

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

3854--A

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sens. KRUEGER, DUANE, HUNTLEY, MONSERRATE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- 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, in relation to renewal of a lease under the stabilization code

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

1 Section 1. Subparagraph (a) of paragraph 9 of subdivision c of section
2 26-511 of the administrative code of the city of New York is amended to
3 read as follows:
4 (a) (1) where THE OWNER HAS ESTABLISHED TO THE SATISFACTION OF THE
5 DIVISION OF HOUSING AND COMMUNITY RENEWAL, AFTER A HEARING AT WHICH ALL
6 PARTIES MAY PRESENT EVIDENCE, THAT THE SUBJECT BUILDING IS IN A
7 SUBSTANDARD OR SERIOUSLY DETERIORATED CONDITION, AND THAT he or she
8 intends in good faith to demolish the building and [has obtained a
9 permit therefor from the department of buildings] SUBMITS PROOF PRIOR TO
10 FILING THE APPLICATION WITH THE DIVISION OF HOUSING AND COMMUNITY
11 RENEWAL THAT PLANS AND IF POSSIBLE, THE NECESSARY PERMITS, FOR THE
12 UNDERTAKING HAVE BEEN APPROVED BY AND OBTAINED FROM THE DEPARTMENT OF
13 BUILDINGS; THE OWNER HAS OBTAINED THE NECESSARY FINANCIAL RESOURCES
14 COMMITTED TO THE SUBJECT UNDERTAKING; AND THE OWNER HAS OBTAINED A
15 CERTIFICATION OF "NO HARASSMENT" PURSUANT TO SECTION 27-2093 OF THIS
16 CHAPTER. SUCH APPLICATION SHALL BE FILED AT LEAST NINETY DAYS PRIOR TO
17 THE EXPIRATION OF THE LEASE TERM; FOR THE PURPOSE OF THIS SUBPARAGRAPH,
18 "DEMOLISH" MEANS THE COMPLETE RAZING OF THE ENTIRE BUILDING, INCLUDING
19 ALL EXTERIOR WALLS, IN ORDER TO CONSTRUCT A NEW BUILDING WITH THE SAME
20 OR GREATER NUMBER OF RENTAL HOUSING UNITS;
21 (2) THE ORDER GRANTING THE OWNER'S DEMOLITION APPLICATION SHALL
22 PROVIDE THAT THE OWNER MUST, AT THE TENANT'S OPTION, EITHER: (I) RELO-

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

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1 CATE THE TENANT TO AN EQUIVALENT OR SUPERIOR RENT STABILIZED HOUSING
2 ACCOMMODATION IN A CLOSELY PROXIMATE AREA, AT THE SAME OR LOWER LEGAL
3 REGULATED RENT; AND PROVIDE THE TENANT, IN ADDITION TO REASONABLE MOVING
4 EXPENSES, PAYMENT OF A FIVE THOUSAND DOLLAR STIPEND, PROVIDED THE TENANT
5 VACATES ON OR BEFORE THE VACATE DATE REQUIRED BY THE FINAL ORDER; OR
6 (II) PAY THE TENANT A STIPEND WHICH SHALL BE THE DIFFERENCE BETWEEN THE
7 TENANT'S CURRENT RENT AND ONE HUNDRED TWENTY PERCENT OF THE MEAN ASKING
8 RENT LEVEL FOR THE ZIP CODE CONTAINING THE SUBJECT BUILDING, AS CALCU-
9 LATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, MULTIPLIED BY
10 SEVENTY-TWO MONTHS; or

11 S 2. This act shall take effect immediately and shall apply to any
12 action or proceeding pending in any court and to any application,
13 complaint, or proceeding pending before an administrative agency on such
14 effective date, as well as to any action or proceeding commenced there-
15 after; provided, however that the amendments to subparagraph (a) of
16 paragraph 9 of subdivision c of section 26-511 of chapter 4 of title 26
17 of the administrative code of the city of New York made by section one
18 of this act shall expire on the same date as such law expires and shall
19 not affect the expiration of such law as provided under section 26-520
20 of such law.