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 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

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

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

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

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

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

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

§ 2. Section 6 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 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:

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

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

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

(4) demolition or substantial renovation authorized pursuant to a project as defined by section three of the urban development corporation act, 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 thereto. The tenant or tenants in possession immediately prior to such demolition or substantial renovation shall have the right of first refusal for the occupation of such units.

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

9. 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:

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

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

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

(d) demolition or substantial renovation authorized pursuant to a project as defined by section three of the urban development corporation act, 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 thereto. The tenant or tenants in possession immediately prior to such demolition or substantial renovation shall have the right of first refusal for the occupation of such units.

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