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

616

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the administrative code of the city of New York, in relation to the permissible increase in maximum rent for rent-controlled apartments

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

Section 1. Paragraph 5 of subdivision a and subparagraph (b) of paragraph 3 of subdivision g of section 26-405 of the administrative code of the city of New York are amended to read as follows:

(5) Where a maximum rent established pursuant to this chapter on or after January first, nineteen hundred seventy-two, is higher than the previously existing maximum rent, the landlord may not collect more than [seven] TWO and one-half percentum increase from a tenant in occupancy on such date in any one year period, provided however, that where the period for which the rent is established exceeds one year, regardless of how the collection thereof is averaged over such period, the rent the landlord shall be entitled to receive during the first twelve months shall not be increased by more than [seven] TWO and one-half percentum over the previous rent and additional annual rents shall not exceed [seven] TWO and one-half percentum of the rent paid during the previous year. Notwithstanding any of the foregoing limitations in this paragraph [five], maximum rent shall be increased if ordered by the agency pursuant to subparagraphs (d), (e), (f), (g), (h), (i), (k), (l), (m) or (n) of paragraph one of subdivision g of this section. Commencing January first, nineteen hundred eighty, rent adjustments pursuant to subparagraph (n) of paragraph one of subdivision g of this section shall be excluded from the maximum rent when computing the [seven] TWO and one-half percentum increase authorized by this paragraph [five]. Where a housing accommodation is vacant on January first, nineteen hundred

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

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seventy-two, or becomes vacant thereafter by voluntary surrender of possession by the tenants, the maximum rent established for such accommodations may be collected.

(b) that where due to such limitation the landlord will not receive the full amount of the rent increase to which he or she would otherwise be entitled, the order of the city rent agency shall increase the maximum rent by a further additional amount during each succeeding twelve-month period, not to exceed [seven] TWO and a half percentum of the maximum rent in effect on the date of the filing of the application for an adjustment, under the maximum rent shall reflect the full increase to which the landlord is entitled.

S 2. This act shall take effect immediately and shall be deemed to have been in effect on and after January 1, 2009; provided that the amendments to section 26-405 of the city rent and rehabilitation law made by section one of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act, as amended.