

5233

2015-2016 Regular Sessions

I N   S E N A T E

May 8, 2015

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Introduced by Sens. STEWART-COUSINS, ADDABBO, HASSELL-THOMPSON, HOYLMAN, PARKER, PERALTA, PERKINS, SERRANO, SQUADRON -- 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, in relation to limited-profit housing companies and other buildings or structures which received project-based rental assistance

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

1     Section 1.     Legislative findings and declaration of emergency. The  
2     legislature hereby finds and declares that the serious public emergency  
3     which led to the enactment of the existing laws regulating residential  
4     rents and evictions continues to exist; that such laws would better  
5     serve the public interest if certain changes were made thereto, includ-  
6     ing extending to certain cities, towns and villages the authority to  
7     provide for the regulation of rents and evictions with regard to housing  
8     accommodations that cease or have ceased to be regulated pursuant to  
9     article 2 of the private housing finance law, known as the Mitchell-Lama  
10    law, or pursuant to project-based section eight contracts entered into  
11    with the federal government.  
12    The legislature further recognizes that severe disruption of the  
13    rental housing market has occurred and threatens to be exacerbated as a  
14    result of the abrupt termination of rent and eviction regulation when  
15    buildings exit the Mitchell-Lama program or when buildings cease to be  
16    subject to project-based section eight contracts. The situation had  
17    permitted speculative and profiteering practices and has brought about  
18    the loss of vital and irreplaceable affordable housing for working  
19    persons and families.  
20    The legislature therefore declares that in order to prevent uncertain-  
21    ty, potential hardship and dislocation of tenants living in housing  
22    accommodations subject to government regulations as to rentals and  
23    continued occupancy as well as those not subject to such regulations,  
24    the provisions of this act are necessary to protect the public health,  
25    safety and general welfare. The necessity in the public interest for the

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

LBD02561-01-5

1 provisions hereinafter enacted is hereby declared as a matter of legis-  
2 lative determination.

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

6 C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NOTHING SHALL  
7 PREVENT THE DECLARATION OF AN EMERGENCY PURSUANT TO SECTION THREE OF  
8 THIS ACT FOR RENTAL HOUSING ACCOMMODATIONS LOCATED IN BUILDINGS OR  
9 STRUCTURES COMPLETED OR SUBSTANTIALLY RENOVATED AS FAMILY UNITS ON OR  
10 AFTER JANUARY FIRST, NINETEEN HUNDRED SEVENTY-FOUR: (I) WHICH HAVE OR  
11 HAD BEEN OWNED, LEASED OR OPERATED BY A COMPANY ESTABLISHED OR OPERATING  
12 UNDER ARTICLE TWO OF THE PRIVATE HOUSING FINANCE LAW, OTHER THAN A MUTU-  
13 AL COMPANY, AND WHICH ARE NO LONGER OWNED, LEASED OR OPERATED BY SUCH  
14 COMPANY BY REASON OF A VOLUNTARY DISSOLUTION PURSUANT TO SECTION THIR-  
15 TY-FIVE OF SUCH LAW OR (II) WHICH WERE DEFINED AS COVERED PROJECTS  
16 PURSUANT TO SECTION 8 OF THE UNITED STATES HOUSING ACT OF NINETEEN THIR-  
17 TY-SEVEN, AS AMENDED, OR ANY SUCCESSOR STATUTE, AND ANY REGULATIONS  
18 PROMULGATED THEREUNDER IN WHICH RENTAL HOUSING ACCOMMODATIONS RECEIVED  
19 PROJECT-BASED RENTAL ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF  
20 HOUSING AND URBAN DEVELOPMENT PURSUANT TO CONTRACTS WITH THE OWNERS OF  
21 SUCH BUILDINGS OR STRUCTURES WHICH EXPIRED OR WERE TERMINATED. THE  
22 INITIAL LEGAL REGULATED RENT FOR HOUSING ACCOMMODATIONS LOCATED IN  
23 BUILDINGS OR STRUCTURES THAT HAVE OR HAD BEEN OWNED, LEASED OR OPERATED  
24 BY HOUSING COMPANIES OR THAT WERE COVERED PROJECTS PREVIOUSLY REGULATED  
25 UNDER THE PRIVATE HOUSING FINANCE LAW OR UNDER FEDERAL LAW, SHALL BE THE  
26 RENT CHARGED TO AND PAID BY THE TENANT IN OCCUPANCY ON JANUARY FIRST,  
27 TWO THOUSAND SEVEN OR, FOR ACCOMMODATIONS VACANT ON SUCH DATE, THE MOST  
28 RECENT RENT CHARGED TO AND PAID BY A TENANT PRIOR TO SUCH DATE, INCLUD-  
29 ING ANY INCOME-RELATED SURCHARGES, AS ADJUSTED BY ALL APPLICABLE GUIDE-  
30 LINES INCREASES AND OTHER INCREASES AUTHORIZED BY LAW, NOTWITHSTANDING  
31 ANY WRITTEN LEASE OR AGREEMENT BETWEEN THE TENANT AND THE LANDLORD  
32 ESTABLISHING OR AGREEING TO ANY INCREASES IN RENT ON OR AFTER JANUARY  
33 FIRST, TWO THOUSAND SEVEN, PROVIDED NO LANDLORD SHALL BE REQUIRED TO  
34 REFUND ANY RENT PAID BY A TENANT IN EXCESS OF SUCH ADJUSTED RENT.

35 S 3. The provisions of subdivision a of section 9 of the emergency  
36 tenant protection act of nineteen seventy-four or of subdivision a of  
37 section 26-513 of the administrative code of the city of New York shall  
38 not apply to any housing accommodation which became subject to the emer-  
39 gency tenant protection act of nineteen seventy-four pursuant to the  
40 provisions of subdivision c of section 5 of section 4 of chapter 576 of  
41 the laws of 1974, as added by section two of this act, or to any such  
42 housing accommodation otherwise subject to the emergency tenant  
43 protection act of nineteen seventy-four by reason of its location in a  
44 building completed or substantially renovated as family units prior to  
45 January first, nineteen hundred seventy-four.

46 S 4. This act shall take effect immediately and shall apply to housing  
47 accommodations located in buildings or structures owned by housing  
48 companies that dissolved on, before or after such date and to housing  
49 accommodations in buildings or structures that were covered projects and  
50 had contracts for rental assistance that expired or were terminated on,  
51 before or after such date; provided that the amendments to section 5 of  
52 the emergency tenant protection act of nineteen seventy-four made by  
53 section two of this act shall expire on the same date as such act  
54 expires and shall not affect the expiration of such act as provided in  
55 section 17 of chapter 576 of the laws of 1974.