

# STATE OF NEW YORK

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5770

2021-2022 Regular Sessions

## IN ASSEMBLY

February 24, 2021

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Introduced by M. of A. BICHOTTE HERMELYN, CARROLL, HYNDMAN, L. ROSEN-  
THAL, JOYNER, GOTTFRIED, PICHARDO, ABINANTI, SEAWRIGHT -- read once  
and referred to the Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seven-  
ty-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 Assem-  
bly, 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 Q of chapter 39  
4 of the laws of 2019, is amended to read as follows:

5 (a-2) Where the amount of rent charged to and paid by the tenant is  
6 less than the legal regulated rent for the housing accommodation, the  
7 amount of rent for such housing accommodation which may be charged upon  
8 vacancy thereof, may, at the option of the owner, be based upon such  
9 previously established legal regulated rent, as adjusted by the most  
10 recent applicable guidelines increases and other increases authorized by  
11 law; provided, however, that such vacancy shall not be caused by  
12 the failure of the owner or an agent of the owner, to maintain the hous-  
13 ing accommodation in compliance with the warranty of habitability  
14 set forth in subdivision one of section two hundred thirty-five-b of the  
15 real property law. For any tenant who is subject to a lease on or after  
16 the effective date of a chapter of the laws of two thousand nineteen  
17 which amended this subdivision, or is or was entitled to receive a  
18 renewal or vacancy lease on or after such date, upon renewal of such  
19 lease, the amount of rent for such housing accommodation that may be  
20 charged and paid shall be no more than the rent charged to and paid by  
21 the tenant prior to that renewal, as adjusted by the most recent appli-  
22 cable guidelines increases and any other increases authorized by law.  
23 Provided, however, that for buildings that are subject to this statute  
24 by virtue of a regulatory agreement with a local government agency and  
25 which buildings receive federal project based rental assistance adminis-  
26 tered by the United States department of housing and urban development

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

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1 or a state or local section eight administering agency, where the rent  
2 set by the federal, state or local governmental agency is less than the  
3 legal regulated rent for the housing accommodation, the amount of rent  
4 for such housing accommodation which may be charged with the approval of  
5 such federal, state or local governmental agency upon renewal or upon  
6 vacancy thereof, may be based upon such previously established legal  
7 regulated rent, as adjusted by the most recent applicable guidelines  
8 increases or other increases authorized by law; and further provided  
9 that such vacancy shall not be caused by the failure of the owner or an  
10 agent of the owner, to maintain the housing accommodation in compliance  
11 with the warranty of habitability set forth in subdivision one of  
12 section two hundred thirty-five-b of the real property law.

13 § 2. Paragraph 14 of subdivision c of section 26-511 of the adminis-  
14 trative code of the city of New York, as amended by section 12 of part Q  
15 of chapter 39 of the laws of 2019, is amended to read as follows:

16 (14) where the amount of rent charged to and paid by the tenant is  
17 less than the legal regulated rent for the housing accommodation, the  
18 amount of rent for such housing accommodation which may be charged upon  
19 vacancy thereof, may, at the option of the owner, be based upon such  
20 previously established legal regulated rent, as adjusted by the most  
21 recent applicable guidelines increases and any other increases author-  
22 ized by law; provided, however, that such vacancy shall not be caused by  
23 the failure of the owner or an agent of the owner, to maintain the  
24 housing accommodation in compliance with the warranty of habitability  
25 set forth in subdivision one of section two hundred thirty-five-b  
26 of the real property law. For any tenant who is subject to a lease on  
27 or after the effective date of a chapter of the laws of two thousand  
28 nineteen which amended this paragraph, or is or was entitled to receive  
29 a renewal or vacancy lease on or after such date, upon renewal of such  
30 lease, the amount of rent for such housing accommodation that may be  
31 charged and paid shall be no more than the rent charged to and paid by  
32 the tenant prior to that renewal, as adjusted by the most recent appli-  
33 cable guidelines increases and any other increases authorized by law.  
34 Provided, however, that for buildings that are subject to this statute  
35 by virtue of a regulatory agreement with a local government agency and  
36 which buildings receive federal project based rental assistance adminis-  
37 tered by the United States department of housing and urban development  
38 or a state or local section eight administering agency, where the rent  
39 set by the federal, state or local governmental agency is less than the  
40 legal regulated rent for the housing accommodation, the amount of rent  
41 for such housing accommodation which may be charged with the approval of  
42 such federal, state or local governmental agency upon renewal or upon  
43 vacancy thereof, may be based upon such previously established legal  
44 regulated rent, as adjusted by the most recent applicable guidelines  
45 increases and other increases authorized by law; and further provided  
46 that such vacancy shall not be caused by the failure of the owner or an  
47 agent of the owner, to maintain the housing accommodation in compliance  
48 with the warranty of habitability set forth in subdivision one of  
49 section two hundred thirty-five-b of the real property law.

50 § 3. This act shall take effect immediately; provided, however, that  
51 the amendments to section 26-511 of chapter 4 of title 26 of the admin-  
52 istrative code of the city of New York made by section two of this act  
53 shall expire on the same date as such law expires and shall not affect  
54 the expiration of such law as provided under section 26-520 of such law.