

1786

2015-2016 Regular Sessions

I N   S E N A T E

January 14, 2015

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Introduced by Sen. ESPAILLAT -- 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 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-  
20    er not later than July first of each year, a rent guidelines board shall  
21    file with the state division of housing and community renewal its find-

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

LBD01897-01-5

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

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

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

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