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

5086

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. V. LOPEZ -- 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 right of refusal on vacant dwelling units

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

Section 1. Subdivision c of section 26-511 of the administrative code of the city of New York is amended by adding a new paragraph 15 to read as follows:

(15) (A) PROVIDES THAT IN CLASS A MULTIPLE DWELLINGS OF SIX OR MORE UNITS SUBJECT TO THE PROVISIONS OF THIS TITLE, A TENANT SHALL HAVE THE RIGHT OF FIRST REFUSAL TO RENT A VACANT APARTMENT WITHIN THE TENANT'S DWELLING BY SUBMITTING A WRITTEN REQUEST TO HIS OR HER LANDLORD TO BE NOTIFIED WHEN A PARTICULAR APARTMENT OR CLASS OF APARTMENTS OF A PARTICULAR SIZE OR CONFIGURATION BECOMES AVAILABLE. SUCH WRITTEN REQUEST SHALL BE DEEMED EFFECTIVE UNLESS THE LANDLORD MAINTAINS A FORMAL WAITING LIST OR HAS ESTABLISHED A FORMAL POLICY OF WHICH THE LANDLORD HAS TAKEN REASONABLE MEASURES TO ADVISE ALL TENANTS, UNDER WHICH TENANTS LIVING IN THE BUILDING ARE GRANTED A RIGHT OF FIRST REFUSAL IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE LANDLORD. IF SUCH A POLICY HAS BEEN ESTABLISHED, THE RIGHT OF FIRST REFUSAL GRANTED BY THIS PARAGRAPH SHALL ONLY BECOME EFFECTIVE IF NO TENANT IN THE BUILDING GRANTED THE RIGHT OF FIRST REFUSAL PURSUANT TO SUCH POLICY ELECTS TO RENT A VACANT APARTMENT IN SUCH BUILDING.

(B) A LANDLORD RECEIVING SUCH A REQUEST SHALL NOTIFY THE TENANT IN WRITING AT SUCH TIME AS THE LANDLORD KNOWS SUCH APARTMENT WILL BECOME AVAILABLE. WHEN TWO OR MORE TENANTS DESIRE TO EXERCISE THE RIGHT OF FIRST REFUSAL PROVIDED BY THIS SECTION, THE RIGHT SHALL BE WITH THE TENANT WHO HAS RENTED FOR THE LONGEST DURATION.

(C) IF A TENANT WISHES TO EXERCISE HIS OR HER RIGHT OF FIRST REFUSAL BEFORE HIS OR HER PRESENT LEASE EXPIRES, HE OR SHE MUST OBTAIN HIS OR HER LANDLORD'S CONSENT TO SUBLEASE IN ACCORDANCE WITH SECTION TWO

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

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HUNDRED TWENTY-SIX-B OF THE REAL PROPERTY LAW OR THE LANDLORD'S CONSENT TO TERMINATE THE TENANT'S EXISTING LEASE.

(D) THE RIGHT OF FIRST REFUSAL GRANTED BY THIS PARAGRAPH SHALL NOT EXTEND TO AN APARTMENT WHICH IS (I) CUSTOMARILY RENTED AND IS INTENDED FOR OCCUPANCY EXCLUSIVELY BY HOUSEHOLD SIZES LARGER THAN THAT OF THE TENANT WHO INTENDS TO OCCUPY SUCH APARTMENT, (II) RESERVED FOR A SUPERINTENDENT OR OTHER EMPLOYEE OF THE LANDLORD, OR (III) NOT BEING OFFERED FOR RENT PROVIDED THAT THE PROVISIONS OF THIS PARAGRAPH SHALL APPLY IF SUCH APARTMENT IS SUBSEQUENTLY OFFERED FOR RENT.

S 2. Section 5 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new subdivision c to read as follows:

C. (1) PROVIDES THAT IN CLASS A MULTIPLE DWELLINGS OF SIX OR MORE UNITS SUBJECT TO THE PROVISIONS OF THIS TITLE, A TENANT SHALL HAVE THE RIGHT OF FIRST REFUSAL TO RENT A VACANT APARTMENT WITHIN THE TENANT'S DWELLING BY SUBMITTING A WRITTEN REQUEST TO HIS LANDLORD TO BE NOTIFIED WHEN A PARTICULAR APARTMENT OR CLASS OF APARTMENTS OF A PARTICULAR SIZE OR CONFIGURATION BECOMES AVAILABLE. SUCH WRITTEN REQUEST SHALL BE DEEMED EFFECTIVE UNLESS THE LANDLORD MAINTAINS A FORMAL WAITING LIST OR HAS ESTABLISHED A FORMAL POLICY OF WHICH THE LANDLORD HAS TAKEN REASONABLE MEASURES TO ADVISE ALL TENANTS UNDER WHICH TENANTS LIVING IN THE BUILDING ARE GRANTED A RIGHT OF FIRST REFUSAL IN ACCORDANCE WITH CRITERIA ESTABLISHED BY THE LANDLORD. IF SUCH A POLICY HAS BEEN ESTABLISHED, THE RIGHT OF FIRST REFUSAL GRANTED BY THIS SUBDIVISION SHALL ONLY BECOME EFFECTIVE IF NO TENANT IN THE BUILDING GRANTED THE RIGHT OF FIRST REFUSAL PURSUANT TO SUCH POLICY ELECTS TO RENT A VACANT APARTMENT IN SUCH BUILDING.

(2) A LANDLORD RECEIVING SUCH A REQUEST SHALL NOTIFY THE TENANT IN WRITING AT SUCH TIME AS THE LANDLORD KNOWS SUCH APARTMENT WILL BECOME AVAILABLE. WHEN TWO OR MORE TENANTS DESIRE TO EXERCISE THE RIGHT OF FIRST REFUSAL PROVIDED BY THIS SECTION, THE RIGHT SHALL BE WITH THE TENANT WHO HAS RENTED FOR THE LONGEST DURATION.

(3) IF A TENANT WISHES TO EXERCISE HIS OR HER RIGHT OF FIRST REFUSAL BEFORE HIS OR HER PRESENT LEASE EXPIRES, HE OR SHE MUST OBTAIN THE LANDLORD'S CONSENT TO SUBLEASE IN ACCORDANCE WITH SECTION 226-B OF THE REAL PROPERTY LAW OR THE LANDLORD'S CONSENT TO TERMINATE THE TENANT'S EXISTING LEASE.

(4) THE RIGHT OF FIRST REFUSAL GRANTED BY THIS SUBDIVISION SHALL NOT EXTEND TO AN APARTMENT WHICH IS (A) CUSTOMARILY RENTED AND IS INTENDED FOR OCCUPANCY EXCLUSIVELY BY HOUSEHOLD SIZES LARGER THAN THAT OF THE TENANT WHO INTENDS TO OCCUPY SUCH APARTMENT, (B) RESERVED FOR A SUPERINTENDENT OR OTHER EMPLOYEE OF THE LANDLORD, OR (C) NOT BEING OFFERED FOR RENT PROVIDED THAT THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY IF SUCH APARTMENT IS SUBSEQUENTLY OFFERED FOR RENT.

S 3. This act shall take effect immediately; provided that the amendment to section 26-511 of the rent stabilization law of nineteen hundred sixty-nine made by section one 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 that the amendments to section 5 of the emergency tenant protection act of nineteen seventy-four made by section two 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.