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I N A S S E M B L Y

February 3, 2010

Introduced by M. of A. ROSENTHAL, GOTTFRIED, GLICK, CASTRO, KELLNER,
MILLMAN -- Multi-Sponsored by -- M. of A. BING, BRENNAN, CLARK -- read
once and referred to the Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seven-
ty-four and the administrative code of the city of New York, in
relation to leasing to business and other entities

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

1 Section 1. Section 4 of chapter 576 of the laws of 1974 constituting
2 the emergency tenant protection act of nineteen seventy-four is amended
3 by adding a new section 5-b to read as follows:

4 S 5-B. TENANCY. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ACT
5 OR THE PROVISIONS OF ANY CONTRACT, LEASE OR RENTAL AGREEMENT, NO OWNER
6 OR ANY PERSON ACTING ON HIS OR HER BEHALF, AFTER THIS SECTION TAKES
7 EFFECT, SHALL ESTABLISH OR RENEW A CONTRACT, LEASE, OR RENTAL AGREEMENT
8 FOR OCCUPANCY OF A HOUSING ACCOMMODATION SUBJECT TO THIS ACT:

9 (I) WHERE THE OWNER, OR PERSON ACTING ON BEHALF OF THE OWNER, HAS
10 REASON TO KNOW THAT THE TENANT WILL NOT OCCUPY THE HOUSING ACCOMMODATION
11 AS HIS OR HER PRIMARY RESIDENCE;

12 (II) WHERE THE TENANT IS A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS
13 OR NOT-FOR-PROFIT ENTITY, UNLESS THE HOUSING ACCOMMODATION (A) IS
14 INTENDED TO BE OCCUPIED BY AN OFFICER, PARTNER, EMPLOYEE OR OTHER
15 NATURAL PERSON PARTICIPATING IN THE DAY-TO-DAY OPERATIONS OF THE TENANT
16 ENTITY (OR WAS SUCH A PERSON AT THE COMMENCEMENT OF THE OCCUPANCY AND IS
17 NOW RETIRED FROM BEING SUCH A PERSON) WHO WILL OCCUPY THE HOUSING ACCOM-
18 MODATION AS HIS OR HER PRIMARY RESIDENCE, OR (B) THE HOUSING ACCOMMO-
19 DATION IS TO BE OCCUPIED UNDER PARAGRAPH SIX OR TEN OF SUBDIVISION A OF
20 SECTION FIVE OF THIS ACT.

21 S 2. Clause (i) of paragraph 3 of subdivision a of section 12 of
22 section 4 of chapter 576 of the laws of 1974 constituting the emergency
23 tenant protection act of nineteen seventy-four, as amended by chapter
24 480 of the laws of 2009, is amended to read as follows:

25 (i) to have violated an order of the division OR SECTION FIVE-B OF
26 THIS ACT the commissioner may impose by administrative order after hear-

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

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1 ing, a civil penalty in the amount of one thousand dollars for the first
2 such offense and two thousand dollars for each subsequent offense; or

3 S 3. Section 26-512 of the administrative code of the city of New York
4 is amended by adding a new subdivision g to read as follows:

5 G. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ACT OR THE
6 PROVISIONS OF ANY CONTRACT, LEASE OR RENTAL AGREEMENT, NO OWNER OR ANY
7 PERSON ACTING ON HIS OR HER BEHALF, AFTER THIS SECTION TAKES EFFECT,
8 SHALL ESTABLISH OR RENEW A CONTRACT, LEASE, OR RENTAL AGREEMENT FOR
9 OCCUPANCY OF A HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER:

10 (I) WHERE THE OWNER, OR PERSON ACTING ON BEHALF OF THE OWNER, HAS
11 REASON TO KNOW THAT THE TENANT WILL NOT OCCUPY THE HOUSING ACCOMMODATION
12 AS HIS OR HER PRIMARY RESIDENCE;

13 (II) WHERE THE TENANT IS A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS
14 OR NOT-FOR-PROFIT ENTITY, UNLESS THE HOUSING ACCOMMODATION (A) IS
15 INTENDED TO BE OCCUPIED BY AN OFFICER, PARTNER, EMPLOYEE OR OTHER
16 NATURAL PERSON PARTICIPATING IN THE DAY-TO-DAY OPERATIONS OF THE TENANT
17 ENTITY (OR WAS SUCH A PERSON AT THE COMMENCEMENT OF THE OCCUPANCY AND IS
18 NOW RETIRED FROM BEING SUCH A PERSON) WHO WILL OCCUPY THE HOUSING ACCOM-
19 MODATION AS HIS OR HER PRIMARY RESIDENCE, OR (B) THE HOUSING ACCOMMO-
20 DATION IS TO BE OCCUPIED UNDER SUBPARAGRAPH (C) OF PARAGRAPH NINE OF
21 SUBDIVISION C OF SECTION 26-511 OF THIS CHAPTER.

22 S 4. Paragraph 1 of subdivision c of section 26-516 of the administra-
23 tive code of the city of New York, as amended by chapter 480 of the laws
24 of 2009, is amended to read as follows:

25 (1) to have violated an order of the division OR SUBDIVISION G OF
26 SECTION 26-512 OF THIS CHAPTER the commissioner may impose by adminis-
27 trative order after hearing, a civil penalty in the amount of one thou-
28 sand dollars for the first such offense and two thousand dollars for
29 each subsequent offense; or

30 S 5. Severability. If any provision of this act, or any application of
31 any provision of this act, is held to be invalid, that shall not affect
32 the validity or effectiveness of any other provision of this act, any
33 other application of any provision of this act, or any other provision
34 of any law or code amended by this act.

35 S 6. This act shall take effect sixty days after it shall have become
36 a law; provided that:

37 (a) the amendments to the emergency tenant protection act of nineteen
38 seventy-four made by sections one and two of this act shall expire on
39 the same date as such act expires and shall not affect the expiration of
40 such act as provided in section 17 of chapter 576 of the laws of 1974;
41 and

42 (b) the amendments to sections 26-512 and 26-516 of the administrative
43 code of the city of New York made by sections three and four of this act
44 shall expire on the same date as such sections expire and shall not
45 affect the expiration of such sections as provided in section 26-520 of
46 such code.