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

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I N  A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. HEVESI, O'DONNELL, KELLNER, DINOWITZ, GOTTFRIED, COLTON, JAFFEE, BROOK-KRASNY, ROSENTHAL, V. LOPEZ -- Multi-Sponsored by -- M. of A. AUBRY, BOYLAND, BRENNAN, FARRELL, GLICK -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to the termination of rent inclusion of electricity for housing accommodations

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

Section 1. Subdivision c of section 26-511 of the administrative code of the city of New York is amended by adding a new paragraph 15 to read as follows:

(15) PROVIDES THAT OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS SECTION.

(A) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUSTMENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHEDULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABULATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS PARAGRAPH.

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

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(B) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULATING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLICATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

(C) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT STABILIZED ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METERING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

(D) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION, ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY RENT INCREASE EXEMPTION PURSUANT TO SECTION 26-509 OF THIS CHAPTER. FOR SUCH TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY SHALL REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY EQUIPMENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR EFFECTUATION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER RECEIVES SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER SHALL REDUCE THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

(E) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PERMIT SHARED METERING.

S 2. Section 26-405 of the administrative code of the city of New York is amended by adding a new subdivision n to read as follows:

N. SCHEDULE OF RENT REDUCTIONS; INDIVIDUAL ELECTRIC METERING. OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS SECTION.

(1) THE CITY RENT AGENCY SHALL FORMULATE AND PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUSTMENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHEDULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABULATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE CITY RENT AGENCY SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS SUBDIVISION.

(2) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND ASSISTANCE TO THE CITY RENT AGENCY, BY TABULATING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLICATION AND PROVIDING THE CITY RENT AGENCY THE DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

(3) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT CONTROLLED ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METERING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

(4) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION, ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY

RENT INCREASE EXEMPTION PURSUANT TO SECTION 26-406 OF THIS CHAPTER. FOR SUCH TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY SHALL REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY EQUIPMENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR EFFECTUATION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER RECEIVES SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER SHALL REDUCE THE MAXIMUM RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY THE CITY RENT AGENCY.

(5) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PERMIT SHARED METERING.

S 3. Subdivision d of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new paragraph 6 to read as follows:

(6) OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS SECTION.

(I) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUSTMENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHEDULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABULATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS PARAGRAPH.

(II) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULATING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLICATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

(III) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT STABILIZED ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METERING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

(IV) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION, ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY RENT INCREASE EXEMPTION PURSUANT TO A LOCAL LAW, ORDINANCE OR RESOLUTION AS AUTHORIZED BY SECTION 467-B OF THE REAL PROPERTY TAX LAW. FOR SUCH TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY SHALL REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY EQUIPMENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR EFFECTUATION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER RECEIVES SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER SHALL REDUCE THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

(V) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PERMIT SHARED METERING.

S 4. Section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is amended by adding a new subdivision 9 to read as follows:

9. OWNERS OF BUILDINGS WHICH ARE MASTER METERED FOR ELECTRICITY AND HAVE RENT INCLUSION OF ELECTRICITY MAY FILE APPLICATIONS TO TERMINATE THE RENT INCLUSION OF ELECTRICITY FOR THE ACCOMMODATIONS SUBJECT TO THIS SECTION.

(1) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL FORMULATE AND PUBLISH A SCHEDULE OF RENT ADJUSTMENTS OR UPDATE THE SCHEDULE OF ADJUSTMENTS WITHIN SIX MONTHS OF THE PUBLICATION OF A NEW HOUSING AND VACANCY SURVEY BY THE UNITED STATES CENSUS BUREAU. THE SCHEDULE OR UPDATED SCHEDULE OF RENT ADJUSTMENTS SHALL BE BASED ON THE NEW SURVEY DATA AS TABULATED BY THE NEW YORK CITY RENT GUIDELINES BOARD, GOVERNING THE RATE BY WHICH THE RENT OF REGULATED HOUSING ACCOMMODATIONS SHALL BE ADJUSTED UPON AND AFTER CONVERSION TO INDIVIDUAL METERING AT THE BUILDING BY MEANS OF EITHER DIRECT METERING OR SUBMETERING. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL PROMULGATE AN OPERATIONAL BULLETIN AND/OR MODIFY OR AMEND ITS REGULATIONS AS MAY BE NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS SUBDIVISION.

(2) THE NEW YORK CITY RENT GUIDELINES BOARD SHALL PROVIDE STAFF AND ASSISTANCE TO THE DIVISION OF HOUSING AND COMMUNITY RENEWAL, BY TABULATING THE DATA OF THE TRIENNIAL NEW YORK CITY HOUSING AND VACANCY SURVEY PRODUCED BY THE UNITED STATES CENSUS BUREAU WITHIN NINETY DAYS OF PUBLICATION AND PROVIDING THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THE DATA NECESSARY TO PROMULGATE A SCHEDULE OF RENT ADJUSTMENTS.

(3) THE SCHEDULE OF RENT REDUCTIONS SHALL APPLY TO ALL RENT CONTROLLED ACCOMMODATION UNITS IN A BUILDING THAT CONVERTS FROM MASTER UTILITY METERING TO INDIVIDUAL UTILITY METERING BY MEANS OF EITHER DIRECT METERING OR SUBMETERING, AND SHALL TAKE EFFECT DURING THE YEAR IN WHICH THE METERING IN THE BUILDING IS CONVERTED AND CONTINUE EACH YEAR THEREAFTER.

(4) AFTER THE CONVERSION, ALL TENANTS SHALL BE RESPONSIBLE FOR THEIR OWN ELECTRIC CONSUMPTION EXCEPT THOSE WHO, ON THE DATE OF CONVERSION, ARE RECEIVING A SENIOR CITIZEN RENT INCREASE EXEMPTION OR A DISABILITY RENT INCREASE EXEMPTION PURSUANT TO A LOCAL LAW, ORDINANCE OR RESOLUTION AS AUTHORIZED BY SECTION 467-B OF THE REAL PROPERTY TAX LAW. FOR SUCH TENANTS THE RENT SHALL NOT BE REDUCED AND THE COST OF ELECTRICITY SHALL REMAIN INCLUDED IN THE RENT; HOWEVER, THE OWNER MAY INSTALL ANY EQUIPMENT IN SUCH TENANT'S HOUSING ACCOMMODATION AS IS REQUIRED FOR EFFECTUATION OF THE ELECTRICAL CONVERSION. IF SUCH TENANT NO LONGER RECEIVES SUCH BENEFIT OR VACATES THE HOUSING ACCOMMODATION, THE OWNER SHALL REDUCE THE MAXIMUM RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE THEN-CURRENT SCHEDULE OF RENT REDUCTIONS AS PROMULGATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

(5) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PERMIT SHARED METERING.

S 5. This act shall take effect immediately; provided that:

a. sections one, two, three and four of this act shall take effect on the first of January next succeeding the date upon which it shall have become a law, and shall apply to all fiscal years commencing on or after such date;

b. the amendments to section 26-511 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;

c. the amendments to section 26-405 of the city rent and rehabilitation law made by section two of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act;

d. the amendments to subdivision d of section 6 of the emergency tenant protection act of nineteen seventy-four made by section three 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; and

e. the amendments to section 4 of the emergency housing rent control law made by section four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided in subdivision 2 of section 1 of chapter 274 of the laws of 1946.