

7881--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

June 7, 2013

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Introduced by M. of A. ROSENTHAL, ORTIZ, MOSLEY -- Multi-Sponsored by --  
M. of A. DAVILA -- 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 housing rent control law, in relation to the establishment  
of rent adjustments; and repealing certain provisions of the adminis-  
trative code of the city of New York relating thereto

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

1     Section 1. Paragraph 5 of subdivision a of section 26-405 of the  
2 administrative code of the city of New York is amended to read as  
3 follows:  
4     (5) Where a maximum rent established pursuant to this chapter on or  
5 after January first, nineteen hundred seventy-two, is higher than the  
6 previously existing maximum rent, the landlord may not collect AN  
7 INCREASE FROM A TENANT IN OCCUPANCY IN ANY ONE YEAR PERIOD OF more than  
8 THE LESSER OF EITHER seven and one-half percentum [increase from a  
9 tenant in occupancy on such date in any one year period, provided howev-  
10 er, that where] OR AN AVERAGE OF THE PREVIOUS FIVE YEARS OF ONE-YEAR  
11 RENT INCREASES ON RENT STABILIZED APARTMENTS AS ESTABLISHED BY THE RENT  
12 GUIDELINES BOARD, PURSUANT TO SUBDIVISION B OF SECTION 26-510 OF THIS  
13 TITLE. IF the period for which the rent is established exceeds one year,  
14 regardless of how the collection thereof is averaged over such period,  
15 the rent the landlord shall be entitled to receive during the first  
16 twelve months shall not be increased by more than THE LESSER OF EITHER  
17 seven and one-half percentum OR AN AVERAGE OF THE PREVIOUS FIVE YEARS OF  
18 ONE-YEAR RENT INCREASES ON RENT STABILIZED APARTMENTS AS ESTABLISHED BY  
19 THE RENT GUIDELINES BOARD, PURSUANT TO SUBDIVISION B OF SECTION 26-510  
20 OF THIS TITLE, over the previous rent [and]. ANY additional annual rents

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

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1 shall not exceed THE LESSER OF EITHER seven and one-half percentum OR AN  
2 AVERAGE OF THE PREVIOUS FIVE YEARS OF ONE-YEAR RENT INCREASES ON RENT  
3 STABILIZED APARTMENTS AS ESTABLISHED BY THE RENT GUIDELINES BOARD,  
4 PURSUANT TO SUBDIVISION B OF SECTION 26-510 OF THIS TITLE, of the rent  
5 paid during the previous year. Notwithstanding any of the foregoing  
6 limitations in this paragraph five, maximum rent shall be increased if  
7 ordered by the agency pursuant to subparagraphs (d), (e), (f), (g), (h),  
8 (i), (k), [(l),] OR (m) [or (n)] of paragraph one of subdivision g of  
9 this section. [Commencing January first, nineteen hundred eighty, rent  
10 adjustments pursuant to subparagraph (n) of paragraph one of subdivision  
11 g of this section shall be excluded from the maximum rent when computing  
12 the seven and one-half percentum increase authorized by this paragraph  
13 five.] Where a housing accommodation is vacant on January first, nine-  
14 teen hundred seventy-two, or becomes vacant thereafter by voluntary  
15 surrender of possession by the tenants, the maximum rent established for  
16 such accommodations may be collected.

17 S 2. Subparagraphs (l) and (n) of paragraph 1 of subdivision g of  
18 section 26-405 of the administrative code of the city of New York are  
19 REPEALED.

20 S 3. Section 4 of chapter 274 of the laws of 1946, constituting the  
21 emergency housing rent control law, is amended by adding a new subdivi-  
22 sion 9 to read as follows:

23 9. NO ANNUAL RENT INCREASE AUTHORIZED PURSUANT TO THIS ACT SHALL  
24 EXCEED THE AVERAGE OF THE PREVIOUS FIVE ANNUAL RENTAL INCREASES AUTHOR-  
25 IZED BY A RENT GUIDELINES BOARD FOR A RENT STABILIZED UNIT PURSUANT TO  
26 SECTION 4 OF THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN  
27 SEVENTY-FOUR.

28 S 4. This act shall take effect January 1, 2015; provided that the  
29 amendments to section 26-405 of the city rent and rehabilitation law  
30 made by section one of this act shall remain in full force and effect  
31 only as long as the public emergency requiring the regulation and  
32 control of residential rents and evictions continues, as provided in  
33 subdivision 3 of section 1 of the local emergency housing rent control  
34 act; and provided that the amendments to section 4 of the emergency  
35 housing rent control law made by section three of this act shall expire  
36 on the same date as such law expires and shall not affect the expiration  
37 of such law as provided in subdivision 2 of section 1 of chapter 274 of  
38 the laws of 1946.