

STATE OF NEW YORK

8446

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

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

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 property owners to dedicate certain residential units to the same protected status the unit previously held following demolition and new construction or substantial renovation

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

Section 1. Section 26-512 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. Notwithstanding any provision of law, rule or regulation to the contrary, if all or a portion of the rent controlled or rent stabilized housing accommodation protected by the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law, the local emergency housing rent control act, the administrative code of the city of New York and any regulations, rules and policies enacted pursuant thereto, in a residential building are rendered uninhabitable or are vacated due to demolition and new construction or to substantial renovation conducted by or on behalf of the property owner under any of the following circumstances, the property owner shall, upon completion of the new construction or renovation of the building, dedicate an equal number of units, of sizes equivalent to those vacated or rendered uninhabitable, at the rent amount allowable for the units existing prior to the demolition or renovation to the same status the unit previously held as rent controlled or rent stabilized housing accommodation protected by the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law, the local emergency housing rent control act, the administrative code of the city of New York and any regulations, rules and policies enacted pursuant

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

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1 thereto. The tenant or tenants in possession immediately prior to such
2 demolition or substantial renovation shall have the right of first
3 refusal for the occupation of such units:

4 (1) demolition or substantial renovation conducted after the property
5 owner filed an application for a building permit with the department of
6 buildings falsely reporting that no tenants occupied the building
7 proposed for demolition or substantial renovation, when tenants, in
8 fact, did occupy the building; or

9 (2) demolition or substantial renovation necessitated due to the
10 negligence of the owner and/or landlord; or

11 (3) demolition or substantial renovation necessitated by illegal code
12 violations; or

13 (4) demolition or substantial renovation authorized pursuant to a
14 project as defined by section three of the urban development corporation
15 act.

16 § 2. Section 6 of section 4 of chapter 576 of the laws of 1974,
17 constituting the emergency tenant protection act of nineteen seventy-
18 four, is amended by adding a new subdivision h to read as follows:

19 h. Notwithstanding any provision of law, rule or regulation to the
20 contrary, if all or a portion of the rent controlled or rent stabilized
21 housing accommodation protected by the emergency tenant protection act
22 of nineteen seventy-four, the emergency housing rent control law, the
23 local emergency housing rent control act, the administrative code of
24 the city of New York and any regulations, rules and policies enacted
25 pursuant thereto, in a residential building are rendered uninhabitable
26 or are vacated due to demolition and new construction or to substantial
27 renovation conducted by or on behalf of the property owner under any of
28 the following circumstances:

29 (1) demolition or substantial renovation conducted after the property
30 owner filed an application for a building permit with the department of
31 buildings falsely reporting that no tenants occupied the building
32 proposed for demolition or substantial renovation, when tenants, in
33 fact, did occupy the building; or

34 (2) demolition or substantial renovation necessitated due to the
35 negligence of the owner and/or landlord; or

36 (3) demolition or substantial renovation necessitated by illegal code
37 violations; or

38 (4) demolition or substantial renovation authorized pursuant to a
39 project as defined by section three of the urban development corporation
40 act, the property owner shall, upon completion of the new construction
41 or renovation of the building, dedicate an equal number of units, of
42 sizes equivalent to those vacated or rendered uninhabitable, at the
43 rent amount allowable for the units existing prior to the demo-
44 lition or renovation to the same status the unit previously held as
45 rent controlled or rent stabilized housing accommodation protected by
46 the emergency tenant protection act of nineteen seventy-four, the
47 emergency housing rent control law, the local emergency housing rent
48 control act, the administrative code of the city of New York and
49 any regulations, rules and policies enacted pursuant thereto. The tenant
50 or tenants in possession immediately prior to such demolition or
51 substantial renovation shall have the right of first refusal for the
52 occupation of such units.

53 § 3. Section 5 of chapter 274 of the laws of 1946, constituting the
54 emergency housing rent control law, is amended by adding a new subdivi-
55 sion 9 to read as follows:

1 9. Notwithstanding any provision of law, rule or regulation to the
2 contrary, if all or a portion of the rent controlled or rent stabilized
3 housing accommodation protected by the emergency tenant protection act
4 of nineteen seventy-four, the emergency housing rent control law, the
5 local emergency housing rent control act, the administrative code of
6 the city of New York and any regulations, rules and policies enacted
7 pursuant thereto, in a residential building are rendered uninhabitable
8 or are vacated due to demolition and new construction or to substantial
9 renovation conducted by or on behalf of the property owner under any of
10 the following circumstances:

11 (a) demolition or substantial renovation conducted after the property
12 owner filed an application for a building permit with the department of
13 buildings falsely reporting that no tenants occupied the building
14 proposed for demolition or substantial renovation, when tenants, in
15 fact, did occupy the building; or

16 (b) demolition or substantial renovation necessitated due to the
17 negligence of the owner and/or landlord; or

18 (c) demolition or substantial renovation necessitated by illegal code
19 violations; or

20 (d) demolition or substantial renovation authorized pursuant to a
21 project as defined by section three of the urban development corporation
22 act, the property owner shall, upon completion of the new construction
23 or renovation of the building, dedicate an equal number of units, of
24 sizes equivalent to those vacated or rendered uninhabitable, at the
25 rent amount allowable for the units existing prior to the demo-
26 lition or renovation to the same status the unit previously held as
27 rent controlled or rent stabilized housing accommodation protected by
28 the emergency tenant protection act of nineteen seventy-four, the
29 emergency housing rent control law, the local emergency housing rent
30 control act, the administrative code of the city of New York and
31 any regulations, rules and policies enacted pursuant thereto. The
32 tenant or tenants in possession immediately prior to such demolition or
33 substantial renovation shall have the right of first refusal for the
34 occupation of such units.

35 § 4. This act shall take effect immediately; provided, however, that
36 the amendments to section 26-512 of chapter 4 of title 26 of the admin-
37 istrative code of the city of New York made by section one of this act
38 shall expire on the same date as such law expires and shall not affect
39 the expiration of such law as provided under section 26-520 of such law.