

465--A

Cal. No. 9

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JEFFRIES, MAYERSOHN, ROBINSON, FARRELL, COLTON, O'DONNELL, JACOBS, JAFFEE, CLARK, ORTIZ, LANCMAN, PERALTA, POWELL, WRIGHT, SPANO, KAVANAGH, ESPAILLAT, CAMARA, ROSENTHAL, KELLNER -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CASTRO, GLICK, GOTTFRIED, HEASTIE, HOOPER, J. RIVERA, SCHIMEL -- read once and referred to the Committee on Housing -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the regulation of rents

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

1 Section 1. Subdivision a-2 of section 10 of section 4 of chapter 576  
2 of the laws of 1974, constituting the emergency tenant protection act of  
3 nineteen seventy-four, as added by chapter 82 of the laws of 2003, is  
4 amended to read as follows:  
5 [a-2.] (A-2) Provides that where the amount of rent charged to and  
6 paid by the tenant is less than the legal regulated rent for the housing  
7 accommodation, the amount of rent for such housing accommodation which  
8 may be charged [upon renewal or] upon vacancy thereof may, at the option  
9 of the owner, be based upon such previously established legal regulated  
10 rent, as adjusted by [the most recent] ALL applicable guidelines  
11 increases and other increases authorized by law; PROVIDED, HOWEVER, THAT  
12 SUCH VACANCY SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT  
13 OF THE OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH  
14 THE WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO  
15 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Where, subsequent to  
16 vacancy, such legal regulated rent, as adjusted by the most recent  
17 applicable guidelines increases and any other increases authorized by

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

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1 law is two thousand dollars or more per month, such housing accommo-  
2 dation shall be excluded from the provisions of this act pursuant to  
3 paragraph thirteen of subdivision a of section five of this act.

4 S 2. Paragraph 14 of subdivision c of section 26-511 of the adminis-  
5 trative code of the city of New York, as added by chapter 82 of the laws  
6 of 2003, is amended to read as follows:

7 (14) provides that where the amount of rent charged to and paid by the  
8 tenant is less than the legal regulated rent for the housing accommo-  
9 dation, the amount of rent for such housing accommodation which may be  
10 charged [upon renewal or] upon vacancy thereof may, at the option of the  
11 owner, be based upon such previously established legal regulated rent,  
12 as adjusted by the most recent applicable guidelines increases and any  
13 other increases authorized by law; PROVIDED, HOWEVER, THAT SUCH VACANCY  
14 SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE  
15 OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE  
16 WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO  
17 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Where, subsequent to  
18 vacancy, such legal regulated rent, as adjusted by [the most recent] ALL  
19 applicable guidelines increases and any other increases authorized by  
20 law is two thousand dollars or more per month, such housing accommo-  
21 dation shall be excluded from the provisions of this law pursuant to  
22 section 26-504.2 of this chapter.

23 S 3. This act shall take effect immediately; provided, however, that  
24 the amendments to section 10 of the emergency tenant protection act of  
25 nineteen seventy-four made by section one of this act shall expire on  
26 the same date as such act expires and shall not affect the expiration of  
27 such act as provided in section 17 of chapter 576 of the laws of 1974;  
28 and provided, further, that the amendments to section 26-511 of the rent  
29 stabilization law of nineteen hundred sixty-nine made by section two of  
30 this act shall expire on the same date as such law expires and shall not  
31 affect the expiration of such law as provided under section 26-520 of  
32 such law.