

# STATE OF NEW YORK

9966

## IN ASSEMBLY

March 3, 2020

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

AN ACT to amend the real property law and the state finance law, in  
relation to imposing a fee on landlords who have residential dwelling  
units which remain vacant for an extended period of time

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

1 Section 1. The real property law is amended by adding a new section  
2 238-b to read as follows:

3 § 238-b. Warehousing of residential dwelling units. 1. A landlord of a  
4 residential dwelling unit which remains vacant for a period greater than  
5 three months shall pay a monthly warehousing fee in an amount to be  
6 calculated as follows:

7 a. For the fourth month a residential dwelling unit remains vacant,  
8 the fee shall be equal to the last legal rent charged for such unit.

9 b. For every additional month thereafter that a residential dwelling  
10 unit remains vacant, the fee shall be equal to the fee charged for the  
11 previous month plus an amount equal to fifty percent.

12 c. If the legal rent of a residential dwelling unit cannot be deter-  
13 mined, the amount used to calculate the fee under this subdivision shall  
14 be equal to the market rent for a similarly sized residential dwelling  
15 unit in the same location, as determined by the commissioner of housing  
16 and community renewal.

17 2. A landlord may petition the division of housing and community  
18 renewal for a waiver of the fee imposed pursuant to subdivision one of  
19 this section if such landlord can demonstrate that such residential  
20 dwelling unit is vacant due to substantial renovations which render such  
21 unit unable to be occupied.

22 3. The fee imposed pursuant to subdivision one of this section shall  
23 be paid to the division of housing and community renewal. Such division  
24 shall pay all fees collected each month to the state comptroller who  
25 shall deposit such money in the housing voucher assistance fund estab-  
26 lished pursuant to section ninety-nine-hh of the state finance law.

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

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1 4. The commissioner of housing and community renewal shall promulgate  
2 rules and regulations necessary to carry out the provisions of this  
3 section.

4 § 2. The state finance law is amended by adding a new section 99-hh to  
5 read as follows:

6 § 99-hh. Housing voucher assistance fund. 1. There is hereby estab-  
7 lished in the joint custody of the state comptroller, the commissioner  
8 of housing and community renewal and the commissioner of taxation and  
9 finance a fund to be known as the housing voucher assistance fund.

10 2. Such fund shall consist of all moneys appropriated for the purpose  
11 of such fund, moneys collected pursuant to section two hundred thirty-  
12 eight-b of the real property law and all other moneys transferred to  
13 such fund pursuant to law. Any interest earned by the investment of  
14 moneys in such fund shall be added to such fund, become a part of such  
15 fund, and be used for the purpose of such fund.

16 3. Monies of the fund shall be expended only by the division of hous-  
17 ing and community renewal to provide housing vouchers to homeless indi-  
18 viduals.

19 4. Monies shall be payable from the fund on the audit and warrant of  
20 the comptroller on vouchers approved and certified by the commissioner  
21 of housing and community renewal.

22 § 3. This act shall take effect on the ninetieth day after it shall  
23 have become a law. Effective immediately, the addition, amendment and/or  
24 repeal of any rule or regulation necessary for the implementation of  
25 this act on its effective date are authorized to be made and completed  
26 on or before such effective date.