

# STATE OF NEW YORK

496

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. ROSENTHAL, GLICK, COLTON, GOTTFRIED, KAVANAGH, CYMBROWITZ -- Multi-Sponsored by -- M. of A. DenDEKKER -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York and the emergency housing rent control law, in relation to the establishment of rent adjustments

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

1 Section 1. Subdivision a of section 26-405 of the administrative code  
2 of the city of New York is amended by adding a new paragraph 10 to read  
3 as follows:

4 (10) (a) Notwithstanding any contrary provisions of this subdivision,  
5 effective January first, two thousand eighteen, maximum rents for hous-  
6 ing accommodations subject to this chapter shall no longer be estab-  
7 lished pursuant to paragraphs three and four of this subdivision, or  
8 limited by paragraph five of this subdivision, or adjusted by subpara-  
9 graph (l) or (n) of paragraph one of subdivision g of this section.

10 (b) Except as otherwise provided in this paragraph, the rent guide-  
11 lines board established pursuant to section 26-510 of this title shall  
12 establish annual rates of rent adjustment for the class of housing  
13 accommodations subject to this chapter, in the manner provided by such  
14 section. The fact that the housing accommodation is subject to this  
15 chapter may not be considered as a factor in determining the rate of  
16 rent adjustment. Not later than October first, two thousand seventeen,  
17 and not later than October first annually thereafter, the rent guide-  
18 lines board shall file with the city clerk and the division of housing  
19 and community renewal its findings established in consideration of the  
20 economic factors listed in subdivision b of section 26-510 of this  
21 title, and shall accompany such findings with a statement of the maximum  
22 rate or rates of rent adjustment, if any, for one or more classes of  
23 accommodations subject to this chapter authorized for the adjustment of

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

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1 the maximum rent of the housing accommodation for the twelve month peri-  
2 od commencing January first, two thousand seventeen and for each  
3 succeeding twelve month period.

4 (c) Effective January first, two thousand eighteen, the maximum rent  
5 collectible from the tenant shall be the maximum rent collectible on  
6 December thirty-first, two thousand seventeen, as such rent may be  
7 adjusted pursuant to subparagraph (b) of this paragraph annually, with-  
8 out an order of the city rent agency, or as adjusted pursuant to any  
9 other provision of this chapter, provided that a landlord shall not  
10 collect any rent increase or adjustment otherwise collectible under  
11 subparagraph (b) of this paragraph unless and until the first rent  
12 payment date after the landlord certifies to the city rent agency that  
13 all rent impairing violations, as defined by section three hundred two-a  
14 of the multiple dwelling law, and at least eighty per centum of all  
15 other violations of the housing maintenance code or other state or local  
16 laws that impose requirements on property and which were recorded  
17 against the property on July first, two thousand fourteen, or July first  
18 of the year preceding the adjustment, whichever is later, have been  
19 cleared, corrected or abated and the landlord has received an order of  
20 eligibility from the city rent agency that the violation clearing  
21 requirements set forth above have been met and further authorizing the  
22 landlord to collect any rent increase or adjustment authorized pursuant  
23 to subparagraph (b) of this paragraph, and the landlord has served such  
24 order upon the tenant residing in the housing accommodation and that the  
25 landlord has maintained all essential and required services pursuant to  
26 sections 2202.16 and 2102.4 of the New York city rent and eviction regu-  
27 lations. Any housing accommodation for which a rent increase pursuant  
28 to paragraphs three and four of this subdivision has taken effect on or  
29 after July first, two thousand seventeen shall not be subject to an  
30 initial rent adjustment pursuant to this subparagraph until January  
31 first, two thousand nineteen.

32 (d) Maximum rates of rent adjustment shall not be established more  
33 than once annually for any housing accommodation subject to this chapter  
34 within the rent guidelines board's jurisdiction. Once established, no  
35 such rate shall be adjusted by any surcharge, supplementary adjustment,  
36 reopener or other modification.

37 (e) Nothing contained in this paragraph shall alter, restrict or  
38 impair an owner's right to establish the initial regulated rent for  
39 accommodations subject to this chapter which become vacant.

40 § 2. Section 4 of chapter 274 of the laws of 1946, constituting the  
41 emergency housing rent control law, is amended by adding a new subdivi-  
42 sion 9 to read as follows:

43 9. Notwithstanding any contrary provisions of this law, effective  
44 January first, two thousand eighteen, except as otherwise provided in  
45 this subdivision, the rent for housing accommodations subject to this  
46 chapter located in the counties of Westchester and Nassau shall be  
47 adjusted as follows:

48 (a) The county rent boards established pursuant to section 4 of the  
49 emergency tenant protection act of nineteen seventy-four, shall estab-  
50 lish annual rent adjustments for the class of housing accommodations  
51 subject to this chapter located in the counties of Westchester and  
52 Nassau, in the manner provided by such section. The fact that the hous-  
53 ing accommodation is subject to this law may not be considered as a  
54 factor in determining the rate of rent adjustment. Not later than Octo-  
55 ber first, two thousand seventeen, and not later than October first  
56 annually thereafter, the county rent boards shall file with the commis-

1 sion their findings established in consideration of the economic factors  
2 listed in subdivision b of section 4 of the emergency tenant protection  
3 act of nineteen seventy-four, and shall accompany such findings with a  
4 statement of the maximum rate or rates of rent adjustment, if any, for  
5 one or more classes of accommodations subject to this law within such  
6 counties authorized for the adjustment of the maximum rent of the hous-  
7 ing accommodation for the twelve month period commencing January first,  
8 two thousand eighteen, and for each succeeding twelve month period.

9 (b) Effective January first, two thousand eighteen, the maximum rent  
10 collectible from the tenant shall be the maximum rent collectible on  
11 December thirty-first, two thousand seventeen, as such rent may be  
12 adjusted pursuant to paragraph (a) of this subdivision annually, without  
13 an order of the commission, or as adjusted pursuant to any other  
14 provision of this law. However, no such increase pursuant to paragraph  
15 (a) of this subdivision shall be authorized until the expiration of  
16 twelve months from the effective date of any rent adjustment authorized  
17 pursuant to regulations adopted for rent adjustments to compensate for  
18 unavoidable increased costs of operations as provided for under this  
19 law.

20 (c) Maximum rates of rent adjustment shall not be established more  
21 than once annually for any housing accommodation subject to this law  
22 within a board's jurisdiction. Once established, no such rate shall be  
23 adjusted by any surcharge, supplementary adjustment, reopener or other  
24 modification.

25 (d) Nothing contained in this paragraph shall alter, restrict or  
26 impair an owner's right to establish the initial regulated rent for  
27 accommodations subject to this law which become vacant.

28 § 3. This act shall take effect immediately; provided that the amend-  
29 ments to section 26-405 of the city rent and rehabilitation law made by  
30 section one of this act shall remain in full force and effect only as  
31 long as the public emergency requiring the regulation and control of  
32 residential rents and evictions continues, as provided in subdivision 3  
33 of section 1 of the local emergency housing rent control act; and  
34 provided that the amendments to section 4 of the emergency housing rent  
35 control law made by section two of this act shall expire on the same  
36 date as such law expires and shall not affect the expiration of such law  
37 as provided in subdivision 2 of section 1 of chapter 274 of the laws of  
38 1946.