

1865--A

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

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

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1 of housing accommodations upon vacancy. The situation has permitted
2 speculative and profiteering practices and has brought about the loss of
3 vital and irreplaceable affordable housing for working persons and fami-
4 lies.

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

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15 REPEALED.

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18 protection act of nineteen seventy-four, is REPEALED.

19 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section
20 26-403 of the administrative code of the city of New York is REPEALED.

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22 York is REPEALED.

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27 to the provisions of law repealed by sections two, three, four and five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

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

49 (14) provides that where the amount of rent charged to and paid by the
50 tenant is less than the legal regulated rent for the housing accommo-
51 dation, the amount of rent for such housing accommodation which may be
52 charged upon renewal or upon vacancy thereof may, at the option of the
53 owner, be based upon such previously established legal regulated rent,
54 as adjusted by the most recent applicable guidelines increases and any
55 other increases authorized by law. [Where, subsequent to vacancy, such
56 legal regulated rent, as adjusted by the most recent applicable guide-

1 lines increases and any other increases authorized by law is two thou-
2 sand dollars or more per month or, for any housing accommodation which
3 is or becomes vacant on or after the effective date of the rent act of
4 2011, is two thousand five hundred dollars or more per month, such hous-
5 ing accommodation shall be excluded from the provisions of this law
6 pursuant to section 26-504.2 of this chapter.]

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

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

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

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

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