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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.