

797

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to the statute of limitations on notices of deregulation

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

1 Section 1. Section 26-504.2 of the administrative code of the city of
2 New York is amended by adding a new subdivision c to read as follows:
3 C. NOTWITHSTANDING SECTION 26-516 OF THIS CHAPTER AND SECTION TWO
4 HUNDRED THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES, THE PERIODS
5 PROVIDED FOR THEREIN FOR EXAMINATION OF THE RENTAL HISTORY OF THE ACCOM-
6 MODATION FOR THE DETERMINATION OF AN OVERCHARGE AND WHETHER THE ACCOMMO-
7 DATION IS SUBJECT TO THIS LAW ARE EXTENDED BY THE PERIOD DURING WHICH
8 THE OWNER IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION B OF
9 THIS SECTION.
10 S 2. Paragraph 13 of subdivision a of section 5 of section 4 of chap-
11 ter 576 of the laws of 1974, constituting the emergency tenant
12 protection act of nineteen seventy-four, as amended by section 10 of
13 part B of chapter 97 of the laws of 2011, is amended to read as follows:
14 (13) (I) any housing accommodation with a legal regulated rent of two
15 thousand dollars or more per month at any time between the effective
16 date of this paragraph and October first, nineteen hundred ninety-three
17 which is or becomes vacant on or after the effective date of this para-
18 graph; or, for any housing accommodation with a legal regulated rent of
19 two thousand dollars or more per month at any time on or after the
20 effective date of the rent regulation reform act of 1997 and before the
21 effective date of the rent act of 2011, which is or becomes vacant on or
22 after the effective date of the rent regulation reform act of 1997 and

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

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1 before the effective date of the rent act of 2011. This exclusion shall
2 apply regardless of whether the next tenant in occupancy or any subse-
3 quent tenant in occupancy is charged or pays less than two thousand
4 dollars a month; or, for any housing accommodation with a legal regu-
5 lated rent of two thousand five hundred dollars or more per month at any
6 time on or after the effective date of the rent act of 2011, which is or
7 becomes vacant on or after such effective date. An exclusion pursuant
8 to this paragraph shall apply regardless of whether the next tenant in
9 occupancy or any subsequent tenant in occupancy actually is charged or
10 pays less than two thousand five hundred dollars a month. Provided
11 however, that an exclusion pursuant to this paragraph shall not apply to
12 housing accommodations which became or become subject to this act (a) by
13 virtue of receiving tax benefits pursuant to section [four hundred twen-
14 ty-one-a] 421-A or [four hundred eighty-nine] 489 of the real property
15 tax law, except as otherwise provided in subparagraph (i) of paragraph
16 (f) of subdivision [two] 2 of section [four hundred twenty-one-a] 421-A
17 of the real property tax law, or (b) by virtue of article [seven-C] 7-C
18 of the multiple dwelling law. This paragraph shall not apply, however,
19 to or become effective with respect to housing accommodations which the
20 commissioner determines or finds that the landlord or any person acting
21 on his or her behalf, with intent to cause the tenant to vacate, has
22 engaged in any course of conduct (including, but not limited to, inter-
23 ruption or discontinuance of required services) which interfered with or
24 disturbed or was intended to interfere with or disturb the comfort,
25 repose, peace or quiet of the tenant in his or her use or occupancy of
26 the housing accommodations and in connection with such course of
27 conduct, any other general enforcement provision of this act shall also
28 apply.

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

55 (III) NOTWITHSTANDING SECTION TWELVE OF THIS ACT AND SECTION 213-A OF
56 THE CIVIL PRACTICE LAW AND RULES TO THE CONTRARY, THE PERIODS PROVIDED

1 FOR THEREIN FOR EXAMINATION OF THE RENTAL HISTORY OF THE ACCOMMODATION
2 FOR THE DETERMINATION OF AN OVERCHARGE AND WHETHER THE ACCOMMODATION IS
3 SUBJECT TO THIS LAW ARE EXTENDED BY THE PERIOD DURING WHICH THE OWNER IS
4 NOT IN COMPLIANCE WITH REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARA-
5 GRAPH.

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

7 (a) the amendment to section 26-504.2 of the rent stabilization law of
8 nineteen hundred sixty-nine made by section one of this act shall expire
9 on the same date as such law expires and shall not affect the expiration
10 of such law as provided under section 26-520 of such law;

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

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