

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

2349--A

2009-2010 Regular Sessions

I N S E N A T E

February 18, 2009

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to the termination of rent inclusion of electricity for housing accommodations

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

1 Section 1. Subdivision c of section 26-511 of the administrative code
2 of the city of New York is amended by adding a new paragraph 15 to read
3 as follows:
4 (15) PROVIDES THAT OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR
5 ELECTRICITY AND HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS
6 TO TERMINATE THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS
7 SUBJECT TO THIS SECTION.
8 (A) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND
9 PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUST-
10 MENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY
11 SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHE-
12 DULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABU-
13 LATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY
14 WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED
15 UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY
16 MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING
17 AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR
18 MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO
19 THE PROVISIONS OF THIS PARAGRAPH.
20 (B) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND
21 ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULAT-

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

LBD01288-09-0

1 ING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY
2 PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLI-
3 CATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE
4 DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

5 (C) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT STABILIZED
6 ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY
7 METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METER-
8 ING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE
9 METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

10 (D) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR
11 OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION,
12 ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY
13 RENT INCREASE EXEMPTION PURSUANT TO SECTION 26-509 OF THIS CHAPTER. FOR
14 SUCH TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY
15 SHALL REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY
16 EQUIPMENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR
17 EFFECTUATION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER
18 RECEIVES SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER
19 SHALL REDUCE THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN
20 ACCORDANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMUL-
21 GATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

22 (E) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PERMIT SHARED
23 METERING.

24 S 2. Section 26-405 of the administrative code of the city of New York
25 is amended by adding a new subdivision n to read as follows:

26 N. SCHEDULE OF RENT REDUCTIONS; INDIVIDUAL ELECTRIC METERING. OWNERS
27 OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND HAVE RENT
28 INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE THE RENT
29 INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS SECTION.

30 (1) THE CITY RENT AGENCY SHALL FORMULATE AND PUBLISH A SCHEDULE OF
31 RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUSTMENTS WITHIN SIX MONTHS
32 OF THE PUBLICATION OF A NEW HOUSING AND VACANCY SURVEY BY THE UNITED
33 STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHEDULE OF RENT ADJUST-
34 MENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABULATED BY THE NEW YORK
35 CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY WHICH THE RENT OF
36 REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED UPON AND AFTER
37 CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY MEANS OF EITHER
38 DIRECT METERING OR SUBMETERING. THE CITY RENT AGENCY SHALL PROMULGATE AN
39 OPERATIONAL BULLETIN AND/OR MODIFY OR AMEND ITS REGULATIONS AS MAY BE
40 NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS SUBDIVISION.

41 (2) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND
42 ASSISTANCE TO THE CITY RENT AGENCY, BY TABULATING THE DATA OF THE TRIEN-
43 NIAL NEW YORK CITY HOUSING AND VACANCY SURVEY PRODUCED BY THE UNITED
44 STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLICATION AND PROVIDING THE
45 CITY RENT AGENCY THE DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT
46 ADJUSTMENTS.

47 (3) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT CONTROLLED
48 ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY
49 METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METER-
50 ING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE
51 METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

52 (4) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR
53 OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION,
54 ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY
55 RENT INCREASE EXEMPTION PURSUANT TO SECTION 26-406 OF THIS CHAPTER. FOR
56 SUCH TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY

1 SHALL REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY
2 EQUIPMENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR
3 EFFECTUATION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER
4 RECEIVES SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER
5 SHALL REDUCE THE MAXIMUM RENT FOR THE HOUSING ACCOMMODATION IN ACCORD-
6 ANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY
7 THE CITY RENT AGENCY.

8 (5) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PERMIT SHARED
9 METERING.

10 S 3. Subdivision d of section 6 of section 4 of chapter 576 of the
11 laws of 1974, constituting the emergency tenant protection act of nine-
12 teen seventy-four, is amended by adding a new paragraph 6 to read as
13 follows:

14 (6) OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND
15 HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE
16 THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS
17 SECTION.

18 (I) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND
19 PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUST-
20 MENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY
21 SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHE-
22 DULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABU-
23 LATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY
24 WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED
25 UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY
26 MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING
27 AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR
28 MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO
29 THE PROVISIONS OF THIS PARAGRAPH.

30 (II) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND
31 ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULAT-
32 ING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY
33 PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLI-
34 CATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE
35 DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

36 (III) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT STABI-
37 LIZED ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILI-
38 TY METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT
39 METERING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH
40 THE METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THERE-
41 AFTER.

42 (IV) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR
43 OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION,
44 ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY
45 RENT INCREASE EXEMPTION PURSUANT TO A LOCAL LAW, ORDINANCE OR RESOLUTION
46 AS AUTHORIZED BY SECTION 467-B OF THE REAL PROPERTY TAX LAW. FOR SUCH
47 TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY SHALL
48 REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY EQUIP-
49 MENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR EFFECTUA-
50 TION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER RECEIVES
51 SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER SHALL
52 REDUCE THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORD-
53 ANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY
54 THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

55 (V) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PERMIT SHARED
56 METERING.

1 S 4. Section 4 of chapter 274 of the laws of 1946, constituting the
2 emergency housing rent control law, is amended by adding a new subdivi-
3 sion 9 to read as follows:

4 9. OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND
5 HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE
6 THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS
7 SECTION.

8 (1) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND
9 PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUST-
10 MENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY
11 SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHE-
12 DULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABU-
13 LATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY
14 WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED
15 UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY
16 MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING
17 AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR
18 MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO
19 THE PROVISIONS OF THIS SUBDIVISION.

20 (2) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND
21 ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULAT-
22 ING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY
23 PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLI-
24 CATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE
25 DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

26 (3) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT CONTROLLED
27 ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY
28 METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METER-
29 ING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE
30 METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

31 (4) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR
32 OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION,
33 ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY
34 RENT INCREASE EXEMPTION PURSUANT TO A LOCAL LAW, ORDINANCE OR RESOLUTION
35 AS AUTHORIZED BY SECTION 467-B OF THE REAL PROPERTY TAX LAW. FOR SUCH
36 TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY SHALL
37 REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY EQUIP-
38 MENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR EFFECTUA-
39 TION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER RECEIVES
40 SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER SHALL
41 REDUCE THE MAXIMUM RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH
42 THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY THE DIVI-
43 SION OF HOUSING AND COMMUNITY RENEWAL.

44 (5) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PERMIT SHARED
45 METERING.

46 S 5. This act shall take effect on the first of January next succeed-
47 ing the date upon which it shall have become a law, and shall apply to
48 all fiscal years commencing on or after such date; provided that:

49 a. the amendments to section 26-511 of the rent stabilization law of
50 nineteen hundred sixty-nine made by section one of this act shall expire
51 on the same date as such law expires and shall not affect the expiration
52 of such law as provided under section 26-520 of such law;

53 b. the amendments to section 26-405 of the city rent and rehabili-
54 tation law made by section two of this act shall remain in full force
55 and effect only as long as the public emergency requiring the regulation
56 and control of residential rents and evictions continues, as provided in

1 subdivision 3 of section 1 of the local emergency housing rent control
2 act;
3 c. the amendments to subdivision d of section 6 of the emergency
4 tenant protection act of nineteen seventy-four made by section three of
5 this act shall expire on the same date as such act expires and shall not
6 affect the expiration of such act as provided in section 17 of chapter
7 576 of the laws of 1974; and
8 d. the amendments to section 4 of the emergency housing rent control
9 law made by section four of this act shall expire on the same date as
10 such law expires and shall not affect the expiration of such law as
11 provided in subdivision 2 of section 1 of chapter 274 of the laws of
12 1946.