

STATE OF NEW YORK

3383--A

2019-2020 Regular Sessions

IN SENATE

February 6, 2019

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- 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, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to requiring the division of housing and community renewal to, within six months of each New York city housing and vacancy survey, publish an updated schedule of rent adjustments for all rent-stabilized units converted from master utility metering to individual utility metering

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

1 Section 1. Subdivision c of section 26-511 of the administrative code
2 of the city of New York is amended by adding a new paragraph 15 to read
3 as follows:

4 (15) provides that owners of buildings which are master metered for
5 electricity and have rent inclusion of electricity may file applications
6 to terminate the rent inclusion of electricity for the accommodations
7 subject to this section.

8 (a) The division of housing and community renewal shall formulate and
9 publish a schedule of rent adjustments or update the schedule of adjust-
10 ments within six months of the publication of a new housing and vacancy
11 survey by the United States Census Bureau. The schedule or updated sche-
12 dule of rent adjustments shall be based on the new survey data as tabu-
13 lated by the New York city rent guidelines board, governing the rate by
14 which the rent of regulated housing accommodations shall be adjusted
15 upon and after conversion to individual metering at the building by
16 means of either direct metering or submetering. The division of housing

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

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1 and community renewal shall promulgate an operational bulletin and/or
2 modify or amend its regulations as may be necessary to give effect to
3 the provisions of this paragraph.

4 (b) The New York city rent guidelines board shall provide staff and
5 assistance to the division of housing and community renewal, by tabulat-
6 ing the data of the triennial New York city housing and vacancy survey
7 produced by the United States Census Bureau within ninety days of publi-
8 cation and providing the division of housing and community renewal the
9 data necessary to promulgate a schedule of rent adjustments.

10 (c) The schedule of rent reductions shall apply to all rent stabilized
11 accommodation units in a building that converts from master utility
12 metering to individual utility metering by means of either direct meter-
13 ing or submetering, and shall take effect during the year in which the
14 metering in the building is converted and continue each year thereafter.

15 (d) After the conversion, all tenants shall be responsible for their
16 own electric consumption except those who, on the date of conversion,
17 are receiving a senior citizen rent increase exemption or a disability
18 rent increase exemption pursuant to section 26-509 of this chapter. For
19 such tenants the rent shall not be reduced and the cost of electricity
20 shall remain included in the rent; however, the owner may install any
21 equipment in such tenant's housing accommodation as is required for
22 effectuation of the electrical conversion. If such tenant no longer
23 receives such benefit or vacates the housing accommodation, the owner
24 shall reduce the legal regulated rent for the housing accommodation in
25 accordance with the then-current schedule of rent reductions as promul-
26 gated by the division of housing and community renewal.

27 (e) Nothing in this paragraph shall be construed to permit shared
28 metering.

29 § 2. Section 26-405 of the administrative code of the city of New York
30 is amended by adding a new subdivision n to read as follows:

31 n. Schedule of rent reductions; individual electric metering. Owners
32 of buildings which are master metered for electricity and have rent
33 inclusion of electricity may file applications to terminate the rent
34 inclusion of electricity for the accommodations subject to this section.

35 (1) The city rent agency shall formulate and publish a schedule of
36 rent adjustments or update the schedule of adjustments within six months
37 of the publication of a new housing and vacancy survey by the United
38 States Census Bureau. The schedule or updated schedule of rent adjust-
39 ments shall be based on the new survey data as tabulated by the New York
40 city rent guidelines board, governing the rate by which the rent of
41 regulated housing accommodations shall be adjusted upon and after
42 conversion to individual metering at the building by means of either
43 direct metering or submetering. The city rent agency shall promulgate an
44 operational bulletin and/or modify or amend its regulations as may be
45 necessary to give effect to the provisions of this subdivision.

46 (2) The New York city rent guidelines board shall provide staff and
47 assistance to the city rent agency, by tabulating the data of the trien-
48 ennial New York city housing and vacancy survey produced by the United
49 States Census Bureau within ninety days of publication and providing the
50 city rent agency the data necessary to promulgate a schedule of rent
51 adjustments.

52 (3) The schedule of rent reductions shall apply to all rent controlled
53 accommodation units in a building that converts from master utility
54 metering to individual utility metering by means of either direct meter-
55 ing or submetering, and shall take effect during the year in which the
56 metering in the building is converted and continue each year thereafter.

(4) After the conversion, all tenants shall be responsible for their own electric consumption except those who, on the date of conversion, are receiving a senior citizen rent increase exemption or a disability rent increase exemption pursuant to section 26-406 of this chapter. For such tenants the rent shall not be reduced and the cost of electricity shall remain included in the rent; however, the owner may install any equipment in such tenant's housing accommodation as is required for effectuation of the electrical conversion. If such tenant no longer receives such benefit or vacates the housing accommodation, the owner shall reduce the maximum rent for the housing accommodation in accordance with the then-current schedule of rent reductions as promulgated by the city rent agency.

(5) Nothing in this subdivision shall be construed to permit shared metering.

§ 3. Subdivision d of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new paragraph 6 to read as follows:

(6) owners of buildings which are master metered for electricity and have rent inclusion of electricity may file applications to terminate the rent inclusion of electricity for the accommodations subject to this section.

(i) The division of housing and community renewal shall formulate and publish a schedule of rent adjustments or update the schedule of adjustments within six months of the publication of a new housing and vacancy survey by the United States Census Bureau. The schedule or updated schedule of rent adjustments shall be based on the new survey data as tabulated by the New York city rent guidelines board, governing the rate by which the rent of regulated housing accommodations shall be adjusted upon and after conversion to individual metering at the building by means of either direct metering or submetering. The division of housing and community renewal shall promulgate an operational bulletin and/or modify or amend its regulations as may be necessary to give effect to the provisions of this paragraph.

(ii) The New York city rent guidelines board shall provide staff and assistance to the division of housing and community renewal, by tabulating the data of the triennial New York city housing and vacancy survey produced by the United States Census Bureau within ninety days of publication and providing the division of housing and community renewal the data necessary to promulgate a schedule of rent adjustments.

(iii) The schedule of rent reductions shall apply to all rent stabilized accommodation units in a building that converts from master utility metering to individual utility metering by means of either direct metering or submetering, and shall take effect during the year in which the metering in the building is converted and continue each year thereafter.

(iv) After the conversion, all tenants shall be responsible for their own electric consumption except those who, on the date of conversion, are receiving a senior citizen rent increase exemption or a disability rent increase exemption pursuant to a local law, ordinance or resolution as authorized by section 467-b of the real property tax law. For such tenants the rent shall not be reduced and the cost of electricity shall remain included in the rent; however, the owner may install any equipment in such tenant's housing accommodation as is required for effectuation of the electrical conversion. If such tenant no longer receives such benefit or vacates the housing accommodation, the owner shall

1 reduce the legal regulated rent for the housing accommodation in accord-
2 ance with the then-current schedule of rent reductions as promulgated by
3 the division of housing and community renewal.

4 (v) Nothing in this paragraph shall be construed to permit shared
5 metering.

6 § 4. Section 4 of chapter 274 of the laws of 1946, constituting the
7 emergency housing rent control law, is amended by adding a new subdivi-
8 sion 10 to read as follows:

9 10. Owners of buildings which are master metered for electricity and
10 have rent inclusion of electricity may file applications to terminate
11 the rent inclusion of electricity for the accommodations subject to this
12 section.

13 (1) The division of housing and community renewal shall formulate and
14 publish a schedule of rent adjustments or update the schedule of adjust-
15 ments within six months of the publication of a new housing and vacancy
16 survey by the United States Census Bureau. The schedule or updated sche-
17 dule of rent adjustments shall be based on the new survey data as tabu-
18 lated by the New York city rent guidelines board, governing the rate by
19 which the rent of regulated housing accommodations shall be adjusted
20 upon and after conversion to individual metering at the building by
21 means of either direct metering or submetering. The division of housing
22 and community renewal shall promulgate an operational bulletin and/or
23 modify or amend its regulations as may be necessary to give effect to
24 the provisions of this subdivision.

25 (2) The New York city rent guidelines board shall provide staff and
26 assistance to the division of housing and community renewal, by tabulat-
27 ing the data of the triennial New York city housing and vacancy survey
28 produced by the United States Census Bureau within ninety days of publi-
29 cation and providing the division of housing and community renewal the
30 data necessary to promulgate a schedule of rent adjustments.

31 (3) The schedule of rent reductions shall apply to all rent controlled
32 accommodation units in a building that converts from master utility
33 metering to individual utility metering by means of either direct meter-
34 ing or submetering, and shall take effect during the year in which the
35 metering in the building is converted and continue each year thereafter.

36 (4) After the conversion, all tenants shall be responsible for their
37 own electric consumption except those who, on the date of conversion,
38 are receiving a senior citizen rent increase exemption or a disability
39 rent increase exemption pursuant to a local law, ordinance or resolution
40 as authorized by section 467-b of the real property tax law. For such
41 tenants the rent shall not be reduced and the cost of electricity shall
42 remain included in the rent; however, the owner may install any equip-
43 ment in such tenant's housing accommodation as is required for effectua-
44 tion of the electrical conversion. If such tenant no longer receives
45 such benefit or vacates the housing accommodation, the owner shall
46 reduce the maximum rent for the housing accommodation in accordance with
47 the then-current schedule of rent reductions as promulgated by the divi-
48 sion of housing and community renewal.

49 (5) Nothing in this subdivision shall be construed to permit shared
50 metering.

51 § 5. This act shall take effect immediately; provided that:

52 a. sections one, two, three and four of this act shall take effect on
53 the first of January next succeeding the date upon which it shall have
54 become a law, and shall apply to all fiscal years commencing on or after
55 such date;

1 b. the amendments to section 26-511 of the rent stabilization law of
2 nineteen hundred sixty-nine made by section one of this act shall expire
3 on the same date as such law expires and shall not affect the expiration
4 of such law as provided under section 26-520 of such law; and

5 c. the amendments to section 26-405 of the city rent and rehabili-
6 tation law made by section two of this act shall remain in full force
7 and effect only as long as the public emergency requiring the regulation
8 and control of residential rents and evictions continues, as provided in
9 subdivision 3 of section 1 of the local emergency housing rent control
10 act.