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

5521

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

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

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

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

Section 1. Subdivision b of section 26-510 of the administrative code of the city of New York is amended to read as follows:

b. The rent guidelines board shall establish annually guidelines for rent adjustments, and in determining whether rents for housing accommodations subject to the emergency tenant protection act of nineteen seventy-four or this law shall be adjusted shall consider, among other things (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating AND maintenance costs (including insurance rates, governmental fees, cost of fuel and labor AND ADMINISTRATIVE costs), (iii) costs and availability of financing (including effective rates of interest), (iv) over-all supply of housing accommodations and over-all vacancy rates, (V) GROSS RENTAL INCOME INCLUDING INCOME FROM OTHER THAN RESIDENTIAL RENTS, (VI) ECONOMIC BENEFITS, OTHER THAN RENTAL INCOME, DERIVED FROM THE OWNERSHIP AND UPGRADING OF RENTAL PROPERTY, (2) relevant data from the current and projected cost of living indices for the affected area, (3) such other data as may be made available to it. IN CALCULATING LABOR AND ADMINISTRATIVE COSTS, THE RENT GUIDELINES BOARD SHALL CONSIDER THE FEASIBILITY OF IMPUTING A VALUE TO THE ACTUAL, VERIFIED UNSALARIED LABOR AND ADMINISTRATIVE TASKS PERFORMED BY BUILDING OWNERS OR MEMBERS OF THEIR IMMEDIATE FAMILY WHO RESIDE WITH THEM. IF THE INCLUSION OF THE VALUE OF SUCH LABOR AND ADMINISTRATIVE TASKS IS DEEMED FEASIBLE BY THE BOARD, THEY SHALL BE INCLUDED AS ONE OF THE FACTORS CONSIDERED HEREIN.

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

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THE RENT GUIDELINES BOARD SHALL ANNUALLY REQUIRE A SAMPLE OF LANDLORDS SUBJECT TO REGULATION UNDER THIS LAW TO MAKE AVAILABLE THEIR BOOKS AND RECORDS REGARDING INCOME, EXPENDITURES, TAX BENEFITS AND FINANCING ARRANGEMENTS FOR EXAMINATION BY THE BOARD AND THE BOARD SHALL UTILIZE THE RESULTS OF SUCH SAMPLE AS ONE OF THE CRITERIA UPON WHICH THEIR FINDINGS ARE BASED. SUCH SAMPLE SHALL BE DESIGNED TO BE REASONABLY REPRESENTATIVE OF THE TYPES OF BUILDINGS WHICH ARE SUBJECT TO REGULATION UNDER THIS LAW. ANY INFORMATION PROVIDED BY LANDLORDS PURSUANT TO THIS SUBDIVISION REGARDING AN INDIVIDUAL BUILDING OR GROUP OF BUILDINGS SHALL NOT BE SUBJECT TO THE FREEDOM OF INFORMATION LAW AND THE RENT GUIDELINES BOARD SHALL SAFEGUARD THE CONFIDENTIALITY OF SUCH INFORMATION PROVIDED HOWEVER THAT THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC CUMULATIVE AND STATISTICAL RESULTS OF THE REPRESENTATIVE SAMPLE OF BOOKS AND RECORDS REQUIRED HEREIN. Not later than July first of each year, the rent guidelines board shall file with the city clerk its findings for the preceding calendar year, and shall accompany such findings with a statement of the maximum rate or rates of rent adjustment, if any, for one or more classes of accommodations subject to this law, authorized for leases or other rental agreements commencing on the next succeeding October first or within the twelve months thereafter. Such findings and statement shall be published in the City Record.

S 2. Subdivision i of section 26-510 of the administrative code of the city of New York is relettered subdivision j and a new subdivision i is added to read as follows:

I. IN FURTHERANCE OF ITS RESPONSIBILITY TO ENFORCE THIS LAW, THE RENT GUIDELINES BOARD SHALL BE EMPOWERED TO ADMINISTER OATHS, ISSUE SUBPOENAS, CONDUCT INVESTIGATIONS, MAKE INSPECTIONS AND DESIGNATE OFFICERS TO HEAR AND REPORT.

S 3. The opening paragraph of subdivision b of section 4 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 403 of the laws of 1983, is amended to read as follows:

A county rent guidelines board shall establish annually guidelines for rent adjustments which, at its sole discretion may be varied and different for and within the several zones and jurisdictions of the board, and in determining whether rents for housing accommodations as to which an emergency has been declared pursuant to this act shall be adjusted, shall consider among other things (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating AND maintenance costs (including insurance rates, governmental fees, cost of fuel and labor AND ADMINISTRATIVE costs), (iii) costs and availability of financing (including effective rates of interest), (iv) over-all supply of housing accommodations and over-all vacancy rates, (V) GROSS RENTAL INCOME, INCLUDING INCOME FROM OTHER THAN RESIDENTIAL RENTS, (VI) ECONOMIC BENEFITS, OTHER THAN RENTAL INCOME, DERIVED FROM THE OWNERSHIP AND UPGRADING OF RENTAL PROPERTY, (2) relevant data from the current and projected cost of living indices for the affected area, (3) such other data as may be made available to it. IN CALCULATING LABOR AND ADMINISTRATIVE COSTS, THE RENT GUIDELINES BOARD SHALL CONSIDER THE FEASIBILITY OF IMPUTING A VALUE TO THE ACTUAL, VERIFIED UNSALARIED LABOR AND ADMINISTRATIVE TASKS PERFORMED BY BUILDING OWNERS OR MEMBERS OF THEIR IMMEDIATE FAMILY WHO RESIDE WITH THEM. IF THE INCLUSION OF THE VALUE OF SUCH LABOR AND ADMINISTRATIVE TASKS IS DEEMED FEASIBLE BY THE BOARD, THEY SHALL BE INCLUDED AS ONE OF THE FACTORS CONSIDERED HEREIN. THE RENT GUIDELINES BOARD SHALL

ANNUALLY REQUIRE A SAMPLE OF LANDLORDS SUBJECT TO REGULATION UNDER THIS ACT TO MAKE AVAILABLE THEIR BOOKS AND RECORDS REGARDING INCOME, EXPENDITURES, TAX BENEFITS AND FINANCING ARRANGEMENTS FOR EXAMINATION BY THE BOARD AND THE BOARD SHALL UTILIZE THE RESULTS OF SUCH SAMPLE AS ONE OF THE CRITERIA UPON WHICH THEIR FINDINGS ARE BASED. SUCH SAMPLE SHALL BE DESIGNED TO BE REASONABLY REPRESENTATIVE OF THE TYPES OF BUILDINGS WHICH ARE SUBJECT TO REGULATION UNDER THIS LAW. ANY INFORMATION PROVIDED BY LANDLORDS PURSUANT TO THIS SUBDIVISION REGARDING AN INDIVIDUAL BUILDING OR GROUP OF BUILDINGS SHALL NOT BE SUBJECT TO THE FREEDOM OF INFORMATION LAW AND THE RENT GUIDELINES BOARD SHALL SAFEGUARD THE CONFIDENTIALITY OF SUCH INFORMATION PROVIDED HOWEVER THAT THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC CUMULATIVE AND STATISTICAL RESULTS OF THE REPRESENTATIVE SAMPLE OF BOOKS AND RECORDS REQUIRED HEREIN. As soon as practicable after its creation and thereafter not later than July first of each year, a rent guidelines board shall file with the state division of housing and community renewal its findings for the preceding calendar year, and shall accompany such findings with a statement of the maximum rate or rates of rent adjustment, if any, for one or more classes of accommodation subject to this act, authorized for leases or other rental agreements commencing during the next succeeding twelve months. The standards for rent adjustments may be applicable for the entire county or may be varied according to such zones or jurisdictions within such county as the board finds necessary to achieve the purposes of this subdivision.

S 4. Subdivisions c and d of section 4 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four are relettered subdivisions d and e and a new subdivision c is added to read as follows:

C. IN FURTHERANCE OF ITS RESPONSIBILITY TO ENFORCE THIS ACT, THE RENT GUIDELINES BOARD SHALL BE EMPOWERED TO ADMINISTER OATHS, ISSUE SUBPOENAS, CONDUCT INVESTIGATIONS, MAKE INSPECTIONS AND DESIGNATE OFFICERS TO HEAR AND REPORT.

S 5. This act shall take effect immediately provided that:

(a) the amendments to section 26-510 of the rent stabilization law of nineteen hundred sixty-nine made by sections one and two 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, and;

(b) the amendments to section 4 of the emergency tenant protection act of nineteen seventy-four made by sections three 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.