

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. KRUEGER -- 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 emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to leasing to business and other entities

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

1 Section 1. Section 4 of chapter 576 of the laws of 1974 constituting  
2 the emergency tenant protection act of nineteen seventy-four is amended  
3 by adding a new section 5-b to read as follows:  
4 S 5-B. TENANCY. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ACT  
5 OR THE PROVISIONS OF ANY CONTRACT, LEASE OR RENTAL AGREEMENT, NO OWNER  
6 OR ANY AGENT THEREOF SHALL ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT  
7 FOR OCCUPANCY OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS ACT IF  
8 THE OWNER OR ANY AGENT THEREOF HAS REASON TO KNOW THAT THE TENANT WILL  
9 NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE, OR  
10 THE TENANT IS A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS OR NOT-FOR-  
11 PROFIT ENTITY, PROVIDED, HOWEVER, IF THE TENANT (I) IS A NOT-FOR-PROFIT  
12 CORPORATION, PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW, THAT IS  
13 SOLELY ENGAGED IN ACTIVITIES TO PROVIDE HOUSING AND ADDITIONAL SUPPORT  
14 SERVICES, IF ANY, TO LOW-INCOME OR VULNERABLE MEMBERS OF THE POPULATION,  
15 AS DETERMINED BY THE COMMISSIONER OF THE DIVISION OF HOUSING AND COMMU-  
16 NITY RENEWAL, OR (II) IS A CORPORATION, PARTNERSHIP OR OTHER BUSINESS  
17 THAT IS PROVIDING AN OFFICER, PARTNER, EMPLOYEE OR OTHER NATURAL PERSON  
18 PARTICIPATING IN THE DAY-TO-DAY OPERATIONS WITH A DWELLING UNIT, WHICH  
19 SHALL BE OCCUPIED AS THE INDIVIDUAL'S PRIMARY RESIDENCE, AN OWNER OR  
20 AGENT THEREOF MAY ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR  
21 OCCUPANCY OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS ACT.

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

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1 S 2. Clause (i) of paragraph 3 of subdivision a of section 12 of  
2 section 4 of chapter 576 of the laws of 1974 constituting the emergency  
3 tenant protection act of nineteen seventy-four, as amended by chapter  
4 480 of the laws of 2009, is amended to read as follows:

5 (i) to have violated an order of the division OR SECTION FIVE-B OF  
6 THIS ACT the commissioner may impose by administrative order after hear-  
7 ing, a civil penalty in the amount of one thousand dollars for the first  
8 such offense and two thousand dollars for each subsequent offense; or

9 S 3. Section 26-512 of the administrative code of the city of New York  
10 is amended by adding a new subdivision g to read as follows:

11 G. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR THE PROVISIONS  
12 OF ANY CONTRACT, LEASE OR RENTAL AGREEMENT, NO OWNER OR ANY AGENT THERE-  
13 OF SHALL ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR OCCUPANCY OF  
14 A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER IF THE OWNER OR  
15 ANY AGENT THEREOF HAS REASON TO KNOW THAT THE TENANT WILL NOT OCCUPY THE  
16 HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE, OR THE TENANT IS  
17 A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS OR NOT-FOR-PROFIT ENTITY,  
18 PROVIDED, HOWEVER, IF THE TENANT (I) IS A NOT-FOR-PROFIT CORPORATION,  
19 PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW, THAT IS SOLELY ENGAGED  
20 IN ACTIVITIES TO PROVIDE HOUSING AND ADDITIONAL SUPPORT SERVICES, IF  
21 ANY, TO LOW-INCOME OR VULNERABLE MEMBERS OF THE POPULATION, AS DETER-  
22 MINED BY THE COMMISSIONER OF THE DIVISION OF HOUSING AND COMMUNITY  
23 RENEWAL, OR (II) IS A CORPORATION, PARTNERSHIP OR OTHER BUSINESS THAT IS  
24 PROVIDING AN OFFICER, PARTNER, EMPLOYEE OR OTHER NATURAL PERSON PARTIC-  
25 IPATING IN THE DAY-TO-DAY OPERATIONS WITH A DWELLING UNIT, WHICH SHALL  
26 BE OCCUPIED AS THE INDIVIDUAL'S PRIMARY RESIDENCE, AN OWNER OR AGENT  
27 THEREOF MAY ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR OCCUPANCY  
28 OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER.

29 S 4. Paragraph 1 of subdivision c of section 26-516 of the administra-  
30 tive code of the city of New York, as amended by chapter 480 of the laws  
31 of 2009, is amended to read as follows:

32 (1) to have violated an order of the division OR SUBDIVISION G OF  
33 SECTION 26-512 OF THIS CHAPTER the commissioner may impose by adminis-  
34 trative order after hearing, a civil penalty in the amount of one thou-  
35 sand dollars for the first such offense and two thousand dollars for  
36 each subsequent offense; or

37 S 5. Severability. If any provision of this act, or any application of  
38 any provision of this act, is held to be invalid, that shall not affect  
39 the validity or effectiveness of any other provision of this act, any  
40 other application of any provision of this act, or any other provision  
41 of any law or code amended by this act.

42 S 6. This act shall take effect on the sixtieth day after it shall  
43 have become a law; provided that:

44 (a) the amendments to the emergency tenant protection act of nineteen  
45 seventy-four made by sections one and two of this act shall expire on  
46 the same date as such act expires and shall not affect the expiration of  
47 such act as provided in section 17 of chapter 576 of the laws of 1974;  
48 and

49 (b) the amendments to sections 26-512 and 26-516 of the administrative  
50 code of the city of New York made by sections three and four of this act  
51 shall expire on the same date as such sections expire and shall not  
52 affect the expiration of such sections as provided in section 26-520 of  
53 such code.