

# STATE OF NEW YORK

185

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. SERRANO, ADDABBO, BAILEY, BENJAMIN, COMRIE, GIANARIS, HOYLMAN, KAVANAGH, KRUEGER, MAYER, MONTGOMERY, PARKER, PERSAUD, RIVERA, SANDERS, SAVINO, SEPULVEDA, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency rent control act, in relation to rent increases after vacancy of a housing accommodation; and to repeal certain provisions of the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating thereto

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

1 Section 1. Paragraph 5-a of subdivision c of section 26-511 of the  
2 administrative code of the city of New York is REPEALED.  
3 § 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of  
4 the laws of 1974, constituting the emergency tenant protection act of  
5 nineteen seventy-four is REPEALED.  
6 § 3. Subdivision f of section 26-512 of the administrative code of the  
7 city of New York, as added by chapter 116 of the laws of 1997, is  
8 amended to read as follows:  
9 f. Notwithstanding any provision of this law to the contrary in the  
10 case where all tenants named in a lease have permanently vacated a hous-  
11 ing accommodation and a family member of such tenant or tenants is enti-  
12 tled to and executes a renewal lease for the housing accommodation if  
13 such accommodation continues to be subject to this law after such family  
14 member vacates, on the occurrence of such vacancy the legal regulated  
15 rent shall be increased by a sum equal to the allowance then in effect  
16 for vacancy leases[~~, including the amount allowed by paragraph (five-a)~~

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

LBD02626-01-9

1 ~~of subdivision c of section 26-511 of this law~~. Such increase shall be  
2 in addition to any other increases provided for in this law including an  
3 adjustment based upon a major capital improvement, or a substantial  
4 modification or increase of dwelling space or services, or installation  
5 of new equipment or improvements or new furniture or furnishings  
6 provided in or to the housing accommodation pursuant to section 26-511  
7 of this law and shall be applicable in like manner to each second subse-  
8 quent succession.

9 § 4. Subdivision g of section 6 of section 4 of chapter 576 of the  
10 laws of 1974, constituting the emergency tenant protection act of nine-  
11 teen seventy-four, as added by chapter 116 of the laws of 1997, is  
12 amended to read as follows:

13 g. Notwithstanding any provision of this act to the contrary in the  
14 case where all tenants named in a lease have permanently vacated a hous-  
15 ing accommodation and a family member of such tenant or tenants is enti-  
16 tled to and executes a renewal lease for the housing accommodation if  
17 such accommodation continues to be subject to this act after such family  
18 member vacates, on the occurrence of such vacancy the legal regulated  
19 rent shall be increased by a sum equal to the allowance then in effect  
20 for vacancy leases~~[, including the amount allowed by subdivision (a-1)~~  
21 ~~of section ten of this act]~~. Such increase shall be in addition to any  
22 other increases provided for in this act including an adjustment based  
23 upon a major capital improvement, or a substantial modification or  
24 increase of dwelling space or services, or installation of new equipment  
25 or improvements or new furniture or furnishings provided in or to the  
26 housing accommodation, pursuant to this section ~~[six of this act]~~ and  
27 shall be applicable in like manner to each second subsequent succession.

28 § 5. Subdivision 9 of section 5 of chapter 274 of the laws of 1946,  
29 constituting the emergency housing rent control law, as added by chapter  
30 116 of the laws of 1997, is amended to read as follows:

31 9. Notwithstanding any provision of this law to the contrary in the  
32 case where all tenants occupying the housing accommodation on the effec-  
33 tive date of this subdivision have vacated the housing accommodation and  
34 a family member of such vacating tenant or tenants is entitled to and  
35 continues to occupy the housing accommodation subject to the protections  
36 of this law, if such accommodation continues to be subject to this law  
37 after such family member vacates, on the occurrence of such vacancy the  
38 maximum collectable rent shall be increased by a sum equal to the allow-  
39 ance then in effect for vacancy leases for housing accommodations  
40 covered by the rent stabilization law of nineteen hundred sixty-nine~~[,~~  
41 ~~including the amount allowed by paragraph five a of subdivision c of~~  
42 ~~section 26-511 of such law]~~. This increase shall be in addition to any  
43 other increases provided in this law including an adjustment based upon  
44 a major capital improvement, or a substantial increase or decrease in  
45 dwelling space or a change in the services, furniture, furnishings or  
46 equipment provided in the housing accommodation, pursuant to section  
47 four of this law and shall be applicable in like manner to each second  
48 subsequent succession.

49 § 6. Section 26-403.2 of the administrative code of the city of New  
50 York, as added by chapter 116 of the laws of 1997, is amended to read as  
51 follows:

52 § 26-403.2 Increase in maximum collectable rent. Notwithstanding any  
53 provision of this law to the contrary in the case where all tenants  
54 occupying the housing accommodation on the effective date of this  
55 section have vacated the housing accommodation and a family member of  
56 such vacating tenant or tenants is entitled to and continues to occupy

1 the housing accommodation subject to the protections of this law, if  
2 such accommodation continues to be subject to this law after such family  
3 member vacates, on the occurrence of such vacancy the maximum collecta-  
4 ble rent shall be increased by a sum equal to the allowance then in  
5 effect for vacancy leases for housing accommodations covered by the rent  
6 stabilization law of nineteen hundred sixty-nine[, ~~including the amount~~  
7 ~~allowed by paragraph five-a of subdivision c of section 26-511 of such~~  
8 ~~law~~]. This increase shall be in addition to any other increases provided  
9 for in this law including an adjustment based upon a major capital  
10 improvement, or a substantial increase or decrease in dwelling space or  
11 a change in the services, furniture, furnishings or equipment provided  
12 in the housing accommodation, pursuant to section 26-405 of this law and  
13 shall be applicable in like manner to each second subsequent succession.

14 § 7. The sixth undesignated paragraph of subdivision 5 of section 1 of  
15 chapter 21 of the laws of 1962, constituting the local emergency rent  
16 control act, as amended by chapter 82 of the laws of 2003, is amended to  
17 read as follows:

18 Notwithstanding any provision of this act to the contrary, any local  
19 law adopted pursuant to this act shall provide that notwithstanding any  
20 provision of such local law in the case where all tenants occupying the  
21 housing accommodation on the effective date of this paragraph have  
22 vacated the housing accommodation and a family member of such vacating  
23 tenant or tenants is entitled to and continues to occupy the housing  
24 accommodation subject to the protections of such act, if such accommo-  
25 dation continues to be subject to such act after such family member  
26 vacates, on the occurrence of such vacancy the maximum collectable rent  
27 shall be increased by a sum equal to the allowance then in effect for  
28 vacancy leases for housing accommodations covered by the rent stabiliza-  
29 tion law of nineteen hundred sixty-nine[, ~~including the amount allowed~~  
30 ~~by paragraph (5-a) of subdivision c of section 26-511 of such law~~]. This  
31 increase shall be in addition to any other increases provided for in  
32 this act and shall be applicable in like manner to each second subse-  
33 quent succession.

34 § 8. This act shall take effect immediately; provided that:

35 (a) the amendments to section 26-512 of chapter 4 of title 26 of the  
36 administrative code of the city of New York made by section three 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 (b) the amendments to section 6 of the emergency tenant protection act  
41 of nineteen seventy-four made by section four of this act shall expire  
42 on the same date as such act expires and shall not affect the expiration  
43 of such act as provided in section 17 of chapter 576 of the laws of  
44 1974; and

45 (c) the amendments to section 5 of the emergency housing rent control  
46 law made by section five of this act shall expire on the same date as  
47 such law expires and shall not affect the expiration of such law as  
48 provided in subdivision 2 of section 1 of chapter 274 of the laws of  
49 1946; and

50 (d) the amendments to section 26-403.2 of the city rent and rehabili-  
51 tation law made by section six of this act shall remain in full force  
52 and effect only as long as the public emergency requiring the regulation  
53 and control of residential rents and evictions continues, as provided in  
54 subdivision 3 of section 1 of the local emergency housing rent control  
55 act; and

1 (e) the amendments to subdivision 5 of section 1 of the local emergen-  
2 cy housing rent control act, made by section seven of this act, shall  
3 not affect the effectiveness of such subdivision and shall cease to be  
4 in full force and effect pursuant to subdivision 3 of section 1 of such  
5 act.