

# STATE OF NEW YORK

S. 5040

A. 7046

2019-2020 Regular Sessions

## SENATE - ASSEMBLY

April 4, 2019

IN SENATE -- Introduced by Sens. BRESLIN, BIAGGI, HARCKHAM, HOYLMAN, JACKSON, KRUEGER, LIU, MAY, METZGER, MYRIE, RIVERA, SALAZAR, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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

AN ACT to establish the "statewide tenant protection act of 2019"; and to amend the emergency tenant protection act of nineteen seventy-four, in relation to expanding rent and eviction protections statewide

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "statewide tenant protection act of 2019."  
3 § 2. Section 2 of section 4 of chapter 576 of the laws of 1974,  
4 constituting the emergency tenant protection act of nineteen seventy-  
5 four, is amended to read as follows:  
6 § 2. Legislative finding. The legislature hereby finds and declares  
7 that a serious public emergency continues to exist in the housing of a  
8 considerable number of persons in the state of New York which emergency  
9 was at its inception created by war, the effects of war and the after-  
10 math of hostilities, that such emergency necessitated the intervention  
11 of federal, state and local government in order to prevent speculative,  
12 unwarranted and abnormal increases in rents; that there continues to  
13 exist in many areas of the state an acute shortage of housing accommo-  
14 dations caused by continued high demand, attributable in part to new  
15 household formations and decreased supply, in large measure attributable  
16 to reduced availability of federal subsidies, and increased costs of  
17 construction and other inflationary factors; that a substantial number  
18 of persons residing in housing not presently subject to the provisions  
19 of this act or the emergency housing rent control law or the local emer-

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

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1 agency housing rent control act or the New York City rent stabilization  
2 law of nineteen hundred sixty-nine, including persons residing in large  
3 parts of the state that have been arbitrarily excluded from coverage  
4 under this act are being charged excessive and unwarranted rents and  
5 rent increases and are subject to unjust and arbitrary evictions; that  
6 preventive action by the legislature continues to be imperative in order  
7 to prevent exaction of unjust, unreasonable and oppressive rents and  
8 rental agreements and to forestall profiteering, speculation and other  
9 disruptive practices tending to produce threats to the public health,  
10 safety and general welfare; that in order to prevent uncertainty, hard-  
11 ship and dislocation, the provisions of this act are necessary and  
12 designed to protect the public health, safety and general welfare; that  
13 the existing law regulating residential rents and evictions would better  
14 promote equity and serve the public interest if certain amendments were  
15 made thereto, including the removal of arbitrary geographic restrictions  
16 on the applicability of this act; that the transition from regulation to  
17 a normal market of free bargaining between landlord and tenant, while  
18 the ultimate objective of state policy, must take place with due regard  
19 for such emergency; and that the policy herein expressed shall be  
20 subject to determination of the existence of a public emergency requir-  
21 ing the regulation of residential rents and evictions within any city,  
22 town or village by the local legislative body of such city, town or  
23 village.

24 The legislature therefore declares that the provisions of this act are  
25 necessary to protect the public health, safety and general welfare. The  
26 necessity in the public interest for the provisions hereinafter enacted  
27 is hereby declared as a matter of legislative determination.

28 § 3. Section 14 of section 4 of chapter 576 of the laws of 1974,  
29 constituting the emergency tenant protection act of nineteen seventy-  
30 four, is amended to read as follows:

31 § 14. Application of act. The provisions of this act shall [~~only~~] be  
32 applicable:

33 a. in the city of New York; and

34 b. in [~~the counties of Nassau, Westchester and Rockland~~] all counties  
35 within the state of New York outside the city of New York and shall  
36 become and remain effective only in a city, town or village located  
37 therein as provided in section three of this act.

38 § 4. Separability clause. If any provision of this act or the applica-  
39 tion there shall, for any reason be adjudged by any court of competent  
40 jurisdiction to be invalid or unconstitutional, such judgement shall not  
41 affect, impair or invalidate the remainder of this act, but shall be  
42 confined in its operation to the provision thereof directly involved in  
43 the controversy in which the judgement shall have been rendered;  
44 provided, however, that in the event that the entire system of rent  
45 control or stabilization shall be finally adjudged invalid or unconsti-  
46 tutional by a court of competent jurisdiction because of the operation  
47 of any provision of this act, such provision shall be null, void and  
48 without effect, and all other provisions of this act which can be given  
49 effect without such invalid provision, as well as provisions of any  
50 other law, relating to the control of or stabilization of rent, as in  
51 effect prior to the enactment of this act as otherwise amended by this  
52 act, shall continue in full force and effect for the period of effec-  
53 tiveness set forth in section 17 of chapter 576 of the laws of 1974,  
54 constituting the emergency tenant protection act of nineteen seventy-  
55 four, as amended.

1 § 5. This act shall take effect immediately; provided that the amend-  
2 ments to sections 2 and 14 of the emergency tenant protection act of  
3 nineteen seventy-four made by sections two and three of this act shall  
4 expire on the same date as such act expires and shall not affect the  
5 expiration of such act as provided in section 17 of chapter 576 of the  
6 laws of 1974, as amended.