

7664

2015-2016 Regular Sessions

I N A S S E M B L Y

May 21, 2015

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

AN ACT to amend the administrative code of the city of New York and the
emergency tenant protection act of nineteen seventy-four, in relation
to housing unit fees; and to amend the emergency tenant protection act
of nineteen seventy-four, in relation to extending the provisions of
such chapter

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

1 Section 1. Subdivision a of section 26-517.1 of the administrative
2 code of the city of New York, as added by local law number 95 of the
3 city of New York for the year 1985, is amended to read as follows:
4 a. The [Department] DEPARTMENT of [Finance] FINANCE shall collect from
5 the owner of each housing accommodation registered pursuant to [Section]
6 SECTION 26-517 of this [law] CHAPTER an annual fee in the amount of
7 [ten] THIRTY dollars per year for each unit subject to this law, in
8 order to defray costs incurred by the city pursuant to subdivision c of
9 section eight of the emergency tenant protection act of nineteen hundred
10 seventy-four.
11 S 2. Subdivisions c and d of section 8 of section 4 of chapter 576 of
12 the laws of 1974 constituting the emergency tenant protection act of
13 nineteen seventy-four, subdivision c as amended by section 5 of part Z
14 of chapter 56 of the laws of 2010 and subdivision d as amended by chap-
15 ter 116 of the laws of 1997, are amended to read as follows:
16 c. Whenever a city having a population of one million or more has
17 determined the existence of an emergency pursuant to section three of
18 this act, the provisions of this act and the New York city rent stabili-
19 zation law of nineteen hundred sixty-nine shall be administered by the
20 state division of housing and community renewal as provided in the New
21 York city rent stabilization law of nineteen hundred sixty-nine, as
22 amended, or as otherwise provided by law. The costs incurred by the

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

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1 state division of housing and community renewal in administering such
2 regulation shall be paid by such city. All payments for such adminis-
3 tration shall be transmitted to the state division of housing and commu-
4 nity renewal as follows: on or after April first of each year commencing
5 with April, nineteen hundred eighty-four, the commissioner of housing
6 and community renewal shall determine an amount necessary to defray the
7 division's anticipated annual cost, and one-quarter of such amount shall
8 be paid by such city on or before July first of such year, one-quarter
9 of such amount on or before October first of such year, one-quarter of
10 such amount on or before January first of the following year and one-
11 quarter of such amount on or before March thirty-first of the following
12 year. After the close of the fiscal year of the state, the commissioner
13 shall determine the amount of all actual costs incurred in such fiscal
14 year and shall certify such amount to such city. If such certified
15 amount shall differ from the amount paid by the city for such fiscal
16 year, appropriate adjustments shall be made in the next quarterly
17 payment to be made by such city. In the event that the amount thereof is
18 not paid to the commissioner as herein prescribed, the commissioner
19 shall certify the unpaid amount to the comptroller, and the comptroller
20 shall, to the extent not otherwise prohibited by law, withhold such
21 amount from any state aid payable to such city. In no event shall the
22 amount imposed on the owners exceed [ten] THIRTY dollars per unit per
23 year.

24 d. The failure to pay the prescribed assessment not to exceed [ten]
25 THIRTY dollars per unit for any housing accommodation subject to this
26 act or the New York city rent stabilization law of nineteen hundred
27 sixty-nine shall constitute a charge due and owing such city, town or
28 village which has imposed an annual charge for each such housing accom-
29 modation pursuant to subdivision b of this section. Any such city, town
30 or village shall be authorized to provide for the enforcement of the
31 collection of such charges by commencing an action or proceeding for the
32 recovery of such fees or by the filing of a lien upon the building and
33 lot. Such methods for the enforcement of the collection of such charges
34 shall be the sole remedy for the enforcement of this section.

35 S 3. Section 17 of chapter 576 of the laws of 1974 amending the emer-
36 gency housing rent control law relating to the control of and stabiliza-
37 tion of rent in certain cases, as amended by section 1-a of part B of
38 chapter 97 of the laws of 2011, is amended to read as follows:

39 S 17. Effective date. This act shall take effect immediately and
40 shall remain in full force and effect until and including the fifteenth
41 day of June [2015] 2017; except that sections two and three shall take
42 effect with respect to any city having a population of one million or
43 more and section one shall take effect with respect to any other city,
44 or any town or village whenever the local legislative body of a city,
45 town or village determines the existence of a public emergency pursuant
46 to section three of the emergency tenant protection act of nineteen
47 seventy-four, as enacted by section four of this act, and provided that
48 the housing accommodations subject on the effective date of this act to
49 stabilization pursuant to the New York city rent stabilization law of
50 nineteen hundred sixty-nine shall remain subject to such law upon the
51 expiration of this act.

52 S 4. The increased revenues payable each year to the commissioner of
53 the state division of housing and community renewal pursuant to this act
54 shall be divided equally by the commissioner between the office of rent
55 administration and the office of the tenant protection unit within the
56 division of housing and community renewal and shall be utilized by the

1 commissioner in addition to and not in substitution for the levels of
2 funding from all sources provided to the office of rent administration
3 and the office of the tenant protection unit on the effective date of
4 this act.
5 S 5. This act shall take effect immediately; provided that the amend-
6 ments to section 26-517.1 of chapter 4 of title 26 of the administrative
7 code of the city of New York made by section one of this act shall
8 expire on the same date as such law expires and shall not affect the
9 expiration of such law as provided under section 26-520 of such law; and
10 provided further that the amendments to section 8 of the emergency
11 tenant protection act of nineteen seventy-four made by section two of
12 this act shall expire on the same date as such act expires and shall not
13 affect the expiration of such act as provided in section 17 of chapter
14 576 of the laws of 1974.