

# STATE OF NEW YORK

8432

## IN SENATE

May 29, 2020

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to placing limitations on initial regulated rents

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

1 Section 1. Subdivision b of section 6 of section 4 of chapter 576 of  
2 the laws of 1974, constituting the emergency tenant protection act of  
3 nineteen seventy-four, is amended to read as follows:

4 b. The initial legal regulated rents for housing accommodations in a  
5 city having a population of less than one million or a town or village  
6 as to which a declaration of emergency has been made pursuant to this  
7 act shall be:

8 (1) For housing accommodations subject to the emergency housing rent  
9 control law which become vacant on or after the local effective date of  
10 this act, the rent agreed to by the landlord and the tenant and reserved  
11 in a lease or provided for in a rental agreement; provided that such  
12 initial legal regulated rent shall not exceed the average rent for a  
13 comparable rent regulated housing accommodation, as determined by the  
14 rent guidelines board with jurisdiction over such housing accommodation,  
15 and may be adjusted on application of the owner or tenant pursuant to  
16 subdivision a of section nine of this act; and provided further that no  
17 increase of such initial regulated rent pursuant to annual guidelines  
18 adopted by the rent guidelines board shall become effective until the  
19 expiration of the first lease or rental agreement taking effect after  
20 the local effective date, but in no event before one year from the  
21 commencement of such rental agreement.

22 (2) For all other housing accommodations, the rent reserved in the  
23 last effective lease or other rental agreement; provided that an initial  
24 rent based upon the rent reserved in a lease or other rental agreement  
25 which became effective on or after January first, nineteen hundred

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

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1 seventy-four may be adjusted on application of the tenant pursuant to  
2 subdivision b of section nine of this act or on application of either  
3 the owner or tenant pursuant to subdivision a of such section; and  
4 further provided that if a lease is entered into for such housing accom-  
5 modations after the local effective date, but before the effective date  
6 of the first guidelines applicable to such accommodations, the lease may  
7 provide for an adjustment of rent pursuant to such guidelines, to be  
8 effective on the first day of the month next succeeding the effective  
9 date of such guidelines.

10 § 2. Subdivision b of section 26-512 of the administrative code of the  
11 city of New York is amended to read as follows:

12 b. The initial regulated rent for housing accommodations subject to  
13 this law on the local effective date of the emergency tenant protection  
14 act of nineteen seventy-four or which become subject to this law there-  
15 after, pursuant to such act, shall be:

16 (1) For housing accommodations which were regulated pursuant to this  
17 law or the city rent and rehabilitation law prior to July first, nine-  
18 teen hundred seventy-one, and which became vacant on or after such date  
19 and prior to the local effective date of the emergency tenant protection  
20 act of nineteen seventy-four, the rent reserved in the last effective  
21 lease or other rental agreement; provided that such initial rent may be  
22 adjusted on application of the tenant pursuant to subdivision b of  
23 section 26-513 of this chapter.

24 (2) For housing accommodations which were regulated pursuant to the  
25 city rent and rehabilitation law on the local effective date of the  
26 emergency tenant protection act of nineteen seventy-four, and thereafter  
27 become vacant, the rent agreed to by the landlord and the tenant and  
28 reserved in a lease or provided for in a rental agreement; provided that  
29 such initial rent shall not exceed the average rent for a comparable  
30 rent regulated housing accommodation, as determined by the commissioner,  
31 and may be adjusted on application of the tenant pursuant to subdivision  
32 b of section 26-513 of this chapter.

33 (3) For housing accommodations other than those described in para-  
34 graphs one and two of this subdivision, the rent reserved in the last  
35 effective lease or other rental agreement.

36 (4) For any plot or parcel of land which had been regulated pursuant  
37 to the city rent and rehabilitation law prior to July first, nineteen  
38 hundred seventy-one and which,

39 (i) became vacant on or after July first, nineteen hundred seventy-one  
40 and prior to July first, nineteen hundred seventy-four, the rent  
41 reserved in a lease or other rental agreement in effect on June thirti-  
42 eth, nineteen hundred seventy-four plus increases authorized by the rent  
43 guidelines board under this law for leases or other rental agreements  
44 commencing thereafter; provided that such initial rent may be adjusted  
45 on application of the tenant pursuant to subdivision b of section 26-513  
46 of this chapter or,

47 (ii) became vacant on or after July first, nineteen hundred seventy-  
48 four, the rent agreed to by the landlord and the tenant and reserved in  
49 a lease or other rental agreement plus increases authorized by the rent  
50 guidelines board under this law for leases or other rental agreements  
51 commencing thereafter; provided that such initial rent shall not exceed  
52 the average rent for a comparable rent regulated housing accommodation,  
53 as determined by the commissioner, and may be adjusted on application of  
54 the tenant pursuant to subdivision b of section 26-513 of this chapter.

55 (iii) Where the commissioner has determined that the rent charged is  
56 in excess of the lawful rents as stated in subparagraph (i) or (ii)

1 hereof, plus lawful increases thereafter, he or she shall provide for a  
2 cash refund or a credit, to be applied against future rent, in the  
3 amount of any rent overcharge collected by an owner and any penalties,  
4 costs, attorneys' fees and interest from the date of the overcharge at  
5 the rate of interest payable on a judgment pursuant to section five  
6 thousand four of the civil practice law and rules for which the owner is  
7 assessed.

8 § 3. This act shall take effect immediately, provided, however, that  
9 the amendments to section 26-512 of the administrative code of the city  
10 of New York made by section two of this act shall expire on the same  
11 date as such chapter expires and shall not affect the expiration of such  
12 chapter as provided under section 26-520 of such chapter.