

1686

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. V. LOPEZ, GOTTFRIED, ROSENTHAL, KAVANAGH, WRIGHT,
O'DONNELL, ORTIZ, POWELL -- Multi-Sponsored by -- M. of A. BROOK-KRAS-
NY, DIAZ, FARRELL, GLICK, HOOPER, JACOBS, JEFFRIES, PERRY -- read once
and referred to the Committee on Housing

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 limiting rent increase after vacancy of a housing accommodation

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

1 Section 1. Paragraph 5-a of subdivision c of section 26-511 of the
2 administrative code of the city of New York, as added by chapter 116 of
3 the laws of 1997, is amended to read as follows:
4 (5-a) provides that, notwithstanding any provision of this chapter,
5 the legal regulated rent for any vacancy lease entered into after the
6 effective date of this paragraph shall be as hereinafter provided in
7 this paragraph. The previous legal regulated rent for such housing
8 accommodation shall be increased by the following: (i) if the vacancy
9 lease is for a term of two years, [twenty] TEN percent of the previous
10 legal regulated rent; or (ii) if the vacancy lease is for a term of one
11 year the increase shall be [twenty] TEN percent of the previous legal
12 regulated rent less an amount equal to the difference between (a) the
13 two year renewal lease guideline promulgated by the guidelines board of
14 the city of New York applied to the previous legal regulated rent and
15 (b) the one year renewal lease guideline promulgated by the guidelines
16 board of the city of New York applied to the previous legal regulated
17 rent. In addition, if the legal regulated rent was not increased with
18 respect to such housing accommodation by a permanent vacancy allowance
19 within eight years prior to a vacancy lease executed on or after the
20 effective date of this paragraph, the legal regulated rent may be
21 further increased by an amount equal to the product resulting from
22 multiplying such previous legal regulated rent by six-tenths of one

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

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1 percent and further multiplying the amount of rent increase resulting
2 therefrom by the greater of (A) the number of years since the imposition
3 of the last permanent vacancy allowance, or (B) if the rent was not
4 increased by a permanent vacancy allowance since the housing accommo-
5 dation became subject to this chapter, the number of years that such
6 housing accommodation has been subject to this chapter. Provided that if
7 the previous legal regulated rent was less than three hundred dollars
8 the total increase shall be as calculated above plus one hundred dollars
9 per month. Provided, further, that if the previous legal regulated rent
10 was at least three hundred dollars and no more than five hundred dollars
11 in no event shall the total increase pursuant to this paragraph be less
12 than one hundred dollars per month. Such increase shall be in lieu of
13 any allowance authorized for the one or two year renewal component ther-
14 eof, but shall be in addition to any other increases authorized pursuant
15 to this chapter including an adjustment based upon a major capital
16 improvement, or a substantial modification or increase of dwelling space
17 or services, or installation of new equipment or improvements or new
18 furniture or furnishings provided in or to the housing accommodation
19 pursuant to this section. THE INCREASE AUTHORIZED IN THIS PARAGRAPH MAY
20 NOT BE IMPLEMENTED MORE THAN ONE TIME IN ANY CALENDAR YEAR NOTWITHSTAND-
21 ING THE NUMBER OF VACANCY LEASES ENTERED INTO IN SUCH YEAR.

22 S 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of
23 the laws of 1974, constituting the emergency tenant protection act of
24 nineteen seventy-four, as added by chapter 116 of the laws of 1997, is
25 amended to read as follows:

26 (a-1) provides that, notwithstanding any provision of this act, the
27 legal regulated rent for any vacancy lease entered into after the effec-
28 tive date of this subdivision shall be as hereinafter set forth. The
29 previous legal regulated rent for such housing accommodation shall be
30 increased by the following: (i) if the vacancy lease is for a term of
31 two years, [twenty] TEN percent of the previous legal regulated rent; or
32 (ii) if the vacancy lease is for a term of one year the increase shall
33 be [twenty] TEN percent of the previous legal regulated rent less an
34 amount equal to the difference between (a) the two year renewal lease
35 guideline promulgated by the guidelines board of the county in which the
36 housing accommodation is located applied to the previous legal regulated
37 rent and (b) the one year renewal lease guideline promulgated by the
38 guidelines board of the county in which the housing accommodation is
39 located applied to the previous legal regulated rent. In addition, if
40 the legal regulated rent was not increased with respect to such housing
41 accommodation by a permanent vacancy allowance within eight years prior
42 to a vacancy lease executed on or after the effective date of this
43 subdivision, the legal regulated rent may be further increased by an
44 amount equal to the product resulting from multiplying such previous
45 legal regulated rent by six-tenths of one percent and further multiply-
46 ing the amount of rent increase resulting therefrom by the greater of
47 (A) the number of years since the imposition of the last permanent
48 vacancy allowance, or (B) if the rent was not increased by a permanent
49 vacancy allowance since the housing accommodation became subject to this
50 act, the number of years that such housing accommodation has been
51 subject to this act. Provided that if the previous legal regulated rent
52 was less than three hundred dollars the total increase shall be as
53 calculated above plus one hundred dollars per month. Provided, further,
54 that if the previous legal regulated rent was at least three hundred
55 dollars and no more than five hundred dollars in no event shall the
56 total increase pursuant to this subdivision be less than one hundred

1 dollars per month. Such increase shall be in lieu of any allowance
2 authorized for the one or two year renewal component thereof, but shall
3 be in addition to any other increases authorized pursuant to this act
4 including an adjustment based upon a major capital improvement, or a
5 substantial modification or increase of dwelling space or services, or
6 installation of new equipment or improvements or new furniture or
7 furnishings provided in or to the housing accommodation pursuant to
8 section six of this act. THE INCREASE AUTHORIZED IN THIS SUBDIVISION
9 MAY NOT BE IMPLEMENTED MORE THAN ONE TIME IN ANY CALENDAR YEAR NOTWITH-
10 STANDING THE NUMBER OF VACANCY LEASES ENTERED INTO IN SUCH YEAR.
11 S 3. This act shall take effect immediately; provided that the amend-
12 ments to section 26-511 of the rent stabilization law of nineteen
13 hundred sixty-nine made by section one of this act shall expire on the
14 same date as such law expires and shall not affect the expiration of
15 such law as provided under section 26-520 of such law; and provided,
16 further, that the amendments to section 4 of the emergency tenant
17 protection act of nineteen seventy-four made by section two of this act
18 shall expire on the same date as such act expires and shall not affect
19 the expiration of such act as provided in section 17 of chapter 576 of
20 the laws of 1974.