

# STATE OF NEW YORK

8574

## IN SENATE

May 10, 2018

Introduced by Sen. HOYLMAN -- 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 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 requiring property owners to dedicate certain residential units to rent regulated status following demolition and new construction or substantial renovation

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

1 Section 1. Section 26-512 of the administrative code of the city of  
2 New York is amended by adding a new subdivision g to read as follows:

3 g. Notwithstanding any provision of law, rule or regulation to the  
4 contrary, if all or a portion of the rent regulated units in a residen-  
5 tial building are rendered uninhabitable or are vacated due to demoli-  
6 tion and new construction or to substantial renovation conducted by or  
7 on behalf of the property owner under any of the following circum-  
8 stances, the property owner shall, upon completion of the new  
9 construction or renovation of the building, dedicate to rent regulated  
10 status an equal number of units, of sizes equivalent to those vacated or  
11 rendered uninhabitable, at the rent amount allowable for the units  
12 existing prior to the demolition or renovation:

13 (1) demolition or substantial renovation conducted after the property  
14 owner filed an application for a building permit with the department of  
15 buildings falsely reporting that no tenants occupied the building  
16 proposed for demolition or substantial renovation, when tenants, in  
17 fact, did occupy the building; or

18 (2) demolition or substantial renovation necessitated due to the  
19 negligence of the owner and/or landlord; or

20 (3) demolition or substantial renovation necessitated by illegal code  
21 violations.

22 § 2. Section 6 of section 4 of chapter 576 of the laws of 1974,  
23 constituting the emergency tenant protection act of nineteen seventy-  
24 four, is amended by adding a new subdivision h to read as follows:

25 h. Notwithstanding any provision of law, rule or regulation to the  
26 contrary, if all or a portion of the rent regulated units in a residen-  
27 tial building are rendered uninhabitable or are vacated due to demoli-

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

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1 tion and new construction or to substantial renovation conducted by or  
2 on behalf of the property owner under any of the following circum-  
3 stances, the property owner shall, upon completion of the new  
4 construction or renovation of the building, dedicate to rent regulated  
5 status an equal number of units, of sizes equivalent to those vacated or  
6 rendered uninhabitable, at the rent amount allowable for the units  
7 existing prior to the demolition or renovation:

8 (1) demolition or substantial renovation conducted after the property  
9 owner filed an application for a building permit with the department of  
10 buildings falsely reporting that no tenants occupied the building  
11 proposed for demolition or substantial renovation, when tenants, in  
12 fact, did occupy the building; or

13 (2) demolition or substantial renovation necessitated due to the  
14 negligence of the owner and/or landlord; or

15 (3) demolition or substantial renovation necessitated by illegal code  
16 violations.

17 § 3. Section 5 of chapter 274 of the laws of 1946, constituting the  
18 emergency housing rent control law, is amended by adding a new subdivi-  
19 sion 10 to read as follows:

20 10. Notwithstanding any provision of law, rule or regulation to the  
21 contrary, if all or a portion of the rent regulated units in a residen-  
22 tial building are rendered uninhabitable or are vacated due to demoli-  
23 tion and new construction or to substantial renovation conducted by or  
24 on behalf of the property owner under any of the following circum-  
25 stances, the property owner shall, upon completion of the new  
26 construction or renovation of the building, dedicate to rent regulated  
27 status an equal number of units, of sizes equivalent to those vacated or  
28 rendered uninhabitable, at the rent amount allowable for the units  
29 existing prior to the demolition or renovation:

30 (a) demolition or substantial renovation conducted after the property  
31 owner filed an application for a building permit with the department of  
32 buildings falsely reporting that no tenants occupied the building  
33 proposed for demolition or substantial renovation, when tenants, in  
34 fact, did occupy the building; or

35 (b) demolition or substantial renovation necessitated due to the  
36 negligence of the owner and/or landlord; or

37 (c) demolition or substantial renovation necessitated by illegal code  
38 violations.

39 § 4. This act shall take effect immediately; provided, however, that:

40 a. the amendments to section 26-512 of chapter 4 of title 26 of the  
41 administrative code of the city of New York made by section one of this  
42 act shall expire on the same date as such law expires and shall not  
43 affect the expiration of such law as provided under section 26-520 of  
44 such law;

45 b. the amendments to section 6 of section 4 of the emergency tenant  
46 protection act of nineteen seventy-four made by section two of this act  
47 shall expire on the same date as such act expires and shall not affect  
48 the expiration of such act as provided in section 17 of chapter 576 of  
49 the laws of 1974; and

50 c. the amendments to section 4 of the emergency housing rent control  
51 law made by section three of this act shall expire on the same date as  
52 such law expires and shall not affect the expiration of such law as  
53 provided in subdivision 2 of section 1 of chapter 274 of the laws of  
54 1946.