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

1551

2009-2010 Regular Sessions

I N  S E N A T E

February 2, 2009

Introduced by Sens. STAVISKY, ADAMS, DIAZ, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law and the real property tax law, in relation to eliminating rent regulation protection for certain high income tenants and high rent housing accommodations; and to repeal certain provisions of the emergency housing rent control law, the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the tax law relating thereto

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

Section 1. Paragraphs (m) and (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, are REPEALED.

S 2. Section 2-a of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is REPEALED.

S 3. Subparagraphs (j) and (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York are REPEALED.

S 4. Section 26-403.1 of the administrative code of the city of New York is REPEALED.

S 5. Sections 26-504.1 and 26-504.2 of the administrative code of the city of New York are REPEALED.

S 6. Section 26-504.3 of the administrative code of the city of New York is REPEALED.

S 7. Paragraphs 12 and 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, are REPEALED.

S 8. Section 5-a of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is REPEALED.

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

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S 9. Subdivision 3 of section 171-b of the tax law is REPEALED and subdivision 7 of such section, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

(7) The provisions of the state freedom of information act shall not apply to any verification of income information obtained from a company, the commissioner of housing and community renewal, the supervising agency, the corporation, or officer or employee thereof, an approved organization as defined in section two thousand five hundred ten of the public health law or the commissioner of health pursuant to the provisions of this section [nor shall the provisions of such act apply to any verifications prepared or provided pursuant to subdivision three and information provided pursuant to subdivision four of this section].

S 10. Subparagraph (i) of paragraph (f) of subdivision 2 of section 421-a of the real property tax law, as amended by chapter 253 of the laws of 1993, is amended to read as follows:

(i) with respect to units subject to the provisions of this section on the effective date of this subparagraph such a unit becomes vacant after the expiration of such ten year period or applicable law or act; provided, however, [that such units may be decontrolled pursuant to the rent regulation reform act of 1993 and provided further that] the rent shall not be decontrolled for a unit which the commissioner of housing and community renewal or a court of competent jurisdiction finds became vacant because the landlord or any person acting on his behalf engaged in any course of conduct, including but not limited to, interruption or discontinuance of essential services which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of such unit, and, that upon such finding in addition to being subject to any other penalties or remedies permitted by law, the landlord of such unit shall be barred from collecting rent for such unit in excess of that charged to the tenant who vacated such unit until restoration of possession of such tenant, if the tenant so desires, in which case the rent of such tenant shall be established as if such tenant had not vacated such unit, or compliance with such other remedy, including, but not limited to, all remedies provided for by the emergency tenant protection act of nineteen seventy-four for rent overcharge or failure to comply with any order of the commissioner of housing and community renewal, as shall be determined by the commissioner of housing and community renewal to be appropriate; provided, however, that if a tenant fails to accept any such offer of restoration of possession, such unit shall return to rent stabilization at the previously regulated rent; or

S 11. This act shall take effect immediately.