

# STATE OF NEW YORK

4349

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. CYMBROWITZ, DE LA ROSA, WALKER, L. ROSENTHAL, BARRON, DINOWITZ, ORTIZ, CARROLL, SIMON, ROZIC, SEAWRIGHT, EPSTEIN, JOYNER -- 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~~ Where the amount of rent charged to and  
6 paid by the tenant is less than the legal regulated rent for the housing  
7 accommodation, the amount of rent for such housing accommodation which  
8 may be charged [~~upon renewal or~~] upon vacancy thereof, may, at the  
9 option of the owner, be based upon such previously established legal  
10 regulated rent, as adjusted by the most recent applicable guidelines  
11 increases and other increases authorized by law; provided, however, that  
12 for buildings that are subject to this statute by virtue of a regulatory  
13 agreement with a local government agency and which buildings receive  
14 federal project based rental assistance administered by the United  
15 States department of housing and urban development or a state or local  
16 section eight administering agency, where the rent set by the federal,  
17 state or local governmental agency is less than the legal regulated rent  
18 for the housing accommodation, the amount of rent for such housing  
19 accommodation which may be charged upon renewal or upon vacancy thereof,  
20 may, at the option of the owner, be based upon such previously estab-  
21 lished legal regulated rent, as adjusted by the most recent applicable  
22 guidelines increases and other increases authorized by law; and further  
23 provided that such vacancy shall not be caused by the failure of the

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

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1 owner or an agent of the owner, to maintain the housing accommodation in  
2 compliance with the warranty of habitability set forth in subdivision  
3 one of section two hundred thirty-five-b of the real property law. Such  
4 housing accommodation shall be excluded from the provisions of this act  
5 pursuant to paragraph thirteen of subdivision a of section five of this  
6 act when subsequent to vacancy: (i) such legal regulated rent is two  
7 thousand five hundred dollars per month, or more, for any housing accom-  
8 modation that is, or becomes, vacant after the effective date of the  
9 rent act of 2011 but prior to the effective date of the rent act of 2015  
10 or (ii) such legal regulated rent is two thousand seven hundred dollars  
11 per month or more for any housing accommodation that is or becomes  
12 vacant on or after the rent act of 2015; starting on January 1, 2016,  
13 and annually thereafter, the maximum legal regulated rent for this  
14 deregulation threshold, shall also be increased by the same percent as  
15 the most recent one year renewal adjustment, adopted by the applicable  
16 rent guidelines board pursuant to the rent stabilization law.

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

20 (14) [~~provides that~~] where the amount of rent charged to and paid by  
21 the tenant is less than the legal regulated rent for the housing accom-  
22 modation, the amount of rent for such housing accommodation which may be  
23 charged [~~upon renewal or~~] upon vacancy thereof, may, at the option of  
24 the owner, be based upon such previously established legal regulated  
25 rent, as adjusted by the most recent applicable guidelines increases and  
26 any other increases authorized by law; provided, however, that for  
27 buildings that are subject to this statute by virtue of a regulatory  
28 agreement with a local government agency and which buildings receive  
29 federal project based rental assistance administered by the United  
30 States department of housing and urban development or a state or local  
31 section eight administering agency, where the rent set by the federal,  
32 state or local governmental agency is less than the legal regulated rent  
33 for the housing accommodation, the amount of rent for such housing  
34 accommodation which may be charged upon renewal or upon vacancy thereof,  
35 may, at the option of the owner, be based upon such previously estab-  
36 lished legal regulated rent, as adjusted by the most recent applicable  
37 guidelines increases and other increases authorized by law; and further  
38 provided that such vacancy shall not be caused by the failure of the  
39 owner or an agent of the owner, to maintain the housing accommodation in  
40 compliance with the warranty of habitability set forth in subdivision  
41 one of section two hundred thirty-five-b of the real property law. Such  
42 housing accommodation shall be excluded from the provisions of this code  
43 pursuant to section 26-504.2 of this chapter when, subsequent to vacan-  
44 cy: (i) such legal regulated rent prior to vacancy is two thousand five  
45 hundred dollars per month, or more, for any housing accommodation that  
46 is or becomes vacant after the effective date of the rent act of 2011  
47 but prior to the effective date of the rent act of 2015 or (ii) such  
48 legal regulated rent is two thousand seven hundred dollars per month or  
49 more, provided, however that on January 1, 2016, and annually thereaft-  
50 er, the maximum legal regulated rent for this deregulation threshold  
51 shall be adjusted by the same percentage as the most recent one year  
52 renewal adjustment as adjusted by the relevant rent guidelines board,  
53 for any housing accommodation that is or becomes vacant on or after the  
54 rent act of 2015.

55 § 3. This act shall take effect immediately; provided, however, that  
56 the amendments to section 10 of the emergency tenant protection act of

1 nineteen seventy-four made by section one of this act shall expire on  
2 the same date as such act expires and shall not affect the expiration of  
3 such act as provided in section 17 of chapter 576 of the laws of 1974,  
4 as amended; and provided, further, that the amendments to section 26-511  
5 of chapter 4 of title 26 of the administrative code of the city of New  
6 York made by section two of this act shall expire on the same date as  
7 such law expires and shall not affect the expiration of such law as  
8 provided under section 26-520 of such law.