

# STATE OF NEW YORK

4659--A

2025-2026 Regular Sessions

## IN SENATE

February 10, 2025

Introduced by Sens. KAVANAGH, HOYLMAN-SIGAL, JACKSON, SALAZAR -- 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 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  
7 subdivision e as amended by chapter 100 of the laws of 2024, is amended  
8 to read as follows:  
9 § 3. Local determination of emergency; end of emergency. a. The exist-  
10 ence of public emergency requiring the regulation of residential rents  
11 for all or any class or classes of housing accommodations, including any  
12 plot or parcel of land which had been rented prior to May first, nine-  
13 teen hundred fifty, for the purpose of permitting the tenant thereof to  
14 construct or place [~~his~~] such tenant's own dwelling thereon and on which  
15 plot or parcel of land there exists a dwelling owned and occupied by a  
16 tenant of such plot or parcel, heretofore destabilized; heretofore or  
17 hereafter decontrolled, exempt, not subject to control, or exempted from  
18 regulation and control under the provisions of the emergency housing  
19 rent control law, the local emergency housing rent control act or the  
20 New York city rent stabilization law of nineteen hundred sixty-nine; or  
21 subject to stabilization or control under such rent stabilization law,

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

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1 shall be a matter for local determination within each city, town or  
2 village. Any such determination shall be made by the local legislative  
3 body of such city, town or village on the basis of the supply of housing  
4 accommodations within such city, town or village, the condition of such  
5 accommodations and the need for regulating and controlling residential  
6 rents within such city, town or village.

7 ~~[A]~~ b. For a city having a population of one million or more resi-  
8 dents, a declaration of emergency may be made as to any class of housing  
9 accommodations if the vacancy rate for the housing accommodations in  
10 such class within such municipality is not in excess of five percent and  
11 a declaration of emergency may be made as to all housing accommodations  
12 if the vacancy rate for the housing accommodations within such munici-  
13 pality is not in excess of five percent.

14 ~~[b-]~~ c. For a city having a population of less than one million resi-  
15 dents or a town or village, the local legislative body may declare a  
16 housing emergency through the process described in paragraph one or two  
17 of this subdivision. For such a jurisdiction where a local legislative  
18 body has declared a housing emergency pursuant to this act prior to the  
19 effective date of this subdivision, the local legislative body may add  
20 classes of accommodation as described in paragraph 5-b of subdivision a  
21 of section five of this act, through the process described in paragraph  
22 1 or 2 of this subdivision.

23 (1) The local legislative body may declare a housing emergency after  
24 considering publicly available data and holding public hearings. Before  
25 declaring such emergency, the local legislative body shall consider  
26 publicly available data measuring or estimating factors such as: over-  
27 all housing supply, vacancy rate for housing accommodations, the avail-  
28 ability of affordable and habitable housing accommodations, rent burdens  
29 for tenants or other measures of housing affordability, the local or  
30 regional homelessness rate, and the need for regulating rents within  
31 such city, town or village.

32 (2) The local legislative body may declare an emergency as to any  
33 class of housing accommodations if the vacancy rate for such housing  
34 accommodations in such class within such municipality is not in excess  
35 of five percent and a declaration of emergency may be made as to all  
36 housing accommodations if the vacancy rate for the housing accommo-  
37 dations within such municipality is not in excess of five percent.

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

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

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

1 (iv) 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 d. A city of under one million residents or a town or village may add  
5 classes of accommodation to regulation under this act in buildings  
6 containing fewer than six units.

7 e. The local governing body of a city, town or village having declared  
8 an emergency pursuant to subdivision a, b, or c of this section may at  
9 any time, on the basis of the supply of housing accommodations within  
10 such city, town or village, the condition of such accommodations and the  
11 need for continued regulation and control of residential rents within  
12 such municipality, declare that the emergency is either wholly or  
13 partially abated or that the regulation of rents pursuant to this act  
14 does not serve to abate such emergency and thereby remove one or more  
15 classes of accommodations from regulation under this act. [~~The emergency~~  
16 ~~must be declared at an end once the vacancy rate described in subdivi-~~  
17 ~~sion a of this section exceeds five percent.~~

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

23 [~~d. When requested by a municipality or a designee, as a part of a~~  
24 ~~study to determine its vacancy rate, owners, or their agent, of housing~~  
25 ~~accommodations in the class of housing accommodations determined, shall~~  
26 ~~provide the most recent records of rent rolls and, if available, records~~  
27 ~~for the preceding thirty six months. Such records shall include the~~  
28 ~~tenant's relevant information relating to finding the vacancy rate of~~  
29 ~~such municipality including but not limited to the name, address, and~~  
30 ~~amount paid or charged on a weekly, monthly, or annual basis for each~~  
31 ~~occupied housing accommodation and which housing accommodations are~~  
32 ~~vacant at the time of the survey and available for rent. Such records~~  
33 ~~shall also include any housing accommodations that are vacant and not~~  
34 ~~available for rent and provide the reason why such unit is not available~~  
35 ~~for rent.~~

36 e. A municipality may impose a civil penalty or fee of up to five  
37 hundred dollars on an owner or their agent if the owner or their agent  
38 refuses to participate in such vacancy survey and cooperate with the  
39 municipality or a designee in such vacancy survey, or submits knowingly  
40 and intentionally false vacancy information.

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

42 ~~g. Identifying data or information shall be kept confidential and~~  
43 ~~shall not be shared, traded, given, or sold to any other entity for any~~  
44 ~~purpose outside of such vacancy study.]~~

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

49 (5-b) housing accommodations located in a city having a population of  
50 less than one million residents or a town or village in buildings  
51 completed or buildings substantially rehabilitated as family units with-  
52 in the past fifteen years.

53 § 4. This act shall take effect immediately.