

1865

2015-2016 Regular Sessions

I N A S S E M B L Y

January 13, 2015

Introduced by M. of A. ROSENTHAL, SILVER, BRENNAN, LENTOL, WRIGHT, CAMARA, BROOK-KRASNY, SCHIMEL, KAVANAGH, GOTTFRIED, DINOWITZ, LAVINE, COLTON, TITUS, FARRELL, ORTIZ, BENEDETTO, HOOPER, ROBINSON, ZEBROWSKI, GLICK, MOSLEY, WEPRIN, DAVILA -- Multi-Sponsored by -- M. of A. COOK, CYMBROWITZ, HEASTIE, JAFFEE, MARKEY, PEOPLES-STOKES, PERRY, PRETLOW, RIVERA, SCARBOROUGH, SEPULVEDA -- read once and referred to the Committee on Housing

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

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

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1 speculative and profiteering practices and has brought about the loss of
2 vital and irreplaceable affordable housing for working persons and fami-
3 lies.

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

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14 REPEALED.

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17 protection act of nineteen seventy-four, is REPEALED.

18 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section
19 26-403 of the administrative code of the city of New York is REPEALED.

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21 York is REPEALED.

22 S 6. Any housing accommodations that on or after January 1, 2007 were
23 excluded from coverage from the emergency tenant protection act of nine-
24 teen seventy-four, the emergency housing rent control law or the admin-
25 istrative code of the city of New York pursuant to the provisions of law
26 repealed by sections two, three, four and five of this act shall be
27 subject to the provisions of such act, law or administrative code,
28 respectively. Notwithstanding the provisions of any lease or rental
29 agreement, the legal regulated rent or maximum collectible rent of any
30 housing accommodation excluded from regulation on or after January 1,
31 2007 by reason of the provisions repealed by sections two, three, four
32 and five of this act shall be the legal regulated rent or maximum
33 collectible rent applicable to such accommodation on December 31, 2006,
34 subject to further adjustment in accordance with applicable provisions
35 of law.

36 S 7. Any housing accommodations that prior to the effective date of
37 this act were excluded from coverage from the emergency tenant
38 protection act of nineteen seventy-four, the emergency housing rent
39 control law or the administrative code of the city of New York pursuant
40 to the provisions of law repealed by sections two, three, four, and five
41 of this act, and where such housing accommodations were located outside
42 the city of New York and were rented to a tenant on or after January 1,
43 2015 for less than \$3,500 per month or were located within the city of
44 New York and were rented to a tenant on or after January 1, 2015 for
45 less than \$5,000.00 per month, shall be subject to the provisions of
46 such act, law or administrative code, respectively. Notwithstanding the
47 provisions of any lease or rental agreement, the legal regulated rent or
48 maximum collectible rent of any housing accommodation excluded from
49 regulation prior to January 1, 2015 by reason of the provisions repealed
50 by sections two, three, four and five of this act and made subject to
51 regulation shall be the actual rent applicable to such accommodations
52 one hundred eighty days prior to the effective date of this act or the
53 first rent applicable to such accommodation on or after the effective
54 date of this act, subject to further adjustment in accordance with
55 applicable provisions of law.

1 S 8. Paragraph 14 of subdivision c of section 26-511 of the adminis-
2 trative code of the city of New York, as amended by section 14 of part B
3 of chapter 97 of the laws of 2011, is amended to read as follows:

4 (14) provides that where the amount of rent charged to and paid by the
5 tenant is less than the legal regulated rent for the housing accommo-
6 dation, the amount of rent for such housing accommodation which may be
7 charged upon renewal or upon vacancy thereof may, at the option of the
8 owner, be based upon such previously established legal regulated rent,
9 as adjusted by the most recent applicable guidelines increases and any
10 other increases authorized by law. [Where, subsequent to vacancy, such
11 legal regulated rent, as adjusted by the most recent applicable guide-
12 lines increases and any other increases authorized by law is two thou-
13 sand dollars or more per month or, for any housing accommodation which
14 is or becomes vacant on or after the effective date of the rent act of
15 2011, is two thousand five hundred dollars or more per month, such hous-
16 ing accommodation shall be excluded from the provisions of this law
17 pursuant to section 26-504.2 of this chapter.]

18 S 9. Subdivision a-2 of section 10 of section 4 of chapter 576 of the
19 laws of 1974 constituting the emergency tenant protection act of nine-
20 teen seventy-four, as amended by section 13 of part B of chapter 97 of
21 the laws of 2011, is amended to read as follows:

22 (a-2) Provides that where the amount of rent charged to and paid by
23 the tenant is less than the legal regulated rent for the housing accom-
24 modation, the amount of rent for such housing accommodation which may be
25 charged upon renewal or upon vacancy thereof may, at the option of the
26 owner, be based upon such previously established legal regulated rent,
27 as adjusted by the most recent applicable guidelines increases and other
28 increases authorized by law. [Where, subsequent to vacancy, such legal
29 regulated rent, as adjusted by the most recent applicable guidelines
30 increases and any other increases authorized by law is two thousand
31 dollars or more per month or, for any housing accommodation which is or
32 becomes vacant on or after the effective date of the rent act of 2011,
33 is two thousand five hundred dollars or more per month, such housing
34 accommodation shall be excluded from the provisions of this act pursuant
35 to paragraph thirteen of subdivision a of section five of this act.]

36 S 10. This act shall take effect immediately; provided, however, that:

37 (a) the amendments to section 26-511 of chapter 4 of title 26 of the
38 administrative code of the city of New York made by section eight of
39 this act shall expire on the same date as such law expires and shall not
40 affect the expiration of such law as provided under section 26-520 of
41 such law; and

42 (b) the amendments to subdivision a-2 of section 10 of section 4 of
43 the emergency tenant protection act of nineteen seventy-four made by
44 section nine of this act shall expire on the same date as such act
45 expires and shall not affect the expiration of such act as provided in
46 section 17 of chapter 576 of the laws of 1974.