

STATE OF NEW YORK

3388

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sens. KRUEGER, HOYLMAN-SIGAL, LIU, RAMOS, RIVERA, SERRANO
-- 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 seven-
ty-four and the administrative code of the city of New York, in
relation to certain housing accommodations by tenants over sixty-two
years of age or tenants with a disability

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

1 Section 1. Paragraph 6 of subdivision a of section 5 of section 4 of
2 chapter 576 of the laws of 1974, constituting the emergency tenant
3 protection act of nineteen seventy-four, as amended by section 17 of
4 part Q of chapter 39 of the laws of 2019, is amended to read as follows:
5 (6) housing accommodations owned or operated by a hospital, convent,
6 monastery, asylum, public institution, or college or school dormitory or
7 any institution operated exclusively for charitable or educational
8 purposes on a non-profit basis other than (i) those accommodations occu-
9 pied by a tenant on the date such housing accommodation is acquired by
10 any such institution, or which are occupied subsequently by a tenant who
11 is not affiliated with such institution at the time of his initial occu-
12 pancy or (ii) permanent housing accommodations with government
13 contracted services, as of and after June fourteenth, two thousand nine-
14 teen, to vulnerable individuals or individuals with disabilities who are
15 or were homeless or at risk of homelessness, or (iii) housing accommo-
16 dations occupied by a non-affiliated tenant who is sixty-two years of
17 age or older or by a non-affiliated tenant who suffers from a disability
18 as defined in subdivision twenty-one of section two hundred ninety-two
19 of the executive law; provided, however, that the terms of leases in
20 existence as of June fourteenth, two thousand nineteen, shall only be
21 affected upon lease renewal, and further provided that upon the vacancy
22 of such housing accommodations, the legal regulated rent for such hous-

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

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ing accommodations shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board;

§ 2. Paragraph 10 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 17 of part Q of chapter 39 of the laws of 2019, is amended to read as follows:

(10) housing accommodations in buildings operated exclusively for charitable purposes on a non-profit basis except for permanent housing accommodations with government contracted services, as of and after the effective date of ~~[the]~~ section seventeen of part Q of chapter thirty-nine of the laws of two thousand nineteen ~~[that amended this paragraph]~~, to vulnerable individuals or individuals with disabilities who are or were homeless or at risk of homelessness, or housing accommodations occupied by a tenant who is sixty-two years of age or older or by a non-affiliated tenant who suffers from a disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law, and; provided, however, that the terms of leases in existence as of the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, shall only be affected upon lease renewal, and further provided that upon the vacancy of such housing accommodations, the legal regulated rent for such housing accommodations shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board;

§ 3. Subparagraph (b) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York is amended to read as follows:

(b) a hospital, convent, monastery, asylum, public institution, or college or school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis, unless such housing accommodations are occupied by a non-affiliated tenant who is sixty-two years of age or older or by a non-affiliated tenant who suffers from a disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law; or

§ 4. Subparagraph (g) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York is amended to read as follows:

(g) Housing accommodations in buildings operated exclusively for charitable purposes on a non-profit basis, unless such housing accommodations are occupied by a tenant who is sixty-two years of age or older or a tenant who suffers from a disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law; or

§ 5. The opening paragraph of subparagraph c of paragraph 9 of subdivision c of section 26-511 of the administrative code of the city of New York is amended to read as follows:

where the housing accommodation is owned by a hospital, convent, monastery, asylum, public institution, college, school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis, unless such housing accommodation is occupied by a tenant who is sixty-two years of age or older or a tenant who suffers from a disability as defined in subdivision twenty-one of section two hundred ninety-two of the executive law, and either:

§ 6. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, any

1 other application of any provision of this act, or any other provision
2 of any law or code amended by this act.

3 § 7. This act shall take effect on the sixtieth day after it shall
4 have become a law; provided that:

5 (a) the amendments to section 26-403 of the city rent and rehabili-
6 tation law made by sections three and four of this act shall remain in
7 full force and effect only as long as the public emergency requiring the
8 regulation and control of residential rents and evictions continues, as
9 provided in subdivision 3 of section 1 of the local emergency housing
10 rent control act; and

11 (b) the amendments to subparagraph c of paragraph 9 of subdivision c
12 of section 26-511 of chapter 4 of title 26 of the administrative code of
13 the city of New York made by section five of this act shall expire on
14 the same date as such law expires and shall not affect the expiration of
15 such law as provided under section 26-520 of such law.