

1815

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ESPAILLAT, AVELLA, KRUEGER, PERKINS, SQUADRON, STAVISKY -- 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 housing rent control law, in relation to the establishment of rent adjustments

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

1 Section 1. Subdivision a of section 26-405 of the administrative code
2 of the city of New York is amended by adding a new paragraph 10 to read
3 as follows:
4 (10) (A) NOTWITHSTANDING ANY CONTRARY PROVISIONS OF THIS SUBDIVISION,
5 EFFECTIVE JANUARY FIRST, TWO THOUSAND FOURTEEN, MAXIMUM RENTS FOR HOUS-
6 ING ACCOMMODATIONS SUBJECT TO THIS CHAPTER SHALL NO LONGER BE ESTAB-
7 LISHED PURSUANT TO PARAGRAPHS THREE AND FOUR OF THIS SUBDIVISION, OR
8 LIMITED BY PARAGRAPH FIVE OF THIS SUBDIVISION, OR ADJUSTED BY SUBPARA-
9 GRAPH (L) OR (N) OF PARAGRAPH ONE OF SUBDIVISION G OF THIS SECTION.
10 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, THE RENT GUIDE-
11 LINES BOARD ESTABLISHED PURSUANT TO SECTION 26-510 OF THIS TITLE SHALL
12 ESTABLISH ANNUAL RATES OF RENT ADJUSTMENT FOR THE CLASS OF HOUSING
13 ACCOMMODATIONS SUBJECT TO THIS CHAPTER, IN THE MANNER PROVIDED BY SUCH
14 SECTION. THE FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS
15 CHAPTER MAY NOT BE CONSIDERED AS A FACTOR IN DETERMINING THE RATE OF
16 RENT ADJUSTMENT. NOT LATER THAN OCTOBER FIRST, TWO THOUSAND THIRTEEN,
17 AND NOT LATER THAN OCTOBER FIRST ANNUALLY THEREAFTER, THE RENT GUIDE-
18 LINES BOARD SHALL FILE WITH THE CITY CLERK AND THE DIVISION OF HOUSING
19 AND COMMUNITY RENEWAL ITS FINDINGS ESTABLISHED IN CONSIDERATION OF THE
20 ECONOMIC FACTORS LISTED IN SUBDIVISION B OF SECTION 26-510 OF THIS
21 TITLE, AND SHALL ACCOMPANY SUCH FINDINGS WITH A STATEMENT OF THE MAXIMUM

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

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1 RATE OR RATES OF RENT ADJUSTMENT, IF ANY, FOR ONE OR MORE CLASSES OF
2 ACCOMMODATIONS SUBJECT TO THIS CHAPTER AUTHORIZED FOR THE ADJUSTMENT OF
3 THE MAXIMUM RENT OF THE HOUSING ACCOMMODATION FOR THE TWELVE MONTH PERI-
4 OD COMMENCING JANUARY FIRST, TWO THOUSAND THIRTEEN AND FOR EACH SUCCEED-
5 ING TWELVE MONTH PERIOD.

6 (C) EFFECTIVE JANUARY FIRST, TWO THOUSAND FOURTEEN, THE MAXIMUM RENT
7 COLLECTIBLE FROM THE TENANT SHALL BE THE MAXIMUM RENT COLLECTIBLE ON
8 DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN, AS SUCH RENT MAY BE
9 ADJUSTED PURSUANT TO SUBPARAGRAPH (B) OF THIS PARAGRAPH ANNUALLY, WITH-
10 OUT AN ORDER OF THE CITY RENT AGENCY, OR AS ADJUSTED PURSUANT TO ANY
11 OTHER PROVISION OF THIS CHAPTER, PROVIDED THAT A LANDLORD SHALL NOT
12 COLLECT ANY RENT INCREASE OR ADJUSTMENT OTHERWISE COLLECTIBLE UNDER
13 SUBPARAGRAPH (B) OF THIS PARAGRAPH UNLESS AND UNTIL THE FIRST RENT
14 PAYMENT DATE AFTER THE LANDLORD CERTIFIES TO THE CITY RENT AGENCY THAT
15 ALL RENT IMPAIRING VIOLATIONS, AS DEFINED BY SECTION THREE HUNDRED TWO-A
16 OF THE MULTIPLE DWELLING LAW, AND AT LEAST EIGHTY PER CENTUM OF ALL
17 OTHER VIOLATIONS OF THE HOUSING MAINTENANCE CODE OR OTHER STATE OR LOCAL
18 LAWS THAT IMPOSE REQUIREMENTS ON PROPERTY AND WHICH WERE RECORDED
19 AGAINST THE PROPERTY ON JULY FIRST, TWO THOUSAND TWELVE, OR JULY FIRST
20 OF THE YEAR PRECEDING THE ADJUSTMENT, WHICHEVER IS LATER, HAVE BEEN
21 CLEARED, CORRECTED OR ABATED AND THE LANDLORD HAS RECEIVED AN ORDER OF
22 ELIGIBILITY FROM THE CITY RENT AGENCY THAT THE VIOLATION CLEARING
23 REQUIREMENTS SET FORTH ABOVE HAVE BEEN MET AND FURTHER AUTHORIZING THE
24 LANDLORD TO COLLECT ANY RENT INCREASE OR ADJUSTMENT AUTHORIZED PURSUANT
25 TO SUBPARAGRAPH (B) OF THIS PARAGRAPH, AND THE LANDLORD HAS SERVED SUCH
26 ORDER UPON THE TENANT RESIDING IN THE HOUSING ACCOMMODATION AND THAT THE
27 LANDLORD HAS MAINTAINED ALL ESSENTIAL AND REQUIRED SERVICES PURSUANT TO
28 SECTIONS 2202.16 AND 2102.4 OF THE NEW YORK CITY RENT AND EVICTION REGU-
29 LATIONS. ANY HOUSING ACCOMMODATION FOR WHICH A RENT INCREASE PURSUANT
30 TO PARAGRAPHS THREE AND FOUR OF THIS SUBDIVISION HAS TAKEN EFFECT ON OR
31 AFTER JULY FIRST, TWO THOUSAND THIRTEEN SHALL NOT BE SUBJECT TO AN
32 INITIAL RENT ADJUSTMENT PURSUANT TO THIS SUBPARAGRAPH UNTIL JANUARY
33 FIRST, TWO THOUSAND FIFTEEN.

34 (D) MAXIMUM RATES OF RENT ADJUSTMENT SHALL NOT BE ESTABLISHED MORE
35 THAN ONCE ANNUALLY FOR ANY HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER
36 WITHIN THE RENT GUIDELINES BOARD'S JURISDICTION. ONCE ESTABLISHED, NO
37 SUCH RATE SHALL BE ADJUSTED BY ANY SURCHARGE, SUPPLEMENTARY ADJUSTMENT,
38 REOPENER OR OTHER MODIFICATION.

39 (E) NOTHING CONTAINED IN THIS PARAGRAPH SHALL ALTER, RESTRICT OR
40 IMPAIR AN OWNER'S RIGHT TO ESTABLISH THE INITIAL REGULATED RENT FOR
41 ACCOMMODATIONS SUBJECT TO THIS CHAPTER WHICH BECOME VACANT.

42 S 2. Section 4 of chapter 274 of the laws of 1946, constituting the
43 emergency housing rent control law, is amended by adding a new subdivi-
44 sion 9 to read as follows:

45 9. NOTWITHSTANDING ANY CONTRARY PROVISIONS OF THIS LAW, EFFECTIVE
46 JANUARY FIRST, TWO THOUSAND FOURTEEN, EXCEPT AS OTHERWISE PROVIDED IN
47 THIS SUBDIVISION, THE RENT FOR HOUSING ACCOMMODATIONS SUBJECT TO THIS
48 CHAPTER LOCATED IN THE COUNTIES OF WESTCHESTER AND NASSAU SHALL BE
49 ADJUSTED AS FOLLOWS:

50 (A) THE COUNTY RENT BOARDS ESTABLISHED PURSUANT TO SECTION 4 OF THE
51 EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, SHALL ESTAB-
52 LISH ANNUAL RENT ADJUSTMENTS FOR THE CLASS OF HOUSING ACCOMMODATIONS
53 SUBJECT TO THIS CHAPTER LOCATED IN THE COUNTIES OF WESTCHESTER AND
54 NASSAU, IN THE MANNER PROVIDED BY SUCH SECTION. THE FACT THAT THE HOUS-
55 ING ACCOMMODATION IS SUBJECT TO THIS LAW MAY NOT BE CONSIDERED AS A
56 FACTOR IN DETERMINING THE RATE OF RENT ADJUSTMENT. NOT LATER THAN OCTO-

1 BER FIRST, TWO THOUSAND THIRTEEN, AND NOT LATER THAN OCTOBER FIRST ANNU-
2 ALLY THEREAFTER, THE COUNTY RENT BOARDS SHALL FILE WITH THE COMMISSION
3 THEIR FINDINGS ESTABLISHED IN CONSIDERATION OF THE ECONOMIC FACTORS
4 LISTED IN SUBDIVISION B OF SECTION 4 OF THE EMERGENCY TENANT PROTECTION
5 ACT OF NINETEEN SEVENTY-FOUR, AND SHALL ACCOMPANY SUCH FINDINGS WITH A
6 STATEMENT OF THE MAXIMUM RATE OR RATES OF RENT ADJUSTMENT, IF ANY, FOR
7 ONE OR MORE CLASSES OF ACCOMMODATIONS SUBJECT TO THIS LAW WITHIN SUCH
8 COUNTIES AUTHORIZED FOR THE ADJUSTMENT OF THE MAXIMUM RENT OF THE HOUS-
9 ING ACCOMMODATION FOR THE TWELVE MONTH PERIOD COMMENCING JANUARY FIRST,
10 TWO THOUSAND FOURTEEN, AND FOR EACH SUCCEEDING TWELVE MONTH PERIOD.

11 (B) EFFECTIVE JANUARY FIRST, TWO THOUSAND FOURTEEN, THE MAXIMUM RENT
12 COLLECTIBLE FROM THE TENANT SHALL BE THE MAXIMUM RENT COLLECTIBLE ON
13 DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN, AS SUCH RENT MAY BE
14 ADJUSTED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION ANNUALLY, WITHOUT
15 AN ORDER OF THE COMMISSION, OR AS ADJUSTED PURSUANT TO ANY OTHER
16 PROVISION OF THIS LAW. HOWEVER, NO SUCH INCREASE PURSUANT TO PARAGRAPH
17 (A) OF THIS SUBDIVISION SHALL BE AUTHORIZED UNTIL THE EXPIRATION OF
18 TWELVE MONTHS FROM THE EFFECTIVE DATE OF ANY RENT ADJUSTMENT AUTHORIZED
19 PURSUANT TO REGULATIONS ADOPTED FOR RENT ADJUSTMENTS TO COMPENSATE FOR
20 UNAVOIDABLE INCREASED COSTS OF OPERATIONS AS PROVIDED FOR UNDER THIS
21 LAW.

22 (C) MAXIMUM RATES OF RENT ADJUSTMENT SHALL NOT BE ESTABLISHED MORE
23 THAN ONCE ANNUALLY FOR ANY HOUSING ACCOMMODATION SUBJECT TO THIS LAW
24 WITHIN A BOARD'S JURISDICTION. ONCE ESTABLISHED, NO SUCH RATE SHALL BE
25 ADJUSTED BY ANY SURCHARGE, SUPPLEMENTARY ADJUSTMENT, REOPENER OR OTHER
26 MODIFICATION.

27 (D) NOTHING CONTAINED IN THIS PARAGRAPH SHALL ALTER, RESTRICT OR
28 IMPAIR AN OWNER'S RIGHT TO ESTABLISH THE INITIAL REGULATED RENT FOR
29 ACCOMMODATIONS SUBJECT TO THIS LAW WHICH BECOME VACANT.

30 S 3. This act shall take effect immediately; provided that the amend-
31 ments to section 26-405 of the city rent and rehabilitation law made by
32 section one of this act shall remain in full force and effect only as
33 long as the public emergency requiring the regulation and control of
34 residential rents and evictions continues, as provided in subdivision 3
35 of section 1 of the local emergency housing rent control act; and
36 provided that the amendments to section 4 of the emergency housing rent
37 control law made by section two of this act shall expire on the same
38 date as such law expires and shall not affect the expiration of such law
39 as provided in subdivision 2 of section 1 of chapter 274 of the laws of
40 1946.