

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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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:

1     Section 1. Section 26-504.2 of the administrative code of the city of  
2     New York is amended by adding a new subdivision c to read as follows:  
3     C. NOTWITHSTANDING SECTION 26-516 OF THIS CHAPTER AND SECTION TWO  
4     HUNDRED THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES, THE PERIODS  
5     PROVIDED FOR THEREIN FOR EXAMINATION OF THE RENTAL HISTORY OF THE ACCOM-  
6     MODATION FOR THE DETERMINATION OF AN OVERCHARGE AND WHETHER THE ACCOMMO-  
7     DATION IS SUBJECT TO THIS LAW ARE EXTENDED BY THE PERIOD DURING WHICH  
8     THE OWNER IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION B OF  
9     THIS SECTION.  
10    S 2. Paragraph 13 of subdivision a of section 5 of section 4 of chap-  
11    ter 576 of the laws of 1974, constituting the emergency tenant  
12    protection act of nineteen seventy-four, as amended by chapter 82 of the  
13    laws of 2003, is amended to read as follows:  
14    (13) (I) any housing accommodation with a legal regulated rent of two  
15    thousand dollars or more per month at any time between the effective  
16    date of this paragraph and October first, nineteen hundred ninety-three  
17    which is or becomes vacant on or after the effective date of this para-  
18    graph, or any housing accommodation with a legal regulated rent of two  
19    thousand dollars or more per month at any time on or after the effective  
20    date of the rent regulation reform act of 1997 which is or becomes  
21    vacant on or after the effective date of the rent regulation reform act  
22    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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1 tenant in occupancy or any subsequent tenant in occupancy actually is  
2 charged or pays less than two thousand dollars a month. Provided howev-  
3 er, that this exclusion shall not apply to housing accommodations which  
4 became or become subject to this act (a) by virtue of receiving tax  
5 benefits pursuant to section four hundred twenty-one-a or four hundred  
6 eighty-nine of the real property tax law, except as otherwise provided  
7 in subparagraph (i) of paragraph (f) of subdivision two of section four  
8 hundred twenty-one-a of the real property tax law, or (b) by virtue of  
9 article seven-C of the multiple dwelling law. This paragraph shall not  
10 apply, however, to or become effective with respect to housing accommo-  
11 dations which the commissioner determines or finds that the landlord or  
12 any person acting on his or her behalf, with intent to cause the tenant  
13 to vacate, has engaged in any course of conduct (including, but not  
14 limited to, interruption or discontinuance of required services) which  
15 interfered with or disturbed or was intended to interfere with or  
16 disturb the comfort, repose, peace or quiet of the tenant in his or her  
17 use or occupancy of the housing accommodations and in connection with  
18 such course of conduct, any other general enforcement provision of this  
19 act shall also apply.

20 (II) THE OWNER OF ANY HOUSING ACCOMMODATION THAT IS NOT SUBJECT TO  
21 THIS ACT PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARA-  
22 GRAPH OR PARAGRAPH (N) OF PARAGRAPH 2 OF SECTION 2 OF THE EMERGENCY  
23 HOUSING RENT CONTROL LAW SHALL GIVE WRITTEN NOTICE CERTIFIED BY SUCH  
24 OWNER TO THE FIRST TENANT OF THAT HOUSING ACCOMMODATION AFTER SUCH HOUS-  
25 ING ACCOMMODATION BECOMES EXEMPT FROM THE PROVISIONS OF THIS ACT OR THE  
26 EMERGENCY HOUSING RENT CONTROL LAW. SUCH NOTICE SHALL CONTAIN: THE LAST  
27 REGULATED RENT; THE REASON THAT SUCH HOUSING ACCOMMODATION IS NOT  
28 SUBJECT TO THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW; A CALCU-  
29 LATION OF HOW EITHER THE RENTAL AMOUNT CHARGED WHEN THERE IS NO LEASE OR  
30 THE RENTAL AMOUNT PROVIDED FOR IN THE LEASE HAS BEEN DERIVED SO AS TO  
31 REACH TWO THOUSAND DOLLARS OR MORE PER MONTH; A STATEMENT THAT THE LAST  
32 LEGAL REGULATED RENT OR THE MAXIMUM RENT MAY BE VERIFIED BY THE TENANT  
33 BY CONTACTING THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, OR  
34 ANY SUCCESSOR THERETO; AND THE ADDRESS AND TELEPHONE NUMBER OF SUCH  
35 AGENCY, OR ANY SUCCESSOR THERETO. SUCH NOTICE SHALL BE SENT BY CERTIFIED  
36 MAIL WITHIN THIRTY DAYS AFTER THE TENANCY COMMENCES OR AFTER THE SIGNING  
37 OF THE LEASE BY BOTH PARTIES, WHICHEVER OCCURS FIRST OR SHALL BE DELIV-  
38 ERED TO THE TENANT AT THE SIGNING OF THE LEASE. IN ADDITION, THE OWNER  
39 SHALL SEND AND CERTIFY TO THE TENANT A COPY OF THE REGISTRATION STATE-  
40 MENT FOR SUCH HOUSING ACCOMMODATION FILED WITH THE STATE DIVISION OF  
41 HOUSING AND COMMUNITY RENEWAL INDICATING THAT SUCH HOUSING ACCOMMODATION  
42 BECAME EXEMPT FROM THE PROVISIONS OF THIS ACT OR THE EMERGENCY HOUSING  
43 RENT CONTROL LAW, WHICH FORM SHALL INCLUDE THE LAST REGULATED RENT, AND  
44 SHALL BE SENT TO THE TENANT WITHIN THIRTY DAYS AFTER THE TENANCY  
45 COMMENCES OR THE FILING OF SUCH REGISTRATION, WHICHEVER OCCURS LATER.

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

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

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

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

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

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