

# STATE OF NEW YORK

299--A

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. BENJAMIN, HOYLMAN, KRUEGER, MYRIE, RIVERA, SEPULVEDA  
-- 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 administrative code of the city of New York and the  
emergency housing rent control law, in relation to the establishment  
of rent adjustments and prohibition of fuel pass-along charges; 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 Assem-  
bly, 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

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

LBD00516-03-9

1 the rent guidelines board, pursuant to subdivision b of section 26-510  
2 of this title, over the previous rent [and]. Any additional annual rents  
3 shall not exceed the lesser of either seven and one-half percentum or an  
4 average of the previous five years of one-year rent increases on rent  
5 stabilized apartments as established by the rent guidelines board,  
6 pursuant to subdivision b of section 26-510 of this title, of the rent  
7 paid during the previous year. Notwithstanding any of the foregoing  
8 limitations in this paragraph five, maximum rent shall be increased if  
9 ordered by the agency pursuant to subparagraphs (d), (e), (f), (g), (h),  
10 (i), (k), [(l)], or (m) [or (n)] of paragraph one of subdivision g of  
11 this section. [Commencing January first, nineteen hundred eighty, rent  
12 adjustments pursuant to subparagraph (n) of paragraph one of subdivision  
13 g of this section shall be excluded from the maximum rent when computing  
14 the seven and one-half percentum increase authorized by this paragraph  
15 five.] Where a housing accommodation is vacant on January first, nine-  
16 teen hundred seventy-two, or becomes vacant thereafter by voluntary  
17 surrender of possession by the tenants, the maximum rent established for  
18 such accommodations may be collected.

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21 REPEALED.

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

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

30 § 4. The administrative code of the city of New York is amended by  
31 adding a new section 26-407.1 to read as follows:

32 § 26-407.1 Fuel pass-along to tenants under rent control prohibited.  
33 Notwithstanding any other provision of law, rule, regulation, charter or  
34 administrative code, tenants of housing accommodations which are subject  
35 to rent control under this chapter shall not be subject to a fuel  
36 adjustment or pass-along increase in rent and any such increase to such  
37 tenant shall be null and void.

38 § 5. This act shall take effect on the one hundred eightieth day after  
39 it shall have become a law; provided that the amendments to section  
40 26-405 of the city rent and rehabilitation law made by section one of  
41 this act shall remain in full force and effect only as long as the  
42 public emergency requiring the regulation and control of residential  
43 rents and evictions continues, as provided in subdivision 3 of section 1  
44 of the local emergency housing rent control act; and provided that the  
45 amendments to section 4 of the emergency housing rent control law made  
46 by section three of this act shall expire on the same date as such law  
47 expires and shall not affect the expiration of such law as provided in  
48 subdivision 2 of section 1 of chapter 274 of the laws of 1946; and  
49 provided further that the addition of section 26-407.1 to the city rent  
50 and rehabilitation law made by section four of this act shall remain in  
51 full force and effect only as long as the public emergency requiring the  
52 regulation and control of residential rents and evictions continues, as  
53 provided in subdivision 3 of section 1 of the local emergency housing  
54 rent control act.