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I N S E N A T E

June 11, 2016

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the emergency housing rent control law, the emergency tenant protection act of nineteen seventy-four, and the administrative code of the city of New York, in relation to making technical corrections; and to repeal section 467-i of the real property tax law relating to real property tax abatement

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

1 Section 1. Paragraph (n) of subdivision 2 of section 2 of chapter 274  
2 of the laws of 1946, constituting the emergency housing rent control  
3 law, as amended by section 7 of part A of chapter 20 of the laws of  
4 2015, is amended to read as follows:  
5 (n) any housing accommodation with a maximum rent of two thousand  
6 dollars or more per month at any time between the effective date of this  
7 paragraph and October first, nineteen hundred ninety-three which is or  
8 becomes vacant on or after the effective date of this paragraph; or, for  
9 any housing accommodation with a maximum rent of two thousand dollars or  
10 more per month at any time on or after the effective date of the rent  
11 regulation reform act of 1997 and before the effective date of the rent  
12 act of 2011, which is or becomes vacant on or after the effective date  
13 of the rent regulation reform act of 1997 and before the effective date  
14 of the rent act of 2011. This exclusion shall apply regardless of wheth-  
15 er the next tenant in occupancy or any subsequent tenant in occupancy is  
16 charged or pays less than two thousand dollars a month; or, for any  
17 housing accommodation with a maximum rent of two thousand five hundred  
18 dollars or more per month at any time on or after the effective date of  
19 the rent act of 2011, which is or becomes vacant on or after such effec-  
20 tive date, but prior to the effective date of the rent act of 2015; or,  
21 any housing accommodation with a legal regulated rent [that was] OF two  
22 thousand seven hundred dollars or more per month at any time on or after  
23 the effective date of the rent act of 2015, which becomes vacant after  
24 the effective date of the rent act of 2015, provided, however, that  
25 starting on January 1, 2016, and annually thereafter, the maximum legal

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

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1 regulated rent for this deregulation threshold, shall also be increased  
2 by the same percentage as the most recent one year renewal adjustment,  
3 adopted by the applicable rent guidelines board. This exclusion shall  
4 apply regardless of whether the next tenant in occupancy or any subse-  
5 quent tenant in occupancy actually is charged or pays less than two  
6 thousand seven hundred dollars, as adjusted by the applicable rent  
7 guidelines board, per month. An exclusion pursuant to this paragraph  
8 shall not apply, however, to or become effective with respect to housing  
9 accommodations which the commissioner determines or finds that the land-  
10 lord or any person acting on his or her behalf, with intent to cause the  
11 tenant to vacate, has engaged in any course of conduct (including, but  
12 not limited to, interruption or discontinuance of required services)  
13 which interfered with or disturbed or was intended to interfere with or  
14 disturb the comfort, repose, peace or quiet of the tenant in his or her  
15 use or occupancy of the housing accommodations and in connection with  
16 such course of conduct, any other general enforcement provision of this  
17 law shall also apply.

18 S 2. Paragraph 13 of subdivision a of section 5 of section 4 of chap-  
19 ter 576 of the laws of 1974, constituting the emergency tenant  
20 protection act of nineteen seventy-four, as amended by section 8 of part  
21 A of chapter 20 of the laws of 2015, is amended to read as follows:

22 (13) any housing accommodation with a legal regulated rent of two  
23 thousand dollars or more per month at any time between the effective  
24 date of this paragraph and October first, nineteen hundred ninety-three  
25 which is or becomes vacant on or after the effective date of this para-  
26 graph; or, for any housing accommodation with a legal regulated rent of  
27 two thousand dollars or more per month at any time on or after the  
28 effective date of the rent regulation reform act of 1997 and before the  
29 effective date of the rent act of 2011, which is or becomes vacant on or  
30 after the effective date of the rent regulation reform act of 1997 and  
31 before the effective date of the rent act of 2011. This exclusion shall  
32 apply regardless of whether the next tenant in occupancy or any subse-  
33 quent tenant in occupancy is charged or pays less than two thousand  
34 dollars a month; or, for any housing accommodation with a legal regu-  
35 lated rent of two thousand five hundred dollars or more per month at any  
36 time on or after the effective date of the rent act of 2011, which is or  
37 becomes vacant on or after such effective date, but prior to the effec-  
38 tive date of the rent act of 2015; or, any housing accommodation with a  
39 legal regulated rent [that was] OF two thousand seven hundred dollars or  
40 more per month at any time on or after the effective date of the rent  
41 act of 2015, which becomes vacant after the effective date of the rent  
42 act of 2015, provided, however, that starting on January 1, 2016, and  
43 annually thereafter, the maximum legal regulated rent for this deregu-  
44 lation threshold, shall also be increased by the same percentage as the  
45 most recent one year renewal adjustment, adopted by the applicable rent  
46 guidelines board. An exclusion pursuant to this paragraph shall apply  
47 regardless of whether the next tenant in occupancy or any subsequent  
48 tenant in occupancy actually is charged or pays less than two thousand  
49 seven hundred dollars a month. Provided however, that an exclusion  
50 pursuant to this paragraph shall not apply to housing accommodations  
51 which became or become subject to this act (a) by virtue of receiving  
52 tax benefits pursuant to section four hundred twenty-one-a or four  
53 hundred eighty-nine of the real property tax law, except as otherwise  
54 provided in subparagraph (i) of paragraph (f) of subdivision two of  
55 section four hundred twenty-one-a of the real property tax law, or (b)  
56 by virtue of article seven-C of the multiple dwelling law. This para-

1 graph shall not apply, however, to or become effective with respect to  
2 housing accommodations which the commissioner determines or finds that  
3 the landlord or any person acting on his or her behalf, with intent to  
4 cause the tenant to vacate, has engaged in any course of conduct  
5 (including, but not limited to, interruption or discontinuance of  
6 required services) which interfered with or disturbed or was intended to  
7 interfere with or disturb the comfort, repose, peace or quiet of the  
8 tenant in his or her use or occupancy of the housing accommodations and  
9 in connection with such course of conduct, any other general enforcement  
10 provision of this act shall also apply.

11 S 3. Subparagraph (k) of paragraph 2 of subdivision e of section  
12 26-403 of the administrative code of the city of New York, as amended by  
13 section 9 of part A of chapter 20 of the laws of 2015, is amended to  
14 read as follows:

15 (k) Any housing accommodation which becomes vacant on or after April  
16 first, nineteen hundred ninety-seven and before the effective date of  
17 the rent act of 2011, and where at the time the tenant vacated such  
18 housing accommodation the maximum rent was two thousand dollars or more  
19 per month; or, for any housing accommodation which is or becomes vacant  
20 on or after the effective date of the rent regulation reform act of 1997  
21 and before the effective date of the rent act of 2011 with a maximum  
22 rent of two thousand dollars or more per month. This exclusion shall  
23 apply regardless of whether the next tenant in occupancy or any subse-  
24 quent tenant in occupancy is charged or pays less than two thousand  
25 dollars a month; or, for any housing accommodation with a maximum rent  
26 of two thousand five hundred dollars or more per month at any time on or  
27 after the effective date of the rent act of 2011, which is or becomes  
28 vacant on or after such effective date, but prior to the effective date  
29 of the rent act of 2015; or, any housing accommodation with a legal  
30 regulated rent [that was] OF two thousand seven hundred dollars or more  
31 per month at any time on or after the effective date of the rent act of  
32 2015, which becomes vacant after the effective date of the rent act of  
33 2015, provided, however, that starting on January 1, 2016, and annually  
34 thereafter, the maximum legal regulated rent for this deregulation  
35 threshold, shall also be increased by the same percent as the most  
36 recent one year renewal adjustment, adopted by the New York city rent  
37 guidelines board pursuant to the rent stabilization law. This exclusion  
38 shall apply regardless of whether the next tenant in occupancy or any  
39 subsequent tenant in occupancy actually is charged or pays less than two  
40 thousand seven hundred dollars a month. Provided however, that an exclu-  
41 sion pursuant to this subparagraph shall not apply to housing accommo-  
42 dations which became or become subject to this law by virtue of receiv-  
43 ing tax benefits pursuant to section four hundred eighty-nine of the  
44 real property tax law. This subparagraph shall not apply, however, to or  
45 become effective with respect to housing accommodations which the  
46 commissioner determines or finds that the landlord or any person acting  
47 on his or her behalf, with intent to cause the tenant to vacate, has  
48 engaged in any course of conduct (including, but not limited to, inter-  
49 ruption or discontinuance of required services) which interfered with or  
50 disturbed or was intended to interfere with or disturb the comfort,  
51 repose, peace or quiet of the tenant in his or her use or occupancy of  
52 the housing accommodations and in connection with such course of  
53 conduct, any other general enforcement provision of this law shall also  
54 apply.

1 S 4. Section 26-504.2 of the administrative code of the city of New  
2 York, as amended by section 10 of part A of chapter 20 of the laws of  
3 2015, is amended to read as follows:

4 S 26-504.2 Exclusion of high rent accommodations. a. "Housing accommo-  
5 dations" shall not include: any housing accommodation which becomes  
6 vacant on or after April first, nineteen hundred ninety-seven and before  
7 the effective date of the rent act of 2011 and where at the time the  
8 tenant vacated such housing accommodation the legal regulated rent was  
9 two thousand dollars or more per month; or, for any housing accommo-  
10 dation which is or becomes vacant on or after the effective date of the  
11 rent regulation reform act of 1997 and before the effective date of the  
12 rent act of 2011, with a legal regulated rent of two thousand dollars or  
13 more per month; or for any housing accommodation that becomes vacant on  
14 or after the effective date of the rent act of 2015, [where such] WITH A  
15 legal regulated rent [was] OF two thousand seven hundred dollars or  
16 more, and as further adjusted by this section. Starting on January 1,  
17 2016, and annually thereafter, the maximum legal regulated rent for this  
18 deregulation threshold, shall also be increased by the same percent as  
19 the most recent one year renewal adjustment, adopted by the New York  
20 city rent guidelines board pursuant to the rent stabilization law. This  
21 exclusion shall apply regardless of whether the next tenant in occupancy  
22 or any subsequent tenant in occupancy is charged or pays less than two  
23 thousand dollars a month; or, for any housing accommodation with a legal  
24 regulated rent of two thousand five hundred dollars or more per month at  
25 any time on or after the effective date of the rent act of 2011, which  
26 is or becomes vacant on or after such effective date, but prior to the  
27 effective date of the rent act of 2015; or, any housing accommodation  
28 with a legal regulated rent [that was] OF two thousand seven hundred  
29 dollars or more per month at any time on or after the effective date of  
30 the rent act of 2015, which becomes vacant after the effective date of  
31 the rent act of 2015, provided, however, that starting on January 1,  
32 2016, and annually thereafter, such legal regulated rent for this dereg-  
33 ulation threshold, shall also be increased by the same percentage as the  
34 most recent one year renewal adjustment, adopted by the New York city  
35 rent guidelines board. This exclusion shall apply regardless of whether  
36 the next tenant in occupancy or any subsequent tenant in occupancy actu-  
37 ally is charged or pays less than two thousand seven hundred dollars, as  
38 adjusted by the applicable rent guidelines board, a month. Provided  
39 however, that an exclusion pursuant to this subdivision shall not apply  
40 to housing accommodations which became or become subject to this law (a)  
41 by virtue of receiving tax benefits pursuant to section four hundred  
42 twenty-one-a or four hundred eighty-nine of the real property tax law,  
43 except as otherwise provided in subparagraph (i) of paragraph (f) of  
44 subdivision two of section four hundred twenty-one-a of the real proper-  
45 ty tax law, or (b) by virtue of article seven-C of the multiple dwelling  
46 law. This section shall not apply, however, to or become effective with  
47 respect to housing accommodations which the commissioner determines or  
48 finds that the landlord or any person acting on his or her behalf, with  
49 intent to cause the tenant to vacate, engaged in any course of conduct  
50 (including, but not limited to, interruption or discontinuance of  
51 required services) which interfered with or disturbed or was intended to  
52 interfere with or disturb the comfort, repose, peace or quiet of the  
53 tenant in his or her use or occupancy of the housing accommodations and  
54 in connection with such course of conduct, any other general enforcement  
55 provision of this law shall also apply.

1 b. The owner of any housing accommodation that is not subject to this  
2 law pursuant to the provisions of subdivision a of this section or  
3 subparagraph k of paragraph 2 of subdivision e of section 26-403 of this  
4 code shall give written notice certified by such owner to the first  
5 tenant of that housing accommodation after such housing accommodation  
6 becomes exempt from the provisions of this law or the city rent and  
7 rehabilitation law. Such notice shall contain the last regulated rent,  
8 the reason that such housing accommodation is not subject to this law or  
9 the city rent and rehabilitation law, a calculation of how either the  
10 rental amount charged when there is no lease or the rental amount  
11 provided for in the lease has been derived so as to reach two thousand  
12 dollars or more per month or, for a housing accommodation with a legal  
13 regulated rent or maximum rent of two thousand five hundred dollars or  
14 more per month on or after the effective date of the rent act of 2011,  
15 and before the effective date of the rent act of 2015, which is or  
16 becomes vacant on or after such effective date, whether the next tenant  
17 in occupancy or any subsequent tenant in occupancy actually is charged  
18 or pays less than a legal regulated rent or maximum rent of two thousand  
19 five hundred dollars or more per month, or two thousand seven hundred  
20 dollars or more, per month, starting on January 1, 2016, and annually  
21 thereafter, the maximum legal regulated rent for this deregulation  
22 threshold, shall also be increased by the same percent as the most  
23 recent one year renewal adjustment, adopted by the New York city rent  
24 guidelines board pursuant to the rent stabilization law, a statement  
25 that the last legal regulated rent or the maximum rent may be verified  
26 by the tenant by contacting the state division of housing and community  
27 renewal, or any successor thereto, and the address and telephone number  
28 of such agency, or any successor thereto. Such notice shall be sent by  
29 certified mail within thirty days after the tenancy commences or after  
30 the signing of the lease by both parties, whichever occurs first or  
31 shall be delivered to the tenant at the signing of the lease. In addi-  
32 tion, the owner shall send and certify to the tenant a copy of the  
33 registration statement for such housing accommodation filed with the  
34 state division of housing and community renewal indicating that such  
35 housing accommodation became exempt from the provisions of this law or  
36 the city rent and rehabilitation law, which form shall include the last  
37 regulated rent, and shall be sent to the tenant within thirty days after  
38 the tenancy commences or the filing of such registration, whichever  
39 occurs later.

40 S 5. Paragraph 14 of subdivision c of section 26-511 of the adminis-  
41 trative code of the city of New York, as amended by section 12 of part A  
42 of chapter 20 of the laws of 2015, is amended to read as follows:

43 (14) provides that where the amount of rent charged to and paid by the  
44 tenant is less than the legal regulated rent for the housing accommo-  
45 dation, the amount of rent for such housing accommodation which may be  
46 charged upon renewal or upon vacancy thereof, may, at the option of the  
47 owner, be based upon such previously established legal regulated rent,  
48 as adjusted by the most recent applicable guidelines increases and any  
49 other increases authorized by law. Such housing accommodation shall be  
50 excluded from the provisions of this code pursuant to section 26-504.2  
51 of this chapter when, subsequent to vacancy: (i) such legal regulated  
52 rent [prior to vacancy] is two thousand five hundred dollars per month,  
53 or more, for any housing accommodation that is or becomes vacant after  
54 the effective date of the rent act of 2011 but prior to the effective  
55 date of the rent act of 2015 or (ii) such legal regulated rent is two  
56 thousand seven hundred dollars per month or more, provided, however that

1 on January 1, 2016, and annually thereafter, the maximum legal regulated  
2 rent for this deregulation threshold shall be adjusted by the same  
3 percentage as the most recent one year renewal adjustment as adjusted by  
4 the relevant rent guidelines board, for any housing accommodation that  
5 is or becomes vacant on or after the rent act of 2015.

6 S 6. Section 467-i of the real property tax law is REPEALED.

7 S 7. This act shall take effect immediately and shall be deemed to  
8 have been in full force and effect on and after June 15, 2015; provided,  
9 however that:

10 (a) the amendments to the emergency housing rent control law made by  
11 section one of this act shall expire on the same date as such law  
12 expires and shall not affect the expiration of such law as provided in  
13 subdivision 2 of section 1 of chapter 274 of the laws of 1946;

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

18 (c) the amendments to chapter 3 of title 26 of the administrative code  
19 of the city of New York made by section three of this act shall remain  
20 in full force and effect only as long as the public emergency requiring  
21 the regulation and control of residential rents and evictions continues,  
22 as provided in subdivision 3 of section 1 of the local emergency housing  
23 rent control act; and

24 (d) the amendments to chapter 4 of title 26 of the administrative code  
25 of the city of New York made by sections four and five of this act shall  
26 expire on the same date as such chapter expires and shall not affect the  
27 expiration of such chapter as provided under section 26-520 of such law.