

# STATE OF NEW YORK

3329

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN -- 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 eliminating the price index of operating costs as a factor in determining rent increases by the rent guidelines board

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

1 Section 1. Subdivision b of section 26-510 of the administrative code  
2 of the city of New York, as amended by section 4 of part C of chapter 36  
3 of the laws of 2019, is amended to read as follows:  
4 b. The rent guidelines board shall establish annual guidelines for  
5 rent adjustments, and in determining whether rents for housing accommo-  
6 dations subject to the emergency tenant protection act of nineteen  
7 seventy-four or this law shall be adjusted shall consider, among other  
8 things (1) the economic condition of the residential real estate indus-  
9 try in the affected area including such factors as the prevailing and  
10 projected (i) [~~real estate taxes and sewer and water rates, (ii) gross~~  
11 ~~operating maintenance costs (including insurance rates, governmental~~  
12 ~~fees, cost of fuel and labor costs), (iii)] costs and availability of  
13 financing (including effective rates of interest), [~~(iv)~~] (ii) over-all  
14 supply of housing accommodations and over-all vacancy rates, (2) rele-  
15 vant data from the current and projected cost of living indices for the  
16 affected area, (3) such other data as may be made available to it. Not  
17 later than July first of each year, the rent guidelines board shall file  
18 with the city clerk its findings for the preceding calendar year, and  
19 shall accompany such findings with a statement of the maximum rate or  
20 rates of rent adjustment, if any, for one or more classes of accommo-  
21 dations subject to this law, authorized for leases or other rental  
22 agreements commencing on the next succeeding October first or within the  
23 twelve months thereafter. Such findings and statement shall be published~~

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

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1 in the City Record. The rent guidelines board shall not establish annual  
2 guidelines for rent adjustments based on the current rental cost of a  
3 unit or on the amount of time that has elapsed since another rent  
4 increase was authorized pursuant to this title.

5 § 2. Subdivision b of section 4 of section 4 of chapter 576 of the  
6 laws of 1974, constituting the emergency tenant protection act of nine-  
7 teen seventy-four, as amended by chapter 486 of the laws of 1976, the  
8 opening paragraph as amended by section 3 of part Q of chapter 39 of the  
9 laws of 2019, and the second and third undesignated paragraphs as  
10 amended chapter 330 of the laws of 1980, is amended to read as follows:

11 b. A county rent guidelines board shall establish annual guidelines  
12 for rent adjustments which, at its sole discretion may be varied and  
13 different for and within the several zones and jurisdictions of the  
14 board, and in determining whether rents for housing accommodations as to  
15 which an emergency has been declared pursuant to this act shall be  
16 adjusted, shall consider among other things (1) the economic condition  
17 of the residential real estate industry in the affected area including  
18 such factors as the prevailing and projected (i) ~~[real estate taxes and~~  
19 ~~sewer and water rates, (ii) gross operating maintenance costs (including~~  
20 ~~insurance rates, governmental fees, cost of fuel and labor costs),~~  
21 ~~(iii)]~~ costs and availability of financing (including effective rates of  
22 interest), ~~[(iv)]~~ (ii) over-all supply of housing accommodations and  
23 over-all vacancy rates, (2) relevant data from the current and projected  
24 cost of living indices for the affected area, (3) such other data as may  
25 be made available to it. As soon as practicable after its creation and  
26 thereafter not later than July first of each year, a rent guidelines  
27 board shall file with the state division of housing and community  
28 renewal its findings for the preceding calendar year, and shall accompa-  
29 ny such findings with a statement of the maximum rate or rates of rent  
30 adjustment, if any, for one or more classes of accommodation subject to  
31 this act, authorized for leases or other rental agreements commencing  
32 during the next succeeding twelve months. The standards for rent adjust-  
33 ments may be applicable for the entire county or may be varied according  
34 to such zones or jurisdictions within such county as the board finds  
35 necessary to achieve the purposes of this subdivision. A rent guidelines  
36 board shall not establish annual guidelines for rent adjustments based  
37 on the current rental cost of a unit or on the amount of time that has  
38 elapsed since another rent increase was authorized pursuant to this  
39 chapter.

40 The standards for rent adjustments established annually shall be  
41 effective for leases commencing on October first of each year and during  
42 the next succeeding twelve months whether or not the board has filed its  
43 findings and statement of the maximum rate or rates of rent adjustment  
44 by July first of each year. If such lease is entered into before such  
45 filing by the board, it may provide for the rent to be adjusted by the  
46 rates then in effect, subject to change by the applicable rates of rent  
47 adjustment when filed, such change to be effective as of the date of the  
48 commencement of the lease. Said lease must provide that, if the new  
49 rates of rent adjustment differ for leases of different terms, the  
50 tenant has the option of changing the original lease term to any other  
51 term for which a rate of rent adjustment is set by the board, with the  
52 rental to be adjusted accordingly.

53 Where a city, town or village shall act to determine the existence of  
54 public emergency pursuant to section three of this act subsequent to the  
55 establishment of annual guidelines for rent adjustments of the accommo-  
56 dations subject to this act, the rent guidelines board as soon as prac-

1 ticable thereafter shall file its findings and rates of rent adjustment  
2 for leases or other rental agreements for the housing accommodations in  
3 such a city, town or village, which rates shall be effective for leases  
4 or other rental agreements commencing on or after the effective date of  
5 the determination.

6 § 3. This act shall take effect immediately; provided, however, that  
7 the amendments to section 26-510 of the rent stabilization law of nine-  
8 teen hundred sixty-nine made by section one of this act shall expire on  
9 the same date as such law expires and shall not affect the expiration of  
10 such law as provided under section 26-520 of such law.