

3672

2013-2014 Regular Sessions

I N S E N A T E

February 11, 2013

Introduced by Sen. YOUNG -- 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, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency housing rent control act, in relation to rent increases for rent regulated housing accommodations upon succession of the tenants

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

1 Section 1. Section 26-403.2 of the administrative code of the city of  
2 New York, as added by chapter 116 of the laws of 1997, is amended to  
3 read as follows:  
4 S 26-403.2 Increase in maximum collectable rent. Notwithstanding any  
5 provision of this law to the contrary, in the case where all tenants  
6 occupying the housing accommodation on the effective date of this  
7 section have vacated the housing accommodation and a family member of  
8 such vacating tenant or tenants is entitled to and continues to occupy  
9 the housing accommodation subject to the protections of this law, [if  
10 such accommodation continues to be subject to this law after such family  
11 member vacates,] on the occurrence of such vacancy the maximum collecta-  
12 ble rent OF SUCH FAMILY MEMBER OF SUCH TENANT OR TENANTS shall be  
13 increased by a sum equal to the allowance then in effect for vacancy  
14 leases for housing accommodations covered by the rent stabilization law  
15 of nineteen hundred sixty-nine, including the amount allowed by para-  
16 graph five-a of subdivision c of section 26-511 of such law. This  
17 increase shall be in addition to any other increases provided for in  
18 this law including an adjustment based upon a major capital improvement,  
19 or a substantial increase or decrease in dwelling space or a change in  
20 the services, furniture, furnishings or equipment provided in the hous-  
21 ing accommodation, pursuant to section 26-405 of this law [and shall be

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

LBD07112-01-3

1 applicable in like manner to each second subsequent succession]. WHERE  
2 ALL TENANTS NAMED IN A LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMO-  
3 DATION AND A FAMILY MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A  
4 RENEWAL LEASE FOR THE HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS  
5 SHALL THEREAFTER BE ENTITLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING  
6 ACCOMMODATION.

7 S 2. Subdivision f of section 26-512 of the administrative code of  
8 the city of New York, as added by chapter 116 of the laws of 1997, is  
9 amended to read as follows:

10 f. Notwithstanding any provision of this law to the contrary, in the  
11 case where all tenants named in a lease have permanently vacated a hous-  
12 ing accommodation and a family member of such tenant or tenants is enti-  
13 tled to and executes a renewal lease for the housing accommodation [if  
14 such accommodation continues to be subject to this law after such family  
15 member vacates, on the occurrence of such vacancy], the legal regulated  
16 rent OF SUCH FAMILY MEMBER FOR SUCH RENEWAL LEASE shall be increased by  
17 a sum equal to the allowance then in effect for vacancy leases, includ-  
18 ing the amount allowed by paragraph (five-a) of subdivision c of section  
19 26-511 of this law. Such increase shall be in addition to any other  
20 increases provided for in this law including an adjustment based upon a  
21 major capital improvement, or a substantial modification or increase of  
22 dwelling space or services, or installation of new equipment or improve-  
23 ments or new furniture or furnishings provided in or to the housing  
24 accommodation pursuant to section 26-511 of this law [and shall be  
25 applicable in like manner to each second subsequent succession]. WHERE  
26 ALL TENANTS NAMED IN A LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMO-  
27 DATION AND A FAMILY MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A  
28 RENEWAL LEASE FOR THE HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS  
29 SHALL THEREAFTER BE ENTITLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING  
30 ACCOMMODATION.

31 S 3. Subdivision g of section 6 of section 4 of chapter 576 of the  
32 laws of 1974, constituting the emergency tenant protection act of nine-  
33 teen seventy-four, as added by chapter 116 of the laws of 1997, is  
34 amended to read as follows:

35 g. Notwithstanding any provision of this act to the contrary, in the  
36 case where all tenants named in a lease have permanently vacated a hous-  
37 ing accommodation and a family member of such tenant or tenants is enti-  
38 tled to and executes a renewal lease for the housing accommodation [if  
39 such accommodation continues to be subject to this act after such family  
40 member vacates, on the occurrence of such vacancy], the legal regulated  
41 rent OF SUCH FAMILY MEMBER FOR SUCH RENEWAL LEASE shall be increased by  
42 a sum equal to the allowance then in effect for vacancy leases, includ-  
43 ing the amount allowed by subdivision (a-1) of section ten of this act.  
44 Such increase shall be in addition to any other increases provided for  
45 in this act including an adjustment based upon a major capital improve-  
46 ment, or a substantial modification or increase of dwelling space or  
47 services, or installation of new equipment or improvements or new furni-  
48 ture or furnishings provided in or to the housing accommodation, pursu-  
49 ant to section six of this act [and shall be applicable in like manner  
50 to each second subsequent succession]. WHERE ALL TENANTS NAMED IN A  
51 LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMODATION AND A FAMILY  
52 MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A RENEWAL LEASE FOR THE  
53 HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS SHALL THEREAFTER BE ENTI-  
54 TLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING ACCOMMODATION.

1 S 4. Subdivision 9 of section 5 of chapter 274 of the laws of 1946,  
2 constituting the emergency housing rent control law, as added by chapter  
3 116 of the laws of 1997, is amended to read as follows:

4 9. Notwithstanding any provision of this law to the contrary, in the  
5 case where all tenants occupying the housing accommodation on the effec-  
6 tive date of this subdivision have vacated the housing accommodation and  
7 a family member of such vacating tenant or tenants is entitled to and  
8 continues to occupy the housing accommodation subject to the protections  
9 of this law, [if such accommodation continues to be subject to this law  
10 after such family member vacates,] on the occurrence of such vacancy the  
11 maximum collectable rent OF SUCH FAMILY MEMBER OF SUCH TENANT OR TENANTS  
12 shall be increased by a sum equal to the allowance then in effect for  
13 vacancy leases for housing accommodations covered by the rent stabiliza-  
14 tion law of nineteen hundred sixty-nine, including the amount allowed by  
15 paragraph five-a of subdivision c of section 26-511 of such law. This  
16 increase shall be in addition to any other increases provided in this  
17 law including an adjustment based upon a major capital improvement, or a  
18 substantial increase or decrease in dwelling space or a change in the  
19 services, furniture, furnishings or equipment provided in the housing  
20 accommodation, pursuant to section four of this law [and shall be appli-  
21 cable in like manner to each second subsequent succession]. WHERE ALL  
22 TENANTS NAMED IN A LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMO-  
23 DATION AND A FAMILY MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A  
24 RENEWAL LEASE FOR THE HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS  
25 SHALL THEREAFTER BE ENTITLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING  
26 ACCOMMODATION.

27 S 5. The sixth undesignated paragraph of subdivision 5 of section 1 of  
28 chapter 21 of the laws of 1962, constituting the local emergency rent  
29 control act, as amended by chapter 82 of the laws of 2003, is amended to  
30 read as follows:

31 Notwithstanding any provision of this act to the contrary, any local  
32 law adopted pursuant to this act shall provide that notwithstanding any  
33 provision of such local law in the case where all tenants occupying the  
34 housing accommodation on the effective date of this paragraph have  
35 vacated the housing accommodation and a family member of such vacating  
36 tenant or tenants is entitled to and continues to occupy the housing  
37 accommodation subject to the protections of such act, [if such accommo-  
38 dation continues to be subject to such act after such family member  
39 vacates,] on the occurrence of such vacancy the maximum collectable rent  
40 OF SUCH FAMILY MEMBER OF SUCH TENANT OR TENANTS shall be increased by a  
41 sum equal to the allowance then in effect for vacancy leases for housing  
42 accommodations covered by the rent stabilization law of nineteen hundred  
43 sixty-nine, including the amount allowed by paragraph (5-a) of subdivi-  
44 sion c of section 26-511 of such law. This increase shall be in addition  
45 to any other increases provided for in this act [and shall be applicable  
46 in like manner to each second subsequent succession]. WHERE ALL TENANTS  
47 NAMED IN A LEASE HAVE PERMANENTLY VACATED A HOUSING ACCOMMODATION AND A  
48 FAMILY MEMBER OF SUCH TENANT OR TENANTS HAS EXECUTED A RENEWAL LEASE FOR  
49 THE HOUSING ACCOMMODATION, NO OTHER FAMILY MEMBERS SHALL THEREAFTER BE  
50 ENTITLED TO EXECUTE A RENEWAL LEASE FOR SUCH HOUSING ACCOMMODATION.

51 S 6. This act shall take effect immediately and shall apply to all  
52 leases and renewal leases in effect immediately prior to such effective  
53 date, including renewal leases executed by a family member of a tenant  
54 or tenants named in a lease who have permanently vacated a housing  
55 accommodation; provided, that:

1 (a) the amendments to section 26-403.2 of the city rent and rehabili-  
2 tation law made by section one of this act shall remain in full force  
3 and effect only as long as the public emergency requiring the regulation  
4 and control of residential rents and evictions continues, as provided in  
5 subdivision 3 of section 1 of the local emergency housing rent control  
6 act;

7 (b) that the amendments to subdivision f of section 26-512 of chapter  
8 4 of title 26 of the administrative code of the city of New York made by  
9 section two of this act shall expire on the same date as such law  
10 expires and shall not affect the expiration of such law as provided  
11 under section 26-520 of such law;

12 (c) the amendments to subdivision g of section 6 of the emergency  
13 tenant protection act of nineteen seventy-four made by section three of  
14 this act shall expire on the same date as such act expires and shall not  
15 affect the expiration of such act as provided in section 17 of chapter  
16 576 of the laws of 1974;

17 (d) the amendments to subdivision 9 of section 5 of the emergency  
18 housing rent control law made by section four of this act shall expire  
19 on the same date as such law expires and shall not affect the expiration  
20 of such law as provided in subdivision 2 of section 1 of chapter 274 of  
21 the laws of 1946; and

22 (e) the amendments to subdivision 5 of section 1 of the local emergen-  
23 cy housing rent control act, made by section five of this act, shall not  
24 affect the effectiveness of such subdivision and shall cease to be in  
25 full force and effect pursuant to subdivision 3 of such section.