

2828--A

2015-2016 Regular Sessions

I N S E N A T E

January 29, 2015

Introduced by Sens. KRUEGER, AVELLA, DIAZ, DILAN, HAMILTON, HASSELL-THOMPSON, HOYLMAN, PARKER, PERALTA, PERKINS, SERRANO, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 the regulation of rents

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

1 Section 1. Subdivision (a-2) of section 10 of section 4 of chapter 576
2 of the laws of 1974, constituting the emergency tenant protection act of
3 nineteen seventy-four, as amended by section 11 of part A of chapter 20
4 of the laws of 2015, is amended to read as follows:
5 (a-2) Provides that where the amount of rent charged to and paid by
6 the tenant is less than the legal regulated rent for the housing accom-
7 modation, the amount of rent for such housing accommodation which may be
8 charged [upon renewal or] upon vacancy thereof, may, at the option of
9 the owner, be based upon such previously established legal regulated
10 rent, as adjusted by [the most recent] ALL applicable guidelines
11 increases and other increases authorized by law; PROVIDED, HOWEVER, THAT
12 SUCH VACANCY SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN AGENT
13 OF THE OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE WITH
14 THE WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF SECTION TWO
15 HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Such housing accommo-
16 dation shall be excluded from the provisions of this act pursuant to
17 paragraph thirteen of subdivision a of section five of this act when
18 subsequent to vacancy: (i) such legal regulated rent is two thousand

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

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1 five hundred dollars per month, or more, for any housing accommodation
2 that is, or becomes, vacant after the effective date of the rent act of
3 2011 but prior to the effective date of the rent act of 2015 or (ii)
4 such legal regulated rent is two thousand seven hundred dollars per
5 month or more for any housing accommodation that is or becomes vacant on
6 or after the rent act of 2015; starting on January 1, 2016, and annually
7 thereafter, the maximum legal regulated rent for this deregulation
8 threshold, shall also be increased by the same percent as the most
9 recent one year renewal adjustment, adopted by the applicable rent
10 guidelines board pursuant to the rent stabilization law.

11 S 2. Paragraph 14 of subdivision c of section 26-511 of the adminis-
12 trative code of the city of New York, as amended by section 12 of part A
13 of chapter 20 of the laws of 2015, is amended to read as follows:

14 (14) provides that where the amount of rent charged to and paid by the
15 tenant is less than the legal regulated rent for the housing accommo-
16 dation, the amount of rent for such housing accommodation which may be
17 charged [upon renewal or] upon vacancy thereof, may, at the option of
18 the owner, be based upon such previously established legal regulated
19 rent, as adjusted by [the most recent] ALL applicable guidelines
20 increases and any other increases authorized by law; PROVIDED, HOWEVER,
21 THAT SUCH VACANCY SHALL NOT BE CAUSED BY THE FAILURE OF THE OWNER OR AN
22 AGENT OF THE OWNER, TO MAINTAIN THE HOUSING ACCOMMODATION IN COMPLIANCE
23 WITH THE WARRANTY OF HABITABILITY SET FORTH IN SUBDIVISION ONE OF
24 SECTION TWO HUNDRED THIRTY-FIVE-B OF THE REAL PROPERTY LAW. Such hous-
25 ing accommodation shall be excluded from the provisions of this code
26 pursuant to section 26-504.2 of this chapter when, subsequent to vacan-
27 cy: (i) such legal regulated rent prior to vacancy is two thousand five
28 hundred dollars per month, or more, for any housing accommodation that
29 is or becomes vacant after the effective date of the rent act of 2011
30 but prior to the effective date of the rent act of 2015 or (ii) such
31 legal regulated rent is two thousand seven hundred dollars per month or
32 more, provided, however that on January 1, 2016, and annually thereaft-
33 er, the maximum legal regulated rent for this deregulation threshold
34 shall be adjusted by the same percentage as the most recent one year
35 renewal adjustment as adjusted by the relevant rent guidelines board,
36 for any housing accommodation that is or becomes vacant on or after the
37 rent act of 2015.

38 S 3. This act shall take effect immediately; provided, however, that
39 the amendments to section 10 of the emergency tenant protection act of
40 nineteen seventy-four made by section one of this act shall expire on
41 the same date as such act expires and shall not affect the expiration of
42 such act as provided in section 17 of chapter 576 of the laws of 1974;
43 and provided, further, that the amendments to section 26-511 of the rent
44 stabilization law of nineteen hundred sixty-nine made by section two of
45 this act shall expire on the same date as such law expires and shall not
46 affect the expiration of such law as provided under section 26-520 of
47 such law.