

# STATE OF NEW YORK

1760

2017-2018 Regular Sessions

## IN ASSEMBLY

January 13, 2017

Introduced by M. of A. HEVESI, O'DONNELL, DINOWITZ, GOTTFRIED, COLTON, JAFFEE, ROSENTHAL -- Multi-Sponsored by -- M. of A. AUBRY, FARRELL, GLICK -- 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 the termination of rent inclusion of electricity for housing accommodations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision c of section 26-511 of the administrative code  
2 of the city of New York is amended by adding a new paragraph 15 to read  
3 as follows:

4 (15) provides that owners of buildings which are master metered for  
5 electricity and have rent inclusion of electricity may file applications  
6 to terminate the rent inclusion of electricity for the accommodations  
7 subject to this section.

8 (a) The division of housing and community renewal shall formulate and  
9 publish a schedule of rent adjustments or update the schedule of adjust-  
10 ments within six months of the publication of a new housing and vacancy  
11 survey by the United States Census Bureau. The schedule or updated sche-  
12 dule of rent adjustments shall be based on the new survey data as tabu-  
13 lated by the New York city rent guidelines board, governing the rate by  
14 which the rent of regulated housing accommodations shall be adjusted  
15 upon and after conversion to individual metering at the building by  
16 means of either direct metering or submetering. The division of housing  
17 and community renewal shall promulgate an operational bulletin and/or  
18 modify or amend its regulations as may be necessary to give effect to  
19 the provisions of this paragraph.

20 (b) The New York city rent guidelines board shall provide staff and  
21 assistance to the division of housing and community renewal, by tabulat-  
22 ing the data of the triennial New York city housing and vacancy survey

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

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1 produced by the United States Census Bureau within ninety days of publi-  
2 cation and providing the division of housing and community renewal the  
3 data necessary to promulgate a schedule of rent adjustments.

4 (c) The schedule of rent reductions shall apply to all rent stabilized  
5 accommodation units in a building that converts from master utility  
6 metering to individual utility metering by means of either direct meter-  
7 ing or submetering, and shall take effect during the year in which the  
8 metering in the building is converted and continue each year thereafter.

9 (d) After the conversion, all tenants shall be responsible for their  
10 own electric consumption except those who, on the date of conversion,  
11 are receiving a senior citizen rent increase exemption or a disability  
12 rent increase exemption pursuant to section 26-509 of this chapter. For  
13 such tenants the rent shall not be reduced and the cost of electricity  
14 shall remain included in the rent; however, the owner may install any  
15 equipment in such tenant's housing accommodation as is required for  
16 effectuation of the electrical conversion. If such tenant no longer  
17 receives such benefit or vacates the housing accommodation, the owner  
18 shall reduce the legal regulated rent for the housing accommodation in  
19 accordance with the then-current schedule of rent reductions as promul-  
20 gated by the division of housing and community renewal.

21 (e) Nothing in this paragraph shall be construed to permit shared  
22 metering.

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

25 n. Schedule of rent reductions; individual electric metering. Owners  
26 of buildings which are master metered for electricity and have rent  
27 inclusion of electricity may file applications to terminate the rent  
28 inclusion of electricity for the accommodations subject to this section.

29 (1) The city rent agency shall formulate and publish a schedule of  
30 rent adjustments or update the schedule of adjustments within six months  
31 of the publication of a new housing and vacancy survey by the United  
32 States Census Bureau. The schedule or updated schedule of rent adjust-  
33 ments shall be based on the new survey data as tabulated by the New York  
34 city rent guidelines board, governing the rate by which the rent of  
35 regulated housing accommodations shall be adjusted upon and after  
36 conversion to individual metering at the building by means of either  
37 direct metering or submetering. The city rent agency shall promulgate an  
38 operational bulletin and/or modify or amend its regulations as may be  
39 necessary to give effect to the provisions of this subdivision.

40 (2) The New York city rent guidelines board shall provide staff and  
41 assistance to the city rent agency, by tabulating the data of the trien-  
42 ennial New York city housing and vacancy survey produced by the United  
43 States Census Bureau within ninety days of publication and providing the  
44 city rent agency the data necessary to promulgate a schedule of rent  
45 adjustments.

46 (3) The schedule of rent reductions shall apply to all rent controlled  
47 accommodation units in a building that converts from master utility  
48 metering to individual utility metering by means of either direct meter-  
49 ing or submetering, and shall take effect during the year in which the  
50 metering in the building is converted and continue each year thereafter.

51 (4) After the conversion, all tenants shall be responsible for their  
52 own electric consumption except those who, on the date of conversion,  
53 are receiving a senior citizen rent increase exemption or a disability  
54 rent increase exemption pursuant to section 26-406 of this chapter. For  
55 such tenants the rent shall not be reduced and the cost of electricity  
56 shall remain included in the rent; however, the owner may install any

1 equipment in such tenant's housing accommodation as is required for  
2 effectuation of the electrical conversion. If such tenant no longer  
3 receives such benefit or vacates the housing accommodation, the owner  
4 shall reduce the maximum rent for the housing accommodation in accord-  
5 ance with the then-current schedule of rent reductions as promulgated by  
6 the city rent agency.

7 (5) Nothing in this subdivision shall be construed to permit shared  
8 metering.

9 § 3. Subdivision d of section 6 of section 4 of chapter 576 of the  
10 laws of 1974, constituting the emergency tenant protection act of nine-  
11 teen seventy-four, is amended by adding a new paragraph 6 to read as  
12 follows:

13 (6) owners of buildings which are master metered for electricity and  
14 have rent inclusion of electricity may file applications to terminate  
15 the rent inclusion of electricity for the accommodations subject to this  
16 section.

17 (i) The division of housing and community renewal shall formulate and  
18 publish a schedule of rent adjustments or update the schedule of adjust-  
19 ments within six months of the publication of a new housing and vacancy  
20 survey by the United States Census Bureau. The schedule or updated sche-  
21 dule of rent adjustments shall be based on the new survey data as tabu-  
22 lated by the New York city rent guidelines board, governing the rate by  
23 which the rent of regulated housing accommodations shall be adjusted  
24 upon and after conversion to individual metering at the building by  
25 means of either direct metering or submetering. The division of housing  
26 and community renewal shall promulgate an operational bulletin and/or  
27 modify or amend its regulations as may be necessary to give effect to  
28 the provisions of this paragraph.

29 (ii) The New York city rent guidelines board shall provide staff and  
30 assistance to the division of housing and community renewal, by tabulat-  
31 ing the data of the triennial New York city housing and vacancy survey  
32 produced by the United States Census Bureau within ninety days of publi-  
33 cation and providing the division of housing and community renewal the  
34 data necessary to promulgate a schedule of rent adjustments.

35 (iii) The schedule of rent reductions shall apply to all rent stabi-  
36 lized accommodation units in a building that converts from master utili-  
37 ty metering to individual utility metering by means of either direct  
38 metering or submetering, and shall take effect during the year in which  
39 the metering in the building is converted and continue each year there-  
40 after.

41 (iv) After the conversion, all tenants shall be responsible for their  
42 own electric consumption except those who, on the date of conversion,  
43 are receiving a senior citizen rent increase exemption or a disability  
44 rent increase exemption pursuant to a local law, ordinance or resolution  
45 as authorized by section 467-b of the real property tax law. For such  
46 tenants the rent shall not be reduced and the cost of electricity shall  
47 remain included in the rent; however, the owner may install any equip-  
48 ment in such tenant's housing accommodation as is required for effectua-  
49 tion of the electrical conversion. If such tenant no longer receives  
50 such benefit or vacates the housing accommodation, the owner shall  
51 reduce the legal regulated rent for the housing accommodation in accord-  
52 ance with the then-current schedule of rent reductions as promulgated by  
53 the division of housing and community renewal.

54 (v) Nothing in this paragraph shall be construed to permit shared  
55 metering.

§ 4. Section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is amended by adding a new subdivision 9 to read as follows:

9. Owners of buildings which are master metered for electricity and have rent inclusion of electricity may file applications to terminate the rent inclusion of electricity for the accommodations subject to this section.

(1) The division of housing and community renewal shall formulate and publish a schedule of rent adjustments or update the schedule of adjustments within six months of the publication of a new housing and vacancy survey by the United States Census Bureau. The schedule or updated schedule of rent adjustments shall be based on the new survey data as tabulated by the New York city rent guidelines board, governing the rate by which the rent of regulated housing accommodations shall be adjusted upon and after conversion to individual metering at the building by means of either direct metering or submetering. The division of housing and community renewal shall promulgate an operational bulletin and/or modify or amend its regulations as may be necessary to give effect to the provisions of this subdivision.

(2) The New York city rent guidelines board shall provide staff and assistance to the division of housing and community renewal, by tabulating the data of the triennial New York city housing and vacancy survey produced by the United States Census Bureau within ninety days of publication and providing the division of housing and community renewal the data necessary to promulgate a schedule of rent adjustments.

(3) The schedule of rent reductions shall apply to all rent controlled accommodation units in a building that converts from master utility metering to individual utility metering by means of either direct metering or submetering, and shall take effect during the year in which the metering in the building is converted and continue each year thereafter.

(4) After the conversion, all tenants shall be responsible for their own electric consumption except those who, on the date of conversion, are receiving a senior citizen rent increase exemption or a disability rent increase exemption pursuant to a local law, ordinance or resolution as authorized by section 467-b of the real property tax law. For such tenants the rent shall not be reduced and the cost of electricity shall remain included in the rent; however, the owner may install any equipment in such tenant's housing accommodation as is required for effectuation of the electrical conversion. If such tenant no longer receives such benefit or vacates the housing accommodation, the owner shall reduce the maximum rent for the housing accommodation in accordance with the then-current schedule of rent reductions as promulgated by the division of housing and community renewal.

(5) Nothing in this subdivision shall be construed to permit shared metering.

§ 5. This act shall take effect immediately; provided that:

a. sections one, two, three and four of this act shall take effect on the first of January next succeeding the date upon which it shall have become a law, and shall apply to all fiscal years commencing on or after such date;

b. the amendments to section 26-511 of the rent stabilization law of nineteen hundred sixty-nine made by section one 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 section 26-405 of the city rent and rehabilitation law made by section two of this act shall remain in full force

1 and effect only as long as the public emergency requiring the regulation  
2 and control of residential rents and evictions continues, as provided in  
3 subdivision 3 of section 1 of the local emergency housing rent control  
4 act;

5 d. the amendments to subdivision d of section 6 of the emergency  
6 tenant protection act of nineteen seventy-four made by section three of  
7 this act shall expire on the same date as such act expires and shall not  
8 affect the expiration of such act as provided in section 17 of chapter  
9 576 of the laws of 1974; and

10 e. the amendments to section 4 of the emergency housing rent control  
11 law made by section four 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.