

# STATE OF NEW YORK

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5362

2019-2020 Regular Sessions

## IN ASSEMBLY

February 11, 2019

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Introduced by M. of A. CYMBROWITZ, WALKER, DE LA ROSA, L. ROSENTHAL,  
BARRON, MOSLEY -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York and the  
emergency tenant protection act of nineteen seventy-four, in relation  
to the declaration of emergencies for certain rental housing accommo-  
dations

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

1 Section 1. Subdivision a of section 26-504 of the administrative code  
2 of the city of New York, subparagraph (f) of paragraph 1 as amended by  
3 chapter 422 of the laws of 2010, is amended to read as follows:

4 a. Class A multiple dwellings not owned as a cooperative or as a  
5 condominium, except as provided in section three hundred fifty-two-eeee  
6 of the general business law, containing six or more dwelling units  
7 which: (1) were completed after February first, nineteen hundred  
8 forty-seven, except dwelling units (a) owned or leased by, or financed  
9 by loans from, a public agency or public benefit corporation, (b)  
10 subject to rent regulation under the private housing finance law or any  
11 other state law, (c) aided by government insurance under any provision  
12 of the national housing act, to the extent this chapter or any regu-  
13 lation or order issued thereunder is inconsistent therewith, or (d)  
14 located in a building for which a certificate of occupancy is obtained  
15 after March tenth, nineteen hundred sixty-nine[+], or (e) any class A  
16 multiple dwelling which on June first, nineteen hundred sixty-eight was  
17 and still is commonly regarded as a hotel, transient hotel or residen-  
18 tial hotel, and which customarily provides hotel service such as maid  
19 service, furnishing and laundering of linen, telephone and bell boy  
20 service, secretarial or desk service and use and upkeep of furniture and  
21 fixtures, or (f) not occupied by the tenant, not including subtenants or  
22 occupants, as his or her primary residence, as determined by a court of  
23 competent jurisdiction, provided, however that no action or proceeding

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

LBD09542-01-9

1 shall be commenced seeking to recover possession on the ground that a  
2 housing accommodation is not occupied by the tenant as his or her prima-  
3 ry residence unless the owner or lessor shall have given thirty days  
4 notice to the tenant of his or her intention to commence such action or  
5 proceeding on such grounds. For the purposes of determining primary  
6 residency, a tenant who is a victim of domestic violence, as defined in  
7 section four hundred fifty-nine-a of the social services law, who has  
8 left the unit because of such violence, and who asserts an intent to  
9 return to the housing accommodation shall be deemed to be occupying the  
10 unit as his or her primary residence. For the purposes of this subpara-  
11 graph where a housing accommodation is rented to a not-for-profit hospi-  
12 tal for residential use, affiliated subtenants authorized to use such  
13 accommodations by such hospital shall be deemed to be tenants, or (g)  
14 became vacant on or after June thirtieth, nineteen hundred seventy-one,  
15 or become vacant, provided however, that this exemption shall not apply  
16 or become effective with respect to housing accommodations which the  
17 commissioner determines or finds became vacant because the landlord or  
18 any person acting on his or her behalf, with intent to cause the tenant  
19 to vacate, engaged in any course of conduct (including but not limited  
20 to, interruption or discontinuance of essential services) which inter-  
21 fered with or disturbed or was intended to interfere with or disturb the  
22 comfort, repose, peace or quiet of the tenant in his or her use or occu-  
23 pancy of the housing accommodations and provided further that any hous-  
24 ing accommodations exempted by this paragraph shall be subject to this  
25 law to the extent provided in subdivision b of this section; or (2) were  
26 decontrolled by the city rent agency pursuant to section 26-414 of this  
27 title; or (3) are exempt from control by virtue of ~~[item]~~ clause one,  
28 two, six or seven of subparagraph (i) of paragraph two of subdivision e  
29 of section 26-403 of this title; or (4) were covered by a project based  
30 assistance contract pursuant to section eight of the United States hous-  
31 ing act of 1937 which contract is no longer in effect, notwithstanding  
32 the provisions of subparagraph (d) or (g) of paragraph one of this  
33 subdivision or paragraph five of subdivision a of section five of the  
34 emergency tenant protection act of nineteen seventy-four but subject to  
35 any other applicable exceptions in paragraph one of this subdivision or  
36 subdivision (a) of section five of the emergency tenant protection act  
37 of nineteen seventy-four, provided however, that any dwelling unit which  
38 becomes subject to this law pursuant to this paragraph shall not be  
39 subject to the provisions of subdivision a of section 26-513 of this  
40 chapter; and

41 § 2. Section 5 of section 4 of chapter 576 of the laws of 1974 consti-  
42 tuting the emergency tenant protection act of nineteen seventy-four is  
43 amended by adding a new subdivision c to read as follows:

44 c. Notwithstanding the provisions of paragraph five of subdivision a  
45 of this section but subject to any other applicable exceptions in such  
46 subdivision, nothing shall prevent the declaration of an emergency  
47 pursuant to section three of this act for rental housing accommodations  
48 located in a building which was covered by a project based assistance  
49 contract pursuant to section eight of the United States housing act of  
50 1937 which contract is no longer in effect provided however, that any  
51 housing accommodation which becomes subject to this act pursuant to this  
52 subdivision shall not be subject to the provisions of subdivision a of  
53 section nine of this act.

54 § 3. This act shall take effect immediately and shall apply to all  
55 buildings which are covered by a project based assistance contract  
56 pursuant to section eight of the United States housing act of 1937 which

1 contract ceased to be effective on or after such date; provided, howev-  
2 er, that the amendment to subdivision a of section 26-504 of the admin-  
3 istrative code of the city of New York made by section one of this act  
4 shall not affect the expiration of such section pursuant to section  
5 26-520 of such code and shall expire therewith; and provided, further,  
6 that the amendment to section 5 of the emergency tenant protection act  
7 of nineteen seventy-four made by section two of this act shall not  
8 affect the expiration of such act as provided in section 17 of chapter  
9 576 of the laws of 1974, as amended, and shall expire therewith.