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

5679

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. BRENNAN, COLTON, DINOWITZ, GLICK, GOTTFRIED, GREENE, JACOBS, JAFFEE, JEFFRIES, MAYERSOHN, ROBINSON, ROSENTHAL, KAVANAGH, FARRELL, LANCMAN, SCHIMEL, WRIGHT, V. LOPEZ, ORTIZ, KELLNER, CAMARA, SPANO, TITUS, ESPAILLAT, CASTRO -- Multi-Sponsored by -- M. of A. ALFANO, BING, BOYLAND, BRADLEY, BROOK-KRASNY, DIAZ, HEASTIE, HOOPER, LATIMER, MILLMAN, PERRY, PRETLOW, J. RIVERA, TOWNS, WEISENBERG -- 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 making conforming technical changes; and to repeal paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, and section 26-504.2 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, relating to vacancy decontrol

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

Section 1. The legislature hereby finds that a serious public emergency continues to exist in the housing of a considerable number of persons within the state of New York and will continue to exist after January 1, 2009, hereby reaffirms the findings and declarations set forth in section 2 of the emergency tenant protection act of nineteen seventy-four, section 1 of the emergency housing rent control law, sections 26-401 and 26-501 of the administrative code of the city of New York and, hereby declares that the provisions of this act are necessary and in the public interest.

S 2. Paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four is REPEALED.

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

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S 3. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law is REPEALED.

S 4. Section 26-504.2 of the administrative code of the city of New York is REPEALED.

S 5. Subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York is REPEALED.

S 6. The provisions of this act shall apply to any housing accommodations that were or became vacant on or after January 1, 2009. Notwithstanding the provisions of any lease or rental agreement, the legal regulated rent or maximum collectible rent of any housing accommodation excluded from regulation on or after January 1, 2009 by reason of the provisions repealed by sections two, three, four and five of this act shall be the legal regulated rent or maximum collectible rent applicable to such accommodations on December 31, 2008, subject to further adjustment in accordance with applicable provisions of law.

S 7. Any housing accommodations that were previously excluded from coverage from the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law, or the administrative code of the city of New York pursuant to the provisions of law repealed by sections two, three, four, and five of this act, and where such housing accommodations were rented to a tenant on or after January 1, 2009 for less than three thousand dollars per month, shall be subject to the provisions of such act, law, or administrative code, respectively. Notwithstanding the provisions of any lease or rental agreement, the legal regulated rent or maximum collectible rent of any housing accommodation excluded from regulation prior to January 1, 2009 by reason of the provisions repealed by sections two, three, four and five of this act and made subject to regulation because such accommodation was rented to a tenant on or after January 1, 2009 for less than three thousand dollars per month shall be the actual rent applicable to such accommodations on January 1, 2009 or the first rent applicable to such accommodation after January 1, 2009, subject to further adjustment in accordance with applicable provisions of law.

S 8. Paragraph 14 of subdivision c of section 26-511 of the administrative code of the city of New York, as added by chapter 82 of the laws of 2003, is amended to read as follows:

(14) provides that where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon renewal or upon vacancy thereof may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. [Where, subsequent to vacancy, such legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law is two thousand dollars or more per month, such housing accommodation shall be excluded from the provisions of this law pursuant to section 26-504.2 of this chapter.]

S 9. Subdivision a-2 of section 10 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, as added by chapter 82 of the laws of 2003, is amended to read as follows:

a-2. Provides that where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be

charged upon renewal or upon vacancy thereof may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and other increases authorized by law. [Where, subsequent to vacancy, such legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law is two thousand dollars or more per month, such housing accommodation shall be excluded from the provisions of this act pursuant to paragraph thirteen of subdivision a of section five of this act.]

S 10. Paragraph 14 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section eight of this act, is amended to read as follows:

(14) provides that where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon [renewal or upon] vacancy thereof may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law.

S 11. Subdivision a-2 of section 10 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, as amended by section nine of this act, is amended to read as follows:

a-2. Provides that where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon [renewal or upon] vacancy thereof may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and other increases authorized by law.

S 12. This act shall take effect immediately; provided, however, that:

(a) the provisions of sections one through nine of this act shall be deemed to have been in full force and effect on and after January 1, 2009;

(b) the amendments to section 26-511 of chapter 4 of title 26 of the administrative code of the city of New York made by section eight 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;

(c) the amendments to subdivision a-2 of section 10 of section 4 of the emergency tenant protection act of nineteen seventy-four made by section nine 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;

(d) the amendments to section 26-511 of chapter 4 of title 26 of the administrative code of the city of New York made by section ten 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

(e) the amendments to subdivision a-2 of section 10 of section 4 of the emergency tenant protection act of nineteen seventy-four made by section eleven 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.