

1332

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. SERRANO, KRUEGER, ONORATO, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency rent control act, in relation to rent increases after vacancy of a housing accommodation and to repeal certain provisions of the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating thereto

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

1 Section 1. Paragraph 5-a of subdivision c of section 26-511 of the
2 administrative code of the city of New York is REPEALED.
3 S 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of
4 the laws of 1974, constituting the emergency tenant protection act of
5 nineteen seventy-four is REPEALED.
6 S 3. Subdivision f of section 26-512 of the administrative code of the
7 city of New York, as added by chapter 116 of the laws of 1997, is
8 amended to read as follows:
9 f. Notwithstanding any provision of this law to the contrary in the
10 case where all tenants named in a lease have permanently vacated a hous-
11 ing accommodation and a family member of such tenant or tenants is enti-
12 tled to and executes a renewal lease for the housing accommodation if
13 such accommodation continues to be subject to this law after such family
14 member vacates, on the occurrence of such vacancy the legal regulated
15 rent shall be increased by a sum equal to the allowance then in effect
16 for vacancy leases[, including the amount allowed by paragraph (five-a)
17 of subdivision c of section 26-511 of this law]. Such increase shall be
18 in addition to any other increases provided for in this law including an
19 adjustment based upon a major capital improvement, or a substantial

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

LBD00213-01-9

1 modification or increase of dwelling space or services, or installation
2 of new equipment or improvements or new furniture or furnishings
3 provided in or to the housing accommodation pursuant to section 26-511
4 of this law and shall be applicable in like manner to each second subse-
5 quent succession.

6 S 4. Subdivision g of section 6 of section 4 of chapter 576 of the
7 laws of 1974, constituting the emergency tenant protection act of nine-
8 teen seventy-four, as added by chapter 116 of the laws of 1997, is
9 amended to read as follows:

10 g. Notwithstanding any provision of this act to the contrary in the
11 case where all tenants named in a lease have permanently vacated a hous-
12 ing accommodation and a family member of such tenant or tenants is enti-
13 tled to and executes a renewal lease for the housing accommodation if
14 such accommodation continues to be subject to this act after such family
15 member vacates, on the occurrence of such vacancy the legal regulated
16 rent shall be increased by a sum equal to the allowance then in effect
17 for vacancy leases[, including the amount allowed by subdivision (a-1)
18 of section ten of this act]. Such increase shall be in addition to any
19 other increases provided for in this act including an adjustment based
20 upon a major capital improvement, or a substantial modification or
21 increase of dwelling space or services, or installation of new equipment
22 or improvements or new furniture or furnishings provided in or to the
23 housing accommodation, pursuant to THIS section [six of this act] and
24 shall be applicable in like manner to each second subsequent succession.

25 S 5. Subdivision 9 of section 5 of chapter 274 of the laws of 1946,
26 constituting the emergency housing rent control law, as added by chapter
27 116 of the laws of 1997, is amended to read as follows:

28 9. Notwithstanding any provision of this law to the contrary in the
29 case where all tenants occupying the housing accommodation on the effec-
30 tive date of this subdivision have vacated the housing accommodation and
31 a family member of such vacating tenant or tenants is entitled to and
32 continues to occupy the housing accommodation subject to the protections
33 of this law, if such accommodation continues to be subject to this law
34 after such family member vacates, on the occurrence of such vacancy the
35 maximum collectable rent shall be increased by a sum equal to the allow-
36 ance then in effect for vacancy leases for housing accommodations
37 covered by the rent stabilization law of nineteen hundred sixty-nine[,
38 including the amount allowed by paragraph five-a of subdivision c of
39 section 26-511 of such law]. This increase shall be in addition to any
40 other increases provided in this law including an adjustment based upon
41 a major capital improvement, or a substantial increase or decrease in
42 dwelling space or a change in the services, furniture, furnishings or
43 equipment provided in the housing accommodation, pursuant to section
44 four of this law and shall be applicable in like manner to each second
45 subsequent succession.

46 S 6. Section 26-403.2 of the administrative code of the city of New
47 York, as added by chapter 116 of the laws of 1997, is amended to read as
48 follows:

49 S 26-403.2 Increase in maximum collectable rent. Notwithstanding any
50 provision of this law to the contrary in the case where all tenants
51 occupying the housing accommodation on the effective date of this
52 section have vacated the housing accommodation and a family member of
53 such vacating tenant or tenants is entitled to and continues to occupy
54 the housing accommodation subject to the protections of this law, if
55 such accommodation continues to be subject to this law after such family
56 member vacates, on the occurrence of such vacancy the maximum collecta-

1 ble rent shall be increased by a sum equal to the allowance then in
2 effect for vacancy leases for housing accommodations covered by the rent
3 stabilization law of nineteen hundred sixty-nine[, including the amount
4 allowed by paragraph five-a of subdivision c of section 26-511 of such
5 law]. This increase shall be in addition to any other increases provided
6 for in this law including an adjustment based upon a major capital
7 improvement, or a substantial increase or decrease in dwelling space or
8 a change in the services, furniture, furnishings or equipment provided
9 in the housing accommodation, pursuant to section 26-405 of this law and
10 shall be applicable in like manner to each second subsequent succession.

11 S 7. The sixth undesignated paragraph of subdivision 5 of section 1 of
12 chapter 21 of the laws of 1962, constituting the local emergency rent
13 control act, as amended by chapter 82 of the laws of 2003, is amended to
14 read as follows:

15 Notwithstanding any provision of this act to the contrary, any local
16 law adopted pursuant to this act shall provide that notwithstanding any
17 provision of such local law in the case where all tenants occupying the
18 housing accommodation on the effective date of this paragraph have
19 vacated the housing accommodation and a family member of such vacating
20 tenant or tenants is entitled to and continues to occupy the housing
21 accommodation subject to the protections of such act, if such accommo-
22 dation continues to be subject to such act after such family member
23 vacates, on the occurrence of such vacancy the maximum collectable rent
24 shall be increased by a sum equal to the allowance then in effect for
25 vacancy leases for housing accommodations covered by the rent stabiliza-
26 tion law of nineteen hundred sixty-nine[, including the amount allowed
27 by paragraph (5-a) of subdivision c of section 26-511 of such law]. This
28 increase shall be in addition to any other increases provided for in
29 this act and shall be applicable in like manner to each second subse-
30 quent succession.

31 S 8. This act shall take effect immediately; provided that:

32 (a) the amendments to section 6 of the emergency tenant protection act
33 of nineteen seventy-four made by section four of this act shall expire
34 on the same date as such act expires and shall not affect the expiration
35 of such act as provided in section 17 of chapter 576 of the laws of
36 1974; and

37 (b) the amendments to section 5 of the emergency housing rent control
38 law made by section five of this act shall expire on the same date as
39 such law expires and shall not affect the expiration of such law as
40 provided in subdivision 2 of section 1 of chapter 274 of the laws of
41 1946; and

42 (c) the amendments to section 26-512 of chapter 4 of title 26 of the
43 administrative code of the city of New York made by section three of
44 this act shall expire on the same date as such law expires and shall not
45 affect the expiration of such law as provided under section 26-520 of
46 such law; and

47 (d) the amendments to section 26-403.2 of the city rent and rehabili-
48 tation law made by section six of this act shall remain in full force
49 and effect only as long as the public emergency requiring the regulation
50 and control of residential rents and evictions continues, as provided in
51 subdivision 3 of section 1 of the local emergency housing rent control
52 act.