

# STATE OF NEW YORK

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2845--A

2019-2020 Regular Sessions

## IN SENATE

January 29, 2019

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

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,

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

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1 may, at the option of the owner, be based upon such previously estab-  
2 lished legal regulated rent, as adjusted by the most recent applicable  
3 guidelines increases and other increases authorized by law; and further  
4 provided that such vacancy shall not be caused by the failure of the  
5 owner or an agent of the owner, to maintain the housing accommodation in  
6 compliance with the warranty of habitability set forth in subdivision  
7 one of section two hundred thirty-five-b of the real property law. Such  
8 housing accommodation shall be excluded from the provisions of this act  
9 pursuant to paragraph thirteen of subdivision a of section five of this  
10 act when subsequent to vacancy: (i) such legal regulated rent is two  
11 thousand five hundred dollars per month, or more, for any housing accom-  
12 modation that is, or becomes, vacant after the effective date of the  
13 rent act of 2011 but prior to the effective date of the rent act of 2015  
14 or (ii) such legal regulated rent is two thousand seven hundred dollars  
15 per month or more for any housing accommodation that is or becomes  
16 vacant on or after the rent act of 2015; starting on January 1, 2016,  
17 and annually thereafter, the maximum legal regulated rent for this  
18 deregulation threshold, shall also be increased by the same percent as  
19 the most recent one year renewal adjustment, adopted by the applicable  
20 rent guidelines board pursuant to the rent stabilization law.

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

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

1 for any housing accommodation that is or becomes vacant on or after the  
2 rent act of 2015.

3 § 3. This act shall take effect immediately; provided, however, that  
4 the amendments to section 10 of the emergency tenant protection act of  
5 nineteen seventy-four made by section one of this act shall expire on  
6 the same date as such act expires and shall not affect the expiration of  
7 such act as provided in section 17 of chapter 576 of the laws of 1974,  
8 as amended; and provided, further, that the amendments to section 26-511  
9 of chapter 4 of title 26 of the administrative code of the city of New  
10 York made by section two of this act shall expire on the same date as  
11 such law expires and shall not affect the expiration of such law as  
12 provided under section 26-520 of such law.