

# STATE OF NEW YORK

5064

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

Introduced by M. of A. O'DONNELL -- read once and referred to the  
Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seven-  
ty-four and the administrative code of the city of New York, in  
relation to certain housing accommodations by tenants over sixty-two  
years of age

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

1 Section 1. Paragraph 6 of subdivision a of section 5 of section 4 of  
2 chapter 576 of the laws of 1974, constituting the emergency tenant  
3 protection act of nineteen seventy-four, as amended by chapter 403 of  
4 the laws of 1983, is amended to read as follows:

5 (6) housing accommodations owned or operated by a hospital, convent,  
6 monastery, asylum, public institution, or college or school dormitory or  
7 any institution operated exclusively for charitable or educational  
8 purposes on a non-profit basis other than those accommodations occupied  
9 by a tenant on the date such housing accommodation is acquired by any  
10 such institution, ~~[ex]~~ which are occupied subsequently by a tenant who  
11 is not affiliated with such institution at the time of his initial occu-  
12 pancy, or where the housing accommodations are occupied by a non-affili-  
13 ated tenant who is sixty-two years of age or older;

14 § 2. Paragraph 10 of subdivision a of section 5 of section 4 of chap-  
15 ter 576 of the laws of 1974, constituting the emergency tenant  
16 protection act of nineteen seventy-four, is amended to read as follows:

17 (10) housing accommodations in buildings operated exclusively for  
18 charitable purposes on a non-profit basis, unless such housing accommo-  
19 dations are occupied by a tenant who is sixty-two years of age or older;

20 § 3. Subparagraph (b) of paragraph 2 of subdivision e of section  
21 26-403 of the administrative code of the city of New York is amended to  
22 read as follows:

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

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(b) a hospital, convent, monastery, asylum, public institution, or college or school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis, unless such housing accommodations are occupied by a non-affiliated tenant who is sixty-two years of age or older; or

§ 4. Subparagraph (g) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York is amended to read as follows:

(g) Housing accommodations in buildings operated exclusively for charitable purposes on a non-profit basis, unless such housing accommodations are occupied by a tenant who is sixty-two years of age or older; or

§ 5. The opening paragraph of subparagraph c of paragraph 9 of subdivision c of section 26-511 of the administrative code of the city of New York is amended to read as follows:

where the housing accommodation is owned by a hospital, convent, monastery, asylum, public institution, college, school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis, unless such housing accommodation is occupied by a tenant who is sixty-two years of age or older, and either:

§ 6. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, any other application of any provision of this act, or any other provision of any law or code amended by this act.

§ 7. This act shall take effect on the sixtieth day after it shall have become a law; provided that:

(a) the amendments to subdivision a of section 5 of the emergency tenant protection act of nineteen seventy-four made by sections one and two of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974;

(b) the amendments to section 26-403 of the city rent and rehabilitation law made by sections three and four of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and

(c) the amendments to subparagraph c of paragraph 9 of subdivision c of section 26-511 of chapter 4 of title 26 of the administrative code of the city of New York made by section five 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.