

1193--A

2011-2012 Regular Sessions

I N S E N A T E

January 5, 2011

Introduced by Sens. STEWART-COUSINS, KRUEGER, ADAMS, ADDABBO, AVELLA, BRESLIN, DIAZ, DUANE, HASSELL-THOMPSON, HUNTLEY, MONTGOMERY, PARKER, PERKINS, SERRANO, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- 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 and the emergency tenant protection act of nineteen seventy-four, in relation to making conforming technical changes; and to repeal paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, and section 26-504.2 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, relating to vacancy decontrol

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

1 Section 1. Legislative findings and declaration of emergency. The
2 legislature hereby finds and declares that the serious public emergency
3 which led to the enactment of the existing laws regulating residential
4 rents and evictions continues to exist; that such laws would better
5 serve the public interest if certain changes were made thereto, includ-
6 ing the continued regulation of certain housing accommodations that
7 become vacant and the reinstatement of regulation of certain housing
8 accommodations that have been deregulated upon vacancy.
9 The legislature further recognizes that severe disruption of the
10 rental housing market has occurred and threatens to be exacerbated as a
11 result of the present state of the law in relation to the deregulation

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

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1 of housing accommodations upon vacancy. The situation has permitted
2 speculative and profiteering practices and has brought about the loss of
3 vital and irreplaceable affordable housing for working persons and fami-
4 lies.

5 The legislature therefore declares that in order to prevent uncertain-
6 ty, potential hardship and dislocation of tenants living in housing
7 accommodations subject to government regulations as to rentals and
8 continued occupancy as well as those not subject to such regulation, the
9 provisions of this act are necessary to protect the public health, safe-
10 ty and general welfare. The necessity in the public interest for the
11 provisions hereinafter enacted is hereby declared as a matter of legis-
12 lative determination.

13 S 2. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the
14 laws of 1946, constituting the emergency housing rent control law, is
15 REPEALED.

16 S 3. Paragraph 13 of subdivision a of section 5 of section 4 of chap-
17 ter 576 of the laws of 1974, constituting the emergency tenant
18 protection act of nineteen seventy-four, is REPEALED.

19 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section
20 26-403 of the administrative code of the city of New York is REPEALED.

21 S 5. Section 26-504.2 of the administrative code of the city of New
22 York is REPEALED.

23 S 6. Any housing accommodations that on or after January 1, 2007 were
24 excluded from coverage from the emergency tenant protection act of nine-
25 teen seventy-four, the emergency housing rent control law or the admin-
26 istrative code of the city of New York pursuant to the provisions of law
27 repealed by sections two, three, four and five of this act shall be
28 subject to the provisions of such act, law or administrative code,
29 respectively. Notwithstanding the provisions of any lease or rental
30 agreement, the legal regulated rent or maximum collectible rent of any
31 housing accommodation excluded from regulation on or after January 1,
32 2007 by reason of the provisions repealed by sections two, three, four
33 and five of this act shall be the legal regulated rent or maximum
34 collectible rent applicable to such accommodation on December 31, 2006,
35 subject to further adjustment in accordance with applicable provisions
36 of law.

37 S 7. Any housing accommodations that prior to January 1, 2007 were
38 excluded from coverage from the emergency tenant protection act of nine-
39 teen seventy-four, the emergency housing rent control law or the admin-
40 istrative code of the city of New York pursuant to the provisions of law
41 repealed by sections two, three, four, and five of this act, and where
42 such housing accommodations were located outside the city of New York
43 and were rented to a tenant on or after January 1, 2007 for less than
44 \$3,500 per month or were located within the city of New York and were
45 rented to a tenant on or after January 1, 2007 for less than \$5,000.00
46 per month, shall be subject to the provisions of such act, law or admin-
47 istrative code, respectively. Notwithstanding the provisions of any
48 lease or rental agreement, the legal regulated rent or maximum collect-
49 ible rent of any housing accommodation excluded from regulation prior to
50 January 1, 2007 by reason of the provisions repealed by sections two,
51 three, four and five of this act and made subject to regulation shall be
52 the actual rent applicable to such accommodations on January 1, 2007 or
53 the first rent applicable to such accommodation after January 1, 2007,
54 subject to further adjustment in accordance with applicable provisions
55 of law.

1 S 8. Paragraph 14 of subdivision c of section 26-511 of the adminis-
2 trative code of the city of New York, as amended by section 14 of part B
3 of chapter 97 of the laws of 2011, is amended to read as follows:

4 (14) provides that where the amount of rent charged to and paid by the
5 tenant is less than the legal regulated rent for the housing accommo-
6 dation, the amount of rent for such housing accommodation which may be
7 charged upon renewal or upon vacancy thereof may, at the option of the
8 owner, be based upon such previously established legal regulated rent,
9 as adjusted by the most recent applicable guidelines increases and any
10 other increases authorized by law. [Where, subsequent to vacancy, such
11 legal regulated rent, as adjusted by the most recent applicable guide-
12 lines increases and any other increases authorized by law is two thou-
13 sand dollars or more per month or, for any housing accommodation which
14 is or becomes vacant on or after the effective date of the rent act of
15 2011, is two thousand five hundred dollars or more per month, such hous-
16 ing accommodation shall be excluded from the provisions of this law
17 pursuant to section 26-504.2 of this chapter.]

18 S 9. Subdivision a-2 of section 10 of section 4 of chapter 576 of the
19 laws of 1974 constituting the emergency tenant protection act of nine-
20 teen seventy-four, as amended by section 13 of part B of chapter 97 of
21 the laws of 2011, is amended to read as follows:

22 (a-2) Provides that where the amount of rent charged to and paid by
23 the tenant is less than the legal regulated rent for the housing accom-
24 modation, the amount of rent for such housing accommodation which may be
25 charged upon renewal or upon vacancy thereof may, at the option of the
26 owner, be based upon such previously established legal regulated rent,
27 as adjusted by the most recent applicable guidelines increases and other
28 increases authorized by law. [Where, subsequent to vacancy, such legal
29 regulated rent, as adjusted by the most recent applicable guidelines
30 increases and any other increases authorized by law is two thousand
31 dollars or more per month or, for any housing accommodation which is or
32 becomes vacant on or after the effective date of the rent act of 2011,
33 is two thousand five hundred dollars or more per month, such housing
34 accommodation shall be excluded from the provisions of this act pursuant
35 to paragraph thirteen of subdivision a of section five of this act.]

36 S 10. This act shall take effect immediately; provided, however, that:

37 (a) the amendments to section 26-511 of chapter 4 of title 26 of the
38 administrative code of the city of New York made by section eight of
39 this act shall expire on the same date as such law expires and shall not
40 affect the expiration of such law as provided under section 26-520 of
41 such law; and

42 (b) the amendments to subdivision a-2 of section 10 of section 4 of
43 the emergency tenant protection act of nineteen seventy-four made by
44 section nine of this act shall expire on the same date as such act
45 expires and shall not affect the expiration of such act as provided in
46 section 17 of chapter 576 of the laws of 1974.