

1682

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. COLTON, DINOWITZ, ROBINSON, CYMBROWITZ, WRIGHT,  
RIVERA -- Multi-Sponsored by -- M. of A. AUBRY, BRENNAN, CLARK, GLICK,  
GOTTFRIED, HEASTIE, JACOBS, MILLMAN, ORTIZ -- read once and referred  
to the Committee on Ways and Means

AN ACT to amend the tax law and the real property tax law, in relation  
to eliminating rent regulation protection for certain high income  
tenants and high rent housing accommodations; and to repeal certain  
provisions of the emergency housing rent control law, the administra-  
tive code of the city of New York, the emergency tenant protection act  
of nineteen seventy-four and the tax law relating thereto

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

1     Section 1. Paragraphs (m) and (n) of subdivision 2 of section 2 of  
2 chapter 274 of the laws of 1946, constituting the emergency housing rent  
3 control law, are REPEALED.  
4     S 2. Section 2-a of chapter 274 of the laws of 1946, constituting the  
5 emergency housing rent control law, is REPEALED.  
6     S 3. Subparagraphs (j) and (k) of paragraph 2 of subdivision e of  
7 section 26-403 of the administrative code of the city of New York are  
8 REPEALED.  
9     S 4. Section 26-403.1 of the administrative code of the city of New  
10 York is REPEALED.  
11     S 5. Sections 26-504.1 and 26-504.2 of the administrative code of the  
12 city of New York are REPEALED.  
13     S 6. Section 26-504.3 of the administrative code of the city of New  
14 York is REPEALED.  
15     S 7. Paragraphs 12 and 13 of subdivision a of section 5 of section 4  
16 of chapter 576 of the laws of 1974, constituting the emergency tenant  
17 protection act of nineteen seventy-four, are REPEALED.

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

LBD03596-01-3

1 S 8. Section 5-a of section 4 of chapter 576 of the laws of 1974,  
2 constituting the emergency tenant protection act of nineteen seventy-  
3 four, is REPEALED.

4 S 9. Subdivision 3 of section 171-b of the tax law is REPEALED and  
5 subdivision 7 of such section, as amended by chapter 170 of the laws of  
6 1994, is amended to read as follows:

7 (7) The provisions of the state freedom of information act shall not  
8 apply to any verification of income information obtained from a company,  
9 the commissioner of housing and community renewal, the supervising agen-  
10 cy, the corporation, or officer or employee thereof, an approved organ-  
11 ization as defined in section two thousand five hundred ten of the  
12 public health law or the commissioner of health pursuant to the  
13 provisions of this section [nor shall the provisions of such act apply  
14 to any verifications prepared or provided pursuant to subdivision three  
15 and information provided pursuant to subdivision four of this section].

16 S 10. Subparagraph (i) of paragraph (f) of subdivision 2 of section  
17 421-a of the real property tax law, as amended by chapter 253 of the  
18 laws of 1993, is amended to read as follows:

19 (i) with respect to units subject to the provisions of this section on  
20 the effective date of this subparagraph such a unit becomes vacant after  
21 the expiration of such ten year period or applicable law or act;  
22 provided, however, [that such units may be decontrolled pursuant to the  
23 rent regulation reform act of 1993 and provided further that] the rent  
24 shall not be decontrolled for a unit which the commissioner of housing  
25 and community renewal or a court of competent jurisdiction finds became  
26 vacant because the landlord or any person acting on his behalf engaged  
27 in any course of conduct, including but not limited to, interruption or  
28 discontinuance of essential services which interfered with or disturbed  
29 or was intended to interfere with or disturb the comfort, repose, peace  
30 or quiet of the tenant in his use or occupancy of such unit, and, that  
31 upon such finding in addition to being subject to any other penalties or  
32 remedies permitted by law, the landlord of such unit shall be barred  
33 from collecting rent for such unit in excess of that charged to the  
34 tenant who vacated such unit until restoration of possession of such  
35 tenant, if the tenant so desires, in which case the rent of such tenant  
36 shall be established as if such tenant had not vacated such unit, or  
37 compliance with such other remedy, including, but not limited to, all  
38 remedies provided for by the emergency tenant protection act of nineteen  
39 seventy-four for rent overcharge or failure to comply with any order of  
40 the commissioner of housing and community renewal, as shall be deter-  
41 mined by the commissioner of housing and community renewal to be appro-  
42 priate; provided, however, that if a tenant fails to accept any such  
43 offer of restoration of possession, such unit shall return to rent  
44 stabilization at the previously regulated rent; or

45 S 11. This act shall take effect immediately.