

5147

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. YOUNG -- 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, the emergency housing rent control law and the administrative code of the city of New York, in relation to the rent threshold for the deregulation of rents upon vacancy

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

1 Section 1. Paragraph 13 of subdivision a of section 5 of section 4 of
2 chapter 576 of the laws of 1974, constituting the emergency tenant
3 protection act of nineteen seventy-four, as amended by chapter 82 of the
4 laws of 2003, is amended to read as follows:
5 (13) any housing accommodation with a legal regulated rent of [two]
6 ONE thousand FIVE HUNDRED dollars or more per month at any time between
7 the effective date of this paragraph and October first, nineteen hundred
8 ninety-three which is or becomes vacant on or after the effective date
9 of this paragraph, or any housing accommodation with a legal regulated
10 rent of [two] ONE thousand FIVE HUNDRED dollars or more per month at any
11 time on or after the effective date of the rent regulation reform act of
12 1997 which is or becomes vacant on or after the effective date of the
13 rent regulation reform act of 1997. This exclusion shall apply regard-
14 less of whether the next tenant in occupancy or any subsequent tenant in
15 occupancy actually is charged or pays less than [two] ONE thousand FIVE
16 HUNDRED dollars a month. Provided however, that this exclusion shall not
17 apply to housing accommodations which became or become subject to this
18 act (a) by virtue of receiving tax benefits pursuant to section four
19 hundred twenty-one-a or four hundred eighty-nine of the real property
20 tax law, except as otherwise provided in subparagraph (i) of paragraph
21 (f) of subdivision two of section four hundred twenty-one-a of the real
22 property tax law, or (b) by virtue of article seven-C of the multiple

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

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1 dwelling law. This paragraph shall not apply, however, to or become
2 effective with respect to housing accommodations which the commissioner
3 determines or finds that the landlord or any person acting on his or her
4 behalf, with intent to cause the tenant to vacate, has engaged in any
5 course of conduct (including, but not limited to, interruption or
6 discontinuance of required services) which interfered with or disturbed
7 or was intended to interfere with or disturb the comfort, repose, peace
8 or quiet of the tenant in his or her use or occupancy of the housing
9 accommodations and in connection with such course of conduct, any other
10 general enforcement provision of this act shall also apply.

11 S 2. Subparagraph (n) of subdivision 2 of section 2 of chapter 274 of
12 the laws of 1946, constituting the emergency housing rent control law,
13 as amended by chapter 82 of the laws of 2003, is amended to read as
14 follows:

15 (n) any housing accommodation with a maximum rent of [two] ONE thou-
16 sand FIVE HUNDRED dollars or more per month at any time between the
17 effective date of this paragraph and October first, nineteen hundred
18 ninety-three which is or becomes vacant on or after the effective date
19 of this paragraph, or any housing accommodation with a maximum rent of
20 [two] ONE thousand FIVE HUNDRED dollars or more per month at any time on
21 or after the effective date of the rent regulation reform act of 1997
22 which is or becomes vacant on or after the effective date of the rent
23 regulation reform act of 1997. This exclusion shall apply regardless of
24 whether the next tenant in occupancy or any subsequent tenant in occu-
25 pancy actually is charged or pays less than [two] ONE thousand FIVE
26 HUNDRED dollars a month. This exclusion shall not apply, however, to or
27 become effective with respect to housing accommodations which the
28 commissioner determines or finds that the landlord or any person acting
29 on his or her behalf, with intent to cause the tenant to vacate, has
30 engaged in any course of conduct (including, but not limited to, inter-
31 ruption or discontinuance of required services) which interfered with or
32 disturbed or was intended to interfere with or disturb the comfort,
33 repose, peace or quiet of the tenant in his or her use or occupancy of
34 the housing accommodations and in connection with such course of
35 conduct, any other general enforcement provision of this law shall also
36 apply.

37 S 3. Subdivisions a and b of section 26-504.2 of the administrative
38 code of the city of New York, subdivision (a) as amended by chapter 82
39 of the laws of 2003 and subdivision (b) as added by local law number 12
40 of the city of New York for the year 2000, are amended to read as
41 follows:

42 a. "Housing accommodations" shall not include any housing accommo-
43 dation which becomes vacant on or after April first, nineteen hundred
44 ninety-seven and where at the time the tenant vacated such housing
45 accommodation the legal regulated rent was [two] ONE thousand FIVE
46 HUNDRED dollars or more per month, or any housing accommodation which is
47 or becomes vacant on or after the effective date of the rent regulation
48 reform act of 1997 with a legal regulated rent of [two] ONE thousand
49 FIVE HUNDRED dollars or more per month. This exclusion shall apply
50 regardless of whether the next tenant in occupancy or any subsequent
51 tenant in occupancy actually is charged or pays less than [two] ONE
52 thousand FIVE HUNDRED dollars a month. Provided however, that this
53 exclusion shall not apply to housing accommodations which became or
54 become subject to this law (a) by virtue of receiving tax benefits
55 pursuant to section four hundred twenty-one-a or four hundred eighty-
56 nine of the real property tax law, except as otherwise provided in

1 subparagraph (i) of paragraph (f) of subdivision two of section four
2 hundred twenty-one-a of the real property tax law, or (b) by virtue of
3 article seven-C of the multiple dwelling law. This section shall not
4 apply, however, to or become effective with respect to housing accommo-
5 dations which the commissioner determines or finds that the landlord or
6 any person acting on his or her behalf, with intent to cause the tenant
7 to vacate, engaged in any course of conduct (including, but not limited
8 to, interruption or discontinuance of required services) which interfer-
9 ed with or disturbed or was intended to interfere with or disturb the
10 comfort, repose, peace or quiet of the tenant in his or her use or occu-
11 pancy of the housing accommodations and in connection with such course
12 of conduct, any other general enforcement provision of this law shall
13 also apply.

14 b. The owner of any housing accommodation that is not subject to this
15 law pursuant to the provisions of subdivision a of this section or
16 subparagraph k of paragraph 2 of subdivision e of section 26-403 of this
17 code shall give written notice certified by such owner to the first
18 tenant of that housing accommodation after such housing accommodation
19 becomes exempt from the provisions of this law or the city rent and
20 rehabilitation law. Such notice shall contain the last regulated rent,
21 the reason that such housing accommodation is not subject to this law or
22 the city rent and rehabilitation law, a calculation of how either the
23 rental amount charged when there is no lease or the rental amount
24 provided for in the lease has been derived so as to reach [two] ONE
25 thousand FIVE HUNDRED dollars or more per month, a statement that the
26 last legal regulated rent or the maximum rent may be verified by the
27 tenant by contacting the state division of housing and community
28 renewal, or any successor thereto, and the address and telephone number
29 of such agency, or any successor thereto. Such notice shall be sent by
30 certified mail within thirty days after the tenancy commences or after
31 the signing of the lease by both parties, whichever occurs first or
32 shall be delivered to the tenant at the signing of the lease. In addi-
33 tion, the owner shall send and certify to the tenant a copy of the
34 registration statement for such housing accommodation filed with the
35 state division of housing and community renewal indicating that such
36 housing accommodation became exempt from the provisions of this law or
37 the city rent and rehabilitation law, which form shall include the last
38 regulated rent, and shall be sent to the tenant within thirty days after
39 the tenancy commences or the filing of such registration, whichever
40 occurs later.

41 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section
42 26-403 of the administrative code of the city of New York, as amended by
43 chapter 82 of the laws of 2003, is amended to read as follows:

44 (k) Any housing accommodation which becomes vacant on or after April
45 first, nineteen hundred ninety-seven and where at the time the tenant
46 vacated such housing accommodation the maximum rent was [two] ONE thou-
47 sand FIVE HUNDRED dollars or more per month, or any housing accommo-
48 dation which is or becomes vacant on or after the effective date of the
49 rent regulation reform act of 1997 with a maximum rent of [two] ONE
50 thousand FIVE HUNDRED dollars or more per month. This exclusion shall
51 apply regardless of whether the next tenant in occupancy or any subse-
52 quent tenant in occupancy actually is charged or pays less than [two]
53 ONE thousand FIVE HUNDRED dollars a month. Provided however, that this
54 exclusion shall not apply to housing accommodations which became or
55 become subject to this law by virtue of receiving tax benefits pursuant
56 to section four hundred eighty-nine of the real property tax law. This

1 subparagraph shall not apply, however, to or become effective with
2 respect to housing accommodations which the commissioner determines or
3 finds that the landlord or any person acting on his or her behalf, with
4 intent to cause the tenant to vacate, has engaged in any course of
5 conduct (including, but not limited to, interruption or discontinuance
6 of required services) which interfered with or disturbed or was intended
7 to interfere with or disturb the comfort, repose, peace or quiet of the
8 tenant in his or her use or occupancy of the housing accommodations and
9 in connection with such course of conduct, any other general enforcement
10 provision of this law shall also apply.

11 S 5. This act shall take effect immediately; provided, however, that:

12 (a) the amendments to section 5 of the emergency tenant protection act
13 of nineteen seventy-four made by section one of this act shall expire on
14 the same date as such act expires and shall not affect the expiration of
15 such act as provided in section 17 of chapter 576 of the laws of 1974;

16 (b) the amendments to section 2 of the emergency housing rent control
17 law made by section two of this act shall expire on the same date as
18 such law expires and shall not affect the expiration of such law as
19 provided in subdivision 2 of section 1 of chapter 274 of the laws of
20 1946;

21 (c) the amendments to section 26-504.2 of chapter 4 of title 26 of the
22 administrative code of the city of New York made by section three of
23 this act shall expire on the same date as such law expires and shall not
24 affect the expiration of such law as provided under section 26-520 of
25 such law; and

26 (d) the amendments to section 26-403 of the city rent and rehabili-
27 tation law made by section four of this act shall remain in full force
28 and effect only as long as the public emergency requiring the regulation
29 and control of residential rents and evictions continues, as provided in
30 subdivision 3 of section 1 of the local emergency housing rent control
31 act.