

# STATE OF NEW YORK

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5142

2019-2020 Regular Sessions

## IN SENATE

April 11, 2019

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Introduced by Sen. KAVANAGH -- 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 administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to the statute of limitations on notices of deregulation

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

1 Section 1. Section 26-504.2 of the administrative code of the city of  
2 New York is amended by adding a new subdivision c to read as follows:

3 c. Notwithstanding section 26-516 of this chapter and section two  
4 hundred thirteen-a of the civil practice law and rules, the periods  
5 provided for therein for examination of the rental history of the accom-  
6 modation for the determination of an overcharge and whether the accommo-  
7 dation is subject to this law are extended by the period during which  
8 the owner is not in compliance with the requirements of subdivision b of  
9 this section.

10 § 2. Paragraph 13 of subdivision a of section 5 of section 4 of chap-  
11 ter 576 of the laws of 1974, constituting the emergency tenant  
12 protection act of nineteen seventy-four, as amended by section 8 of part  
13 A of chapter 20 of the laws of 2015, is amended to read as follows:

14 (13) (i) any housing accommodation with a legal regulated rent of two  
15 thousand dollars or more per month at any time between the effective  
16 date of this paragraph and October first, nineteen hundred ninety-three  
17 which is or becomes vacant on or after the effective date of this para-  
18 graph; or, for any housing accommodation with a legal regulated rent of  
19 two thousand dollars or more per month at any time on or after the  
20 effective date of the rent regulation reform act of 1997 and before the  
21 effective date of the rent act of 2011, which is or becomes vacant on or  
22 after the effective date of the rent regulation reform act of 1997 and  
23 before the effective date of the rent act of 2011. This exclusion shall

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

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1 apply regardless of whether the next tenant in occupancy or any subse-  
2 quent tenant in occupancy is charged or pays less than two thousand  
3 dollars a month; or, for any housing accommodation with a legal regu-  
4 lated rent of two thousand five hundred dollars or more per month at any  
5 time on or after the effective date of the rent act of 2011, which is or  
6 becomes vacant on or after such effective date, but prior to the effec-  
7 tive date of the rent act of 2015; or, any housing accommodation with a  
8 legal regulated rent that was two thousand seven hundred dollars or more  
9 per month at any time on or after the effective date of the rent act of  
10 2015, which becomes vacant after the effective date of the rent act of  
11 2015, provided, however, that starting on January 1, 2016, and annually  
12 thereafter, the maximum legal regulated rent for this deregulation  
13 threshold, shall also be increased by the same percentage as the most  
14 recent one year renewal adjustment, adopted by the applicable rent  
15 guidelines board. An exclusion pursuant to this paragraph shall apply  
16 regardless of whether the next tenant in occupancy or any subsequent  
17 tenant in occupancy actually is charged or pays less than two thousand  
18 seven hundred dollars a month. Provided however, that an exclusion  
19 pursuant to this paragraph shall not apply to housing accommodations  
20 which became or become subject to this act (a) by virtue of receiving  
21 tax benefits pursuant to section [~~four hundred twenty-one-a~~] ~~421-a~~ or  
22 [~~four hundred eighty-nine~~] ~~489~~ of the real property tax law, except as  
23 otherwise provided in subparagraph (i) of paragraph (f) of subdivision  
24 [~~two~~] ~~2~~ of section [~~four hundred twenty-one-a~~] ~~421-a~~ of the real prop-  
25 erty tax law, or (b) by virtue of article [~~seven-C~~] ~~7-C~~ of the multiple  
26 dwelling law. This paragraph shall not apply, however, to or become  
27 effective with respect to housing accommodations which the commissioner  
28 determines or finds that the landlord or any person acting on his or her  
29 behalf, with intent to cause the tenant to vacate, has engaged in any  
30 course of conduct (including, but not limited to, interruption or  
31 discontinuance of required services) which interfered with or disturbed  
32 or was intended to interfere with or disturb the comfort, repose, peace  
33 or quiet of the tenant in his or her use or occupancy of the housing  
34 accommodations and in connection with such course of conduct, any other  
35 general enforcement provision of this act shall also apply.

36 (ii) the owner of any housing accommodation that is not subject to  
37 this act pursuant to the provisions of subparagraph (i) of this para-  
38 graph or paragraph (n) of subdivision 2 of section 2 of the emergency  
39 housing rent control law shall give written notice certified by such  
40 owner to the first tenant of that housing accommodation after such hous-  
41 ing accommodation becomes exempt from the provisions of this act or the  
42 emergency housing rent control law. Such notice shall contain: the last  
43 regulated rent; the reason that such housing accommodation is not  
44 subject to this act or the emergency housing rent control law; a calcu-  
45 lation of how either the rental amount charged when there is no lease or  
46 the rental amount provided for in the lease has been derived so as to  
47 reach two thousand dollars or more per month; a statement that the last  
48 legal regulated rent or the maximum rent may be verified by the tenant  
49 by contacting the state division of housing and community renewal, or  
50 any successor thereto; and the address and telephone number of such  
51 agency, or any successor thereto. Such notice shall be sent by certified  
52 mail within thirty days after the tenancy commences or after the signing  
53 of the lease by both parties, whichever occurs first or shall be deliv-  
54 ered to the tenant at the signing of the lease. In addition, the owner  
55 shall send and certify to the tenant a copy of the registration state-  
56 ment for such housing accommodation filed with the state division of

1 housing and community renewal indicating that such housing accommodation  
2 became exempt from the provisions of this act or the emergency housing  
3 rent control law, which form shall include the last regulated rent, and  
4 shall be sent to the tenant within thirty days after the tenancy  
5 commences or the filing of such registration, whichever occurs later.

6 (iii) notwithstanding section twelve of this act and section 213-a of  
7 the civil practice law and rules to the contrary, the periods provided  
8 for therein for examination of the rental history of the accommodation  
9 for the determination of an overcharge and whether the accommodation is  
10 subject to this law are extended by the period during which the owner is  
11 not in compliance with requirements of subparagraph (ii) of this para-  
12 graph.

13 § 3. This act shall take effect immediately provided that:

14 (a) the amendment to section 26-504.2 of the rent stabilization law of  
15 nineteen hundred sixty-nine made by section one of this act shall expire  
16 on the same date as such law expires and shall not affect the expiration  
17 of such law as provided under section 26-520 of such law;

18 (b) the amendments to section 5 of section 4 of the emergency tenant  
19 protection act of nineteen seventy-four made by section two of this act  
20 shall expire on the same date as such act expires and shall not affect  
21 the expiration of such act as provided in section 17 of chapter 576 of  
22 the laws of 1974, as amended; and

23 (c) the provisions of this act shall apply to housing accommodations  
24 which became vacant on or after the effective date of this act.