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

3854--B

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sens. KRUEGER, DUANE, HUNTLEY, MONSERRATE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to renewal of a lease under the stabilization code

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

Section 1. Subparagraph (a) of paragraph 9 of subdivision c of section 26-511 of the administrative code of the city of New York is amended to read as follows:

(a) (1) where [he or she] THE OWNER HAS ESTABLISHED TO THE SATISFACTION OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, AFTER A HEARING AT WHICH ALL PARTIES MAY PRESENT EVIDENCE THAT THE SUBJECT BUILDING IS IN A SUBSTANDARD OR SERIOUSLY DETERIORATED CONDITION, AND THAT THE OWNER intends in good faith to demolish the building and [has obtained a permit therefor from the department of buildings] SUBMITS PROOF PRIOR TO FILING THE APPLICATION WITH THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THAT PLANS AND IF POSSIBLE, THE NECESSARY PERMITS, FOR THE UNDERTAKING HAVE BEEN APPROVED BY AND OBTAINED FROM THE DEPARTMENT OF BUILDINGS. SUCH APPLICATION SHALL BE FILED AT LEAST NINETY DAYS PRIOR TO THE EXPIRATION OF THE LEASE TERM; FOR THE PURPOSE OF THIS SUBPARAGRAPH, "DEMOLISH" MEANS THE COMPLETE RAZING OF THE ENTIRE BUILDING, INCLUDING ALL EXTERIOR WALLS, IN ORDER TO CONSTRUCT A NEW BUILDING WITH THE SAME OR GREATER NUMBER OF RENTAL HOUSING UNITS;

(2) THE ORDER GRANTING THE OWNER'S DEMOLITION APPLICATION SHALL PROVIDE THAT THE OWNER MUST, AT THE TENANT'S OPTION, EITHER: (I) RELOCATE THE TENANT TO AN EQUIVALENT OR SUPERIOR RENT STABILIZED HOUSING ACCOMMODATION IN A CLOSELY PROXIMATE AREA, OR IF A NEW RESIDENTIAL

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

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BUILDING IS BEING CONSTRUCTED ON THE SITE PROVIDE THE TENANT WITH SUITABLE INTERIM HOUSING AT NO ADDITIONAL COST UNTIL A UNIT IS AVAILABLE IN THE NEW BUILDING; PROVIDE THAT THE AMOUNT OF RENT CHARGED FOR THE UNIT SHALL BE AT THE SAME OR LOWER LEGAL REGULATED RENT; AND PROVIDE THE TENANT, IN ADDITION TO REASONABLE MOVING EXPENSES, PAYMENT OF A FIVE THOUSAND DOLLAR STIPEND, PROVIDED THE TENANT VACATES ON OR BEFORE THE VACATE DATE REQUIRED BY THE FINAL ORDER; OR (II) PROVIDE RELOCATION OF THE TENANT TO A SUITABLE HOUSING ACCOMMODATION AT A RENT IN EXCESS OF THAT FOR THE SUBJECT HOUSING ACCOMMODATION; PROVIDE THE TENANT, IN ADDITION TO REASONABLE MOVING EXPENSES, A STIPEND EQUAL TO THE DIFFERENCE OF THE RENT CHARGED AT THE HOUSING ACCOMMODATION BEING VACATED AND THE RENT CHARGED FOR THE HOUSING ACCOMMODATION TO WHICH THE TENANT IS RELOCATING, MULTIPLIED BY SEVENTY-TWO MONTHS, PROVIDED THE TENANT VACATES ON OR BEFORE THE VACATE DATE REQUIRED BY THE FINAL ORDER; OR (III) PAY THE TENANT A STIPEND WHICH SHALL BE THE DIFFERENCE BETWEEN THE TENANT'S CURRENT RENT AND AN AMOUNT TO BE CALCULATED USING THE DEMOLITION STIPEND CHART, CREATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, MULTIPLIED BY SEVENTY-TWO MONTHS; or

S 2. This act shall take effect immediately and shall apply to any tenant in possession on or after such effective date and to any action or proceeding pending in any court and to any application, complaint, or proceeding pending before an administrative agency on such effective date, as well as to any action or proceeding commenced thereafter; provided, however that the amendments to subparagraph (a) of paragraph 9 of subdivision c of section 26-511 of chapter 4 of title 26 of the administrative code of the city of New York 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.