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I N S E N A T E

February 13, 2012

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 administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency housing rent control act, in relation to rent increases for rent regulated housing accommodations upon succession of the tenants

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

1 Section 1. Section 26-403.2 of the administrative code of the city of
2 New York, as added by chapter 116 of the laws of 1997, is amended to
3 read as follows:
4 S 26-403.2 Increase in maximum collectable rent. Notwithstanding any
5 provision of this law to the contrary, in the case where all tenants
6 occupying the housing accommodation on the effective date of this
7 section have vacated the housing accommodation and a family member of
8 such vacating tenant or tenants is entitled to and continues to occupy
9 the housing accommodation subject to the protections of this law, [if
10 such accommodation continues to be subject to this law after such family
11 member vacates,] on the occurrence of such vacancy the maximum collecta-
12 ble rent OF SUCH FAMILY MEMBER OF SUCH TENANT OR TENANTS shall be
13 increased by a sum equal to the allowance then in effect for vacancy
14 leases for housing accommodations covered by the rent stabilization law
15 of nineteen hundred sixty-nine, including the amount allowed by para-
16 graph five-a of subdivision c of section 26-511 of such law. This
17 increase shall be in addition to any other increases provided for in
18 this law including an adjustment based upon a major capital improvement,
19 or a substantial increase or decrease in dwelling space or a change in
20 the services, furniture, furnishings or equipment provided in the hous-
21 ing accommodation, pursuant to section 26-405 of this law [and shall be
22 applicable in like manner to each second subsequent succession]. WHERE
23 ALL TENANTS NAMED IN A LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMO-
24 DATION AND A FAMILY MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A

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

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1 RENEWAL LEASE FOR THE HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS
2 SHALL THEREAFTER BE ENTITLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING
3 ACCOMMODATION.

4 S 2. Subdivision f of section 26-512 of the administrative code of
5 the city of New York, as added by chapter 116 of the laws of 1997, is
6 amended to read as follows:

7 f. Notwithstanding any provision of this law to the contrary, in the
8 case where all tenants named in a lease have permanently vacated a hous-
9 ing accommodation and a family member of such tenant or tenants is enti-
10 tled to and executes a renewal lease for the housing accommodation [if
11 such accommodation continues to be subject to this law after such family
12 member vacates, on the occurrence of such vacancy], the legal regulated
13 rent OF SUCH FAMILY MEMBER FOR SUCH RENEWAL LEASE shall be increased by
14 a sum equal to the allowance then in effect for vacancy leases, includ-
15 ing the amount allowed by paragraph (five-a) of subdivision c of section
16 26-511 of this law. Such increase shall be in addition to any other
17 increases provided for in this law including an adjustment based upon a
18 major capital improvement, or a substantial modification or increase of
19 dwelling space or services, or installation of new equipment or improve-
20 ments or new furniture or furnishings provided in or to the housing
21 accommodation pursuant to section 26-511 of this law [and shall be
22 applicable in like manner to each second subsequent succession]. WHERE
23 ALL TENANTS NAMED IN A LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMO-
24 DATION AND A FAMILY MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A
25 RENEWAL LEASE FOR THE HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS
26 SHALL THEREAFTER BE ENTITLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING
27 ACCOMMODATION.

28 S 3. Subdivision g of section 6 of section 4 of chapter 576 of the
29 laws of 1974, constituting the emergency tenant protection act of nine-
30 teen seventy-four, as added by chapter 116 of the laws of 1997, is
31 amended to read as follows:

32 g. Notwithstanding any provision of this act to the contrary, in the
33 case where all tenants named in a lease have permanently vacated a hous-
34 ing accommodation and a family member of such tenant or tenants is enti-
35 tled to and executes a renewal lease for the housing accommodation [if
36 such accommodation continues to be subject to this act after such family
37 member vacates, on the occurrence of such vacancy], the legal regulated
38 rent OF SUCH FAMILY MEMBER FOR SUCH RENEWAL LEASE shall be increased by
39 a sum equal to the allowance then in effect for vacancy leases, includ-
40 ing the amount allowed by subdivision (a-1) of section ten of this act.
41 Such increase shall be in addition to any other increases provided for
42 in this act including an adjustment based upon a major capital improve-
43 ment, or a substantial modification or increase of dwelling space or
44 services, or installation of new equipment or improvements or new furni-
45 ture or furnishings provided in or to the housing accommodation, pursu-
46 ant to section six of this act [and shall be applicable in like manner
47 to each second subsequent succession]. WHERE ALL TENANTS NAMED IN A
48 LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMODATION AND A FAMILY
49 MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A RENEWAL LEASE FOR THE
50 HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS SHALL THEREAFTER BE ENTI-
51 TLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING ACCOMMODATION.

52 S 4. Subdivision 9 of section 5 of chapter 274 of the laws of 1946,
53 constituting the emergency housing rent control law, as added by chapter
54 116 of the laws of 1997, is amended to read as follows:

55 9. Notwithstanding any provision of this law to the contrary, in the
56 case where all tenants occupying the housing accommodation on the effec-

1 tive date of this subdivision have vacated the housing accommodation and
2 a family member of such vacating tenant or tenants is entitled to and
3 continues to occupy the housing accommodation subject to the protections
4 of this law, [if such accommodation continues to be subject to this law
5 after such family member vacates,] on the occurrence of such vacancy the
6 maximum collectable rent OF SUCH FAMILY MEMBER OF SUCH TENANT OR TENANTS
7 shall be increased by a sum equal to the allowance then in effect for
8 vacancy leases for housing accommodations covered by the rent stabiliza-
9 tion law of nineteen hundred sixty-nine, including the amount allowed by
10 paragraph five-a of subdivision c of section 26-511 of such law. This
11 increase shall be in addition to any other increases provided in this
12 law including an adjustment based upon a major capital improvement, or a
13 substantial increase or decrease in dwelling space or a change in the
14 services, furniture, furnishings or equipment provided in the housing
15 accommodation, pursuant to section four of this law [and shall be appli-
16 cable in like manner to each second subsequent succession]. WHERE ALL
17 TENANTS NAMED IN A LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMO-
18 DATION AND A FAMILY MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A
19 RENEWAL LEASE FOR THE HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS
20 SHALL THEREAFTER BE ENTITLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING
21 ACCOMMODATION.

22 S 5. The sixth undesignated paragraph of subdivision 5 of section 1 of
23 chapter 21 of the laws of 1962, constituting the local emergency rent
24 control act, as amended by chapter 82 of the laws of 2003, is amended to
25 read as follows:

26 Notwithstanding any provision of this act to the contrary, any local
27 law adopted pursuant to this act shall provide that notwithstanding any
28 provision of such local law in the case where all tenants occupying the
29 housing accommodation on the effective date of this paragraph have
30 vacated the housing accommodation and a family member of such vacating
31 tenant or tenants is entitled to and continues to occupy the housing
32 accommodation subject to the protections of such act, [if such accommo-
33 dation continues to be subject to such act after such family member
34 vacates,] on the occurrence of such vacancy the maximum collectable rent
35 OF SUCH FAMILY MEMBER OF SUCH TENANT OR TENANTS shall be increased by a
36 sum equal to the allowance then in effect for vacancy leases for housing
37 accommodations covered by the rent stabilization law of nineteen hundred
38 sixty-nine, including the amount allowed by paragraph (5-a) of subdivi-
39 sion c of section 26-511 of such law. This increase shall be in addition
40 to any other increases provided for in this act [and shall be applicable
41 in like manner to each second subsequent succession]. WHERE ALL TENANTS
42 NAMED IN A LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMODATION AND A
43 FAMILY MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A RENEWAL LEASE FOR
44 THE HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS SHALL THEREAFTER BE
45 ENTITLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING ACCOMMODATION.

46 S 6. This act shall take effect immediately and shall apply to all
47 leases and renewal leases in effect immediately prior to such effective
48 date, including renewal leases executed by a family member of a tenant
49 or tenants named in a lease who have permanently vacated a housing
50 accommodation; provided, that:

51 (a) the amendments to section 26-403.2 of the city rent and rehabili-
52 tation law made by section one of this act shall remain in full force
53 and effect only as long as the public emergency requiring the regulation
54 and control of residential rents and evictions continues, as provided in
55 subdivision 3 of section 1 of the local emergency housing rent control
56 act;

1 (b) that the amendments to subdivision f of section 26-512 of chapter
2 4 of title 26 of the administrative code of the city of New York made by
3 section two of this act shall expire on the same date as such law
4 expires and shall not affect the expiration of such law as provided
5 under section 26-520 of such law;

6 (c) the amendments to subdivision g of section 6 of the emergency
7 tenant protection act of nineteen seventy-four made by section three of
8 this act shall expire on the same date as such act expires and shall not
9 affect the expiration of such act as provided in section 17 of chapter
10 576 of the laws of 1974;

11 (d) the amendments to subdivision 9 of section 5 of the emergency
12 housing rent control law made by section four of this act shall expire
13 on the same date as such law expires and shall not affect the expiration
14 of such law as provided in subdivision 2 of section 1 of chapter 274 of
15 the laws of 1946; and

16 (e) the amendments to subdivision 5 of section one of the local emer-
17 gency housing rent control act, made by section five of this act, shall
18 not affect the effectiveness of such subdivision and shall cease to be
19 in full force and effect pursuant to subdivision 3 of such section.