STATE OF NEW YORK

1944--A

2023-2024 Regular Sessions

IN SENATE

January 17, 2023

- Introduced by Sens. HOYLMAN-SIGAL, BAILEY, KRUEGER, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee
- 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 1 2 New York is amended by adding a new subdivision h to read as follows: 3 h. Notwithstanding any provision of law, rule or regulation to the 4 contrary, if all or a portion of the rent controlled or rent stabilized 5 housing accommodation protected by the emergency tenant protection act б of nineteen seventy-four, the emergency housing rent control law, the 7 local emergency housing rent control act, the administrative code of 8 the city of New York and any regulations, rules and policies enacted pursuant thereto, in a residential building are rendered uninhabitable 9 10 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 11 12 the following circumstances, the property owner shall, upon completion of the new construction or renovation of the building, dedicate an equal 13 14 number of units, of sizes equivalent to those vacated or rendered 15 uninhabitable, at the rent amount allowable for the units existing 16 prior to the demolition or renovation to the same status the unit 17 previously held as rent controlled or rent stabilized housing accommo-18 dation protected by the emergency tenant protection act of nineteen

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

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1	seventy-four, the emergency housing rent control law, the local emer-
2	gency housing rent control act, the administrative code of the city
3	of New York and any regulations, rules and policies enacted pursuant
4	thereto. The tenant or tenants in possession immediately prior to such
5	demolition or substantial renovation shall have the right of first
6	refusal for the occupation of such units:
7	(1) demolition or substantial renovation conducted after the property
8	owner filed an application for a building permit with the department of
9	buildings falsely reporting that no tenants occupied the building
10	proposed for demolition or substantial renovation, when tenants, in
11	fact, did occupy the building; or
12^{11}	(2) demolition or substantial renovation necessitated due to the
13	neqligence of the owner and/or landlord; or
14^{13}	(3) demolition or substantial renovation necessitated by illegal code
15	violations; or
16	(4) demolition or substantial renovation authorized pursuant to a
$10 \\ 17$	project as defined by section three of the urban development corporation
18	act.
10 19	§ 2. Section 6 of section 4 of chapter 576 of the laws of 1974,
20	constituting the emergency tenant protection act of nineteen seventy-
20 21	four, is amended by adding a new subdivision h to read as follows:
21 22	h. Notwithstanding any provision of law, rule or regulation to the
22 23	contrary, if all or a portion of the rent controlled or rent stabilized
23 24	housing accommodation protected by the emergency tenant protection act
25	of nineteen seventy-four, the emergency housing rent control law, the
26	local emergency housing rent control act, the administrative code of
20 27	the city of New York and any regulations, rules and policies enacted
27 28	pursuant thereto, in a residential building are rendered uninhabitable
20 29	or are vacated due to demolition and new construction or to substantial
30	renovation conducted by or on behalf of the property owner under any of
31	the following circumstances:
32	(1) demolition or substantial renovation conducted after the property
33	owner filed an application for a building permit with the department of
34	buildings falsely reporting that no tenants occupied the building
35	proposed for demolition or substantial renovation, when tenants, in
36	fact, did occupy the building; or
37	(2) demolition or substantial renovation necessitated due to the
38	negligence of the owner and/or landlord; or
39	(3) demolition or substantial renovation necessitated by illegal code
40	violations; or
41	(4) demolition or substantial renovation authorized pursuant to a
42	project as defined by section three of the urban development corporation
43	act, the property owner shall, upon completion of the new construction
44	or renovation of the building, dedicate an equal number of units, of
45	sizes equivalent to those vacated or rendered uninhabitable, at the
46	rent amount allowable for the units existing prior to the demo-
47	lition or renovation to the same status the unit previously held as
48	rent controlled or rent stabilized housing accommodation protected by
49	the emergency tenant protection act of nineteen seventy-four, the
50	emergency housing rent control law, the local emergency housing rent
51	control act, the administrative code of the city of New York and
52	any regulations, rules and policies enacted pursuant thereto. The tenant
53	or tenants in possession immediately prior to such demolition or
54	substantial renovation shall have the right of first refusal for the
<u> </u>	Supported to the right of the relation of the fight of the relation of the

55 occupation of such units.

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1	§ 3. Section 5 of chapter 274 of the laws of 1946, constituting the
2	emergency housing rent control law, is amended by adding a new subdivi-
3	sion 9 to read as follows:
4	9. Notwithstanding any provision of law, rule or regulation to the
5	contrary, if all or a portion of the rent controlled or rent stabilized
б	housing accommodation protected by the emergency tenant protection act
7	of nineteen seventy-four, the emergency housing rent control law, the
8	local emergency housing rent control act, the administrative code of
9	the city of New York and any regulations, rules and policies enacted
10	pursuant thereto, in a residential building are rendered uninhabitable
11	or are vacated due to demolition and new construction or to substantial
12	renovation conducted by or on behalf of the property owner under any of
13	the following circumstances:
14	(a) demolition or substantial renovation conducted after the property
15	owner filed an application for a building permit with the department of
16	buildings falsely reporting that no tenants occupied the building
17	proposed for demolition or substantial renovation, when tenants, in
18	fact, did occupy the building; or
19	(b) demolition or substantial renovation necessitated due to the
20	<u>negligence of the owner and/or landlord; or</u>
21	(c) demolition or substantial renovation necessitated by illegal code
22	violations; or
23	(d) demolition or substantial renovation authorized pursuant to a
24	project as defined by section three of the urban development corporation
25	act, the property owner shall, upon completion of the new construction
26	or renovation of the building, dedicate an equal number of units, of
27	sizes equivalent to those vacated or rendered uninhabitable, at the
28	rent amount allowable for the units existing prior to the demo-
29	lition or renovation to the same status the unit previously held as
30	rent controlled or rent stabilized housing accommodation protected by
31	the emergency tenant protection act of nineteen seventy-four, the
32	emergency housing rent control law, the local emergency housing rent
33	control act, the administrative code of the city of New York and
34	any regulations, rules and policies enacted pursuant thereto. The
35	tenant or tenants in possession immediately prior to such demolition or
36	substantial renovation shall have the right of first refusal for the
37	occupation of such units.
38	§ 4. This act shall take effect immediately; provided, however, that
39	the amendments to section 26-512 of chapter 4 of title 26 of the admin-
40	istrative code of the city of New York made by section one of this act

41 shall expire on the same date as such law expires and shall not affect 42 the expiration of such law as provided under section 26-520 of such law.