

STATE OF NEW YORK

6662

2017-2018 Regular Sessions

IN SENATE

June 9, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the multiple dwelling law, the emergency housing rent control law, the emergency tenant protection act of nineteen seventy-four, and the administrative code of the city of New York, in relation to making technical corrections; and to repeal section 467-i of the real property tax law relating to real property tax abatement

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

1 Section 1. Subdivision 1 of section 282-a of the multiple dwelling
2 law, as amended by section 22 of part A of chapter 20 of the laws of
3 2015, is amended to read as follows:

4 1. All applications for registration as an interim multiple dwelling
5 or for coverage of residential units under this article shall be filed
6 with the loft board within six months after the date the loft board
7 shall have adopted all rules or regulations necessary in order to imple-
8 ment the provisions of chapter one hundred forty-seven of the laws of
9 two thousand ten, provided, however, that applications for registration
10 as an interim multiple dwelling or for coverage of residential units
11 under this article may also be filed for a [~~two-year~~] four-year period
12 starting from the effective date of [~~the~~] part A of chapter twenty of
13 the laws of two thousand fifteen which amended this section. The loft
14 board may subsequently amend such rules and regulations but such amend-
15 ments shall not recommence the time period in which applications may be
16 filed.

17 § 2. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the
18 laws of 1946, constituting the emergency housing rent control law, as
19 amended by section 7 of part A of chapter 20 of the laws of 2015, is
20 amended to read as follows:

21 (n) any housing accommodation with a maximum rent of two thousand
22 dollars or more per month at any time between the effective date of this

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

LBD13168-01-7

1 paragraph and October first, nineteen hundred ninety-three which is or
2 becomes vacant on or after the effective date of this paragraph; or, for
3 any housing accommodation with a maximum rent of two thousand dollars or
4 more per month at any time on or after the effective date of the rent
5 regulation reform act of 1997 and before the effective date of the rent
6 act of 2011, which is or becomes vacant on or after the effective date
7 of the rent regulation reform act of 1997 and before the effective date
8 of the rent act of 2011. This exclusion shall apply regardless of wheth-
9 er the next tenant in occupancy or any subsequent tenant in occupancy is
10 charged or pays less than two thousand dollars a month; or, for any
11 housing accommodation with a maximum rent of two thousand five hundred
12 dollars or more per month at any time on or after the effective date of
13 the rent act of 2011, which is or becomes vacant on or after such effec-
14 tive date, but prior to the effective date of the rent act of 2015; or,
15 any housing accommodation with a legal regulated rent [~~that was~~ of two
16 thousand seven hundred dollars or more per month at any time on or after
17 the effective date of the rent act of 2015, which becomes vacant after
18 the effective date of the rent act of 2015, provided, however, that
19 starting on January 1, 2016, and annually thereafter, the maximum legal
20 regulated rent for this deregulation threshold, shall also be increased
21 by the same percentage as the most recent one year renewal adjustment,
22 adopted by the applicable rent guidelines board. This exclusion shall
23 apply regardless of whether the next tenant in occupancy or any subse-
24 quent tenant in occupancy actually is charged or pays less than two
25 thousand seven hundred dollars, as adjusted by the applicable rent
26 guidelines board, per month. An exclusion pursuant to this paragraph
27 shall not apply, however, to or become effective with respect to housing
28 accommodations which the commissioner determines or finds that the land-
29 lord or any person acting on his or her behalf, with intent to cause the
30 tenant to vacate, has engaged in any course of conduct (including, but
31 not limited to, interruption or discontinuance of required services)
32 which interfered with or disturbed or was intended to interfere with or
33 disturb the comfort, repose, peace or quiet of the tenant in his or her
34 use or occupancy of the housing accommodations and in connection with
35 such course of conduct, any other general enforcement provision of this
36 law shall also apply.

37 § 3. Paragraph 13 of subdivision a of section 5 of section 4 of chap-
38 ter 576 of the laws of 1974, constituting the emergency tenant
39 protection act of nineteen seventy-four, as amended by section 8 of part
40 A of chapter 20 of the laws of 2015, is amended to read as follows:

41 (13) any housing accommodation with a legal regulated rent of two
42 thousand dollars or more per month at any time between the effective
43 date of this paragraph and October first, nineteen hundred ninety-three
44 which is or becomes vacant on or after the effective date of this para-
45 graph; or, for any housing accommodation with a legal regulated rent of
46 two thousand dollars or more per month at any time on or after the
47 effective date of the rent regulation reform act of 1997 and before the
48 effective date of the rent act of 2011, which is or becomes vacant on or
49 after the effective date of the rent regulation reform act of 1997 and
50 before the effective date of the rent act of 2011. This exclusion shall
51 apply regardless of whether the next tenant in occupancy or any subse-
52 quent tenant in occupancy is charged or pays less than two thousand
53 dollars a month; or, for any housing accommodation with a legal regu-
54 lated rent of two thousand five hundred dollars or more per month at any
55 time on or after the effective date of the rent act of 2011, which is or
56 becomes vacant on or after such effective date, but prior to the effec-

1 tive date of the rent act of 2015; or, any housing accommodation with a
2 legal regulated rent [~~that was~~ of two thousand seven hundred dollars or
3 more per month at any time on or after the effective date of the rent
4 act of 2015, which becomes vacant after the effective date of the rent
5 act of 2015, provided, however, that starting on January 1, 2016, and
6 annually thereafter, the maximum legal regulated rent for this deregu-
7 lation threshold, shall also be increased by the same percentage as the
8 most recent one year renewal adjustment, adopted by the applicable rent
9 guidelines board. An exclusion pursuant to this paragraph shall apply
10 regardless of whether the next tenant in occupancy or any subsequent
11 tenant in occupancy actually is charged or pays less than two thousand
12 seven hundred dollars a month. Provided however, that an exclusion
13 pursuant to this paragraph shall not apply to housing accommodations
14 which became or become subject to this act (a) by virtue of receiving
15 tax benefits pursuant to section four hundred twenty-one-a or four
16 hundred eighty-nine of the real property tax law, except as otherwise
17 provided in subparagraph (i) of paragraph (f) of subdivision two of
18 section four hundred twenty-one-a of the real property tax law, or (b)
19 by virtue of article seven-C of the multiple dwelling law. This para-
20 graph shall not apply, however, to or become effective with respect to
21 housing accommodations which the commissioner determines or finds that
22 the landlord or any person acting on his or her behalf, with intent to
23 cause the tenant to vacate, has engaged in any course of conduct
24 (including, but not limited to, interruption or discontinuance of
25 required services) which interfered with or disturbed or was intended to
26 interfere with or disturb the comfort, repose, peace or quiet of the
27 tenant in his or her use or occupancy of the housing accommodations and
28 in connection with such course of conduct, any other general enforcement
29 provision of this act shall also apply.

30 § 4. Subparagraph (k) of paragraph 2 of subdivision e of section
31 26-403 of the administrative code of the city of New York, as amended by
32 section 9 of part A of chapter 20 of the laws of 2015, is amended to
33 read as follows:

34 (k) Any housing accommodation which becomes vacant on or after April
35 first, nineteen hundred ninety-seven and before the effective date of
36 the rent act of 2011, and where at the time the tenant vacated such
37 housing accommodation the maximum rent was two thousand dollars or more
38 per month; or, for any housing accommodation which is or becomes vacant
39 on or after the effective date of the rent regulation reform act of 1997
40 and before the effective date of the rent act of 2011 with a maximum
41 rent of two thousand dollars or more per month. This exclusion shall
42 apply regardless of whether the next tenant in occupancy or any subse-
43 quent tenant in occupancy is charged or pays less than two thousand
44 dollars a month; or, for any housing accommodation with a maximum rent
45 of two thousand five hundred dollars or more per month at any time on or
46 after the effective date of the rent act of 2011, which is or becomes
47 vacant on or after such effective date, but prior to the effective date
48 of the rent act of 2015; or, any housing accommodation with a legal
49 regulated rent [~~that was~~ of two thousand seven hundred dollars or more
50 per month at any time on or after the effective date of the rent act of
51 2015, which becomes vacant after the effective date of the rent act of
52 2015, provided, however, that starting on January 1, 2016, and annually
53 thereafter, the maximum legal regulated rent for this deregulation
54 threshold, shall also be increased by the same percent as the most
55 recent one year renewal adjustment, adopted by the New York city rent
56 guidelines board pursuant to the rent stabilization law. This exclusion

1 shall apply regardless of whether the next tenant in occupancy or any
2 subsequent tenant in occupancy actually is charged or pays less than two
3 thousand seven hundred dollars a month. Provided however, that an exclu-
4 sion pursuant to this subparagraph shall not apply to housing accommo-
5 dations which became or become subject to this law by virtue of receiv-
6 ing tax benefits pursuant to section four hundred eighty-nine of the
7 real property tax law. This subparagraph shall not apply, however, to or
8 become effective with respect to housing accommodations which the
9 commissioner determines or finds that the landlord or any person acting
10 on his or her behalf, with intent to cause the tenant to vacate, has
11 engaged in any course of conduct (including, but not limited to, inter-
12 ruption or discontinuance of required services) which interfered with or
13 disturbed or was intended to interfere with or disturb the comfort,
14 repose, peace or quiet of the tenant in his or her use or occupancy of
15 the housing accommodations and in connection with such course of
16 conduct, any other general enforcement provision of this law shall also
17 apply.

18 § 5. Section 26-504.2 of the administrative code of the city of New
19 York, as amended by section 10 of part A of chapter 20 of the laws of
20 2015, is amended to read as follows:

21 § 26-504.2 Exclusion of high rent accommodations. a. "Housing accommo-
22 dations" shall not include: any housing accommodation which becomes
23 vacant on or after April first, nineteen hundred ninety-seven and before
24 the effective date of the rent act of 2011 and where at the time the
25 tenant vacated such housing accommodation the legal regulated rent was
26 two thousand dollars or more per month; or, for any housing accommo-
27 dation which is or becomes vacant on or after the effective date of the
28 rent regulation reform act of 1997 and before the effective date of the
29 rent act of 2011, with a legal regulated rent of two thousand dollars or
30 more per month; or for any housing accommodation that becomes vacant on
31 or after the effective date of the rent act of 2015, [~~where-such~~] with a
32 legal regulated rent [~~was~~] of two thousand seven hundred dollars or
33 more, and as further adjusted by this section. Starting on January 1,
34 2016, and annually thereafter, the maximum legal regulated rent for this
35 deregulation threshold, shall also be increased by the same percent as
36 the most recent one year renewal adjustment, adopted by the New York
37 city rent guidelines board pursuant to the rent stabilization law. This
38 exclusion shall apply regardless of whether the next tenant in occupancy
39 or any subsequent tenant in occupancy is charged or pays less than two
40 thousand dollars a month; or, for any housing accommodation with a legal
41 regulated rent of two thousand five hundred dollars or more per month at
42 any time on or after the effective date of the rent act of 2011, which
43 is or becomes vacant on or after such effective date, but prior to the
44 effective date of the rent act of 2015; or, any housing accommodation
45 with a legal regulated rent [~~that-was~~] of two thousand seven hundred
46 dollars or more per month at any time on or after the effective date of
47 the rent act of 2015, which becomes vacant after the effective date of
48 the rent act of 2015, provided, however, that starting on January 1,
49 2016, and annually thereafter, such legal regulated rent for this dereg-
50 ulation threshold, shall also be increased by the same percentage as the
51 most recent one year renewal adjustment, adopted by the New York city
52 rent guidelines board. This exclusion shall apply regardless of whether
53 the next tenant in occupancy or any subsequent tenant in occupancy actu-
54 ally is charged or pays less than two thousand seven hundred dollars, as
55 adjusted by the applicable rent guidelines board, a month. Provided
56 however, that an exclusion pursuant to this subdivision shall not apply

1 to housing accommodations which became or become subject to this law (a)
2 by virtue of receiving tax benefits pursuant to section four hundred
3 twenty-one-a or four hundred eighty-nine of the real property tax law,
4 except as otherwise provided in subparagraph (i) of paragraph (f) of
5 subdivision two of section four hundred twenty-one-a of the real proper-
6 ty tax law, or (b) by virtue of article seven-C of the multiple dwelling
7 law. This section shall not apply, however, to or become effective with
8 respect to housing accommodations which the commissioner determines or
9 finds that the landlord or any person acting on his or her behalf, with
10 intent to cause the tenant to vacate, engaged in any course of conduct
11 (including, but not limited to, interruption or discontinuance of
12 required services) which interfered with or disturbed or was intended to
13 interfere with or disturb the comfort, repose, peace or quiet of the
14 tenant in his or her use or occupancy of the housing accommodations and
15 in connection with such course of conduct, any other general enforcement
16 provision of this law shall also apply.

17 b. The owner of any housing accommodation that is not subject to this
18 law pursuant to the provisions of subdivision a of this section or
19 subparagraph k of paragraph 2 of subdivision e of section 26-403 of this
20 code shall give written notice certified by such owner to the first
21 tenant of that housing accommodation after such housing accommodation
22 becomes exempt from the provisions of this law or the city rent and
23 rehabilitation law. Such notice shall contain the last regulated rent,
24 the reason that such housing accommodation is not subject to this law or
25 the city rent and rehabilitation law, a calculation of how either the
26 rental amount charged when there is no lease or the rental amount
27 provided for in the lease has been derived so as to reach two thousand
28 dollars or more per month or, for a housing accommodation with a legal
29 regulated rent or maximum rent of two thousand five hundred dollars or
30 more per month on or after the effective date of the rent act of 2011,
31 and before the effective date of the rent act of 2015, which is or
32 becomes vacant on or after such effective date, whether the next tenant
33 in occupancy or any subsequent tenant in occupancy actually is charged
34 or pays less than a legal regulated rent or maximum rent of two thousand
35 five hundred dollars or more per month, or two thousand seven hundred
36 dollars or more, per month, starting on January 1, 2016, and annually
37 thereafter, the maximum legal regulated rent for this deregulation
38 threshold, shall also be increased by the same percent as the most
39 recent one year renewal adjustment, adopted by the New York city rent
40 guidelines board pursuant to the rent stabilization law, a statement
41 that the last legal regulated rent or the maximum rent may be verified
42 by the tenant by contacting the state division of housing and community
43 renewal, or any successor thereto, and the address and telephone number
44 of such agency, or any successor thereto. Such notice shall be sent by
45 certified mail within thirty days after the tenancy commences or after
46 the signing of the lease by both parties, whichever occurs first or
47 shall be delivered to the tenant at the signing of the lease. In addi-
48 tion, the owner shall send and certify to the tenant a copy of the
49 registration statement for such housing accommodation filed with the
50 state division of housing and community renewal indicating that such
51 housing accommodation became exempt from the provisions of this law or
52 the city rent and rehabilitation law, which form shall include the last
53 regulated rent, and shall be sent to the tenant within thirty days after
54 the tenancy commences or the filing of such registration, whichever
55 occurs later.

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

4 (14) provides that where the amount of rent charged to and paid by the
5 tenant is less than the legal regulated rent for the housing accommo-
6 dation, the amount of rent for such housing accommodation which may be
7 charged upon renewal or upon vacancy thereof, may, at the option of the
8 owner, be based upon such previously established legal regulated rent,
9 as adjusted by the most recent applicable guidelines increases and any
10 other increases authorized by law. Such housing accommodation shall be
11 excluded from the provisions of this code pursuant to section 26-504.2
12 of this chapter when, subsequent to vacancy: (i) such legal regulated
13 rent [~~prior to vacancy~~] is two thousand five hundred dollars per month,
14 or more, for any housing accommodation that is or becomes vacant after
15 the effective date of the rent act of 2011 but prior to the effective
16 date of the rent act of 2015 or (ii) such legal regulated rent is two
17 thousand seven hundred dollars per month or more, provided, however that
18 on January 1, 2016, and annually thereafter, the maximum legal regulated
19 rent for this deregulation threshold shall be adjusted by the same
20 percentage as the most recent one year renewal adjustment as adjusted by
21 the relevant rent guidelines board, for any housing accommodation that
22 is or becomes vacant on or after the rent act of 2015.

23 § 7. Section 467-i of the real property tax law is REPEALED.

24 § 8. This act shall take effect immediately; provided, however that:

25 (a) the amendments made to paragraph (n) of subdivision 2 of section 2
26 of the emergency housing rent control law made by section two of this
27 act shall expire on the same date as such law expires and shall not
28 affect the expiration of such law as provided in subdivision 2 of
29 section 1 of chapter 274 of the laws of 1946;

30 (b) the amendments made to paragraph 13 of subdivision a of section 5
31 of section 4 of the emergency tenant protection act of nineteen seven-
32 ty-four made by section three of this act shall expire on the same date
33 as such act expires and shall not affect the expiration of such act as
34 provided in section 17 of chapter 576 of the laws of 1974;

35 (c) the amendments made to sections 26-504.2 and 26-511 of the admin-
36 istrative code of the city of New York made by sections five and six of
37 this act shall expire on the same date as such law expires and shall not
38 affect the expiration of such law as provided under section 26-520 of
39 such law; and

40 (d) the amendments made to section 26-403 of the administrative code
41 of the city of New York made by section four of this act shall remain in
42 full force and effect only as long as the public emergency requiring the
43 regulation and control of residential rents and evictions continues, as
44 provided in subdivision 3 of section 1 of the local emergency housing
45 rent control act.