STATE OF NEW YORK

1684--A

Cal. No. 885

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. HINCHEY, BROUK, COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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, owners, or their agent, of housing accommodations in the class of housing accommodations determined, shall provide the most recent records of rent rolls and, if available, records for the preceding thirty-six months. 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 occupied housing accommodation and which housing accommodations are vacant at the time of the survey and available for rent. Such records shall also include any housing accommodations that are vacant and not available for rent and provide the reason why such unit is not available for rent.

e. Refusal by an owner or their agent to participate in such vacancy survey and cooperate with the municipality or a designee in such vacancy survey, or submission of knowingly and intentionally false vacancy information may be deemed cause to deny a rental permit or certificate

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

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of occupancy for a housing accommodation. Such municipality may additionally impose a civil penalty or fee on such owner or their agent of up to one thousand dollars.

f. A nonrespondent owner shall be deemed to have zero vacancies.

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.

§ 2. This act shall take effect immediately.