STATE OF NEW YORK

8237

IN SENATE

February 7, 2022

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

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to requiring the replacement of certain rent stabilized housing accommodations

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

Section 1. Section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is amended by adding a new subdivision 2-c to read as follows:

2-c. Notwithstanding any provision of law to the contrary, where a housing accommodation subject to the provisions of this act is lost or destroyed due to fire, natural disaster, act of God, act of war or eminent domain, such housing accommodation shall be replaced in any succeeding construction on the same parcel. Such replacement housing accommodation shall be substantially similar to the lost housing accommodation and shall be subject to the provisions of this act with a maximum rent that is equal to the maximum rent of the lost housing accommodation.

§ 2. Section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new subdivision g to read as follows:

g. Notwithstanding any provision of law to the contrary, where a housing accommodation subject to the provisions of this act is lost or destroyed due to fire, natural disaster, act of God, act of war or eminent domain, such housing accommodation shall be replaced in any succeeding construction on the same parcel. Such replacement housing accommodation shall be substantially similar to the lost housing accommodation and shall be subject to the provisions of this act with an initial maximum rent that is equal to the maximum rent of the lost housing accommodation.

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

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§ 3. The administrative code of the city of New York is amended by adding a new section 26-417 to read as follows:

§ 26-417 Replacement of certain housing accommodations. Notwithstanding any provision of law to the contrary, where a housing accommodation subject to the provisions of this chapter is lost or destroyed due to fire, natural disaster, act of God, act of war or eminent domain, such housing accommodation shall be replaced in any succeeding construction on the same parcel. Such replacement housing accommodation shall be substantially similar to the lost housing accommodation and shall be subject to the provisions of this chapter with an initial maximum rent that is equal to the maximum rent of the lost housing accommodation.

§ 4. The administrative code of the city of New York is amended by adding a new section 26-512.1 to read as follows:

§ 26-512.1 Replacement of certain housing accommodations. Notwithstanding any provision of law to the contrary, where a housing accommodation subject to the provisions of this chapter is lost due to fire, natural disaster, act of God, act of war or eminent domain, such housing accommodation shall be replaced in any succeeding construction on the same parcel. Such replacement housing accommodation shall be substantially similar to the lost housing accommodation and shall be subject to the provisions of this chapter with a maximum rent that is equal to the maximum rent of the lost housing accommodation.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law; provided that the amendments to the city rent and rehabilitation law made by section three of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and provided further, that the amendments to chapter 4 of title 26 of the administrative code of the city of New York made by section four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law.