

STATE OF NEW YORK

5771

2017-2018 Regular Sessions

IN ASSEMBLY

February 15, 2017

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

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 recovery of certain housing accommodations by a landlord

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

1 Section 1. Paragraph 1 of subdivision b of section 26-408 of the
2 administrative code of the city of New York is amended to read as
3 follows:

4 (1) The landlord seeks in good faith to recover possession of a hous-
5 ing accommodation because of immediate and compelling necessity for his
6 or her own personal use and occupancy as his or her primary residence or
7 for the use and occupancy of his or her immediate family as their prima-
8 ry residence provided, however, that this subdivision shall permit
9 recovery of only one housing accommodation and shall not apply where a
10 member of the household lawfully occupying the housing accommodation is
11 sixty-two years of age or older, has been a tenant in a housing accommo-
12 dation in that building for [~~twenty~~ fifteen years or more, or has an
13 impairment which results from anatomical, physiological or psychological
14 conditions, other than addiction to alcohol, gambling, or any controlled
15 substance, which are demonstrable by medically acceptable clinical and
16 laboratory diagnostic techniques, and which are expected to be permanent
17 and which prevent the tenant from engaging in any substantial gainful
18 employment; or

19 § 2. Subparagraph (b) of paragraph 9 of subdivision c of section
20 26-511 of the administrative code of the city of New York is amended to
21 read as follows:

22 (b) where he or she seeks to recover possession of one [~~or more~~]
23 dwelling [~~units~~] unit because of immediate and compelling necessity for

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

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1 his or her own personal use and occupancy as his or her primary resi-
2 dence [~~in the city of New York and/or~~] or for the use and occupancy of a
3 member of his or her immediate family as his or her primary residence
4 [~~in the city of New York~~], provided however, that this subparagraph
5 shall permit recovery of only one dwelling unit and shall not apply
6 where a tenant or the spouse of a tenant lawfully occupying the dwelling
7 unit is sixty-two years of age or older, has been a tenant in a dwelling
8 unit in that building for fifteen years or more, or has an impairment
9 which results from anatomical, physiological or psychological condi-
10 tions, other than addiction to alcohol, gambling, or any controlled
11 substance, which are demonstrable by medically acceptable clinical and
12 laboratory diagnostic techniques, and which are expected to be permanent
13 and which prevent the tenant from engaging in any substantial gainful
14 employment, unless such owner offers to provide and if requested,
15 provides an equivalent or superior housing accommodation at the same or
16 lower stabilized rent in a closely proximate area. The provisions of
17 this subparagraph shall only permit one of the individual owners of any
18 building to recover possession of one [~~or more~~] dwelling [~~units~~] unit
19 for his or her own personal use and/or for that of his or her immediate
20 family. [~~Any~~] A dwelling unit recovered by an owner pursuant to this
21 subparagraph shall not for a period of three years be rented, leased,
22 subleased or assigned to any person other than a person for whose bene-
23 fit recovery of the dwelling unit is permitted pursuant to this subpara-
24 graph or to the tenant in occupancy at the time of recovery under the
25 same terms as the original lease. This subparagraph shall not be deemed
26 to establish or eliminate any claim that the former tenant of the dwell-
27 ing unit may otherwise have against the owner. Any such rental, lease,
28 sublease or assignment during such period to any other person may be
29 subject to a penalty of a forfeiture of the right to any increases in
30 residential rents in such building for a period of three years; or

31 § 3. Subdivision a of section 10 of section 4 of chapter 576 of the
32 laws of 1974, constituting the emergency tenant protection act of nine-
33 teen seventy-four, as amended by chapter 234 of the laws of 1984, is
34 amended to read as follows:

35 a. For cities having a population of less than one million and towns
36 and villages, the state division of housing and community renewal shall
37 be empowered to implement this act by appropriate regulations. Such
38 regulations may encompass such speculative or manipulative practices or
39 renting or leasing practices as the state division of housing and commu-
40 nity renewal determines constitute or are likely to cause circumvention
41 of this act. Such regulations shall prohibit practices which are likely
42 to prevent any person from asserting any right or remedy granted by this
43 act, including but not limited to retaliatory termination of periodic
44 tenancies and shall require owners to grant a new one or two year vacan-
45 cy or renewal lease at the option of the tenant, except where a mortgage
46 or mortgage commitment existing as of the local effective date of this
47 act provides that the owner shall not grant a one-year lease; and shall
48 prescribe standards with respect to the terms and conditions of new and
49 renewal leases, additional rent and such related matters as security
50 deposits, advance rental payments, the use of escalator clauses in leas-
51 es and provision for increase in rentals for garages and other ancillary
52 facilities, so as to insure that the level of rent adjustments author-
53 ized under this law will not be subverted and made ineffective. Any
54 provision of the regulations permitting an owner to refuse to renew a
55 lease on grounds that the owner seeks to recover possession of [~~the~~] a
56 housing accommodation for his or her own use and occupancy or for the

1 use and occupancy of his or her immediate family shall permit recovery
2 of only one housing accommodation, shall require that an owner demon-
3 strate immediate and compelling need and that the housing accommodation
4 will be the proposed occupants' primary residence and shall not apply
5 where a member of the housing accommodation is sixty-two years of age or
6 older, has been a tenant in a housing accommodation in that building for
7 [~~twenty~~] fifteen years or more, or has an impairment which results from
8 anatomical, physiological or psychological conditions, other than
9 addiction to alcohol, gambling, or any controlled substance, which are
10 demonstrable by medically acceptable clinical and laboratory diagnostic
11 techniques, and which are expected to be permanent and which prevent the
12 tenant from engaging in any substantial gainful employment.

13 § 4. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of the
14 laws of 1946, constituting the emergency housing rent control law, as
15 amended by chapter 234 of the laws of 1984, is amended to read as
16 follows:

17 (a) the landlord seeks in good faith to recover possession of a hous-
18 ing [~~accommodations~~] accommodation because of immediate and compelling
19 necessity for his or her own personal use and occupancy as his or her
20 primary residence or for the use and occupancy of his or her immediate
21 family as their primary residence; provided, however, this subdivision
22 shall permit recovery of only one housing accommodation and shall not
23 apply where a member of the household lawfully occupying the housing
24 accommodation is sixty-two years of age or older, has been a tenant in a
25 housing accommodation in that building for [~~twenty~~] fifteen years or
26 more, or has an impairment which results from anatomical, physiological
27 or psychological conditions, other than addiction to alcohol, gambling,
28 or any controlled substance, which are demonstrable by medically accept-
29 able clinical and laboratory diagnostic techniques, and which are
30 expected to be permanent and which prevent the tenant from engaging in
31 any substantial gainful employment; or

32 § 5. This act shall take effect immediately and shall apply to any
33 tenant in possession at or after the time it takes effect, regardless of
34 whether the landlord's application for an order, refusal to renew a
35 lease or refusal to extend or renew a tenancy took place before this act
36 shall have taken effect, provided that:

37 a. the amendments to section 26-408 of the city rent and rehabili-
38 tation law made by section one of this act shall remain in full force
39 and effect only as long as the public emergency requiring the regulation
40 and control of residential rents and evictions continues, as provided in
41 subdivision 3 of section 1 of the local emergency housing rent control
42 act;

43 b. the amendments to section 26-511 of the rent stabilization law of
44 nineteen hundred sixty-nine made by section two of this act shall expire
45 on the same date as such law expires and shall not affect the expiration
46 of such law as provided under section 26-520 of such law;

47 c. the amendments to subdivision a of section 10 of section 4 of the
48 emergency tenant protection act of nineteen seventy-four made by section
49 three of this act shall expire on the same date as such act expires and
50 shall not affect the expiration of such act as provided in section 17 of
51 chapter 576 of the laws of 1974; and

52 d. the amendments to paragraph (a) of subdivision 2 of section 5 of
53 the emergency housing rent control law made by section four of this act
54 shall expire on the same date as such law expires and shall not affect
55 the expiration of such law as provided in subdivision 2 of section 1 of
56 chapter 274 of the laws of 1946.