

# STATE OF NEW YORK

6662

2017-2018 Regular Sessions

## IN SENATE

June 9, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the multiple dwelling law, the emergency housing rent control law, the emergency tenant protection act of nineteen seventy-four, and the administrative code of the city of New York, in relation to making technical corrections; and to repeal section 467-i of the real property tax law relating to real property tax abatement

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

1 Section 1. Subdivision 1 of section 282-a of the multiple dwelling  
2 law, as amended by section 22 of part A of chapter 20 of the laws of  
3 2015, is amended to read as follows:

4 1. All applications for registration as an interim multiple dwelling  
5 or for coverage of residential units under this article shall be filed  
6 with the loft board within six months after the date the loft board  
7 shall have adopted all rules or regulations necessary in order to imple-  
8 ment the provisions of chapter one hundred forty-seven of the laws of  
9 two thousand ten, provided, however, that applications for registration  
10 as an interim multiple dwelling or for coverage of residential units  
11 under this article may also be filed for a [~~two-year~~] four-year period  
12 starting from the effective date of [~~the~~] part A of chapter twenty of  
13 the laws of two thousand fifteen which amended this section. The loft  
14 board may subsequently amend such rules and regulations but such amend-  
15 ments shall not recommence the time period in which applications may be  
16 filed.

17 § 2. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the  
18 laws of 1946, constituting the emergency housing rent control law, as  
19 amended by section 7 of part A of chapter 20 of the laws of 2015, is  
20 amended to read as follows:

21 (n) any housing accommodation with a maximum rent of two thousand  
22 dollars or more per month at any time between the effective date of this

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

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1 paragraph and October first, nineteen hundred ninety-three which is or  
2 becomes vacant on or after the effective date of this paragraph; or, for  
3 any housing accommodation with a maximum rent of two thousand dollars or  
4 more per month at any time on or after the effective date of the rent  
5 regulation reform act of 1997 and before the effective date of the rent  
6 act of 2011, which is or becomes vacant on or after the effective date  
7 of the rent regulation reform act of 1997 and before the effective date  
8 of the rent act of 2011. This exclusion shall apply regardless of wheth-  
9 er the next tenant in occupancy or any subsequent tenant in occupancy is  
10 charged or pays less than two thousand dollars a month; or, for any  
11 housing accommodation with a maximum rent of two thousand five hundred  
12 dollars or more per month at any time on or after the effective date of  
13 the rent act of 2011, which is or becomes vacant on or after such effec-  
14 tive date, but prior to the effective date of the rent act of 2015; or,  
15 any housing accommodation with a legal regulated rent [~~that was~~ of two  
16 thousand seven hundred dollars or more per month at any time on or after  
17 the effective date of the rent act of 2015, which becomes vacant after  
18 the effective date of the rent act of 2015, provided, however, that  
19 starting on January 1, 2016, and annually thereafter, the maximum legal  
20 regulated rent for this deregulation threshold, shall also be increased  
21 by the same percentage as the most recent one year renewal adjustment,  
22 adopted by the applicable rent guidelines board. This exclusion shall  
23 apply regardless of whether the next tenant in occupancy or any subse-  
24 quent tenant in occupancy actually is charged or pays less than two  
25 thousand seven hundred dollars, as adjusted by the applicable rent  
26 guidelines board, per month. An exclusion pursuant to this paragraph  
27 shall not apply, however, to or become effective with respect to housing  
28 accommodations which the commissioner determines or finds that the land-  
29 lord or any person acting on his or her behalf, with intent to cause the  
30 tenant to vacate, has engaged in any course of conduct (including, but  
31 not limited to, interruption or discontinuance of required services)  
32 which interfered with or disturbed or was intended to interfere with or  
33 disturb the comfort, repose, peace or quiet of the tenant in his or her  
34 use or occupancy of the housing accommodations and in connection with  
35 such course of conduct, any other general enforcement provision of this  
36 law shall also apply.

37 § 3. Paragraph 13 of subdivision a of section 5 of section 4 of chap-  
38 ter 576 of the laws of 1974, constituting the emergency tenant  
39 protection act of nineteen seventy-four, as amended by section 8 of part  
40 A of chapter 20 of the laws of 2015, is amended to read as follows:

41 (13) any housing accommodation with a legal regulated rent of two  
42 thousand dollars or more per month at any time between the effective  
43 date of this paragraph and October first, nineteen hundred ninety-three  
44 which is or becomes vacant on or after the effective date of this para-  
45 graph; or, for any housing accommodation with a legal regulated rent of  
46 two thousand dollars or more per month at any time on or after the  
47 effective date of the rent regulation reform act of 1997 and before the  
48 effective date of the rent act of 2011, which is or becomes vacant on or  
49 after the effective date of the rent regulation reform act of 1997 and  
50 before the effective date of the rent act of 2011. This exclusion shall  
51 apply regardless of whether the next tenant in occupancy or any subse-  
52 quent tenant in occupancy is charged or pays less than two thousand  
53 dollars a month; or, for any housing accommodation with a legal regu-  
54 lated rent of two thousand five hundred dollars or more per month at any  
55 time on or after the effective date of the rent act of 2011, which is or  
56 becomes vacant on or after such effective date, but prior to the effec-

1 tive date of the rent act of 2015; or, any housing accommodation with a  
2 legal regulated rent [~~that was~~ of two thousand seven hundred dollars or  
3 more per month at any time on or after the effective date of the rent  
4 act of 2015, which becomes vacant after the effective date of the rent  
5 act of 2015, provided, however, that starting on January 1, 2016, and  
6 annually thereafter, the maximum legal regulated rent for this deregulation  
7 threshold, shall also be increased by the same percentage as the  
8 most recent one year renewal adjustment, adopted by the applicable rent  
9 guidelines board. An exclusion pursuant to this paragraph shall apply  
10 regardless of whether the next tenant in occupancy or any subsequent  
11 tenant in occupancy actually is charged or pays less than two thousand  
12 seven hundred dollars a month. Provided however, that an exclusion  
13 pursuant to this paragraph shall not apply to housing accommodations  
14 which became or become subject to this act (a) by virtue of receiving  
15 tax benefits pursuant to section four hundred twenty-one-a or four  
16 hundred eighty-nine of the real property tax law, except as otherwise  
17 provided in subparagraph (i) of paragraph (f) of subdivision two of  
18 section four hundred twenty-one-a of the real property tax law, or (b)  
19 by virtue of article seven-C of the multiple dwelling law. This para-  
20 graph shall not apply, however, to or become effective with respect to  
21 housing accommodations which the commissioner determines or finds that  
22 the landlord or any person acting on his or her behalf, with intent to  
23 cause the tenant to vacate, has engaged in any course of conduct  
24 (including, but not limited to, interruption or discontinuance of  
25 required services) which interfered with or disturbed or was intended to  
26 interfere with or disturb the comfort, repose, peace or quiet of the  
27 tenant in his or her use or occupancy of the housing accommodations and  
28 in connection with such course of conduct, any other general enforcement  
29 provision of this act shall also apply.

30 § 4. Subparagraph (k) of paragraph 2 of subdivision e of section  
31 26-403 of the administrative code of the city of New York, as amended by  
32 section 9 of part A of chapter 20 of the laws of 2015, is amended to  
33 read as follows:

34 (k) Any housing accommodation which becomes vacant on or after April  
35 first, nineteen hundred ninety-seven and before the effective date of  
36 the rent act of 2011, and where at the time the tenant vacated such  
37 housing accommodation the maximum rent was two thousand dollars or more  
38 per month; or, for any housing accommodation which is or becomes vacant  
39 on or after the effective date of the rent regulation reform act of 1997  
40 and before the effective date of the rent act of 2011 with a maximum  
41 rent of two thousand dollars or more per month. This exclusion shall  
42 apply regardless of whether the next tenant in occupancy or any subse-  
43 quent tenant in occupancy is charged or pays less than two thousand  
44 dollars a month; or, for any housing accommodation with a maximum rent  
45 of two thousand five hundred dollars or more per month at any time on or  
46 after the effective date of the rent act of 2011, which is or becomes  
47 vacant on or after such effective date, but prior to the effective date  
48 of the rent act of 2015; or, any housing accommodation with a legal  
49 regulated rent [~~that was~~ of two thousand seven hundred dollars or more  
50 per month at any time on or after the effective date of the rent act of  
51 2015, which becomes vacant after the effective date of the rent act of  
52 2015, provided, however, that starting on January 1, 2016, and annually  
53 thereafter, the maximum legal regulated rent for this deregulation  
54 threshold, shall also be increased by the same percent as the most  
55 recent one year renewal adjustment, adopted by the New York city rent  
56 guidelines board pursuant to the rent stabilization law. This exclusion

1 shall apply regardless of whether the next tenant in occupancy or any  
2 subsequent tenant in occupancy actually is charged or pays less than two  
3 thousand seven hundred dollars a month. Provided however, that an exclu-  
4 sion pursuant to this subparagraph shall not apply to housing accommo-  
5 dations which became or become subject to this law by virtue of receiv-  
6 ing tax benefits pursuant to section four hundred eighty-nine of the  
7 real property tax law. This subparagraph shall not apply, however, to or  
8 become effective with respect to housing accommodations which the  
9 commissioner determines or finds that the landlord or any person acting  
10 on his or her behalf, with intent to cause the tenant to vacate, has  
11 engaged in any course of conduct (including, but not limited to, inter-  
12 ruption or discontinuance of required services) which interfered with or  
13 disturbed or was intended to interfere with or disturb the comfort,  
14 repose, peace or quiet of the tenant in his or her use or occupancy of  
15 the housing accommodations and in connection with such course of  
16 conduct, any other general enforcement provision of this law shall also  
17 apply.

18 § 5. Section 26-504.2 of the administrative code of the city of New  
19 York, as amended by section 10 of part A of chapter 20 of the laws of  
20 2015, is amended to read as follows:

21 § 26-504.2 Exclusion of high rent accommodations. a. "Housing accommo-  
22 dations" shall not include: any housing accommodation which becomes  
23 vacant on or after April first, nineteen hundred ninety-seven and before  
24 the effective date of the rent act of 2011 and where at the time the  
25 tenant vacated such housing accommodation the legal regulated rent was  
26 two thousand dollars or more per month; or, for any housing accommo-  
27 dation which is or becomes vacant on or after the effective date of the  
28 rent regulation reform act of 1997 and before the effective date of the  
29 rent act of 2011, with a legal regulated rent of two thousand dollars or  
30 more per month; or for any housing accommodation that becomes vacant on  
31 or after the effective date of the rent act of 2015, [~~where-such~~ with a  
32 legal regulated rent [was] of two thousand seven hundred dollars or  
33 more, and as further adjusted by this section. Starting on January 1,  
34 2016, and annually thereafter, the maximum legal regulated rent for this  
35 deregulation threshold, shall also be increased by the same percent as  
36 the most recent one year renewal adjustment, adopted by the New York  
37 city rent guidelines board pursuant to the rent stabilization law. This  
38 exclusion shall apply regardless of whether the next tenant in occupancy  
39 or any subsequent tenant in occupancy is charged or pays less than two  
40 thousand dollars a month; or, for any housing accommodation with a legal  
41 regulated rent of two thousand five hundred dollars or more per month at  
42 any time on or after the effective date of the rent act of 2011, which  
43 is or becomes vacant on or after such effective date, but prior to the  
44 effective date of the rent act of 2015; or, any housing accommodation  
45 with a legal regulated rent [~~that was~~ of two thousand seven hundred  
46 dollars or more per month at any time on or after the effective date of  
47 the rent act of 2015, which becomes vacant after the effective date of  
48 the rent act of 2015, provided, however, that starting on January 1,  
49 2016, and annually thereafter, such legal regulated rent for this dereg-  
50 ulation threshold, shall also be increased by the same percentage as the  
51 most recent one year renewal adjustment, adopted by the New York city  
52 rent guidelines board. This exclusion shall apply regardless of whether  
53 the next tenant in occupancy or any subsequent tenant in occupancy actu-  
54 ally is charged or pays less than two thousand seven hundred dollars, as  
55 adjusted by the applicable rent guidelines board, a month. Provided  
56 however, that an exclusion pursuant to this subdivision shall not apply

1 to housing accommodations which became or become subject to this law (a)  
2 by virtue of receiving tax benefits pursuant to section four hundred  
3 twenty-one-a or four hundred eighty-nine of the real property tax law,  
4 except as otherwise provided in subparagraph (i) of paragraph (f) of  
5 subdivision two of section four hundred twenty-one-a of the real proper-  
6 ty tax law, or (b) by virtue of article seven-C of the multiple dwelling  
7 law. This section shall not apply, however, to or become effective with  
8 respect to housing accommodations which the commissioner determines or  
9 finds that the landlord or any person acting on his or her behalf, with  
10 intent to cause the tenant to vacate, engaged in any course of conduct  
11 (including, but not limited to, interruption or discontinuance of  
12 required services) which interfered with or disturbed or was intended to  
13 interfere with or disturb the comfort, repose, peace or quiet of the  
14 tenant in his or her use or occupancy of the housing accommodations and  
15 in connection with such course of conduct, any other general enforcement  
16 provision of this law shall also apply.

17 b. The owner of any housing accommodation that is not subject to this  
18 law pursuant to the provisions of subdivision a of this section or  
19 subparagraph k of paragraph 2 of subdivision e of section 26-403 of this  
20 code shall give written notice certified by such owner to the first  
21 tenant of that housing accommodation after such housing accommodation  
22 becomes exempt from the provisions of this law or the city rent and  
23 rehabilitation law. Such notice shall contain the last regulated rent,  
24 the reason that such housing accommodation is not subject to this law or  
25 the city rent and rehabilitation law, a calculation of how either the  
26 rental amount charged when there is no lease or the rental amount  
27 provided for in the lease has been derived so as to reach two thousand  
28 dollars or more per month or, for a housing accommodation with a legal  
29 regulated rent or maximum rent of two thousand five hundred dollars or  
30 more per month on or after the effective date of the rent act of 2011,  
31 and before the effective date of the rent act of 2015, which is or  
32 becomes vacant on or after such effective date, whether the next tenant  
33 in occupancy or any subsequent tenant in occupancy actually is charged  
34 or pays less than a legal regulated rent or maximum rent of two thousand  
35 five hundred dollars or more per month, or two thousand seven hundred  
36 dollars or more, per month, starting on January 1, 2016, and annually  
37 thereafter, the maximum legal regulated rent for this deregulation  
38 threshold, shall also be increased by the same percent as the most  
39 recent one year renewal adjustment, adopted by the New York city rent  
40 guidelines board pursuant to the rent stabilization law, a statement  
41 that the last legal regulated rent or the maximum rent may be verified  
42 by the tenant by contacting the state division of housing and community  
43 renewal, or any successor thereto, and the address and telephone number  
44 of such agency, or any successor thereto. Such notice shall be sent by  
45 certified mail within thirty days after the tenancy commences or after  
46 the signing of the lease by both parties, whichever occurs first or  
47 shall be delivered to the tenant at the signing of the lease. In addi-  
48 tion, the owner shall send and certify to the tenant a copy of the  
49 registration statement for such housing accommodation filed with the  
50 state division of housing and community renewal indicating that such  
51 housing accommodation became exempt from the provisions of this law or  
52 the city rent and rehabilitation law, which form shall include the last  
53 regulated rent, and shall be sent to the tenant within thirty days after  
54 the tenancy commences or the filing of such registration, whichever  
55 occurs later.

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

4 (14) provides that where the amount of rent charged to and paid by the  
5 tenant is less than the legal regulated rent for the housing accommo-  
6 dation, the amount of rent for such housing accommodation which may be  
7 charged upon renewal or upon vacancy thereof, may, at the option of the  
8 owner, be based upon such previously established legal regulated rent,  
9 as adjusted by the most recent applicable guidelines increases and any  
10 other increases authorized by law. Such housing accommodation shall be  
11 excluded from the provisions of this code pursuant to section 26-504.2  
12 of this chapter when, subsequent to vacancy: (i) such legal regulated  
13 rent [~~prior to vacancy~~] is two thousand five hundred dollars per month,  
14 or more, for any housing accommodation that is or becomes vacant after  
15 the effective date of the rent act of 2011 but prior to the effective  
16 date of the rent act of 2015 or (ii) such legal regulated rent is two  
17 thousand seven hundred dollars per month or more, provided, however that  
18 on January 1, 2016, and annually thereafter, the maximum legal regulated  
19 rent for this deregulation threshold shall be adjusted by the same  
20 percentage as the most recent one year renewal adjustment as adjusted by  
21 the relevant rent guidelines board, for any housing accommodation that  
22 is or becomes vacant on or after the rent act of 2015.

23 § 7. Section 467-i of the real property tax law is REPEALED.

24 § 8. This act shall take effect immediately; provided, however that:

25 (a) the amendments made to paragraph (n) of subdivision 2 of section 2  
26 of the emergency housing rent control law made by section two of this  
27 act shall expire on the same date as such law expires and shall not  
28 affect the expiration of such law as provided in subdivision 2 of  
29 section 1 of chapter 274 of the laws of 1946;

30 (b) the amendments made to paragraph 13 of subdivision a of section 5  
31 of section 4 of the emergency tenant protection act of nineteen seven-  
32 ty-four made by section three of this act shall expire on the same date  
33 as such act expires and shall not affect the expiration of such act as  
34 provided in section 17 of chapter 576 of the laws of 1974;

35 (c) the amendments made to sections 26-504.2 and 26-511 of the admin-  
36 istrative code of the city of New York made by sections five and six of  
37 this act shall expire on the same date as such law expires and shall not  
38 affect the expiration of such law as provided under section 26-520 of  
39 such law; and

40 (d) the amendments made to section 26-403 of the administrative code  
41 of the city of New York made by section four of this act shall remain in  
42 full force and effect only as long as the public emergency requiring the  
43 regulation and control of residential rents and evictions continues, as  
44 provided in subdivision 3 of section 1 of the local emergency housing  
45 rent control act.