

7241

2015-2016 Regular Sessions

I N A S S E M B L Y

April 29, 2015

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Housing

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to recovery of certain housing accommodations by a landlord (Part A); to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to limiting rent increase after vacancy of a housing accommodation; and to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to adjustment of maximum allowable rent (Part B); to amend the emergency tenant protection act of nineteen seventy-four, in relation to limited-profit housing companies and other buildings or structures which received project-based rental assistance (Part C); to amend the local emergency housing rent control act, in relation to rent regulation laws (Part D); to amend chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, the emergency housing rent control law, chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, chapter 402 of the laws of 1983 amending the general business law relating to conversion of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland and the rent regulation reform act of 1997, in relation to extending the effectiveness thereof (Part E); to amend the public housing law, in relation to the definition of "family member"; to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to the definition of a tenant (Part F); to amend the administrative code of

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

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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 (Part G); to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the regulation of rents (Part H); to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to hardship applications (Part I); to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to extending the length of time over which major capital improvement expenses may be recovered and in relation to approval of major capital improvement rent increases (Part J); to amend the administrative code of the city of New York and the emergency housing rent control law, in relation to the establishment of rent adjustments; and repealing certain provisions of the administrative code of the city of New York relating thereto (Part K); and to amend the administrative code of the city of New York, in relation to surcharges for the installation or use of certain appliances in housing accommodations subject to rent control (Part L)

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

1 Section 1. This act enacts into law major components of legislation
2 related to rent regulations in the state of New York. Each component is
3 wholly contained within a Part identified as Parts A through L. The
4 effective date for each particular provision contained within such Part
5 is set forth in the last section of such Part. Any provision in any
6 section contained within a Part, including the effective date of the
7 Part, which makes reference to a section "of this act", when used in
8 connection with that particular component, shall be deemed to mean and
9 refer to the corresponding section of the Part in which it is found.
10 Section four of this act sets forth the general effective date of this
11 act.

12 S 2. This act shall be known and may be cited as the "Tenant
13 Protection Act of 2015".

14 PART A

15 Section 1. Paragraph 1 of subdivision b of section 26-408 of the
16 administrative code of the city of New York is amended to read as
17 follows:

18 (1) The landlord seeks in good faith to recover possession of a hous-
19 ing accommodation because of immediate and compelling necessity for his
20 or her own personal use and occupancy AS HIS OR HER PRIMARY RESIDENCE or
21 for the use and occupancy of his or her immediate family AS THEIR PRIMA-
22 RY RESIDENCE provided, however, that this subdivision shall PERMIT

1 RECOVERY OF ONLY ONE HOUSING ACCOMMODATION AND SHALL not apply where a
2 member of the household lawfully occupying the housing accommodation is
3 sixty-two years of age or older, has been a tenant in a housing accommo-
4 dation in that building for twenty years or more, or has an impairment
5 which results from anatomical, physiological or psychological condi-
6 tions, other than addiction to alcohol, gambling, or any controlled
7 substance, which are demonstrable by medically acceptable clinical and
8 laboratory diagnostic techniques, and which are expected to be permanent
9 and which prevent the tenant from engaging in any substantial gainful
10 employment; or

11 S 2. Subparagraph (b) of paragraph 9 of subdivision c of section
12 26-511 of the administrative code of the city of New York is amended to
13 read as follows:

14 (b) where he or she seeks to recover possession of one [or more]
15 dwelling [units] UNIT BECAUSE OF IMMEDIATE AND COMPELLING NECESSITY for
16 his or her own personal use and occupancy as his or her primary resi-
17 dence [in the city of New York and/or] OR for the use and occupancy of a
18 member of his or her immediate family as his or her primary residence
19 [in the city of New York], provided however, that this subparagraph
20 shall PERMIT RECOVERY OF ONLY ONE DWELLING UNIT AND SHALL not apply
21 where a tenant or the spouse of a tenant lawfully occupying the dwelling
22 unit is sixty-two years of age or older, HAS BEEN A TENANT IN A DWELLING
23 UNIT IN THAT BUILDING FOR TWENTY YEARS OR MORE, or has an impairment
24 which results from anatomical, physiological or psychological condi-
25 tions, other than addiction to alcohol, gambling, or any controlled
26 substance, which are demonstrable by medically acceptable clinical and
27 laboratory diagnostic techniques, and which are expected to be permanent
28 and which prevent the tenant from engaging in any substantial gainful
29 employment, unless such owner offers to provide and if requested,
30 provides an equivalent or superior housing accommodation at the same or
31 lower stabilized rent in a closely proximate area. The provisions of
32 this subparagraph shall only permit one of the individual owners of any
33 building to recover possession of one [or more] dwelling [units] UNIT
34 for his or her own personal use and/or for that of his or her immediate
35 family. [Any] A dwelling unit recovered by an owner pursuant to this
36 subparagraph shall not for a period of three years be rented, leased,
37 subleased or assigned to any person other than a person for whose bene-
38 fit recovery of the dwelling unit is permitted pursuant to this subpara-
39 graph or to the tenant in occupancy at the time of recovery under the
40 same terms as the original lease. This subparagraph shall not be deemed
41 to establish or eliminate any claim that the former tenant of the dwell-
42 ing unit may otherwise have against the owner. Any such rental, lease,
43 sublease or assignment during such period to any other person may be
44 subject to a penalty of a forfeiture of the right to any increases in
45 residential rents in such building for a period of three years; or

46 S 3. Subdivision a of section 10 of section 4 of chapter 576 of the
47 laws of 1974, constituting the emergency tenant protection act of nine-
48 teen seventy-four, as amended by chapter 234 of the laws of 1984, is
49 amended to read as follows:

50 a. For cities having a population of less than one million and towns
51 and villages, the state division of housing and community renewal shall
52 be empowered to implement this act by appropriate regulations. Such
53 regulations may encompass such speculative or manipulative practices or
54 renting or leasing practices as the state division of housing and commu-
55 nity renewal determines constitute or are likely to cause circumvention
56 of this act. Such regulations shall prohibit practices which are likely

1 to prevent any person from asserting any right or remedy granted by this
2 act, including but not limited to retaliatory termination of periodic
3 tenancies and shall require owners to grant a new one or two year vacan-
4 cy or renewal lease at the option of the tenant, except where a mortgage
5 or mortgage commitment existing as of the local effective date of this
6 act provides that the owner shall not grant a one-year lease; and shall
7 prescribe standards with respect to the terms and conditions of new and
8 renewal leases, additional rent and such related matters as security
9 deposits, advance rental payments, the use of escalator clauses in leas-
10 es and provision for increase in rentals for garages and other ancillary
11 facilities, so as to insure that the level of rent adjustments author-
12 ized under this law will not be subverted and made ineffective. Any
13 provision of the regulations permitting an owner to refuse to renew a
14 lease on grounds that the owner seeks to recover possession of [the] A
15 housing accommodation for his OR HER own use and occupancy or for the
16 use and occupancy of his OR HER immediate family shall PERMIT RECOVERY
17 OF ONLY ONE HOUSING ACCOMMODATION, SHALL require that an owner demon-
18 strate immediate and compelling need AND THAT THE HOUSING ACCOMMODATION
19 WILL BE THE PROPOSED OCCUPANTS' PRIMARY RESIDENCE and shall not apply
20 where a member of the housing accommodation is sixty-two years of age or
21 older, has been a tenant in a housing accommodation in that building for
22 twenty years or more, or has an impairment which results from anatom-
23 ical, physiological or psychological conditions, other than addiction to
24 alcohol, gambling, or any controlled substance, which are demonstrable
25 by medically acceptable clinical and laboratory diagnostic techniques,
26 and which are expected to be permanent and which prevent the tenant from
27 engaging in any substantial gainful employment.

28 S 4. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of the
29 laws of 1946, constituting the emergency housing rent control law, as
30 amended by chapter 234 of the laws of 1984, is amended to read as
31 follows:

32 (a) the landlord seeks in good faith to recover possession of A hous-
33 ing [accommodations] ACCOMMODATION because of immediate and compelling
34 necessity for his OR HER own personal use and occupancy AS HIS OR HER
35 PRIMARY RESIDENCE or for the use and occupancy of his OR HER immediate
36 family AS THEIR PRIMARY RESIDENCE; provided, however, this subdivision
37 shall PERMIT RECOVERY OF ONLY ONE HOUSING ACCOMMODATION AND SHALL not
38 apply where a member of the household lawfully occupying the housing
39 accommodation is sixty-two years of age or older, has been a tenant in a
40 housing accommodation in that building for twenty years or more, or has
41 an impairment which results from anatomical, physiological or psycholog-
42 ical conditions, other than addiction to alcohol, gambling, or any
43 controlled substance, which are demonstrable by medically acceptable
44 clinical and laboratory diagnostic techniques, and which are expected to
45 be permanent and which prevent the tenant from engaging in any substan-
46 tial gainful employment; or

47 S 5. This act shall take effect immediately and shall apply to any
48 tenant in possession at or after the time it takes effect, regardless of
49 whether the landlord's application for an order, refusal to renew a
50 lease or refusal to extend or renew a tenancy took place before this act
51 shall have taken effect, provided that:

52 a. the amendments to section 26-408 of the city rent and rehabili-
53 tation law made by section one of this act shall remain in full force
54 and effect only as long as the public emergency requiring the regulation
55 and control of residential rents and evictions continues, as provided in

subdivision 3 of section 1 of the local emergency housing rent control act;

b. the amendments to section 26-511 of the rent stabilization law of nineteen hundred sixty-nine made by section two of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law;

c. the amendments to subdivision a of section 10 of section 4 of the emergency tenant protection act of nineteen seventy-four made by section three of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974; and

d. the amendments to paragraph (a) of subdivision 2 of section 5 of the emergency housing rent control law made by section four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided in subdivision 2 of section 1 of chapter 274 of the laws of 1946.

PART B

Section 1. Paragraph 5-a of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 7 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

(5-a) provides that, notwithstanding any provision of this chapter, the legal regulated rent for any vacancy lease entered into after the effective date of this paragraph shall be as hereinafter provided in this paragraph. [The previous legal regulated rent for such housing accommodation shall be increased by the following: (i) if the vacancy lease is for a term of two years, twenty percent of the previous legal regulated rent; or (ii) if the vacancy lease is for a term of one year the increase shall be twenty percent of the previous legal regulated rent less an amount equal to the difference between (a) the two year renewal lease guideline promulgated by the guidelines board of the city of New York applied to the previous legal regulated rent and (b) the one year renewal lease guideline promulgated by the guidelines board of the city of New York applied to the previous legal regulated rent. In addition, if] IF the legal regulated rent was not increased with respect to such housing accommodation by a permanent vacancy allowance within eight years prior to a vacancy lease executed on or after the effective date of this paragraph, the legal regulated rent may be [further] increased by an amount equal to the product resulting from multiplying such previous legal regulated rent by six-tenths of one percent and further multiplying the amount of rent increase resulting therefrom by the greater of (A) the number of years since the imposition of the last permanent vacancy allowance, or (B) if the rent was not increased by a permanent vacancy allowance since the housing accommodation became subject to this chapter, the number of years that such housing accommodation has been subject to this chapter. Provided that if the previous legal regulated rent was less than three hundred dollars the total increase shall be as calculated above plus one hundred dollars per month. Provided, further, that if the previous legal regulated rent was at least three hundred dollars and no more than five hundred dollars in no event shall the total increase pursuant to this paragraph be less than one hundred dollars per month. Such increase shall be [in lieu of any allowance authorized for the one or two year renewal component thereof, but shall be] in addition to any other increases authorized pursuant to this chapter including an adjustment based upon a major capital improvement, or a

1 substantial modification or increase of dwelling space or services, or
2 installation of new equipment or improvements or new furniture or
3 furnishings provided in or to the housing accommodation pursuant to this
4 section. The increase authorized in this paragraph may not be imple-
5 mented more than one time in any calendar year, notwithstanding the
6 number of vacancy leases entered into in such year, AND MAY NOT BE
7 IMPLEMENTED WITHOUT THE LANDLORD PROVIDING TO THE NEW TENANT AN ITEMIZED
8 COST ACCOUNTING OF ALL IMPROVEMENTS CLAIMED AS PART OF SUCH INCREASE AND
9 COPIES OF THE CORRESPONDING RECEIPTS WITH THE LEASE AGREEMENT.

10 S 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of
11 the laws of 1974, constituting the emergency tenant protection act of
12 nineteen seventy-four, as amended by section 8 of part B of chapter 97
13 of the laws of 2011, is amended to read as follows:

14 (a-1) provides that, notwithstanding any provision of this act, the
15 legal regulated rent for any vacancy lease entered into after the effec-
16 tive date of this subdivision shall be as hereinafter set forth. [The
17 previous legal regulated rent for such housing accommodation shall be
18 increased by the following: (i) if the vacancy lease is for a term of
19 two years, twenty percent of the previous legal regulated rent; or (ii)
20 if the vacancy lease is for a term of one year the increase shall be
21 twenty percent of the previous legal regulated rent less an amount equal
22 to the difference between (a) the two year renewal lease guideline
23 promulgated by the guidelines board of the county in which the housing
24 accommodation is located applied to the previous legal regulated rent
25 and (b) the one year renewal lease guideline promulgated by the guide-
26 lines board of the county in which the housing accommodation is located
27 applied to the previous legal regulated rent. In addition, if] IF the
28 legal regulated rent was not increased with respect to such housing
29 accommodation by a permanent vacancy allowance within eight years prior
30 to a vacancy lease executed on or after the effective date of this
31 subdivision, the legal regulated rent may be [further] increased by an
32 amount equal to the product resulting from multiplying such previous
33 legal regulated rent by six-tenths of one percent and further multiply-
34 ing the amount of rent increase resulting therefrom by the greater of
35 (A) the number of years since the imposition of the last permanent
36 vacancy allowance, or (B) if the rent was not increased by a permanent
37 vacancy allowance since the housing accommodation became subject to this
38 act, the number of years that such housing accommodation has been
39 subject to this act. Provided that if the previous legal regulated rent
40 was less than three hundred dollars the total increase shall be as
41 calculated above plus one hundred dollars per month. Provided, further,
42 that if the previous legal regulated rent was at least three hundred
43 dollars and no more than five hundred dollars in no event shall the
44 total increase pursuant to this subdivision be less than one hundred
45 dollars per month. Such increase shall be [in lieu of any allowance
46 authorized for the one or two year renewal component thereof, but shall
47 be] in addition to any other increases authorized pursuant to this act
48 including an adjustment based upon a major capital improvement, or a
49 substantial modification or increase of dwelling space or services, or
50 installation of new equipment or improvements or new furniture or
51 furnishings provided in or to the housing accommodation pursuant to
52 section six of this act. The increase authorized in this subdivision may
53 not be implemented more than one time in any calendar year, notwith-
54 standing the number of vacancy leases entered into in such year, AND MAY
55 NOT BE IMPLEMENTED WITHOUT THE LANDLORD PROVIDING TO THE NEW TENANT AN
56 ITEMIZED COST ACCOUNTING OF ALL IMPROVEMENTS CLAIMED AS PART OF SUCH

1 INCREASE AND COPIES OF THE CORRESPONDING RECEIPTS WITH THE LEASE AGREE-
2 MENT.

3 S 3. Subparagraph (e) of paragraph 1 of subdivision g of section
4 26-405 of the administrative code of the city of New York, as amended by
5 section 15 of part B of chapter 97 of the laws of 2011, is amended to
6 read as follows:

7 (e) The landlord and tenant by mutual voluntary written agreement
8 agree to a substantial increase or decrease in dwelling space or a
9 change in the services, furniture, furnishings or equipment provided in
10 the housing accommodations. An adjustment under this subparagraph shall
11 be equal to one-fortieth, in the case of a building with thirty-five or
12 fewer housing accommodations, or [one-sixtieth] ONE-EIGHTY-FOURTH, in
13 the case of a building with more than thirty-five housing accommodations
14 where such adjustment takes effect on or after September twenty-fourth,
15 two thousand eleven, of the total cost incurred by the landlord in
16 providing such modification or increase in dwelling space, services,
17 furniture, furnishings or equipment, including the cost of installation,
18 but excluding finance charges, WITH AN ADJUSTMENT, IN BOTH CASES, BEING
19 NO MORE THAN TWENTY PERCENT OF THE CURRENT RENT, provided further that
20 an owner who is entitled to a rent increase pursuant to this subpara-
21 graph shall not be entitled to a further rent increase based upon the
22 installation of similar equipment, or new furniture or furnishings with-
23 in the useful life of such new equipment, or new furniture or
24 furnishings. The owner shall give written notice to the city rent agency
25 of any such adjustment pursuant to this subparagraph; or

26 S 4. Paragraph 13 of subdivision c of section 26-511 of the adminis-
27 trative code of the city of New York, as amended by section 16 of part B
28 of chapter 97 of the laws of 2011, is amended to read as follows:

29 (13) provides that an owner is entitled to a rent increase where there
30 has been a substantial modification or increase of dwelling space or an
31 increase in the services, or installation of new equipment or improve-
32 ments or new furniture or furnishings provided in or to a tenant's hous-
33 ing accommodation, on written tenant consent to the rent increase. In
34 the case of a vacant housing accommodation, tenant consent shall not be
35 required. The permanent increase in the legal regulated rent for the
36 affected housing accommodation shall be one-fortieth, in the case of a
37 building with thirty-five or fewer housing accommodations, or [one-six-
38 tieth] ONE-EIGHTY-FOURTH, in the case of a building with more than thir-
39 ty-five housing accommodations where such permanent increase takes
40 effect on or after September twenty-fourth, two thousand eleven, of the
41 total cost incurred by the landlord in providing such modification or
42 increase in dwelling space, services, furniture, furnishings or equip-
43 ment, including the cost of installation, but excluding finance charges,
44 PROVIDED, HOWEVER, THAT IN BOTH CASES, THE PERMANENT INCREASE IS NO MORE
45 THAN TWENTY PERCENT OF THE CURRENT LEGAL REGULATED RENT. Provided
46 further that an owner who is entitled to a rent increase pursuant to
47 this paragraph shall not be entitled to a further rent increase based
48 upon the installation of similar equipment, or new furniture or
49 furnishings within the useful life of such new equipment, or new furni-
50 ture or furnishings.

51 S 5. Paragraph 1 of subdivision d of section 6 of section 4 of chapter
52 576 of the laws of 1974, constituting the emergency tenant protection
53 act of nineteen seventy-four, as amended by section 18 of part B of
54 chapter 97 of the laws of 2011, is amended to read as follows:

55 (1) there has been a substantial modification or increase of dwelling
56 space or an increase in the services, or installation of new equipment

1 or improvements or new furniture or furnishings, provided in or to a
2 tenant's housing accommodation, on written tenant consent to the rent
3 increase. In the case of a vacant housing accommodation, tenant consent
4 shall not be required. The permanent increase in the legal regulated
5 rent for the affected housing accommodation shall be one-fortieth, in
6 the case of a building with thirty-five or fewer housing accommodations,
7 or [one-sixtieth] ONE-EIGHTY-FOURTH, in the case of a building with more
8 than thirty-five housing accommodations where such permanent increase
9 takes effect on or after September twenty-fourth, two thousand eleven,
10 of the total cost incurred by the landlord in providing such modifica-
11 tion or increase in dwelling space, services, furniture, furnishings or
12 equipment, including the cost of installation, but excluding finance
13 charges, PROVIDED, HOWEVER, THAT IN BOTH CASES, THE PERMANENT INCREASE
14 IS NO MORE THAN TWENTY PERCENT OF THE CURRENT LEGAL REGULATED RENT.
15 Provided further that an owner who is entitled to a rent increase pursu-
16 ant to this paragraph shall not be entitled to a further rent increase
17 based upon the installation of similar equipment, or new furniture or
18 furnishings within the useful life of such new equipment, or new furni-
19 ture or furnishings.

20 S 6. Clause 5 of the second undesignated paragraph of paragraph (a) of
21 subdivision 4 of section 4 of chapter 274 of the laws of 1946, consti-
22 tuting the emergency housing rent control law, as amended by section 25
23 of part B of chapter 97 of the laws of 2011, is amended to read as
24 follows:

25 (5) the landlord and tenant by mutual voluntary written agreement
26 agree to a substantial increase or decrease in dwelling space or a
27 change in the services, furniture, furnishings or equipment provided in
28 the housing accommodations; provided that an owner shall be entitled to
29 a rent increase where there has been a substantial modification or
30 increase of dwelling space or an increase in the services, or installa-
31 tion of new equipment or improvements or new furniture or furnishings
32 provided in or to a tenant's housing accommodation. The permanent
33 increase in the maximum rent for the affected housing accommodation
34 shall be one-fortieth, in the case of a building with thirty-five or
35 fewer housing accommodations, or [one-sixtieth] ONE-EIGHTY-FOURTH, in
36 the case of a building with more than thirty-five housing accommodations
37 where such permanent increase takes effect on or after September twen-
38 ty-fourth, two thousand eleven, of the total cost incurred by the land-
39 lord in providing such modification or increase in dwelling space,
40 services, furniture, furnishings or equipment, including the cost of
41 installation, but excluding finance charges, PROVIDED, HOWEVER, THAT IN
42 BOTH CASES, THE PERMANENT INCREASE IS NO MORE THAN TWENTY PERCENT OF THE
43 CURRENT RENT, AND provided further that an owner who is entitled to a
44 rent increase pursuant to this clause shall not be entitled to a further
45 rent increase based upon the installation of similar equipment, or new
46 furniture or furnishings within the useful life of such new equipment,
47 or new furniture or furnishings. The owner shall give written notice to
48 the commission of any such adjustment pursuant to this clause; or

49 S 7. This act shall take effect immediately; provided that:

50 a. the amendments to section 26-511 of chapter 4 of title 26 of the
51 administrative code of the city of New York made by sections one and
52 four of this act shall expire on the same date as such law expires and
53 shall not affect the expiration of such law as provided under section
54 26-520 of such law;

55 b. the amendments to sections 10 and 6 of the emergency tenant
56 protection act of nineteen seventy-four made by sections two and five of

1 this act shall expire on the same date as such act expires and shall not
2 affect the expiration of such act as provided in section 17 of chapter
3 576 of the laws of 1974;

4 c. the amendments to section 26-405 of the city rent and rehabili-
5 tation law made by section three of this act shall remain in full force
6 and effect only as long as the public emergency requiring the regulation
7 and control of residential rents and evictions continues, as provided in
8 subdivision 3 of section 1 of the local emergency housing rent control
9 act; and

10 d. the amendments to section 4 of the emergency housing rent control
11 law made by section six of this act shall expire on the same date as
12 such law expires and shall not affect the expiration of such law as
13 provided in subdivision 2 of section 1 of chapter 274 of the laws of
14 1946.

15 PART C

16 Section 1. Legislative findings and declaration of emergency. The
17 legislature hereby finds and declares that the serious public emergency
18 which led to the enactment of the existing laws regulating residential
19 rents and evictions continues to exist; that such laws would better
20 serve the public interest if certain changes were made thereto, includ-
21 ing extending to certain cities, towns and villages the authority to
22 provide for the regulation of rents and evictions with regard to housing
23 accommodations that cease or have ceased to be regulated pursuant to
24 article 2 of the private housing finance law, known as the Mitchell-Lama
25 law, or pursuant to project-based section eight contracts entered into
26 with the federal government.

27 The legislature further recognizes that severe disruption of the
28 rental housing market has occurred and threatens to be exacerbated as a
29 result of the abrupt termination of rent and eviction regulation when
30 buildings completed or substantially renovated as family units on or
31 after January first, nineteen hundred seventy-four exit the Mitchell-
32 Lama program or when buildings cease to be subject to project-based
33 section eight contracts. The situation had permitted speculative and
34 profiteering practices and has brought about the loss of vital and irre-
35 placeable affordable housing for working persons and families.

36 The legislature therefore declares that in order to prevent uncertain-
37 ty, potential hardship and dislocation of tenants living in housing
38 accommodations subject to government regulations as to rentals and
39 continued occupancy as well as those not subject to such regulations,
40 the provisions of this act are necessary to protect the public health,
41 safety and general welfare. The necessity in the public interest for the
42 provisions hereinafter enacted is hereby declared as a matter of legis-
43 lative determination.

44 S 2. Section 5 of section 4 of chapter 576 of the laws of 1974 consti-
45 tuting the emergency tenant protection act of nineteen seventy-four is
46 amended by adding a new subdivision c to read as follows:

47 C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NOTHING SHALL
48 PREVENT THE DECLARATION OF AN EMERGENCY PURSUANT TO SECTION THREE OF
49 THIS ACT FOR RENTAL HOUSING ACCOMMODATIONS LOCATED IN BUILDINGS OR
50 STRUCTURES WHICH WERE OWNED BY A COMPANY ESTABLISHED UNDER ARTICLE TWO
51 OF THE PRIVATE HOUSING FINANCE LAW, OTHER THAN A MUTUAL COMPANY, WHICH
52 ARE NO LONGER OWNED BY SUCH COMPANY BY REASON OF A VOLUNTARY DISSOLUTION
53 PURSUANT TO SECTION THIRTY-FIVE OF SUCH LAW OR FOR RENTAL HOUSING ACCOM-
54 MODATIONS LOCATED IN BUILDINGS OR STRUCTURES DEFINED AS COVERED PROJECTS

1 PURSUANT TO SECTION 8 OF THE UNITED STATES HOUSING ACT OF NINETEEN THIR-
2 TY-SEVEN, AS AMENDED, OR ANY SUCCESSOR STATUTE, AND ANY REGULATIONS
3 PROMULGATED THEREUNDER IN WHICH RENTAL HOUSING ACCOMMODATIONS RECEIVED
4 PROJECT-BASED RENTAL ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF
5 HOUSING AND URBAN DEVELOPMENT PURSUANT TO CONTRACTS WITH THE OWNERS OF
6 SUCH BUILDINGS OR STRUCTURES WHICH EXPIRED OR WERE TERMINATED. THE
7 INITIAL LEGAL REGULATED RENT FOR HOUSING ACCOMMODATIONS LOCATED IN
8 BUILDINGS OR STRUCTURES THAT WERE OWNED BY HOUSING COMPANIES OR THAT
9 WERE COVERED PROJECTS PREVIOUSLY REGULATED UNDER THE PRIVATE HOUSING
10 FINANCE LAW OR UNDER FEDERAL LAW, SHALL BE THE RENT CHARGED TO AND PAID
11 BY THE TENANT IN OCCUPANCY ONE HUNDRED EIGHTY DAYS PRIOR TO THE EFFEC-
12 TIVE DATE OF A CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN WHICH ADDED
13 THIS SUBDIVISION OR, FOR ACCOMMODATIONS VACANT ON SUCH DATE, THE MOST
14 RECENT RENT CHARGED TO AND PAID BY A TENANT PRIOR TO SUCH DATE, INCLUD-
15 ING ANY INCOME-RELATED SURCHARGES, AS ADJUSTED BY ALL APPLICABLE GUIDE-
16 LINES INCREASES AND OTHER INCREASES AUTHORIZED BY LAW. THE PROVISIONS OF
17 SUBDIVISION A OF SECTION NINE OF THIS ACT OR OF SUBDIVISION A OF SECTION
18 26-513 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK SHALL NOT
19 APPLY TO ANY HOUSING ACCOMMODATION WHICH BECAME SUBJECT TO THIS ACT
20 PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION.

21 S 3. Notwithstanding any provision of law to the contrary, in a city
22 having a population of one million or more, the New York city rent
23 stabilization law of nineteen hundred sixty-nine may be amended by local
24 law or ordinance to provide for the regulation of rents and evictions
25 and the enforcement of such rent stabilization law with regard to hous-
26 ing accommodations made subject to such law by a declaration of emergen-
27 cy made pursuant to this act.

28 S 4. This act shall take effect immediately and shall apply to housing
29 accommodations located in buildings or structures owned by housing
30 companies that dissolved on, before or after such date and to housing
31 accommodations in buildings or structures that were covered projects and
32 had contracts for rental assistance that expired or were terminated on,
33 before or after such date; provided that the amendments to section 5 of
34 the emergency tenant protection act of nineteen seventy-four made by
35 section two of this act shall expire on the same date as such act
36 expires and shall not affect the expiration of such act as provided in
37 section 17 of chapter 576 of the laws of 1974.

38

PART D

39 Section 1. Subdivision 5 of section 1 of chapter 21 of the laws of
40 1962, constituting the local emergency housing rent control act, as
41 amended by chapter 82 of the laws of 2003 and the closing paragraph as
42 amended by chapter 422 of the laws of 2010, is amended to read as
43 follows:

44 5. Authority for local rent control legislation. Each city having a
45 population of one million or more, acting through its local legislative
46 body, may adopt and amend local laws or ordinances in respect of the
47 establishment or designation of a city housing rent agency. When it
48 deems such action to be desirable or necessitated by local conditions in
49 order to carry out the purposes of this section, such city, except as
50 hereinafter provided, acting through its local legislative body and not
51 otherwise, may adopt and amend local laws or ordinances in respect of
52 the regulation and control of residential rents, including but not
53 limited to provision for the establishment and adjustment of maximum
54 rents, the classification of housing accommodations, the regulation of

1 evictions, and the enforcement of such local laws or ordinances. The
2 validity of any such local laws or ordinances, and the rules or regu-
3 lations promulgated in accordance therewith, shall not be affected by
4 and need not be consistent with the state emergency housing rent control
5 law or with rules and regulations of the state division of housing and
6 community renewal.

7 Notwithstanding any local law or ordinance, housing accommodations
8 which became vacant on or after July first, nineteen hundred seventy-one
9 or which hereafter become vacant shall be subject to the provisions of
10 the emergency tenant protection act of nineteen seventy-four, provided,
11 however, that this provision shall not apply or become effective with
12 respect to housing accommodations which, by local law or ordinance, are
13 made directly subject to regulation and control by a city housing rent
14 agency and such agency determines or finds that the housing accommo-
15 dations became vacant because the landlord or any person acting on his
16 behalf, with intent to cause the tenant to vacate, engaged in any course
17 of conduct (including but not limited to, interruption or discontinuance
18 of essential services) which interfered with or disturbed or was
19 intended to interfere with or disturb the comfort, repose, peace or
20 quiet of the tenant in his use or occupancy of the housing accommo-
21 dations. The removal of any housing accommodation from regulation and
22 control of rents pursuant to the vacancy exemption provided for in this
23 paragraph shall not constitute or operate as a ground for the subjection
24 to more stringent regulation and control of any housing accommodation in
25 such property or in any other property owned by the same landlord,
26 notwithstanding any prior agreement to the contrary by the landlord. The
27 vacancy exemption provided for in this paragraph shall not arise with
28 respect to any rented plot or parcel of land otherwise subject to the
29 provisions of this act, by reason of a transfer of title and possession
30 occurring on or after July first, nineteen hundred seventy-one of a
31 dwelling located on such plot or parcel and owned by the tenant where
32 such transfer of title and possession is made to a member of the
33 tenant's immediate family provided that the member of the tenant's imme-
34 diate family occupies the dwelling with the tenant prior to the transfer
35 of title and possession for a continuous period of two years.

36 The term "immediate family" shall include a husband, wife, son, daugh-
37 ter, stepson, stepdaughter, father, mother, father-in-law or mother-in-
38 law.

39 [Notwithstanding the foregoing, no local law or ordinance shall here-
40 after provide for the regulation and control of residential rents and
41 eviction in respect of any housing accommodations which are (1) present-
42 ly exempt from such regulation and control or (2) hereafter decontrolled
43 either by operation of law or by a city housing rent agency, by order or
44 otherwise. No housing accommodations presently subject to regulation and
45 control pursuant to local laws or ordinances adopted or amended under
46 authority of this subdivision shall hereafter be by local law or ordi-
47 nance or by rule or regulation which has not been theretofore approved
48 by the state commissioner of housing and community renewal subjected to
49 more stringent or restrictive provisions of regulation and control than
50 those presently in effect.

51 Notwithstanding any other provision of law, on and after the effective
52 date of this paragraph, a city having a population of one million or
53 more shall not, either through its local legislative body or otherwise,
54 adopt or amend local laws or ordinances with respect to the regulation
55 and control of residential rents and eviction, including but not limited
56 to provision for the establishment and adjustment of rents, the classi-

1 fication of housing accommodations, the regulation of evictions, and the
2 enforcement of such local laws or ordinances, or otherwise adopt laws or
3 ordinances pursuant to the provisions of this act, the emergency tenant
4 protection act of nineteen seventy-four, the New York city rent and
5 rehabilitation law or the New York city rent stabilization law, except
6 to the extent that such city for the purpose of reviewing the continued
7 need for the existing regulation and control of residential rents or to
8 remove a classification of housing accommodation from such regulation
9 and control adopts or amends local laws or ordinances pursuant to subdivi-
10 sion three of section one of this act, section three of the emergency
11 tenant protection act of nineteen seventy-four, section 26-415 of the
12 New York city rent and rehabilitation law, and sections 26-502 and
13 26-520 of the New York city rent stabilization law of nineteen hundred
14 sixty-nine.]

15 Notwithstanding any provision of this act to the contrary, any local
16 law adopted pursuant to this act shall provide that notwithstanding any
17 provision of such local law in the case where all tenants occupying the
18 housing accommodation on the effective date of this paragraph have
19 vacated the housing accommodation and a family member of such vacating
20 tenant or tenants is entitled to and continues to occupy the housing
21 accommodation subject to the protections of such act, if such accommo-
22 dation continues to be subject to such act after such family member
23 vacates, on the occurrence of such vacancy the maximum collectable rent
24 shall be increased by a sum equal to the allowance then in effect for
25 vacancy leases for housing accommodations covered by the rent stabiliza-
26 tion law of nineteen hundred sixty-nine, including the amount allowed by
27 paragraph (5-a) of subdivision c of section 26-511 of such law. This
28 increase shall be in addition to any other increases provided for in
29 this act and shall be applicable in like manner to each second subse-
30 quent succession.

31 Notwithstanding the foregoing, no local law or ordinance shall subject
32 to such regulation and control any housing accommodation which is not
33 occupied by the tenant in possession as his or her primary residence;
34 provided, however, that such housing accommodation not occupied by the
35 tenant in possession as his or her primary residence shall continue to
36 be subject to regulation and control as provided for herein unless the
37 city housing rent agency issues an order decontrolling such accommo-
38 dation, which the agency shall do upon application by the landlord when-
39 ever it is established by any facts and circumstances which, in the
40 judgment of the agency, may have a bearing upon the question of resi-
41 dence, that the tenant maintains his or her primary residence at some
42 place other than at such housing accommodation. For the purposes of
43 determining primary residency, a tenant who is a victim of domestic
44 violence, as defined in section four hundred fifty-nine-a of the social
45 services law, who has left the unit because of such violence, and who
46 asserts an intent to return to the housing accommodation shall be deemed
47 to be occupying the unit as his or her primary residence.

48 S 2. This act shall take effect immediately; provided, however, that:

49 a. the amendments to subdivision 5 of section 1 of chapter 21 of the
50 laws of 1962 made by section one of this act shall remain in full force
51 and effect only so long as the public emergency requiring the regulation
52 and control of residential rents and evictions continues, as provided in
53 subdivision 3 of section 1 of the local emergency housing rent control
54 act; and

55 b. the amendment to the second undesignated paragraph of subdivision 5
56 of section 1 of chapter 21 of the laws of 1962 made by section one of

1 this act shall not affect the expiration of such paragraph and shall be
2 deemed to expire therewith.

3 PART E

4 Section 1. Section 17 of chapter 576 of the laws of 1974 amending the
5 emergency housing rent control law relating to the control of and
6 stabilization of rent in certain cases, as amended by section 1-a of
7 part B of chapter 97 of the laws of 2011, is amended to read as follows:
8 S 17. Effective date. This act shall take effect immediately and
9 shall remain in full force and effect until and including the fifteenth
10 day of June [2015] 2017; except that sections two and three shall take
11 effect with respect to any city having a population of one million or
12 more and section one shall take effect with respect to any other city,
13 or any town or village whenever the local legislative body of a city,
14 town or village determines the existence of a public emergency pursuant
15 to section three of the emergency tenant protection act of nineteen
16 seventy-four, as enacted by section four of this act, and provided that
17 the housing accommodations subject on the effective date of this act to
18 stabilization pursuant to the New York city rent stabilization law of
19 nineteen hundred sixty-nine shall remain subject to such law upon the
20 expiration of this act.

21 S 2. Subdivision 2 of section 1 of chapter 274 of the laws of 1946
22 constituting the emergency housing rent control law, as amended by
23 section 2 of part B of chapter 97 of the laws of 2011, is amended to
24 read as follows:

25 2. The provisions of this act, and all regulations, orders and
26 requirements thereunder shall remain in full force and effect until and
27 including June 15, [2015] 2017.

28 S 3. Section 2 of chapter 329 of the laws of 1963 amending the emer-
29 gency housing rent control law relating to recontrol of rents in Albany,
30 as amended by section 3 of part B of chapter 97 of the laws of 2011, is
31 amended to read as follows:

32 S 2. This act shall take effect immediately and the provisions of
33 subdivision 6 of section 12 of the emergency housing rent control law,
34 as added by this act, shall remain in full force and effect until and
35 including June 15, [2015] 2017.

36 S 4. Section 10 of chapter 555 of the laws of 1982 amending the gener-
37 al business law and the administrative code of the city of New York
38 relating to conversion of residential property to cooperative or condo-
39 minium ownership in the city of New York, as amended by section 4 of
40 part B of chapter 97 of the laws of 2011, is amended to read as follows:

41 S 10. This act shall take effect immediately; provided, that the
42 provisions of sections one, two and nine of this act shall remain in
43 full force and effect only until and including June 15, [2015] 2017;
44 provided further that the provisions of section three of this act shall
45 remain in full force and effect only so long as the public emergency
46 requiring the regulation and control of residential rents and evictions
47 continues as provided in subdivision 3 of section 1 of the local emer-
48 gency housing rent control act; provided further that the provisions of
49 sections four, five, six and seven of this act shall expire in accord-
50 ance with the provisions of section 26-520 of the administrative code of
51 the city of New York as such section of the administrative code is, from
52 time to time, amended; provided further that the provisions of section
53 26-511 of the administrative code of the city of New York, as amended by
54 this act, which the New York City Department of Housing Preservation and

Development must find are contained in the code of the real estate industry stabilization association of such city in order to approve it, shall be deemed contained therein as of the effective date of this act; and provided further that any plan accepted for filing by the department of law on or before the effective date of this act shall continue to be governed by the provisions of section 352-eeee of the general business law as they had existed immediately prior to the effective date of this act.

S 5. Section 4 of chapter 402 of the laws of 1983 amending the general business law relating to conversion of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland, as amended by section 5 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

S 4. This act shall take effect immediately; provided, that the provisions of sections one and three of this act shall remain in full force and effect only until and including June 15, [2015] 2017; and provided further that any plan accepted for filing by the department of law on or before the effective date of this act shall continue to be governed by the provisions of section 352-eee of the general business law as they had existed immediately prior to the effective date of this act.

S 6. Subdivision 6 of section 46 of chapter 116 of the laws of 1997 constituting the rent regulation reform act of 1997, as amended by section 6 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

6. sections twenty-eight, twenty-eight-a, twenty-eight-b and twenty-eight-c of this act shall expire and be deemed repealed after June 15, [2015] 2017;

S 7. This act shall take effect immediately.

PART F

Section 1. Paragraph (c) of subdivision 4 of section 14 of the public housing law, as added by chapter 116 of the laws of 1997, is amended to read as follows:

(c) that for the purposes of such regulations: (i) "family member" shall be defined as a husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, UNCLE, AUNT, NEPHEW, NIECE, grandfather, grandmother, grandson, granddaughter, daughter-in-law, son-in-law, mother-in-law or father-in-law of the tenant; or any other person residing with the tenant in the housing accommodation as a primary residence who can prove emotional and financial commitment, and interdependence between such person and the tenant. Although no single factor shall be solely determinative, evidence which is to be considered in determining whether such emotional and financial commitment and interdependence existed, may include, without limitation, such factors as listed below. In no event would evidence of a sexual relationship between such persons be required or considered.

(A) longevity of the relationship;

(B) sharing of or relying upon each other for payment of household or family expenses, or other common necessities of life;

(C) intermingling of finances as evidenced by, among other things, joint ownership of bank accounts, personal and real property, credit cards, loan obligations, sharing a household budget for purposes of receiving government benefits, or such other factors as may be determined by regulation;

(D) engaging in family-type activities by jointly attending family functions, holidays and celebrations, social and recreational activities, or such other factors as may be determined by regulation;

(E) formalizing of legal obligations, intentions, and responsibilities to each other by such means as executing wills naming each other as executor or beneficiary, conferring upon each other a power of attorney or authority to make health care decisions each for the other, entering into a personal relationship contract, making a domestic partnership declaration, or serving as a representative payee for purposes of public benefits, or such other factors as may be determined by regulation;

(F) holding themselves out as family members to other family members, friends, members of the community or religious institutions, or society in general, through their words or actions;

(G) regularly performing family functions, such as caring for each other or each other's extended family members, or relying upon each other for daily family services;

(H) engaging in any other pattern of behavior, agreement, or other action which evidences the intention of creating a long-term, emotionally-committed relationship.

(ii) a "senior citizen" is defined as a person who is sixty-two years of age or older;

(iii) a "disabled person" is defined as a person who has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which substantially limit one or more of such person's major life activities.

S 2. Subdivision m of section 26-403 of the administrative code of the city of New York is amended to read as follows:

m. "Tenant." A tenant, subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodation. THE TERM TENANT SHALL BE DEEMED TO INCLUDE A CHILD (REGARDLESS OF AGE) WHO HAS RESIDED WITH HIS OR HER PARENT FOR TWO YEARS OR MORE IN A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS CHAPTER AND OF WHICH SUCH PARENT IS A TENANT.

S 3. The administrative code of the city of New York is amended by adding a new section 26-504.4 to read as follows:

S 26-504.4 TENANT; DEFINITION. FOR THE PURPOSES OF THIS CHAPTER, THE TERM TENANT SHALL BE DEEMED TO INCLUDE A CHILD (REGARDLESS OF AGE) WHO HAS RESIDED WITH HIS OR HER PARENT FOR TWO YEARS OR MORE IN A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS CHAPTER AND OF WHICH SUCH PARENT IS A TENANT.

S 4. Section 14 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is renumbered section 15 and a new section 14 is added to read as follows:

S 14. TENANT; DEFINITION. FOR THE PURPOSES OF THIS ACT, THE TERM TENANT SHALL BE DEEMED TO INCLUDE A CHILD (REGARDLESS OF AGE) WHO HAS RESIDED WITH HIS OR HER PARENT FOR TWO YEARS OR MORE IN A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS ACT AND OF WHICH SUCH PARENT IS A TENANT.

S 5. This act shall take effect immediately, provided that the amendment to section 26-403 of the city rent and rehabilitation law made by section two of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of

1 residential rents and evictions continues, as provided in subdivision 3
2 of section 1 of the local emergency housing rent control act and
3 provided further that section 26-504.4 of the rent stabilization law of
4 nineteen hundred sixty-nine, as added by section three of this act,
5 shall expire on the same date as such law expires and shall not affect
6 the expiration of such law as provided under section 26-520 of such law,
7 as amended, and provided further that section 15 of the emergency tenant
8 protection act of nineteen seventy-four, as added by section four of
9 this act shall expire on the same date as such act expires and shall not
10 affect the expiration of such act as provided in section 17 of chapter
11 576 of the laws of 1974, as amended.

12 PART G

13 Section 1. Legislative findings and declaration of emergency. The
14 legislature hereby finds and declares that the serious public emergency
15 which led to the enactment of the existing laws regulating residential
16 rents and evictions continues to exist; that such laws would better
17 serve the public interest if certain changes were made thereto, includ-
18 ing the continued regulation of certain housing accommodations that
19 become vacant and the reinstatement of regulation of certain housing
20 accommodations that have been deregulated upon vacancy.

21 The legislature further recognizes that severe disruption of the
22 rental housing market has occurred and threatens to be exacerbated as a
23 result of the present state of the law in relation to the deregulation
24 of housing accommodations upon vacancy. The situation has permitted
25 speculative and profiteering practices and has brought about the loss of
26 vital and irreplaceable affordable housing for working persons and fami-
27 lies.

28 The legislature therefore declares that in order to prevent uncertain-
29 ty, potential hardship and dislocation of tenants living in housing
30 accommodations subject to government regulations as to rentals and
31 continued occupancy as well as those not subject to such regulation, the
32 provisions of this act are necessary to protect the public health, safe-
33 ty and general welfare. The necessity in the public interest for the
34 provisions hereinafter enacted is hereby declared as a matter of legis-
35 lative determination.

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

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

42 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section
43 26-403 of the administrative code of the city of New York is REPEALED.

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

46 S 6. Any housing accommodations that prior to the effective date of
47 this act were excluded from coverage from the emergency tenant
48 protection act of nineteen seventy-four, the emergency housing rent
49 control law or the administrative code of the city of New York pursuant
50 to the provisions of law repealed by sections two, three, four and five
51 of this act, and where such housing accommodations were located outside
52 the city of New York and were rented to a tenant between January 1, 2013
53 and the effective date of this act for less than \$3,500.00 per month
54 regardless of any subsequent payment of a higher monthly rent, or were

1 located within the city of New York and were rented to a tenant between
2 January 1, 2013 and the effective date of this act for less than
3 \$5,000.00 per month, regardless of any subsequent payment of a higher
4 monthly rent, shall be subject to the provisions of such act, law or
5 administrative code, respectively. Notwithstanding the provisions of
6 any lease or rental agreement, the legal regulated rent or maximum
7 collectible rent of any housing accommodation excluded from regulation
8 prior to the effective date of this act by reason of the provisions
9 repealed by sections two, three, four and five of this act and made
10 subject to regulation shall be the actual rent paid by a tenant on
11 December 31, 2014 or, if no rent was paid for such accommodation on
12 December 31, 2014, the most recent actual rent paid by a tenant for such
13 accommodation prior to December 31, 2014, subject to further adjustment
14 in accordance with applicable provisions of law.

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

18 (14) provides that where the amount of rent charged to and paid by the
19 tenant is less than the legal regulated rent for the housing accommo-
20 dation, the amount of rent for such housing accommodation which may be
21 charged upon renewal or upon vacancy thereof may, at the option of the
22 owner, be based upon such previously established legal regulated rent,
23 as adjusted by the most recent applicable guidelines increases and any
24 other increases authorized by law. [Where, subsequent to vacancy, such
25 legal regulated rent, as adjusted by the most recent applicable guide-
26 lines increases and any other increases authorized by law is two thou-
27 sand dollars or more per month or, for any housing accommodation which
28 is or becomes vacant on or after the effective date of the rent act of
29 2011, is two thousand five hundred dollars or more per month, such hous-
30 ing accommodation shall be excluded from the provisions of this law
31 pursuant to section 26-504.2 of this chapter.]

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

36 (a-2) Provides that where the amount of rent charged to and paid by
37 the tenant is less than the legal regulated rent for the housing accom-
38 modation, the amount of rent for such housing accommodation which may be
39 charged upon renewal or upon vacancy thereof may, at the option of the
40 owner, be based upon such previously established legal regulated rent,
41 as adjusted by the most recent applicable guidelines increases and other
42 increases authorized by law. [Where, subsequent to vacancy, such legal
43 regulated rent, as adjusted by the most recent applicable guidelines
44 increases and any other increases authorized by law is two thousand
45 dollars or more per month or, for any housing accommodation which is or
46 becomes vacant on or after the effective date of the rent act of 2011,
47 is two thousand five hundred dollars or more per month, such housing
48 accommodation shall be excluded from the provisions of this act pursuant
49 to paragraph thirteen of subdivision a of section five of this act.]

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

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

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

PART H

Section 1. Subdivision (a-2) of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 13 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

(a-2) Provides that where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged [upon renewal or] upon vacancy thereof may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by [the most recent] ALL applicable guidelines increases and other increases authorized by law; PROVIDED, HOWEVER, THAT SUCH VACANCY SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. [Where, subsequent to vacancy, such legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law is two thousand dollars or more per month or, for any housing accommodation which is or becomes vacant on or after the effective date of the rent act of 2011, is two thousand five hundred dollars or more per month, such housing accommodation shall be excluded from the provisions of this act pursuant to paragraph thirteen of subdivision a of section five of this act.]

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

(14) provides that where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged [upon renewal or] upon vacancy thereof may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law; PROVIDED, HOWEVER, THAT SUCH VACANCY SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT OF THE OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH THE WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. [Where, subsequent to vacancy, such legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law is two thousand dollars or more per month or, for any housing accommodation which is or becomes vacant on or after the effective date of the rent act of 2011, is two thousand five hundred dollars or more per month, such housing accommodation shall be excluded from the provisions of this law pursuant to section 26-504.2 of this chapter.]

S 3. This act shall take effect immediately; provided, however, that the amendments to section 10 of the emergency tenant protection act of nineteen seventy-four made by section one of this act shall expire on the same date as such act expires and shall not affect the expiration of

1 such act as provided in section 17 of chapter 576 of the laws of 1974;
2 and provided, further, that the amendments to section 26-511 of the rent
3 stabilization law of nineteen hundred sixty-nine made by section two of
4 this act shall expire on the same date as such law expires and shall not
5 affect the expiration of such law as provided under section 26-520 of
6 such law.

7 PART I

8 Section 1. Paragraph 6-a of subdivision c of section 26-511 of the
9 administrative code of the city of New York is amended to read as
10 follows:

11 (6-a) provides criteria whereby as an alternative to the hardship
12 application provided under paragraph six of this subdivision owners of
13 buildings acquired by the same owner or a related entity owned by the
14 same principals [three] SIX years prior to the date of application may
15 apply to the division for increases in excess of the level of applicable
16 guideline increases established under this law based on a finding by the
17 commissioner that such guideline increases are not sufficient to enable
18 the owner to maintain an annual gross rent income for such building
19 which exceeds the annual operating expenses of such building by a sum
20 equal to at least five percent of such gross rent. For the purposes of
21 this paragraph, operating expenses shall consist of the actual, reason-
22 able, costs of fuel, labor, utilities, taxes, other than income or
23 corporate franchise taxes, fees, permits, necessary contracted services
24 and non-capital repairs, insurance, parts and supplies, management fees
25 and other administrative costs and mortgage interest. For the purposes
26 of this paragraph, mortgage interest shall be deemed to mean interest on
27 a bona fide mortgage including an allocable portion of charges related
28 thereto. Criteria to be considered in determining a bona fide mortgage
29 other than an institutional mortgage shall include; condition of the
30 property, location of the property, the existing mortgage market at the
31 time the mortgage is placed, the term of the mortgage, the amortization
32 rate, the principal amount of the mortgage, security and other terms and
33 conditions of the mortgage. The commissioner shall set a rental value
34 for any unit occupied by the owner or a person related to the owner or
35 unoccupied at the owner's choice for more than one month at the last
36 regulated rent plus the minimum number of guidelines increases or, if no
37 such regulated rent existed or is known, the commissioner shall impute a
38 rent consistent with other rents in the building. The amount of hardship
39 increase shall be such as may be required to maintain the annual gross
40 rent income as provided by this paragraph. The division shall not grant
41 a hardship application under this paragraph or paragraph six of this
42 subdivision for a period of three years subsequent to granting a hard-
43 ship application under the provisions of this paragraph. The collection
44 of any increase in the rent for any housing accommodation pursuant to
45 this paragraph shall not exceed six percent in any year from the effec-
46 tive date of the order granting the increase over the rent set forth in
47 the schedule of gross rents, with collectability of any dollar excess
48 above said sum to be spread forward in similar increments and added to
49 the rent as established or set in future years. No application shall be
50 approved unless the owner's equity in such building exceeds five percent
51 of: (i) the arms length purchase price of the property; (ii) the cost of
52 any capital improvements for which the owner has not collected a
53 surcharge; (iii) any repayment of principal of any mortgage or loan used
54 to finance the purchase of the property or any capital improvements for

1 which the owner has not collected a surcharge and (iv) any increase in
2 the equalized assessed value of the property which occurred subsequent
3 to the first valuation of the property after purchase by the owner. For
4 the purposes of this paragraph, owner's equity shall mean the sum of (i)
5 the purchase price of the property less the principal of any mortgage or
6 loan used to finance the purchase of the property, (ii) the cost of any
7 capital improvement for which the owner has not collected a surcharge
8 less the principal of any mortgage or loan used to finance said improve-
9 ment, (iii) any repayment of the principal of any mortgage or loan used
10 to finance the purchase of the property or any capital improvement for
11 which the owner has not collected a surcharge, and (iv) any increase in
12 the equalized assessed value of the property which occurred subsequent
13 to the first valuation of the property after purchase by the owner.

14 S 2. Paragraph 5 of subdivision d of section 6 of section 4 of chapter
15 576 of the laws of 1974 enacting the emergency tenant protection act of
16 nineteen seventy-four, as amended by chapter 102 of the laws of 1984, is
17 amended to read as follows:

18 (5) as an alternative to the hardship application provided under para-
19 graph four of this subdivision, owners of buildings acquired by the same
20 owner or a related entity owned by the same principals [three] SIX years
21 prior to the date of application may apply to the division for increases
22 in excess of the level of applicable guideline increases established
23 under this law based on a finding by the commissioner that such guide-
24 line increases are not sufficient to enable the owner to maintain an
25 annual gross rent income for such building which exceeds the annual
26 operating expenses of such building by a sum equal to at least five
27 percent of such gross rent. For the purposes of this paragraph, operat-
28 ing expenses shall consist of the actual, reasonable, costs of fuel,
29 labor, utilities, taxes, other than income or corporate franchise taxes,
30 fees, permits, necessary contracted services and non-capital repairs,
31 insurance, parts and supplies, management fees and other administrative
32 costs and mortgage interest. For the purposes of this paragraph, mort-
33 gage interest shall be deemed to mean interest on a bona fide mortgage
34 including an allocable portion of charges related thereto. Criteria to
35 be considered in determining a bona fide mortgage other than an institu-
36 tional mortgage shall include; condition of the property, location of
37 the property, the existing mortgage market at the time the mortgage is
38 placed, the term of the mortgage, the amortization rate, the principal
39 amount of the mortgage, security and other terms and conditions of the
40 mortgage. The commissioner shall set a rental value for any unit occu-
41 pied by the owner or a person related to the owner or unoccupied at the
42 owner's choice for more than one month at the last regulated rent plus
43 the minimum number of guidelines increases or, if no such regulated rent
44 existed or is known, the commissioner shall impute a rent consistent
45 with other rents in the building. The amount of hardship increase shall
46 be such as may be required to maintain the annual gross rent income as
47 provided by this paragraph. The division shall not grant a hardship
48 application under this paragraph or paragraph four of this subdivision
49 for a period of three years subsequent to granting a hardship applica-
50 tion under the provisions of this paragraph. The collection of any
51 increase in the rent for any housing accommodation pursuant to this
52 paragraph shall not exceed six percent in any year from the effective
53 date of the order granting the increase over the rent set forth in the
54 schedule of gross rents, with collectability of any dollar excess above
55 said sum to be spread forward in similar increments and added to the
56 rent as established or set in future years. No application shall be

1 approved unless the owner's equity in such building exceeds five percent
2 of: (i) the arms length purchase price of the property; (ii) the cost of
3 any capital improvements for which the owner has not collected a
4 surcharge; (iii) any repayment of principal of any mortgage or loan used
5 to finance the purchase of the property or any capital improvements for
6 which the owner has not collected a surcharge; and (iv) any increase in
7 the equalized assessed value of the property which occurred subsequent
8 to the first valuation of the property after purchase by the owner. For
9 the purposes of this paragraph, owner's equity shall mean the sum of (i)
10 the purchase price of the property less the principal of any mortgage or
11 loan used to finance the purchase of the property, (ii) the cost of any
12 capital improvement for which the owner has not collected a surcharge
13 less the principal of any mortgage or loan used to finance said improve-
14 ment, (iii) any repayment of the principal of any mortgage or loan used
15 to finance the purchase of the property or any capital improvement for
16 which the owner has not collected a surcharge, and (iv) any increase in
17 the equalized assessed value of the property which occurred subsequent
18 to the first valuation of the property after purchase by the owner.

19 S 3. This act shall take effect immediately; provided that:

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

25 b. the amendments to section 6 of the emergency tenant protection act
26 of nineteen seventy-four made by section two of this act shall expire on
27 the same date as such act expires and shall not affect the expiration of
28 such act as provided in section 17 of chapter 576 of the laws of 1974.

29

PART J

30 Section 1. Subparagraph (g) of paragraph 1 of subdivision g of section
31 26-405 of the administrative code of the city of New York, as amended by
32 chapter 749 of the laws of 1990, is amended to read as follows:

33 (g) (I) COLLECTION OF SURCHARGES TO THE MAXIMUM RENT AUTHORIZED PURSU-
34 ANT TO ITEM (II) OF THIS SUBPARAGRAPH SHALL CEASE WHEN THE OWNER HAS
35 RECOVERED THE COST OF THE MAJOR CAPITAL IMPROVEMENT;

36 (II) There has been since July first, nineteen hundred seventy, a
37 major capital improvement [required for the operation, preservation or
38 maintenance of the structure. An adjustment under this subparagraph (g)
39 shall be in an amount sufficient to amortize the cost of the improve-
40 ments pursuant to this subparagraph (g) over a seven-year period];
41 PROVIDED THAT THE COMMISSIONER FINDS THAT SUCH IMPROVEMENTS ARE DEEMED
42 DEPRECIABLE UNDER THE INTERNAL REVENUE CODE AND SUCH IMPROVEMENTS ARE
43 REQUIRED FOR THE OPERATION, PRESERVATION OR MAINTENANCE OF THE STRUC-
44 TURE. THE INCREASE PERMITTED FOR SUCH CAPITAL IMPROVEMENT SHALL BE
45 COLLECTED AS A MONTHLY SURCHARGE TO THE MAXIMUM RENT. IT SHALL BE SEPA-
46 RATELY DESIGNATED AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY
47 OTHER ADJUSTMENT TO THE MAXIMUM RENT. THE SURCHARGE ALLOCABLE TO EACH
48 APARTMENT SHALL BE AN AMOUNT EQUAL TO THE COST OF THE IMPROVEMENT
49 DIVIDED BY EIGHTY-FOUR, DIVIDED BY THE NUMBER OF ROOMS IN THE BUILDING,
50 AND THEN MULTIPLIED BY THE NUMBER OF ROOMS IN SUCH APARTMENT; PROVIDED
51 THAT THE SURCHARGE ALLOCABLE TO ANY APARTMENT IN ANY ONE YEAR MAY NOT
52 EXCEED AN AMOUNT EQUAL TO SIX PERCENT OF THE MONTHLY RENT COLLECTED BY
53 THE OWNER FOR SUCH APARTMENT AS SET FORTH IN THE SCHEDULE OF GROSS
54 RENTS. ANY EXCESS ABOVE SAID SIX PERCENT SHALL BE CARRIED FORWARD AND

COLLECTED IN FUTURE YEARS AS A FURTHER SURCHARGE NOT TO EXCEED AN ADDITIONAL SIX PERCENT IN ANY ONE YEAR PERIOD UNTIL THE TOTAL SURCHARGE EQUALS THE AMOUNT IT WOULD HAVE BEEN IF THE AFOREMENTIONED SIX PERCENT LIMITATION DID NOT APPLY; or

S 2. Paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York is amended by adding a new subparagraph (p) to read as follows:

(P) NOTWITHSTANDING SUBPARAGRAPH (G) OR (K) OF THIS PARAGRAPH, THERE SHALL BE NO ADJUSTMENT FOR ANY MAJOR CAPITAL IMPROVEMENT OR FOR ANY OTHER EXPENDITURES TO IMPROVE, RESTORE OR PRESERVE THE QUALITY OF A STRUCTURE IF SUCH MAJOR CAPITAL IMPROVEMENT OR SUCH OTHER EXPENDITURE IS FUNDED IN ANY PART FROM MONEYS PROVIDED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

S 3. Subparagraph (k) of paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York, as amended by chapter 749 of the laws of 1990, is amended to read as follows:

(k) The landlord has incurred, since January first, nineteen hundred seventy, in connection with and in addition to a concurrent major capital improvement pursuant to subparagraph (g) of this paragraph, other expenditures to improve, restore or preserve the quality of the structure. An adjustment under this subparagraph shall be granted only if such improvements represent an expenditure equal to at least ten per centum of the total operating and maintenance expenses for the preceding year. An adjustment under this subparagraph shall be in addition to any adjustment granted for the concurrent major capital improvement and shall be [in an amount sufficient to amortize the cost of the improvements pursuant to this subparagraph over a seven-year period] IMPLEMENTED IN THE SAME MANNER AS SUCH MAJOR CAPITAL IMPROVEMENT AS A FURTHER SURCHARGE TO THE MAXIMUM RENT.

S 4. Section 26-405 of the administrative code of the city of New York is amended by adding a new subdivision n to read as follows:

N. (1) NO MAJOR CAPITAL IMPROVEMENT RENT INCREASE WILL BE APPROVED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNLESS THE WORK PERFORMED IS AN ENHANCEMENT OR UPGRADE TO A HOUSING ACCOMMODATION OR SERVICE THEREIN; OR IS AN ADDITION TO SUCH HOUSING ACCOMMODATION AND OTHERWISE ELIGIBLE ACCORDING TO THE PREREQUISITES FOR MAJOR CAPITAL IMPROVEMENT RENT INCREASES. ANY REPAIR OR REPLACEMENT INTENDED TO MAINTAIN AN EXISTING SERVICE SHALL NOT BE ELIGIBLE FOR A MAJOR CAPITAL IMPROVEMENT RENT INCREASE.

(2) NO APPLICATION FOR A MAJOR CAPITAL IMPROVEMENT RENT INCREASE MAY BE APPROVED IF THERE EXIST ANY OUTSTANDING HAZARDOUS VIOLATIONS AT THE TIME OF THE CONSIDERATION OF SUCH APPLICATION, AS DETERMINED PURSUANT TO REGULATIONS OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL OR ANY AGENCY ADMINISTERING AND ENFORCING A BUILDING CODE IN THE JURISDICTION IN WHICH THE PROPERTY IS LOCATED, UNLESS IT IS DETERMINED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THAT SUCH WORK IS ESSENTIAL TO THE ALLEVIATION OF THE VIOLATIONS AND SUCH APPROVAL IS CONSISTENT WITH THE PROVISIONS OF THIS SECTION. EXCEPT IN THE CASE OF EMERGENCY OR GOOD CAUSE, THE OWNER OF THE PROPERTY SHALL FILE, NOT LESS THAN THIRTY DAYS BEFORE THE COMMENCEMENT OF THE IMPROVEMENT, WITH THE DIVISION OF HOUSING AND COMMUNITY RENEWAL A STATEMENT CONTAINING INFORMATION OUTLINING THE SCOPE OF WORK, EXPECTED DATE OF COMPLETION FOR SUCH WORK AND AN AFFIDAVIT SETTING FORTH THE FOLLOWING INFORMATION:

(A) EVERY OWNER OF RECORD AND OWNER OF A SUBSTANTIAL INTEREST IN THE PROPERTY OR ENTITY OWNING THE PROPERTY OR SPONSORING THE IMPROVEMENT; AND

(B) A STATEMENT THAT NONE OF SUCH PERSONS HAD, WITHIN THE FIVE YEARS PRIOR TO THE IMPROVEMENT, BEEN FOUND TO HAVE HARASSED OR UNLAWFULLY EVICTED TENANTS BY JUDGMENT OR DETERMINATION OF A COURT OR AGENCY UNDER THE PENAL LAW, ANY STATE OR LOCAL LAW REGULATING RENTS OR ANY STATE OR LOCAL LAW RELATING TO HARASSMENT OF TENANTS OR UNLAWFUL EVICTION.

UPON RECEIPT OF THE SCOPE OF WORK AND AFFIDAVIT PROVIDED FOR HEREIN, THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL PROVIDE THE TENANTS IN OCCUPANCY IN SUCH BUILDINGS WITH SUCH INFORMATION. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL, IN ADDITION, IMPLEMENT PROCEDURES INCLUDING, BUT NOT LIMITED TO, ELICITING TENANT COMMENTS TO DETERMINE WHETHER MAJOR CAPITAL IMPROVEMENT REHABILITATION WORK HAS BEEN SATISFACTORILY COMPLETED. NO MAJOR CAPITAL IMPROVEMENT RENT INCREASE SHALL BECOME EFFECTIVE UNTIL ANY DEFECTIVE OR DEFICIENT REHABILITATION WORK HAS BEEN CURED.

S 5. Paragraph 6 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(6) provides criteria whereby the commissioner may act upon applications by owners for increases in excess of the level of fair rent increase established under this law provided, however, that such criteria shall provide [(a)] as to hardship applications, for a finding that the level of fair rent increase is not sufficient to enable the owner to maintain approximately the same average annual net income (which shall be computed without regard to debt service, financing costs or management fees) for the three year period ending on or within six months of the date of an application pursuant to such criteria as compared with annual net income, which prevailed on the average over the period nineteen hundred sixty-eight through nineteen hundred seventy, or for the first three years of operation if the building was completed since nineteen hundred sixty-eight or for the first three fiscal years after a transfer of title to a new owner provided the new owner can establish to the satisfaction of the commissioner that he or she acquired title to the building as a result of a bona fide sale of the entire building and that the new owner is unable to obtain requisite records for the fiscal years nineteen hundred sixty-eight through nineteen hundred seventy despite diligent efforts to obtain same from predecessors in title and further provided that the new owner can provide financial data covering a minimum of six years under his or her continuous and uninterrupted operation of the building to meet the three year to three year comparative test periods herein provided[; and (b) as to completed building-wide major capital improvements, for a finding that such improvements are deemed depreciable under the Internal Revenue Code and that the cost is to be amortized over a seven-year period, based upon cash purchase price exclusive of interest or service charges]. Notwithstanding anything to the contrary contained herein, no hardship increase granted pursuant to this paragraph shall, when added to the annual gross rents, as determined by the commissioner, exceed the sum of, (i) the annual operating expenses, (ii) an allowance for management services as determined by the commissioner, (iii) actual annual mortgage debt service (interest and amortization) on its indebtedness to a lending institution, an insurance company, a retirement fund or welfare fund which is operated under the supervision of the banking or insurance laws of the state of New York or the United States, and (iv) eight and one-half percent of that portion of the fair market value of the property which exceeds the unpaid principal amount of the mortgage indebtedness referred to in subparagraph (iii) of this paragraph. Fair market value

for the purposes of this paragraph shall be six times the annual gross rent. The collection of any increase in the stabilized rent for any apartment pursuant to this paragraph shall not exceed six percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the stabilized rent as established or set in future years;

S 6. Subdivision c of section 26-511 of the administrative code of the city of New York is amended by adding three new paragraphs 6-b, 6-c, and 6-d to read as follows:

(6-B) PROVIDES CRITERIA WHEREBY THE COMMISSIONER MAY ACT UPON APPLICATION BY OWNERS FOR INCREASES IN EXCESS OF THE LEVEL OF FAIR RENT INCREASE ESTABLISHED UNDER THIS LAW PROVIDED HOWEVER, THAT SUCH CRITERIA SHALL PROVIDE THAT:

(1) NO MAJOR CAPITAL IMPROVEMENT RENT INCREASE WILL BE APPROVED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNLESS THE WORK PERFORMED IS AN ENHANCEMENT OR UPGRADE TO A HOUSING ACCOMMODATION OR SERVICE THEREIN; OR IS AN ADDITION TO SUCH HOUSING ACCOMMODATION AND OTHERWISE ELIGIBLE ACCORDING TO THE PREREQUISITES FOR MAJOR CAPITAL IMPROVEMENT RENT INCREASES. ANY REPAIR OR REPLACEMENT INTENDED TO MAINTAIN AN EXISTING SERVICE SHALL NOT BE ELIGIBLE FOR A MAJOR CAPITAL IMPROVEMENT RENT INCREASE.

(2) NO APPLICATION FOR A MAJOR CAPITAL IMPROVEMENT RENT INCREASE MAY BE APPROVED IF THERE EXIST ANY OUTSTANDING HAZARDOUS VIOLATIONS AT THE TIME OF THE CONSIDERATION OF SUCH APPLICATION, AS DETERMINED PURSUANT TO REGULATIONS OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL OR ANY AGENCY ADMINISTERING AND ENFORCING A BUILDING CODE IN THE JURISDICTION IN WHICH THE PROPERTY IS LOCATED, UNLESS IT IS DETERMINED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL THAT SUCH WORK IS ESSENTIAL TO THE ALLEVIATION OF THE VIOLATIONS AND SUCH APPROVAL IS CONSISTENT WITH THE PROVISIONS OF THIS SECTION. EXCEPT IN THE CASE OF EMERGENCY OR GOOD CAUSE, THE OWNER OF THE PROPERTY SHALL FILE, NOT LESS THAN THIRTY DAYS BEFORE THE COMMENCEMENT OF THE IMPROVEMENT, WITH THE DIVISION OF HOUSING AND COMMUNITY RENEWAL A STATEMENT CONTAINING INFORMATION OUTLINING THE SCOPE OF WORK, EXPECTED DATE OF COMPLETION FOR SUCH WORK AND AN AFFIDAVIT SETTING FORTH THE FOLLOWING INFORMATION:

(A) EVERY OWNER OF RECORD AND OWNER OF A SUBSTANTIAL INTEREST IN THE PROPERTY OR ENTITY OWNING THE PROPERTY OR SPONSORING THE IMPROVEMENT; AND

(B) A STATEMENT THAT NONE OF SUCH PERSONS HAD, WITHIN THE FIVE YEARS PRIOR TO THE IMPROVEMENT, BEEN FOUND TO HAVE HARASSED OR UNLAWFULLY EVICTED TENANTS BY JUDGMENT OR DETERMINATION OF A COURT OR AGENCY UNDER THE PENAL LAW, ANY STATE OR LOCAL LAW REGULATING RENTS OR ANY STATE OR LOCAL LAW RELATING TO HARASSMENT OF TENANTS OR UNLAWFUL EVICTION.

UPON RECEIPT OF THE SCOPE OF WORK AND AFFIDAVIT PROVIDED FOR HEREIN, THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL PROVIDE THE TENANTS IN OCCUPANCY IN SUCH BUILDINGS WITH SUCH INFORMATION. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL, IN ADDITION, IMPLEMENT PROCEDURES INCLUDING, BUT NOT LIMITED TO, ELICITING TENANT COMMENTS TO DETERMINE WHETHER MAJOR CAPITAL IMPROVEMENT REHABILITATION WORK HAS BEEN SATISFACTORILY COMPLETED. NO MAJOR CAPITAL IMPROVEMENT RENT INCREASE SHALL BECOME EFFECTIVE UNTIL ANY DEFECTIVE OR DEFICIENT REHABILITATION WORK HAS BEEN CURED.

(6-C) THE INCREASE PERMITTED FOR SUCH CAPITAL IMPROVEMENT SHALL BE COLLECTED AS A MONTHLY SURCHARGE TO THE LEGAL REGULATED RENT. IT SHALL

1 BE SEPARATELY DESIGNATED AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED
2 BY ANY ANNUAL ADJUSTMENT OF THE LEVEL OF FAIR RENT PROVIDED FOR UNDER
3 SUBDIVISION B OF SECTION 26-510 OF THIS LAW. THE SURCHARGE ALLOCABLE TO
4 EACH APARTMENT SHALL BE AN AMOUNT EQUAL TO THE COST OF THE IMPROVEMENT
5 DIVIDED BY EIGHTY-FOUR, DIVIDED BY THE NUMBER OF ROOMS IN THE BUILDING,
6 AND THEN MULTIPLIED BY THE NUMBER OF ROOMS IN SUCH APARTMENT; PROVIDED
7 THAT THE SURCHARGE ALLOCABLE TO ANY APARTMENT, IN ANY ONE YEAR MAY NOT
8 EXCEED AN AMOUNT EQUAL TO SIX PERCENT OF THE MONTHLY RENT COLLECTED BY
9 THE OWNER FOR SUCH APARTMENT AS SET FORTH IN THE SCHEDULE OF GROSS
10 RENTS. ANY EXCESS ABOVE SAID SIX PERCENT SHALL BE CARRIED FORWARD AND
11 COLLECTED IN FUTURE YEARS AS A FURTHER SURCHARGE NOT TO EXCEED AN ADDI-
12 TIONAL SIX PERCENT IN ANY ONE YEAR PERIOD UNTIL THE TOTAL SURCHARGE
13 EQUALS THE AMOUNT IT WOULD HAVE BEEN IF THE AFOREMENTIONED SIX PERCENT
14 LIMITATION DID NOT APPLY.

15 (6-D) COLLECTION OF SURCHARGES IN EXCESS OF THE LEVEL OF FAIR RENT
16 AUTHORIZED PURSUANT TO PARAGRAPH SIX-B OF THIS SUBDIVISION SHALL CEASE
17 WHEN THE OWNER HAS RECOVERED THE COST OF THE MAJOR CAPITAL IMPROVEMENT.

18 S 7. Paragraph 3 of subdivision d of section 6 of section 4 of chapter
19 576 of the laws of 1974, constituting the emergency tenant protection
20 act of nineteen seventy-four, as amended by chapter 749 of the laws of
21 1990, is amended to read as follows:

22 (3) (I) COLLECTION OF SURCHARGES IN ADDITION TO THE LEGAL REGULATED
23 RENT AUTHORIZED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL
24 CEASE WHEN THE OWNER HAS RECOVERED THE COST OF THE MAJOR CAPITAL
25 IMPROVEMENT;

26 (II) there has been since January first, nineteen hundred seventy-four
27 a major capital improvement [required for the operation, preservation or
28 maintenance of the structure. An adjustment under this paragraph shall
29 be in an amount sufficient to amortize the cost of the improvements
30 pursuant to this paragraph over a seven-year period]; PROVIDED THAT THE
31 COMMISSIONER FINDS THAT SUCH IMPROVEMENTS ARE DEEMED DEPRECIABLE UNDER
32 THE INTERNAL REVENUE CODE AND SUCH IMPROVEMENTS ARE REQUIRED FOR THE
33 OPERATION, PRESERVATION OR MAINTENANCE OF THE STRUCTURE. THE INCREASE
34 PERMITTED FOR SUCH CAPITAL IMPROVEMENT SHALL BE COLLECTED AS A MONTHLY
35 SURCHARGE TO THE LEGAL REGULATED RENT. IT SHALL BE SEPARATELY DESIGNATED
36 AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY ANNUAL RENT
37 ADJUSTMENT AUTHORIZED BY THE RENT GUIDELINES BOARD UNDER THIS ACT. THE
38 SURCHARGE ALLOCABLE TO EACH APARTMENT SHALL BE AN AMOUNT EQUAL TO THE
39 COST OF THE IMPROVEMENT DIVIDED BY EIGHTY-FOUR, DIVIDED BY THE NUMBER OF
40 ROOMS IN THE BUILDING, AND THEN MULTIPLIED BY THE NUMBER OF ROOMS IN
41 SUCH APARTMENT; PROVIDED THAT THE SURCHARGE ALLOCABLE TO ANY APARTMENT
42 IN ANY ONE YEAR MAY NOT EXCEED AN AMOUNT EQUAL TO SIX PERCENT OF THE
43 MONTHLY RENT COLLECTED BY THE OWNER FOR SUCH APARTMENT AS SET FORTH IN
44 THE SCHEDULE OF GROSS RENTS. ANY EXCESS ABOVE SAID SIX PERCENT SHALL BE
45 CARRIED FORWARD AND COLLECTED IN FUTURE YEARS AS A FURTHER SURCHARGE NOT
46 TO EXCEED AN ADDITIONAL SIX PERCENT IN ANY ONE YEAR PERIOD UNTIL THE
47 TOTAL SURCHARGE EQUALS THE AMOUNT IT WOULD HAVE BEEN IF THE AFOREMEN-
48 TIONED SIX PERCENT LIMITATION DID NOT APPLY, or

49 S 8. Section 6 of section 4 of chapter 576 of the laws of 1974,
50 constituting the emergency tenant protection act of nineteen seventy-
51 four, is amended by adding a new subdivision d-1 to read as follows:

52 D-1. (1) NO MAJOR CAPITAL IMPROVEMENT RENT INCREASE WILL BE APPROVED
53 BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNLESS THE WORK
54 PERFORMED IS AN ENHANCEMENT OR UPGRADE TO A HOUSING ACCOMMODATION OR
55 SERVICE THEREIN; OR IS AN ADDITION TO SUCH HOUSING ACCOMMODATION AND
56 OTHERWISE ELIGIBLE ACCORDING TO THE PREREQUISITES FOR MAJOR CAPITAL

1 IMPROVEMENT RENT INCREASES. ANY REPAIR OR REPLACEMENT INTENDED TO MAIN-
2 TAIN AN EXISTING SERVICE SHALL NOT BE ELIGIBLE FOR A MAJOR CAPITAL
3 IMPROVEMENT RENT INCREASE.

4 (2) NO APPLICATION FOR A MAJOR CAPITAL IMPROVEMENT RENT INCREASE MAY
5 BE APPROVED IF THERE EXIST ANY OUTSTANDING HAZARDOUS VIOLATIONS AT THE
6 TIME OF THE CONSIDERATION OF SUCH APPLICATION, AS DETERMINED PURSUANT TO
7 REGULATIONS OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL OR ANY
8 AGENCY ADMINISTERING AND ENFORCING A BUILDING CODE IN THE JURISDICTION
9 IN WHICH THE PROPERTY IS LOCATED, UNLESS IT IS DETERMINED BY THE DIVI-
10 SION OF HOUSING AND COMMUNITY RENEWAL THAT SUCH WORK IS ESSENTIAL TO THE
11 ALLEVIATION OF THE VIOLATIONS AND SUCH APPROVAL IS CONSISTENT WITH THE
12 PROVISIONS OF THIS SECTION. EXCEPT IN THE CASE OF EMERGENCY OR GOOD
13 CAUSE, THE OWNER OF THE PROPERTY SHALL FILE, NOT LESS THAN THIRTY DAYS
14 BEFORE THE COMMENCEMENT OF THE IMPROVEMENT, WITH THE DIVISION OF HOUSING
15 AND COMMUNITY RENEWAL A STATEMENT CONTAINING INFORMATION OUTLINING THE
16 SCOPE OF WORK, EXPECTED DATE OF COMPLETION FOR SUCH WORK AND AN AFFIDA-
17 VIT SETTING FORTH THE FOLLOWING INFORMATION:

18 (A) EVERY OWNER OF RECORD AND OWNER OF A SUBSTANTIAL INTEREST IN THE
19 PROPERTY OR ENTITY OWNING THE PROPERTY OR SPONSORING THE IMPROVEMENT;
20 AND

21 (B) A STATEMENT THAT NONE OF SUCH PERSONS HAD, WITHIN THE FIVE YEARS
22 PRIOR TO THE IMPROVEMENT, BEEN FOUND TO HAVE HARASSED OR UNLAWFULLY
23 EVICTED TENANTS BY JUDGMENT OR DETERMINATION OF A COURT OR AGENCY UNDER
24 THE PENAL LAW, ANY STATE OR LOCAL LAW REGULATING RENTS OR ANY STATE OR
25 LOCAL LAW RELATING TO HARASSMENT OF TENANTS OR UNLAWFUL EVICTION.

26 UPON RECEIPT OF THE SCOPE OF WORK AND AFFIDAVIT PROVIDED FOR HEREIN,
27 THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL PROVIDE THE TENANTS
28 IN OCCUPANCY IN SUCH BUILDINGS WITH SUCH INFORMATION. THE DIVISION OF
29 HOUSING AND COMMUNITY RENEWAL SHALL, IN ADDITION, IMPLEMENT PROCEDURES
30 INCLUDING, BUT NOT LIMITED TO, ELICITING TENANT COMMENTS TO DETERMINE
31 WHETHER MAJOR CAPITAL IMPROVEMENT REHABILITATION WORK HAS BEEN SATISFAC-
32 TORILY COMPLETED. NO MAJOR CAPITAL IMPROVEMENT RENT INCREASE SHALL
33 BECOME EFFECTIVE UNTIL ANY DEFECTIVE OR DEFICIENT REHABILITATION WORK
34 HAS BEEN CURED.

35 S 9. Subdivision d of section 6 of section 4 of chapter 576 of the
36 laws of 1974 constituting the emergency tenant protection act of nine-
37 teen seventy-four is amended by adding a new paragraph 6 to read as
38 follows:

39 (6) NOTWITHSTANDING PARAGRAPH THREE OF THIS SUBDIVISION THERE SHALL BE
40 NO ADJUSTMENT FOR ANY MAJOR CAPITAL IMPROVEMENT FUNDED IN ANY PART FROM
41 MONEYS PROVIDED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT
42 AUTHORITY.

43 S 10. The second undesignated paragraph of paragraph (a) of subdivi-
44 sion 4 of section 4 of chapter 274 of the laws of 1946, constituting the
45 emergency housing rent control law, as amended by section 25 of part B
46 of chapter 97 of the laws of 2011, is amended to read as follows:

47 No application for adjustment of maximum rent based upon a sales price
48 valuation shall be filed by the landlord under this subparagraph prior
49 to six months from the date of such sale of the property. In addition,
50 no adjustment ordered by the commission based upon such sales price
51 valuation shall be effective prior to one year from the date of such
52 sale. Where, however, the assessed valuation of the land exceeds four
53 times the assessed valuation of the buildings thereon, the commission
54 may determine a valuation of the property equal to five times the equal-
55 ized assessed valuation of the buildings, for the purposes of this
56 subparagraph. The commission may make a determination that the valuation

1 of the property is an amount different from such equalized assessed
2 valuation where there is a request for a reduction in such assessed
3 valuation currently pending; or where there has been a reduction in the
4 assessed valuation for the year next preceding the effective date of the
5 current assessed valuation in effect at the time of the filing of the
6 application. Net annual return shall be the amount by which the earned
7 income exceeds the operating expenses of the property, excluding mort-
8 gage interest and amortization, and excluding allowances for obsoles-
9 cence and reserves, but including an allowance for depreciation of two
10 per centum of the value of the buildings exclusive of the land, or the
11 amount shown for depreciation of the buildings in the latest required
12 federal income tax return, whichever is lower; provided, however, that
13 (1) no allowance for depreciation of the buildings shall be included
14 where the buildings have been fully depreciated for federal income tax
15 purposes or on the books of the owner; or (2) the landlord who owns no
16 more than four rental units within the state has not been fully compen-
17 sated by increases in rental income sufficient to offset unavoidable
18 increases in property taxes, fuel, utilities, insurance and repairs and
19 maintenance, excluding mortgage interest and amortization, and excluding
20 allowances for depreciation, obsolescence and reserves, which have
21 occurred since the federal date determining the maximum rent or the date
22 the property was acquired by the present owner, whichever is later; or
23 (3) the landlord operates a hotel or rooming house or owns a cooperative
24 apartment and has not been fully compensated by increases in rental
25 income from the controlled housing accommodations sufficient to offset
26 unavoidable increases in property taxes and other costs as are allocable
27 to such controlled housing accommodations, including costs of operation
28 of such hotel or rooming house, but excluding mortgage interest and
29 amortization, and excluding allowances for depreciation, obsolescence
30 and reserves, which have occurred since the federal date determining the
31 maximum rent or the date the landlord commenced the operation of the
32 property, whichever is later; or (4) the landlord and tenant voluntarily
33 enter into a valid written lease in good faith with respect to any hous-
34 ing accommodation, which lease provides for an increase in the maximum
35 rent not in excess of fifteen per centum and for a term of not less than
36 two years, except that where such lease provides for an increase in
37 excess of fifteen per centum, the increase shall be automatically
38 reduced to fifteen per centum; or (5) the landlord and tenant by mutual
39 voluntary written agreement agree to a substantial increase or decrease
40 in dwelling space or a change in the services, furniture, furnishings or
41 equipment provided in the housing accommodations; provided that an owner
42 shall be entitled to a rent increase where there has been a substantial
43 modification or increase of dwelling space or an increase in the
44 services, or installation of new equipment or improvements or new furni-
45 ture or furnishings provided in or to a tenant's housing accommodation.
46 The permanent increase in the maximum rent for the affected housing
47 accommodation shall be one-fortieth, in the case of a building with
48 thirty-five or fewer housing accommodations, or one-sixtieth, in the
49 case of a building with more than thirty-five housing accommodations
50 where such permanent increase takes effect on or after September twen-
51 ty-fourth, two thousand eleven, of the total cost incurred by the land-
52 lord in providing such modification or increase in dwelling space,
53 services, furniture, furnishings or equipment, including the cost of
54 installation, but excluding finance charges provided further that an
55 owner who is entitled to a rent increase pursuant to this clause shall
56 not be entitled to a further rent increase based upon the installation

1 of similar equipment, or new furniture or furnishings within the useful
2 life of such new equipment, or new furniture or furnishings. The owner
3 shall give written notice to the commission of any such adjustment
4 pursuant to this clause; or (6) there has been, since March first, nine-
5 teen hundred fifty, an increase in the rental value of the housing
6 accommodations as a result of a substantial rehabilitation of the build-
7 ing or housing accommodation therein which materially adds to the value
8 of the property or appreciably prolongs its life, excluding ordinary
9 repairs, maintenance and replacements; or (7) (I) COLLECTION OF
10 SURCHARGES TO THE MAXIMUM RENT AUTHORIZED PURSUANT TO ITEM (II) OF THIS
11 CLAUSE SHALL CEASE WHEN THE OWNER HAS RECOVERED THE COST OF THE MAJOR
12 CAPITAL IMPROVEMENT; (II) there has been since March first, nineteen
13 hundred fifty, a major capital improvement [required for the operation,
14 preservation or maintenance of the structure]; PROVIDED THAT THE COMMIS-
15 SIONER FINDS THAT SUCH IMPROVEMENTS ARE DEEMED DEPRECIABLE UNDER THE
16 INTERNAL REVENUE CODE AND SUCH IMPROVEMENTS ARE REQUIRED FOR THE OPERA-
17 TION, PRESERVATION OR MAINTENANCE OF THE STRUCTURE. THE INCREASE PERMIT-
18 TED FOR SUCH CAPITAL IMPROVEMENT SHALL BE COLLECTED AS A MONTHLY
19 SURCHARGE TO THE MAXIMUM RENT. IT SHALL BE SEPARATELY DESIGNATED AND
20 BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY OTHER ADJUSTMENT TO
21 THE MAXIMUM RENT. THE SURCHARGE ALLOCABLE TO EACH APARTMENT SHALL BE AN
22 AMOUNT EQUAL TO THE COST OF THE IMPROVEMENT DIVIDED BY EIGHTY-FOUR,
23 DIVIDED BY THE NUMBER OF ROOMS IN THE BUILDING, AND THEN MULTIPLIED BY
24 THE NUMBER OF ROOMS IN SUCH APARTMENT; PROVIDED THAT THE SURCHARGE ALLO-
25 CABLE TO ANY APARTMENT IN ANY ONE YEAR MAY NOT EXCEED AN AMOUNT EQUAL TO
26 SIX PERCENT OF THE MONTHLY RENT COLLECTED BY THE OWNER FOR SUCH APART-
27 MENT AS SET FORTH IN THE SCHEDULE OF GROSS RENTS. ANY EXCESS ABOVE SAID
28 SIX PERCENT SHALL BE CARRIED FORWARD AND COLLECTED IN FUTURE YEARS AS A
29 FURTHER SURCHARGE NOT TO EXCEED AN ADDITIONAL SIX PERCENT IN ANY ONE
30 YEAR PERIOD UNTIL THE TOTAL SURCHARGE EQUALS THE AMOUNT IT WOULD HAVE
31 BEEN IF THE AFOREMENTIONED SIX PERCENT LIMITATION DID NOT APPLY; or (8)
32 there has been since March first, nineteen hundred fifty, in structures
33 containing more than four housing accommodations, other improvements
34 made with the express consent of the tenants in occupancy of at least
35 seventy-five per centum of the housing accommodations, provided, howev-
36 er, that no adjustment granted hereunder shall exceed fifteen per centum
37 unless the tenants have agreed to a higher percentage of increase, as
38 herein provided; or (9) there has been, since March first, nineteen
39 hundred fifty, a subletting without written consent from the landlord or
40 an increase in the number of adult occupants who are not members of the
41 immediate family of the tenant, and the landlord has not been compen-
42 sated therefor by adjustment of the maximum rent by lease or order of
43 the commission or pursuant to the federal act; or (10) the presence of
44 unique or peculiar circumstances materially affecting the maximum rent
45 has resulted in a maximum rent which is substantially lower than the
46 rents generally prevailing in the same area for substantially similar
47 housing accommodations.

48 S 11. This act shall take effect immediately; provided that:

49 a. the amendments to section 26-405 of the city rent and rehabili-
50 tation law made by sections one, two, three and four of this act shall
51 remain in full force and effect only so long as the public emergency
52 requiring the regulation and control of residential rents and evictions
53 continues, as provided in subdivision 3 of section 1 of the local emer-
54 gency housing rent control act;

55 b. the amendments to section 26-511 of the rent stabilization law of
56 nineteen hundred sixty-nine made by sections five and six of this act

shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law, as from time to time amended;

c. the amendment to section 6 of the emergency tenant protection act of nineteen seventy-four made by sections seven, eight and nine of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as from time to time amended; and

d. the amendment to section 4 of the emergency housing rent control law made by section ten of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided in subdivision 2 of section 1 of chapter 274 of the laws of 1946.

PART K

Section 1. Paragraph 5 of subdivision a of section 26-405 of the administrative code of the city of New York is amended to read as follows:

(5) Where a maximum rent established pursuant to this chapter on or after January first, nineteen hundred seventy-two, is higher than the previously existing maximum rent, the landlord may not collect AN INCREASE FROM A TENANT IN OCCUPANCY IN ANY ONE YEAR PERIOD OF more than THE LESSER OF EITHER seven and one-half percentum [increase from a tenant in occupancy on such date in any one year period, provided however, that where] OR AN AVERAGE OF THE PREVIOUS FIVE YEARS OF ONE-YEAR RENT INCREASES ON RENT STABILIZED APARTMENTS AS ESTABLISHED BY THE RENT GUIDELINES BOARD, PURSUANT TO SUBDIVISION B OF SECTION 26-510 OF THIS TITLE. IF the period for which the rent is established exceeds one year, regardless of how the collection thereof is averaged over such period, the rent the landlord shall be entitled to receive during the first twelve months shall not be increased by more than THE LESSER OF EITHER seven and one-half percentum OR AN AVERAGE OF THE PREVIOUS FIVE YEARS OF ONE-YEAR RENT INCREASES ON RENT STABILIZED APARTMENTS AS ESTABLISHED BY THE RENT GUIDELINES BOARD, PURSUANT TO SUBDIVISION B OF SECTION 26-510 OF THIS TITLE, over the previous rent [and]. ANY additional annual rents shall not exceed THE LESSER OF EITHER seven and one-half percentum OR AN AVERAGE OF THE PREVIOUS FIVE YEARS OF ONE-YEAR RENT INCREASES ON RENT STABILIZED APARTMENTS AS ESTABLISHED BY THE RENT GUIDELINES BOARD, PURSUANT TO SUBDIVISION B OF SECTION 26-510 OF THIS TITLE, of the rent paid during the previous year. Notwithstanding any of the foregoing limitations in this paragraph five, maximum rent shall be increased if ordered by the agency pursuant to subparagraphs (d), (e), (f), (g), (h), (i), (k), [(l),] OR (m) [or (n)] of paragraph one of subdivision g of this section. [Commencing January first, nineteen hundred eighty, rent adjustments pursuant to subparagraph (n) of paragraph one of subdivision g of this section shall be excluded from the maximum rent when computing the seven and one-half percentum increase authorized by this paragraph five.] Where a housing accommodation is vacant on January first, nineteen hundred seventy-two, or becomes vacant thereafter by voluntary surrender of possession by the tenants, the maximum rent established for such accommodations may be collected.

S 2. Subparagraphs (l) and (n) of paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York are REPEALED.

1 S 3. Section 4 of chapter 274 of the laws of 1946, constituting the
2 emergency housing rent control law, is amended by adding a new subdivi-
3 sion 9 to read as follows:

4 9. NO ANNUAL RENT INCREASE AUTHORIZED PURSUANT TO THIS ACT SHALL
5 EXCEED THE AVERAGE OF THE PREVIOUS FIVE ANNUAL RENTAL INCREASES AUTHOR-
6 IZED BY A RENT GUIDELINES BOARD FOR A RENT STABILIZED UNIT PURSUANT TO
7 SECTION 4 OF THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN
8 SEVENTY-FOUR.

9 S 4. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law; provided that the amendments to section
11 26-405 of the city rent and rehabilitation law made by section one of
12 this act shall remain in full force and effect only as long as the
13 public emergency requiring the regulation and control of residential
14 rents and evictions continues, as provided in subdivision 3 of section 1
15 of the local emergency housing rent control act; and provided that the
16 amendments to section 4 of the emergency housing rent control law made
17 by section three of this act shall expire on the same date as such law
18 expires and shall not affect the expiration of such law as provided in
19 subdivision 2 of section 1 of chapter 274 of the laws of 1946.

20 PART L

21 Section 1. The administrative code of the city of New York is amended
22 by adding a new section 26-416 to read as follows:

23 S 26-416 SURCHARGES FOR TENANT-INSTALLED APPLIANCES. THE IMPOSITION OF
24 ANY SURCHARGE FOR THE INSTALLATION OR USE OF A TENANT-INSTALLED APPLI-
25 ANCE IS PROHIBITED WHERE THE TENANT PAYS FOR ELECTRIC UTILITY SERVICE.

26 S 2. This act shall take effect immediately; provided that section
27 26-416 of the city rent and rehabilitation law as added by section one
28 of this act shall remain in full force and effect only as long as the
29 public emergency requiring the regulation and control of residential
30 rents and evictions continues, as provided in subdivision 3 of section 1
31 of the local emergency housing rent control act.

32 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
33 sion, section or part of this act shall be adjudged by any court of
34 competent jurisdiction to be invalid, such judgment shall not affect,
35 impair, or invalidate the remainder thereof, but shall be confined in
36 its operation to the clause, sentence, paragraph, subdivision, section
37 or part thereof directly involved in the controversy in which such judg-
38 ment shall have been rendered. It is hereby declared to be the intent
39 of the legislature that this act would have been enacted even if such
40 invalid provisions had not been included herein.

41 S 4. This act shall take effect immediately provided, however, that
42 the applicable effective dates of Parts A through L of this act shall be
43 as specifically set forth in the last section of such Parts.