

1266

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. COLTON, DINOWITZ, BING, ROBINSON, CYMBROWITZ, DIAZ, WRIGHT, POWELL, J. RIVERA -- Multi-Sponsored by -- M. of A. AUBRY, BRENNAN, CHRISTENSEN, CLARK, GLICK, GOTTFRIED, HEASTIE, JACOBS, MILLMAN, ORTIZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and the real property tax law, in relation to eliminating rent regulation protection for certain high income tenants and high rent housing accommodations; and to repeal certain provisions of the emergency housing rent control law, the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the tax law relating thereto

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

1 Section 1. Paragraphs (m) and (n) of subdivision 2 of section 2 of
2 chapter 274 of the laws of 1946, constituting the emergency housing rent
3 control law, are REPEALED.
4 S 2. Section 2-a of chapter 274 of the laws of 1946, constituting the
5 emergency housing rent control law, is REPEALED.
6 S 3. Subparagraphs (j) and (k) of paragraph 2 of subdivision e of
7 section 26-403 of the administrative code of the city of New York are
8 REPEALED.
9 S 4. Section 26-403.1 of the administrative code of the city of New
10 York is REPEALED.
11 S 5. Sections 26-504.1 and 26-504.2 of the administrative code of the
12 city of New York are REPEALED.
13 S 6. Section 26-504.3 of the administrative code of the city of New
14 York is REPEALED.
15 S 7. Paragraphs 12 and 13 of subdivision a of section 5 of section 4
16 of chapter 576 of the laws of 1974, constituting the emergency tenant
17 protection act of nineteen seventy-four, are REPEALED.

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

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1 S 8. Section 5-a of section 4 of chapter 576 of the laws of 1974,
2 constituting the emergency tenant protection act of nineteen seventy-
3 four, is REPEALED.

4 S 9. Subdivision 3 of section 171-b of the tax law is REPEALED and
5 subdivision 7 of such section, as amended by chapter 170 of the laws of
6 1994, is amended to read as follows:

7 (7) The provisions of the state freedom of information act shall not
8 apply to any verification of income information obtained from a company,
9 the commissioner of housing and community renewal, the supervising agen-
10 cy, the corporation, or officer or employee thereof, an approved organ-
11 ization as defined in section two thousand five hundred ten of the
12 public health law or the commissioner of health pursuant to the
13 provisions of this section [nor shall the provisions of such act apply
14 to any verifications prepared or provided pursuant to subdivision three
15 and information provided pursuant to subdivision four of this section].

16 S 10. Subparagraph (i) of paragraph (f) of subdivision 2 of section
17 421-a of the real property tax law, as amended by chapter 253 of the
18 laws of 1993, is amended to read as follows:

19 (i) with respect to units subject to the provisions of this section on
20 the effective date of this subparagraph such a unit becomes vacant after
21 the expiration of such ten year period or applicable law or act;
22 provided, however, [that such units may be decontrolled pursuant to the
23 rent regulation reform act of 1993 and provided further that] the rent
24 shall not be decontrolled for a unit which the commissioner of housing
25 and community renewal or a court of competent jurisdiction finds became
26 vacant because the landlord or any person acting on his behalf engaged
27 in any course of conduct, including but not limited to, interruption or
28 discontinuance of essential services which interfered with or disturbed
29 or was intended to interfere with or disturb the comfort, repose, peace
30 or quiet of the tenant in his use or occupancy of such unit, and, that
31 upon such finding in addition to being subject to any other penalties or
32 remedies permitted by law, the landlord of such unit shall be barred
33 from collecting rent for such unit in excess of that charged to the
34 tenant who vacated such unit until restoration of possession of such
35 tenant, if the tenant so desires, in which case the rent of such tenant
36 shall be established as if such tenant had not vacated such unit, or
37 compliance with such other remedy, including, but not limited to, all
38 remedies provided for by the emergency tenant protection act of nineteen
39 seventy-four for rent overcharge or failure to comply with any order of
40 the commissioner of housing and community renewal, as shall be deter-
41 mined by the commissioner of housing and community renewal to be appro-
42 priate; provided, however, that if a tenant fails to accept any such
43 offer of restoration of possession, such unit shall return to rent
44 stabilization at the previously regulated rent; or

45 S 11. This act shall take effect immediately.