

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

2593--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 19, 2011

Introduced by M. of A. V. LOPEZ, GOTTFRIED, ROSENTHAL, KAVANAGH, WRIGHT, O'DONNELL, ORTIZ -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, FARRELL, GLICK, HOOPER, JACOBS, JEFFRIES, PERRY -- 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 administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to limiting rent increase after vacancy of a housing accommodation

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

1 Section 1. Paragraph 5-a of subdivision c of section 26-511 of the
2 administrative code of the city of New York, as amended by section 7 of
3 part B of chapter 97 of the laws of 2011, is amended to read as follows:
4 (5-a) provides that, notwithstanding any provision of this chapter,
5 the legal regulated rent for any vacancy lease entered into after the
6 effective date of this paragraph shall be as hereinafter provided in
7 this paragraph. The previous legal regulated rent for such housing
8 accommodation shall be increased by the following: (i) if the vacancy
9 lease is for a term of two years, [twenty] TEN percent of the previous
10 legal regulated rent; or (ii) if the vacancy lease is for a term of one
11 year the increase shall be [twenty] TEN percent of the previous legal
12 regulated rent less an amount equal to the difference between (a) the
13 two year renewal lease guideline promulgated by the guidelines board of
14 the city of New York applied to the previous legal regulated rent and
15 (b) the one year renewal lease guideline promulgated by the guidelines
16 board of the city of New York applied to the previous legal regulated
17 rent. In addition, if the legal regulated rent was not increased with
18 respect to such housing accommodation by a permanent vacancy allowance
19 within eight years prior to a vacancy lease executed on or after the

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

LBD00241-02-2

1 effective date of this paragraph, the legal regulated rent may be
2 further increased by an amount equal to the product resulting from
3 multiplying such previous legal regulated rent by six-tenths of one
4 percent and further multiplying the amount of rent increase resulting
5 therefrom by the greater of (A) the number of years since the imposition
6 of the last permanent vacancy allowance, or (B) if the rent was not
7 increased by a permanent vacancy allowance since the housing accommo-
8 dation became subject to this chapter, the number of years that such
9 housing accommodation has been subject to this chapter. Provided that if
10 the previous legal regulated rent was less than three hundred dollars
11 the total increase shall be as calculated above plus one hundred dollars
12 per month. Provided, further, that if the previous legal regulated rent
13 was at least three hundred dollars and no more than five hundred dollars
14 in no event shall the total increase pursuant to this paragraph be less
15 than one hundred dollars per month. Such increase shall be in lieu of
16 any allowance authorized for the one or two year renewal component ther-
17 eof, but shall be in addition to any other increases authorized pursuant
18 to this chapter including an adjustment based upon a major capital
19 improvement, or a substantial modification or increase of dwelling space
20 or services, or installation of new equipment or improvements or new
21 furniture or furnishings provided in or to the housing accommodation
22 pursuant to this section. The increase authorized in this paragraph may
23 not be implemented more than one time in any calendar year, notwith-
24 standing the number of vacancy leases entered into in such year.

25 S 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of
26 the laws of 1974, constituting the emergency tenant protection act of
27 nineteen seventy-four, as amended by section 8 of part B of chapter 97
28 of the laws of 2011, is amended to read as follows:

29 (a-1) provides that, notwithstanding any provision of this act, the
30 legal regulated rent for any vacancy lease entered into after the effec-
31 tive date of this subdivision shall be as hereinafter set forth. The
32 previous legal regulated rent for such housing accommodation shall be
33 increased by the following: (i) if the vacancy lease is for a term of
34 two years, [twenty] TEN percent of the previous legal regulated rent; or
35 (ii) if the vacancy lease is for a term of one year the increase shall
36 be [twenty] TEN percent of the previous legal regulated rent less an
37 amount equal to the difference between (a) the two year renewal lease
38 guideline promulgated by the guidelines board of the county in which the
39 housing accommodation is located applied to the previous legal regulated
40 rent and (b) the one year renewal lease guideline promulgated by the
41 guidelines board of the county in which the housing accommodation is
42 located applied to the previous legal regulated rent. In addition, if
43 the legal regulated rent was not increased with respect to such housing
44 accommodation by a permanent vacancy allowance within eight years prior
45 to a vacancy lease executed on or after the effective date of this
46 subdivision, the legal regulated rent may be further increased by an
47 amount equal to the product resulting from multiplying such previous
48 legal regulated rent by six-tenths of one percent and further multiply-
49 ing the amount of rent increase resulting therefrom by the greater of
50 (A) the number of years since the imposition of the last permanent
51 vacancy allowance, or (B) if the rent was not increased by a permanent
52 vacancy allowance since the housing accommodation became subject to this
53 act, the number of years that such housing accommodation has been
54 subject to this act. Provided that if the previous legal regulated rent
55 was less than three hundred dollars the total increase shall be as
56 calculated above plus one hundred dollars per month. Provided, further,

1 that if the previous legal regulated rent was at least three hundred
2 dollars and no more than five hundred dollars in no event shall the
3 total increase pursuant to this subdivision be less than one hundred
4 dollars per month. Such increase shall be in lieu of any allowance
5 authorized for the one or two year renewal component thereof, but shall
6 be in addition to any other increases authorized pursuant to this act
7 including an adjustment based upon a major capital improvement, or a
8 substantial modification or increase of dwelling space or services, or
9 installation of new equipment or improvements or new furniture or
10 furnishings provided in or to the housing accommodation pursuant to
11 section six of this act. The increase authorized in this subdivision
12 may not be implemented more than one time in any calendar year, notwith-
13 standing the number of vacancy leases entered into in such year.

14 S 3. This act shall take effect immediately; provided that the amend-
15 ments to section 26-511 of the rent stabilization law of nineteen
16 hundred sixty-nine made by section one of this act shall expire on the
17 same date as such law expires and shall not affect the expiration of
18 such law as provided under section 26-520 of such law; and provided,
19 further, that the amendments to section 4 of the emergency tenant
20 protection act of nineteen seventy-four made by section two of this act
21 shall expire on the same date as such act expires and shall not affect
22 the expiration of such act as provided in section 17 of chapter 576 of
23 the laws of 1974.