S T A T E O F N E W Y O R K

2523

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency rent control act, in relation to limiting rent increase after vacancy of certain housing accommodations

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

Section 1. Subdivision d of section 26-510 of the administrative code of the city of New York is amended and a new subdivision j is added to read as follows:

d. Any housing accommodation covered by this law owned by a member in good standing of an association registered with the department of housing preservation and development pursuant to section 26-511 of this chapter which becomes vacant for any reason, other than harassment of the prior tenant, may be offered for rental at any price notwithstanding any guideline level established by the guidelines board for renewal leases, provided the offering price does not exceed the rental then authorized by the guidelines board for such dwelling unit plus five percent for a new lease not exceeding two years and a further five percent for a new lease having a minimum term of three years, until July first, nineteen hundred seventy[, at which time the guidelines board shall determine what the rental for a vacancy shall be].

J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS LAW, ON AND AFTER JUNE SIXTEENTH, NINETEEN HUNDRED NINETY-SEVEN THE ADJUSTMENT FOR VACANCY LEASES COVERED BY THE PROVISIONS OF THIS LAW SHALL BE DETERMINED EXCLUSIVELY PURSUANT TO PARAGRAPH FIVE-A OF SUBDIVISION C OF SECTION 26-511 OF THIS CHAPTER. THE RENT GUIDELINES BOARD SHALL NO LONGER PROMULGATE ADJUSTMENTS FOR VACANCY LEASES.

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

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S 2. Section 4 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new subdivision e to read as follows:

E. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ON AND AFTER JUNE 16, 1997 THE ADJUSTMENT FOR VACANCY LEASES COVERED BY THE PROVISIONS OF THIS ACT SHALL BE DETERMINED EXCLUSIVELY PURSUANT TO SUBDIVISION (A-1) OF SECTION TEN OF THIS ACT. COUNTY RENT GUIDELINES BOARDS SHALL NO LONGER PROMULGATE ADJUSTMENTS FOR VACANCY LEASES.

S 3. Subdivision f of section 26-512 of the administrative code of the city of New York, as added by chapter 116 of the laws of 1997, is amended to read as follows:

f. Notwithstanding any provision of this law to the contrary in the case where all tenants named in a lease have permanently vacated a housing accommodation and a family member of such tenant or tenants is entitled to and executes a renewal lease for the housing accommodation if such accommodation continues to be subject to this law after such family member vacates, on the occurrence of such vacancy the legal regulated rent shall be increased by a sum equal to the allowance [then in effect for vacancy leases, including the amount allowed by] PURSUANT TO paragraph [(five-a)] FIVE-A of subdivision c of section 26-511 of this law. Such increase shall be in addition to any other increases provided for in this law including an adjustment based upon a major capital improvement, or a substantial modification or increase of dwelling space or services, or installation of new equipment or improvements or new furniture or furnishings provided in or to the housing accommodation pursuant to section 26-511 of this law and shall be applicable in like manner to each second subsequent succession.

S 4. Subdivision g of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by chapter 116 of the laws of 1997, is amended to read as follows:

g. Notwithstanding any provision of this act to the contrary in the case where all tenants named in a lease have permanently vacated a housing accommodation and a family member of such tenant or tenants is entitled to and executes a renewal lease for the housing accommodation if such accommodation continues to be subject to this act after such family member vacates, on the occurrence of such vacancy the legal regulated rent shall be increased by a sum equal to the allowance [then in effect for vacancy leases, including the amount allowed by] PURSUANT TO subdivision (a-1) of section ten of this act. Such increase shall be in addition to any other increases provided for in this act including an adjustment based upon a major capital improvement, or a substantial modification or increase of dwelling space or services, or installation of new equipment or improvements or new furniture or furnishings provided in or to the housing accommodation, pursuant to section six of this act and shall be applicable in like manner to each second subsequent succession.

S 5. Subdivision 9 of section 5 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as added by chapter 116 of the laws of 1997, is amended to read as follows:

9. Notwithstanding any provision of this law to the contrary in the case where all tenants occupying the housing accommodation on the effective date of this subdivision have vacated the housing accommodation and a family member of such vacating tenant or tenants is entitled to and continues to occupy the housing accommodation subject to the protections of this law, if such accommodation continues to be subject to this law

after such family member vacates, on the occurrence of such vacancy the maximum collectable rent shall be increased by a sum equal to the allowance [then in effect] for vacancy leases for housing accommodations covered by the rent stabilization law of nineteen hundred sixty-nine[, including the amount allowed by] PURSUANT TO paragraph [five-a] 5-A of subdivision c of section 26-511 of such law. This increase shall be in addition to any other increases provided in this law including an adjustment based upon a major capital improvement, or a substantial increase or decrease in dwelling space or a change in the services, furniture, furnishings or equipment provided in the housing accommodation, pursuant to section four of this law and shall be applicable in like manner to each second subsequent succession.

S 6. Section 26-403.2 of the administrative code of the city of New York, as added by chapter 116 of the laws of 1997, is amended to read as follows:

S 26-403.2 Increase in maximum collectable rent. Notwithstanding any provision of this law to the contrary in the case where all tenants occupying the housing accommodation on the effective date of this section have vacated the housing accommodation and a family member of such vacating tenant or tenants is entitled to and continues to occupy the housing accommodation subject to the protections of this law, if such accommodation continues to be subject to this law after such family member vacates, on the occurrence of such vacancy the maximum collectable rent shall be increased by a sum equal to the allowance [then in effect] for vacancy leases for housing accommodations covered by the rent stabilization law of nineteen hundred sixty-nine[, including the amount allowed by] PURSUANT TO paragraph five-a of subdivision c of section 26-511 of such law. This increase shall be in addition to any other increases provided for in this law including an adjustment based upon a major capital improvement, or a substantial increase or decrease in dwelling space or a change in the services, furniture, furnishings or equipment provided in the housing accommodation, pursuant to section 26-405 of this law and shall be applicable in like manner to each second subsequent succession.

S 7. The sixth undesignated paragraph of subdivision 5 of section 1 of chapter 21 of the laws of 1962, constituting the local emergency rent control act, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

Notwithstanding any provision of this act to the contrary, any local law adopted pursuant to this act shall provide that notwithstanding any provision of such local law in the case where all tenants occupying the housing accommodation on the effective date of this paragraph have vacated the housing accommodation and a family member of such vacating tenant or tenants is entitled to and continues to occupy the housing accommodation subject to the protections of such act, if such accommodation continues to be subject to such act after such family member vacates, on the occurrence of such vacancy the maximum collectable rent shall be increased by a sum equal to the allowance [then in effect] for vacancy leases for housing accommodations covered by the rent stabilization law of nineteen hundred sixty-nine[, including the amount allowed by] PURSUANT TO paragraph [(5-a)] 5-A of subdivision c of section 26-511 of such law. This increase shall be in addition to any other increases provided for in this act and shall be applicable in like manner to each second subsequent succession.

S 8. This act shall take effect immediately; provided, however, that the amendments to sections 26-510 and 26-512 of the rent stabilization

law of nineteen hundred sixty-nine made by sections one and three of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law; provided that the amendments to section 26-403.2 of the city rent and rehabilitation law made by section six of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; provided, that the amendments to the emergency tenant protection act of nineteen seventy-four, made by sections two and four of this act, shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as amended; provided, that the amendment to section 5 of the emergency housing rent control law made by section five of this act shall expire in accordance with the provisions of subdivision 2 of section 1 of chapter 274 of the laws of 1946, as amended; and the amendments to subdivision 5 of section 1 of the local emergency housing rent control act, made by section seven of this act, shall not affect the effectiveness of such subdivision and shall cease to be in full force and effect pursuant to subdivision 3 of section 1 of such act.