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:

Section 1. Short title. This act shall be known and may be cited as the "rent emergency stabilization for tenants act".

§ 2. Section 3 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, subdivision a as amended by chapter 69 of the laws of 1980, subdivisions d, f and g as added by chapter 698 of the laws of 2023 and subdivision e as amended by chapter 100 of the laws of 2024, is amended to read as follows:

§ 3. Local determination of emergency; end of emergency. a. The existence of public emergency requiring the regulation of residential rents for all or any class or classes of housing accommodations, including any plot or parcel of land which had been rented prior to May first, nineteen hundred fifty, for the purpose of permitting the tenant thereof to construct or place [~~his~~] **such tenant's** own dwelling thereon and on which plot or parcel of land there exists a dwelling owned and occupied by a tenant of such plot or parcel, heretofore destabilized; heretofore or hereafter decontrolled, exempt, not subject to control, or exempted from regulation and control under the provisions of the emergency housing rent control law, the local emergency housing rent control act or the New York city rent stabilization law of nineteen hundred sixty-nine; or subject to stabilization or control under such rent stabilization law, shall be a matter for local determination within each city, town or 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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body of such city, town or village on the basis of the supply of housing accommodations within such city, town or village, the condition of such accommodations and the need for regulating and controlling residential rents within such city, town or village.

[~~A~~] **b. For a city having a population of one million or more residents, a** declaration of emergency may be made as to any class of housing accommodations if the vacancy rate for the housing accommodations in such class within such municipality is not in excess of five percent and a declaration of emergency may be made as to all housing accommodations if the vacancy rate for the housing accommodations within such municipality is not in excess of five percent.

[~~b.~~] **c. For a city having a population of less than one million residents or a town or village, the local legislative body may declare a housing emergency through the process described in paragraph one or two of this subdivision.**

(1) The local legislative body may declare a housing emergency after considering publicly available data and holding public hearings. Before declaring such emergency, the local legislative body shall consider publicly available data measuring or estimating factors such as: overall housing supply, vacancy rate for housing accommodations, the availability of affordable and habitable housing accommodations, rent burdens for tenants or other measures of housing affordability, the local or regional homelessness rate, and the need for regulating rents within such city, town or village.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 4. This act shall take effect immediately.