

STATE OF NEW YORK

4659

2025-2026 Regular Sessions

IN SENATE

February 10, 2025

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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,
22 shall be a matter for local determination within each city, town or
23 village. Any such determination shall be made by the local legislative

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

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1 body of such city, town or village on the basis of the supply of housing
2 accommodations within such city, town or village, the condition of such
3 accommodations and the need for regulating and controlling residential
4 rents within such city, town or village.

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

12 ~~[B]~~ c. For a city having a population of less than one million resi-
13 dents or a town or village, the local legislative body may declare a
14 housing emergency through the process described in paragraph one or two
15 of this subdivision.

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

25 (2) The local legislative body may declare an emergency as to any
26 class of housing accommodations if the vacancy rate for such housing
27 accommodations in such class within such municipality is not in excess
28 of five percent and a declaration of emergency may be made as to all
29 housing accommodations if the vacancy rate for the housing accommo-
30 dations within such municipality is not in excess of five percent.

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

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

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

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

52 d. A city of under one million residents or a town or village may add
53 classes of accommodation to regulation under this act in buildings
54 containing fewer than six units.

55 e. The local governing body of a city, town or village having declared
56 an emergency pursuant to subdivision a, b, or c of this section may at

1 any time, on the basis of the supply of housing accommodations within
2 such city, town or village, the condition of such accommodations and the
3 need for continued regulation and control of residential rents within
4 such municipality, declare that the emergency is either wholly or
5 partially abated or that the regulation of rents pursuant to this act
6 does not serve to abate such emergency and thereby remove one or more
7 classes of accommodations from regulation under this act. [~~The emergency
8 must be declared at an end once the vacancy rate described in subdivi-
9 sion a of this section exceeds five percent.~~

10 ~~e.~~ f. No resolution declaring the existence or end of an emergency,
11 as authorized by subdivisions a [~~and~~], b or c of this section, may be
12 adopted except after public hearing held on not less than ten days
13 public notice, as the local legislative body may reasonably provide.

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

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

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

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

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

40 (5-b) housing accommodations located in a city having a population of
41 less than one million residents or a town or village in buildings
42 completed or buildings substantially rehabilitated as family units with-
43 in the past fifteen years.

44 § 4. This act shall take effect immediately.