

2341

2011-2012 Regular Sessions

I N S E N A T E

January 19, 2011

Introduced by Sens. SERRANO, PERALTA -- 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 limiting rent increase after vacancy of a housing accommodation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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, as added by chapter 116 of
3 the laws of 1997, is amended to read as follows:
4 (5-a) provides that, notwithstanding any provision of this chapter,
5 the legal regulated rent for any vacancy lease entered into after the
6 effective date of this paragraph shall be as hereinafter provided in
7 this paragraph. The previous legal regulated rent for such housing
8 accommodation shall be increased by the following: (i) if the vacancy
9 lease is for a term of two years, [twenty] TEN percent of the previous
10 legal regulated rent; or (ii) if the vacancy lease is for a term of one
11 year the increase shall be [twenty] TEN percent of the previous legal
12 regulated rent less an amount equal to the difference between (a) the
13 two year renewal lease guideline promulgated by the guidelines board of
14 the city of New York applied to the previous legal regulated rent and
15 (b) the one year renewal lease guideline promulgated by the guidelines
16 board of the city of New York applied to the previous legal regulated
17 rent. In addition, if the legal regulated rent was not increased with
18 respect to such housing accommodation by a permanent vacancy allowance
19 within eight years prior to a vacancy lease executed on or after the
20 effective date of this paragraph, the legal regulated rent may be
21 further increased by an amount equal to the product resulting from
22 multiplying such previous legal regulated rent by six-tenths of one
23 percent and further multiplying the amount of rent increase resulting

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

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1 therefrom by the greater of (A) the number of years since the imposition
2 of the last permanent vacancy allowance, or (B) if the rent was not
3 increased by a permanent vacancy allowance since the housing accommo-
4 dation became subject to this chapter, the number of years that such
5 housing accommodation has been subject to this chapter. Provided that if
6 the previous legal regulated rent was less than three hundred dollars
7 the total increase shall be as calculated above plus one hundred dollars
8 per month. Provided, further, that if the previous legal regulated rent
9 was at least three hundred dollars and no more than five hundred dollars
10 in no event shall the total increase pursuant to this paragraph be less
11 than one hundred dollars per month. Such increase shall be in lieu of
12 any allowance authorized for the one or two year renewal component ther-
13 eof, but shall be in addition to any other increases authorized pursuant
14 to this chapter including an adjustment based upon a major capital
15 improvement, or a substantial modification or increase of dwelling space
16 or services, or installation of new equipment or improvements or new
17 furniture or furnishings provided in or to the housing accommodation
18 pursuant to this section. THE INCREASE AUTHORIZED IN THIS PARAGRAPH MAY
19 NOT BE IMPLEMENTED MORE THAN ONE TIME IN ANY CALENDAR YEAR NOTWITHSTAND-
20 ING THE NUMBER OF VACANCY LEASES ENTERED INTO IN SUCH YEAR.

21 S 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of
22 the laws of 1974, constituting the emergency tenant protection act of
23 nineteen seventy-four, as added by chapter 116 of the laws of 1997, is
24 amended to read as follows:

25 (a-1) provides that, notwithstanding any provision of this act, the
26 legal regulated rent for any vacancy lease entered into after the effec-
27 tive date of this subdivision shall be as hereinafter set forth. The
28 previous legal regulated rent for such housing accommodation shall be
29 increased by the following: (i) if the vacancy lease is for a term of
30 two years, [twenty] TEN percent of the previous legal regulated rent; or
31 (ii) if the vacancy lease is for a term of one year the increase shall
32 be [twenty] TEN percent of the previous legal regulated rent less an
33 amount equal to the difference between (a) the two year renewal lease
34 guideline promulgated by the guidelines board of the county in which the
35 housing accommodation is located applied to the previous legal regulated
36 rent and (b) the one year renewal lease guideline promulgated by the
37 guidelines board of the county in which the housing accommodation is
38 located applied to the previous legal regulated rent. In addition, if
39 the legal regulated rent was not increased with respect to such housing
40 accommodation by a permanent vacancy allowance within eight years prior
41 to a vacancy lease executed on or after the effective date of this
42 subdivision, the legal regulated rent may be further increased by an
43 amount equal to the product resulting from multiplying such previous
44 legal regulated rent by six-tenths of one percent and further multiply-
45 ing the amount of rent increase resulting therefrom by the greater of
46 (A) the number of years since the imposition of the last permanent
47 vacancy allowance, or (B) if the rent was not increased by a permanent
48 vacancy allowance since the housing accommodation became subject to this
49 act, the number of years that such housing accommodation has been
50 subject to this act. Provided that if the previous legal regulated rent
51 was less than three hundred dollars the total increase shall be as
52 calculated above plus one hundred dollars per month. Provided, further,
53 that if the previous legal regulated rent was at least three hundred
54 dollars and no more than five hundred dollars in no event shall the
55 total increase pursuant to this subdivision be less than one hundred
56 dollars per month. Such increase shall be in lieu of any allowance

1 authorized for the one or two year renewal component thereof, but shall
2 be in addition to any other increases authorized pursuant to this act
3 including an adjustment based upon a major capital improvement, or a
4 substantial modification or increase of dwelling space or services, or
5 installation of new equipment or improvements or new furniture or
6 furnishings provided in or to the housing accommodation pursuant to
7 section six of this act. THE INCREASE AUTHORIZED IN THIS SUBDIVISION
8 MAY NOT BE IMPLEMENTED MORE THAN ONE TIME IN ANY CALENDAR YEAR NOTWITH-
9 STANDING THE NUMBER OF VACANCY LEASES ENTERED INTO IN SUCH YEAR.

10 S 3. This act shall take effect immediately; provided that the amend-
11 ments to section 26-511 of the rent stabilization law of nineteen
12 hundred sixty-nine made by section one of this act shall expire on the
13 same date as such law expires and shall not affect the expiration of
14 such law as provided under section 26-520 of such law; and provided,
15 further, that the amendments to section 4 of the emergency tenant
16 protection act of nineteen seventy-four made by section two of this act
17 shall expire on the same date as such act expires and shall not affect
18 the expiration of such act as provided in section 17 of chapter 576 of
19 the laws of 1974.