

1686

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 9, 2009

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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.