

4776

2011-2012 Regular Sessions

I N A S S E M B L Y

February 7, 2011

Introduced by M. of A. DINOWITZ, JACOBS, ROSENTHAL, COLTON, SPANO,
N. RIVERA -- Multi-Sponsored by -- M. of A. GLICK, GOTTFRIED -- read
once and referred to the Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seven-
ty-four and the administrative code of the city of New York, in
relation to the rent guidelines board

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

1 Section 1. Subdivision b of section 4 of section 4 of chapter 576 of
2 the laws of 1974, constituting the emergency tenant protection act of
3 nineteen seventy-four, as amended by chapter 486 of the laws of 1976,
4 the opening paragraph as amended by chapter 403 of the laws of 1983 and
5 the second and third undesignated paragraphs as amended by chapter 330
6 of the laws of 1980, is amended to read as follows:
7 b. A county rent guidelines board shall establish annually guidelines
8 for rent adjustments which, at its sole discretion may be varied and
9 different for and within the several zones and jurisdictions of the
10 board, and in determining whether rents for housing accommodations as to
11 which an emergency has been declared pursuant to this act shall be
12 adjusted, shall consider among other things (1) the economic condition
13 of the residential real estate industry in the affected area including
14 such factors as the prevailing and projected (i) real estate taxes and
15 sewer and water rates, (ii) gross operating maintenance costs (including
16 insurance rates, governmental fees, cost of fuel and labor costs), (iii)
17 costs and availability of financing (including effective rates of inter-
18 est), (iv) over-all supply of housing accommodations and over-all vacan-
19 cy rates, (2) relevant data from the current and projected cost of
20 living indices for the affected area, (3) such other data as may be made
21 available to it. As soon as practicable after its creation and thereaft-
22 er not later than July first of each year, a rent guidelines board shall
23 file with the state division of housing and community renewal its find-

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

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1 ings for the preceding calendar year, and shall accompany such findings
2 with a statement of the maximum rate or rates of rent adjustment, if
3 any, for one or more classes of accommodation subject to this act,
4 authorized for leases or other rental agreements commencing during the
5 next succeeding twelve months. THE MAXIMUM RATE OR RATES OF ADJUSTMENT
6 SHALL NOT EXCEED TWO PERCENT, OR ONE HUNDRED TWENTY PERCENT OF THE RATE
7 OF INFLATION, WHICHEVER IS LOWER. The standards for rent adjustments may
8 be applicable for the entire county or may be varied according to such
9 zones or jurisdictions within such county as the board finds necessary
10 to achieve the purposes of this subdivision.

11 The standards for rent adjustments established annually shall be
12 effective for leases commencing on October first of each year and during
13 the next succeeding twelve months whether or not the board has filed its
14 findings and statement of the maximum rate or rates of rent adjustment
15 by July first of each year. If such lease is entered into before such
16 filing by the board, it may provide for the rent to be adjusted by the
17 rates then in effect, subject to change by the applicable rates of rent
18 adjustment when filed, such change to be effective as of the date of the
19 commencement of the lease. Said lease must provide that, if the new
20 rates of rent adjustment differ for leases of different terms, the
21 tenant has the option of changing the original lease term to any other
22 term for which a rate of rent adjustment is set by the board, with the
23 rental to be adjusted accordingly.

24 Where a city, town or village shall act to determine the existence of
25 public emergency pursuant to section three of this act subsequent to the
26 establishment of annual guidelines for rent adjustments of the accommo-
27 dations subject to this act, the rent guidelines board as soon as prac-
28 ticable thereafter shall file its findings and rates of rent adjustment
29 for leases or other rental agreements for the housing accommodations in
30 such a city, town or village, which rates shall be effective for leases
31 or other rental agreements commencing on or after the effective date of
32 the determination.

33 S 2. Subdivision b of section 26-510 of the administrative code of the
34 city of New York is amended to read as follows:

35 b. The rent guidelines board shall establish annually guidelines for
36 rent adjustments, and in determining whether rents for housing accommo-
37 dations subject to the emergency tenant protection act of nineteen
38 seventy-four or this law shall be adjusted shall consider, among other
39 things (1) the economic condition of the residential real estate indus-
40 try in the affected area including such factors as the prevailing and
41 projected (i) real estate taxes and sewer and water rates, (ii) gross
42 operating maintenance costs (including insurance rates, governmental
43 fees, cost of fuel and labor costs), (iii) costs and availability of
44 financing (including effective rates of interest), (iv) over-all supply
45 of housing accommodations and over-all vacancy rates, (2) relevant data
46 from the current and projected cost of living indices for the affected
47 area, (3) such other data as may be made available to it. THE MAXIMUM
48 RATE OR RATES OF ADJUSTMENT SHALL NOT EXCEED TWO PERCENT, OR ONE HUNDRED
49 TWENTY PERCENT OF THE RATE OF INFLATION, WHICHEVER IS LOWER. Not later
50 than July first of each year, the rent guidelines board shall file with
51 the city clerk its findings for the preceding calendar year, and shall
52 accompany such findings with a statement of the maximum rate or rates of
53 rent adjustment, if any, for one or more classes of accommodations
54 subject to this law, authorized for leases or other rental agreements
55 commencing on the next succeeding October first or within the twelve

1 months thereafter. Such findings and statement shall be published in the
2 City Record.
3 S 3. This act shall take effect immediately; provided, however, that
4 the amendment to section 4 of the emergency tenant protection act of
5 nineteen seventy-four made by section one of this act shall expire on
6 the same date as such act expires and shall not affect the expiration of
7 such act as provided in section 17 of chapter 576 of the laws of 1974,
8 as amended; and provided further, that the amendments to section 26-510
9 of the rent stabilization law of nineteen hundred sixty-nine made by
10 section two of this act shall expire on the same date as such law
11 expires and shall not affect the expiration of such law as provided
12 under section 26-520 of such law.