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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, DINOWITZ, GLICK, JACOBS, GOTTFRIED, ABINANTI, STEVENSON, ROBINSON, MAISEL, BARRON, COLTON, CASTRO, GIBSON, COOK, WRIGHT, HOOPER -- Multi-Sponsored by -- M. of A. BRENNAN, MARKEY -- read once and referred to the Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations

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

1 Section 1. The opening paragraph of subdivision b of section 4 of
2 section 4 of chapter 576 of the laws of 1974, constituting the emergency
3 tenant protection act of nineteen seventy-four, as amended by chapter
4 403 of the laws of 1983, is amended to read as follows:
5 A county rent guidelines board shall establish annually guidelines for
6 rent adjustments which, at its sole discretion may be varied and differ-
7 ent for and within the several zones and jurisdictions of the board, and
8 in determining whether rents for housing accommodations as to which an
9 emergency has been declared pursuant to this act shall be adjusted,
10 shall consider among other things (1) the economic condition of the
11 residential real estate industry in the affected area including such
12 factors as the prevailing and projected (i) real estate taxes and sewer
13 and water rates, (ii) gross operating maintenance costs (including
14 insurance rates, governmental fees, cost of fuel and labor costs), (iii)
15 costs and availability of financing (including effective rates of inter-
16 est), (iv) over-all supply of housing accommodations and over-all vacan-
17 cy rates, (2) relevant data from the current and projected cost of
18 living indices for the affected area, (3) such other data as may be made
19 available to it. As soon as practicable after its creation and thereaft-

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

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1 er not later than July first of each year, a rent guidelines board shall
2 file with the state division of housing and community renewal its find-
3 ings for the preceding calendar year, and shall accompany such findings
4 with a statement of the maximum rate or rates of rent adjustment, if
5 any, for one or more classes of accommodation subject to this act,
6 authorized for leases or other rental agreements commencing during the
7 next succeeding twelve months. The standards for rent adjustments may be
8 applicable for the entire county or may be varied according to such
9 zones or jurisdictions within such county as the board finds necessary
10 to achieve the purposes of this subdivision. A COUNTY RENT GUIDELINES
11 BOARD SHALL NOT ESTABLISH ANNUAL GUIDELINES FOR RENT ADJUSTMENTS BASED
12 ON THE CURRENT RENTAL COST OF A UNIT OR ON THE AMOUNT OF TIME THAT HAS
13 ELAPSED SINCE ANOTHER RENT INCREASE WAS AUTHORIZED PURSUANT TO THIS
14 CHAPTER.

15 S 2. Subdivision b of section 26-510 of the administrative code of
16 the city of New York is amended to read as follows:

17 b. The rent guidelines board shall establish annually guidelines for
18 rent adjustments, and in determining whether rents for housing accommo-
19 dations subject to the emergency tenant protection act of nineteen
20 seventy-four or this law shall be adjusted shall consider, among other
21 things (1) the economic condition of the residential real estate indus-
22 try in the affected area including such factors as the prevailing and
23 projected (i) real estate taxes and sewer and water rates, (ii) gross
24 operating maintenance costs (including insurance rates, governmental
25 fees, cost of fuel and labor costs), (iii) costs and availability of
26 financing (including effective rates of interest), (iv) over-all supply
27 of housing accommodations and over-all vacancy rates, (2) relevant data
28 from the current and projected cost of living indices for the affected
29 area, (3) such other data as may be made available to it. Not later than
30 July first of each year, the rent guidelines board shall file with the
31 city clerk its findings for the preceding calendar year, and shall
32 accompany such findings with a statement of the maximum rate or rates of
33 rent adjustment, if any, for one or more classes of accommodations
34 subject to this law, authorized for leases or other rental agreements
35 commencing on the next succeeding October first or within the twelve
36 months thereafter. Such findings and statement shall be published in the
37 City Record. THE RENT GUIDELINES BOARD SHALL NOT ESTABLISH ANNUAL
38 GUIDELINES FOR RENT ADJUSTMENTS BASED ON THE CURRENT RENTAL COST OF A
39 UNIT OR ON THE AMOUNT OF TIME THAT HAS ELAPSED SINCE ANOTHER RENT
40 INCREASE WAS AUTHORIZED PURSUANT TO THIS TITLE.

41 S 3. This act shall take effect immediately; provided that the amend-
42 ments to section 4 of section 4 of chapter 576 of the laws of 1974,
43 constituting the emergency tenant protection act of nineteen seventy-
44 four, made by section one of this act, shall not affect the expiration
45 of such section and shall be deemed to expire therewith; and provided
46 further that the amendments to subdivision b of section 26-510 of the
47 administrative code of the city of New York made by section two of this
48 act, shall not affect the expiration of such subdivision and shall be
49 deemed to expire therewith.