

7150

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 25, 2009

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Introduced by M. of A. ROSENTHAL, GLICK, MILLMAN, COLTON, CYMBROWITZ,  
SPANIO -- 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 housing rent control law, in relation to the establishment  
of rent adjustments

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

1     Section 1. Subdivision a of section 26-405 of the administrative code  
2     of the city of New York is amended by adding a new paragraph 10 to read  
3     as follows:  
4     (10) (A) NOTWITHSTANDING ANY CONTRARY PROVISIONS OF THIS SUBDIVISION,  
5     EFFECTIVE JANUARY FIRST, TWO THOUSAND TEN, MAXIMUM RENTS FOR HOUSING  
6     ACCOMMODATIONS SUBJECT TO THIS CHAPTER SHALL NO LONGER BE ESTABLISHED  
7     PURSUANT TO PARAGRAPHS THREE AND FOUR OF THIS SUBDIVISION, OR LIMITED BY  
8     PARAGRAPH FIVE OF THIS SUBDIVISION, OR ADJUSTED BY SUBPARAGRAPH (L) OR  
9     (N) OF PARAGRAPH ONE OF SUBDIVISION G OF THIS SECTION.  
10    (B) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, THE RENT GUIDE-  
11    LINES BOARD ESTABLISHED PURSUANT TO SECTION 26-510 OF THIS TITLE SHALL  
12    ESTABLISH ANNUAL RATES OF RENT ADJUSTMENT FOR THE CLASS OF HOUSING  
13    ACCOMMODATIONS SUBJECT TO THIS CHAPTER, IN THE MANNER PROVIDED BY SUCH  
14    SECTION. THE FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS  
15    CHAPTER MAY NOT BE CONSIDERED AS A FACTOR IN DETERMINING THE RATE OF  
16    RENT ADJUSTMENT. NOT LATER THAN OCTOBER FIRST, TWO THOUSAND NINE, AND  
17    NOT LATER THAN OCTOBER FIRST ANNUALLY THEREAFTER, THE RENT BOARD SHALL  
18    FILE WITH THE CITY CLERK AND THE DIVISION OF HOUSING AND COMMUNITY  
19    RENEWAL ITS FINDINGS ESTABLISHED IN CONSIDERATION OF THE ECONOMIC  
20    FACTORS LISTED IN SUBDIVISION B OF SECTION 26-510 OF THIS TITLE, AND  
21    SHALL ACCOMPANY SUCH FINDINGS WITH A STATEMENT OF THE MAXIMUM RATE OR  
22    RATES OF RENT ADJUSTMENT, IF ANY, FOR ONE OR MORE CLASSES OF ACCOMMO-  
23    DATIONS SUBJECT TO THIS CHAPTER AUTHORIZED FOR THE ADJUSTMENT OF THE  
24    MAXIMUM RENT OF THE HOUSING ACCOMMODATION FOR THE TWELVE MONTH PERIOD

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

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1 COMMENCING JANUARY FIRST, TWO THOUSAND TEN AND FOR EACH SUCCEEDING  
2 TWELVE MONTH PERIOD.

3 (C) EFFECTIVE JANUARY FIRST, TWO THOUSAND TEN, THE MAXIMUM RENT  
4 COLLECTIBLE FROM THE TENANT SHALL BE THE MAXIMUM RENT COLLECTIBLE ON  
5 DECEMBER THIRTY-FIRST, TWO THOUSAND NINE, INCLUDING ANY RENT ADJUSTMENTS  
6 THEN COLLECTIBLE PURSUANT TO SUBPARAGRAPH (N) OF PARAGRAPH ONE OF SUBDI-  
7 VISION G OF THIS SECTION, AS SUCH RENT MAY BE ADJUSTED PURSUANT TO  
8 SUBPARAGRAPH (B) OF THIS PARAGRAPH ANNUALLY, WITHOUT AN ORDER OF THE  
9 CITY RENT AGENCY, OR AS ADJUSTED PURSUANT TO ANY OTHER PROVISION OF THIS  
10 CHAPTER, PROVIDED THAT A LANDLORD SHALL NOT COLLECT ANY RENT INCREASE OR  
11 ADJUSTMENT OTHERWISE COLLECTIBLE UNDER SUBPARAGRAPH (B) OF THIS PARA-  
12 GRAPH UNLESS AND UNTIL THE FIRST RENT PAYMENT DATE AFTER THE LANDLORD  
13 CERTIFIES TO THE CITY RENT AGENCY THAT ALL RENT IMPAIRING VIOLATIONS, AS  
14 DEFINED BY SECTION THREE HUNDRED TWO-A OF THE MULTIPLE DWELLING LAW, AND  
15 AT LEAST EIGHTY PER CENTUM OF ALL OTHER VIOLATIONS OF THE HOUSING MAIN-  
16 TENANCE CODE OR OTHER STATE OR LOCAL LAWS THAT IMPOSE REQUIREMENTS ON  
17 PROPERTY AND WHICH WERE RECORDED AGAINST THE PROPERTY ON JULY FIRST, TWO  
18 THOUSAND NINE, OR JULY FIRST OF THE YEAR PRECEDING THE ADJUSTMENT,  
19 WHICHEVER IS LATER, HAVE BEEN CLEARED, CORRECTED OR ABATED AND THE LAND-  
20 LORD HAS RECEIVED A CERTIFICATE OF ELIGIBILITY FROM THE CITY RENT AGENCY  
21 THAT THE VIOLATION CLEARING REQUIREMENTS SET FORTH ABOVE HAVE BEEN MET  
22 AND FURTHER AUTHORIZING THE LANDLORD TO COLLECT ANY RENT INCREASE OR  
23 ADJUSTMENT AUTHORIZED PURSUANT TO SUBPARAGRAPH (B) OF THIS PARAGRAPH,  
24 AND THE LANDLORD HAS SERVED SUCH CERTIFICATE UPON THE TENANT RESIDING IN  
25 THE HOUSING ACCOMMODATION.

26 (D) MAXIMUM RATES OF RENT ADJUSTMENT SHALL NOT BE ESTABLISHED MORE  
27 THAN ONCE ANNUALLY FOR ANY HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER  
28 WITHIN THE BOARD'S JURISDICTION. ONCE ESTABLISHED, NO SUCH RATE SHALL BE  
29 ADJUSTED BY ANY SURCHARGE, SUPPLEMENTARY ADJUSTMENT, REOPENER OR OTHER  
30 MODIFICATION.

31 (E) NOTHING CONTAINED IN THIS PARAGRAPH SHALL ALTER, RESTRICT OR  
32 IMPAIR AN OWNER'S RIGHT TO ESTABLISH THE INITIAL REGULATED RENT FOR  
33 ACCOMMODATIONS SUBJECT TO THIS CHAPTER WHICH BECOME VACANT.

34 S 2. Section 4 of chapter 274 of the laws of 1946, constituting the  
35 emergency housing rent control law, is amended by adding a new subdivi-  
36 sion 9 to read as follows:

37 9. NOTWITHSTANDING ANY CONTRARY PROVISIONS OF THIS LAW, EFFECTIVE  
38 JANUARY 1, 2010, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE  
39 RENT FOR HOUSING ACCOMMODATIONS SUBJECT TO THIS CHAPTER LOCATED IN THE  
40 COUNTIES OF WESTCHESTER AND NASSAU SHALL BE ADJUSTED AS FOLLOWS:

41 (A) THE COUNTY RENT BOARDS ESTABLISHED PURSUANT TO SECTION 4 OF THE  
42 EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, SHALL ESTAB-  
43 LISH ANNUAL RENT ADJUSTMENTS FOR THE CLASS OF HOUSING ACCOMMODATIONS  
44 SUBJECT TO THIS CHAPTER LOCATED IN THE COUNTIES OF WESTCHESTER AND  
45 NASSAU, IN THE MANNER PROVIDED BY SUCH SECTION. THE FACT THAT THE HOUS-  
46 ING ACCOMMODATION IS SUBJECT TO THIS LAW MAY NOT BE CONSIDERED AS A  
47 FACTOR IN DETERMINING THE RATE OF RENT ADJUSTMENT. NOT LATER THAN OCTO-  
48 BER 1, 2009, AND NOT LATER THAN OCTOBER FIRST ANNUALLY THEREAFTER, THE  
49 COUNTY RENT BOARDS SHALL FILE WITH THE COMMISSION THEIR FINDINGS ESTAB-  
50 LISHED IN CONSIDERATION OF THE ECONOMIC FACTORS LISTED IN SUBDIVISION B  
51 OF SECTION 4 OF THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVEN-  
52 TY-FOUR, AND SHALL ACCOMPANY SUCH FINDINGS WITH A STATEMENT OF THE MAXI-  
53 MUM RATE OR RATES OF RENT ADJUSTMENT, IF ANY, FOR ONE OR MORE CLASSES OF  
54 ACCOMMODATIONS SUBJECT TO THIS LAW WITHIN SUCH COUNTIES AUTHORIZED FOR  
55 THE ADJUSTMENT OF THE MAXIMUM RENT OF THE HOUSING ACCOMMODATION FOR THE

1 TWELVE MONTH PERIOD COMMENCING JANUARY 1, 2010, AND FOR EACH SUCCEEDING  
2 TWELVE MONTH PERIOD.

3 (B) EFFECTIVE JANUARY 1, 2010, THE MAXIMUM RENT COLLECTIBLE FROM THE  
4 TENANT SHALL BE THE MAXIMUM RENT COLLECTIBLE ON DECEMBER 31, 2009, AS  
5 SUCH RENT MAY BE ADJUSTED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION  
6 ANNUALLY, WITHOUT AN ORDER OF THE COMMISSION, OR AS ADJUSTED PURSUANT TO  
7 ANY OTHER PROVISION OF THIS LAW. HOWEVER, NO SUCH INCREASE PURSUANT TO  
8 PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE AUTHORIZED UNTIL THE EXPIRA-  
9 TION OF TWELVE MONTHS FROM THE EFFECTIVE DATE OF ANY RENT ADJUSTMENT  
10 AUTHORIZED PURSUANT TO REGULATIONS ADOPTED FOR RENT ADJUSTMENTS TO  
11 COMPENSATE FOR UNAVOIDABLE INCREASED COSTS OF OPERATIONS AS PROVIDED FOR  
12 UNDER THIS LAW.

13 (C) MAXIMUM RATES OF RENT ADJUSTMENT SHALL NOT BE ESTABLISHED MORE  
14 THAN ONCE ANNUALLY FOR ANY HOUSING ACCOMMODATION SUBJECT TO THIS LAW  
15 WITHIN A BOARD'S JURISDICTION. ONCE ESTABLISHED, NO SUCH RATE SHALL BE  
16 ADJUSTED BY ANY SURCHARGE, SUPPLEMENTARY ADJUSTMENT, REOPENER OR OTHER  
17 MODIFICATION.

18 (D) NOTHING CONTAINED IN THIS PARAGRAPH SHALL ALTER, RESTRICT OR  
19 IMPAIR AN OWNER'S RIGHT TO ESTABLISH THE INITIAL REGULATED RENT FOR  
20 ACCOMMODATIONS SUBJECT TO THIS LAW WHICH BECOME VACANT.

21 S 3. This act shall take effect immediately; provided that the amend-  
22 ments to section 26-405 of the city rent and rehabilitation law made by  
23 section one of this act shall remain in full force and effect only as  
24 long as the public emergency requiring the regulation and control of  
25 residential rents and evictions continues, as provided in subdivision 3  
26 of section 1 of the local emergency housing rent control act; and  
27 provided that the amendments to section 4 of the emergency housing rent  
28 control law made by section two of this act shall expire on the same  
29 date as such law expires and shall not affect the expiration of such law  
30 as provided in subdivision 2 of section 1 of chapter 274 of the laws of  
31 1946.