

1364--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. JEFFRIES, ROBINSON, FARRELL, COLTON, O'DONNELL, JACOBS, JAFFEE, CLARK, ORTIZ, LANCMAN, WRIGHT, KAVANAGH, CAMARA, ROSENTHAL, KELLNER, DINOWITZ -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CASTRO, GLICK, GOTTFRIED, HEASTIE, HOOPER, PERRY, J. RIVERA, SCHIMEL -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 the regulation of rents

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 amended by section 13 of part B of chapter 97
4 of the laws of 2011, is amended to read as follows:
5 (a-2) Provides that where the amount of rent charged to and paid by
6 the tenant is less than the legal regulated rent for the housing accom-
7 modation, the amount of rent for such housing accommodation which may be
8 charged [upon renewal or] upon vacancy thereof may, at the option of the
9 owner, be based upon such previously established legal regulated rent,
10 as adjusted by [the most recent] ALL applicable guidelines increases and
11 other increases authorized by law; PROVIDED, HOWEVER, THAT SUCH VACANCY
12 SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE
13 OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE
14 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

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

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1 law is two thousand dollars or more per month or, for any housing accom-
2 modation which is or becomes vacant on or after the effective date of
3 the rent act of 2011, is two thousand five hundred dollars or more per
4 month, such housing accommodation shall be excluded from the provisions
5 of this act pursuant to paragraph thirteen of subdivision a of section
6 five of this act.

7 S 2. Paragraph 14 of subdivision c of section 26-511 of the adminis-
8 trative code of the city of New York, as amended by section 14 of part B
9 of chapter 97 of the laws of 2011, is amended to read as follows:

10 (14) provides that where the amount of rent charged to and paid by the
11 tenant is less than the legal regulated rent for the housing accommo-
12 dation, the amount of rent for such housing accommodation which may be
13 charged [upon renewal or] upon vacancy thereof may, at the option of the
14 owner, be based upon such previously established legal regulated rent,
15 as adjusted by the most recent applicable guidelines increases and any
16 other increases authorized by law; PROVIDED, HOWEVER, THAT SUCH VACANCY
17 SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE
18 OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE
19 WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO
20 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Where, subsequent to
21 vacancy, such legal regulated rent, as adjusted by [the most recent] ALL
22 applicable guidelines increases and any other increases authorized by
23 law is two thousand dollars or more per month or, for any housing accom-
24 modation which is or becomes vacant on or after the effective date of
25 the rent act of 2011, is two thousand five hundred dollars or more per
26 month, such housing accommodation shall be excluded from the provisions
27 of this law pursuant to section 26-504.2 of this chapter.

28 S 3. This act shall take effect immediately; provided, however, that
29 the amendments to section 10 of the emergency tenant protection act of
30 nineteen seventy-four made by section one of this act shall expire on
31 the same date as such act expires and shall not affect the expiration of
32 such act as provided in section 17 of chapter 576 of the laws of 1974;
33 and provided, further, that the amendments to section 26-511 of the rent
34 stabilization law of nineteen hundred sixty-nine made by section two of
35 this act shall expire on the same date as such law expires and shall not
36 affect the expiration of such law as provided under section 26-520 of
37 such law.