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

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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. SQUADRON -- 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 and the emergency tenant protection act of nineteen seventy-four, in relation to the statute of limitations on notices of deregulation

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

Section 1. Section 26-504.2 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

C. NOTWITHSTANDING SECTION 26-516 OF THIS CHAPTER AND SECTION TWO HUNDRED THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES, THE PERIODS PROVIDED FOR THEREIN FOR EXAMINATION OF THE RENTAL HISTORY OF THE ACCOMMODATION FOR THE DETERMINATION OF AN OVERCHARGE AND WHETHER THE ACCOMMODATION IS SUBJECT TO THIS LAW ARE EXTENDED BY THE PERIOD DURING WHICH THE OWNER IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION B OF THIS SECTION.

S 2. Paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

(13) (I) any housing accommodation with a legal regulated rent of two thousand dollars or more per month at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three which is or becomes vacant on or after the effective date of this paragraph, or any housing accommodation with a legal regulated rent of two thousand dollars or more per month at any time on or after the effective date of the rent regulation reform act of 1997 which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997. This exclusion shall apply regardless of whether the next

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

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tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand dollars a month. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this act (a) by virtue of receiving tax benefits pursuant to section four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, except as otherwise provided in subparagraph (i) of paragraph (f) of subdivision two of section four hundred twenty-one-a of the real property tax law, or (b) by virtue of article seven-C of the multiple dwelling law. This paragraph shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, has engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this act shall also apply.

(II) THE OWNER OF ANY HOUSING ACCOMMODATION THAT IS NOT SUBJECT TO THIS ACT PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR PARAGRAPH (N) OF PARAGRAPH 2 OF SECTION 2 OF THE EMERGENCY HOUSING RENT CONTROL LAW SHALL GIVE WRITTEN NOTICE CERTIFIED BY SUCH OWNER TO THE FIRST TENANT OF THAT HOUSING ACCOMMODATION AFTER SUCH HOUSING ACCOMMODATION BECOMES EXEMPT FROM THE PROVISIONS OF THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW. SUCH NOTICE SHALL CONTAIN: THE LAST REGULATED RENT; THE REASON THAT SUCH HOUSING ACCOMMODATION IS NOT SUBJECT TO THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW; A CALCULATION OF HOW EITHER THE RENTAL AMOUNT CHARGED WHEN THERE IS NO LEASE OR THE RENTAL AMOUNT PROVIDED FOR IN THE LEASE HAS BEEN DERIVED SO AS TO REACH TWO THOUSAND DOLLARS OR MORE PER MONTH; A STATEMENT THAT THE LAST LEGAL REGULATED RENT OR THE MAXIMUM RENT MAY BE VERIFIED BY THE TENANT BY CONTACTING THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, OR ANY SUCCESSOR THERETO; AND THE ADDRESS AND TELEPHONE NUMBER OF SUCH AGENCY, OR ANY SUCCESSOR THERETO. SUCH NOTICE SHALL BE SENT BY CERTIFIED MAIL WITHIN THIRTY DAYS AFTER THE TENANCY COMMENCES OR AFTER THE SIGNING OF THE LEASE BY BOTH PARTIES, WHICHEVER OCCURS FIRST OR SHALL BE DELIVERED TO THE TENANT AT THE SIGNING OF THE LEASE. IN ADDITION, THE OWNER SHALL SEND AND CERTIFY TO THE TENANT A COPY OF THE REGISTRATION STATEMENT FOR SUCH HOUSING ACCOMMODATION FILED WITH THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL INDICATING THAT SUCH HOUSING ACCOMMODATION BECAME EXEMPT FROM THE PROVISIONS OF THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW, WHICH FORM SHALL INCLUDE THE LAST REGULATED RENT, AND SHALL BE SENT TO THE TENANT WITHIN THIRTY DAYS AFTER THE TENANCY COMMENCES OR THE FILING OF SUCH REGISTRATION, WHICHEVER OCCURS LATER.

(III) NOTWITHSTANDING SECTION TWELVE OF THIS ACT AND SECTION 213-A OF THE CIVIL PRACTICE LAW AND RULES TO THE CONTRARY, THE PERIODS PROVIDED FOR THEREIN FOR EXAMINATION OF THE RENTAL HISTORY OF THE ACCOMMODATION FOR THE DETERMINATION OF AN OVERCHARGE AND WHETHER THE ACCOMMODATION IS SUBJECT TO THIS LAW ARE EXTENDED BY THE PERIOD DURING WHICH THE OWNER IS NOT IN COMPLIANCE WITH REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

S 3. This act shall take effect immediately provided that:

(a) the amendment to section 26-504.2 of the rent stabilization law of nineteen hundred sixty-nine made by section one of this act shall expire

on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law;

(b) the amendments to section 5 of section 4 of the emergency tenant protection act of nineteen seventy-four made by section two of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as amended; and

(c) the provisions of this act shall apply to housing accommodations which became vacant on or after the effective date of this act.