

S T A T E   O F   N E W   Y O R K

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I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. HEVESI, V. LOPEZ, O'DONNELL, KELLNER, DINOWITZ, PHEFFER, GOTTFRIED, COLTON, JAFFEE, N. RIVERA, HYER-SPENCER -- Multi-Sponsored by -- M. of A. AUBRY, BOYLAND, BRENNAN, FARRELL, GLICK, LANCMAN, MAYERSOHN, McENENY -- read once and referred to the Committee on Housing -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to the termination of rent inclusion of electricity for housing accommodations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision c of section 26-511 of the administrative code  
2     of the city of New York is amended by adding a new paragraph 15 to read  
3     as follows:  
4     (15) PROVIDES THAT OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR  
5     ELECTRICITY AND HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS  
6     TO TERMINATE THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS  
7     SUBJECT TO THIS SECTION.  
8     (A) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND  
9     PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUST-  
10    MENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY  
11    SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHE-  
12    DULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABU-  
13    LATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY  
14    WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED  
15    UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY  
16    MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING  
17    AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD01288-06-9

1 MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO  
2 THE PROVISIONS OF THIS PARAGRAPH.

3 (B) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND  
4 ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULAT-  
5 ING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY  
6 PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLI-  
7 CATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE  
8 DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

9 (C) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT STABILIZED  
10 ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY  
11 METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METER-  
12 ING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE  
13 METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

14 (D) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR  
15 OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION,  
16 ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY  
17 RENT INCREASE EXEMPTION PURSUANT TO SECTION 26-509 OF THIS CHAPTER. FOR  
18 SUCH TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY  
19 SHALL REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY  
20 EQUIPMENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR  
21 EFFECTUATION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER  
22 RECEIVES SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER  
23 SHALL REDUCE THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN  
24 ACCORDANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMUL-  
25 GATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

26 (E) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PERMIT SHARED  
27 METERING.

28 S 2. Section 26-405 of the administrative code of the city of New York  
29 is amended by adding a new subdivision n to read as follows:

30 N. SCHEDULE OF RENT REDUCTIONS; INDIVIDUAL ELECTRIC METERING. OWNERS  
31 OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND HAVE RENT  
32 INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE THE RENT  
33 INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS SECTION.

34 (1) THE CITY RENT AGENCY SHALL FORMULATE AND PUBLISH A SCHEDULE OF  
35 RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUSTMENTS WITHIN SIX MONTHS  
36 OF THE PUBLICATION OF A NEW HOUSING AND VACANCY SURVEY BY THE UNITED  
37 STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHEDULE OF RENT ADJUST-  
38 MENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABULATED BY THE NEW YORK  
39 CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY WHICH THE RENT OF  
40 REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED UPON AND AFTER  
41 CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY MEANS OF EITHER  
42 DIRECT METERING OR SUBMETERING. THE CITY RENT AGENCY SHALL PROMULGATE AN  
43 OPERATIONAL BULLETIN AND/OR MODIFY OR AMEND ITS REGULATIONS AS MAY BE  
44 NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS SUBDIVISION.

45 (2) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND  
46 ASSISTANCE TO THE CITY RENT AGENCY, BY TABULATING THE DATA OF THE TRIEN-  
47 NIAL NEW YORK CITY HOUSING AND VACANCY SURVEY PRODUCED BY THE UNITED  
48 STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLICATION AND PROVIDING THE  
49 CITY RENT AGENCY THE DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT  
50 ADJUSTMENTS.

51 (3) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT CONTROLLED  
52 ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY  
53 METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METER-  
54 ING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE  
55 METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

1 (4) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR  
2 OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION,  
3 ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY  
4 RENT INCREASE EXEMPTION PURSUANT TO SECTION 26-406 OF THIS CHAPTER. FOR  
5 SUCH TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY  
6 SHALL REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY  
7 EQUIPMENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR  
8 EFFECTUATION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER  
9 RECEIVES SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER  
10 SHALL REDUCE THE MAXIMUM RENT FOR THE HOUSING ACCOMMODATION IN ACCORD-  
11 ANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY  
12 THE CITY RENT AGENCY.

13 (5) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PERMIT SHARED  
14 METERING.

15 S 3. Subdivision d of section 6 of section 4 of chapter 576 of the  
16 laws of 1974, constituting the emergency tenant protection act of nine-  
17 teen seventy-four, is amended by adding a new paragraph 6 to read as  
18 follows:

19 (6) OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND  
20 HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE  
21 THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS  
22 SECTION.

23 (I) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND  
24 PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUST-  
25 MENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY  
26 SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHE-  
27 DULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABU-  
28 LATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY  
29 WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED  
30 UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY  
31 MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING  
32 AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR  
33 MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO  
34 THE PROVISIONS OF THIS PARAGRAPH.

35 (II) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND  
36 ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULAT-  
37 ING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY  
38 PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLI-  
39 CATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE  
40 DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

41 (III) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT STABI-  
42 LIZED ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILI-  
43 TY METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT  
44 METERING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH  
45 THE METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THERE-  
46 AFTER.

47 (IV) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR  
48 OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION,  
49 ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY  
50 RENT INCREASE EXEMPTION PURSUANT TO A LOCAL LAW, ORDINANCE OR RESOLUTION  
51 AS AUTHORIZED BY SECTION 467-B OF THE REAL PROPERTY TAX LAW. FOR SUCH  
52 TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY SHALL  
53 REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY EQUIP-  
54 MENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR EFFECTUA-  
55 TION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER RECEIVES  
56 SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER SHALL

1 REDUCE THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORD-  
2 ANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY  
3 THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

4 (V) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PERMIT SHARED  
5 METERING.

6 S 4. Section 4 of chapter 274 of the laws of 1946, constituting the  
7 emergency housing rent control law, is amended by adding a new subdivi-  
8 sion 9 to read as follows:

9 9. OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND  
10 HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE  
11 THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS  
12 SECTION.

13 (1) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND  
14 PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUST-  
15 MENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY  
16 SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHE-  
17 DULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABU-  
18 LATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY  
19 WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED  
20 UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY  
21 MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING  
22 AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR  
23 MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO  
24 THE PROVISIONS OF THIS SUBDIVISION.

25 (2) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND  
26 ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULAT-  
27 ING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY  
28 PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLI-  
29 CATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE  
30 DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

31 (3) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT CONTROLLED  
32 ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY  
33 METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METER-  
34 ING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE  
35 METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

36 (4) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR  
37 OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION,  
38 ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY  
39 RENT INCREASE EXEMPTION PURSUANT TO A LOCAL LAW, ORDINANCE OR RESOLUTION  
40 AS AUTHORIZED BY SECTION 467-B OF THE REAL PROPERTY TAX LAW. FOR SUCH  
41 TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY SHALL  
42 REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY EQUIP-  
43 MENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR EFFECTUA-  
44 TION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER RECEIVES  
45 SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER SHALL  
46 REDUCE THE MAXIMUM RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH  
47 THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY THE DIVI-  
48 SION OF HOUSING AND COMMUNITY RENEWAL.

49 (5) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PERMIT SHARED  
50 METERING.

51 S 5. This act shall take effect on the first of January next succeed-  
52 ing the date upon which it shall have become a law, and shall apply to  
53 all fiscal years commencing on or after such date; provided that:

54 a. the amendments to section 26-511 of the rent stabilization law of  
55 nineteen hundred sixty-nine made by section one of this act shall expire

1 on the same date as such law expires and shall not affect the expiration  
2 of such law as provided under section 26-520 of such law;  
3 b. the amendments to section 26-405 of the city rent and rehabili-  
4 tation law made by section two of this act shall remain in full force  
5 and effect only as long as the public emergency requiring the regulation  
6 and control of residential rents and evictions continues, as provided in  
7 subdivision 3 of section 1 of the local emergency housing rent control  
8 act;  
9 c. the amendments to subdivision d of section 6 of the emergency  
10 tenant protection act of nineteen seventy-four made by section three of  
11 this act shall expire on the same date as such act expires and shall not  
12 affect the expiration of such act as provided in section 17 of chapter  
13 576 of the laws of 1974; and  
14 d. the amendments to section 4 of the emergency housing rent control  
15 law made by section four of this act shall expire on the same date as  
16 such law expires and shall not affect the expiration of such law as  
17 provided in subdivision 2 of section 1 of chapter 274 of the laws of  
18 1946.