

4121--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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 16-a
3 of part A of chapter 20 of the laws of 2015, is amended to read as
4 follows:
5 (5-a) provides that, notwithstanding any provision of this chapter,
6 the legal regulated rent for any vacancy lease entered into after the
7 effective date of this paragraph shall be as hereinafter provided in
8 this paragraph. The previous legal regulated rent for such housing
9 accommodation shall be increased by the following: (i) if the vacancy
10 lease is for a term of two years, [twenty] THREE AND ONE-HALF percent of
11 the previous legal regulated rent; or (ii) if the vacancy lease is for a
12 term of one year the increase shall be [twenty] THREE AND ONE-HALF
13 percent of the previous legal regulated rent less an amount equal to the
14 difference between (a) the two year renewal lease guideline promulgated
15 by the guidelines board of the city of New York applied to the previous
16 legal regulated rent and (b) the one year renewal lease guideline
17 promulgated by the guidelines board of the city of New York applied to
18 the previous legal regulated rent. [However, where the amount charged
19 and paid by the prior tenant pursuant to paragraph fourteen of this
20 subdivision, was less than the legal regulated rent, such increase to
21 the legal regulated rent shall not exceed: five percent of the previous
22 legal regulated rent if the last vacancy lease commenced less than two

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

LBD05284-03-6

1 years ago; ten percent of the previous legal regulated rent if the last
2 vacancy lease commenced less than three years ago; fifteen percent of
3 the previous legal regulated rent if the last vacancy lease commenced
4 less than four years ago; twenty percent of the previous legal regulated
5 rent if the last vacancy lease commenced four or more years ago.] In
6 addition, if the legal regulated rent was not increased with respect to
7 such housing accommodation by a permanent vacancy allowance within eight
8 years prior to a vacancy lease executed on or after the effective date
9 of this paragraph, the legal regulated rent may be further increased by
10 an amount equal to the product resulting from multiplying such previous
11 legal regulated rent by six-tenths of one percent and further multiply-
12 ing the amount of rent increase resulting therefrom by the greater of
13 (A) the number of years since the imposition of the last permanent
14 vacancy allowance, or (B) if the rent was not increased by a permanent
15 vacancy allowance since the housing accommodation became subject to this
16 chapter, the number of years that such housing accommodation has been
17 subject to this chapter. Provided that if the previous legal regulated
18 rent was less than three hundred dollars the total increase shall be as
19 calculated above plus one hundred dollars per month. Provided, further,
20 that if the previous legal regulated rent was at least three hundred
21 dollars and no more than five hundred dollars in no event shall the
22 total increase pursuant to this paragraph be less than one hundred
23 dollars per month. Such increase shall be in lieu of any allowance
24 authorized for the one or two year renewal component thereof, but shall
25 be in addition to any other increases authorized pursuant to this chap-
26 ter including an adjustment based upon a major capital improvement, or a
27 substantial modification or increase of dwelling space or services, or
28 installation of new equipment or improvements or new furniture or
29 furnishings provided in or to the housing accommodation pursuant to this
30 section. The increase authorized in this paragraph may not be imple-
31 mented more than one time in any calendar year, notwithstanding the
32 number of vacancy leases entered into in such year.

33 S 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of
34 the laws of 1974, constituting the emergency tenant protection act of
35 nineteen seventy-four, as amended by section 16-b of part A of chapter
36 20 of the laws of 2015, is amended to read as follows:

37 (a-1) provides that, notwithstanding any provision of this act, the
38 legal regulated rent for any vacancy lease entered into after the effec-
39 tive date of this subdivision shall be as hereinafter set forth. The
40 previous legal regulated rent for such housing accommodation shall be
41 increased by the following: (i) if the vacancy lease is for a term of
42 two years, [twenty] THREE AND ONE-HALF percent of the previous legal
43 regulated rent; or (ii) if the vacancy lease is for a term of one year
44 the increase shall be [twenty] THREE AND ONE-HALF percent of the previ-
45 ous legal regulated rent less an amount equal to the difference between
46 (a) the two year renewal lease guideline promulgated by the guidelines
47 board of the county in which the housing accommodation is located
48 applied to the previous legal regulated rent and (b) the one year
49 renewal lease guideline promulgated by the guidelines board of the coun-
50 ty in which the housing accommodation is located applied to the previous
51 legal regulated rent. [However, where the amount charged and paid by
52 the prior tenant pursuant to paragraph fourteen of this subdivision, was
53 less than the legal regulated rent, such increase to the legal regulated
54 rent shall not exceed: five percent of the previous legal regulated
55 rent if the last vacancy lease commenced less than two years ago; ten
56 percent of the previous legal regulated rent if the last vacancy

1 commenced less than three years ago; fifteen percent of the previous
2 legal regulated rent if the last vacancy lease commenced less than four
3 years ago; twenty percent of the previous legal regulated rent if the
4 last vacancy lease commenced four or more years ago.] In addition, if
5 the legal regulated rent was not increased with respect to such housing
6 accommodation by a permanent vacancy allowance within eight years prior
7 to a vacancy lease executed on or after the effective date of this
8 subdivision, the legal regulated rent may be further increased by an
9 amount equal to the product resulting from multiplying such previous
10 legal regulated rent by six-tenths of one percent and further multiply-
11 ing the amount of rent increase resulting therefrom by the greater of
12 (A) the number of years since the imposition of the last permanent
13 vacancy allowance, or (B) if the rent was not increased by a permanent
14 vacancy allowance since the housing accommodation became subject to this
15 act, the number of years that such housing accommodation has been
16 subject to this act. Provided that if the previous legal regulated rent
17 was less than three hundred dollars the total increase shall be as
18 calculated above plus one hundred dollars per month. Provided, further,
19 that if the previous legal regulated rent was at least three hundred
20 dollars and no more than five hundred dollars in no event shall the
21 total increase pursuant to this subdivision be less than one hundred
22 dollars per month. Such increase shall be in lieu of any allowance
23 authorized for the one or two year renewal component thereof, but shall
24 be in addition to any other increases authorized pursuant to this act
25 including an adjustment based upon a major capital improvement, or a
26 substantial modification or increase of dwelling space or services, or
27 installation of new equipment or improvements or new furniture or
28 furnishings provided in or to the housing accommodation pursuant to
29 section six of this act. The increase authorized in this subdivision
30 may not be implemented more than one time in any calendar year, notwith-
31 standing the number of vacancy leases entered into in such year.

32 S 3. This act shall take effect immediately; provided that the amend-
33 ments to section 26-511 of the rent stabilization law of nineteen
34 hundred sixty-nine made by section one of this act shall expire on the
35 same date as such law expires and shall not affect the expiration of
36 such law as provided under section 26-520 of such law; and provided,
37 further, that the amendments to section 4 of the emergency tenant
38 protection act of nineteen seventy-four made by section two of this act
39 shall expire on the same date as such act expires and shall not affect
40 the expiration of such act as provided in section 17 of chapter 576 of
41 the laws of 1974.