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2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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 the powers of the rent guidelines board

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

1 Section 1. Subdivision b of section 26-510 of the administrative code
2 of the city of New York is amended to read as follows:
3 b. (1) The rent guidelines board shall establish annually guidelines
4 for rent adjustments, and in determining whether rents for housing
5 accommodations subject to the emergency tenant protection act of nine-
6 teen seventy-four or this law shall be adjusted shall consider, among
7 other things (1) the economic condition of the residential real estate
8 industry in the affected area including such factors as the prevailing
9 and projected (i) real estate taxes and sewer and water rates, (ii)
10 gross operating maintenance costs (including insurance rates, govern-
11 mental fees, cost of fuel and labor costs), (iii) costs and availability
12 of financing (including effective rates of interest), (iv) over-all
13 supply of housing accommodations and over-all vacancy rates, (2) rele-
14 vant data from the current and projected cost of living indices for the
15 affected area, (3) such other data as may be made available to it. Not
16 later than July first of each year, the rent guidelines board shall file
17 with the city clerk its findings for the preceding calendar year, and
18 shall accompany such findings with a statement of the maximum rate or
19 rates of rent adjustment, if any, for one or more classes of accommo-
20 dations subject to this law, authorized for leases or other rental
21 agreements commencing on the next succeeding October first or within the
22 twelve months thereafter. Such findings and statement shall be published
23 in the City Record.
24 (2) UPON REQUEST BY THE RENT GUIDELINES BOARD, LANDLORDS SUBJECT TO
25 REGULATION UNDER THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVEN-

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

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1 TY-FOUR OR THIS LAW SHALL MAKE AVAILABLE FOR EXAMINATION BY SUCH BOARD
2 ANY BOOKS AND RECORDS REGARDING INCOME, EXPENDITURES, TAX BENEFITS,
3 FINANCING ARRANGEMENTS, UTILITY BILLS AND ANY OTHER INFORMATION THAT THE
4 RENT GUIDELINES BOARD FINDS APPROPRIATE TO CONSIDER IN DETERMINING
5 WHETHER RENTS FOR HOUSING ACCOMMODATIONS WITHIN A CITY HAVING A POPU-
6 LATION OF ONE MILLION OR MORE AND SUBJECT TO REGULATION UNDER THE EMER-
7 GENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR OR THIS LAW SHALL
8 BE ADJUSTED. ANY INFORMATION PROVIDED BY LANDLORDS PURSUANT TO THIS
9 SUBDIVISION SHALL NOT BE SUBJECT TO THE FREEDOM OF INFORMATION LAW. SUCH
10 BOARD SHALL PROTECT THE CONFIDENTIALITY OF SUCH INFORMATION.

11 S 2. Section 26-510 of the administrative code of the city of New York
12 is amended by adding a new subdivision j to read as follows:

13 J. IN FURTHERANCE OF ITS DUTIES UNDER THIS SECTION, THE RENT GUIDE-
14 LINES BOARD SHALL BE AUTHORIZED TO ADMINISTER OATHS, ISSUE SUBPOENAS,
15 CONDUCT INVESTIGATIONS, MAKE INSPECTIONS AND DESIGNATE OFFICERS TO HEAR
16 AND REPORT ON BEHALF OF AND TO SUCH BOARD.

17 S 3. Subdivision c of section 4 of chapter 576 of the
18 laws of 1974, constituting the emergency tenant protection act of nine-
19 teen seventy-four, as amended by chapter 486 of the laws of 1976, is
20 amended to read as follows:

21 c. (1) In a city having a population of one million or more, the rent
22 guidelines board shall be the rent guidelines board established pursuant
23 to the New York city rent stabilization law of nineteen hundred sixty-
24 nine as amended, and such board shall have the powers granted pursuant
25 to the New York city rent stabilization law of nineteen hundred sixty-
26 nine as amended.

27 (2) UPON REQUEST BY THE RENT GUIDELINES BOARD WITHIN A CITY HAVING A
28 POPULATION OF ONE MILLION OR MORE, LANDLORDS SUBJECT TO REGULATION UNDER
29 THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR THIS LAW SHALL MAKE
30 AVAILABLE FOR EXAMINATION BY SUCH BOARD ANY BOOKS AND RECORDS REGARDING
31 INCOME, EXPENDITURES, TAX BENEFITS, FINANCING ARRANGEMENTS, UTILITY
32 BILLS AND ANY OTHER INFORMATION THAT SUCH RENT GUIDELINES BOARD FINDS
33 APPROPRIATE TO CONSIDER IN DETERMINING WHETHER RENTS FOR HOUSING ACCOM-
34 MODATIONS WITHIN THE SEVERAL ZONES AND JURISDICTIONS OF SUCH BOARD, AND
35 SUBJECT TO REGULATION UNDER THE ADMINISTRATIVE CODE OF THE CITY OF NEW
36 YORK OR THIS LAW SHALL BE ADJUSTED. ANY INFORMATION PROVIDED BY LAND-
37 LORDS PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE FREEDOM
38 OF INFORMATION LAW. SUCH BOARD SHALL PROTECT THE CONFIDENTIALITY OF SUCH
39 INFORMATION.

40 (3) IN FURTHERANCE OF ITS DUTIES, THE RENT GUIDELINES BOARD SHALL BE
41 AUTHORIZED TO ADMINISTER OATHS, ISSUE SUBPOENAS, CONDUCT INVESTIGATIONS,
42 MAKE INSPECTIONS AND DESIGNATE OFFICERS TO HEAR AND REPORT ON BEHALF OF
43 AND TO SUCH BOARD.

44 S 4. This act shall take effect immediately provided that the amend-
45 ments to section 26-510 of the rent stabilization law of nineteen
46 hundred sixty-nine made by sections one and two of this act shall expire
47 on the same date as such law expires and shall not affect the expiration
48 of such law as provided under section 26-520 of such law and provided
49 further that the amendments to section 4 of the emergency tenant
50 protection act of nineteen seventy-four made by section three of this
51 act shall expire on the same date as such act expires and shall not
52 affect the expiration of such act as provided in section 17 of chapter
53 576 of the laws of 1974, as amended.