

2251

2009-2010 Regular Sessions

I N   S E N A T E

February 17, 2009

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Introduced by Sens. KRUEGER, DIAZ, HUNTLEY, ONORATO, SERRANO, STAVISKY  
-- 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 emergency tenant protection act of nineteen seven-  
ty-four and the administrative code of the city of New York, in  
relation to the regulation of rents

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

1     Section 1. Subdivision a-2 of section 10 of section 4 of chapter 576  
2     of the laws of 1974, constituting the emergency tenant protection act of  
3     nineteen seventy-four, as added by chapter 82 of the laws of 2003, is  
4     amended to read as follows:  
5     [a-2.] (A-2) Provides that where the amount of rent charged to and  
6     paid by the tenant is less than the legal regulated rent for the housing  
7     accommodation, the amount of rent for such housing accommodation which  
8     may be charged [upon renewal or] upon vacancy thereof may, at the option  
9     of the owner, be based upon such previously established legal regulated  
10    rent, as adjusted by [the most recent] ALL applicable guidelines  
11    increases and other increases authorized by law; PROVIDED, HOWEVER, THAT  
12    SUCH VACANCY SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT  
13    OF THE OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH  
14    THE WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO  
15    HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Where, subsequent to  
16    vacancy, such legal regulated rent, as adjusted by the most recent  
17    applicable guidelines increases and any other increases authorized by  
18    law is two thousand dollars or more per month, such housing accommo-  
19    dation shall be excluded from the provisions of this act pursuant to  
20    paragraph thirteen of subdivision a of section five of this act.  
21    S 2. Paragraph 14 of subdivision c of section 26-511 of the adminis-  
22    trative code of the city of New York, as added by chapter 82 of the laws  
23    of 2003, is amended to read as follows:

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

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1 (14) provides that where the amount of rent charged to and paid by the  
2 tenant is less than the legal regulated rent for the housing accommo-  
3 dation, the amount of rent for such housing accommodation which may be  
4 charged [upon renewal or] upon vacancy thereof may, at the option of the  
5 owner, be based upon such previously established legal regulated rent,  
6 as adjusted by the most recent applicable guidelines increases and any  
7 other increases authorized by law; PROVIDED, HOWEVER, THAT SUCH VACANCY  
8 SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE  
9 OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE  
10 WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO  
11 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Where, subsequent to  
12 vacancy, such legal regulated rent, as adjusted by [the most recent] ALL  
13 applicable guidelines increases and any other increases authorized by  
14 law is two thousand dollars or more per month, such housing accommo-  
15 dation shall be excluded from the provisions of this law pursuant to  
16 section 26-504.2 of this chapter.

17 S 3. This act shall take effect immediately; provided, however, that  
18 the amendments to section 10 of the emergency tenant protection act of  
19 nineteen seventy-four made by section one of this act shall expire on  
20 the same date as such act expires and shall not affect the expiration of  
21 such act as provided in section 17 of chapter 576 of the laws of 1974;  
22 and provided, further, that the amendments to section 26-511 of the rent  
23 stabilization law of nineteen hundred sixty-nine made by section two of  
24 this act shall expire on the same date as such law expires and shall not  
25 affect the expiration of such law as provided under section 26-520 of  
26 such law.