

STATE OF NEW YORK

4659--C

2025-2026 Regular Sessions

IN SENATE

February 10, 2025

Introduced by Sens. KAVANAGH, BAILEY, BASKIN, BOTTCHEER, BRISPORT, BROUK, CLEARE, GONZALEZ, HARCKHAM, HINCHEY, JACKSON, KRUEGER, LIU, MAY, MAYER, MYRIE, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY, WEBB -- 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 -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- 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

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

LBD05109-08-6

1 construct or place [~~his~~] such tenant's own dwelling thereon and on which
2 plot or parcel of land there exists a dwelling owned and occupied by a
3 tenant of such plot or parcel, heretofore destabilized; heretofore or
4 hereafter decontrolled, exempt, not subject to control, or exempted from
5 regulation and control under the provisions of the emergency housing
6 rent control law, the local emergency housing rent control act or the
7 New York city rent stabilization law of nineteen hundred sixty-nine; or
8 subject to stabilization or control under such rent stabilization law,
9 shall be a matter for local determination within each city, town or
10 village. Any such determination shall be made by the local legislative
11 body of such city, town or village on the basis of the supply of housing
12 accommodations within such city, town or village, the condition of such
13 accommodations and the need for regulating and controlling residential
14 rents within such city, town or village.

15 [A] b. For a city having a population of one million or more resi-
16 dents, a declaration of emergency may be made as to any class of housing
17 accommodations if the vacancy rate for the housing accommodations in
18 such class within such municipality is not in excess of five percent and
19 a declaration of emergency may be made as to all housing accommodations
20 if the vacancy rate for the housing accommodations within such municipi-
21 pality is not in excess of five percent.

22 [b-] c. For a city having a population of less than one million resi-
23 dents or a town or village, the local legislative body may declare a
24 housing emergency through the process described in paragraph one or two
25 of this subdivision. For such a jurisdiction where a local legislative
26 body has declared a housing emergency pursuant to this act prior to the
27 effective date of this subdivision, the local legislative body may add
28 classes of accommodation as described in paragraph five-b of subdivision
29 a of section five of this act, through the process described in para-
30 graph one or two of this subdivision.

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

40 (2) The local legislative body may declare an emergency as to any
41 class of housing accommodations if the vacancy rate for such housing
42 accommodations in such class within such municipality is not in excess
43 of five percent and a declaration of emergency may be made as to all
44 housing accommodations if the vacancy rate for the housing accommo-
45 dations within such municipality is not in excess of five percent.

46 (i) When requested by a municipality or a designee, as part of a study
47 to determine its vacancy rate, owners, or their agent, of housing accom-
48 modations in the class of housing accommodations determined, shall
49 provide the most recent records of rent rolls and, if available, records
50 for the preceding thirty-six months. Such records shall include the
51 tenant's relevant information relating to finding the vacancy rate of
52 such municipality including but not limited to the name, address, and
53 amount paid or charged on a weekly, monthly, or annual basis for each
54 occupied housing accommodation and which housing accommodations are
55 vacant at the time of the survey and available for rent. Such records
56 shall also include any housing accommodations that are vacant and not

1 available for rent and provide the reason why such unit is not available
 2 for rent.

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

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

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

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

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

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

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

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

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

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

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

1 (5-b) housing accommodations located in a city having a population of
2 less than one million residents or a town or village in buildings
3 completed or buildings substantially rehabilitated as family units with-
4 in the past fifteen years.

5 § 4. This act shall take effect immediately.