

STATE OF NEW YORK

6089

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. RIVERA -- 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 emergency tenant protection act of nineteen seventy-four, and the administrative code of the city of New York, in relation to the regulation of amount of rent charged

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~~] that shall be charged [~~upon renewal or upon vacancy thereof, may,~~
9 ~~at the option of~~] by the owner[, shall be based upon such previously
10 established [~~legal regulated~~ lower rent charged to and paid by the
11 tenant, as adjusted by the most recent applicable guidelines increases
12 and other increases authorized by law; provided, however, that for
13 buildings that are subject to this statute by virtue of a regulatory
14 agreement with a local government agency and which buildings receive
15 federal project based rental assistance administered by the United
16 States department of housing and urban development or a state or local
17 section eight administering agency, where the rent set by the federal,
18 state or local governmental agency is less than the legal regulated rent
19 for the housing accommodation, the amount of rent for such housing
20 accommodation which may be charged upon renewal or upon vacancy thereof,
21 may, at the option of the owner, be based upon such previously estab-
22 lished legal regulated rent, as adjusted by the most recent applicable
23 guidelines increases and other increases authorized by law; and further

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

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

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

21 (14) ~~[provides that]~~ where the amount of rent charged to and paid by
22 the tenant is less than the legal regulated rent for the housing accom-
23 modation, the amount of rent for such housing accommodation ~~[which may]~~
24 that shall be charged ~~[upon renewal or upon vacancy thereof, may, at the~~
25 ~~option of]~~ by the owner[7] shall be based upon such previously estab-
26 lished ~~[legal regulated]~~ lower rent charged to and paid by the tenant,
27 as adjusted by the most recent applicable guidelines increases and any
28 other increases authorized by law; provided, however, that for buildings
29 that are subject to this statute by virtue of a regulatory agreement
30 with a local government agency and which buildings receive federal
31 project based rental assistance administered by the United States
32 department of housing and urban development or a state or local section
33 eight administering agency, where the rent set by the federal, state or
34 local governmental agency is less than the legal regulated rent for the
35 housing accommodation, the amount of rent for such housing accommodation
36 which may be charged upon renewal or upon vacancy thereof, may, at the
37 option of the owner, by based upon such previously established legal
38 regulated rent, as adjusted by the most recent applicable guidelines
39 increases and other increases authorized by law; and further provided
40 that such vacancy shall not be caused by the failure of the owner or an
41 agent of the owner, to maintain the housing accommodation in compliance
42 with the warranty of habitability set forth in subdivision one of
43 section two hundred thirty-five-b of the real property law. Such housing
44 accommodation shall be excluded from the provisions of this code pursu-
45 ant to section 26-504.2 of this chapter when, subsequent to vacancy: (i)
46 such legal regulated rent prior to vacancy is two thousand five hundred
47 dollars per month, or more, for any housing accommodation that is or
48 becomes vacant after the effective date of the rent act of 2011 but
49 prior to the effective date of the rent act of 2015 or (ii) such legal
50 regulated rent is two thousand seven hundred dollars per month or more,
51 provided, however that on January 1, 2016, and annually thereafter, the
52 maximum legal regulated rent for this deregulation threshold shall be
53 adjusted by the same percentage as the most recent one year renewal
54 adjustment as adjusted by the relevant rent guidelines board, for any
55 housing accommodation that is or becomes vacant on or after the rent act
56 of 2015.

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