

STATE OF NEW YORK

5390

2017-2018 Regular Sessions

IN ASSEMBLY

February 8, 2017

Introduced by M. of A. O'DONNELL -- 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 tenant protection act of nineteen seventy-four, in relation
to housing unit fees

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

1 Section 1. Subdivision a of section 26-517.1 of the administrative
2 code of the city of New York, as added by local law number 95 of the
3 city of New York for the year 1985, is amended to read as follows:

4 a. The [~~Department~~ *department* of [~~Finance~~ *finance* shall collect from
5 the owner of each housing accommodation registered pursuant to [~~Section~~
6 *section* 26-517 of this [~~law~~ *chapter* an annual fee in the amount of
7 [~~ten~~ *thirty* dollars per year for each unit subject to this law, in
8 order to defray costs incurred by the city pursuant to subdivision c of
9 section eight of the emergency tenant protection act of nineteen hundred
10 seventy-four.

11 § 2. Subdivisions c and d of section 8 of section 4 of chapter 576 of
12 the laws of 1974 constituting the emergency tenant protection act of
13 nineteen seventy-four, subdivision c as amended by section 5 of part Z
14 of chapter 56 of the laws of 2010 and subdivision d as amended by chap-
15 ter 116 of the laws of 1997, are amended to read as follows:

16 c. Whenever a city having a population of one million or more has
17 determined the existence of an emergency pursuant to section three of
18 this act, the provisions of this act and the New York city rent stabili-
19 zation law of nineteen hundred sixty-nine shall be administered by the
20 state division of housing and community renewal as provided in the New
21 York city rent stabilization law of nineteen hundred sixty-nine, as
22 amended, or as otherwise provided by law. The costs incurred by the
23 state division of housing and community renewal in administering such
24 regulation shall be paid by such city. All payments for such adminis-

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

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1 tration shall be transmitted to the state division of housing and commu-
2 nity renewal as follows: on or after April first of each year commencing
3 with April, nineteen hundred eighty-four, the commissioner of housing
4 and community renewal shall determine an amount necessary to defray the
5 division's anticipated annual cost, and one-quarter of such amount shall
6 be paid by such city on or before July first of such year, one-quarter
7 of such amount on or before October first of such year, one-quarter of
8 such amount on or before January first of the following year and one-
9 quarter of such amount on or before March thirty-first of the following
10 year. After the close of the fiscal year of the state, the commissioner
11 shall determine the amount of all actual costs incurred in such fiscal
12 year and shall certify such amount to such city. If such certified
13 amount shall differ from the amount paid by the city for such fiscal
14 year, appropriate adjustments shall be made in the next quarterly
15 payment to be made by such city. In the event that the amount thereof is
16 not paid to the commissioner as herein prescribed, the commissioner
17 shall certify the unpaid amount to the comptroller, and the comptroller
18 shall, to the extent not otherwise prohibited by law, withhold such
19 amount from any state aid payable to such city. In no event shall the
20 amount imposed on the owners exceed [~~ten~~] thirty dollars per unit per
21 year.

22 d. The failure to pay the prescribed assessment not to exceed [~~ten~~]
23 thirty dollars per unit for any housing accommodation subject to this
24 act or the New York city rent stabilization law of nineteen hundred
25 sixty-nine shall constitute a charge due and owing such city, town or
26 village which has imposed an annual charge for each such housing accom-
27 modation pursuant to subdivision b of this section. Any such city, town
28 or village shall be authorized to provide for the enforcement of the
29 collection of such charges by commencing an action or proceeding for the
30 recovery of such fees or by the filing of a lien upon the building and
31 lot. Such methods for the enforcement of the collection of such charges
32 shall be the sole remedy for the enforcement of this section.

33 § 3. The increased revenues payable each year to the commissioner of
34 the state division of housing and community renewal pursuant to this act
35 shall be divided equally by the commissioner between the office of rent
36 administration and the office of the tenant protection unit within the
37 division of housing and community renewal and shall be utilized by the
38 commissioner in addition to and not in substitution for the levels of
39 funding from all sources provided to the office of rent administration
40 and the office of the tenant protection unit on the effective date of
41 this act.

42 § 4. This act shall take effect immediately; provided that the amend-
43 ments to section 26-517.1 of chapter 4 of title 26 of the administrative
44 code of the city of New York made by section one of this act shall
45 expire on the same date as such law expires and shall not affect the
46 expiration of such law as provided under section 26-520 of such law; and
47 provided further that the amendments to section 8 of the emergency
48 tenant protection act of nineteen seventy-four made by section two of
49 this act shall expire on the same date as such act expires and shall not
50 affect the expiration of such act as provided in section 17 of chapter
51 576 of the laws of 1974.