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

4603

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

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

AN ACT to amend the emergency housing rent control law, the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the de-regulation of rent-stabilized housing accommodations upon vacancy

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

Section 1. Paragraph (i) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by chapter 576 of the laws of 1974, is amended to read as follows:

(i) housing accommodations which become vacant ON AND AFTER JUNE SIXTEENTH, TWO THOUSAND NINE, provided, however, that this exemption shall not apply or become effective where the commission determines or finds that the housing accommodations became vacant because the landlord or any person acting on his behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including, but not limited to, interruption or discontinuance of essential services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of the housing accommodations; [and further provided that housing accommodations as to which a housing emergency has been declared pursuant to the emergency tenant protection act of nineteen seventy-four shall be subject to the provisions of such act for the duration of such emergency;] or

S 2. The second undesignated paragraph of subdivision 5 of section 1 of chapter 21 of the laws of 1962, constituting the local emergency housing rent control act, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

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

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Notwithstanding any local law or ordinance, housing accommodations which [became] BECOME vacant (A) on or after July first, nineteen hundred seventy-one [or which hereafter become vacant], BUT BEFORE JUNE SIXTEENTH, TWO THOUSAND NINE shall be subject to the provisions of the emergency tenant protection act of nineteen seventy-four, AND (B) ON OR AFTER JUNE SIXTEENTH, TWO THOUSAND NINE SHALL BE EXEMPT FROM REGULATIONS AND CONTROL; provided, however, that [this provision] THESE EXEMPTIONS shall not apply or become effective with respect to housing accommodations which, by local law or ordinance, are made directly subject to regulation and control by a city housing rent agency and such agency determines or finds that the housing accommodations became vacant because the landlord or any person acting on his behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including but not limited to, interruption or discontinuance of essential services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of the housing accommodations. The removal of any housing accommodation from regulation and control of rents pursuant to the vacancy [exemption] EXEMPTIONS provided for in this paragraph shall not constitute or operate as a ground for the subjection to more stringent regulation and control of any housing accommodation in such property or in any other property owned by the same landlord, notwithstanding any prior agreement to the contrary by the landlord. The vacancy exemption provided for in SUBPARAGRAPH (A) OF this paragraph shall not arise with respect to any rented plot or parcel of land otherwise subject to the provisions of this act, by reason of a transfer of title and possession occurring on or after July first, nineteen hundred seventy-one, BUT BEFORE JUNE SIXTEENTH, TWO THOUSAND NINE, of a dwelling located on such plot or parcel and owned by the tenant where such transfer of title and possession is made to a member of the tenant's immediate family provided that the member of the tenant's immediate family occupies the dwelling with the tenant prior to the transfer of title and possession for a continuous period of two years.

S 3. Subdivision a of section 5 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 paragraph 3-a to read as follows:

(3-A) HOUSING ACCOMMODATIONS WHICH BECOME VACANT ON OR AFTER JUNE SIXTEENTH, TWO THOUSAND NINE, PROVIDED, HOWEVER, THAT THIS EXEMPTION SHALL NOT APPLY TO OR BECOME EFFECTIVE WITH RESPECT TO HOUSING ACCOMMODATIONS WHICH THE COMMISSIONER DETERMINES OR FINDS BECAME VACANT BECAUSE THE LANDLORD OR ANY PERSON ACTING ON HIS OR HER BEHALF, WITH INTENT TO CAUSE THE TENANT TO VACATE, ENGAGED IN ANY COURSE OF CONDUCT (INCLUDING, BUT NOT LIMITED TO, INTERRUPTION OR DISCONTINUANCE OF REQUIRED SERVICES) WHICH INTERFERED WITH OR DISTURBED OR WAS INTENDED TO INTERFERE IN HIS OR HER USE OR OCCUPANCY OF THE HOUSING ACCOMMODATIONS;

S 4. Section 26-504 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

D. NOTWITHSTANDING ANY OF THE PROVISIONS OF THIS SECTION OR TITLE OR ANY OTHER PROVISIONS OF LAW, THIS LAW SHALL NOT APPLY TO ANY HOUSING ACCOMMODATION WHICH BECOMES VACANT ON OR AFTER JUNE SIXTEENTH, TWO THOUSAND NINE PROVIDED, HOWEVER, THAT THIS EXEMPTION SHALL NOT APPLY TO OR BECOME EFFECTIVE WITH RESPECT TO HOUSING ACCOMMODATIONS WHICH THE COMMISSIONER DETERMINES OR FINDS BECAME VACANT BECAUSE THE LANDLORD OR ANY PERSON ACTING ON HIS OR HER BEHALF, WITH INTENT TO CAUSE THE TENANT TO VACATE, ENGAGED IN ANY COURSE OF CONDUCT (INCLUDING BUT NOT LIMITED

TO, INTERRUPTION OR DISCONTINUANCE OF REQUIRED SERVICES) WHICH INTERFERED WITH OR DISTURBED OR WAS INTENDED TO INTERFERE WITH OR DISTURB THE COMFORT, REPOSE, PEACE OR QUIET OF THE TENANT IN HIS OR HER USE OR OCCUPANCY OF THE HOUSING ACCOMMODATIONS.

S 5. This act shall take effect immediately; provided, however, that the amendments to the rent stabilization law of nineteen hundred sixty-nine, made by section four 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 the administrative code of the city of New York; and provided that the amendments to the emergency tenant protection act of nineteen seventy-four, made by section three 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; and provided that the amendments to the emergency housing rent control law, made by section one of this act, shall expire on the same date as such law expires and shall not affect the expiration of such law as provided in subdivision 2 of section 1 of chapter 274 of the laws of 1946, as amended; and provided that the amendment to the local emergency housing rent control act, made by section two of this act, shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 2 of section 1 of chapter 21 of the laws of 1962, as amended.