

STATE OF NEW YORK

4877--D

2025-2026 Regular Sessions

IN ASSEMBLY

February 7, 2025

Introduced by M. of A. SHRESTHA, ROSENTHAL, SHIMSKY, KELLES, ROMERO, REYES, GALLAGHER, LEVENBERG, BURROUGHS, FORREST, STECK, VALDEZ, MEEKS, CUNNINGHAM, TAPIA, DAVILA, BURDICK, DE LOS SANTOS, CLARK, BRONSON, JACOBSON, GONZALEZ-ROJAS, MITAYNES, SIMON, R. CARROLL, SIMONE, LEE, SCHIAVONI, OTIS, SEAWRIGHT, RAGA, TAYLOR, LASHER, ANDERSON, BORES, MORENO, SEPTIMO, WRIGHT, DINOWITZ, WALKER, STIRPE, TORRES, LUPARDO, DILAN, HEVESI, BICHOTTE HERMELYN, GIBBS, KIM, P. CARROLL, HOOKS, GLICK, RAMOS, POWERS, ALVAREZ, CHANDLER-WATERMAN, JACKSON, LUCAS, O'PHARROW -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, in relation to enacting the rent emergency stabilization for tenants act on local determinations of a housing emergency

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

- 1 Section 1. Short title. This act shall be known and may be cited as
- 2 the "rent emergency stabilization for tenants act".
- 3 § 2. Section 3 of section 4 of chapter 576 of the laws of 1974,
- 4 constituting the emergency tenant protection act of nineteen seventy-
- 5 four, subdivision a as amended by chapter 69 of the laws of 1980, subdi-
- 6 visions d, f and g as added by chapter 698 of the laws of 2023 and

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

LBD05109-10-6

1 subdivision e as amended by chapter 100 of the laws of 2024, is amended
2 to read as follows:

3 § 3. Local determination of emergency; end of emergency. a. The exist-
4 ence of public emergency requiring the regulation of residential rents
5 for all or any class or classes of housing accommodations, including any
6 plot or parcel of land which had been rented prior to May first, nine-
7 teen hundred fifty, for the purpose of permitting the tenant thereof to
8 construct or place [~~his~~] such tenant's own dwelling thereon and on which
9 plot or parcel of land there exists a dwelling owned and occupied by a
10 tenant of such plot or parcel, heretofore destabilized; heretofore or
11 hereafter decontrolled, exempt, not subject to control, or exempted from
12 regulation and control under the provisions of the emergency housing
13 rent control law, the local emergency housing rent control act or the
14 New York city rent stabilization law of nineteen hundred sixty-nine; or
15 subject to stabilization or control under such rent stabilization law,
16 shall be a matter for local determination within each city, town or
17 village. Any such determination shall be made by the local legislative
18 body of such city, town or village on the basis of the supply of housing
19 accommodations within such city, town or village, the condition of such
20 accommodations and the need for regulating and controlling residential
21 rents within such city, town or village.

22 [~~A~~] b. For a city having a population of one million or more resi-
23 dents, a declaration of emergency may be made as to any class of housing
24 accommodations if the vacancy rate for the housing accommodations in
25 such class within such municipality is not in excess of five percent and
26 a declaration of emergency may be made as to all housing accommodations
27 if the vacancy rate for the housing accommodations within such munici-
28 pality is not in excess of five percent.

29 [~~b-~~] c. For a city having a population of less than one million resi-
30 dents or a town or village, the local legislative body may declare a
31 housing emergency through the process described in paragraph one or two
32 of this subdivision. For such a jurisdiction where a local legislative
33 body has declared a housing emergency pursuant to this act prior to the
34 effective date of this subdivision, the local legislative body may add
35 classes of accommodation as described in paragraph five-b of subdivision
36 a of section five of section four of this act, through the process
37 described in paragraph one or two of this subdivision.

38 (1) The local legislative body may declare a housing emergency after
39 considering publicly available data and holding no less than one public
40 hearing. Before declaring such emergency, the local legislative body
41 shall consider publicly available data measuring or estimating factors
42 including but not limited to: overall housing supply, vacancy rate for
43 housing accommodations, the availability of affordable and habitable
44 housing accommodations, rent burdens for tenants or other measures of
45 housing affordability, and the local or regional homelessness rate.

46 (2) The local legislative body may declare an emergency as to any
47 class of housing accommodations if the vacancy rate for such housing
48 accommodations in such class within such municipality is not in excess
49 of five percent and a declaration of emergency may be made as to all
50 housing accommodations if the vacancy rate for the housing accommo-
51 dations within such municipality is not in excess of five percent.

52 (i) When requested by a municipality or a designee, as part of a study
53 to determine its vacancy rate, owners, or their agent, of housing accom-
54 modations in the class of housing accommodations determined, shall
55 provide the most recent records of rent rolls and, if available, records
56 for the preceding thirty-six months. Such records shall include the

1 tenant's relevant information relating to finding the vacancy rate of
2 such municipality including but not limited to the name, address, and
3 amount paid or charged on a weekly, monthly, or annual basis for each
4 occupied housing accommodation and which housing accommodations are
5 vacant at the time of the survey and available for rent. Such records
6 shall also include any housing accommodations that are vacant and not
7 available for rent and provide the reason why such unit is not available
8 for rent.

9 (ii) A municipality may impose a civil penalty or fee of up to five
10 hundred dollars on an owner or their agent if such owner or their agent
11 refuses to participate in such vacancy survey and cooperate with such
12 municipality or a designee in such vacancy survey, or submits knowingly
13 and intentionally false vacancy information.

14 (iii) A nonrespondent owner shall be deemed to have zero vacancies.

15 (iv) Identifying data or information shall be kept confidential and
16 shall not be shared, traded, given, or sold to any other entity for any
17 purpose outside of such vacancy study.

18 d. A city of under one million residents or a town or village may add
19 classes of accommodation to regulation under this act in buildings
20 containing fewer than six but not fewer than four units.

21 e. The local governing body of a city, town or village having declared
22 an emergency pursuant to subdivision a, b, or c of this section may at
23 any time, on the basis of the supply of housing accommodations within
24 such city, town or village, the condition of such accommodations and the
25 need for continued regulation and control of residential rents within
26 such municipality, declare that the emergency is either wholly or
27 partially abated or that the regulation of rents pursuant to this act
28 does not serve to abate such emergency and thereby remove one or more
29 classes of accommodations from regulation under this act. ~~[The emergency~~
30 ~~must be declared at an end once the vacancy rate described in subdivi-~~
31 ~~sion a of this section exceeds five percent.~~

32 ~~e-]~~ f. No resolution declaring the existence or end of an emergency,
33 as authorized by ~~[subdivisions]~~ subdivision a ~~[and]~~, b, c or e of this
34 section, may be adopted except after public hearing held on not less
35 than ten days public notice, as the local legislative body may reason-
36 ably provide.

37 ~~[d. When requested by a municipality or a designee, as a part of a~~
38 ~~study to determine its vacancy rate, owners, or their agent, of housing~~
39 ~~accommodations in the class of housing accommodations determined, shall~~
40 ~~provide the most recent records of rent rolls and, if available, records~~
41 ~~for the preceding thirty six months. Such records shall include the~~
42 ~~tenant's relevant information relating to finding the vacancy rate of~~
43 ~~such municipality including but not limited to the name, address, and~~
44 ~~amount paid or charged on a weekly, monthly, or annual basis for each~~
45 ~~occupied housing accommodation and which housing accommodations are~~
46 ~~vacant at the time of the survey and available for rent. Such records~~
47 ~~shall also include any housing accommodations that are vacant and not~~
48 ~~available for rent and provide the reason why such unit is not available~~
49 ~~for rent.~~

50 ~~e. A municipality may impose a civil penalty or fee of up to five~~
51 ~~hundred dollars on an owner or their agent if the owner or their agent~~
52 ~~refuses to participate in such vacancy survey and cooperate with the~~
53 ~~municipality or a designee in such vacancy survey, or submits knowingly~~
54 ~~and intentionally false vacancy information.~~

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

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.]~~

4 § 3. Subdivision a of section 5 of section 4 of chapter 576 of the
5 laws of 1974, constituting the emergency tenant protection act of nine-
6 teen seventy-four, is amended by adding a new paragraph 5-b to read as
7 follows:

8 (5-b) housing accommodations located in a city having a population of
9 less than one million residents or a town or village in buildings
10 completed or buildings substantially rehabilitated as family units with-
11 in the past fifteen years.

12 § 4. This act shall take effect immediately.