

STATE OF NEW YORK

4349

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. CYMBROWITZ, DE LA ROSA, WALKER, L. ROSENTHAL, BARRON, DINOWITZ, ORTIZ, CARROLL, SIMON, ROZIC, SEAWRIGHT, EPSTEIN, JOYNER -- read once and referred to the Committee on Housing

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 rents

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 be charged [~~upon renewal or~~ upon vacancy thereof, may, at the
9 option of the owner, be based upon such previously established legal
10 regulated rent, as adjusted by the most recent applicable guidelines
11 increases and other increases authorized by law; provided, however, that
12 for buildings that are subject to this statute by virtue of a regulatory
13 agreement with a local government agency and which buildings receive
14 federal project based rental assistance administered by the United
15 States department of housing and urban development or a state or local
16 section eight administering agency, where the rent set by the federal,
17 state or local governmental agency is less than the legal regulated rent
18 for the housing accommodation, the amount of rent for such housing
19 accommodation which may be charged upon renewal or upon vacancy thereof,
20 may, at the option of the owner, be based upon such previously estab-
21 lished legal regulated rent, as adjusted by the most recent applicable
22 guidelines increases and other increases authorized by law; and further
23 provided that such vacancy shall not be caused by the failure of the

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

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1 owner or an agent of the owner, to maintain the housing accommodation in
 2 compliance with the warranty of habitability set forth in subdivision
 3 one of section two hundred thirty-five-b of the real property law. Such
 4 housing accommodation shall be excluded from the provisions of this act
 5 pursuant to paragraph thirteen of subdivision a of section five of this
 6 act when subsequent to vacancy: (i) such legal regulated rent is two
 7 thousand five hundred dollars per month, or more, for any housing accom-
 8 modation that is, or becomes, vacant after the effective date of the
 9 rent act of 2011 but prior to the effective date of the rent act of 2015
 10 or (ii) such legal regulated rent is two thousand seven hundred dollars
 11 per month or more for any housing accommodation that is or becomes
 12 vacant on or after the rent act of 2015; starting on January 1, 2016,
 13 and annually thereafter, the maximum legal regulated rent for this
 14 deregulation threshold, shall also be increased by the same percent as
 15 the most recent one year renewal adjustment, adopted by the applicable
 16 rent guidelines board pursuant to the rent stabilization law.

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

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

55 § 3. This act shall take effect immediately; provided, however, that
 56 the amendments to section 10 of the emergency tenant protection act of

1 nineteen seventy-four made by section one of this act shall expire on
2 the same date as such act expires and shall not affect the expiration of
3 such act as provided in section 17 of chapter 576 of the laws of 1974,
4 as amended; and provided, further, that the amendments to section 26-511
5 of chapter 4 of title 26 of the administrative code of the city of New
6 York made by section two of this act shall expire on the same date as
7 such law expires and shall not affect the expiration of such law as
8 provided under section 26-520 of such law.