

S T A T E O F N E W Y O R K

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I N A S S E M B L Y

January 13, 2015

Introduced by M. of A. ROSENTHAL, BRENNAN, LENTOL, WRIGHT, SCHIMEL, KAVANAGH, GOTTFRIED, DINOWITZ, LAVINE, COLTON, TITUS, FARRELL, ORTIZ, BENEDETTO, HOOPER, ROBINSON, ZEBROWSKI, GLICK, MOSLEY, WEPRIN, DAVILA, PICHARDO, BICHOTTE, MAYER, ABINANTI, SIMON, JOYNER, LINARES, SEAWRIGHT, QUART, ROZIC, BLAKE, WALKER, RICHARDSON -- Multi-Sponsored by -- M. of A. COOK, CYMBROWITZ, JAFFEE, MARKEY, PEOPLES-STOKES, PERRY, PRETLOW, RIVERA, SEPULVEDA -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- 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

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

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1 become vacant and the reinstatement of regulation of certain housing
2 accommodations that have been deregulated upon vacancy.

3 The legislature further recognizes that severe disruption of the
4 rental housing market has occurred and threatens to be exacerbated as a
5 result of the present state of the law in relation to the deregulation
6 of housing accommodations upon vacancy. The situation has permitted
7 speculative and profiteering practices and has brought about the loss of
8 vital and irreplaceable affordable housing for working persons and fami-
9 lies.

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

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20 REPEALED.

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23 protection act of nineteen seventy-four, is REPEALED.

24 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section
25 26-403 of the administrative code of the city of New York is REPEALED.

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

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

51 S 7. Paragraph 14 of subdivision c of section 26-511 of the adminis-
52 trative code of the city of New York, as amended by section 12 of part A
53 of chapter 20 of the laws of 2015, is amended to read as follows:

54 (14) provides that where the amount of rent charged to and paid by the
55 tenant is less than the legal regulated rent for the housing accommo-
56 dation, the amount of rent for such housing accommodation which may be

1 charged upon renewal or upon vacancy thereof, may, at the option of the
2 owner, be based upon such previously established legal regulated rent,
3 as adjusted by the most recent applicable guidelines increases and any
4 other increases authorized by law. [Such housing accommodation shall be
5 excluded from the provisions of this code pursuant to section 26-504.2
6 of this chapter when, subsequent to vacancy: (i) such legal regulated
7 rent prior to vacancy is two thousand five hundred dollars per month, or
8 more, for any housing accommodation that is or becomes vacant after the
9 effective date of the rent act of 2011 but prior to the effective date
10 of the rent act of 2015 or (ii) such legal regulated rent is two thou-
11 sand seven hundred dollars per month or more, provided, however that on
12 January 1, 2016, and annually thereafter, the maximum legal regulated
13 rent for this deregulation threshold shall be adjusted by the same
14 percentage as the most recent one year renewal adjustment as adjusted by
15 the relevant rent guidelines board, for any housing accommodation that
16 is or becomes vacant on or after the rent act of 2015.]

17 S 8. Subdivision (a-2) of section 10 of section 4 of chapter 576 of
18 the laws of 1974 constituting the emergency tenant protection act of
19 nineteen seventy-four, as amended by section 11 of part A of chapter 20
20 of the laws of 2015, is amended to read as follows:

21 (a-2) Provides that where the amount of rent charged to and paid by
22 the tenant is less than the legal regulated rent for the housing accom-
23 modation, the amount of rent for such housing accommodation which may be
24 charged upon renewal or upon vacancy thereof, may, at the option of the
25 owner, be based upon such previously established legal regulated rent,
26 as adjusted by the most recent applicable guidelines increases and other
27 increases authorized by law. [Such housing accommodation shall be
28 excluded from the provisions of this act pursuant to paragraph thirteen
29 of subdivision a of section five of this act when subsequent to vacancy:
30 (i) such legal regulated rent is two thousand five hundred dollars per
31 month, or more, for any housing accommodation that is, or becomes,
32 vacant after the effective date of the rent act of 2011 but prior to the
33 effective date of the rent act of 2015 or (ii) such legal regulated rent
34 is two thousand seven hundred dollars per month or more for any housing
35 accommodation that is or becomes vacant on or after the rent act of
36 2015; starting on January 1, 2016, and annually thereafter, the maximum
37 legal regulated rent for this deregulation threshold, shall also be
38 increased by the same percent as the most recent one year renewal
39 adjustment, adopted by the applicable rent guidelines board pursuant to
40 the rent stabilization law.]

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

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

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