S T A T E   O F   N E W   Y O R K

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448

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011
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Introduced by Sens. KRUEGER, DIAZ, HASSELL-THOMPSON, HUNTLEY, PERALTA,
  PERKINS, SERRANO, STAVISKY -- 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 seven-
  ty-four and the administrative code of the city of New York, in
  relation to the regulation of rents

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

 1   Section 1. Subdivision a-2 of section 10 of section 4 of chapter 576
 2 of the laws of 1974, constituting the emergency tenant protection act of
 3 nineteen seventy-four, as added by chapter 82 of the laws of 2003, is
 4 amended to read as follows:
 5   [a-2.] (A-2) Provides that where the amount of rent charged to and
 6 paid by the tenant is less than the legal regulated rent for the housing
 7 accommodation, the amount of rent for such housing accommodation which
 8 may be charged [upon renewal or] upon vacancy thereof may, at the option
 9 of the owner, be based upon such previously established legal regulated
10 rent, as adjusted by [the most recent] ALL applicable guidelines
11 increases and other increases authorized by law; PROVIDED, HOWEVER, THAT
12 SUCH VACANCY SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT
13 OF THE OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH
14 THE WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO
15 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Where, subsequent to
16 vacancy, such legal regulated rent, as adjusted by the most recent
17 applicable guidelines increases and any other increases authorized by
18 law is two thousand dollars or more per month, such housing accommo-
19 dation shall be excluded from the provisions of this act pursuant to
20 paragraph thirteen of subdivision a of section five of this act.

                                                              LBD01227-01-1

1   S 2. Paragraph 14 of subdivision c of section 26-511 of the adminis-
2   trative code of the city of New York, as added by chapter 82 of the laws
3   of 2003, 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; PROVIDED, HOWEVER, THAT SUCH VACANCY
11 SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE
12 OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE
13 WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO
14 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Where, subsequent to
15 vacancy, such legal regulated rent, as adjusted by [the most recent] ALL
16 applicable guidelines increases and any other increases authorized by
17 law is two thousand dollars or more per month, such housing accommo-
18 dation shall be excluded from the provisions of this law pursuant to
19 section 26-504.2 of this chapter.
20   S 3. This act shall take effect immediately; provided, however, that
21 the amendments to section 10 of the emergency tenant protection act of
22 nineteen seventy-four made by section one of this act shall expire on
23 the same date as such act expires and shall not affect the expiration of
24 such act as provided in section 17 of chapter 576 of the laws of 1974;
25 and provided, further, that the amendments to section 26-511 of the rent
26 stabilization law of nineteen hundred sixty-nine made by section two of
27 this act shall expire on the same date as such law expires and shall not
28 affect the expiration of such law as provided under section 26-520 of
29 such law.