

# STATE OF NEW YORK

6285

2017-2018 Regular Sessions

## IN ASSEMBLY

March 1, 2017

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

AN ACT to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the regulation of rents

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

1 Section 1. Subdivision (a-2) of section 10 of section 4 of chapter 576  
2 of the laws of 1974, constituting the emergency tenant protection act of  
3 nineteen seventy-four, as amended by section 11 of part A of chapter 20  
4 of the laws of 2015, is amended to read as follows:

5 (a-2) Provides that where the amount of rent charged to and paid by  
6 the tenant is less than the legal regulated rent for the housing accom-  
7 modation, the amount of rent for such housing accommodation which may be  
8 charged [~~upon renewal or~~] upon vacancy thereof, may, at the option of  
9 the owner, be based upon such previously established legal regulated  
10 rent, as adjusted by the most recent applicable guidelines increases and  
11 other increases authorized by law; provided, however, that such vacancy  
12 shall not be caused by the failure of the owner or an agent of the  
13 owner, to maintain the housing accommodation in compliance with the  
14 warranty of habitability set forth in subdivision one of section two  
15 hundred thirty-five-b of the real property law; and further provided  
16 that such increase to the previously established legal regulated rent  
17 shall not exceed: five percent of the previous legal regulated rent if  
18 the last vacancy lease commenced less than two years ago; ten percent of  
19 the previous legal regulated rent if the last vacancy lease commenced  
20 less than three years ago; fifteen percent of the previous legal regu-  
21 lated rent if the last vacancy lease commenced less than four years ago;  
22 and twenty percent of the previous legal regulated rent if the last  
23 vacancy lease commenced four or more years ago. Such housing accommo-  
24 dation shall be excluded from the provisions of this act pursuant to  
25 paragraph thirteen of subdivision a of section five of this act when  
26 subsequent to vacancy: (i) such legal regulated rent is two thousand  
27 five hundred dollars per month, or more, for any housing accommodation

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

LBD06860-03-7

1 that is, or becomes, vacant after the effective date of the rent act of  
2 2011 but prior to the effective date of the rent act of 2015 or (ii)  
3 such legal regulated rent is two thousand seven hundred dollars per  
4 month or more for any housing accommodation that is or becomes vacant on  
5 or after the rent act of 2015; starting on January 1, 2016, and annually  
6 thereafter, the maximum legal regulated rent for this deregulation  
7 threshold, shall also be increased by the same percent as the most  
8 recent one year renewal adjustment, adopted by the applicable rent  
9 guidelines board pursuant to the rent stabilization law.

10 § 2. Paragraph 14 of subdivision c of section 26-511 of the adminis-  
11 trative code of the city of New York, as amended by section 12 of part A  
12 of chapter 20 of the laws of 2015, is amended to read as follows:

13 (14) provides that where the amount of rent charged to and paid by the  
14 tenant is less than the legal regulated rent for the housing accommo-  
15 dation, the amount of rent for such housing accommodation which may be  
16 charged [~~upon renewal or~~] upon vacancy thereof, may, at the option of  
17 the owner, be based upon such previously established legal regulated  
18 rent, as adjusted by the most recent applicable guidelines increases and  
19 any other increases authorized by law; provided, however, that such  
20 vacancy shall not be caused by the failure of the owner or an agent of  
21 the owner, to maintain the housing accommodation in compliance with the  
22 warranty of habitability set forth in subdivision one of section two  
23 hundred thirty-five-b of the real property law; and further provided  
24 that such increase to the previously established legal regulated rent  
25 shall not exceed: five percent of the previous legal regulated rent if  
26 the last vacancy lease commenced less than two years ago; ten percent of  
27 the previous legal regulated rent if the last vacancy lease commenced  
28 less than three years ago; fifteen percent of the previous legal regu-  
29 lated rent if the last vacancy lease commenced less than four years ago;  
30 and twenty percent of the previous legal regulated rent if the last  
31 vacancy lease commenced four or more years ago. Such housing accommo-  
32 dation shall be excluded from the provisions of this code pursuant to  
33 section 26-504.2 of this chapter when, subsequent to vacancy: (i) such  
34 legal regulated rent prior to vacancy is two thousand five hundred  
35 dollars per month, or more, for any housing accommodation that is or  
36 becomes vacant after the effective date of the rent act of 2011 but  
37 prior to the effective date of the rent act of 2015 or (ii) such legal  
38 regulated rent is two thousand seven hundred dollars per month or more,  
39 provided, however that on January 1, 2016, and annually thereafter, the  
40 maximum legal regulated rent for this deregulation threshold shall be  
41 adjusted by the same percentage as the most recent one year renewal  
42 adjustment as adjusted by the relevant rent guidelines board, for any  
43 housing accommodation that is or becomes vacant on or after the rent act  
44 of 2015.

45 § 3. This act shall take effect immediately; provided, however, that  
46 the amendments to section 10 of the emergency tenant protection act of  
47 nineteen seventy-four made by section one of this act shall expire on  
48 the same date as such act expires and shall not affect the expiration of  
49 such act as provided in section 17 of chapter 576 of the laws of 1974;  
50 and provided, further, that the amendments to section 26-511 of the rent  
51 stabilization law of nineteen hundred sixty-nine made by section two of  
52 this act shall expire on the same date as such law expires and shall not  
53 affect the expiration of such law as provided under section 26-520 of  
54 such law.