

2523

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 16, 2009

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Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency rent control act, in relation to limiting rent increase after vacancy of certain housing accommodations

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

1     Section 1. Subdivision d of section 26-510 of the administrative code  
2 of the city of New York is amended and a new subdivision j is added to  
3 read as follows:  
4     d. Any housing accommodation covered by this law owned by a member in  
5 good standing of an association registered with the department of hous-  
6 ing preservation and development pursuant to section 26-511 of this  
7 chapter which becomes vacant for any reason, other than harassment of  
8 the prior tenant, may be offered for rental at any price notwithstanding  
9 any guideline level established by the guidelines board for renewal  
10 leases, provided the offering price does not exceed the rental then  
11 authorized by the guidelines board for such dwelling unit plus five  
12 percent for a new lease not exceeding two years and a further five  
13 percent for a new lease having a minimum term of three years, until July  
14 first, nineteen hundred seventy[, at which time the guidelines board  
15 shall determine what the rental for a vacancy shall be].  
16     J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS LAW, ON AND AFTER JUNE  
17 SIXTEENTH, NINETEEN HUNDRED NINETY-SEVEN THE ADJUSTMENT FOR VACANCY  
18 LEASES COVERED BY THE PROVISIONS OF THIS LAW SHALL BE DETERMINED EXCLU-  
19 SIVELY PURSUANT TO PARAGRAPH FIVE-A OF SUBDIVISION C OF SECTION 26-511  
20 OF THIS CHAPTER. THE RENT GUIDELINES BOARD SHALL NO LONGER PROMULGATE  
21 ADJUSTMENTS FOR VACANCY LEASES.

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

LBD01588-01-9

1 S 2. Section 4 of section 4 of chapter 576 of the laws of 1974,  
2 constituting the emergency tenant protection act of nineteen seventy-  
3 four, is amended by adding a new subdivision e to read as follows:

4 E. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ON AND AFTER JUNE  
5 16, 1997 THE ADJUSTMENT FOR VACANCY LEASES COVERED BY THE PROVISIONS OF  
6 THIS ACT SHALL BE DETERMINED EXCLUSIVELY PURSUANT TO SUBDIVISION (A-1)  
7 OF SECTION TEN OF THIS ACT. COUNTY RENT GUIDELINES BOARDS SHALL NO LONG-  
8 ER PROMULGATE ADJUSTMENTS FOR VACANCY LEASES.

9 S 3. Subdivision f of section 26-512 of the administrative code of the  
10 city of New York, as added by chapter 116 of the laws of 1997, is  
11 amended to read as follows:

12 f. Notwithstanding any provision of this law to the contrary in the  
13 case where all tenants named in a lease have permanently vacated a hous-  
14 ing accommodation and a family member of such tenant or tenants is enti-  
15 tled to and executes a renewal lease for the housing accommodation if  
16 such accommodation continues to be subject to this law after such family  
17 member vacates, on the occurrence of such vacancy the legal regulated  
18 rent shall be increased by a sum equal to the allowance [then in effect  
19 for vacancy leases, including the amount allowed by] PURSUANT TO para-  
20 graph [(five-a)] FIVE-A of subdivision c of section 26-511 of this law.  
21 Such increase shall be in addition to any other increases provided for  
22 in this law including an adjustment based upon a major capital improve-  
23 ment, or a substantial modification or increase of dwelling space or  
24 services, or installation of new equipment or improvements or new furni-  
25 ture or furnishings provided in or to the housing accommodation pursuant  
26 to section 26-511 of this law and shall be applicable in like manner to  
27 each second subsequent succession.

28 S 4. Subdivision g of section 6 of section 4 of chapter 576 of the  
29 laws of 1974, constituting the emergency tenant protection act of nine-  
30 teen seventy-four, as added by chapter 116 of the laws of 1997, is  
31 amended to read as follows:

32 g. Notwithstanding any provision of this act to the contrary in the  
33 case where all tenants named in a lease have permanently vacated a hous-  
34 ing accommodation and a family member of such tenant or tenants is enti-  
35 tled to and executes a renewal lease for the housing accommodation if  
36 such accommodation continues to be subject to this act after such family  
37 member vacates, on the occurrence of such vacancy the legal regulated  
38 rent shall be increased by a sum equal to the allowance [then in effect  
39 for vacancy leases, including the amount allowed by] PURSUANT TO subdi-  
40 vision (a-1) of section ten of this act. Such increase shall be in addi-  
41 tion to any other increases provided for in this act including an  
42 adjustment based upon a major capital improvement, or a substantial  
43 modification or increase of dwelling space or services, or installation  
44 of new equipment or improvements or new furniture or furnishings  
45 provided in or to the housing accommodation, pursuant to section six of  
46 this act and shall be applicable in like manner to each second subse-  
47 quent succession.

48 S 5. Subdivision 9 of section 5 of chapter 274 of the laws of 1946,  
49 constituting the emergency housing rent control law, as added by chapter  
50 116 of the laws of 1997, is amended to read as follows:

51 9. Notwithstanding any provision of this law to the contrary in the  
52 case where all tenants occupying the housing accommodation on the effec-  
53 tive date of this subdivision have vacated the housing accommodation and  
54 a family member of such vacating tenant or tenants is entitled to and  
55 continues to occupy the housing accommodation subject to the protections  
56 of this law, if such accommodation continues to be subject to this law

1 after such family member vacates, on the occurrence of such vacancy the  
2 maximum collectable rent shall be increased by a sum equal to the allow-  
3 ance [then in effect] for vacancy leases for housing accommodations  
4 covered by the rent stabilization law of nineteen hundred sixty-nine[,  
5 including the amount allowed by] PURSUANT TO paragraph [five-a] 5-A of  
6 subdivision c of section 26-511 of such law. This increase shall be in  
7 addition to any other increases provided in this law including an  
8 adjustment based upon a major capital improvement, or a substantial  
9 increase or decrease in dwelling space or a change in the services,  
10 furniture, furnishings or equipment provided in the housing accommo-  
11 dation, pursuant to section four of this law and shall be applicable in  
12 like manner to each second subsequent succession.

13 S 6. Section 26-403.2 of the administrative code of the city of New  
14 York, as added by chapter 116 of the laws of 1997, is amended to read as  
15 follows:

16 S 26-403.2 Increase in maximum collectable rent. Notwithstanding any  
17 provision of this law to the contrary in the case where all tenants  
18 occupying the housing accommodation on the effective date of this  
19 section have vacated the housing accommodation and a family member of  
20 such vacating tenant or tenants is entitled to and continues to occupy  
21 the housing accommodation subject to the protections of this law, if  
22 such accommodation continues to be subject to this law after such family  
23 member vacates, on the occurrence of such vacancy the maximum collecta-  
24 ble rent shall be increased by a sum equal to the allowance [then in  
25 effect] for vacancy leases for housing accommodations covered by the  
26 rent stabilization law of nineteen hundred sixty-nine[, including the  
27 amount allowed by] PURSUANT TO paragraph five-a of subdivision c of  
28 section 26-511 of such law. This increase shall be in addition to any  
29 other increases provided for in this law including an adjustment based  
30 upon a major capital improvement, or a substantial increase or decrease  
31 in dwelling space or a change in the services, furniture, furnishings or  
32 equipment provided in the housing accommodation, pursuant to section  
33 26-405 of this law and shall be applicable in like manner to each second  
34 subsequent succession.

35 S 7. The sixth undesignated paragraph of subdivision 5 of section 1 of  
36 chapter 21 of the laws of 1962, constituting the local emergency rent  
37 control act, as amended by chapter 82 of the laws of 2003, is amended to  
38 read as follows:

39 Notwithstanding any provision of this act to the contrary, any local  
40 law adopted pursuant to this act shall provide that notwithstanding any  
41 provision of such local law in the case where all tenants occupying the  
42 housing accommodation on the effective date of this paragraph have  
43 vacated the housing accommodation and a family member of such vacating  
44 tenant or tenants is entitled to and continues to occupy the housing  
45 accommodation subject to the protections of such act, if such accommo-  
46 dation continues to be subject to such act after such family member  
47 vacates, on the occurrence of such vacancy the maximum collectable rent  
48 shall be increased by a sum equal to the allowance [then in effect] for  
49 vacancy leases for housing accommodations covered by the rent stabiliza-  
50 tion law of nineteen hundred sixty-nine[, including the amount allowed  
51 by] PURSUANT TO paragraph [(5-a)] 5-A of subdivision c of section 26-511  
52 of such law. This increase shall be in addition to any other increases  
53 provided for in this act and shall be applicable in like manner to each  
54 second subsequent succession.

55 S 8. This act shall take effect immediately; provided, however, that  
56 the amendments to sections 26-510 and 26-512 of the rent stabilization

1 law of nineteen hundred sixty-nine made by sections one and three of  
2 this act shall expire on the same date as such law expires and shall not  
3 affect the expiration of such law as provided under section 26-520 of  
4 such law; provided that the amendments to section 26-403.2 of the city  
5 rent and rehabilitation law made by section six of this act shall remain  
6 in full force and effect only as long as the public emergency requiring  
7 the regulation and control of residential rents and evictions continues,  
8 as provided in subdivision 3 of section 1 of the local emergency housing  
9 rent control act; provided, that the amendments to the emergency tenant  
10 protection act of nineteen seventy-four, made by sections two and four  
11 of this act, shall expire on the same date as such act expires and shall  
12 not affect the expiration of such act as provided in section 17 of chap-  
13 ter 576 of the laws of 1974, as amended; provided, that the amendment to  
14 section 5 of the emergency housing rent control law made by section five  
15 of this act shall expire in accordance with the provisions of subdivi-  
16 sion 2 of section 1 of chapter 274 of the laws of 1946, as amended; and  
17 the amendments to subdivision 5 of section 1 of the local emergency  
18 housing rent control act, made by section seven of this act, shall not  
19 affect the effectiveness of such subdivision and shall cease to be in  
20 full force and effect pursuant to subdivision 3 of section 1 of such  
21 act.