STATE OF NEW YORK

1684

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sen. HINCHEY -- 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 emergency tenant protection act of nineteen seventy-four, in relation to studies to determine vacancy rates

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

Section 1. Section 3 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 four new subdivisions d, e, f, and g to read as follows:

d. When requested by a municipality or a designee, as a part of a study to determine its vacancy rate, residential residents, including residential tenants, residential rental property owners, operators, or managers, and homeowners shall provide current rent rolls of records and, if available, records for the past three years. Such records shall include the tenant's relevant information relating to finding the vacancy rate of such municipality including but not limited to the name, address, and amount paid or charged on a weekly, monthly, or annual basis for each unit or home and which units are currently vacant and move in ready or under construction.

e. Refusal by a residential rental property owner, operator, or manager or a homeowner to participate in such vacancy study and cooperate with the municipality or a designee in such vacancy study, or submission of knowingly and intentionally false vacancy information may be deemed cause to deny a rental permit or certificate of occupancy for a rental unit. Such municipality may additionally impose a fine or fee on such residential rental property owner, operator, or manager or homeowner of up to one thousand dollars.

f. A nonrespondent landlord or rental property owner shall be deemed to have a zero vacancy rate.

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

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g. Identifying data or information shall be kept confidential and shall not be shared, traded, given, or sold to any other entity for any purpose outside of such vacancy study. Disaggregate data and information may be shared with other governmental agencies including but not limited to the Office of Court Administration.

§ 2. This act shall take effect immediately.