

7598

2009-2010 Regular Sessions

I N   A S S E M B L Y

April 16, 2009

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Introduced by M. of A. JEFFRIES, CAMARA, BOYLAND, GOTTFRIED, KELLNER, GREENE, BENJAMIN, LANCMAN, COLTON, CASTRO, DINOWITZ, JAFFEE, ROSENTHAL, O'DONNELL, ESPAILLAT -- Multi-Sponsored by -- M. of A. FARRELL, GLICK, MAYERSOHN, MENG, SCARBOROUGH -- 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 statute of limitations on notices of deregulation

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

1     Section 1. Section 26-504.2 of the administrative code of the city of  
2 New York is amended by adding a new subdivision c to read as follows:  
3     C. NOTWITHSTANDING SECTION 26-516 OF THIS CHAPTER AND SECTION TWO  
4 HUNDRED THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES, THE PERIODS  
5 PROVIDED FOR THEREIN FOR EXAMINATION OF THE RENTAL HISTORY OF THE ACCOM-  
6 MODATION FOR THE DETERMINATION OF AN OVERCHARGE AND WHETHER THE ACCOMMO-  
7 DATION IS SUBJECT TO THIS LAW ARE EXTENDED BY THE PERIOD DURING WHICH  
8 THE OWNER IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION B OF  
9 THIS SECTION.  
10     S 2. Paragraph 13 of subdivision a of section 5 of section 4 of chap-  
11 ter 576 of the laws of 1974, constituting the emergency tenant  
12 protection act of nineteen seventy-four, as amended by chapter 82 of the  
13 laws of 2003, is amended to read as follows:  
14     (13) (I) any housing accommodation with a legal regulated rent of two  
15 thousand dollars or more per month at any time between the effective  
16 date of this paragraph and October first, nineteen hundred ninety-three  
17 which is or becomes vacant on or after the effective date of this para-  
18 graph, or any housing accommodation with a legal regulated rent of two  
19 thousand dollars or more per month at any time on or after the effective  
20 date of the rent regulation reform act of 1997 which is or becomes  
21 vacant on or after the effective date of the rent regulation reform act

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

LBD10754-01-9

1 of 1997. This exclusion shall apply regardless of whether the next  
2 tenant in occupancy or any subsequent tenant in occupancy actually is  
3 charged or pays less than two thousand dollars a month. Provided howev-  
4 er, that this exclusion shall not apply to housing accommodations which  
5 became or become subject to this act (a) by virtue of receiving tax  
6 benefits pursuant to section four hundred twenty-one-a or four hundred  
7 eighty-nine of the real property tax law, except as otherwise provided  
8 in subparagraph (i) of paragraph (f) of subdivision two of section four  
9 hundred twenty-one-a of the real property tax law, or (b) by virtue of  
10 article seven-C of the multiple dwelling law. This paragraph shall not  
11 apply, however, to or become effective with respect to housing accommo-  
12 dations which the commissioner determines or finds that the landlord or  
13 any person acting on his or her behalf, with intent to cause the tenant  
14 to vacate, has engaged in any course of conduct (including, but not  
15 limited to, interruption or discontinuance of required services) which  
16 interfered with or disturbed or was intended to interfere with or  
17 disturb the comfort, repose, peace or quiet of the tenant in his or her  
18 use or occupancy of the housing accommodations and in connection with  
19 such course of conduct, any other general enforcement provision of this  
20 act shall also apply.

21 (II) THE OWNER OF ANY HOUSING ACCOMMODATION THAT IS NOT SUBJECT TO  
22 THIS ACT PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARA-  
23 GRAPH OR PARAGRAPH N OF PARAGRAPH TWO OF SECTION TWO OF THE EMERGENCY  
24 HOUSING RENT CONTROL LAW SHALL GIVE WRITTEN NOTICE CERTIFIED BY SUCH  
25 OWNER TO THE FIRST TENANT OF THAT HOUSING ACCOMMODATION AFTER SUCH HOUS-  
26 ING ACCOMMODATION BECOMES EXEMPT FROM THE PROVISIONS OF THIS ACT OR THE  
27 EMERGENCY HOUSING RENT CONTROL LAW. SUCH NOTICE SHALL CONTAIN: THE LAST  
28 REGULATED RENT; THE REASON THAT SUCH HOUSING ACCOMMODATION IS NOT  
29 SUBJECT TO THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW; A CALCU-  
30 LATION OF HOW EITHER THE RENTAL AMOUNT CHARGED WHEN THERE IS NO LEASE OR  
31 THE RENTAL AMOUNT PROVIDED FOR IN THE LEASE HAS BEEN DERIVED SO AS TO  
32 REACH TWO THOUSAND DOLLARS OR MORE PER MONTH; A STATEMENT THAT THE LAST  
33 LEGAL REGULATED RENT OR THE MAXIMUM RENT MAY BE VERIFIED BY THE TENANT  
34 BY CONTACTING THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, OR  
35 ANY SUCCESSOR THERETO; AND THE ADDRESS AND TELEPHONE NUMBER OF SUCH  
36 AGENCY, OR ANY SUCCESSOR THERETO. SUCH NOTICE SHALL BE SENT BY CERTIFIED  
37 MAIL WITHIN THIRTY DAYS AFTER THE TENANCY COMMENCES OR AFTER THE SIGNING  
38 OF THE LEASE BY BOTH PARTIES, WHICHEVER OCCURS FIRST OR SHALL BE DELIV-  
39 ERED TO THE TENANT AT THE SIGNING OF THE LEASE. IN ADDITION, THE OWNER  
40 SHALL SEND AND CERTIFY TO THE TENANT A COPY OF THE REGISTRATION STATE-  
41 MENT FOR SUCH HOUSING ACCOMMODATION FILED WITH THE STATE DIVISION OF  
42 HOUSING AND COMMUNITY RENEWAL INDICATING THAT SUCH HOUSING ACCOMMODATION  
43 BECAME EXEMPT FROM THE PROVISIONS OF THIS ACT OR THE EMERGENCY HOUSING  
44 RENT CONTROL LAW, WHICH FORM SHALL INCLUDE THE LAST REGULATED RENT, AND  
45 SHALL BE SENT TO THE TENANT WITHIN THIRTY DAYS AFTER THE TENANCY  
46 COMMENCES OR THE FILING OF SUCH REGISTRATION, WHICHEVER OCCURS LATER.

47 (III) NOTWITHSTANDING SECTION TWELVE OF THIS ACT AND SECTION 213-A OF  
48 THE CIVIL PRACTICE LAW AND RULES TO THE CONTRARY, THE PERIODS PROVIDED  
49 FOR THEREIN FOR EXAMINATION OF THE RENTAL HISTORY OF THE ACCOMMODATION  
50 FOR THE DETERMINATION OF AN OVERCHARGE AND WHETHER THE ACCOMMODATION IS  
51 SUBJECT TO THIS LAW ARE EXTENDED BY THE PERIOD DURING WHICH THE OWNER IS  
52 NOT IN COMPLIANCE WITH REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARA-  
53 GRAPH.

54 S 3. This act shall take effect immediately provided that:

55 (a) the amendment to section 26-504.2 of the rent stabilization law of  
56 nineteen hundred sixty-nine made by section one of this act shall expire

1 on the same date as such law expires and shall not affect the expiration  
2 of such law as provided under section 26-520 of such law;

3 (b) the amendments to section 5 of section 4 of the emergency tenant  
4 protection act of nineteen seventy-four made by section two of this act  
5 shall expire on the same date as such act expires and shall not affect  
6 the expiration of such act as provided in section 17 of chapter 576 of  
7 the laws of 1974, as amended; and

8 (c) the provisions of this act shall apply to housing accommodations  
9 which became vacant on or after the effective date of this act.