

3326

2009-2010 Regular Sessions

I N S E N A T E

March 16, 2009

Introduced by Sens. STEWART-COUSINS, ADAMS, ADDABBO, DIAZ, HASSELL-THOMPSON, HUNTLEY, MONSERRATE, ONORATO, PERKINS, SCHNEIDERMAN -- 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 seventy-four, in relation to limited-profit housing companies and other buildings or structures which received project-based rental assistance

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

1 Section 1. Section 5 of section 4 of chapter 576 of the laws of 1974  
2 constituting the emergency tenant protection act of nineteen seventy-  
3 four is amended by adding a new subdivision c to read as follows:  
4 C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NOTHING SHALL  
5 PREVENT THE DECLARATION OF AN EMERGENCY PURSUANT TO SECTION THREE OF  
6 THIS ACT FOR RENTAL HOUSING ACCOMMODATIONS LOCATED IN BUILDINGS OR  
7 STRUCTURES WHICH WERE OWNED BY A COMPANY ESTABLISHED UNDER ARTICLE TWO  
8 OF THE PRIVATE HOUSING FINANCE LAW, OTHER THAN A MUTUAL COMPANY, WHICH  
9 ARE NO LONGER OWNED BY SUCH COMPANY BY REASON OF A VOLUNTARY DISSOLUTION  
10 PURSUANT TO SECTION THIRTY-FIVE OF SUCH LAW OR FOR RENTAL HOUSING ACCOM-  
11 MODATIONS LOCATED IN BUILDINGS OR STRUCTURES DEFINED AS COVERED PROJECTS  
12 PURSUANT TO SECTION 8 OF THE UNITED STATES HOUSING ACT OF NINETEEN THIR-  
13 TY-SEVEN, AS AMENDED, OR ANY SUCCESSOR STATUTE, AND ANY REGULATIONS  
14 PROMULGATED THEREUNDER IN WHICH RENTAL HOUSING ACCOMMODATIONS RECEIVED  
15 PROJECT-BASED RENTAL ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF  
16 HOUSING AND URBAN DEVELOPMENT PURSUANT TO CONTRACTS WITH THE OWNERS OF  
17 SUCH BUILDINGS OR STRUCTURES WHICH EXPIRED OR WERE TERMINATED. THE  
18 INITIAL LEGAL REGULATED RENT FOR HOUSING ACCOMMODATIONS LOCATED IN  
19 BUILDINGS OR STRUCTURES THAT WERE OWNED BY HOUSING COMPANIES OR THAT  
20 WERE COVERED PROJECTS PREVIOUSLY REGULATED UNDER THE PRIVATE HOUSING  
21 FINANCE LAW OR UNDER FEDERAL LAW, SHALL BE THE RENT CHARGED TO AND PAID  
22 BY THE TENANT IN OCCUPANCY ON THE DATE SUCH REGULATION TERMINATED OR THE

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

LBD07971-02-9

1 MOST RECENT RENT CHARGED TO AND PAID BY A TENANT PRIOR TO SUCH DATE,  
2 INCLUDING ANY INCOME-RELATED SURCHARGES, AS ADJUSTED BY ALL APPLICABLE  
3 GUIDELINES INCREASES AND OTHER INCREASES AUTHORIZED BY LAW. THE  
4 PROVISIONS OF SUBDIVISION A OF SECTION NINE OF THIS ACT OR OF SUBDIVI-  
5 SION A OF SECTION 26-513 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW  
6 YORK SHALL NOT APPLY TO ANY HOUSING ACCOMMODATION WHICH BECAME SUBJECT  
7 TO THIS ACT PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION.

8 S 2. This act shall take effect immediately and shall apply to housing  
9 accommodations located in buildings or structures owned by housing  
10 companies that dissolved on, before or after such date and to housing  
11 accommodations in buildings or structures that were covered projects and  
12 had contracts for rental assistance that expired or were terminated on,  
13 before or after such date; provided that the amendments to section 5 of  
14 the emergency tenant protection act of nineteen seventy-four made by  
15 section one of this act shall expire on the same date as such act  
16 expires and shall not affect the expiration of such act as provided in  
17 section 17 of chapter 576 of the laws of 1974.