger population size of ETPA buildings. This sample would equate to an approximately plus/minus 2% margin of error. For example, if the sample vacancy rate was 3%, we could be 95% confident that the actual vacancy rate is between 1-5%.

²¹ Also note that 7 buildings representing 63 units that were outside the City's sample nonetheless submitted survey responses.

Table 2 - explanation of sampling approach for ETPA eligible buildings

Category	Number of Buildings	Number of Units
Buildings with 15+ Units	9 (automatically included)	352
Buildings with 14 or less units	25 (random sample)	194 units
	Total Sample	546 units (80% of all ETPA-Eligible units)

Note that 74 rental units at 90 Fairview were not originally part of the ETPA sample, but later moved into this category due to an Administrative Determination by New York State sent to the City of Kingston. These units are reflected in the net vacancy results for ETPA covered buildings.

Response Rates

The City received survey responses from 100% of all buildings that were part of this survey's sample for regulated buildings, 100% of all buildings that were part of this survey's sample for ETPA buildings, and 75% of all market-rate buildings that were part of this survey's sample.

Appendix 3 indicates whether the City received 12-month rent rolls for the ETPA building sample included in the survey. In some instances, only a single month's rent roll was submitted; however, a full 12-month roll would not have provided additional insight, as the building reported no vacancies. Ultimately, only one surveyed owner failed to provide a complete rent roll *and* did not respond to subsequent requests for information.

Crunching the Numbers: Is Kingston Facing a Housing Emergency?

Units covered under ETPA

Table 3 lists the net vacancy rate for buildings covered under the ETPA based on 2025 survey data. Housing accommodations eligible for coverage under ETPA include:

- Those containing six or more dwelling units;
- Those completed on or after January 1, 1974;

Housing accommodations ineligible for coverage under ETPA include:

- Those converted to residential use after 1974 or those substantially rehabilitated as residential units on or after January 1, 1974;
- Those subject to rent regulation through a New York State or federal affordable housing program;
- Those operating for charitable or educational purposes.

A total of 35 properties were included in the sample group. For their 625 units, 44 were vacant. Applying the U.S. Census Bureau's methodology, this results in a net vacancy rate of 7.04%.

In addition to the sampled properties, 7 non-sampled ETPA buildings voluntarily submitted survey responses. These buildings represent an additional 63 units, of which 10 were reported vacant, yielding a net vacancy rate of 15.87% for this group.

While the non-sampled group was not part of the random sample, the data is included for informational purposes.

Table 3 - Vacancy Rate Calculation Table for ETPA Properties

Study Category	ETPA Properties (Sampled)	ETPA Properties (Not Sampled)
Properties Included in Study Group	35	7
Units Included in Study Group	625	63
Units Report Vacant and Available to Rent	44	10
Units Reported Unoccupied but not Available to Rent	9	3
Net Vacancy Rate (Vacant Units Available to Rent/Total Reported Units)	7.04%	15.87%

Table 4 presents net vacancy rates for sampled ETPA-covered buildings, categorized by building size:

- Buildings with 6 to 14 units: Net vacancy rate of 7.91%
- Buildings with 15 to 22 units: Net vacancy rate of 14.29%
- Buildings with more than 22 units: Net vacancy rate of 3.73%

These findings suggest that larger ETPA buildings (over 22 units) have a significantly lower vacancy rate, falling below the 5% threshold for declaring a housing emergency under the ETPA. In contrast, smaller and mid-sized buildings show notably higher vacancy rates, contributing to the overall net vacancy rate exceeding the emergency threshold.

Table 4 - Vacancy Rate Calculation Table for ETPA Properties by Size

	ETPA Properties (6-14 units)	ETPA Properties (15- 22)	ETPA Properties (over 22 units)
Properties Included in Study Group	24	7	4
Units Included in Study Group	177	126	322
Units Report Vacant and Available to Rent	14	18	12
Units Reported Unoccupied but not Available to Rent	8	1	0
Net Vacancy Rate (Vacant Units Available to Rent/Total Reported Units)	7.91%	14.29%	3.73%

Broader Rental Market Conditions: Differences Between ETPA Buildings and Other Rental Categories

As outlined in the survey methodology, this study also aimed to assess broader rental market conditions beyond the ETPA-covered properties. Net vacancy rates were calculated for three additional categories: Dubious, Regulated, and Market-Rate properties.²²

- **Dubious Category:** This group includes 2 properties with a total of 272 units (a 6-unit property and a 266-unit property).²³ Of these, 11 units were vacant, resulting in a net vacancy rate of 4.04%. These properties have an uncertain ETPA status due to pending exemption determinations and are included here for informational purposes.
- **Regulated Category:** Comprising 8 properties and 759 units, this category had 18 vacant units, yielding a net vacancy rate of 2.37%. These units are subsidized and typically serve low-income or special-needs populations.
- **Market-Rate Category:** Also consisting of 8 properties, this group includes 192 units, of which 4 were vacant, leading to a net vacancy rate of 2.08%.

Table 5 - Vacancy Rate Calculation Table for Properties with Unclear ETPA Status, Regulated Properties, and Market-Rate Properties

Study Category	Dubious	Regulated	Market-Rate
Properties Included in Study Group	2	8	8
Units Included in Study Group	272	759	192
Units Report Vacant and Available to Rent	11	18	4
Units Reported Unoccupied but not Available to Rent	0	33	0
Net Vacancy Rate (Vacant Units Available to Rent/Total Reported Units)	4.04%	2.37%	2.08%

²² Another way to view the survey results would be to calculate the net vacancy rate for all units across all categories. Using this method, out of 1,911 units 87 were reported vacant, resulting in a net vacancy rate of 4.55%. However, as started in the Methodology, apart from the ETPA sample, this survey does not claim that the results of each other category are broadly representative of their respective population of units. Further, the dubious, regulated, and market-rate categories received different survey instruments than those in the ETPA sample.

²³ The 266-unit property is the property known as Stony Run. Located at 305 and 389-429 Hurley, Stony Run received an administration determination from the Division of Homes and Community Renewal on July 19, 2025 stating that the property remains covered under HSTPA irrespective of the City's regulatory agreement with the property. In anticipation of a likely challenge to the determination, this survey keeps the property within the "dubious category." Even if the results for Stony Run are included within the calculations for net vacancy rate for covered properties, the net vacancy rate is still in excess of 5 percent.

Interpreting the 2025 Vacancy Survey Results

The 2025 survey found that the net vacancy rate for sampled ETPA properties is 7.04%, exceeding the 5% threshold established under the Emergency Tenant Protection Act (ETPA) for declaring a housing emergency.

The rate of 7.04% found in the survey represents a return to levels observed in 2019, when the vacancy rate was 5.8%.²⁴ This suggests that the 2022 rate of 1.57% may have been an anomaly, likely influenced by the unique conditions of the COVID-19 rental market. During that time, demand shifts and population movements may have dramatically, albeit temporarily, reduced vacancies in ETPA-eligible buildings.

It is important to note that the composition of the sampled properties has evolved over time. Some buildings included in the 2019 and 2022 surveys were subsequently determined to be exempt from ETPA coverage by the New York State Division of Housing and Community Renewal. These exemptions applied to buildings initially classified as eligible—such as those with six or more units built before 1974—but later found not to meet all regulatory criteria. As such, direct comparisons between years should be interpreted cautiously, recognizing the sample is not static.

Table 6 - Comparison of net vacancy rates for ETPA covered buildings 2019-2025

2019 net vacancy rate	6.7% (5.8% if no vacancy presumption applied for unresponsive units)
2022 net vacancy rate	1.57%
2025 net vacancy rate	7.04%

While the overall net vacancy rate for sampled ETPA properties exceeds the emergency threshold, vacancy rates vary considerably by building size. Notably, buildings with more than 22 units recorded a net vacancy rate below the emergency benchmark, as detailed in Table 4.

The vacancy rate for ETPA buildings whose owners voluntarily submitted data—despite not being part of the survey sample—is significantly higher than that of the sampled buildings (15.87% versus 7.04%, respectively). This suggests that even if the survey had included all ETPA buildings, the overall vacancy rate would still likely exceed the threshold required to declare a housing emergency. However, it is also plausible that owners with higher vacancy rates were more motivated to participate, hoping to have their data included in the results. Conversely, owners of non-sampled buildings with little or no vacancy may have been less inclined to

²⁴ The 2019 survey also calculated secondary vacancy rate in which they applied a “no vacancy” presumption to units whose owners did not respond to the survey. If these units were counted as occupied, the net vacancy rate would be 5.8%. Without this presumption, the vacancy rate was calculated at 6.7%.

voluntarily share vacancy data. As a result, if the entire population had been surveyed, the vacancy rate for this group of ETPA buildings would likely be closer to the 7.04% observed in the sample.

In comparison, net vacancy rates for other rental categories are significantly lower than those for ETPA-covered properties. This study does not attempt to pinpoint the causes of these differences; however, several factors likely contribute:

- Regulated housing units typically experience greater demand due to rental subsidies that lower tenant costs, resulting in consistently low vacancy rates.
- Market-rate units in the sample tend to be newer and offer more modern amenities and better conditions, making them more attractive to incoming renters relative to older ETPA properties with different maintenance requirements and/or layout configurations. This may explain their relatively low vacancy levels.

Conclusion

The City's survey finds that the net vacancy rate for ETPA-covered properties exceeds the threshold required to declare a municipality-wide housing emergency—with the exception of buildings containing more than 22 units. In these larger buildings, the net vacancy rate is below the 5% threshold required to declare a housing emergency.

Otherwise, data from other rental property categories with six or more units further indicate that Kingston's rental market continues to face high demand with relatively few available units during the survey period.

Appendix 1 – Letter And Survey Sent To ETPA Properties

May 1, 2025

<Property owner name>

<Property owner address>

Owner of: <address>

Dear Property Owner,

According to our records, you are the owner of a building built before 1974 with six or more units. The City of Kingston is reaching out to you for assistance in a survey on the supply of housing accommodations within the City. The results of the survey will help the City measure current rental market conditions, improve existing housing policy, evaluate the conditions of such accommodations, and assess the need for regulating and controlling residential rents.

You can respond by mail, phone (845-334-3928), email (housing@kingston-ny.gov) or online at engagekingston.com/rental-survey2025. You may also provide your vacancy rental data by attending an owner's session on May 14, 2025 from 11:30-1:00pm in Conference Room 1, City Hall, 420 Broadway. During this session, you may also provide other relevant testimony on housing conditions in the City of Kingston.

To complete the survey, attach a recent rent roll listing each unit and the amount charged for each occupied housing unit. If available, provide these records for the preceding 12 months.

The deadline to respond is no later than May 15, 2025.

Under §8623, a copy of which is included in this communication, the City is authorized to impose a civil penalty or fee of up to \$500 on an owner or their agent if the owner or their agent refuses to participate in such vacancy survey and cooperate with the municipality in such vacancy survey, or submits knowingly and intentionally false vacancy information. The City reserves the right to verify any rental information provided. If you do not respond to our requests for occupancy data, we will assume that there are no vacancies in your building.

If you have questions or are unable to fulfill this request by the May 15th deadline, please contact me before the May 15th deadline at (845) 334-3928 or housing@kingston-ny.gov.



Bartek Starodaj, Director, Office of Housing Initiatives, City of Kingston

Kingston Rental Vacancy Survey

Read each question carefully before answering. Please note that this survey is asking for vacancy information as of **March 27, 2025**.

1.) Please provide the address of the property that was listed in your letter from the City of Kingston for which you are providing vacancy data. _____

2.) Are you the current owner of this property or a representative of the owner? ☐ Yes ☐ No

3.) How many rental units are there in your property? _____

4.) As of March 27, how many units were occupied? _____

5.) As of March 27, how many units were not occupied? _____

6.) Were any of the unoccupied units you listed above off the market or unavailable to rent?

☐ Yes ☐ No

7.) If you answered “Yes” to Question #6, how many were off the market and why? (e.g. undergoing renovation, uninhabitable, a tenant was moving in at a later date)

8.) Are any of your tenants voucher holders? (e.g., housing choice/Section 8, EESHI). If so, how many and which type of voucher?

9.) In the past 12 months, have you performed any major renovation or construction work for which a permit is required? If so, please describe.

10.) In the past 12 months, have you commenced any eviction proceedings?

<survey page 1 of 2>

<continued on the next page>

11.) Please provide a phone number and / or email address where we can reach you to verify the information you have provided. _____

12.) Name of individual completing this survey:

_____ (PRINT)

_____ (SIGN)

13. To complete this survey, attach a copy of your rent roll for this property for the preceding 12 months.

Return this survey no later than May 15th to:

Bartek Starodaj, Housing Initiatives, City of Kingston
420 Broadway
Kingston, NY 12401

Housing@kingston-ny.gov

Appendix 2 - Letter And Survey Sent to All Rental Categories Other Than ETPA

<date>

<property owner name>

<property owner address>

Manager of: <address>

Dear Property Owner,

According to our records, you are the owner of the above property.

The City of Kingston is reaching out to you for assistance in a survey on the supply of housing accommodations within the City. The results of the survey will help the City measure current rental market conditions and improve existing housing policy.

You can respond by mail, phone (845-334-3928), or email (housing@kingston-ny.gov). Please provide a response no later than May 30, 2025.

If you have questions or are unable to fulfill this request by the May 30th deadline, please contact me by the May 30th deadline (845) 334-3928 or housing@kingston-ny.gov.

I appreciate your cooperation and look forward to your response.

A handwritten signature in black ink, appearing to read "Bartek Starodaj". The signature is fluid and cursive, with the first name "Bartek" and last name "Starodaj" clearly distinguishable.

Bartek Starodaj

Director, Office of Housing Initiatives, City of Kingston

Kingston Rental Vacancy Survey

Read each question carefully before answering. Please note that this survey is asking for vacancy information as of **March 27, 2025**.

- 1.) Please provide the address of the property that was listed in your letter from the City of Kingston for which you are providing vacancy data. _____
- 2.) Are you the current owner of this property or a representative of the owner? ☐ Yes ☐ No
- 3.) How many rental units are there in your property? _____
- 4.) As of March 27, how many units were occupied? _____
- 5.) As of March 27, how many units were not occupied? _____
- 6.) Were any of the unoccupied units you listed above off the market or unavailable to rent?
☐ Yes ☐ No
- 7.) If you answered “Yes” to Question #6, how many were off the market and why? (e.g. undergoing renovation, uninhabitable, a tenant was moving in at a later date)
- 8.) Please provide a phone number and / or email address where we can reach you to verify the information you have provided. _____

9.) Name of individual completing this survey:

_____ (PRINT)

_____ (SIGN)

Return this survey no later than May 30th to:

Bartek Starodaj, Housing Initiatives, City of Kingston
420 Broadway
Kingston, NY 12401

Housing@kingston-ny.gov

Appendix 3 – Response Tables

Regulated Units Category

Property Address	Total Units Reported	Total Units Unavailable	Total Units Vacant
300-310 Flatbush Ave	66	0	2
20 Cedar St	58	0	0
195 Albany Ave	60	6	0
1-143 Sheehan Court	120	0	6
132 Rondout Gardens	131	25	0
202 Flatbush Ave	98	2	0
3 Garraghan	122	0	2
295 Broadway	104	0	8

Dubious Units Category

Property Address	Total Units Reported	Total Units Unavailable	Total Units Vacant
305 and 389-429 Hurley	266	0	11
672 Broadway	6	0	0

ETPA Category

Property Address	12-month rent roll submitted as requested?	Total Units Reported	Total Units Unavailable	Total Units Vacant
184 Hurley	Rent Roll as of March 2025	8	0	0
90 Fairview	Yes	74	0	1
578 Broadway	Yes	6	0	0
55 Cedar	Yes	6	0	0
17-19 Downs	Yes	6	0	1
177 Fair	Yes	6	0	1
106 Maiden	Yes	6	0	1
18 Pearl	Yes	6	0	1
86-90 Pine	Yes	6	0	1
7 Russell	Yes	6	0	0
130 St James	Yes	6	0	2
84 Wilbur	Rent roll as of March 2025	7	0	1

22 Stuyvesant	Yes	8	0	0
55-57 Green	Yes	8	0	1
52 Maiden	Yes	8	0	0
87 Green	Rent roll as of March 2025, owner followed up with additional details upon request	8	0	1
203 Fair	Rent roll as of March 2025	8	0	1
277 Albany	Yes	9	0	1
121 Green	Rent roll as of March 2025	11	0	1
1 Broadway	Yes	14	0	1
137 St James	Rent roll as of March 2025, owner followed up with additional details upon request	15	1	2
231 Albany	Yes	15	0	1
753-755 Broadway	Yes	16	0	2
58 St James	Yes, owner followed up with additional details to explain vacancies	17	0	4
124 Lucas	Yes	20	0	2
620 Broadway	Submitted as of March 2025	21	0	0
79-83 Green	No, Submitted only a roll as of March 2025 and owner did not agree to submit further rental history or detailed information upon request	22	0	7
1 Millers	Yes	49	0	1
166 W. Chestnut	Yes	59	0	1
500 Washington	Yes	140	0	9
22-24 Maiden	No, but 0 vacancies reported	7	0	0
131 Albany	No, but 0 vacancies reported	7	0	0
53 Garden	Yes	6	0	0
2 John	Submitted as of March 2025	6	0	0
58 Fair	N/A (vacant)	8	8	0

ETPA Category – Not Sampled

Property Address	Total Units Reported	Total Units Unavailable	Total Units Vacant
82 Fair	7	1	0

95 Green	14	0	2
127 Murray	6	0	2
18-24 East St James	10	2	2
208 Albany	10	0	1
91-97 Main	7	0	1
31 Green	9	0	2

Market-Rate Category

Property Address	Total Units Reported	Total Units Unavailable	Total Units Vacant
1-34 Hudson Valley Lndg	67	0	4
9 Prince	6	0	0
49 Greenkill	6	0	0
101 Greenkill	7	0	0
84 Fairmont	74	0	0
163 Hurley	32	0	0
400 Foxhall	No response given		
339-347 E Chester St	No response given		