

3128

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. PRETLOW -- 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 limiting rent increase after vacancy of certain housing accommodations

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

1 Section 1. Subdivision d of section 26-510 of the administrative code
2 of the city of New York is amended and a new subdivision j is added to
3 read as follows:
4 d. Any housing accommodation covered by this law owned by a member in
5 good standing of an association registered with the department of hous-
6 ing preservation and development pursuant to section 26-511 of this
7 chapter which becomes vacant for any reason, other than harassment of
8 the prior tenant, may be offered for rental at any price notwithstanding
9 any guideline level established by the guidelines board for renewal
10 leases, provided the offering price does not exceed the rental then
11 authorized by the guidelines board for such dwelling unit plus five
12 percent for a new lease not exceeding two years and a further five
13 percent for a new lease having a minimum term of three years, until July
14 first, nineteen hundred seventy[, at which time the guidelines board
15 shall determine what the rental for a vacancy shall be].
16 J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS LAW, ON AND AFTER JUNE
17 SIXTEENTH, NINETEEN HUNDRED NINETY-SEVEN THE ADJUSTMENT FOR VACANCY
18 LEASES COVERED BY THE PROVISIONS OF THIS LAW SHALL BE DETERMINED EXCLU-
19 SIVELY PURSUANT TO PARAGRAPH FIVE-A OF SUBDIVISION C OF SECTION 26-511
20 OF THIS CHAPTER. THE RENT GUIDELINES BOARD SHALL NO LONGER PROMULGATE
21 ADJUSTMENTS FOR VACANCY LEASES.

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

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1 S 2. Section 4 of section 4 of chapter 576 of the laws of 1974,
2 constituting the emergency tenant protection act of nineteen seventy-
3 four, is amended by adding a new subdivision e to read as follows:

4 E. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ON AND AFTER JUNE
5 16, 1997 THE ADJUSTMENT FOR VACANCY LEASES COVERED BY THE PROVISIONS OF
6 THIS ACT SHALL BE DETERMINED EXCLUSIVELY PURSUANT TO SUBDIVISION (A-1)
7 OF SECTION TEN OF THIS ACT. COUNTY RENT GUIDELINES BOARDS SHALL NO LONG-
8 ER PROMULGATE ADJUSTMENTS FOR VACANCY LEASES.

9 S 3. Subdivision f of section 26-512 of the administrative code of the
10 city of New York, as added by chapter 116 of the laws of 1997, is
11 amended to read as follows:

12 f. Notwithstanding any provision of this law to the contrary in the
13 case where all tenants named in a lease have permanently vacated a hous-
14 ing accommodation and a family member of such tenant or tenants is enti-
15 tled to and executes a renewal lease for the housing accommodation if
16 such accommodation continues to be subject to this law after such family
17 member vacates, on the occurrence of such vacancy the legal regulated
18 rent shall be increased by a sum equal to the allowance [then in effect
19 for vacancy leases, including the amount allowed by] PURSUANT TO para-
20 graph [(five-a)] FIVE-A of subdivision c of section 26-511 of this law.
21 Such increase shall be in addition to any other increases provided for
22 in this law including an adjustment based upon a major capital improve-
23 ment, or a substantial modification or increase of dwelling space or
24 services, or installation of new equipment or improvements or new furni-
25 ture or furnishings provided in or to the housing accommodation pursuant
26 to section 26-511 of this law and shall be applicable in like manner to
27 each second subsequent succession.

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

32 g. Notwithstanding any provision of this act to the contrary in the
33 case where all tenants named in a lease have permanently vacated a hous-
34 ing accommodation and a family member of such tenant or tenants is enti-
35 tled to and executes a renewal lease for the housing accommodation if
36 such accommodation continues to be subject to this act after such family
37 member vacates, on the occurrence of such vacancy the legal regulated
38 rent shall be increased by a sum equal to the allowance [then in effect
39 for vacancy leases, including the amount allowed by] PURSUANT TO subdi-
40 vision (a-1) of section ten of this act. Such increase shall be in addi-
41 tion to any other increases provided for in this act including an
42 adjustment based upon a major capital improvement, or a substantial
43 modification or increase of dwelling space or services, or installation
44 of new equipment or improvements or new furniture or furnishings
45 provided in or to the housing accommodation, pursuant to section six of
46 this act and shall be applicable in like manner to each second subse-
47 quent succession.

48 S 5. Subdivision 9 of section 5 of chapter 274 of the laws of 1946,
49 constituting the emergency housing rent control law, as added by chapter
50 116 of the laws of 1997, is amended to read as follows:

51 9. Notwithstanding any provision of this law to the contrary in the
52 case where all tenants occupying the housing accommodation on the effec-
53 tive date of this subdivision have vacated the housing accommodation and
54 a family member of such vacating tenant or tenants is entitled to and
55 continues to occupy the housing accommodation subject to the protections
56 of this law, if such accommodation continues to be subject to this law

1 after such family member vacates, on the occurrence of such vacancy the
2 maximum collectable rent shall be increased by a sum equal to the allow-
3 ance [then in effect] for vacancy leases for housing accommodations
4 covered by the rent stabilization law of nineteen hundred sixty-nine[,
5 including the amount allowed by] PURSUANT TO paragraph [five-a] 5-A of
6 subdivision c of section 26-511 of such law. This increase shall be in
7 addition to any other increases provided in this law including an
8 adjustment based upon a major capital improvement, or a substantial
9 increase or decrease in dwelling space or a change in the services,
10 furniture, furnishings or equipment provided in the housing accommo-
11 dation, pursuant to section four of this law and shall be applicable in
12 like manner to each second subsequent succession.

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

16 S 26-403.2 Increase in maximum collectable rent. Notwithstanding any
17 provision of this law to the contrary in the case where all tenants
18 occupying the housing accommodation on the effective date of this
19 section have vacated the housing accommodation and a family member of
20 such vacating tenant or tenants is entitled to and continues to occupy
21 the housing accommodation subject to the protections of this law, if
22 such accommodation continues to be subject to this law after such family
23 member vacates, on the occurrence of such vacancy the maximum collecta-
24 ble rent shall be increased by a sum equal to the allowance [then in
25 effect] for vacancy leases for housing accommodations covered by the
26 rent stabilization law of nineteen hundred sixty-nine[, including the
27 amount allowed by] PURSUANT TO paragraph five-a of subdivision c of
28 section 26-511 of such law. This increase shall be in addition to any
29 other increases provided for in this law including an adjustment based
30 upon a major capital improvement, or a substantial increase or decrease
31 in dwelling space or a change in the services, furniture, furnishings or
32 equipment provided in the housing accommodation, pursuant to section
33 26-405 of this law and shall be applicable in like manner to each second
34 subsequent succession.

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

39 Notwithstanding any provision of this act to the contrary, any local
40 law adopted pursuant to this act shall provide that notwithstanding any
41 provision of such local law in the case where all tenants occupying the
42 housing accommodation on the effective date of this paragraph have
43 vacated the housing accommodation and a family member of such vacating
44 tenant or tenants is entitled to and continues to occupy the housing
45 accommodation subject to the protections of such act, if such accommo-
46 dation continues to be subject to such act after such family member
47 vacates, on the occurrence of such vacancy the maximum collectable rent
48 shall be increased by a sum equal to the allowance [then in effect] for
49 vacancy leases for housing accommodations covered by the rent stabiliza-
50 tion law of nineteen hundred sixty-nine[, including the amount allowed
51 by] PURSUANT TO paragraph [(5-a)] 5-A of subdivision c of section 26-511
52 of such law. This increase shall be in addition to any other increases
53 provided for in this act and shall be applicable in like manner to each
54 second subsequent succession.

55 S 8. This act shall take effect immediately; provided, however, that:

1 (a) the amendments to sections 26-510 and 26-512 of the rent stabili-
2 zation law of nineteen hundred sixty-nine made by sections one and three
3 of this act shall expire on the same date as such law expires and shall
4 not affect the expiration of such law as provided under section 26-520
5 of such law;

6 (b) the amendments to section 26-403.2 of the city rent and rehabili-
7 tation law made by section six of this act shall remain in full force
8 and effect only as long as the public emergency requiring the regulation
9 and control of residential rents and evictions continues, as provided in
10 subdivision 3 of section 1 of the local emergency housing rent control
11 act;

12 (c) the amendments to the emergency tenant protection act of nineteen
13 seventy-four, made by sections two and four of this act, shall expire on
14 the same date as such act expires and shall not affect the expiration of
15 such act as provided in section 17 of chapter 576 of the laws of 1974,
16 as amended;

17 (d) the amendment to section 5 of the emergency housing rent control
18 law made by section five of this act shall expire in accordance with the
19 provisions of subdivision 2 of section 1 of chapter 274 of the laws of
20 1946, as amended; and

21 (e) the amendments to subdivision 5 of section 1 of the local emergen-
22 cy housing rent control act, made by section seven of this act, shall
23 not affect the effectiveness of such subdivision and shall cease to be
24 in full force and effect pursuant to subdivision 3 of section 1 of such
25 act.