

2105

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

Introduced by Sens. ESPAILLAT, ADAMS, ADDABBO, AVELLA, BRESLIN, DIAZ, GIANARIS, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, PARKER, PERALTA, PERKINS, RIVERA, SAMPSON, SAVINO, SERRANO, SQUADRON, STAVISKY, STEWART-COUSINS -- 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 and the emergency housing rent control law, in relation to recovery of certain housing accommodations by a landlord (Part A); to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to limiting rent increase after vacancy of a housing accommodation (Part B); 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 declaration of emergencies for certain rental housing accommodations (Part C); to amend the local emergency housing rent control act, in relation to rent regulation laws (Part D); to amend chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, the emergency housing rent control law, chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, chapter 402 of the laws of 1983 amending the general business law relating to conversion of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland and the rent regulation reform act of 1997, in relation to extending the effectiveness thereof (Part E); 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 adjustment of maximum allowable rent (Part F); to

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

LBD05661-01-3

repeal 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, paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, and section 26-504.2 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, relating to vacancy decontrol (Part G); to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the regulation of rents (Part H); to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to hardship applications (Part I); 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 extending the length of time over which major capital improvement expenses may be recovered (Part J); to amend the emergency tenant protection act of nineteen seventy-four, in relation to the declaration of housing emergencies for rental housing accommodations located in buildings owned by certain limited-profit housing companies (Part K); and to amend the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the administrative code of the city of New York, in relation to deregulation thresholds (Part L)

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

1 Section 1. This act enacts into law major components of legislation
2 related to rent regulations in the state of New York. Each component is
3 wholly contained within a Part identified as Parts A through L. The
4 effective date for each particular provision contained within such Part
5 is set forth in the last section of such Part. Any provision in any
6 section contained within a Part, including the effective date of the
7 Part, which makes reference to a section "of this act", when used in
8 connection with that particular component, shall be deemed to mean and
9 refer to the corresponding section of the Part in which it is found.
10 Section three of this act sets forth the general effective date of this
11 act.

12 PART A

13 Section 1. Paragraph 1 of subdivision b of section 26-408 of the
14 administrative code of the city of New York is amended to read as
15 follows:

16 (1) The landlord seeks in good faith to recover possession of a hous-
17 ing accommodation because of immediate and compelling necessity for his
18 or her own personal use and occupancy AS HIS OR HER PRIMARY RESIDENCE or
19 for the use and occupancy of his or her immediate family AS THEIR PRIMA-
20 RY RESIDENCE provided, however, that this subdivision shall PERMIT
21 RECOVERY OF ONLY ONE HOUSING ACCOMMODATION AND SHALL not apply where a
22 member of the household lawfully occupying the housing accommodation is
23 sixty-two years of age or older, has been a tenant in a housing accommo-
24 dation in that building for twenty years or more, or has an impairment
25 which results from anatomical, physiological or psychological condi-
26 tions, other than addiction to alcohol, gambling, or any controlled

1 substance, which are demonstrable by medically acceptable clinical and
2 laboratory diagnostic techniques, and which are expected to be permanent
3 and which prevent the tenant from engaging in any substantial gainful
4 employment; or

5 S 2. Subparagraph (b) of paragraph 9 of subdivision c of section
6 26-511 of the administrative code of the city of New York is amended to
7 read as follows:

8 (b) where he or she seeks to recover possession of one [or more]
9 dwelling [units] UNIT BECAUSE OF IMMEDIATE AND COMPELLING NECESSITY for
10 his or her own personal use and occupancy as his or her primary resi-
11 dence [in the city of New York and/or] OR for the use and occupancy of a
12 member of his or her immediate family as his or her primary residence
13 [in the city of New York], provided however, that this subparagraph
14 shall PERMIT RECOVERY OF ONLY ONE DWELLING UNIT AND SHALL not apply
15 where a tenant or the spouse of a tenant lawfully occupying the dwelling
16 unit is sixty-two years of age or older, HAS BEEN A TENANT IN A DWELLING
17 UNIT IN THAT BUILDING FOR TWENTY YEARS OR MORE, or has an impairment
18 which results from anatomical, physiological or psychological condi-
19 tions, other than addiction to alcohol, gambling, or any controlled
20 substance, which are demonstrable by medically acceptable clinical and
21 laboratory diagnostic techniques, and which are expected to be permanent
22 and which prevent the tenant from engaging in any substantial gainful
23 employment, unless such owner offers to provide and if requested,
24 provides an equivalent or superior housing accommodation at the same or
25 lower stabilized rent in a closely proximate area. The provisions of
26 this subparagraph shall only permit one of the individual owners of any
27 building to recover possession of one [or more] dwelling [units] UNIT
28 for his or her own personal use and/or for that of his or her immediate
29 family. [Any] A dwelling unit recovered by an owner pursuant to this
30 subparagraph shall not for a period of three years be rented, leased,
31 subleased or assigned to any person other than a person for whose bene-
32 fit recovery of the dwelling unit is permitted pursuant to this subpara-
33 graph or to the tenant in occupancy at the time of recovery under the
34 same terms as the original lease. This subparagraph shall not be deemed
35 to establish or eliminate any claim that the former tenant of the dwell-
36 ing unit may otherwise have against the owner. Any such rental, lease,
37 sublease or assignment during such period to any other person may be
38 subject to a penalty of a forfeiture of the right to any increases in
39 residential rents in such building for a period of three years; or

40 S 3. Subdivision a of section 10 of section 4 of chapter 576 of the
41 laws of 1974, constituting the emergency tenant protection act of nine-
42 teen seventy-four, as amended by chapter 234 of the laws of 1984, is
43 amended to read as follows:

44 a. For cities having a population of less than one million and towns
45 and villages, the state division of housing and community renewal shall
46 be empowered to implement this act by appropriate regulations. Such
47 regulations may encompass such speculative or manipulative practices or
48 renting or leasing practices as the state division of housing and commu-
49 nity renewal determines constitute or are likely to cause circumvention
50 of this act. Such regulations shall prohibit practices which are likely
51 to prevent any person from asserting any right or remedy granted by this
52 act, including but not limited to retaliatory termination of periodic
53 tenancies and shall require owners to grant a new one or two year vacan-
54 cy or renewal lease at the option of the tenant, except where a mortgage
55 or mortgage commitment existing as of the local effective date of this
56 act provides that the owner shall not grant a one-year lease; and shall

1 prescribe standards with respect to the terms and conditions of new and
2 renewal leases, additional rent and such related matters as security
3 deposits, advance rental payments, the use of escalator clauses in leas-
4 es and provision for increase in rentals for garages and other ancillary
5 facilities, so as to insure that the level of rent adjustments author-
6 ized under this law will not be subverted and made ineffective. Any
7 provision of the regulations permitting an owner to refuse to renew a
8 lease on grounds that the owner seeks to recover possession of [the] A
9 housing accommodation for his OR HER own use and occupancy or for the
10 use and occupancy of his OR HER immediate family shall PERMIT RECOVERY
11 OF ONLY ONE HOUSING ACCOMMODATION, SHALL require that an owner demon-
12 strate immediate and compelling need AND THAT THE HOUSING ACCOMMODATION
13 WILL BE THE PROPOSED OCCUPANTS' PRIMARY RESIDENCE and shall not apply
14 where a member of the housing accommodation is sixty-two years of age or
15 older, has been a tenant in a housing accommodation in that building for
16 twenty years or more, or has an impairment which results from anatom-
17 ical, physiological or psychological conditions, other than addiction to
18 alcohol, gambling, or any controlled substance, which are demonstrable
19 by medically acceptable clinical and laboratory diagnostic techniques,
20 and which are expected to be permanent and which prevent the tenant from
21 engaging in any substantial gainful employment.

22 S 4. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of the
23 laws of 1946, constituting the emergency housing rent control law, as
24 amended by chapter 234 of the laws of 1984, is amended to read as
25 follows:

26 (a) the landlord seeks in good faith to recover possession of A hous-
27 ing [accommodations] ACCOMMODATION because of immediate and compelling
28 necessity for his OR HER own personal use and occupancy AS HIS OR HER
29 PRIMARY RESIDENCE or for the use and occupancy of his OR HER immediate
30 family AS THEIR PRIMARY RESIDENCE; provided, however, this subdivision
31 shall PERMIT RECOVERY OF ONLY ONE HOUSING ACCOMMODATION AND SHALL not
32 apply where a member of the household lawfully occupying the housing
33 accommodation is sixty-two years of age or older, has been a tenant in a
34 housing accommodation in that building for twenty years or more, or has
35 an impairment which results from anatomical, physiological or psycholog-
36 ical conditions, other than addiction to alcohol, gambling, or any
37 controlled substance, which are demonstrable by medically acceptable
38 clinical and laboratory diagnostic techniques, and which are expected to
39 be permanent and which prevent the tenant from engaging in any substan-
40 tial gainful employment; or

41 S 5. This act shall take effect immediately and shall apply to any
42 tenant in possession at or after the time it takes effect, regardless of
43 whether the landlord's application for an order, refusal to renew a
44 lease or refusal to extend or renew a tenancy took place before this act
45 shall have taken effect, provided that:

46 a. the amendments to section 26-408 of the city rent and rehabili-
47 tation law made by section one of this act shall remain in full force
48 and effect only as long as the public emergency requiring the regulation
49 and control of residential rents and evictions continues, as provided in
50 subdivision 3 of section 1 of the local emergency housing rent control
51 act;

52 b. the amendments to section 26-511 of the rent stabilization law of
53 nineteen hundred sixty-nine made by section two of this act shall expire
54 on the same date as such law expires and shall not affect the expiration
55 of such law as provided under section 26-520 of such law;

1 c. the amendments to subdivision a of section 10 of section 4 of the
2 emergency tenant protection act of nineteen seventy-four made by section
3 three of this act shall expire on the same date as such act expires and
4 shall not affect the expiration of such act as provided in section 17 of
5 chapter 576 of the laws of 1974; and
6 d. the amendments to paragraph (a) of subdivision 2 of section 5 of
7 the emergency housing rent control law made by section four of this act
8 shall expire on the same date as such law expires and shall not affect
9 the expiration of such law as provided in subdivision 2 of section 1 of
10 chapter 274 of the laws of 1946.

11

PART B

12 Section 1. Paragraph 5-a of subdivision c of section 26-511 of the
13 administrative code of the city of New York, as amended by section 7 of
14 part B of chapter 97 of the laws of 2011, is amended to read as follows:
15 (5-a) provides that, notwithstanding any provision of this chapter,
16 the legal regulated rent for any vacancy lease entered into after the
17 effective date of this paragraph shall be as hereinafter provided in
18 this paragraph. The previous legal regulated rent for such housing
19 accommodation shall be increased by the following: (i) if the vacancy
20 lease is for a term of two years, [twenty] TEN percent of the previous
21 legal regulated rent; or (ii) if the vacancy lease is for a term of one
22 year the increase shall be [twenty] TEN percent of the previous legal
23 regulated rent less an amount equal to the difference between (a) the
24 two year renewal lease guideline promulgated by the guidelines board of
25 the city of New York applied to the previous legal regulated rent and
26 (b) the one year renewal lease guideline promulgated by the guidelines
27 board of the city of New York applied to the previous legal regulated
28 rent. In addition, if the legal regulated rent was not increased with
29 respect to such housing accommodation by a permanent vacancy allowance
30 within eight years prior to a vacancy lease executed on or after the
31 effective date of this paragraph, the legal regulated rent may be
32 further increased by an amount equal to the product resulting from
33 multiplying such previous legal regulated rent by six-tenths of one
34 percent and further multiplying the amount of rent increase resulting
35 therefrom by the greater of (A) the number of years since the imposition
36 of the last permanent vacancy allowance, or (B) if the rent was not
37 increased by a permanent vacancy allowance since the housing accommo-
38 dation became subject to this chapter, the number of years that such
39 housing accommodation has been subject to this chapter. Provided that if
40 the previous legal regulated rent was less than three hundred dollars
41 the total increase shall be as calculated above plus one hundred dollars
42 per month. Provided, further, that if the previous legal regulated rent
43 was at least three hundred dollars and no more than five hundred dollars
44 in no event shall the total increase pursuant to this paragraph be less
45 than one hundred dollars per month. Such increase shall be in lieu of
46 any allowance authorized for the one or two year renewal component ther-
47 eof, but shall be in addition to any other increases authorized pursuant
48 to this chapter including an adjustment based upon a major capital
49 improvement, or a substantial modification or increase of dwelling space
50 or services, or installation of new equipment or improvements or new
51 furniture or furnishings provided in or to the housing accommodation
52 pursuant to this section. The increase authorized in this paragraph may
53 not be implemented more than one time in any calendar year, notwith-
54 standing the number of vacancy leases entered into in such year.

1 S 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of
2 the laws of 1974, constituting the emergency tenant protection act of
3 nineteen seventy-four, as amended by section 8 of part B of chapter 97
4 of the laws of 2011, is amended to read as follows:

5 (a-1) provides that, notwithstanding any provision of this act, the
6 legal regulated rent for any vacancy lease entered into after the effec-
7 tive date of this subdivision shall be as hereinafter set forth. The
8 previous legal regulated rent for such housing accommodation shall be
9 increased by the following: (i) if the vacancy lease is for a term of
10 two years, [twenty] TEN percent of the previous legal regulated rent; or
11 (ii) if the vacancy lease is for a term of one year the increase shall
12 be [twenty] TEN percent of the previous legal regulated rent less an
13 amount equal to the difference between (a) the two year renewal lease
14 guideline promulgated by the guidelines board of the county in which the
15 housing accommodation is located applied to the previous legal regulated
16 rent and (b) the one year renewal lease guideline promulgated by the
17 guidelines board of the county in which the housing accommodation is
18 located applied to the previous legal regulated rent. In addition, if
19 the legal regulated rent was not increased with respect to such housing
20 accommodation by a permanent vacancy allowance within eight years prior
21 to a vacancy lease executed on or after the effective date of this
22 subdivision, the legal regulated rent may be further increased by an
23 amount equal to the product resulting from multiplying such previous
24 legal regulated rent by six-tenths of one percent and further multiply-
25 ing the amount of rent increase resulting therefrom by the greater of
26 (A) the number of years since the imposition of the last permanent
27 vacancy allowance, or (B) if the rent was not increased by a permanent
28 vacancy allowance since the housing accommodation became subject to this
29 act, the number of years that such housing accommodation has been
30 subject to this act. Provided that if the previous legal regulated rent
31 was less than three hundred dollars the total increase shall be as
32 calculated above plus one hundred dollars per month. Provided, further,
33 that if the previous legal regulated rent was at least three hundred
34 dollars and no more than five hundred dollars in no event shall the
35 total increase pursuant to this subdivision be less than one hundred
36 dollars per month. Such increase shall be in lieu of any allowance
37 authorized for the one or two year renewal component thereof, but shall
38 be in addition to any other increases authorized pursuant to this act
39 including an adjustment based upon a major capital improvement, or a
40 substantial modification or increase of dwelling space or services, or
41 installation of new equipment or improvements or new furniture or
42 furnishings provided in or to the housing accommodation pursuant to
43 section six of this act. The increase authorized in this subdivision
44 may not be implemented more than one time in any calendar year, notwith-
45 standing the number of vacancy leases entered into in such year.

46 S 3. This act shall take effect immediately; provided that

47 a. the amendments to section 26-511 of the rent stabilization law of
48 nineteen hundred sixty-nine made by section one of this act shall expire
49 on the same date as such law expires and shall not affect the expiration
50 of such law as provided under section 26-520 of such law; and

51 b. the amendments to section 4 of the emergency tenant protection act
52 of nineteen seventy-four made by section two of this act shall expire on
53 the same date as such act expires and shall not affect the expiration of
54 such act as provided in section 17 of chapter 576 of the laws of 1974.

1 Section 1. Subdivision a of section 26-504 of the administrative code
2 of the city of New York, subparagraph (f) of paragraph 1 as amended by
3 chapter 422 of the laws of 2010, is amended to read as follows:
4 a. Class A multiple dwellings not owned as a cooperative or as a
5 condominium, except as provided in section three hundred fifty-two-eeee
6 of the general business law, containing six or more dwelling units
7 which: (1) were completed after February first, nineteen hundred
8 forty-seven, except dwelling units (a) owned or leased by, or financed
9 by loans from, a public agency or public benefit corporation, (b)
10 subject to rent regulation under the private housing finance law or any
11 other state law, (c) aided by government insurance under any provision
12 of the national housing act, to the extent this chapter or any regu-
13 lation or order issued thereunder is inconsistent therewith, or (d)
14 located in a building for which a certificate of occupancy is obtained
15 after March tenth, nineteen hundred sixty-nine[;], or (e) any class A
16 multiple dwelling which on June first, nineteen hundred sixty-eight was
17 and still is commonly regarded as a hotel, transient hotel or residen-
18 tial hotel, and which customarily provides hotel service such as maid
19 service, furnishing and laundering of linen, telephone and bell boy
20 service, secretarial or desk service and use and upkeep of furniture and
21 fixtures, or (f) not occupied by the tenant, not including subtenants or
22 occupants, as his or her primary residence, as determined by a court of
23 competent jurisdiction, provided, however that no action or proceeding
24 shall be commenced seeking to recover possession on the ground that a
25 housing accommodation is not occupied by the tenant as his or her prima-
26 ry residence unless the owner or lessor shall have given thirty days
27 notice to the tenant of his or her intention to commence such action or
28 proceeding on such grounds. For the purposes of determining primary
29 residency, a tenant who is a victim of domestic violence, as defined in
30 section four hundred fifty-nine-a of the social services law, who has
31 left the unit because of such violence, and who asserts an intent to
32 return to the housing accommodation shall be deemed to be occupying the
33 unit as his or her primary residence. For the purposes of this subpara-
34 graph where a housing accommodation is rented to a not-for-profit hospi-
35 tal for residential use, affiliated subtenants authorized to use such
36 accommodations by such hospital shall be deemed to be tenants, or (g)
37 became vacant on or after June thirtieth, nineteen hundred seventy-one,
38 or become vacant, provided however, that this exemption shall not apply
39 or become effective with respect to housing accommodations which the
40 commissioner determines or finds became vacant because the landlord or
41 any person acting on his or her behalf, with intent to cause the tenant
42 to vacate, engaged in any course of conduct (including but not limited
43 to, interruption or discontinuance of essential services) which inter-
44 fered with or disturbed or was intended to interfere with or disturb the
45 comfort, repose, peace or quiet of the tenant in his or her use or occu-
46 pancy of the housing accommodations and provided further that any hous-
47 ing accommodations exempted by this paragraph shall be subject to this
48 law to the extent provided in subdivision b of this section; or (2) were
49 decontrolled by the city rent agency pursuant to section 26-414 of this
50 title; or (3) are exempt from control by virtue of item one, two, six or
51 seven of subparagraph (i) of paragraph two of subdivision e of section
52 26-403 of this title; OR (4) WERE COVERED BY A PROJECT BASED ASSISTANCE
53 CONTRACT PURSUANT TO SECTION EIGHT OF THE UNITED STATES HOUSING ACT OF
54 1937 WHICH CONTRACT IS NO LONGER IN EFFECT, NOTWITHSTANDING THE
55 PROVISIONS OF SUBPARAGRAPH (D) OR (G) OF PARAGRAPH ONE OF THIS SUBDIVI-
56 SION OR PARAGRAPH FIVE OF SUBDIVISION A OF SECTION FIVE OF THE EMERGENCY

TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR PROVIDED HOWEVER, THAT ANY DWELLING UNIT WHICH BECOMES SUBJECT TO THIS LAW PURSUANT TO THIS PARAGRAPH SHALL NOT BE SUBJECT TO THE PROVISIONS OF SUBDIVISION A OF SECTION 26-513 OF THIS CHAPTER; and

S 2. Section 5 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 subdivision c to read as follows:

C. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH FIVE OF SUBDIVISION A OF THIS SECTION BUT SUBJECT TO ANY OTHER APPLICABLE EXCEPTIONS IN SUCH SUBDIVISION, NOTHING SHALL PREVENT THE DECLARATION OF AN EMERGENCY PURSUANT TO SECTION THREE OF SECTION FOUR OF THIS ACT FOR RENTAL HOUSING ACCOMMODATIONS LOCATED IN A BUILDING WHICH WAS COVERED BY A PROJECT BASED ASSISTANCE CONTRACT PURSUANT TO SECTION EIGHT OF THE UNITED STATES HOUSING ACT OF 1937 WHICH CONTRACT IS NO LONGER IN EFFECT PROVIDED HOWEVER, THAT ANY HOUSING ACCOMMODATION WHICH BECOMES SUBJECT TO THIS ACT PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE PROVISIONS OF SUBDIVISION A OF SECTION NINE OF SECTION FOUR OF THIS ACT.

S 3. This act shall take effect immediately and shall apply to all buildings which are covered by a project based assistance contract pursuant to section eight of the United States housing act of 1937 which contract ceased to be effective on or after such date; provided, however, that

a. the amendment to subdivision a of section 26-504 of the administrative code of the city of New York made by section one of this act shall not affect the expiration of such section pursuant to section 26-520 of such code and shall expire therewith; and

b. the amendment to section 5 of the emergency tenant protection act of nineteen seventy-four made by section two of this act shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as amended, and shall expire therewith.

PART D

Section 1. Subdivision 5 of section 1 of chapter 21 of the laws of 1962, constituting the local emergency housing rent control act, as amended by chapter 82 of the laws of 2003 and the closing paragraph as amended by chapter 422 of the laws of 2010, is amended to read as follows:

5. Authority for local rent control legislation. Each city having a population of one million or more, acting through its local legislative body, may adopt and amend local laws or ordinances in respect of the establishment or designation of a city housing rent agency. When it deems such action to be desirable or necessitated by local conditions in order to carry out the purposes of this section, such city, except as hereinafter provided, acting through its local legislative body and not otherwise, may adopt and amend local laws or ordinances in respect of the regulation and control of residential rents, including but not limited to provision for the establishment and adjustment of maximum rents, the classification of housing accommodations, the regulation of evictions, and the enforcement of such local laws or ordinances. The validity of any such local laws or ordinances, and the rules or regulations promulgated in accordance therewith, shall not be affected by and need not be consistent with the state emergency housing rent control law or with rules and regulations of the state division of housing and community renewal.

1 Notwithstanding any local law or ordinance, housing accommodations
2 which became vacant on or after July first, nineteen hundred seventy-one
3 or which hereafter become vacant shall be subject to the provisions of
4 the emergency tenant protection act of nineteen seventy-four, provided,
5 however, that this provision shall not apply or become effective with
6 respect to housing accommodations which, by local law or ordinance, are
7 made directly subject to regulation and control by a city housing rent
8 agency and such agency determines or finds that the housing accommo-
9 dations became vacant because the landlord or any person acting on his
10 behalf, with intent to cause the tenant to vacate, engaged in any course
11 of conduct (including but not limited to, interruption or discontinuance
12 of essential services) which interfered with or disturbed or was
13 intended to interfere with or disturb the comfort, repose, peace or
14 quiet of the tenant in his use or occupancy of the housing accommo-
15 dations. The removal of any housing accommodation from regulation and
16 control of rents pursuant to the vacancy exemption provided for in this
17 paragraph shall not constitute or operate as a ground for the subjection
18 to more stringent regulation and control of any housing accommodation in
19 such property or in any other property owned by the same landlord,
20 notwithstanding any prior agreement to the contrary by the landlord. The
21 vacancy exemption provided for in this paragraph shall not arise with
22 respect to any rented plot or parcel of land otherwise subject to the
23 provisions of this act, by reason of a transfer of title and possession
24 occurring on or after July first, nineteen hundred seventy-one of a
25 dwelling located on such plot or parcel and owned by the tenant where
26 such transfer of title and possession is made to a member of the
27 tenant's immediate family provided that the member of the tenant's im-
28 mediate family occupies the dwelling with the tenant prior to the transfer
29 of title and possession for a continuous period of two years.

30 The term "immediate family" shall include a husband, wife, son, daugh-
31 ter, stepson, stepdaughter, father, mother, father-in-law or mother-in-
32 law.

33 [Notwithstanding the foregoing, no local law or ordinance shall here-
34 after provide for the regulation and control of residential rents and
35 eviction in respect of any housing accommodations which are (1) present-
36 ly exempt from such regulation and control or (2) hereafter decontrolled
37 either by operation of law or by a city housing rent agency, by order or
38 otherwise. No housing accommodations presently subject to regulation and
39 control pursuant to local laws or ordinances adopted or amended under
40 authority of this subdivision shall hereafter be by local law or ordi-
41 nance or by rule or regulation which has not been theretofore approved
42 by the state commissioner of housing and community renewal subjected to
43 more stringent or restrictive provisions of regulation and control than
44 those presently in effect.

45 Notwithstanding any other provision of law, on and after the effective
46 date of this paragraph, a city having a population of one million or
47 more shall not, either through its local legislative body or otherwise,
48 adopt or amend local laws or ordinances with respect to the regulation
49 and control of residential rents and eviction, including but not limited
50 to provision for the establishment and adjustment of rents, the classi-
51 fication of housing accommodations, the regulation of evictions, and the
52 enforcement of such local laws or ordinances, or otherwise adopt laws or
53 ordinances pursuant to the provisions of this act, the emergency tenant
54 protection act of nineteen seventy-four, the New York city rent and
55 rehabilitation law or the New York city rent stabilization law, except
56 to the extent that such city for the purpose of reviewing the continued

1 need for the existing regulation and control of residential rents or to
2 remove a classification of housing accommodation from such regulation
3 and control adopts or amends local laws or ordinances pursuant to subdivi-
4 sion three of section one of this act, section three of the emergency
5 tenant protection act of nineteen seventy-four, section 26-415 of the
6 New York city rent and rehabilitation law, and sections 26-502 and
7 26-520 of the New York city rent stabilization law of nineteen hundred
8 sixty-nine.]

9 Notwithstanding any provision of this act to the contrary, any local
10 law adopted pursuant to this act shall provide that notwithstanding any
11 provision of such local law in the case where all tenants occupying the
12 housing accommodation on the effective date of this paragraph have
13 vacated the housing accommodation and a family member of such vacating
14 tenant or tenants is entitled to and continues to occupy the housing
15 accommodation subject to the protections of such act, if such accommo-
16 dation continues to be subject to such act after such family member
17 vacates, on the occurrence of such vacancy the maximum collectable rent
18 shall be increased by a sum equal to the allowance then in effect for
19 vacancy leases for housing accommodations covered by the rent stabiliza-
20 tion law of nineteen hundred sixty-nine, including the amount allowed by
21 paragraph (5-a) of subdivision c of section 26-511 of such law. This
22 increase shall be in addition to any other increases provided for in
23 this act and shall be applicable in like manner to each second subse-
24 quent succession.

25 Notwithstanding the foregoing, no local law or ordinance shall subject
26 to such regulation and control any housing accommodation which is not
27 occupied by the tenant in possession as his or her primary residence;
28 provided, however, that such housing accommodation not occupied by the
29 tenant in possession as his or her primary residence shall continue to
30 be subject to regulation and control as provided for herein unless the
31 city housing rent agency issues an order decontrolling such accommo-
32 dation, which the agency shall do upon application by the landlord when-
33 ever it is established by any facts and circumstances which, in the
34 judgment of the agency, may have a bearing upon the question of resi-
35 dence, that the tenant maintains his or her primary residence at some
36 place other than at such housing accommodation. For the purposes of
37 determining primary residency, a tenant who is a victim of domestic
38 violence, as defined in section four hundred fifty-nine-a of the social
39 services law, who has left the unit because of such violence, and who
40 asserts an intent to return to the housing accommodation shall be deemed
41 to be occupying the unit as his or her primary residence.

42 S 2. This act shall take effect immediately; provided, however, that
43 a. the amendments to subdivision 5 of section 1 of chapter 21 of the
44 laws of 1962 made by section one of this act shall remain in full force
45 and effect only so long as the public emergency requiring the regulation
46 and control of residential rents and evictions continues, as provided in
47 subdivision 3 of section 1 of the local emergency housing rent control
48 act; and

49 b. the amendment to the second undesignated paragraph of subdivision 5
50 of section 1 of chapter 21 of the laws of 1962 made by section one of
51 this act shall not affect the expiration of such paragraph and shall be
52 deemed to expire therewith.

1 Section 1. Section 17 of chapter 576 of the laws of 1974 amending the
2 emergency housing rent control law relating to the control of and
3 stabilization of rent in certain cases, as amended by section 1-a of
4 part B of chapter 97 of the laws of 2011, is amended to read as follows:
5 S 17. Effective date. This act shall take effect immediately and
6 shall remain in full force and effect until and including the fifteenth
7 day of June [2015] 2020; except that sections two and three shall take
8 effect with respect to any city having a population of one million or
9 more and section one shall take effect with respect to any other city,
10 or any town or village whenever the local legislative body of a city,
11 town or village determines the existence of a public emergency pursuant
12 to section three of the emergency tenant protection act of nineteen
13 seventy-four, as enacted by section four of this act, and provided that
14 the housing accommodations subject on the effective date of this act to
15 stabilization pursuant to the New York city rent stabilization law of
16 nineteen hundred sixty-nine shall remain subject to such law upon the
17 expiration of this act.

18 S 2. Subdivision 2 of section 1 of chapter 274 of the laws of 1946
19 constituting the emergency housing rent control law, as amended by
20 section 2 of part B of chapter 97 of the laws of 2011, is amended to
21 read as follows:

22 2. The provisions of this act, and all regulations, orders and
23 requirements thereunder shall remain in full force and effect until and
24 including June 15, [2015] 2020.

25 S 3. Section 2 of chapter 329 of the laws of 1963 amending the emer-
26 gency housing rent control law relating to recontrol of rents in Albany,
27 as amended by section 3 of part B of chapter 97 of the laws of 2011, is
28 amended to read as follows:

29 S 2. This act shall take effect immediately and the provisions of
30 subdivision 6 of section 12 of the emergency housing rent control law,
31 as added by this act, shall remain in full force and effect until and
32 including June 15, [2015] 2020.

33 S 4. Section 10 of chapter 555 of the laws of 1982 amending the gener-
34 al business law and the administrative code of the city of New York
35 relating to conversion of residential property to cooperative or condo-
36 minium ownership in the city of New York, as amended by section 4 of
37 part B of chapter 97 of the laws of 2011, is amended to read as follows:

38 S 10. This act shall take effect immediately; provided, that the
39 provisions of sections one, two and nine of this act shall remain in
40 full force and effect only until and including June 15, [2015] 2020;
41 provided further that the provisions of section three of this act shall
42 remain in full force and effect only so long as the public emergency
43 requiring the regulation and control of residential rents and evictions
44 continues as provided in subdivision 3 of section 1 of the local emer-
45 gency housing rent control act; provided further that the provisions of
46 sections four, five, six and seven of this act shall expire in accord-
47 ance with the provisions of section 26-520 of the administrative code of
48 the city of New York as such section of the administrative code is, from
49 time to time, amended; provided further that the provisions of section
50 26-511 of the administrative code of the city of New York, as amended by
51 this act, which the New York City Department of Housing Preservation and
52 Development must find are contained in the code of the real estate
53 industry stabilization association of such city in order to approve it,
54 shall be deemed contained therein as of the effective date of this act;
55 and provided further that any plan accepted for filing by the department
56 of law on or before the effective date of this act shall continue to be

governed by the provisions of section 352-eeee of the general business law as they had existed immediately prior to the effective date of this act.

S 5. Section 4 of chapter 402 of the laws of 1983 amending the general business law relating to conversion of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland, as amended by section 5 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

S 4. This act shall take effect immediately; provided, that the provisions of sections one and three of this act shall remain in full force and effect only until and including June 15, [2015] 2020; and provided further that any plan accepted for filing by the department of law on or before the effective date of this act shall continue to be governed by the provisions of section 352-eee of the general business law as they had existed immediately prior to the effective date of this act.

S 6. Subdivision 6 of section 46 of chapter 116 of the laws of 1997 constituting the rent regulation reform act of 1997, as amended by section 6 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

6. sections twenty-eight, twenty-eight-a, twenty-eight-b and twenty-eight-c of this act shall expire and be deemed repealed after June 15, [2015] 2020;

S 7. This act shall take effect immediately.

25

PART F

Section 1. Subparagraph (e) of paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York, as amended by section 15 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

(e) The landlord and tenant by mutual voluntary written agreement agree to a substantial increase or decrease in dwelling space or a change in the services, furniture, furnishings or equipment provided in the housing accommodations. An adjustment under this subparagraph shall be equal to [one-fortieth, in the case of a building with thirty-five or fewer housing accommodations, or one-sixtieth, in the case of a building with more than thirty-five housing accommodations where such adjustment takes effect on or after September twenty-fourth, two thousand eleven,] ONE-SIXTIETH of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges, provided further that an owner who is entitled to a rent increase pursuant to this subparagraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. The owner shall give written notice to the city rent agency of any such adjustment pursuant to this subparagraph; or

S 2. Paragraph 13 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 16 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

(13) provides that an owner is entitled to a rent increase where there has been a substantial modification or increase of dwelling space or an increase in the services, or installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's hous-

1 ing accommodation, on written tenant consent to the rent increase. In
2 the case of a vacant housing accommodation, tenant consent shall not be
3 required.

4 (A) The permanent increase in the legal regulated rent for the
5 affected housing accommodation shall be [one-fortieth, in the case of a
6 building with thirty-five or fewer housing accommodations, or one-sixti-
7 eth, in the case of a building with more than thirty-five housing accom-
8 modations where such permanent increase takes effect on or after Septem-
9 ber twenty-fourth, two thousand eleven,] ONE-SIXTIETH of the total cost
10 incurred by the landlord in providing such modification or increase in
11 dwelling space, services, furniture, furnishings or equipment, including
12 the cost of installation, but excluding finance charges. [Provided
13 further that an]

14 (B) AN owner who is entitled to a rent increase pursuant to this para-
15 graph shall not be entitled to a further rent increase based upon the
16 installation of similar equipment, or new furniture or furnishings with-
17 in the useful life of such new equipment, or new furniture or
18 furnishings.

19 (C) NO INCREASE SHALL BE COLLECTIBLE UNDER THIS PARAGRAPH UNTIL THE
20 LANDLORD HAS PROVIDED THE TENANT WITH A RIDER PURSUANT TO SUBDIVISION D
21 OF THIS SECTION, INCLUDING AN EXPLANATION OF HOW THE RENT IN THE VACANCY
22 LEASE HAS BEEN COMPUTED, AND THE SPECIFIC AMOUNTS OF ALL EXPENDITURES
23 SUPPORTING A RENT INCREASE UNDER THIS PARAGRAPH.

24 (D) NO INCREASE SHALL BE COLLECTIBLE UNDER THIS PARAGRAPH WHERE THE
25 DIVISION OF HOUSING AND COMMUNITY RENEWAL HAS DETERMINED THAT THE OWNER
26 IS NOT MAINTAINING ALL BUILDING-WIDE REQUIRED SERVICES OR ALL REQUIRED
27 SERVICES WITH RESPECT TO THE AFFECTED HOUSING ACCOMMODATION, OR WHERE
28 THERE ARE CURRENT HAZARDOUS VIOLATIONS OF ANY MUNICIPAL, COUNTY, STATE
29 OR FEDERAL LAW WHICH RELATE TO THE MAINTENANCE OF SUCH SERVICES.

30 (E) WITHIN THIRTY DAYS OF THE SIGNING OF A VACANCY LEASE INCLUDING A
31 RENT INCREASE PURSUANT TO THIS PARAGRAPH THAT EXCEEDS TEN PERCENT OF THE
32 RENT CHARGED TO THE PREVIOUS TENANT, THE OWNER WILL FILE WITH THE DIVI-
33 SION OF HOUSING AND COMMUNITY RENEWAL AN EXPLANATION OF HOW THE VACANCY
34 RENT WAS COMPUTED, AND ALL DOCUMENTS NECESSARY TO SUPPORT THE COLLECTION
35 OF SUCH INCREASE, INCLUDING BUT NOT LIMITED TO, CANCELLED CHECKS,
36 INVOICES AND SIGNED CONTRACTS CONTEMPORANEOUSLY WITH THE IMPROVEMENTS
37 ALLEGED, AND CONTRACTOR'S AFFIDAVITS INDICATING THAT THE INSTALLATION
38 WAS COMPLETED AND PAID IN FULL. UPON RECEIPT OF ALL DOCUMENTS SUBMITTED
39 BY THE OWNER, AND AFTER GIVING THE TENANT NAMED IN SUCH VACANCY LEASE AN
40 OPPORTUNITY TO RESPOND, THE DIVISION OF HOUSING AND COMMUNITY RENEWAL
41 SHALL ISSUE AN ORDER APPROVING OR DISAPPROVING SUCH INCREASE IN WHOLE OR
42 IN PART. BASED UPON SUCH DETERMINATION, THE DIVISION OF HOUSING AND
43 COMMUNITY RENEWAL SHALL ORDER A REFUND TO THE TENANT EQUAL TO THE AMOUNT
44 COLLECTED IN EXCESS OF THE LEGAL REGULATED RENT APPROVED BY THE DIVISION
45 OF HOUSING AND COMMUNITY RENEWAL.

46 (F) IF THE OWNER FAILS TO ESTABLISH BY A PREPONDERANCE OF THE EVIDENCE
47 THAT THE OVERCHARGE WAS NOT WILLFUL, THE DIVISION OF HOUSING AND COMMU-
48 NITY RENEWAL SHALL ORDER THE OWNER TO PAY TO THE TENANT AN ADDITIONAL
49 AMOUNT EQUAL TO THREE TIMES THE EXCESS CHARGED.

50 (G) THE NEXT ANNUAL REGISTRATION STATEMENT FILED FOR ANY HOUSING
51 ACCOMMODATION SUBJECT TO AN INCREASE UNDER THIS PARAGRAPH, WHETHER OR
52 NOT SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (E) OF THIS PARAGRAPH
53 SHALL CONTAIN A DETAILED BREAKDOWN OF THE COSTS OF ALL IMPROVEMENTS
54 UNDERLYING SUCH INCREASE.

1 S 3. Paragraph 2 of subdivision d of section 26-511 of the administra-
2 tive code of the city of New York is renumbered paragraph 3 and a new
3 paragraph 2 is added to read as follows:

4 (2) FOR VACANCY LEASES, SUCH RIDER SHALL ALSO INCLUDE A NOTICE OF THE
5 PRIOR LEGAL RENT, IF ANY, THAT WAS IN EFFECT IMMEDIATELY PRIOR TO THE
6 VACANCY, AN EXPLANATION OF HOW THE RENTAL AMOUNT HAS BEEN COMPUTED,
7 INCLUDING A DETAILED BREAKDOWN OF THE NATURE AND COST OF ANY IMPROVE-
8 MENTS UNDERLYING AN INCREASE UNDER PARAGRAPH THIRTEEN OF SUBDIVISION C
9 OF THIS SECTION, AND A STATEMENT THAT ANY INCREASE ABOVE THE PREVIOUS
10 RENT IS IN ACCORDANCE WITH ADJUSTMENTS PERMITTED BY LAW.

11 S 4. Paragraph 1 of subdivision d of section 6 of section 4 of chapter
12 576 of the laws of 1974, constituting the emergency tenant protection
13 act of nineteen seventy-four, as amended by section 18 of part B of
14 chapter 97 of the laws of 2011, is amended to read as follows:

15 (1) there has been a substantial modification or increase of dwelling
16 space or an increase in the services, or installation of new equipment
17 or improvements or new furniture or furnishings, provided in or to a
18 tenant's housing accommodation, on written tenant consent to the rent
19 increase. In the case of a vacant housing accommodation, tenant consent
20 shall not be required.

21 (A) The permanent increase in the legal regulated rent for the
22 affected housing accommodation shall be [one-fortieth] ONE-SIXTIETH, in
23 the case of a building with thirty-five or fewer housing accommodations,
24 or one-sixtieth, in the case of a building with more than thirty-five
25 housing accommodations where such permanent increase takes effect on or
26 after September twenty-fourth, two thousand eleven, of the total cost
27 incurred by the landlord in providing such modification or increase in
28 dwelling space, services, furniture, furnishings or equipment, including
29 the cost of installation, but excluding finance charges. [Provided
30 further that an]

31 (B) AN owner who is entitled to a rent increase pursuant to this para-
32 graph shall not be entitled to a further rent increase based upon the
33 installation of similar equipment, or new furniture or furnishings with-
34 in the useful life of such new equipment, or new furniture or
35 furnishings.

36 (C) THE OWNER SHALL GIVE WRITTEN NOTICE TO THE DIVISION OF HOUSING AND
37 COMMUNITY RENEWAL AND THE TENANT NAMED IN A VACANCY LEASE ON FORMS
38 PRESCRIBED BY THE DIVISION OF ANY SUCH ADJUSTMENT PURSUANT TO THIS PARA-
39 GRAPH AND THE FAILURE TO PROVIDE SUCH WRITTEN NOTICE AS PROVIDED HEREIN
40 SHALL PRECLUDE THE COLLECTION OF ANY SUCH ADJUSTMENT. SUCH NOTICE MUST
41 INCLUDE A DETAILED BREAKDOWN OF THE NATURE AND COST OF ANY IMPROVEMENTS
42 UNDERLYING AN INCREASE IN RENT UNDER THIS PARAGRAPH AND A STATEMENT THAT
43 ANY INCREASE ABOVE THE PREVIOUS RENT IS IN ACCORDANCE WITH ADJUSTMENTS
44 PERMITTED BY LAW.

45 (D) NO INCREASE SHALL BE COLLECTIBLE UNDER THIS PARAGRAPH WHERE THE
46 DIVISION OF HOUSING AND COMMUNITY RENEWAL HAS DETERMINED THAT THE OWNER
47 IS NOT MAINTAINING ALL BUILDING-WIDE REQUIRED SERVICES OR ALL REQUIRED
48 SERVICES WITH RESPECT TO THE AFFECTED HOUSING ACCOMMODATION, OR WHERE
49 THERE ARE CURRENT HAZARDOUS VIOLATIONS OF ANY MUNICIPAL, COUNTY, STATE
50 OR FEDERAL LAW WHICH RELATE TO THE MAINTENANCE OF SUCH SERVICES.

51 (E) WITHIN THIRTY DAYS OF THE SIGNING OF A VACANCY LEASE INCLUDING A
52 RENT INCREASE PURSUANT TO THIS PARAGRAPH THAT EXCEEDS TEN PERCENT OF THE
53 RENT CHARGED TO THE PREVIOUS TENANT, THE OWNER WILL FILE WITH THE DIVI-
54 SION AN EXPLANATION OF HOW THE VACANCY RENT WAS COMPUTED, AND ALL DOCU-
55 MENTS NECESSARY TO SUPPORT THE COLLECTION OF SUCH INCREASE, INCLUDING
56 BUT NOT LIMITED TO, CANCELLED CHECKS, INVOICES AND SIGNED CONTRACTS

1 CONTEMPORANEOUSLY WITH THE IMPROVEMENTS ALLEGED, AND CONTRACTOR'S AFFI-
2 DAVITS INDICATING THAT THE INSTALLATION WAS COMPLETED AND PAID IN FULL.
3 UPON RECEIPT OF ALL DOCUMENTS SUBMITTED BY THE OWNER AND AFTER GIVING
4 THE TENANT NAMED IN THE VACANCY LEASE AN OPPORTUNITY TO RESPOND, THE
5 DIVISION SHALL ISSUE AN ORDER APPROVING OR DISAPPROVING SUCH INCREASE IN
6 WHOLE OR IN PART. BASED UPON SUCH DETERMINATION, THE DIVISION SHALL
7 ORDER A REFUND TO THE TENANT EQUAL TO THE AMOUNT COLLECTED IN EXCESS OF
8 THE LEGAL REGULATED RENT APPROVED BY THE DIVISION.

9 (F) IF THE OWNER FAILS TO ESTABLISH BY A PREPONDERANCE OF THE EVIDENCE
10 THAT THE OVERCHARGE WAS NOT WILLFUL, THE DIVISION SHALL ORDER THE OWNER
11 TO PAY TO THE TENANT AN ADDITIONAL AMOUNT EQUAL TO THREE TIMES THE
12 EXCESS CHARGED.

13 (G) THE NEXT ANNUAL REGISTRATION STATEMENT FILED FOR ANY HOUSING
14 ACCOMMODATION SUBJECT TO AN INCREASE UNDER THIS PARAGRAPH, WHETHER OR
15 NOT SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (E) OF THIS PARAGRAPH
16 SHALL CONTAIN A DETAILED BREAKDOWN OF THE COSTS OF ALL IMPROVEMENTS
17 UNDERLYING SUCH INCREASE.

18 S 5. Clause 5 of the second undesignated paragraph of paragraph (a) of
19 subdivision 4 of section 4 of chapter 274 of the laws of 1946, consti-
20 tuting the emergency housing rent control law, as amended by section 25
21 of part B of chapter 97 of the laws of 2011, is amended to read as
22 follows:

23 (5) the landlord and tenant by mutual voluntary written agreement
24 agree to a substantial increase or decrease in dwelling space or a
25 change in the services, furniture, furnishings or equipment provided in
26 the housing accommodations; provided that an owner shall be entitled to
27 a rent increase where there has been a substantial modification or
28 increase of dwelling space or an increase in the services, or installa-
29 tion of new equipment or improvements or new furniture or furnishings
30 provided in or to a tenant's housing accommodation. The permanent
31 increase in the maximum rent for the affected housing accommodation
32 shall be [one-fortieth] ONE-SIXTIETH, in the case of a building with
33 thirty-five or fewer housing accommodations, or one-sixtieth, in the
34 case of a building with more than thirty-five housing accommodations
35 where such permanent increase takes effect on or after September twen-
36 ty-fourth, two thousand eleven, of the total cost incurred by the land-
37 lord in providing such modification or increase in dwelling space,
38 services, furniture, furnishings or equipment, including the cost of
39 installation, but excluding finance charges provided further that an
40 owner who is entitled to a rent increase pursuant to this clause shall
41 not be entitled to a further rent increase based upon the installation
42 of similar equipment, or new furniture or furnishings within the useful
43 life of such new equipment, or new furniture or furnishings. The owner
44 shall give written notice to the commission of any such adjustment
45 pursuant to this clause; or

46 S 6. This act shall take effect on the ninetieth day after it shall
47 have become a law; provided that:

48 a. the amendments to section 26-405 of the city rent and rehabili-
49 tation law made by section one of this act shall remain in full force
50 and effect only as long as the public emergency requiring the regulation
51 and control of residential rents and evictions continues, as provided in
52 subdivision 3 of section 1 of the local emergency housing rent control
53 act;

54 b. the amendments to chapter 4 of title 26 of the administrative code
55 of the city of New York made by sections two and three of this act shall

1 expire on the same date as such law expires and shall not affect the
2 expiration of such law as provided under section 26-520 of such law;
3 c. the amendments to the emergency tenant protection act of nineteen
4 seventy-four made by section four of this act shall expire on the same
5 date as such act expires and shall not affect the expiration of such act
6 as provided in section 17 of chapter 576 of the laws of 1974;
7 d. the amendments to section 4 of the emergency housing rent control
8 law made by section five of this act shall expire on the same date as
9 such law expires and shall not affect the expiration of such law as
10 provided in subdivision 2 of section 1 of chapter 274 of the laws of
11 1946; and
12 e. effective immediately, the division of housing and community
13 renewal is authorized to and shall promulgate all rules, regulations and
14 standards necessary to implement the provisions of this act.

15

PART G

16 Section 1. Legislative findings and declaration of emergency. The
17 legislature hereby finds and declares that the serious public emergency
18 which led to the enactment of the existing laws regulating residential
19 rents and evictions continues to exist; that such laws would better
20 serve the public interest if certain changes were made thereto, includ-
21 ing the continued regulation of certain housing accommodations that
22 become vacant and the reinstatement of regulation of certain housing
23 accommodations that have been deregulated upon vacancy.

24 The legislature further recognizes that severe disruption of the
25 rental housing market has occurred and threatens to be exacerbated as a
26 result of the present state of the law in relation to the deregulation
27 of housing accommodations upon vacancy. The situation has permitted
28 speculative and profiteering practices and has brought about the loss of
29 vital and irreplaceable affordable housing for working persons and fami-
30 lies.

31 The legislature therefore declares that in order to prevent uncertain-
32 ty, potential hardship and dislocation of tenants living in housing
33 accommodations subject to government regulations as to rentals and
34 continued occupancy as well as those not subject to such regulation, the
35 provisions of this act are necessary to protect the public health, safe-
36 ty and general welfare. The necessity in the public interest for the
37 provisions hereinafter enacted is hereby declared as a matter of legis-
38 lative determination.

39 S 2. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the
40 laws of 1946, constituting the emergency housing rent control law, is
41 REPEALED.

42 S 3. Paragraph 13 of subdivision a of section 5 of section 4 of chap-
43 ter 576 of the laws of 1974, constituting the emergency tenant
44 protection act of nineteen seventy-four, is REPEALED.

45 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section
46 26-403 of the administrative code of the city of New York is REPEALED.

47 S 5. Section 26-504.2 of the administrative code of the city of New
48 York is REPEALED.

49 S 6. Any housing accommodations that on or after January 1, 2007 were
50 excluded from coverage from the emergency tenant protection act of nine-
51 teen seventy-four, the emergency housing rent control law or the admin-
52 istrative code of the city of New York pursuant to the provisions of law
53 repealed by sections two, three, four and five of this act shall be
54 subject to the provisions of such act, law or administrative code,

1 respectively. Notwithstanding the provisions of any lease or rental
2 agreement, the legal regulated rent or maximum collectible rent of any
3 housing accommodation excluded from regulation on or after January 1,
4 2007 by reason of the provisions repealed by sections two, three, four
5 and five of this act shall be the legal regulated rent or maximum
6 collectible rent applicable to such accommodation on December 31, 2006,
7 subject to further adjustment in accordance with applicable provisions
8 of law.

9 S 7. Any housing accommodations that prior to January 1, 2007 were
10 excluded from coverage from the emergency tenant protection act of nine-
11 teen seventy-four, the emergency housing rent control law or the admin-
12 istrative code of the city of New York pursuant to the provisions of law
13 repealed by sections two, three, four, and five of this act, and where
14 such housing accommodations were located outside the city of New York
15 and were rented to a tenant on or after January 1, 2007 for less than
16 \$3,500 per month or were located within the city of New York and were
17 rented to a tenant on or after January 1, 2007 for less than \$5,000.00
18 per month, shall be subject to the provisions of such act, law or admin-
19 istrative code, respectively. Notwithstanding the provisions of any
20 lease or rental agreement, the legal regulated rent or maximum collect-
21 ible rent of any housing accommodation excluded from regulation prior to
22 January 1, 2007 by reason of the provisions repealed by sections two,
23 three, four and five of this act and made subject to regulation shall be
24 the actual rent applicable to such accommodations on January 1, 2007 or
25 the first rent applicable to such accommodation after January 1, 2007,
26 subject to further adjustment in accordance with applicable provisions
27 of law.

28 S 8. This act shall take effect immediately.

29

PART H

30 Section 1. Subdivision (a-2) of section 10 of section 4 of chapter 576
31 of the laws of 1974, constituting the emergency tenant protection act of
32 nineteen seventy-four, as amended by section 13 of part B of chapter 97
33 of the laws of 2011, is amended to read as follows:

34 (a-2) Provides that where the amount of rent charged to and paid by
35 the tenant is less than the legal regulated rent for the housing accom-
36modation, the amount of rent for such housing accommodation which may be
37 charged [upon renewal or] upon vacancy thereof may, at the option of the
38 owner, be based upon such previously established legal regulated rent,
39 as adjusted by [the most recent] ALL applicable guidelines increases and
40 other increases authorized by law; PROVIDED, HOWEVER, THAT SUCH VACANCY
41 SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE
42 OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE
43 WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO
44 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. [Where, subsequent to
45 vacancy, such legal regulated rent, as adjusted by the most recent
46 applicable guidelines increases and any other increases authorized by
47 law is two thousand dollars or more per month or, for any housing accom-
48modation which is or becomes vacant on or after the effective date of
49 the rent act of 2011, is two thousand five hundred dollars or more per
50 month, such housing accommodation shall be excluded from the provisions
51 of this act pursuant to paragraph thirteen of subdivision a of section
52 five of this act.]

1 S 2. Paragraph 14 of subdivision c of section 26-511 of the adminis-
2 trative code of the city of New York, as amended by section 14 of part B
3 of chapter 97 of the laws of 2011, is amended to read as follows:

4 (14) provides that where the amount of rent charged to and paid by the
5 tenant is less than the legal regulated rent for the housing accommo-
6 dation, the amount of rent for such housing accommodation which may be
7 charged [upon renewal or] upon vacancy thereof may, at the option of the
8 owner, be based upon such previously established legal regulated rent,
9 as adjusted by the most recent applicable guidelines increases and any
10 other increases authorized by law; PROVIDED, HOWEVER, THAT SUCH VACANCY
11 SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE
12 OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE
13 WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO
14 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. [Where, subsequent to
15 vacancy, such legal regulated rent, as adjusted by the most recent
16 applicable guidelines increases and any other increases authorized by
17 law is two thousand dollars or more per month or, for any housing accom-
18 modation which is or becomes vacant on or after the effective date of
19 the rent act of 2011, is two thousand five hundred dollars or more per
20 month, such housing accommodation shall be excluded from the provisions
21 of this law pursuant to section 26-504.2 of this chapter.]

22 S 3. This act shall take effect immediately; provided, however, that
23 the amendments to section 10 of the emergency tenant protection act of
24 nineteen seventy-four made by section one of this act shall expire on
25 the same date as such act expires and shall not affect the expiration of
26 such act as provided in section 17 of chapter 576 of the laws of 1974;
27 and provided, further, that the amendments to section 26-511 of the rent
28 stabilization law of nineteen hundred sixty-nine made by section two of
29 this act shall expire on the same date as such law expires and shall not
30 affect the expiration of such law as provided under section 26-520 of
31 such law.

32 PART I

33 Section 1. Paragraph 6-a of subdivision c of section 26-511 of the
34 administrative code of the city of New York is amended to read as
35 follows:

36 (6-a) provides criteria whereby as an alternative to the hardship
37 application provided under paragraph six of this subdivision owners of
38 buildings acquired by the same owner or a related entity owned by the
39 same principals [three] SIX years prior to the date of application may
40 apply to the division for increases in excess of the level of applicable
41 guideline increases established under this law based on a finding by the
42 commissioner that such guideline increases are not sufficient to enable
43 the owner to maintain an annual gross rent income for such building
44 which exceeds the annual operating expenses of such building by a sum
45 equal to at least five percent of such gross rent. For the purposes of
46 this paragraph, operating expenses shall consist of the actual, reason-
47 able, costs of fuel, labor, utilities, taxes, other than income or
48 corporate franchise taxes, fees, permits, necessary contracted services
49 and non-capital repairs, insurance, parts and supplies, management fees
50 and other administrative costs and mortgage interest. For the purposes
51 of this paragraph, mortgage interest shall be deemed to mean interest on
52 a bona fide mortgage including an allocable portion of charges related
53 thereto. Criteria to be considered in determining a bona fide mortgage
54 other than an institutional mortgage shall include; condition of the

1 property, location of the property, the existing mortgage market at the
2 time the mortgage is placed, the term of the mortgage, the amortization
3 rate, the principal amount of the mortgage, security and other terms and
4 conditions of the mortgage. The commissioner shall set a rental value
5 for any unit occupied by the owner or a person related to the owner or
6 unoccupied at the owner's choice for more than one month at the last
7 regulated rent plus the minimum number of guidelines increases or, if no
8 such regulated rent existed or is known, the commissioner shall impute a
9 rent consistent with other rents in the building. The amount of hardship
10 increase shall be such as may be required to maintain the annual gross
11 rent income as provided by this paragraph. The division shall not grant
12 a hardship application under this paragraph or paragraph six of this
13 subdivision for a period of three years subsequent to granting a hard-
14 ship application under the provisions of this paragraph. The collection
15 of any increase in the rent for any housing accommodation pursuant to
16 this paragraph shall not exceed six percent in any year from the effec-
17 tive date of the order granting the increase over the rent set forth in
18 the schedule of gross rents, with collectability of any dollar excess
19 above said sum to be spread forward in similar increments and added to
20 the rent as established or set in future years. No application shall be
21 approved unless the owner's equity in such building exceeds five percent
22 of: (i) the arms length purchase price of the property; (ii) the cost of
23 any capital improvements for which the owner has not collected a
24 surcharge; (iii) any repayment of principal of any mortgage or loan used
25 to finance the purchase of the property or any capital improvements for
26 which the owner has not collected a surcharge and (iv) any increase in
27 the equalized assessed value of the property which occurred subsequent
28 to the first valuation of the property after purchase by the owner. For
29 the purposes of this paragraph, owner's equity shall mean the sum of (i)
30 the purchase price of the property less the principal of any mortgage or
31 loan used to finance the purchase of the property, (ii) the cost of any
32 capital improvement for which the owner has not collected a surcharge
33 less the principal of any mortgage or loan used to finance said improve-
34 ment, (iii) any repayment of the principal of any mortgage or loan used
35 to finance the purchase of the property or any capital improvement for
36 which the owner has not collected a surcharge, and (iv) any increase in
37 the equalized assessed value of the property which occurred subsequent
38 to the first valuation of the property after purchase by the owner.

39 S 2. Paragraph 5 of subdivision d of section 6 of section 4 of chapter
40 576 of the laws of 1974 enacting the emergency tenant protection act of
41 nineteen seventy-four, as amended by chapter 102 of the laws of 1984, is
42 amended to read as follows:

43 (5) as an alternative to the hardship application provided under para-
44 graph four of this subdivision, owners of buildings acquired by the same
45 owner or a related entity owned by the same principals [three] SIX years
46 prior to the date of application may apply to the division for increases
47 in excess of the level of applicable guideline increases established
48 under this law based on a finding by the commissioner that such guide-
49 line increases are not sufficient to enable the owner to maintain an
50 annual gross rent income for such building which exceeds the annual
51 operating expenses of such building by a sum equal to at least five
52 percent of such gross rent. For the purposes of this paragraph, operat-
53 ing expenses shall consist of the actual, reasonable, costs of fuel,
54 labor, utilities, taxes, other than income or corporate franchise taxes,
55 fees, permits, necessary contracted services and non-capital repairs,
56 insurance, parts and supplies, management fees and other administrative

1 costs and mortgage interest. For the purposes of this paragraph, mort-
2 gage interest shall be deemed to mean interest on a bona fide mortgage
3 including an allocable portion of charges related thereto. Criteria to
4 be considered in determining a bona fide mortgage other than an institu-
5 tional mortgage shall include; condition of the property, location of
6 the property, the existing mortgage market at the time the mortgage is
7 placed, the term of the mortgage, the amortization rate, the principal
8 amount of the mortgage, security and other terms and conditions of the
9 mortgage. The commissioner shall set a rental value for any unit occu-
10 pied by the owner or a person related to the owner or unoccupied at the
11 owner's choice for more than one month at the last regulated rent plus
12 the minimum number of guidelines increases or, if no such regulated rent
13 existed or is known, the commissioner shall impute a rent consistent
14 with other rents in the building. The amount of hardship increase shall
15 be such as may be required to maintain the annual gross rent income as
16 provided by this paragraph. The division shall not grant a hardship
17 application under this paragraph or paragraph four of this subdivision
18 for a period of three years subsequent to granting a hardship applica-
19 tion under the provisions of this paragraph. The collection of any
20 increase in the rent for any housing accommodation pursuant to this
21 paragraph shall not exceed six percent in any year from the effective
22 date of the order granting the increase over the rent set forth in the
23 schedule of gross rents, with collectability of any dollar excess above
24 said sum to be spread forward in similar increments and added to the
25 rent as established or set in future years. No application shall be
26 approved unless the owner's equity in such building exceeds five percent
27 of: (i) the arms length purchase price of the property; (ii) the cost of
28 any capital improvements for which the owner has not collected a
29 surcharge; (iii) any repayment of principal of any mortgage or loan used
30 to finance the purchase of the property or any capital improvements for
31 which the owner has not collected a surcharge; and (iv) any increase in
32 the equalized assessed value of the property which occurred subsequent
33 to the first valuation of the property after purchase by the owner. For
34 the purposes of this paragraph, owner's equity shall mean the sum of (i)
35 the purchase price of the property less the principal of any mortgage or
36 loan used to finance the purchase of the property, (ii) the cost of any
37 capital improvement for which the owner has not collected a surcharge
38 less the principal of any mortgage or loan used to finance said improve-
39 ment, (iii) any repayment of the principal of any mortgage or loan used
40 to finance the purchase of the property or any capital improvement for
41 which the owner has not collected a surcharge, and (iv) any increase in
42 the equalized assessed value of the property which occurred subsequent
43 to the first valuation of the property after purchase by the owner.

44 S 3. This act shall take effect immediately; provided that

45 a. the amendments to section 26-511 of chapter 4 of title 26 of the
46 administrative code of the city of New York made by section one of this
47 act shall expire on the same date as such law expires and shall not
48 affect the expiration of such law as provided under section 26-520 of
49 such law; and

50 b. the amendments to section 6 of the emergency tenant protection act
51 of nineteen seventy-four made by section two of this act shall expire on
52 the same date as such act expires and shall not affect the expiration of
53 such act as provided in section 17 of chapter 576 of the laws of 1974.

1 Section 1. Subparagraph (g) of paragraph 1 of subdivision g of section
2 26-405 of the administrative code of the city of New York, as amended by
3 chapter 749 of the laws of 1990, is amended to read as follows:

4 (g) (I) COLLECTION OF SURCHARGES TO THE MAXIMUM RENT AUTHORIZED PURSU-
5 ANT TO ITEM (II) OF THIS SUBPARAGRAPH SHALL CEASE WHEN THE OWNER HAS
6 RECOVERED THE COST OF THE MAJOR CAPITAL IMPROVEMENT;

7 (II) There has been since July first, nineteen hundred seventy, a
8 major capital improvement [required for the operation, preservation or
9 maintenance of the structure. An adjustment under this subparagraph (g)
10 shall be in an amount sufficient to amortize the cost of the improve-
11 ments pursuant to this subparagraph (g) over a seven-year period];
12 PROVIDED THAT THE COMMISSIONER FINDS THAT SUCH IMPROVEMENTS ARE DEEMED
13 DEPRECIABLE UNDER THE INTERNAL REVENUE CODE AND SUCH IMPROVEMENTS ARE
14 REQUIRED FOR THE OPERATION, PRESERVATION OR MAINTENANCE OF THE STRUC-
15 TURE. THE INCREASE PERMITTED FOR SUCH CAPITAL IMPROVEMENT SHALL BE
16 COLLECTED AS A MONTHLY SURCHARGE TO THE MAXIMUM RENT. IT SHALL BE SEPA-
17 RATELY DESIGNATED AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY
18 OTHER ADJUSTMENT TO THE MAXIMUM RENT. THE SURCHARGE ALLOCABLE TO EACH
19 APARTMENT SHALL BE AN AMOUNT EQUAL TO THE COST OF THE IMPROVEMENT
20 DIVIDED BY EIGHTY-FOUR, DIVIDED BY THE NUMBER OF ROOMS IN THE BUILDING,
21 AND THEN MULTIPLIED BY THE NUMBER OF ROOMS IN SUCH APARTMENT; PROVIDED
22 THAT THE SURCHARGE ALLOCABLE TO ANY APARTMENT IN ANY ONE YEAR MAY NOT
23 EXCEED AN AMOUNT EQUAL TO SIX PERCENT OF THE MONTHLY RENT COLLECTED BY
24 THE OWNER FOR SUCH APARTMENT AS SET FORTH IN THE SCHEDULE OF GROSS
25 RENTS. ANY EXCESS ABOVE SAID SIX PERCENT SHALL BE CARRIED FORWARD AND
26 COLLECTED IN FUTURE YEARS AS A FURTHER SURCHARGE NOT TO EXCEED AN ADDI-
27 TIONAL SIX PERCENT IN ANY ONE YEAR PERIOD UNTIL THE TOTAL SURCHARGE
28 EQUALS THE AMOUNT IT WOULD HAVE BEEN IF THE AFOREMENTIONED SIX PERCENT
29 LIMITATION DID NOT APPLY; or

30 S 2. Subparagraph (k) of paragraph 1 of subdivision g of section
31 26-405 of the administrative code of the city of New York, as amended by
32 chapter 749 of the laws of 1990, is amended to read as follows:

33 (k) The landlord has incurred, since January first, nineteen hundred
34 seventy, in connection with and in addition to a concurrent major capi-
35 tal improvement pursuant to subparagraph (g) of this paragraph, other
36 expenditures to improve, restore or preserve the quality of the struc-
37 ture. An adjustment under this subparagraph shall be granted only if
38 such improvements represent an expenditure equal to at least ten per
39 centum of the total operating and maintenance expenses for the preceding
40 year. An adjustment under this subparagraph shall be in addition to any
41 adjustment granted for the concurrent major capital improvement and
42 shall be [in an amount sufficient to amortize the cost of the improve-
43 ments pursuant to this subparagraph over a seven-year period] IMPLE-
44 MENTED IN THE SAME MANNER AS SUCH MAJOR CAPITAL IMPROVEMENT AS A FURTHER
45 SURCHARGE TO THE MAXIMUM RENT.

46 S 3. Paragraph 6 of subdivision c of section 26-511 of the administra-
47 tive code of the city of New York, as amended by chapter 116 of the laws
48 of 1997, is amended to read as follows:

49 (6) provides criteria whereby the commissioner may act upon applica-
50 tions by owners for increases in excess of the level of fair rent
51 increase established under this law provided, however, that such crite-
52 ria shall provide [(a)] as to hardship applications, for a finding that
53 the level of fair rent increase is not sufficient to enable the owner to
54 maintain approximately the same average annual net income (which shall
55 be computed without regard to debt service, financing costs or manage-
56 ment fees) for the three year period ending on or within six months of

1 the date of an application pursuant to such criteria as compared with
2 annual net income, which prevailed on the average over the period nine-
3 teen hundred sixty-eight through nineteen hundred seventy, or for the
4 first three years of operation if the building was completed since nine-
5 teen hundred sixty-eight or for the first three fiscal years after a
6 transfer of title to a new owner provided the new owner can establish to
7 the satisfaction of the commissioner that he or she acquired title to
8 the building as a result of a bona fide sale of the entire building and
9 that the new owner is unable to obtain requisite records for the fiscal
10 years nineteen hundred sixty-eight through nineteen hundred seventy
11 despite diligent efforts to obtain same from predecessors in title and
12 further provided that the new owner can provide financial data covering
13 a minimum of six years under his or her continuous and uninterrupted
14 operation of the building to meet the three year to three year compar-
15 ative test periods herein provided[; and (b) as to completed building-
16 wide major capital improvements, for a finding that such improvements
17 are deemed depreciable under the Internal Revenue Code and that the cost
18 is to be amortized over a seven-year period, based upon cash purchase
19 price exclusive of interest or service charges]. Notwithstanding
20 anything to the contrary contained herein, no hardship increase granted
21 pursuant to this paragraph shall, when added to the annual gross rents,
22 as determined by the commissioner, exceed the sum of, (i) the annual
23 operating expenses, (ii) an allowance for management services as deter-
24 mined by the commissioner, (iii) actual annual mortgage debt service
25 (interest and amortization) on its indebtedness to a lending institu-
26 tion, an insurance company, a retirement fund or welfare fund which is
27 operated under the supervision of the banking or insurance laws of the
28 state of New York or the United States, and (iv) eight and one-half
29 percent of that portion of the fair market value of the property which
30 exceeds the unpaid principal amount of the mortgage indebtedness
31 referred to in subparagraph (iii) of this paragraph. Fair market value
32 for the purposes of this paragraph shall be six times the annual gross
33 rent. The collection of any increase in the stabilized rent for any
34 apartment pursuant to this paragraph shall not exceed six percent in any
35 year from the effective date of the order granting the increase over the
36 rent set forth in the schedule of gross rents, with collectability of
37 any dollar excess above said sum to be spread forward in similar incre-
38 ments and added to the stabilized rent as established or set in future
39 years;

40 S 4. Subdivision c of section 26-511 of the administrative code of the
41 city of New York is amended by adding two new paragraphs 6-b and 6-c to
42 read as follows:

43 (6-B) PROVIDES CRITERIA WHEREBY THE COMMISSIONER MAY ACT UPON APPLICA-
44 TION BY OWNERS FOR INCREASES IN EXCESS OF THE LEVEL OF FAIR RENT
45 INCREASE ESTABLISHED UNDER THIS LAW PROVIDED, HOWEVER, THAT SUCH CRITE-
46 RIA SHALL PROVIDE AS TO COMPLETED BUILDING-WIDE MAJOR CAPITAL IMPROVE-
47 MENTS, FOR A FINDING THAT SUCH IMPROVEMENTS ARE DEEMED DEPRECIABLE UNDER
48 THE INTERNAL REVENUE CODE AND SUCH IMPROVEMENTS ARE REQUIRED FOR THE
49 OPERATION, PRESERVATION OR MAINTENANCE OF THE STRUCTURE. THE INCREASE
50 PERMITTED FOR SUCH CAPITAL IMPROVEMENT SHALL BE COLLECTED AS A MONTHLY
51 SURCHARGE TO THE LEGAL REGULATED RENT. IT SHALL BE SEPARATELY DESIGNATED
52 AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY ANNUAL ADJUSTMENT
53 OF THE LEVEL OF FAIR RENT PROVIDED FOR UNDER SUBDIVISION B OF SECTION
54 26-510 OF THIS LAW. THE SURCHARGE ALLOCABLE TO EACH APARTMENT SHALL BE
55 AN AMOUNT EQUAL TO THE COST OF THE IMPROVEMENT DIVIDED BY EIGHTY-FOUR,
56 DIVIDED BY THE NUMBER OF ROOMS IN THE BUILDING, AND THEN MULTIPLIED BY

1 THE NUMBER OF ROOMS IN SUCH APARTMENT; PROVIDED THAT THE SURCHARGE ALLO-
2 CABLE TO ANY APARTMENT, IN ANY ONE YEAR MAY NOT EXCEED AN AMOUNT EQUAL
3 TO SIX PERCENT OF THE MONTHLY RENT COLLECTED BY THE OWNER FOR SUCH
4 APARTMENT AS SET FORTH IN THE SCHEDULE OF GROSS RENTS. ANY EXCESS ABOVE
5 SAID SIX PERCENT SHALL BE CARRIED FORWARD AND COLLECTED IN FUTURE YEARS
6 AS A FURTHER SURCHARGE NOT TO EXCEED AN ADDITIONAL SIX PERCENT IN ANY
7 ONE YEAR PERIOD UNTIL THE TOTAL SURCHARGE EQUALS THE AMOUNT IT WOULD
8 HAVE BEEN IF THE AFOREMENTIONED SIX PERCENT LIMITATION DID NOT APPLY.

9 (6-C) COLLECTION OF SURCHARGES IN EXCESS OF THE LEVEL OF FAIR RENT
10 AUTHORIZED PURSUANT TO PARAGRAPH SIX-B OF THIS SUBDIVISION SHALL CEASE
11 WHEN THE OWNER HAS RECOVERED THE COST OF THE MAJOR CAPITAL IMPROVEMENT.

12 S 5. Paragraph 3 of subdivision d of section 6 of section 4 of chapter
13 576 of the laws of 1974, constituting the emergency tenant protection
14 act of nineteen seventy-four, as amended by chapter 749 of the laws of
15 1990, is amended to read as follows:

16 (3) (I) COLLECTION OF SURCHARGES IN ADDITION TO THE LEGAL REGULATED
17 RENT AUTHORIZED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL
18 CEASE WHEN THE OWNER HAS RECOVERED THE COST OF THE MAJOR CAPITAL
19 IMPROVEMENT;

20 (II) there has been since January first, nineteen hundred seventy-four
21 a major capital improvement [required for the operation, preservation or
22 maintenance of the structure. An adjustment under this paragraph shall
23 be in an amount sufficient to amortize the cost of the improvements
24 pursuant to this paragraph over a seven-year period]; PROVIDED THAT THE
25 COMMISSIONER FINDS THAT SUCH IMPROVEMENTS ARE DEEMED DEPRECIABLE UNDER
26 THE INTERNAL REVENUE CODE AND SUCH IMPROVEMENTS ARE REQUIRED FOR THE
27 OPERATION, PRESERVATION OR MAINTENANCE OF THE STRUCTURE. THE INCREASE
28 PERMITTED FOR SUCH CAPITAL IMPROVEMENT SHALL BE COLLECTED AS A MONTHLY
29 SURCHARGE TO THE LEGAL REGULATED RENT. IT SHALL BE SEPARATELY DESIGNATED
30 AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY ANNUAL RENT
31 ADJUSTMENT AUTHORIZED BY THE RENT GUIDELINES BOARD UNDER THIS ACT. THE
32 SURCHARGE ALLOCABLE TO EACH APARTMENT SHALL BE AN AMOUNT EQUAL TO THE
33 COST OF THE IMPROVEMENT DIVIDED BY EIGHTY-FOUR, DIVIDED BY THE NUMBER OF
34 ROOMS IN THE BUILDING, AND THEN MULTIPLIED BY THE NUMBER OF ROOMS IN
35 SUCH APARTMENT; PROVIDED THAT THE SURCHARGE ALLOCABLE TO ANY APARTMENT
36 IN ANY ONE YEAR MAY NOT EXCEED AN AMOUNT EQUAL TO SIX PERCENT OF THE
37 MONTHLY RENT COLLECTED BY THE OWNER FOR SUCH APARTMENT AS SET FORTH IN
38 THE SCHEDULE OF GROSS RENTS. ANY EXCESS ABOVE SAID SIX PERCENT SHALL BE
39 CARRIED FORWARD AND COLLECTED IN FUTURE YEARS AS A FURTHER SURCHARGE NOT
40 TO EXCEED AN ADDITIONAL SIX PERCENT IN ANY ONE YEAR PERIOD UNTIL THE
41 TOTAL SURCHARGE EQUALS THE AMOUNT IT WOULD HAVE BEEN IF THE AFOREMEN-
42 TIONED SIX PERCENT LIMITATION DID NOT APPLY, or

43 S 6. The second undesignated paragraph of paragraph (a) of subdivision
44 4 of section 4 of chapter 274 of the laws of 1946, constituting the
45 emergency housing rent control law, as amended by section 25 of part B
46 of chapter 97 of the laws of 2011, is amended to read as follows:

47 No application for adjustment of maximum rent based upon a sales price
48 valuation shall be filed by the landlord under this subparagraph prior
49 to six months from the date of such sale of the property. In addition,
50 no adjustment ordered by the commission based upon such sales price
51 valuation shall be effective prior to one year from the date of such
52 sale. Where, however, the assessed valuation of the land exceeds four
53 times the assessed valuation of the buildings thereon, the commission
54 may determine a valuation of the property equal to five times the equal-
55 ized assessed valuation of the buildings, for the purposes of this
56 subparagraph. The commission may make a determination that the valuation

1 of the property is an amount different from such equalized assessed
2 valuation where there is a request for a reduction in such assessed
3 valuation currently pending; or where there has been a reduction in the
4 assessed valuation for the year next preceding the effective date of the
5 current assessed valuation in effect at the time of the filing of the
6 application. Net annual return shall be the amount by which the earned
7 income exceeds the operating expenses of the property, excluding mort-
8 gage interest and amortization, and excluding allowances for obsoles-
9 cence and reserves, but including an allowance for depreciation of two
10 per centum of the value of the buildings exclusive of the land, or the
11 amount shown for depreciation of the buildings in the latest required
12 federal income tax return, whichever is lower; provided, however, that
13 (1) no allowance for depreciation of the buildings shall be included
14 where the buildings have been fully depreciated for federal income tax
15 purposes or on the books of the owner; or (2) the landlord who owns no
16 more than four rental units within the state has not been fully compen-
17 sated by increases in rental income sufficient to offset unavoidable
18 increases in property taxes, fuel, utilities, insurance and repairs and
19 maintenance, excluding mortgage interest and amortization, and excluding
20 allowances for depreciation, obsolescence and reserves, which have
21 occurred since the federal date determining the maximum rent or the date
22 the property was acquired by the present owner, whichever is later; or
23 (3) the landlord operates a hotel or rooming house or owns a cooperative
24 apartment and has not been fully compensated by increases in rental
25 income from the controlled housing accommodations sufficient to offset
26 unavoidable increases in property taxes and other costs as are allocable
27 to such controlled housing accommodations, including costs of operation
28 of such hotel or rooming house, but excluding mortgage interest and
29 amortization, and excluding allowances for depreciation, obsolescence
30 and reserves, which have occurred since the federal date determining the
31 maximum rent or the date the landlord commenced the operation of the
32 property, whichever is later; or (4) the landlord and tenant voluntarily
33 enter into a valid written lease in good faith with respect to any hous-
34 ing accommodation, which lease provides for an increase in the maximum
35 rent not in excess of fifteen per centum and for a term of not less than
36 two years, except that where such lease provides for an increase in
37 excess of fifteen per centum, the increase shall be automatically
38 reduced to fifteen per centum; or (5) the landlord and tenant by mutual
39 voluntary written agreement agree to a substantial increase or decrease
40 in dwelling space or a change in the services, furniture, furnishings or
41 equipment provided in the housing accommodations; provided that an owner
42 shall be entitled to a rent increase where there has been a substantial
43 modification or increase of dwelling space or an increase in the
44 services, or installation of new equipment or improvements or new furni-
45 ture or furnishings provided in or to a tenant's housing accommodation.
46 The permanent increase in the maximum rent for the affected housing
47 accommodation shall be one-fortieth, in the case of a building with
48 thirty-five or fewer housing accommodations, or one-sixtieth, in the
49 case of a building with more than thirty-five housing accommodations
50 where such permanent increase takes effect on or after September twen-
51 ty-fourth, two thousand eleven, of the total cost incurred by the land-
52 lord in providing such modification or increase in dwelling space,
53 services, furniture, furnishings or equipment, including the cost of
54 installation, but excluding finance charges provided further that an
55 owner who is entitled to a rent increase pursuant to this clause shall
56 not be entitled to a further rent increase based upon the installation

1 of similar equipment, or new furniture or furnishings within the useful
2 life of such new equipment, or new furniture or furnishings. The owner
3 shall give written notice to the commission of any such adjustment
4 pursuant to this clause; or (6) there has been, since March first, nine-
5 teen hundred fifty, an increase in the rental value of the housing
6 accommodations as a result of a substantial rehabilitation of the build-
7 ing or housing accommodation therein which materially adds to the value
8 of the property or appreciably prolongs its life, excluding ordinary
9 repairs, maintenance and replacements; or (7) (I) COLLECTION OF
10 SURCHARGES TO THE MAXIMUM RENT AUTHORIZED PURSUANT TO ITEM (II) OF THIS
11 CLAUSE SHALL CEASE WHEN THE OWNER HAS RECOVERED THE COST OF THE MAJOR
12 CAPITAL IMPROVEMENT; (II) there has been since March first, nineteen
13 hundred fifty, a major capital improvement [required for the operation,
14 preservation or maintenance of the structure]; PROVIDED THAT THE COMMIS-
15 SIONER FINDS THAT SUCH IMPROVEMENTS ARE DEEMED DEPRECIABLE UNDER THE
16 INTERNAL REVENUE CODE AND SUCH IMPROVEMENTS ARE REQUIRED FOR THE OPERA-
17 TION, PRESERVATION OR MAINTENANCE OF THE STRUCTURE. THE INCREASE PERMIT-
18 TED FOR SUCH CAPITAL IMPROVEMENT SHALL BE COLLECTED AS A MONTHLY
19 SURCHARGE TO THE MAXIMUM RENT. IT SHALL BE SEPARATELY DESIGNATED AND
20 BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY OTHER ADJUSTMENT TO
21 THE MAXIMUM RENT. THE SURCHARGE ALLOCABLE TO EACH APARTMENT SHALL BE AN
22 AMOUNT EQUAL TO THE COST OF THE IMPROVEMENT DIVIDED BY EIGHTY-FOUR,
23 DIVIDED BY THE NUMBER OF ROOMS IN THE BUILDING, AND THEN MULTIPLIED BY
24 THE NUMBER OF ROOMS IN SUCH APARTMENT; PROVIDED THAT THE SURCHARGE ALLO-
25 CABLE TO ANY APARTMENT IN ANY ONE YEAR MAY NOT EXCEED AN AMOUNT EQUAL TO
26 SIX PERCENT OF THE MONTHLY RENT COLLECTED BY THE OWNER FOR SUCH APART-
27 MENT AS SET FORTH IN THE SCHEDULE OF GROSS RENTS. ANY EXCESS ABOVE SAID
28 SIX PERCENT SHALL BE CARRIED FORWARD AND COLLECTED IN FUTURE YEARS AS A
29 FURTHER SURCHARGE NOT TO EXCEED AN ADDITIONAL SIX PERCENT IN ANY ONE
30 YEAR PERIOD UNTIL THE TOTAL SURCHARGE EQUALS THE AMOUNT IT WOULD HAVE
31 BEEN IF THE AFOREMENTIONED SIX PERCENT LIMITATION DID NOT APPLY; or (8)
32 there has been since March first, nineteen hundred fifty, in structures
33 containing more than four housing accommodations, other improvements
34 made with the express consent of the tenants in occupancy of at least
35 seventy-five per centum of the housing accommodations, provided, howev-
36 er, that no adjustment granted hereunder shall exceed fifteen per centum
37 unless the tenants have agreed to a higher percentage of increase, as
38 herein provided; or (9) there has been, since March first, nineteen
39 hundred fifty, a subletting without written consent from the landlord or
40 an increase in the number of adult occupants who are not members of the
41 immediate family of the tenant, and the landlord has not been compen-
42 sated therefor by adjustment of the maximum rent by lease or order of
43 the commission or pursuant to the federal act; or (10) the presence of
44 unique or peculiar circumstances materially affecting the maximum rent
45 has resulted in a maximum rent which is substantially lower than the
46 rents generally prevailing in the same area for substantially similar
47 housing accommodations.

48 S 7. This act shall take effect immediately; provided that

49 a. the amendments to section 26-405 of the city rent and rehabili-
50 tation law made by sections one and two of this act shall remain in full
51 force and effect only so long as the public emergency requiring the
52 regulation and control of residential rents and evictions continues, as
53 provided in subdivision 3 of section 1 of the local emergency housing
54 rent control act;

55 b. the amendments to section 26-511 of the rent stabilization law of
56 nineteen hundred sixty-nine made by sections three and four of this act

1 shall expire on the same date as such law expires and shall not affect
2 the expiration of such law as provided under section 26-520 of such law,
3 as from time to time amended;

4 c. the amendment to section 6 of the emergency tenant protection act
5 of nineteen seventy-four made by section five of this act shall expire
6 on the same date as such act expires and shall not affect the expiration
7 of such act as provided in section 17 of chapter 576 of the laws of
8 1974, as from time to time amended; and

9 d. the amendment to section 4 of the emergency housing rent control
10 law made by section six of this act shall expire on the same date as
11 such law expires and shall not affect the expiration of such law as
12 provided in subdivision 2 of section 1 of chapter 274 of the laws of
13 1946.

14 PART K

15 Section 1. Section 5 of section 4 of chapter 576 of the laws of 1974,
16 constituting the emergency tenant protection act of nineteen seventy-
17 four, is amended by adding a new subdivision d to read as follows:

18 D. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH THREE OR FIVE OF SUBDI-
19 VISION A OF THIS SECTION BUT SUBJECT TO ANY OTHER APPLICABLE EXCEPTIONS
20 IN SUCH SUBDIVISION, NOTHING SHALL PREVENT THE DECLARATION OF AN EMER-
21 GENCY PURSUANT TO SECTION THREE OF THIS ACT FOR RENTAL HOUSING ACCOMMO-
22 DATIONS LOCATED IN BUILDINGS WHICH WERE OWNED BY A COMPANY ESTABLISHED
23 UNDER ARTICLE 2 OF THE PRIVATE HOUSING FINANCE LAW, OTHER THAN A MUTUAL
24 COMPANY, BY REASON OF A VOLUNTARY DISSOLUTION PURSUANT TO SECTION 35 OF
25 SUCH LAW. THE PROVISION OF SUBDIVISION A OF SECTION NINE OF THIS ACT
26 SHALL NOT APPLY TO ANY HOUSING ACCOMMODATION WHICH BECAME SUBJECT TO
27 THIS ACT PURSUANT TO THIS SUBDIVISION.

28 S 2. This act shall take effect immediately and shall apply to housing
29 companies that dissolve before, on or after such date; provided, howev-
30 er, that the amendments to the emergency tenant protection act of nine-
31 teen seventy-four made by this act shall not affect the expiration of
32 such act as provided in section 17 of chapter 576 of the laws of 1974,
33 as amended and shall be deemed to expire therewith.

34 PART L

35 Section 1. Paragraph 12 of subdivision a of section 5 of section 4 of
36 chapter 576 of the laws of 1974, constituting the emergency tenant
37 protection act of nineteen seventy-four, as amended by section 29 of
38 part B of chapter 97 of the laws of 2011, is amended to read as follows:

39 (12) upon issuance of an order by the division, housing accommodations
40 which are: (1) occupied by persons who have a total annual income as
41 defined in and subject to the limitations and process set forth in
42 section five-a of this act [in excess of], THAT EXCEEDS the deregulation
43 income threshold, as defined in section five-a of this act, in each of
44 the two preceding calendar years; and (2) have a legal regulated rent
45 that equals or exceeds the deregulation rent threshold, as defined in
46 section five-a of this act. Provided however, that this exclusion shall
47 not apply to housing accommodations which became or become subject to
48 this act (a) by virtue of receiving tax benefits pursuant to section
49 four hundred twenty-one-a or four hundred eighty-nine of the real prop-
50 erty tax law, except as otherwise provided in subparagraph (i) of para-
51 graph (f) of subdivision two of section four hundred twenty-one-a of the

1 real property tax law, or (b) by virtue of article seven-C of the multi-
2 ple dwelling law.

3 S 2. Paragraph (a) of section 5-a of section 4 of chapter 576 of the
4 laws of 1974, constituting the emergency tenant protection act of nine-
5 teen seventy-four, as amended by section 30 of part B of chapter 97 of
6 the laws of 2011, is amended to read as follows:

7 (a) 1. For purposes of this section, annual income shall mean the
8 federal adjusted gross income as reported on the New York state income
9 tax return. Total annual income means the sum of the annual incomes of
10 all persons whose names are recited as the tenant or co-tenant on a
11 lease who occupy the housing accommodation and all other persons that
12 occupy the housing accommodation as their primary residence on other
13 than a temporary basis, excluding bona fide employees of such occupants
14 residing therein in connection with such employment and excluding bona
15 fide subtenants in occupancy pursuant to the provisions of section two
16 hundred twenty-six-b of the real property law. In the case where a hous-
17 ing accommodation is sublet, the annual income of the tenant or co-ten-
18 ant recited on the lease who will reoccupy the housing accommodation
19 upon the expiration of the sublease shall be considered.

20 2. [Deregulation income threshold means total annual income equal to
21 one hundred seventy-five thousand dollars in each of the two preceding
22 calendar years for proceedings commenced before July first, two thousand
23 eleven. For proceedings commenced on or after July first, two thousand
24 eleven, the deregulation income threshold means the total annual income
25 equal to two hundred thousand dollars in each of the two preceding
26 calendar years.]

27 3. Deregulation rent threshold means two thousand dollars for
28 proceedings commenced before July first, two thousand eleven. For
29 proceedings commenced on or after July first, two thousand eleven, the
30 deregulation rent threshold means two thousand five hundred dollars.]

31 DEREGULATION INCOME THRESHOLD MEANS THREE HUNDRED THOUSAND DOLLARS.
32 FOR PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND FOUR-
33 TEEN, THE DEREGULATION INCOME THRESHOLD SHALL BE ADJUSTED ANNUALLY ON
34 THE FIRST DAY OF OCTOBER OF EACH YEAR FOR PROCEEDINGS IN EACH SUBSEQUENT
35 YEAR BY THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX FOR ALL URBAN
36 CONSUMERS, NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT-PA, AS
37 ESTABLISHED THE PRECEDING AUGUST.

38 3. DEREGULATION RENT THRESHOLD MEANS THREE THOUSAND DOLLARS. FOR
39 PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN,
40 THE DEREGULATION RENT THRESHOLD SHALL BE ADJUSTED ANNUALLY ON THE FIRST
41 DAY OF OCTOBER EACH YEAR FOR PROCEEDINGS IN EACH SUBSEQUENT YEAR BY THE
42 CHANGE IN THE REGIONAL CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, NEW
43 YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT-PA, AS ESTABLISHED THE
44 PRECEDING AUGUST.

45 S 3. Paragraph (m) of subdivision 2 of section 2 of chapter 274 of the
46 laws of 1946, constituting the emergency housing rent control law, as
47 amended by section 31 of part B of chapter 97 of the laws of 2011, is
48 amended to read as follows:

49 (m) upon the issuance of an order of deregulation by the division,
50 housing accommodations which: (1) are occupied by persons who have a
51 total annual income, as defined in and subject to the limitations and
52 process set forth in section two-a of this law[, in excess of the dereg-
53 ulation income threshold as defined in section two-a of this law in each
54 of the two preceding calendar years;] and (2) have a maximum rent [that
55 equals or exceeds the deregulation rent threshold as defined in section
56 two-a of this law].

1 S 4. Subdivision (a) of section 2-a of chapter 274 of the laws of
2 1946, constituting the emergency housing rent control law, as amended by
3 section 32 of part B of chapter 97 of the laws of 2011, is amended to
4 read as follows:

5 (a) 1. For purposes of this section, annual income shall mean the
6 federal adjusted gross income as reported on the New York state income
7 tax return. Total annual income means the sum of the annual incomes of
8 all persons who occupy the housing accommodation as their primary resi-
9 dence on other than a temporary basis, excluding bona fide employees of
10 such occupants residing therein in connection with such employment and
11 excluding bona fide subtenants in occupancy pursuant to the provisions
12 of section two hundred twenty-six-b of the real property law. In the
13 case where a housing accommodation is sublet, the annual income of the
14 sublessor shall be considered.

15 2. [Deregulation income threshold means total annual income equal to
16 one hundred seventy-five thousand dollars in each of the two preceding
17 calendar years for proceedings commenced before July first, two thousand
18 eleven. For proceedings commenced on or after July first, two thousand
19 eleven, the deregulation income threshold means the total annual income
20 equal to two hundred thousand dollars in each of the two preceding
21 calendar years.]

22 3. Deregulation rent threshold means two thousand dollars for
23 proceedings commenced prior to July first, two thousand eleven. For
24 proceedings commenced on or after July first, two thousand eleven, the
25 deregulation rent threshold means two thousand five hundred dollars.]

26 DEREGULATION INCOME THRESHOLD MEANS THREE HUNDRED THOUSAND DOLLARS.
27 FOR PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND FOUR-
28 TEEN, THE DEREGULATION INCOME THRESHOLD SHALL BE ADJUSTED ANNUALLY ON
29 THE FIRST DAY OF OCTOBER OF EACH YEAR FOR PROCEEDINGS IN EACH SUBSEQUENT
30 YEAR BY THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX FOR ALL URBAN
31 CONSUMERS, NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT-PA, AS
32 ESTABLISHED THE PRECEDING AUGUST.

33 3. DEREGULATION RENT THRESHOLD MEANS THREE THOUSAND DOLLARS. FOR
34 PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN,
35 THE DEREGULATION RENT THRESHOLD SHALL BE ADJUSTED ANNUALLY ON THE FIRST
36 DAY OF OCTOBER OF EACH YEAR FOR PROCEEDINGS IN EACH SUBSEQUENT YEAR BY
37 THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS,
38 NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT-PA, AS ESTABLISHED
39 THE PRECEDING AUGUST.

40 S 5. Subdivision (a) of section 26-403.1 of the administrative code of
41 the city of New York, as amended by section 34 of part B of chapter 97
42 of the laws of 2011, is amended to read as follows:

43 (a) 1. For purposes of this section, annual income shall mean the
44 federal adjusted gross income as reported on the New York state income
45 tax return. Total annual income means the sum of the annual incomes of
46 all persons who occupy the housing accommodation as their primary resi-
47 dence other than on a temporary basis, excluding bona fide employees of
48 such occupants residing therein in connection with such employment and
49 excluding bona fide subtenants in occupancy pursuant to the provisions
50 of section two hundred twenty-six-b of the real property law. In the
51 case where a housing accommodation is sublet, the annual income of the
52 sublessor shall be considered.

53 2. [Deregulation income threshold means total annual income equal to
54 one hundred seventy-five thousand dollars in each of the two preceding
55 calendar years for proceedings commenced prior to July first, two thou-
56 sand eleven. For proceedings commenced on or after July first, two thou-

1 sand eleven, the deregulation income threshold means the total annual
2 income equal to two hundred thousand dollars in each of the two preced-
3 ing calendar years.

4 3. Deregulation rent threshold means two thousand dollars for
5 proceedings commenced before July first, two thousand eleven. For
6 proceedings commenced on or after July first, two thousand eleven, the
7 deregulation rent threshold means two thousand five hundred dollars.]

8 DEREGULATION INCOME THRESHOLD MEANS THREE HUNDRED THOUSAND DOLLARS.
9 FOR PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND FOUR-
10 TEEN, THE DEREGULATION INCOME THRESHOLD SHALL BE ADJUSTED ANNUALLY ON
11 THE FIRST DAY OF OCTOBER OF EACH YEAR FOR PROCEEDINGS IN EACH SUBSEQUENT
12 YEAR BY THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX FOR ALL URBAN
13 CONSUMERS, NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT-PA, AS
14 ESTABLISHED THE PRECEDING AUGUST.

15 3. DEREGULATION RENT THRESHOLD MEANS THREE THOUSAND DOLLARS. FOR
16 PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN,
17 THE DEREGULATION RENT THRESHOLD SHALL BE ADJUSTED ANNUALLY ON THE FIRST
18 DAY OF OCTOBER OF EACH YEAR FOR PROCEEDINGS IN EACH SUBSEQUENT YEAR BY
19 THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS,
20 NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT-PA, AS ESTABLISHED
21 THE PRECEDING AUGUST.

22 S 6. Paragraphs 2 and 3 of subdivision (a) of section 26-504.3 of the
23 administrative code of the city of New York, as added by section 36 of
24 part B of chapter 97 of the laws of 2011, are amended to read as
25 follows:

26 2. [Deregulation income threshold means total annual income equal to
27 one hundred seventy-five thousand dollars in each of the two preceding
28 calendar years for proceedings commenced before July first, two thousand
29 eleven. For proceedings commenced on or after July first, two thousand
30 eleven, the deregulation income threshold means the total annual income
31 equal to two hundred thousand dollars in each of the two preceding
32 calendar years.

33 3. Deregulation rent threshold means two thousand dollars for
34 proceedings commenced before July first, two thousand eleven. For
35 proceedings commenced on or after July first, two thousand eleven, the
36 deregulation rent threshold means two thousand five hundred dollars.]

37 DEREGULATION INCOME THRESHOLD MEANS THREE HUNDRED THOUSAND DOLLARS.
38 FOR PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND FOUR-
39 TEEN, THE DEREGULATION INCOME THRESHOLD SHALL BE ADJUSTED ANNUALLY ON
40 THE FIRST DAY OF OCTOBER OF EACH YEAR FOR PROCEEDINGS IN EACH SUBSEQUENT
41 YEAR BY THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX FOR ALL URBAN
42 CONSUMERS, NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT-PA, AS
43 ESTABLISHED THE PRECEDING AUGUST.

44 3. DEREGULATION RENT THRESHOLD MEANS THREE THOUSAND DOLLARS. FOR
45 PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN,
46 THE DEREGULATION RENT THRESHOLD SHALL BE ADJUSTED ANNUALLY ON THE FIRST
47 DAY OF OCTOBER OF EACH YEAR FOR PROCEEDINGS IN EACH SUBSEQUENT YEAR BY
48 THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS,
49 NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT-PA, AS ESTABLISHED
50 THE PRECEDING AUGUST.

51 S 7. This act shall take effect immediately, provided, however, that:

52 a. the amendments to paragraph 12 of subdivision a of section 5 and
53 section 5-a of section 4 of the emergency tenant protection act of nine-
54 teen seventy-four made by sections one and two of this act, respective-
55 ly, shall expire on the same date as such act expires and shall not

1 affect the expiration of such act as provided in section 17 of chapter
2 576 of the laws of 1974;

3 b. the amendments to paragraph (m) of subdivision 2 of section 2 and
4 section 2-a of the emergency housing rent control law made by sections
5 three and four of this act, respectively, shall expire on the same date
6 as such law expires and shall not affect the expiration of such law as
7 provided in subdivision 2 of section 1 of chapter 274 of the laws of
8 1946;

9 c. the amendments to section 26-403.1 of the city rent and rehabili-
10 tation law made by section five of this act shall remain in full force
11 and effect only as long as the public emergency requiring the regulation
12 and control of residential rents and evictions continues, as provided in
13 subdivision 3 of section 1 of the local emergency housing rent control
14 act; and

15 d. the amendments to section 26-504.3 of chapter 4 of title 26 of the
16 administrative code of the city of New York made by section six of this
17 act shall expire on the same date as such law expires and shall not
18 affect the expiration of such law as provided under section 26-520 of
19 such law.

20 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
21 sion, section or part of this act shall be adjudged by any court of
22 competent jurisdiction to be invalid, such judgment shall not affect,
23 impair, or invalidate the remainder thereof, but shall be confined in
24 its operation to the clause, sentence, paragraph, subdivision, section
25 or part thereof directly involved in the controversy in which such judg-
26 ment shall have been rendered. It is hereby declared to be the intent
27 of the legislature that this act would have been enacted even if such
28 invalid provisions had not been included herein.

29 S 3. This act shall take effect immediately provided, however, that
30 the applicable effective dates of Parts A through L of this act shall be
31 as specifically set forth in the last section of such Parts.