STATE OF NEW YORK

S. 5040 A. 7046

2019-2020 Regular Sessions

SENATE - ASSEMBLY

April 4, 2019

IN SENATE -- Introduced by Sens. BRESLIN, BIAGGI, HARCKHAM, HOYLMAN, JACKSON, KRUEGER, LIU, MAY, METZGER, MYRIE, RIVERA, SALAZAR, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

IN ASSEMBLY -- Introduced by M. of A. CAHILL -- read once and referred to the Committee on Housing

AN ACT to establish the "statewide tenant protection act of 2019"; and to amend the emergency tenant protection act of nineteen seventy-four, in relation to expanding rent and eviction protections statewide

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

Section 1. Short title. This act shall be known and may be cited as the "statewide tenant protection act of 2019."

§ 2. Section 2 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended to read as follows:

§ 2. Legislative finding. The legislature hereby finds and declares that a serious public emergency continues to exist in the housing of a considerable number of persons in the state of New York which emergency was at its inception created by war, the effects of war and the aftermath of hostilities, that such emergency necessitated the intervention of federal, state and local government in order to prevent speculative, unwarranted and abnormal increases in rents; that there continues to exist in many areas of the state an acute shortage of housing accommodations caused by continued high demand, attributable in part to new household formations and decreased supply, in large measure attributable to reduced availability of federal subsidies, and increased costs of construction and other inflationary factors; that a substantial number of persons residing in housing not presently subject to the provisions of **this act or** the emergency housing rent control law or the local emer-

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

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gency housing rent control act **or the New York City rent stabilization law of nineteen hundred sixty-nine, including persons residing in large parts of the state that have been arbitrarily excluded from coverage under this act** are being charged excessive and unwarranted rents and rent increases **and are subject to unjust and arbitrary evictions**; that preventive action by the legislature continues to be imperative in order to prevent exaction of unjust, unreasonable and oppressive rents and rental agreements and to forestall profiteering, speculation and other disruptive practices tending to produce threats to the public health, safety and general welfare; that in order to prevent uncertainty, hardship and dislocation, the provisions of this act are necessary and designed to protect the public health, safety and general welfare; **that the existing law regulating residential rents and evictions would better promote equity and serve the public interest if certain amendments were made thereto, including the removal of arbitrary geographic restrictions on the applicability of this act;** that the transition from regulation to a normal market of free bargaining between landlord and tenant, while the ultimate objective of state policy, must take place with due regard for such emergency; and that the policy herein expressed shall be subject to determination of the existence of a public emergency requiring the regulation of residential rents **and evictions** within any city, town or village by the local legislative body of such city, town or village.

The legislature therefore declares that the provisions of this act are necessary to protect the public health, safety and general welfare. The necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

§ 3. Section 14 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended to read as follows:

§ 14. Application of act. The provisions of this act shall [~~only~~] be applicable:

a. in the city of New York; and

b. in [~~the counties of Nassau, Westchester and Rockland~~] **all counties within the state of New York outside the city of New York** and shall become and remain effective only in a city, town or village located therein as provided in section three of this act.

§ 4. Separability clause. If any provision of this act or the application there shall, for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgement shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgement shall have been rendered; provided, however, that in the event that the entire system of rent control or stabilization shall be finally adjudged invalid or unconstitutional by a court of competent jurisdiction because of the operation of any provision of this act, such provision shall be null, void and without effect, and all other provisions of this act which can be given effect without such invalid provision, as well as provisions of any other law, relating to the control of or stabilization of rent, as in effect prior to the enactment of this act as otherwise amended by this act, shall continue in full force and effect for the period of effectiveness set forth in section 17 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended.

§ 5. This act shall take effect immediately; provided that the amendments to sections 2 and 14 of the emergency tenant protection act of nineteen seventy-four made by sections two and three of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as amended.