

STATE OF NEW YORK

2011

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

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.

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

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1 (2) For all other housing accommodations, the rent reserved in the
2 last effective lease or other rental agreement; provided that an initial
3 rent based upon the rent reserved in a lease or other rental agreement
4 which became effective on or after January first, nineteen hundred
5 seventy-four may be adjusted on application of the tenant pursuant to
6 subdivision b of section nine of this act or on application of either
7 the owner or tenant pursuant to subdivision a of such section; and
8 further provided that if a lease is entered into for such housing accom-
9 modations after the local effective date, but before the effective date
10 of the first guidelines applicable to such accommodations, the lease may
11 provide for an adjustment of rent pursuant to such guidelines, to be
12 effective on the first day of the month next succeeding the effective
13 date of such guidelines.

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

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

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

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

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

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

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

51 (ii) became vacant on or after July first, nineteen hundred seventy-
52 four, the rent agreed to by the landlord and the tenant and reserved in
53 a lease or other rental agreement plus increases authorized by the rent
54 guidelines board under this law for leases or other rental agreements
55 commencing thereafter; provided that such initial rent shall not exceed
56 the average rent for a comparable rent regulated housing accommodation,

1 as determined by the commissioner, and may be adjusted on application of
2 the tenant pursuant to subdivision b of section 26-513 of this chapter.

3 (iii) Where the commissioner has determined that the rent charged is
4 in excess of the lawful rents as stated in subparagraph (i) or (ii)
5 hereof, plus lawful increases thereafter, he or she shall provide for a
6 cash refund or a credit, to be applied against future rent, in the
7 amount of any rent overcharge collected by an owner and any penalties,
8 costs, attorneys' fees and interest from the date of the overcharge at
9 the rate of interest payable on a judgment pursuant to section five
10 thousand four of the civil practice law and rules for which the owner is
11 assessed.

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