

# STATE OF NEW YORK

5636

2021-2022 Regular Sessions

## IN ASSEMBLY

February 22, 2021

Introduced by M. of A. FITZPATRICK, ABBATE -- Multi-Sponsored by -- M. of A. BYRNES, MANKTELOW, SMITH -- read once and referred to the Committee on Housing

AN ACT to amend the emergency housing rent control law, the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the de-regulation of rent-stabilized housing accommodations upon vacancy

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

1 Section 1. Paragraph (i) of subdivision 2 of section 2 of chapter 274  
2 of the laws of 1946, constituting the emergency housing rent control  
3 law, as amended by chapter 576 of the laws of 1974, is amended to read  
4 as follows:  
5 (i) housing accommodations which become vacant on and after June  
6 sixteenth, two thousand twenty-two, provided, however, that this  
7 exemption shall not apply or become effective where the commission  
8 determines or finds that the housing accommodations became vacant  
9 because the landlord or any person acting on his behalf, with intent to  
10 cause the tenant to vacate, engaged in any course of conduct (including,  
11 but not limited to, interruption or discontinuance of essential  
12 services) which interfered with or disturbed or was intended to inter-  
13 fere with or disturb the comfort, repose, peace or quiet of the tenant  
14 in his use or occupancy of the housing accommodations; [~~and further~~  
15 ~~provided that housing accommodations as to which a housing emergency has~~  
16 ~~been declared pursuant to the emergency tenant protection act of nine-~~  
17 ~~teen seventy four shall be subject to the provisions of such act for the~~  
18 ~~duration of such emergency,~~] or  
19 § 2. The second undesignated paragraph of subdivision 5 of section 1  
20 of chapter 21 of the laws of 1962, constituting the local emergency

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

LBD08159-01-1

1 housing rent control act, as amended by chapter 82 of the laws of 2003,  
2 is amended to read as follows:

3 Notwithstanding any local law or ordinance, housing accommodations  
4 which [~~became~~] become vacant (a) on or after July first, nineteen  
5 hundred seventy-one [~~or which hereafter become vacant~~], but before June  
6 sixteenth, two thousand twenty-two shall be subject to the provisions of  
7 the emergency tenant protection act of nineteen seventy-four, and (b) on  
8 or after June sixteenth, two thousand twenty-two shall be exempt from  
9 regulations and control; provided, however, that [~~this provision~~] these  
10 exemptions shall not apply or become effective with respect to housing  
11 accommodations which, by local law or ordinance, are made directly  
12 subject to regulation and control by a city housing rent agency and such  
13 agency determines or finds that the housing accommodations became vacant  
14 because the landlord or any person acting on his behalf, with intent to  
15 cause the tenant to vacate, engaged in any course of conduct (including  
16 but not limited to, interruption or discontinuance of essential  
17 services) which interfered with or disturbed or was intended to inter-  
18 fere with or disturb the comfort, repose, peace or quiet of the tenant  
19 in his use or occupancy of the housing accommodations. The removal of  
20 any housing accommodation from regulation and control of rents pursuant  
21 to the vacancy [~~exemption~~] exemptions provided for in this paragraph  
22 shall not constitute or operate as a ground for the subjection to more  
23 stringent regulation and control of any housing accommodation in such  
24 property or in any other property owned by the same landlord, notwith-  
25 standing any prior agreement to the contrary by the landlord. The vacan-  
26 cy exemption provided for in subparagraph (a) of this paragraph shall  
27 not arise with respect to any rented plot or parcel of land otherwise  
28 subject to the provisions of this act, by reason of a transfer of title  
29 and possession occurring on or after July first, nineteen hundred seven-  
30 ty-one, but before June sixteenth, two thousand twenty-two, of a dwell-  
31 ing located on such plot or parcel and owned by the tenant where such  
32 transfer of title and possession is made to a member of the tenant's  
33 immediate family provided that the member of the tenant's immediate  
34 family occupies the dwelling with the tenant prior to the transfer of  
35 title and possession for a continuous period of two years.

36 § 3. Subdivision a of section 5 of section 4 of chapter 576 of the  
37 laws of 1974, constituting the emergency tenant protection act of nine-  
38 teen seventy-four, is amended by adding a new paragraph 3-a to read as  
39 follows:

40 (3-a) housing accommodations which become vacant on or after June  
41 sixteenth, two thousand twenty-two, provided, however, that this  
42 exemption shall not apply to or become effective with respect to housing  
43 accommodations which the commissioner determines or finds became vacant  
44 because the landlord or any person acting on his or her behalf, with  
45 intent to cause the tenant to vacate, engaged in any course of conduct  
46 (including, but not limited to, interruption or discontinuance of  
47 required services) which interfered with or disturbed or was intended to  
48 interfere in his or her use or occupancy of the housing accommodations;

49 § 4. Section 26-504 of the administrative code of the city of New York  
50 is amended by adding a new subdivision d to read as follows:

51 d. Notwithstanding any of the provisions of this section or title or  
52 any other provisions of law, this law shall not apply to any housing  
53 accommodation which becomes vacant on or after June sixteenth, two thou-  
54 sand twenty-two provided, however, that this exemption shall not apply  
55 to or become effective with respect to housing accommodations which the  
56 commissioner determines or finds became vacant because the landlord or

1 any person acting on his or her behalf, with intent to cause the tenant  
2 to vacate, engaged in any course of conduct (including but not limited  
3 to, interruption or discontinuance of required services) which interfer-  
4 ed with or disturbed or was intended to interfere with or disturb the  
5 comfort, repose, peace or quiet of the tenant in his or her use or occu-  
6 pancy of the housing accommodations.

7 § 5. This act shall take effect immediately; provided, however, that  
8 the amendments to the local emergency housing rent control act, made by  
9 section two of this act, shall remain in full force and effect only so  
10 long as the public emergency requiring the regulation and control of  
11 residential rents and evictions continues, as provided in section 1 of  
12 chapter 21 of the laws of 1962, as amended; and provided further that  
13 the amendments to the rent stabilization law of nineteen hundred sixty-  
14 nine, made by section four of this act, shall expire on the same date as  
15 such law expires and shall not affect the expiration of such law as  
16 provided under section 26-520 of the administrative code of the city of  
17 New York.