

# STATE OF NEW YORK

6843

2023-2024 Regular Sessions

## IN ASSEMBLY

May 8, 2023

Introduced by M. of A. CLARK -- read once and referred to the Committee on Housing

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:

1 Section 1. Section 3 of section 4 of chapter 576 of the laws of 1974,  
2 constituting the emergency tenant protection act of nineteen seventy-  
3 four, is amended by adding four new subdivisions d, e, f, and g to read  
4 as follows:

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

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

23 f. A nonrespondent landlord or rental property owner shall be deemed  
24 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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1 g. Identifying data or information shall be kept confidential and  
2 shall not be shared, traded, given, or sold to any other entity for any  
3 purpose outside of such vacancy study. Disaggregate data and information  
4 may be shared with other governmental agencies including but not limited  
5 to the Office of Court Administration.

6 § 2. This act shall take effect immediately.