

5178

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 20, 2013

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Introduced by M. of A. WRIGHT -- read once and referred to the Committee  
on Housing

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 limiting rent increase after vacancy of a housing accommodation

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

1     Section 1. Paragraph 5-a of subdivision c of section 26-511 of the  
2     administrative code of the city of New York, as amended by section 7 of  
3     part B of chapter 97 of the laws of 2011, is amended to read as follows:  
4     (5-a) provides that, notwithstanding any provision of this chapter,  
5     the legal regulated rent for any vacancy lease entered into after the  
6     effective date of this paragraph shall be as hereinafter provided in  
7     this paragraph. The previous legal regulated rent for such housing  
8     accommodation shall be increased by the following: (i) if the vacancy  
9     lease is for a term of two years, [twenty] SEVEN AND ONE-HALF percent of  
10    the previous legal regulated rent; or (ii) if the vacancy lease is for a  
11    term of one year the increase shall be [twenty] SEVEN AND ONE-HALF  
12    percent of the previous legal regulated rent less an amount equal to the  
13    difference between (a) the two year renewal lease guideline promulgated  
14    by the guidelines board of the city of New York applied to the previous  
15    legal regulated rent and (b) the one year renewal lease guideline  
16    promulgated by the guidelines board of the city of New York applied to  
17    the previous legal regulated rent. In addition, if the legal regulated  
18    rent was not increased with respect to such housing accommodation by a  
19    permanent vacancy allowance within eight years prior to a vacancy lease  
20    executed on or after the effective date of this paragraph, the legal  
21    regulated rent may be further increased by an amount equal to the prod-  
22    uct resulting from multiplying such previous legal regulated rent by  
23    six-tenths of one percent and further multiplying the amount of rent  
24    increase resulting therefrom by the greater of (A) the number of years

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

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1 since the imposition of the last permanent vacancy allowance, or (B) if  
2 the rent was not increased by a permanent vacancy allowance since the  
3 housing accommodation became subject to this chapter, the number of  
4 years that such housing accommodation has been subject to this chapter.  
5 Provided that if the previous legal regulated rent was less than three  
6 hundred dollars the total increase shall be as calculated above plus one  
7 hundred dollars per month. Provided, further, that if the previous legal  
8 regulated rent was at least three hundred dollars and no more than five  
9 hundred dollars in no event shall the total increase pursuant to this  
10 paragraph be less than one hundred dollars per month. Such increase  
11 shall be in lieu of any allowance authorized for the one or two year  
12 renewal component thereof, but shall be in addition to any other  
13 increases authorized pursuant to this chapter including an adjustment  
14 based upon a major capital improvement, or a substantial modification or  
15 increase of dwelling space or services, or installation of new equipment  
16 or improvements or new furniture or furnishings provided in or to the  
17 housing accommodation pursuant to this section. The increase authorized  
18 in this paragraph may not be implemented more than one time in any  
19 calendar year, notwithstanding the number of vacancy leases entered into  
20 in such year.

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

25 (a-1) provides that, notwithstanding any provision of this act, the  
26 legal regulated rent for any vacancy lease entered into after the effec-  
27 tive date of this subdivision shall be as hereinafter set forth. The  
28 previous legal regulated rent for such housing accommodation shall be  
29 increased by the following: (i) if the vacancy lease is for a term of  
30 two years, [twenty] SEVEN AND ONE-HALF percent of the previous legal  
31 regulated rent; or (ii) if the vacancy lease is for a term of one year  
32 the increase shall be [twenty] SEVEN AND ONE-HALF percent of the previ-  
33 ous legal regulated rent less an amount equal to the difference between  
34 (a) the two year renewal lease guideline promulgated by the guidelines  
35 board of the county in which the housing accommodation is located  
36 applied to the previous legal regulated rent and (b) the one year  
37 renewal lease guideline promulgated by the guidelines board of the coun-  
38 ty in which the housing accommodation is located applied to the previous  
39 legal regulated rent. In addition, if the legal regulated rent was not  
40 increased with respect to such housing accommodation by a permanent  
41 vacancy allowance within eight years prior to a vacancy lease executed  
42 on or after the effective date of this subdivision, the legal regulated  
43 rent may be further increased by an amount equal to the product result-  
44 ing from multiplying such previous legal regulated rent by six-tenths of  
45 one percent and further multiplying the amount of rent increase result-  
46 ing therefrom by the greater of (A) the number of years since the im-  
47 position of the last permanent vacancy allowance, or (B) if the rent was  
48 not increased by a permanent vacancy allowance since the housing accom-  
49 modation became subject to this act, the number of years that such hous-  
50 ing accommodation has been subject to this act. Provided that if the  
51 previous legal regulated rent was less than three hundred dollars the  
52 total increase shall be as calculated above plus one hundred dollars per  
53 month. Provided, further, that if the previous legal regulated rent was  
54 at least three hundred dollars and no more than five hundred dollars in  
55 no event shall the total increase pursuant to this subdivision be less  
56 than one hundred dollars per month. Such increase shall be in lieu of

1 any allowance authorized for the one or two year renewal component ther-  
2 eof, but shall be in addition to any other increases authorized pursuant  
3 to this act including an adjustment based upon a major capital improve-  
4 ment, or a substantial modification or increase of dwelling space or  
5 services, or installation of new equipment or improvements or new furni-  
6 ture or furnishings provided in or to the housing accommodation pursuant  
7 to section six of this act. The increase authorized in this subdivision  
8 may not be implemented more than one time in any calendar year, notwith-  
9 standing the number of vacancy leases entered into in such year.

10 S 3. This act shall take effect immediately; provided that the amend-  
11 ments to section 26-511 of the rent stabilization law of nineteen  
12 hundred sixty-nine made by section one of this act shall expire on the  
13 same date as such law expires and shall not affect the expiration of  
14 such law as provided under section 26-520 of such law; and provided,  
15 further, that the amendments to section 4 of the emergency tenant  
16 protection act of nineteen seventy-four made by section two of this act  
17 shall expire on the same date as such act expires and shall not affect  
18 the expiration of such act as provided in section 17 of chapter 576 of  
19 the laws of 1974.