

1786

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations

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

1 Section 1. The opening paragraph of subdivision b of section 4 of
2 section 4 of chapter 576 of the laws of 1974, constituting the emergency
3 tenant protection act of nineteen seventy-four, as amended by chapter
4 403 of the laws of 1983, is amended to read as follows:
5 A county rent guidelines board shall establish annually guidelines for
6 rent adjustments which, at its sole discretion may be varied and differ-
7 ent for and within the several zones and jurisdictions of the board, and
8 in determining whether rents for housing accommodations as to which an
9 emergency has been declared pursuant to this act shall be adjusted,
10 shall consider among other things (1) the economic condition of the
11 residential real estate industry in the affected area including such
12 factors as the prevailing and projected (i) real estate taxes and sewer
13 and water rates, (ii) gross operating maintenance costs (including
14 insurance rates, governmental fees, cost of fuel and labor costs), (iii)
15 costs and availability of financing (including effective rates of inter-
16 est), (iv) over-all supply of housing accommodations and over-all vacan-
17 cy rates, (2) relevant data from the current and projected cost of
18 living indices for the affected area, (3) such other data as may be made
19 available to it. As soon as practicable after its creation and thereaft-
20 er not later than July first of each year, a rent guidelines board shall
21 file with the state division of housing and community renewal its find-

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

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1 ings for the preceding calendar year, and shall accompany such findings
2 with a statement of the maximum rate or rates of rent adjustment, if
3 any, for one or more classes of accommodation subject to this act,
4 authorized for leases or other rental agreements commencing during the
5 next succeeding twelve months. The standards for rent adjustments may be
6 applicable for the entire county or may be varied according to such
7 zones or jurisdictions within such county as the board finds necessary
8 to achieve the purposes of this subdivision. A COUNTY RENT GUIDELINES
9 BOARD SHALL NOT ESTABLISH ANNUAL GUIDELINES FOR RENT ADJUSTMENTS BASED
10 ON THE CURRENT RENTAL COST OF A UNIT OR ON THE AMOUNT OF TIME THAT HAS
11 ELAPSED SINCE ANOTHER RENT INCREASE WAS AUTHORIZED PURSUANT TO THIS
12 CHAPTER.

13 S 2. Subdivision b of section 26-510 of the administrative code of
14 the city of New York is amended to read as follows:

15 b. The rent guidelines board shall establish annually guidelines for
16 rent adjustments, and in determining whether rents for housing accommo-
17 dations subject to the emergency tenant protection act of nineteen
18 seventy-four or this law shall be adjusted shall consider, among other
19 things (1) the economic condition of the residential real estate indus-
20 try in the affected area including such factors as the prevailing and
21 projected (i) real estate taxes and sewer and water rates, (ii) gross
22 operating maintenance costs (including insurance rates, governmental
23 fees, cost of fuel and labor costs), (iii) costs and availability of
24 financing (including effective rates of interest), (iv) over-all supply
25 of housing accommodations and over-all vacancy rates, (2) relevant data
26 from the current and projected cost of living indices for the affected
27 area, (3) such other data as may be made available to it. Not later than
28 July first of each year, the rent guidelines board shall file with the
29 city clerk its findings for the preceding calendar year, and shall
30 accompany such findings with a statement of the maximum rate or rates of
31 rent adjustment, if any, for one or more classes of accommodations
32 subject to this law, authorized for leases or other rental agreements
33 commencing on the next succeeding October first or within the twelve
34 months thereafter. Such findings and statement shall be published in the
35 City Record. THE RENT GUIDELINES BOARD SHALL NOT ESTABLISH ANNUAL
36 GUIDELINES FOR RENT ADJUSTMENTS BASED ON THE CURRENT RENTAL COST OF A
37 UNIT OR ON THE AMOUNT OF TIME THAT HAS ELAPSED SINCE ANOTHER RENT
38 INCREASE WAS AUTHORIZED PURSUANT TO THIS TITLE.

39 S 3. This act shall take effect immediately; provided that the amend-
40 ments to section 4 of section 4 of chapter 576 of the laws of 1974,
41 constituting the emergency tenant protection act of nineteen seventy-
42 four, made by section one of this act, shall not affect the expiration
43 of such section and shall be deemed to expire therewith; and provided
44 further that the amendments to subdivision b of section 26-510 of the
45 administrative code of the city of New York made by section two of this
46 act, shall not affect the expiration of such subdivision and shall be
47 deemed to expire therewith.