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

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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 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 leasing to business and other entities

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

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

S 5-B. TENANCY. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ACT OR THE PROVISIONS OF ANY CONTRACT, LEASE OR RENTAL AGREEMENT, NO OWNER OR ANY AGENT THEREOF SHALL ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR OCCUPANCY OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS ACT IF THE OWNER OR ANY AGENT THEREOF HAS REASON TO KNOW THAT THE TENANT WILL NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE, OR THE TENANT IS A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS OR NOT-FOR-PROFIT ENTITY, PROVIDED, HOWEVER, IF THE TENANT (I) IS A NOT-FOR-PROFIT CORPORATION, PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW, THAT IS SOLELY ENGAGED IN ACTIVITIES TO PROVIDE HOUSING AND ADDITIONAL SUPPORT SERVICES, IF ANY, TO LOW-INCOME OR VULNERABLE MEMBERS OF THE POPULATION, AS DETERMINED BY THE COMMISSIONER OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, OR (II) IS A CORPORATION, PARTNERSHIP OR OTHER BUSINESS THAT IS PROVIDING AN OFFICER, PARTNER, EMPLOYEE OR OTHER NATURAL PERSON PARTICIPATING IN THE DAY-TO-DAY OPERATIONS WITH A DWELLING UNIT, WHICH SHALL BE OCCUPIED AS THE INDIVIDUAL'S PRIMARY RESIDENCE, AN OWNER OR AGENT THEREOF MAY ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR OCCUPANCY OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS ACT.

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

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S 2. Clause (i) of paragraph 3 of subdivision a of section 12 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 480 of the laws of 2009, is amended to read as follows:

(i) to have violated an order of the division OR SECTION FIVE-B OF THIS ACT the commissioner may impose by administrative order after hearing, a civil penalty in the amount of one thousand dollars for the first such offense and two thousand dollars for each subsequent offense; or

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

G. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR THE PROVISIONS OF ANY CONTRACT, LEASE OR RENTAL AGREEMENT, NO OWNER OR ANY AGENT THEREOF SHALL ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR OCCUPANCY OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER IF THE OWNER OR ANY AGENT THEREOF HAS REASON TO KNOW THAT THE TENANT WILL NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE, OR THE TENANT IS A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS OR NOT-FOR-PROFIT ENTITY, PROVIDED, HOWEVER, IF THE TENANT (I) IS A NOT-FOR-PROFIT CORPORATION, PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW, THAT IS SOLELY ENGAGED IN ACTIVITIES TO PROVIDE HOUSING AND ADDITIONAL SUPPORT SERVICES, IF ANY, TO LOW-INCOME OR VULNERABLE MEMBERS OF THE POPULATION, AS DETERMINED BY THE COMMISSIONER OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, OR (II) IS A CORPORATION, PARTNERSHIP OR OTHER BUSINESS THAT IS PROVIDING AN OFFICER, PARTNER, EMPLOYEE OR OTHER NATURAL PERSON PARTICIPATING IN THE DAY-TO-DAY OPERATIONS WITH A DWELLING UNIT, WHICH SHALL BE OCCUPIED AS THE INDIVIDUAL'S PRIMARY RESIDENCE, AN OWNER OR AGENT THEREOF MAY ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR OCCUPANCY OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER.

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

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

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

S 6. This act shall take effect on the sixtieth day after it shall have become a law; provided that:

(a) the amendments to the emergency tenant protection act of nineteen seventy-four made by sections one and two 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; and

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