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

467

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- 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 administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to the powers of the rent guidelines board

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

Section 1. Subdivision b of section 26-510 of the administrative code of the city of New York is amended to read as follows:

b. (1) The rent guidelines board shall establish annually guidelines for rent adjustments, and in determining whether rents for housing accommodations subject to the emergency tenant protection act of nineteen seventy-four or this law shall be adjusted shall consider, among other things (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) over-all supply of housing accommodations and over-all vacancy rates, (2) relevant data from the current and projected cost of living indices for the affected area, (3) such other data as may be made available to it. Not later than July first of each year, the rent guidelines board shall file with the city clerk its findings for the preceding calendar year, and shall accompany such findings with a statement of the maximum rate or rates of rent adjustment, if any, for one or more classes of accommodations subject to this law, authorized for leases or other rental agreements commencing on the next succeeding October first or within the twelve months thereafter. Such findings and statement shall be published in the City Record.

(2) UPON REQUEST BY THE RENT GUIDELINES BOARD, LANDLORDS SUBJECT TO REGULATION UNDER THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVEN-

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

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TY-FOUR OR THIS LAW SHALL MAKE AVAILABLE FOR EXAMINATION BY SUCH BOARD ANY BOOKS AND RECORDS REGARDING INCOME, EXPENDITURES, TAX BENEFITS, FINANCING ARRANGEMENTS, UTILITY BILLS AND ANY OTHER INFORMATION THAT THE RENT GUIDELINES BOARD FINDS APPROPRIATE TO CONSIDER IN DETERMINING WHETHER RENTS FOR HOUSING ACCOMMODATIONS WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE AND SUBJECT TO REGULATION UNDER THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR OR THIS LAW SHALL BE ADJUSTED. ANY INFORMATION PROVIDED BY LANDLORDS PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE FREEDOM OF INFORMATION LAW. SUCH BOARD SHALL PROTECT THE CONFIDENTIALITY OF SUCH INFORMATION.

S 2. Section 26-510 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

J. IN FURTHERANCE OF ITS DUTIES UNDER THIS SECTION, THE RENT GUIDELINES BOARD SHALL BE AUTHORIZED TO ADMINISTER OATHS, ISSUE SUBPOENAS, CONDUCT INVESTIGATIONS, MAKE INSPECTIONS AND DESIGNATE OFFICERS TO HEAR AND REPORT ON BEHALF OF AND TO SUCH BOARD.

S 3. Subdivision c of section 4 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 486 of the laws of 1976, is amended to read as follows:

c. (1) In a city having a population of one million or more, the rent guidelines board shall be the rent guidelines board established pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine as amended, and such board shall have the powers granted pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine as amended.

(2) UPON REQUEST BY THE RENT GUIDELINES BOARD WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, LANDLORDS SUBJECT TO REGULATION UNDER THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR THIS LAW SHALL MAKE AVAILABLE FOR EXAMINATION BY SUCH BOARD ANY BOOKS AND RECORDS REGARDING INCOME, EXPENDITURES, TAX BENEFITS, FINANCING ARRANGEMENTS, UTILITY BILLS AND ANY OTHER INFORMATION THAT SUCH RENT GUIDELINES BOARD FINDS APPROPRIATE TO CONSIDER IN DETERMINING WHETHER RENTS FOR HOUSING ACCOMMODATIONS WITHIN THE SEVERAL ZONES AND JURISDICTIONS OF SUCH BOARD, AND SUBJECT TO REGULATION UNDER THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR THIS LAW SHALL BE ADJUSTED. ANY INFORMATION PROVIDED BY LANDLORDS PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE FREEDOM OF INFORMATION LAW. SUCH BOARD SHALL PROTECT THE CONFIDENTIALITY OF SUCH INFORMATION.

(3) IN FURTHERANCE OF ITS DUTIES, THE RENT GUIDELINES BOARD SHALL BE AUTHORIZED TO ADMINISTER OATHS, ISSUE SUBPOENAS, CONDUCT INVESTIGATIONS, MAKE INSPECTIONS AND DESIGNATE OFFICERS TO HEAR AND REPORT ON BEHALF OF AND TO SUCH BOARD.

S 4. This act shall take effect immediately provided that the amendments to section 26-510 of the rent stabilization law of nineteen hundred sixty-nine made by sections one and two of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law and provided further that the amendments to section 4 of the emergency tenant protection act of nineteen seventy-four made by section three of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as amended.