

WRITTEN TESTIMONY OF TONY LINDSAY

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Submitted to the New York City Council
Committee on Housing & Buildings
November 2025

My name is Tony Lindsay, President of New York Homeowners Alliance Corp. and the author of Intro 948 / 948-A. This written testimony supplements my oral remarks from the November 20 hearing, where I was allotted only 90 seconds to respond to well over an hour of falsehoods, contradictions, and misrepresentations presented in opposition.

Intro 948-A is a narrow, targeted correction to the misclassification of primary-residence homeowners in one- and two-family private dwellings—a population devastated by the unintended consequences of Local Law 18. It does **not** deregulate the short-term rental market. It does **not** legalize commercial operators. It does **not** impact tenants in regulated housing. And it does **not** alter the status of any unit classified as a multiple dwelling under the MDL.

What it does is simple:

It restores the rights of natural-person homeowners in private dwellings to use their homes in a manner consistent with **100 years of New York State law**.

Opposition to this bill is not rooted in fact, law, or public interest. As demonstrated at the hearing, it is rooted in misinformation, fear-based narratives, and the economic agenda of the hotel industry, often delivered through organizations that claim to represent tenants while actively undermining the interests of homeowners, renters, and workers alike.

What follows is a comprehensive, factual rebuttal of the claims presented at the hearing.

SECTION I — Core Falsehoods Presented at the Hearing

Below are the central claims made by HTC, Tenants Not Tourists, Homes Not Hotels, and aligned advocates—followed by corrections grounded in statute, evidence, and real-world outcomes.

1. “Intro 948-A changes the definition of ‘family’ and opens STRs citywide.”

This claim is entirely false. Intro 948-A does **not** alter the definition of “family” in any statute. It simply realigns enforcement with MDL §4(8), which defines permanent occupancy and has long distinguished between **private dwellings** and **multiple dwellings**.

Local Law 18 blurred this statutory distinction by applying hotel-style rules to homes never meant to be regulated as hotels. Intro 948-A restores the correct classification and does not authorize STRs in apartments, regulated housing, or multi-unit buildings.

2. “948-A will remove thousands of rental units and raise rents.”

There is no evidence—none—that primary-residence STRs in private dwellings have ever diminished long-term rental supply.

Opponents ignored the following realities:

- More than 50,000 rent-stabilized units remain warehoused.
- Over 7,300 NYCHA apartments remain vacant.
- After LL18, long-term rental supply **decreased**, not increased.
- After LL18, rents **increased**, not decreased.

If private-home STRs were responsible for New York’s housing crisis, LL18 would have produced at least some measurable improvement—however small—in long-term rental availability.

It did not.

In fact, we saw the reverse: less supply and higher rents.

3. “Speculators will buy homes and turn them into Airbnbs.”

Speculators are already prohibited by law. Only *natural persons* residing in their primary residence may legally host. Corporations, LLCs, and absentee owners remain banned. Fraudulent filings remain enforceable under Title 28.

Intro 948-A changes none of these requirements.

This argument is a fear tactic unsupported by statute or data.

4. “948-A is unsafe — overcrowding, unlimited children, fire hazards.”

Intro 948-A does *not* change any safety standards. It does not alter fire codes, egress rules, occupancy limits, smoke/CO detector requirements, or sanitation rules.

Opponents conflated multiple-dwelling regulations with private-home regulations to mislead the public. These claims were unfounded and knowingly misleading.

5. “Enforcement will weaken.”

This is false. OSE retains full enforcement authority over:

- illegal conversions,
- non-primary residents,
- fraudulent registrations,
- absentee owners,
- and commercial STR operators.

Intro 948-A simply prevents enforcement from being weaponized against **law-abiding homeowners who reside in their homes**.

6. “Quality of life will deteriorate.”

There is no empirical basis for this claim. There is **zero** evidence that primary-residence STRs create systemic issues with noise, trash, harassment, or unsanitary conditions. Those problems overwhelmingly arise from **illegal conversions**, which remain illegal and enforceable.

7. “Local Law 18 is working.”

When pressed with direct questions by Council Member Kevin Riley, OSE’s Christian Klossner admitted:

“That wasn’t the primary reason — we only hoped that would happen.”

This contradicts every public justification used to pass LL18.
It is a direct admission that LL18 failed to achieve its stated purpose.

SECTION II — Additional Misrepresentations & Troubling Assertions

8. “948-A will cost hotel workers their jobs.”

This is economically baseless. Tourism is at record highs. Hotels remain full. Primary-residence STRs in private dwellings do not impact union hotel employment.

Furthermore, an HTC union worker testified—unwittingly—that she opposed 948-A because she believed it would reduce hotel profits and threaten her job. She seemed unaware that many HTC members are homeowners themselves and that HTC’s own internal rules prohibit them from hosting to supplement their income. This is exploitation disguised as advocacy.

9. “The Housing Maintenance Code requires the host to remain on-site.” — Tom Cayler

This statement is entirely false.

The Housing Maintenance Code, MDL, and Administrative Code contain **no such requirement**.

The only reason HTC and OSE insist on a “host presence” requirement is to create a pretext for **warrantless intrusion** into private homes. During the hearing, OSE’s Christian Klossner openly discussed enforcement tactics like questioning guests about where the host “slept,” and even considering photographic confirmation.

This is not safety enforcement — it is surveillance.

Intro 948-A does not weaken primary-residence verification. It protects homeowners from unconstitutional intrusion.

10. “948-A creates unequal protections.”

Private dwellings and multiple dwellings are legally distinct under New York State law. Intro 948-A simply restores the proper legal classification that LL18 distorted.

Treating a one- or two-family home like a multi-unit apartment building is not fairness — it is statutory misapplication.

11. “Two years of LL18 data is not enough.” — Deputy Director of HPD

At the hearing, the Deputy Director of HPD argued that “two years of Local Law 18 data is not enough” to assess the law’s impact. That position ignores the lived reality of the homeowners who have already suffered under LL18 and treats their losses as abstract policy experiments.

Two years is not a trivial window. It is enough time for families to fall behind on mortgages, enter default, face foreclosure proceedings, or be forced to sell their homes under financial distress — losing generational assets that took decades to build. It is enough time for elderly homeowners on fixed incomes to exhaust their savings. It is enough time for Black and Brown homeowners—already disproportionately burdened—to experience rapid financial erosion that becomes impossible to recover from once the home is lost.

And while homeowners were being pushed toward foreclosure and displacement, LL18 produced **no positive impact** on rents or long-term housing supply. When Council Members Narcisse and Riley pressed HPD and OSE for evidence that LL18 improved affordability or increased rental availability, they could not provide a single answer.

The claim that “two years is not enough” is not a reasoned position. It is an attempt to avoid admitting that LL18 failed on its own terms while inflicting irreversible harm.

SECTION III — The Racist, Methodologically Flawed Study Used to Justify LL18

Before examining the racist and methodologically invalid “study” repeatedly cited to justify Local Law 18, it is essential to understand who Murray Cox is. Cox **was not a neutral researcher**, nor an independent analyst. He was one of the original drafters of Local Law 18 itself, working through the **Coalition Against Illegal Hotels** — a hotel-industry–funded lobbyist organization that has spent years advocating for policies designed to suppress home-sharing and consolidate market advantage for hotels. His work was crafted in service of that agenda, and his “racial disparity” narrative was the political backbone used to push LL18 into law.

What follows is a breakdown of why his research was not merely flawed, but fundamentally racist, unscientific, and unfit to serve as the basis for any public policy — especially one that has disproportionately harmed the very Black and Brown homeowners the law purported to protect.

Even if Murray Cox’s methodology were not racially biased (it was), it would still be impossible to validate. At the time his dataset was created, many Airbnb hosts did not use real photos of themselves. Photos ranged from stock images to avatars and scenic pictures, making racial identification wholly unreliable.

Worse still, many Black hosts — including myself — deliberately used **white profile photos** to avoid racist treatment on the platform. Black hosts frequently faced discriminatory booking refusals, biased reviews, and negative treatment tied solely to their appearance. The issue became so widespread that Airbnb publicly acknowledged it and implemented new anti-discrimination policies.

Because of this, Cox’s racial conclusions are not just flawed — they are invalid. His dataset cannot be verified, and his conclusions cannot be trusted.

Racial Bias in the Methodology

Cox’s approach replicated the logic of the historic “**brown paper bag test**” — a racist practice used to determine who was “Black enough” or “white enough,” which fueled redlining, segregation, and systemic exclusion. His model excluded:

- lighter-skinned Black hosts,
- Afro-Latino and Hispanic hosts,
- mixed-race hosts,

and erased the economic benefits experienced by Black homeowners in Bedford-Stuyvesant.

This was **not research**.

It was policy propaganda dressed in data, built on racially biased assumptions.

Procedural Disparity

Despite presenting research that was fundamentally invalid, Cox was allowed to testify twice and given extended time to opine on “racial impacts.” Meanwhile, the author of Intro 948-A — legislation designed specifically to protect Black homeowners — was given only **90 seconds** and no follow-up questions.

That disparity speaks volumes.

SECTION IV — Who Is Actually Being Harmed

Local Law 18 has not alleviated New York’s housing crisis; it has simply diverted attention away from the real structural failures driving it. During the hearing, Council Member Mercedes Narcisse asked the City a direct and essential question: “How many NYCHA apartments are currently vacant and offline?” The Deputy Director of HPD could not answer. The truth — which should be foundational to any housing policy discussion — is that more than **7,300 NYCHA units** remain vacant, representing **4.5% of the city’s entire public-housing stock**. These are units that could house thousands of families today, yet they are left empty for reasons no agency at the hearing could explain.

And while this critical question went unanswered, another staggering number — although not raised during the hearing — underscores the true scale of our housing supply crisis: more than **50,000 rent-stabilized units** are currently warehoused across New York City. These apartments, deliberately held vacant or stuck in bureaucratic limbo, dwarf any impact that one- or two-family homeowners could possibly have on long-term housing availability.

Yet none of the opponents of Intro 948-A — not HTC, not Tenants Not Tourists, not Homes Not Hotels, not OSE — mentioned **any** of these systemic drivers of housing scarcity. Instead, they focused their energy on opposing a narrow, surgical carve-out for primary-residence homeowners in private dwellings, who have never been the cause of the housing crisis. The result is a policy conversation turned upside down: the largest sources of housing loss are ignored, while the smallest and least harmful actors are vilified.

Meanwhile, the communities most harmed by Local Law 18 — Black homeowners, Brown homeowners, elderly residents, immigrants, and working-class families — continue to face shrinking income, rising costs, foreclosure pressure, and displacement. These are the very New Yorkers that Intro 948-A was designed to protect. And these are the very New Yorkers erased from the “housing crisis narrative” presented by the bill’s opponents.

SECTION V — Hearing Procedure

The structure of the November 20 hearing made clear that the process was neither balanced nor neutral. Opponents of Intro 948-A were repeatedly given extended time and multiple opportunities to testify, including **Murray Cox**, who was called to the microphone twice, and **Tom Cayler**, who was also invited to testify twice—each time reinforcing the same misinformation without challenge. Meanwhile, the author of the bill was allowed only 90 seconds, with no follow-up questions and no opportunity to correct or respond to the false narratives that were amplified throughout the hearing.

This imbalance was overt. It created an environment where misleading claims were given a platform and legitimacy simply through repetition, while factual corrections and firsthand expertise were constrained and sidelined. The effect was a hearing shaped by narrative management rather than genuine fact-finding.

This written testimony serves to correct the record that the hearing structure distorted.

Conclusion

The debate around Intro 948-A has revealed a simple truth: primary-residence homeowners in private dwellings are not the source of rising rents, declining affordability, or shrinking long-term housing supply. This testimony has established that fact clearly, and the record from the November 20 hearing only reinforces it. In addition to the documented failures of Local Law 18 to improve housing conditions in any measurable way, not a single representative from OSE, HPD, HTC, Tenants Not Tourists, or any opposing organization was able to substantiate the claim that primary-residence homeowners in private dwellings have contributed to the housing crisis at all. Not one. Every core assertion behind that narrative collapsed under scrutiny, and every data point cited in opposition crumbled when held against the actual evidence.

Intro 948-A corrects this failure. It restores long-standing rights, realigns enforcement with statutory intent, and reestablishes fairness in a system that has treated homeowners as collateral damage in a political conflict between the hotel industry and corporate platforms. It protects those who live in their homes, who pay taxes in their neighborhoods, and who form the cultural and economic backbone of communities across Brooklyn, Queens, the Bronx, and Staten Island.

The facts presented here are not theoretical. They are concrete, verifiable, and grounded in both empirical data and the lived experiences of New Yorkers who have suffered under a policy that was supposedly never intended for them — although at this point, I genuinely do not know; it very well might have been.

Here are the facts:

- No hotel worker loses a job because a homeowner shares a space within their home.
- No renter pays higher rent because a family in Canarsie or the North Bronx supplements their income to keep their mortgage current.
- No home in New York City increases in price because a homeowner hosts a guest inside their own primary residence.

Not a single housing metric is affected by the simple passive income earned by natural-person homeowners in private dwellings, and any claim to the contrary is absurd on its face.

Which means this Council is now presented with a clear choice. After being provided with the facts, the law, the history, the data, and the lived realities reflected in this testimony, any continued opposition to Intro 948-A can be rooted in only one of two things: either an inherent bias or disdain toward people who own their homes, particularly working-class Black and Brown homeowners — or a loyalty, whether explicit or implicit, to a hotel lobby seeking to crush marginalized homeowners in pursuit of greater profits. There is no third explanation. There is no evidence-based justification.

The harm is real. The record is clear. The need for action is urgent.

Supporting Intro 948-A is not simply the right policy choice — it is the factual choice and the only choice aligned with the responsibilities of public service.

I would also be remiss not to acknowledge the concerns expressed by many attendees who witnessed the hearing firsthand. It was plainly visible to the public that the Council engaged extensively and repeatedly with individuals and organizations in opposition to Intro 948-A — several of whom were invited back multiple times — while those speaking in support of the bill, including myself as its author, were afforded little or no opportunity to respond or clarify factual inaccuracies that arose throughout the proceeding.

Many supporters who traveled to City Hall left bewildered that, despite being directly affected by current enforcement practices, they were given extremely limited time — or no opportunity at all — to address misinformation presented about their own lived experiences. Meanwhile, the individuals disseminating that misinformation were provided extended time and multiple rounds of commentary. This imbalance was unmistakable, and it was witnessed by constituents whose trust and confidence the Council is tasked with upholding.

This is not a criticism of any single member, but an important procedural concern that should be part of the legislative record. When the voices of working-class, minority, elderly, and middle-income homeowners — those most directly harmed by current enforcement — are constrained, while demonstrably inaccurate claims are amplified, it raises legitimate concerns about whether the City is receiving a complete and accurate understanding of the issue.

For this reason, I strongly encourage each Council Member, along with your legislative and legal staff, to independently evaluate the statutory and constitutional points raised throughout this testimony. They are grounded firmly in New York State law, the Multiple Dwelling Law, and controlling federal precedent. My purpose in submitting this detailed written testimony is to ensure that the Council has a complete and accurate factual foundation before taking any position on Intro 948-A — particularly given public observations of an imbalanced hearing environment.