

4474

2015-2016 Regular Sessions

I N S E N A T E

March 23, 2015

Introduced by Sens. STEWART-COUSINS, HOYLMAN, KRUEGER, MONTGOMERY, PERALTA, PERKINS, SANDERS, 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 tenant protection act of nineteen seventy-four, in relation to making conforming technical changes; and to repeal paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, and section 26-504.2 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, relating to vacancy decontrol

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

1 Section 1. Legislative findings and declaration of emergency. The
2 legislature hereby finds and declares that the serious public emergency
3 which led to the enactment of the existing laws regulating residential
4 rents and evictions continues to exist; that such laws would better
5 serve the public interest if certain changes were made thereto, includ-
6 ing the continued regulation of certain housing accommodations that
7 become vacant and the reinstatement of regulation of certain housing
8 accommodations that have been deregulated upon vacancy.
9 The legislature further recognizes that severe disruption of the
10 rental housing market has occurred and threatens to be exacerbated as a
11 result of the present state of the law in relation to the deregulation
12 of housing accommodations upon vacancy. The situation has permitted
13 speculative and profiteering practices and has brought about the loss of
14 vital and irreplaceable affordable housing for working persons and fami-
15 lies.

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

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1 The legislature therefore declares that in order to prevent uncertain-
2 ty, potential hardship and dislocation of tenants living in housing
3 accommodations subject to government regulations as to rentals and
4 continued occupancy as well as those not subject to such regulation, the
5 provisions of this act are necessary to protect the public health, safe-
6 ty and general welfare. The necessity in the public interest for the
7 provisions hereinafter enacted is hereby declared as a matter of legis-
8 lative determination.

9 S 2. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the
10 laws of 1946, constituting the emergency housing rent control law, is
11 REPEALED.

12 S 3. Paragraph 13 of subdivision a of section 5 of section 4 of chap-
13 ter 576 of the laws of 1974, constituting the emergency tenant
14 protection act of nineteen seventy-four, is REPEALED.

15 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section
16 26-403 of the administrative code of the city of New York is REPEALED.

17 S 5. Section 26-504.2 of the administrative code of the city of New
18 York is REPEALED.

19 S 6. Any housing accommodations that prior to the effective date of
20 this act were excluded from coverage from the emergency tenant
21 protection act of nineteen seventy-four, the emergency housing rent
22 control law or the administrative code of the city of New York pursuant
23 to the provisions of law repealed by sections two, three, four and five
24 of this act, and where such housing accommodations were located outside
25 the city of New York and were rented to a tenant between January 1, 2013
26 and the effective date of this act for less than \$3,500.00 per month
27 regardless of any subsequent payment of a higher monthly rent, or were
28 located within the city of New York and were rented to a tenant between
29 January 1, 2013 and the effective date of this act for less than
30 \$5,000.00 per month, regardless of any subsequent payment of a higher
31 monthly rent, shall be subject to the provisions of such act, law or
32 administrative code, respectively. Notwithstanding the provisions of
33 any lease or rental agreement, the legal regulated rent or maximum
34 collectible rent of any housing accommodation excluded from regulation
35 prior to the effective date of this act by reason of the provisions
36 repealed by sections two, three, four and five of this act and made
37 subject to regulation shall be the actual rent paid by a tenant on
38 December 31, 2014 or, if no rent was paid for such accommodation on
39 December 31, 2014, the most recent actual rent paid by a tenant for such
40 accommodation prior to December 31, 2014, subject to further adjustment
41 in accordance with applicable provisions of law.

42 S 7. Paragraph 14 of subdivision c of section 26-511 of the adminis-
43 trative code of the city of New York, as amended by section 14 of part B
44 of chapter 97 of the laws of 2011, is amended to read as follows:

45 (14) provides that where the amount of rent charged to and paid by the
46 tenant is less than the legal regulated rent for the housing accommo-
47 dation, the amount of rent for such housing accommodation which may be
48 charged upon renewal or upon vacancy thereof may, at the option of the
49 owner, be based upon such previously established legal regulated rent,
50 as adjusted by the most recent applicable guidelines increases and any
51 other increases authorized by law. [Where, subsequent to vacancy, such
52 legal regulated rent, as adjusted by the most recent applicable guide-
53 lines increases and any other increases authorized by law is two thou-
54 sand dollars or more per month or, for any housing accommodation which
55 is or becomes vacant on or after the effective date of the rent act of
56 2011, is two thousand five hundred dollars or more per month, such hous-

1 ing accommodation shall be excluded from the provisions of this law
2 pursuant to section 26-504.2 of this chapter.]

3 S 8. Subdivision (a-2) of section 10 of section 4 of chapter 576 of
4 the laws of 1974 constituting the emergency tenant protection act of
5 nineteen seventy-four, as amended by section 13 of part B of chapter 97
6 of the laws of 2011, is amended to read as follows:

7 (a-2) Provides that where the amount of rent charged to and paid by
8 the tenant is less than the legal regulated rent for the housing accom-
9 modation, the amount of rent for such housing accommodation which may be
10 charged upon renewal or upon vacancy thereof may, at the option of the
11 owner, be based upon such previously established legal regulated rent,
12 as adjusted by the most recent applicable guidelines increases and other
13 increases authorized by law. [Where, subsequent to vacancy, such legal
14 regulated rent, as adjusted by the most recent applicable guidelines
15 increases and any other increases authorized by law is two thousand
16 dollars or more per month or, for any housing accommodation which is or
17 becomes vacant on or after the effective date of the rent act of 2011,
18 is two thousand five hundred dollars or more per month, such housing
19 accommodation shall be excluded from the provisions of this act pursuant
20 to paragraph thirteen of subdivision a of section five of this act.]

21 S 9. This act shall take effect immediately; provided, however, that:

22 (a) the amendments to section 26-511 of chapter 4 of title 26 of the
23 administrative code of the city of New York made by section seven of
24 this act shall expire on the same date as such law expires and shall not
25 affect the expiration of such law as provided under section 26-520 of
26 such law; and

27 (b) the amendments to subdivision (a-2) of section 10 of section 4 of
28 the emergency tenant protection act of nineteen seventy-four made by
29 section eight of this act shall expire on the same date as such act
30 expires and shall not affect the expiration of such act as provided in
31 section 17 of chapter 576 of the laws of 1974.