

# STATE OF NEW YORK

4659--D

2025-2026 Regular Sessions

## IN SENATE

February 10, 2025

Introduced by Sens. KAVANAGH, BAILEY, BASKIN, BOTTCHEER, BRISPORT, BROUK, CLEARE, GONZALEZ, GOUNARDES, HARCKHAM, HINCHEY, JACKSON, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, 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 -- 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

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

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

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

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

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

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

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

1 shall also include any housing accommodations that are vacant and not  
2 available for rent and provide the reason why such unit is not available  
3 for rent.

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

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

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

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

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

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

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

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

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

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

54 § 3. Subdivision a of section 5 of section 4 of chapter 576 of the  
55 laws of 1974, constituting the emergency tenant protection act of nine-

1 teen seventy-four, is amended by adding a new paragraph 5-b to read as  
2 follows:

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

7 § 4. This act shall take effect immediately.