

# STATE OF NEW YORK

299

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. BENJAMIN, HOYLMAN, KRUEGER, SEPULVEDA -- 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 and the emergency housing rent control law, in relation to the establishment of rent adjustments; and repealing certain provisions of the administrative code of the city of New York relating thereto

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

1 Section 1. Paragraph 5 of subdivision a of section 26-405 of the  
2 administrative code of the city of New York is amended to read as  
3 follows:

4 (5) Where a maximum rent established pursuant to this chapter on or  
5 after January first, nineteen hundred seventy-two, is higher than the  
6 previously existing maximum rent, the landlord may not collect an  
7 increase from a tenant in occupancy in any one year period of more than  
8 the lesser of either seven and one-half percentum [~~increase from a~~  
9 ~~tenant in occupancy on such date in any one year period, provided howev-~~  
10 ~~er, that where~~] or an average of the previous five years of one-year  
11 rent increases on rent stabilized apartments as established by the rent  
12 guidelines board, pursuant to subdivision b of section 26-510 of this  
13 title. If the period for which the rent is established exceeds one year,  
14 regardless of how the collection thereof is averaged over such period,  
15 the rent the landlord shall be entitled to receive during the first  
16 twelve months shall not be increased by more than the lesser of either  
17 seven and one-half percentum or an average of the previous five years of  
18 one-year rent increases on rent stabilized apartments as established by  
19 the rent guidelines board, pursuant to subdivision b of section 26-510  
20 of this title, over the previous rent [~~and~~]. Any additional annual rents  
21 shall not exceed the lesser of either seven and one-half percentum or an

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

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1 average of the previous five years of one-year rent increases on rent  
2 stabilized apartments as established by the rent guidelines board,  
3 pursuant to subdivision b of section 26-510 of this title, of the rent  
4 paid during the previous year. Notwithstanding any of the foregoing  
5 limitations in this paragraph five, maximum rent shall be increased if  
6 ordered by the agency pursuant to subparagraphs (d), (e), (f), (g), (h),  
7 (i), (k), [~~(l)~~], or (m) [~~or (n)~~] of paragraph one of subdivision g of  
8 this section. [~~Commencing January first, nineteen hundred eighty, rent~~  
9 ~~adjustments pursuant to subparagraph (n) of paragraph one of subdivision~~  
10 ~~g of this section shall be excluded from the maximum rent when computing~~  
11 ~~the seven and one-half percentum increase authorized by this paragraph~~  
12 ~~five.~~] Where a housing accommodation is vacant on January first, nine-  
13 teen hundred seventy-two, or becomes vacant thereafter by voluntary  
14 surrender of possession by the tenants, the maximum rent established for  
15 such accommodations may be collected.

16 § 2. Subparagraphs (l) and (n) of paragraph 1 of subdivision g of  
17 section 26-405 of the administrative code of the city of New York are  
18 REPEALED.

19 § 3. Section 4 of chapter 274 of the laws of 1946, constituting the  
20 emergency housing rent control law, is amended by adding a new subdivi-  
21 sion 9 to read as follows:

22 9. No annual rent increase authorized pursuant to this act shall  
23 exceed the average of the previous five annual rental increases author-  
24 ized by a rent guidelines board for a rent stabilized unit pursuant to  
25 section 4 of the emergency tenant protection act of nineteen seventy-  
26 four.

27 § 4. This act shall take effect on the one hundred eightieth day after  
28 it shall have become a law; provided that the amendments to section  
29 26-405 of the city rent and rehabilitation law made by section one of  
30 this act shall remain in full force and effect only as long as the  
31 public emergency requiring the regulation and control of residential  
32 rents and evictions continues, as provided in subdivision 3 of section 1  
33 of the local emergency housing rent control act; and provided that the  
34 amendments to section 4 of the emergency housing rent control law made  
35 by section three of this act shall expire on the same date as such law  
36 expires and shall not affect the expiration of such law as provided in  
37 subdivision 2 of section 1 of chapter 274 of the laws of 1946.