

1309

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

---

Introduced by M. of A. JEFFRIES, MILLMAN, SPANO, LANCMAN, JAFFEE, WRIGHT, CAMARA, COLTON, JACOBS, KELLNER -- Multi-Sponsored by -- M. of A. BOYLAND, FARRELL, GOTTFRIED, J. RIVERA, SCHIMEL -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency rent control act, in relation to rent increases after vacancy of a housing accommodation and to repeal certain provisions of the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating thereto

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

1     Section 1. Paragraph 5-a of subdivision c of section 26-511 of the  
2     administrative code of the city of New York is REPEALED.  
3     S 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of  
4     the laws of 1974, constituting the emergency tenant protection act of  
5     nineteen seventy-four is REPEALED.  
6     S 3. Subdivision f of section 26-512 of the administrative code of the  
7     city of New York, as added by chapter 116 of the laws of 1997, is  
8     amended to read as follows:  
9     f. Notwithstanding any provision of this law to the contrary in the  
10    case where all tenants named in a lease have permanently vacated a hous-  
11    ing accommodation and a family member of such tenant or tenants is enti-  
12    tled to and executes a renewal lease for the housing accommodation if  
13    such accommodation continues to be subject to this law after such family  
14    member vacates, on the occurrence of such vacancy the legal regulated  
15    rent shall be increased by a sum equal to the allowance then in effect  
16    for vacancy leases[, including the amount allowed by paragraph (five-a)  
17    of subdivision c of section 26-511 of this law]. Such increase shall be  
18    in addition to any other increases provided for in this law including an  
19    adjustment based upon a major capital improvement, or a substantial  
20    modification or increase of dwelling space or services, or installation

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

LBD00170-01-1

1 of new equipment or improvements or new furniture or furnishings  
2 provided in or to the housing accommodation pursuant to section 26-511  
3 of this law and shall be applicable in like manner to each second subse-  
4 quent succession.

5 S 4. Subdivision g of section 6 of section 4 of chapter 576 of the  
6 laws of 1974, constituting the emergency tenant protection act of nine-  
7 teen seventy-four, as added by chapter 116 of the laws of 1997, is  
8 amended to read as follows:

9 g. Notwithstanding any provision of this act to the contrary in the  
10 case where all tenants named in a lease have permanently vacated a hous-  
11 ing accommodation and a family member of such tenant or tenants is enti-  
12 tled to and executes a renewal lease for the housing accommodation if  
13 such accommodation continues to be subject to this act after such family  
14 member vacates, on the occurrence of such vacancy the legal regulated  
15 rent shall be increased by a sum equal to the allowance then in effect  
16 for vacancy leases[, including the amount allowed by subdivision (a-1)  
17 of section ten of this act]. Such increase shall be in addition to any  
18 other increases provided for in this act including an adjustment based  
19 upon a major capital improvement, or a substantial modification or  
20 increase of dwelling space or services, or installation of new equipment  
21 or improvements or new furniture or furnishings provided in or to the  
22 housing accommodation, pursuant to THIS section [six of this act] and  
23 shall be applicable in like manner to each second subsequent succession.

24 S 5. Subdivision 9 of section 5 of chapter 274 of the laws of 1946,  
25 constituting the emergency housing rent control law, as added by chapter  
26 116 of the laws of 1997, is amended to read as follows:

27 9. Notwithstanding any provision of this law to the contrary in the  
28 case where all tenants occupying the housing accommodation on the effec-  
29 tive date of this subdivision have vacated the housing accommodation and  
30 a family member of such vacating tenant or tenants is entitled to and  
31 continues to occupy the housing accommodation subject to the protections  
32 of this law, if such accommodation continues to be subject to this law  
33 after such family member vacates, on the occurrence of such vacancy the  
34 maximum collectable rent shall be increased by a sum equal to the allow-  
35 ance then in effect for vacancy leases for housing accommodations  
36 covered by the rent stabilization law of nineteen hundred sixty-nine[,  
37 including the amount allowed by paragraph five-a of subdivision c of  
38 section 26-511 of such law]. This increase shall be in addition to any  
39 other increases provided in this law including an adjustment based upon  
40 a major capital improvement, or a substantial increase or decrease in  
41 dwelling space or a change in the services, furniture, furnishings or  
42 equipment provided in the housing accommodation, pursuant to section  
43 four of this law and shall be applicable in like manner to each second  
44 subsequent succession.

45 S 6. Section 26-403.2 of the administrative code of the city of New  
46 York, as added by chapter 116 of the laws of 1997, is amended to read as  
47 follows:

48 S 26-403.2 Increase in maximum collectable rent. Notwithstanding any  
49 provision of this law to the contrary in the case where all tenants  
50 occupying the housing accommodation on the effective date of this  
51 section have vacated the housing accommodation and a family member of  
52 such vacating tenant or tenants is entitled to and continues to occupy  
53 the housing accommodation subject to the protections of this law, if  
54 such accommodation continues to be subject to this law after such family  
55 member vacates, on the occurrence of such vacancy the maximum collecta-  
56 ble rent shall be increased by a sum equal to the allowance then in

1 effect for vacancy leases for housing accommodations covered by the rent  
2 stabilization law of nineteen hundred sixty-nine[, including the amount  
3 allowed by paragraph five-a of subdivision c of section 26-511 of such  
4 law]. This increase shall be in addition to any other increases provided  
5 for in this law including an adjustment based upon a major capital  
6 improvement, or a substantial increase or decrease in dwelling space or  
7 a change in the services, furniture, furnishings or equipment provided  
8 in the housing accommodation, pursuant to section 26-405 of this law and  
9 shall be applicable in like manner to each second subsequent succession.

10 S 7. The sixth undesignated paragraph of subdivision 5 of section 1 of  
11 chapter 21 of the laws of 1962, constituting the local emergency rent  
12 control act, as amended by chapter 82 of the laws of 2003, is amended to  
13 read as follows:

14 Notwithstanding any provision of this act to the contrary, any local  
15 law adopted pursuant to this act shall provide that notwithstanding any  
16 provision of such local law in the case where all tenants occupying the  
17 housing accommodation on the effective date of this paragraph have  
18 vacated the housing accommodation and a family member of such vacating  
19 tenant or tenants is entitled to and continues to occupy the housing  
20 accommodation subject to the protections of such act, if such accommo-  
21 dation continues to be subject to such act after such family member  
22 vacates, on the occurrence of such vacancy the maximum collectable rent  
23 shall be increased by a sum equal to the allowance then in effect for  
24 vacancy leases for housing accommodations covered by the rent stabiliza-  
25 tion law of nineteen hundred sixty-nine[, including the amount allowed  
26 by paragraph (5-a) of subdivision c of section 26-511 of such law]. This  
27 increase shall be in addition to any other increases provided for in  
28 this act and shall be applicable in like manner to each second subse-  
29 quent succession.

30 S 8. This act shall take effect immediately; provided that:

31 (a) the amendments to section 6 of the emergency tenant protection act  
32 of nineteen seventy-four made by section four of this act shall expire  
33 on the same date as such act expires and shall not affect the expiration  
34 of such act as provided in section 17 of chapter 576 of the laws of  
35 1974; and

36 (b) the amendments to section 5 of the emergency housing rent control  
37 law made by section five of this act shall expire on the same date as  
38 such law expires and shall not affect the expiration of such law as  
39 provided in subdivision 2 of section 1 of chapter 274 of the laws of  
40 1946; and

41 (c) the amendments to section 26-512 of chapter 4 of title 26 of the  
42 administrative code of the city of New York made by section three of  
43 this act shall expire on the same date as such law expires and shall not  
44 affect the expiration of such law as provided under section 26-520 of  
45 such law; and

46 (d) the amendments to section 26-403.2 of the city rent and rehabili-  
47 tation law made by section six of this act shall remain in full force  
48 and effect only as long as the public emergency requiring the regulation  
49 and control of residential rents and evictions continues, as provided in  
50 subdivision 3 of section 1 of the local emergency housing rent control  
51 act; and

52 (e) the amendments to subdivision 5 of section 1 of the local emergen-  
53 cy housing rent control act, made by section seven of this act, shall  
54 not affect the effectiveness of such subdivision and shall cease to be  
55 in full force and effect pursuant to subdivision 3 of section 1 of such  
56 act.