# STATE OF NEW YORK

167--A

2019-2020 Regular Sessions

# IN ASSEMBLY

**(Prefiled)**

January 9, 2019

Introduced by M. of A. L. ROSENTHAL, ORTIZ, MOSLEY, GOTTFRIED, DAVILA, PICHARDO, BICHOTTE, COLTON, JOYNER, WALKER, DINOWITZ, BLAKE, GLICK, DE LA ROSA, BARRON, EPSTEIN, REYES -- Multi-Sponsored by -- M. of A. DenDEKKER, HYNDMAN, SIMON -- read once and referred to the Committee on Housing -- 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 Assembly, do enact as follows:**

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

(5) Where a maximum rent established pursuant to this chapter on or after January first, nineteen hundred seventy-two, is higher than the previously existing maximum rent, the landlord may not collect *an increase from a tenant in occupancy in any one year period of* more than *the lesser of either* seven and one-half percentum [~~increase from a tenant in occupancy on such date in any one year period, provided however, that where~~] *or an average of the previous five years of one-year rent increases on rent stabilized apartments as established by the rent guidelines board, pursuant to subdivision b of section 26-510 of this title. If* the period for which the rent is established exceeds one year, regardless of how the collection thereof is averaged over such period, the rent the landlord shall be entitled to receive during the first twelve months shall not be increased by more than *the lesser of either* seven and one-half percentum *or an average of the previous five years of*

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

LBD00516-02-9

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

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

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

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

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

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

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