

STATE OF NEW YORK

5623

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. FITZPATRICK -- 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-four, 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
21 housing rent control act, as amended by chapter 82 of the laws of 2003,
22 is amended to read as follows:

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

LBD08524-01-3

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

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

39 (3-a) housing accommodations which become vacant on or after June
40 sixteenth, two thousand twenty-four, provided, however, that this
41 exemption shall not apply to or become effective with respect to housing
42 accommodations which the commissioner determines or finds became vacant
43 because the landlord or any person acting on his or her behalf, with
44 intent to cause the tenant to vacate, engaged in any course of conduct
45 (including, but not limited to, interruption or discontinuance of
46 required services) which interfered with or disturbed or was intended to
47 interfere in his or her use or occupancy of the housing accommodations;

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

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

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

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