

Chapter 274 of the laws of 1946 and as amended generally by chapter 337 of the laws of 1961 Emergency housing rent control law

Section 1. Declaration and findings; termination. 1. The legislature hereby finds that a serious public emergency continues to exist in the housing of a considerable number of persons in the state of New York which emergency was created by war, the effects of war and the aftermath of hostilities; that such emergency necessitated the intervention of federal, state and local government in order to prevent speculative, unwarranted and abnormal increases in rents; that there continues to exist an acute shortage of dwellings; that unless residential rents and evictions continue to be regulated and controlled, disruptive practices and abnormal conditions will produce serious threats to the public health, safety and general welfare; that to prevent such perils to health, safety and welfare, preventive action by the legislature continues to be imperative; that such action is necessary in order to prevent exactions of unjust, unreasonable and oppressive rents and rental agreements and to forestall profiteering, speculation and other disruptive practices tending to produce threats to the public health; that the transition from regulation to a normal market of free bargaining between landlord and tenant, while still the objective of state policy, must be administered with due regard for such emergency; that in order to prevent uncertainty, hardship and dislocation, the provisions of this act are declared to be necessary and designed to protect the public health, safety and general welfare.

2. The provisions of this act, and all regulations, orders and requirements thereunder shall remain in full force and effect thereafter.

§ 2. Definitions. When used in this act, unless a different meaning clearly appears from the context, the following terms shall mean and include:

1. "Commission". Prior to July first, nineteen hundred sixty-four, the temporary state housing rent commission created by this act. On and after July first, nineteen hundred sixty-four, the division of housing

and community renewal in the executive department.

2. "Housing accommodation." Any building or structure, permanent or temporary, or any part thereof, occupied or intended to be occupied by one or more individuals as a residence, home, sleeping place, boarding house, lodging house or hotel, together with the land and buildings appurtenant thereto, and all services, privileges, furnishings, furniture and facilities supplied in connection with the occupation thereof, including (a) entire structures or premises as distinguished from the individual housing accommodations contained therein, wherein twenty-five or less rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, and (b) housing accommodations which were previously exempt, or not subject to control as a result of conversion or a change from a non-housing to a housing use and which have subsequently been certified by a municipal department having jurisdiction to be a fire hazard or in a continued dangerous condition or detrimental to life or health but only so long as such illegal or hazardous condition continues and further certification with respect thereto shall not be required notwithstanding any inconsistent provision of this act, and 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 own dwelling thereon, unless exempt or excluded from control pursuant to any other provision of this act, except that it shall not include structures in which all of the housing accommodations are exempt or not subject to control under this act or any regulation issued thereunder; or

(a) a hospital, convent, monastery, asylum, public institution, or college or school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis; or

(b) notwithstanding any previous order, finding, opinion or determination of the commission, housing accommodations in any establishment which on March first, nineteen hundred fifty, was and still is commonly regarded as a hotel in the community in which it is located and which customarily provides hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures and bellboy service, provided, however, that the term hotel shall not include any

establishment which is commonly regarded in the community as a rooming house, nor shall it include any establishment not identified or classified as a "hotel", "transient hotel" or "residential hotel" pursuant to the federal act, irrespective whether such establishment provides either some services customarily provided by hotels, or is represented to be a hotel, or both; and provided further that housing accommodations in hotels only within the cities of Buffalo and New York which have been and still are occupied by a tenant who has resided in such hotel continuously since December second, nineteen hundred forty-nine, so long as such tenant occupies the same, shall continue to remain subject to control under this act; or

(c) any motor court, or any part thereof; any trailer, or trailer space used exclusively for transient occupancy or any part thereof; or any tourist home serving transient guests exclusively, or any part thereof; or

(d) nonhousekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if (1) no more than two tenants for whom rent is paid (husband and wife being considered one tenant for this purpose), not members of the landlord's immediate family live in such dwelling unit, and (2) the remaining portion of such dwelling unit is occupied by the landlord or his immediate family; or

(e) housing accommodations operated by the United States, the state of New York, or any political subdivision thereof, or by any municipal or public authority, only so long as they are so operated; or housing accommodations in buildings in which rentals are fixed by or subject to the supervision of the commissioner of housing and community renewal pursuant to powers granted under laws other than the emergency housing rent control law;

(f) housing accommodations in buildings operated exclusively for charitable purposes on a non-profit basis; or

(g) housing accommodations which were completed on or after February first, nineteen hundred forty-seven, provided, however, that maximum rents established under the veterans emergency housing act for priority constructed housing accommodations completed on or after February first, nineteen hundred forty-seven, shall continue in full force and effect, if such accommodations are being rented to veterans of world war II or

their immediate families, who, on June thirtieth, nineteen hundred forty-seven, either occupied such housing accommodations or had a right to occupy such housing accommodations at any time on or after July first, nineteen hundred forty-seven, under any agreement whether written or oral; or which are (1) housing accommodations created by a change from a non-housing to a housing use on or after February first, nineteen hundred forty-seven, or which are (2) additional housing accommodations, other than rooming house accommodations, created by conversion on or after February first, nineteen hundred forty-seven; provided, however, that any housing accommodations created as a result of any conversion of housing accommodations on or after May first, nineteen hundred fifty, shall continue to be subject to rent control as provided for herein unless the commission issues an order decontrolling them which it shall do if there has been a structural change involving substantial alterations or remodeling and such change has resulted in additional housing accommodations consisting of self-contained family units as defined by regulations issued by the commission; provided further, however, that such order of decontrol shall not apply to that portion of the original housing accommodation occupied by a tenant in possession at the time of the conversion but only so long as that tenant continues in occupancy; and provided further, that no such order of decontrol shall be issued unless such conversion occurred after the entire structure, or any lesser portion thereof as may have been thus converted, was vacated by voluntary surrender of possession or in the manner provided in section five of this act; or

(h) housing accommodations which are rented after April first, nineteen hundred fifty-three, and have been continuously occupied by the owner thereof for a period one year prior to the date of renting; provided, however, that this paragraph shall not apply where the owner acquired possession of the housing accommodation after the issuance of a certificate of eviction under subdivision two of section five of this act within the two year period immediately preceding the date of such renting, and provided further, that this exemption shall remain effective only so long as the housing accommodations are not occupied for other than single family occupancy; or

(i) housing accommodations which become vacant provided, however, that this exemption shall not apply or become effective where the commission

determines or finds that the housing accommodations became vacant because the landlord or any person acting on his behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including, but not limited to, interruption or discontinuance of essential services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of the housing accommodations; and further provided that housing accommodations as to which a housing emergency has been declared pursuant to the emergency tenant protection act of nineteen seventy-four shall be subject to the provisions of such act for the duration of such emergency; or

(j) housing accommodations (not otherwise exempt or excluded from control) in two family houses occupied in whole or in part by the owner thereof, and in one family houses whether or not so occupied, on and after July first, nineteen hundred fifty-five, in the counties of Monroe, Nassau, Oneida, Onondaga and Schenectady, and, on and after July first, nineteen hundred fifty-seven, any housing accommodations in the county of Onondaga containing four rental units or less, provided, however, that this exemption with respect to one and two family houses shall remain effective only so long as the housing accommodations are not occupied for other than single family occupancy, and provided further, however, that this exemption shall become or remain effective in any city or town within the counties of Monroe, Oneida or Schenectady subject to the provisions of subdivision four of section twelve hereof providing for the continuance or reestablishment of controls with respect to such housing accommodations therein; or

(k) housing accommodations (not otherwise exempt or excluded from control) elsewhere than in the city of New York, except housing accommodations used as boarding houses or rooming houses in the county of Westchester, which are or become vacant on or after July first, nineteen hundred fifty-seven, provided, however, that this exemption shall not apply or become effective in any case where the vacancy in the housing accommodations occurred or occurs because of the removal of the tenant to another housing accommodation in the same building, or because of the eviction of the tenant after the issuance of a final order in a summary proceeding to recover possession of the housing accommodation, whether after a trial of the issues or upon the consent or default of

the tenant or otherwise without a trial, and provided, further, however that this exemption shall become effective in any city or town subject to the provisions of subdivision five of section twelve hereof providing for the continuance of control with respect to such housing accommodations, and provided further, that this exemption shall remain effective only so long as the housing accommodations are not occupied for other than single family occupancy.

(l) housing accommodations which are not occupied by the tenant in possession as his or her primary residence provided, however, that any such housing accommodation shall continue to be subject to rent control as provided herein unless the commission issues an order decontrolling such accommodation which the commission shall do upon application by the landlord, whenever it is established by any facts and circumstances which, in the judgment of the commission, may have a bearing upon the question of residence, that the tenant maintains his or her primary residence at some place other than at such housing accommodation. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence.

(m) upon the issuance of an order of deregulation by the division, housing accommodations which: (1) are occupied by persons who have a total annual income, as defined in and subject to the limitations and process set forth in section two-a of this law, in excess of the deregulation income threshold as defined in section two-a of this law in each of the two preceding calendar years; and (2) have a maximum rent that equals or exceeds the deregulation rent threshold as defined in section two-a of this law.

2-a. The landlord of a housing accommodation specified in paragraph (h) or (i) or (j) or (k) of subdivision two of this section shall file a report with the commission within thirty days following the date of first rental of such accommodation after decontrol. No copy of such report shall be required to be served upon the new tenant of such housing accommodation.

3. "Rent." Consideration, including any bonus, benefit or gratuity demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such housing accommodations.

4. "Maximum rent." The maximum lawful rent for the use of housing accommodations. Maximum rents may be formulated in terms of rents and other charges and allowances.

5. "Person." An individual, corporation, partnership, association, or any other organized group of individuals or the legal successor or representative of any of the foregoing.

6. "Landlord." An owner, lessor, sublessor, assignee, or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodation or an agent of any of the foregoing.

7. "Tenant." A tenant, subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodation.

8. "Documents." Records, books, accounts, correspondence, memoranda and other documents, and drafts and copies of any of the foregoing.

9. "Municipality." A city, town or village.

10. "Local governing body."

a. In the case of a city, the council, common council or board of aldermen and the board of estimate, board of estimate and apportionment or board of estimate and contract, if there be one.

b. In the case of a town, the town board.

c. In the case of a village, the board of trustees.

11. "Local laws." The local laws specified in chapter one of the laws of nineteen hundred fifty, namely local laws numbers twenty-one, twenty-three, twenty-four, twenty-five and seventy-three of the local laws of the city of New York for the year nineteen hundred forty-nine; and local law number three of the city of Buffalo for the year nineteen hundred forty-seven.

12. "Federal act." The emergency price control act of nineteen hundred forty-two, and as thereafter amended and as superseded by the housing and rent act of nineteen hundred forty-seven, and as the latter was thereafter amended prior to May first, nineteen hundred fifty, and regulations adopted pursuant thereto.

§ 3. Temporary state housing rent commission. 1. There is hereby created a temporary state commission, to be known as the temporary state housing rent commission. Such commission shall consist of one commissioner, to be known as the state rent administrator, who shall be appointed by the governor, by and with the advice and consent of the senate, and who shall serve during the pleasure of the governor. He shall receive an annual salary to be provided by law. He shall be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

2. The commission shall establish and maintain such offices within the state as the commission may deem necessary, and shall designate one of them as its principal office. The commission may appoint such officers, counsel, employees and agents as the commission may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties. All employees of the commission shall be appointed in accordance with the provisions of the civil service law and rules.

3. Any officer or employee under federal or municipal civil service selected by the commission may, with the consent of the appropriate governmental agency by which he is or has been employed, be transferred without further examination or qualification to comparable offices, positions and employment under the commission. Any such officer or

employee who has been appointed to an office or position under the rules and classifications of the state or any municipal civil service commission, shall retain, upon such transfer, the civil service classification and status which he had prior to such transfer. Any such officer or employee who at the time of transfer has a temporary or provisional appointment shall be subject to removal, examination or termination as though such transfer had not been made. The commission may, by agreement with the appropriate federal agency and state civil service commission, make similar provision for any federal officer or employee so transferred. Notwithstanding the provisions of any other law, any such officer or employee so transferred, pursuant to the provisions of this section, who is a member or beneficiary under any existing municipal pension or retirement system, shall continue to have all rights, privileges, obligations and status with respect to such fund, system or systems as are now prescribed by law, but during the period of his employment by the commission, all contributions to any pension or retirement fund or system to be paid by the employer on account of such officer or employee, shall be paid by the commission. The commission may by agreement with the appropriate federal agency, make similar provisions relating to retirement for any federal officer or employee so transferred.

§ 4. General powers and duties of the commission. 1. At the time this act shall become effective, the commission shall establish maximum rents which shall be

(a) for housing accommodations outside the city of New York, the maximum rent which was established on March first, nineteen hundred fifty, pursuant to the federal act, and shall not include adjustments granted by orders issued under the federal act after that date, regardless of whether they were made effective as of, or retroactive to, that date or a date prior thereto; and

(b) for housing accommodations within the city of New York, the maximum rent which was established on March first, nineteen hundred fifty, pursuant to the federal act, and shall not include either, (1) adjustments granted by orders issued under the federal act after that date, regardless of whether they were made effective as of, or

retroactive to, that date or a date prior thereto, or (2) adjustments granted by orders increasing the maximum rent, issued after March first, nineteen hundred forty-nine, under the federal act, regardless of whether the order of increase was made effective as of, or retroactive to, March first, nineteen hundred forty-nine, or a date prior thereto, but shall include adjustments for new or additional services or facilities provided by the landlord while the housing accommodations were not rented or where tenant-occupied, to which the tenant then in possession had agreed, either expressly or impliedly; and

(c) for housing accommodations within the cities of New York and Buffalo which on March first, nineteen hundred fifty, had no maximum rent established pursuant to the federal act, but which were subject to a maximum rent established pursuant to the local laws of the cities of New York and Buffalo, the maximum rent which was established on March first, nineteen hundred fifty, pursuant to such local laws.

2. Whenever the commission determines that such action is necessary to effectuate the purposes of this act, it may also establish maximum rents for housing accommodations, as that term is defined herein, in municipalities in which no maximum rent was in effect on March first, nineteen hundred fifty. Any housing accommodation for which a maximum rent is so established shall be deemed a housing accommodation for all the purposes, and subject to all the provisions of this act.

2-a. For housing accommodations created by a change from a non-housing to a housing use or by conversion on or after February first, nineteen hundred forty-seven, including those decontrolled by order, and certified by a municipal department having jurisdiction to be a fire hazard or in a continued dangerous condition or detrimental to life or health, the maximum rent shall be the rent charged on January first, nineteen hundred fifty-seven, or the date of first rental, whichever is later. Any housing accommodations for which a maximum rent is so established shall be deemed a housing accommodation for all the purposes, and subject to all the provisions of this act, but only so long as such illegal or hazardous condition continues and further certification with respect thereto shall not be required notwithstanding any inconsistent provision of this act.

2-b. Provision shall be made pursuant to regulations prescribed by the commission for the establishment, adjustment and modification of maximum rents in rooming houses, which shall include those housing accommodations subject to control pursuant to the provisions of paragraph (b) of subdivision two of section two of this act, having regard for any factors bearing on the equities involved, consistent with the purposes of this act to correct speculative, abnormal and unwarranted increases in rent.

3. Whenever the foregoing standard is not susceptible of application to a housing accommodation to which this act applies, and for which no maximum rent was established on March first, nineteen hundred fifty, or where no registration statement had been filed as had been required by the federal act, the maximum rent thereof shall be fixed by the commission, having regard to the maximum rents for comparable housing accommodations or any other factors bearing on the equities involved, consistent with the purposes of this act.

3-a. Notwithstanding the foregoing provisions of this section, on and after May first, nineteen hundred fifty-three, the maximum rent for any housing accommodations shall not be less than the maximum rent in effect on March first, nineteen hundred forty-three (or if there was no such maximum rent then in effect, the maximum rent first established pursuant to the federal act prior to July first, nineteen hundred forty-seven) plus fifteen per centum thereof as such sum is adjusted to reflect:

(1) the amount of any decreases in maximum rent required by order because of decreases in dwelling space, services, furniture, furnishings or equipment, or substantial deterioration or failure to properly maintain such housing, and

(2) the amount of increases in maximum rent authorized by order because of increases in dwelling space, services, furniture, furnishings or equipment and the amount of the temporary increase authorized by order because of a major capital improvement.

Nothing contained in this subdivision, however, shall have the effect of increasing the maximum rent of any housing accommodation more than

fifteen per centum above the maximum rent in effect on April thirtieth, nineteen hundred fifty-three.

4. (a) The commission may from time to time adopt, promulgate, amend or rescind such rules, regulations and orders as it may deem necessary or proper to effectuate the purposes of this act, including practices relating to recovery of possession; provided that such regulations can be put into effect without general uncertainty, dislocation and hardship inconsistent with the purposes of this act; and provided further that such regulations shall be designed to maintain a system of rent controls at levels which, in the judgment of the commission, are generally fair and equitable and which will provide for an orderly transition from and termination of emergency controls without undue dislocations, inflationary price rises or disruption. Provision shall be made pursuant to regulations prescribed by the commission, for individual adjustment of maximum rents where the rental income from a property yields a net annual return of less than seven and one-half per centum of the valuation of the property. Such valuation shall be the current assessed valuation established by a city, town or village, which is in effect at the time of the filing of the application for an adjustment under this subparagraph properly adjusted by applying thereto the ratio which such assessed valuation bears to the full valuation as determined by the state board of equalization and assessment on the basis of assessment rolls of cities, towns and villages for the year nineteen hundred fifty-four and certified for such year by such board pursuant to section forty-nine-d of the tax law; provided, however, that where at the time of the filing of the application for an adjustment under this subparagraph such board has computations for such year indicating a different ratio for subclasses of residential property in a city, town or village, the commission shall give due consideration to such different ratio except ratios in excess of one hundred percent, provided, further, that where such board has not determined and certified any ratio pursuant to such section of such law for a city, town or village for such year, the commission shall apply the ratio determined or certified by such board pursuant to section twelve hundred twelve of the real property tax law for the most recent year; except where there has been a bona fide sale of the property within the period

between March fifteenth, nineteen hundred fifty-seven, and the time of the filing of the application, as the result of a transaction at arms' length, on normal financing terms at a readily ascertainable price and unaffected by special circumstances such as a forced sale, exchange of property, package deal, wash sale or sale to cooperative; provided, however, that where there has been more than one such bona fide sale within a period of two years prior to the date of the filing of such application the commission shall disregard the most recent of such sales if a prior sale within such two-year period was adopted as the valuation of the property in a proceeding under this subparagraph. In determining whether a sale was on normal financing terms, the commission shall give due consideration to the following factors:

(i) The ratio of the cash payment received by the seller to (a) the sales price of the property and (b) the annual gross income from the property;

(ii) The total amount of the outstanding mortgages which are liens against the property (including purchase money mortgages) as compared with the equalized assessed valuation of the property;

(iii) The ratio of the sales price to the annual gross income of the property, with consideration given to the total amount of rent adjustments previously granted, exclusive of rent adjustments because of changes in dwelling space, services, furniture, furnishings or equipment, major capital improvements, or substantial rehabilitation;

(iv) The presence of deferred amortization in purchase money mortgages, or the assignment of such mortgages at a discount;

(v) Any other facts and circumstances surrounding such sale which, in the judgment of the commission, may have a bearing upon the question of financing.

No application for adjustment of maximum rent based upon a sales price valuation shall be filed by the landlord under this subparagraph prior to six months from the date of such sale of the property. In addition, no adjustment ordered by the commission based upon such sales price valuation shall be effective prior to one year from the date of such sale. Where, however, the assessed valuation of the land exceeds four times the assessed valuation of the buildings thereon, the commission may determine a valuation of the property equal to five times the

equalized assessed valuation of the buildings, for the purposes of this subparagraph. The commission may make a determination that the valuation of the property is an amount different from such equalized assessed valuation where there is a request for a reduction in such assessed valuation currently pending; or where there has been a reduction in the assessed valuation for the year next preceding the effective date of the current assessed valuation in effect at the time of the filing of the application. Net annual return shall be the amount by which the earned income exceeds the operating expenses of the property, excluding mortgage interest and amortization, and excluding allowances for obsolescence and reserves, but including an allowance for depreciation of two per centum of the value of the buildings exclusive of the land, or the amount shown for depreciation of the buildings in the latest required federal income tax return, whichever is lower; provided, however, that (1) no allowance for depreciation of the buildings shall be included where the buildings have been fully depreciated for federal income tax purposes or on the books of the owner; or (2) the landlord who owns no more than four rental units within the state has not been fully compensated by increases in rental income sufficient to offset unavoidable increases in property taxes, fuel, utilities, insurance and repairs and maintenance, excluding mortgage interest and amortization, and excluding allowances for depreciation, obsolescence and reserves, which have occurred since the federal date determining the maximum rent or the date the property was acquired by the present owner, whichever is later; or (3) the landlord operates a hotel or rooming house or owns a cooperative apartment and has not been fully compensated by increases in rental income from the controlled housing accommodations sufficient to offset unavoidable increases in property taxes and other costs as are allocable to such controlled housing accommodations, including costs of operation of such hotel or rooming house, but excluding mortgage interest and amortization, and excluding allowances for depreciation, obsolescence and reserves, which have occurred since the federal date determining the maximum rent or the date the landlord commenced the operation of the property, whichever is later; or (4) the landlord and tenant voluntarily enter into a valid written lease in good faith with respect to any housing accommodation, which lease provides for an increase in the maximum rent not in excess of fifteen per centum and for

a term of not less than two years, except that where such lease provides for an increase in excess of fifteen per centum, the increase shall be automatically reduced to fifteen per centum; or (5) the landlord and tenant by mutual voluntary written informed agreement agree to a substantial increase or decrease in dwelling space, furniture, furnishings or equipment provided in the housing accommodations; provided that an owner shall be entitled to a rent increase where there has been a substantial modification or increase of dwelling space, or installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's housing accommodation. The increase in the maximum rent for the affected housing accommodation shall be one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations, or one-one hundred eightieth, in the case of a building with more than thirty-five housing accommodations where such increase takes effect on or after the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph, of the total actual cost incurred by the landlord up to thirty thousand dollars in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and a prohibition on common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the uniform fire prevention and building code (Uniform Code), New York city fire code, or New York city building and housing maintenance codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this clause shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this subparagraph, shall be limited to an aggregate cost of thirty thousand dollars in a fifteen year period beginning with the first

individual apartment improvement on or after June fourteenth, two thousand nineteen. The owner shall give written notice to the commission of any such adjustment pursuant to this clause; or (6) there has been, since March first, nineteen hundred fifty, an increase in the rental value of the housing accommodations as a result of a substantial rehabilitation of the building or housing accommodation therein which materially adds to the value of the property or appreciably prolongs its life, excluding ordinary repairs, maintenance and replacements; or (7) there has been since March first, nineteen hundred fifty, a major capital improvement essential for the preservation, energy efficiency, functionality, or infrastructure of the entire building, improvement of the structure including heating, windows, plumbing and roofing, but shall not be for operational costs or unnecessary cosmetic improvements; which for any order of the commissioner issued after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph the cost of such improvement shall be amortized over a twelve-year period for buildings with thirty-five or fewer units or a twelve and one-half year period for buildings with more than thirty-five units, and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board. Temporary major capital improvement increases shall be collectible prospectively on the first day of the first month beginning sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, for any renewal lease commencing on or after June 14, 2019, the collection of any rent increases due to any major capital improvements approved on or after

June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year for any tenant in occupancy on the date the major capital improvement was approved; provided, however, where an application for a temporary major capital improvement increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply. The state division of housing and community renewal shall provide any responding tenant with the reasons for the division's approval or denial of such application; or (8) there has been since March first, nineteen hundred fifty, in structures containing more than four housing accommodations, other improvements made with the express informed consent of the tenants in occupancy of at least seventy-five per centum of the housing accommodations, provided, however, that no adjustment granted hereunder shall exceed two per centum unless the tenants have agreed to a higher percentage of increase, as herein provided; (9) there has been, since March first, nineteen hundred fifty, a subletting without written consent from the landlord or an increase in the number of adult occupants who are not members of the immediate family of the tenant, and the landlord has not been compensated therefor by adjustment of the maximum rent by lease or order of the commission or pursuant to the federal act; or (10) the presence of unique or peculiar circumstances materially affecting the maximum rent has resulted in a maximum rent which is substantially lower than the rents generally prevailing in the same area for substantially similar housing accommodations.

In addition to the filing of written statements setting forth the final rate of equalization concerning assessment rolls of cities, towns and villages, after determination thereof by the state board of equalization and assessment, with the appropriate officials as now required by law, such board shall also file a copy of each such statement, duly certified, in so far as they relate to cities, towns and villages subject to rent control pursuant to this act, with the state rent administrator and the chairman of the temporary state commission to study rents and rental conditions. Where such board has made computations indicating a different ratio for subclasses of residential property, such information shall also be filed with such rent administrator and the chairman of such temporary state commission.

(b) The total of all adjustments ordered by the commission pursuant to (1) and (3) of paragraph (a) of subdivision four hereof for any individual housing accommodations shall not exceed fifteen per centum for any twelve month period; provided, however, that in ordering an adjustment pursuant to (1), the commission may waive this limitation where a greater increase is necessary to make the earned income of the property equal to its operating expense; provided further, however, that the maximum rents subject to the allocation requirement of paragraph (c) hereof shall be increased by such further additional amount during each succeeding twelve-month period, not exceeding fifteen per centum of the maximum rent in effect on the effective date of the original order of adjustment, until the maximum rents for the property shall reflect the net annual return provided for pursuant to (1) hereof, but in no event, however, shall the total increase ordered for a succeeding twelve-month period be more than an additional three per centum of the maximum rent in effect on the effective date of the original order of adjustment unless a new application be filed by the landlord.

The commission shall compile and make available for public inspection at reasonable hours at its principal office and at each appropriate local office, and shall file with the chairman of the temporary state commission to study rents and rental conditions the manual of accounting procedures and advisory bulletins applicable to applications under (1), (2) and (3) hereof, and all amendments thereto.

(c) Any increase in maximum rent shall be apportioned equitably among all the controlled housing accommodations in the property. In making such apportionment and in fixing the increases in maximum rents the commission shall give due consideration (1) to all previous adjustments or increases in maximum rents by lease or otherwise; and (2) to all other income derived from the property, including income from space and accommodations not controlled, or the rental value thereof if vacant or occupied rent-free, so that there is allocated to the controlled housing accommodations therein only that portion of the amount of increase necessary pursuant to (1), (2) or (3) of paragraph (a) of subdivision four hereof, as is properly attributable to such controlled accommodations.

(d) No landlord shall be entitled to any increase in the maximum rent

unless he certifies that he is maintaining all essential services furnished or required to be furnished as of the date of the issuance of the order adjusting the maximum rent and that he will continue to maintain such services so long as the increase in such maximum rent continues in effect; nor shall any landlord be entitled to any increase in the maximum rent in any case where a municipal department having jurisdiction certifies that the housing accommodation is a fire hazard or is in a continued dangerous condition or detrimental to life or health, or is occupied in violation of law.

(e) Before ordering any adjustment in maximum rents, a reasonable opportunity to be heard thereon shall be accorded the tenant and the landlord.

(f) An owner, lessor or agent thereof shall be prohibited from assessing a lessee any fee, surcharge or other charges for legal services in connection with the operation or rental of a residential unit unless the owner, lessor or agent has the legal authority to do so pursuant to a court order. Legal services include, but are not limited to, court fees, legal representation, attorney fees, notary public charges, and administrative fees incurred by the owner, lessor or agent in connection with management of the building, including actions and proceedings in a court of law. Any agreement or assessment to the contrary shall be void as contrary to public policy.

(g) No owner of a housing accommodation subject to the provisions of this law shall impose any surcharge for the installation and use of a tenant-installed air conditioner unit where the tenant pays for electric utility service.

5. (a) Whenever in the judgment of the commission such action is necessary or proper in order to effectuate the purposes of this act, the commission may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices, including practices relating to recovery of possession, which in the judgment of the commission are equivalent to or are likely to result in rent increases inconsistent with the purposes of this act.

(b) Whenever in the judgment of the commission such action is necessary or proper in order to effectuate the purposes of this act, the commission may provide regulations to assure the maintenance of the same

living space, essential services, furniture, furnishings and equipment as were provided on the date determining the maximum rent, and the commission shall have power by regulation or order to decrease the maximum rent for any housing accommodation with respect to which a maximum rent is in effect, pursuant to this act if it shall find that the living space, essential services, furniture, furnishings or equipment to which the tenant was entitled on such date has been decreased. The amount of the decrease in maximum rent ordered by the commission under this paragraph shall be reduced by any credit, abatement or offset in rent which the tenant has received pursuant to section two hundred thirty-five-b of the real property law, that relates to one or more conditions covered by such order.

(c) Whenever any municipal department having jurisdiction certifies that any housing accommodation is a fire hazard or is in a continued dangerous condition or detrimental to life or health, or is occupied in violation of law, the commission may issue an order decreasing the maximum rent of such housing accommodation in such amount as it deems necessary or proper, until the said municipal department has certified that the illegal or hazardous condition has been removed.

6. Any regulation or order issued pursuant to this section may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the commission are necessary or proper in order to effectuate the purposes of this act. No increase or decrease in maximum rent shall be effective prior to the date on which the order therefor is issued.

7. Regulations, orders, and requirements under this act may contain such provisions as the commission deems necessary to prevent the circumvention or evasion thereof.

8. The powers granted in this section shall not be used or made to operate to compel changes in established rental practices, except where such action is affirmatively found by the commission to be necessary to prevent circumvention or evasion of any regulation, order, or requirements under this act.

9. No annual rent increase authorized pursuant to this act shall exceed the average of the previous five annual rental adjustments authorized by a rent guidelines board for a rent stabilized unit pursuant to section 4 of the emergency tenant protection act of nineteen seventy-four.

§ 5. Evictions. 1. So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodation with respect to which a maximum rent is in effect pursuant to this act by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession notwithstanding the fact that the tenant has no lease or that his lease, or other rental agreement has expired or otherwise terminated, notwithstanding any contract, lease agreement or obligation heretofore or hereafter entered into which provides for surrender of possession, or which otherwise provides contrary hereto, except on one or more of the following grounds, or unless the landlord has obtained a certificate of eviction pursuant to subdivision two of this section:

(a) the tenant is violating a substantial obligation of his tenancy other than the obligation to surrender possession of such housing accommodation and has failed to cure such violation after written notice by the landlord that the violation cease within ten days, or within the three month period immediately prior to the commencement of the proceeding the tenant has wilfully violated such an obligation inflicting serious and substantial injury to the landlord; or

(b) the tenant is committing or permitting a nuisance in such housing accommodation; or is maliciously or by reason of gross negligence substantially damaging the housing accommodations; or his conduct is such as to interfere substantially with the comfort or safety of the landlord or of other tenants or occupants of the same or other adjacent building or structure; or

(c) occupancy of the housing accommodations by the tenant is illegal because of the requirements of law, and the landlord is subject to civil or criminal penalties therefor, or both; or

(d) the tenant is using or permitting such housing accommodation to be used for an immoral or illegal purpose; or

(e) the tenant who had a written lease or other written rental agreement which terminates on or after May first, nineteen hundred fifty, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration not in excess of one year but otherwise on the same terms and conditions as the previous lease except in so far as such terms and conditions are inconsistent with this act; or

(f) the tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of making necessary repairs or improvements required by law or for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein; provided, however, that in the latter event such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement.

2. No tenant shall be removed or evicted on grounds other than those stated in subdivision one of this section unless on application of the landlord the commission shall issue an order granting a certificate of eviction in accordance with its rules and regulations, designed to effectuate the purposes of this act, permitting the landlord to pursue his remedies at law. The commission shall issue such an order whenever it finds that:

(a) the landlord seeks in good faith to recover possession of a housing accommodation because of immediate and compelling necessity for his or her own personal use and occupancy as his or her primary residence or for the use and occupancy of his or her immediate family as their primary residence; provided, however, this subdivision shall permit recovery of only one housing accommodation and shall not apply where a member of the household lawfully occupying the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or

any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, however, that a tenant required to surrender a housing accommodation under this paragraph shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this paragraph a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees; or

(b) the landlord seeks in good faith to recover possession of housing accommodations for which the tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodation is used by the tenant as his dwelling; or

(c) the landlord seeks in good faith to recover possession of the housing accommodations for the immediate purpose of substantially altering or remodeling them, provided that the landlord shall have secured such approval therefor as is required by law and the commission determines that the issuance of the order granting the certificate of eviction is not inconsistent with the purpose of this act; or

(d) the landlord seeks in good faith to recover possession of the housing accommodations for the immediate purpose of demolishing them and the commission determines (i) that such demolition is to be used for the purpose of constructing new buildings or structures containing at least twenty per centum more housing accommodations consisting of self-contained family units than are contained in the structure to be demolished; provided, however, where as a result of conditions detrimental to life or health of the tenants, violations have been placed upon the structure containing the housing accommodations by the local authorities having jurisdiction over such matters and the cost of removing such violations would substantially equal or exceed the assessed valuation of the structure, the new buildings or structures shall only be required to make provision for a greater number of housing accommodations consisting of self-contained family units than are

contained in the structure to be demolished; provided, further, that the commission may by regulation impose as a condition to granting the certificates of eviction that the landlord pay stipends to the tenants in such amounts as the commission may determine to be reasonably necessary, which amounts may vary depending upon the size of the tenant's apartment and whether the tenant accepts relocation by the landlord; or (ii) that such demolition is made for the purpose of constructing new buildings or structures other than housing accommodations; provided, however, that within the city of New York the commission may by regulation impose conditions (including but not limited to suitable relocation and the payment of stipends) to granting the certificates of eviction. No order granting the certificates of eviction pursuant to this paragraph shall be issued unless the landlord shall have secured such approval therefor as is required by law and the commission determines that the issuance of such order is not inconsistent with the purpose of this act.

3. The commission may from time to time to effectuate the purposes of this act adopt, promulgate, amend or rescind such rules, regulations or orders as it may deem necessary or proper for the control of evictions. It may require that an order granting a certificate of eviction be obtained from it prior to the institution of any action or proceeding for the recovery of possession of any housing accommodation subject to a maximum rent under this act upon the grounds specified in subdivision two of this section or where it finds that the requested removal or eviction is not inconsistent with the purposes of this act and would not be likely to result in the circumvention or evasion thereof; provided, however, that no such order shall be required in any action or proceeding brought pursuant to the provisions of subdivision one of this section.

The commission on its own initiative or on application of a tenant may revoke or cancel an order granting such certificate of eviction at any time prior to the execution of a warrant in a summary proceeding to recover possession of real property by a court whenever it finds that:

(a) the certificate of eviction was obtained by fraud or illegality;
or

(b) the landlord's intentions or circumstances have so changed that the premises, possession of which is sought, will not be used for the purpose specified in the certificate.

The commencement of a proceeding by the commission to revoke or cancel an order granting a certificate of eviction shall stay such order until the final determination of the proceeding regardless of whether the waiting period in the order has already expired. In the event the commission cancels or revokes such an order, the court having jurisdiction of any summary proceeding instituted in such case shall take appropriate action to dismiss the application for removal of the tenant from the real property and to vacate and annul any final order or warrant granted or issued by the court in the matter.

4. Notwithstanding the preceding provisions of this section, the state, any municipality, or housing authority may nevertheless recover possession of any housing accommodations operated by it where such action or proceeding is authorized by statute or regulations under which such accommodations are administered.

5. Any order of the commission under this section granting a certificate of eviction shall be subject to judicial review only in the manner prescribed by sections eight and nine.

6. Where after the commission has granted a certificate of eviction certifying that the landlord may pursue his remedies pursuant to local law to acquire possession, and a tenant voluntarily removes from a housing accommodation or has been removed therefrom by action or proceeding to evict from or recover possession of a housing accommodation upon the ground that the landlord seeks in good faith to recover possession of such accommodations (1) for his immediate and personal use, or for the immediate and personal use by a member or members of his immediate family, and such landlord or members of his immediate family shall fail to occupy such accommodations within thirty days after the tenant vacates, or such landlord shall lease or rent such space or permit occupancy thereof by a third person within a period of one year after such removal of the tenant, or (2) for the immediate

purpose of withdrawing such housing accommodations from the rental market and such landlord shall lease or sell the housing accommodation or the space previously occupied thereby, or permit use thereof in a manner other than contemplated in such eviction certificate within a period of one year after such removal of the tenant, or (3) for the immediate purpose of altering or remodeling such housing accommodations, and the landlord shall fail to start the work of alteration or remodeling of such housing accommodations within ninety days after such removal on the ground that he required possession of such accommodations for the purpose of altering or remodeling the same, or if after having commenced such work shall fail or neglect to prosecute the work with reasonable diligence, or (4) for the immediate purpose of demolishing such housing accommodations and constructing a new building or structure for a greater number of housing accommodations in accordance with approved plans, or reasonable amendment thereof, and the landlord has failed to complete the demolition within six months after the removal of the last tenant or, having demolished the premises, has failed or neglected to proceed with the new construction within ninety days after the completion of such demolition or (5) for some purpose other than those specified above for which the removal of the tenant was sought and the landlord has failed to use the vacated premises for such purpose, such landlord shall unless for good cause shown, be liable to the tenant for three times the damages sustained on account of such removal plus reasonable attorney's fees and costs as determined by the court; provided, however, that subparagraph (4) herein shall not apply to any action which does not constitute a violation of any local law providing for penalties upon failure to demolish or comply with state rent control eviction certificates. In addition to any other damage, the cost of removal of property shall be a lawful measure of damage.

7. Any statutory tenant who vacates the housing accommodations, without giving the landlord at least thirty days' written notice by registered or certified mail of his intention to vacate, shall be liable to the landlord for an amount not exceeding one month's rent, except where the tenant has been removed or vacates pursuant to the provisions of this section or of subdivision four of section ten of this act. Such notice shall be postmarked on or before the last day of the rental

period immediately prior to such thirty-day period.

8. Where after the commission has granted a certificate of eviction authorizing the landlord to pursue his remedies pursuant to local law to acquire possession for any purpose stated in subdivision two of section five or in subdivision four of section ten of this act or for some other stated purpose, and a tenant voluntarily removes from a housing accommodation or has been removed therefrom by action or proceeding to evict from or recover possession of a housing accommodation and the landlord or any successor landlord of the premises does not use the housing accommodation for the purpose specified in such certificate of eviction, the vacated accommodation or any replacement or subdivision thereof shall, unless the commission approves such different purpose, be deemed a housing accommodation subject to control, notwithstanding any definition of that term in this act to the contrary. Such approval shall be granted whenever the commission finds that the failure or omission to use the housing accommodation for the purpose specified in such certificate was not inconsistent with the purposes of this act and would not be likely to result in the circumvention or evasion thereof. The remedy herein provided for shall be in addition to those provided for in subdivision one of section eleven of this act and to the tenant's action for damages provided for in subdivision six of this section.

§ 6. Investigations; records; reports. 1. The commission is authorized to make such studies and investigations, to conduct such hearings, and to obtain such information as the commission deems necessary or proper in prescribing any regulation or order under this act or in the administration and enforcement of this act and regulations and orders thereunder.

2. The commission is further authorized, by regulation or order, to require any person who rents or offers for rent or acts as broker or agent for the rental of any housing accommodations to furnish any such information under oath or affirmation, or otherwise, to make and keep records and other documents, and to make reports, and the commission may require any such person to permit the inspection and copying of records

and other documents and the inspection of housing accommodations. The administrator or any officer or agent designated by the commission for such purposes, may administer oaths and affirmations and may, whenever necessary, by subpoena require any such person to appear and testify or to appear and produce documents, or both, at any designated place.

3. For the purpose of obtaining any information under subdivision one, the commission may by subpoena require any other person to appear and testify or to appear and produce documents, or both, at any designated place.

4. The production of a person's documents at any place other than his place of business shall not be required under this section in any case in which, prior to the return date specified in the subpoena issued with respect thereto, such person either has furnished the commission with a copy of such documents certified by such person under oath to be a true and correct copy, or has entered into a stipulation with the commission as to the information contained in such documents.

5. In case of contumacy by, or refusal to obey a subpoena served upon, any person referred to in subdivision three, the supreme court in or for any judicial district in which such person is found or resides or transacts business, upon application by the commission, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The provisions of this subdivision shall also apply to any person referred to in subdivision two, and shall be in addition to the provisions of subdivision one of section ten.

6. Witnesses subpoenaed under this section shall be paid the same fees and mileage as are paid witnesses under article eighty of the civil practice law and rules.

7. Upon any such investigation or hearing, the commissioner or an officer duly designated by the commission to conduct such investigation or hearing, may confer immunity in accordance with the provisions of

section 50.20 of the criminal procedure law.

8. The commission shall not publish or disclose any information obtained under this act that the commission deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the commission determines that the withholding thereof is contrary to the public interest.

9. Any person subpoenaed under this section shall have the right to make a record of his testimony and to be represented by counsel.

§ 7. Cooperation with other governmental agencies. 1. The commission shall cooperate with the federal government and other appropriate governmental agencies in effectuating the purposes of this act, and shall endeavor to procure and may accept from the federal housing expediter and other officers and agencies of the federal government and from the temporary city housing rent commission of the city of New York such cooperation, information, records and data as will assist the commission in effectuating such purposes.

2. The commission may request and shall receive cooperation and assistance in effectuating the purposes of this act from all departments, divisions, boards, bureaus, commissions or agencies of the state and political subdivisions thereof. The commissioner and state rent administrator shall be deemed to be an officer included within the provisions of section one hundred sixty-one of the executive law, and shall be accorded all the rights and privileges of the officers specified in subdivision one of said section.

§ 8. Procedure. 1. After the issuance of any regulation or order by the commission any person subject to any provision of such regulation or order may, in accordance with regulations to be prescribed by the commission, file a protest against such regulation or order specifically setting forth his objections to any such provisions and affidavits or other written evidence in support of such objections. Statements in

support of any such regulation or order may be received and incorporated in the record of the proceedings at such times and in accordance with such regulations as may be prescribed by the commission. Within a reasonable time after the filing of any protest under this subdivision the commission shall either grant or deny such protest in whole or in part, notice such protest for hearing, or provide an opportunity to present further evidence in connection therewith. In the event that the commission denies any such protest in whole or in part, the commission shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the commission has taken official notice.

2. In the administration of this act the commission may take official notice of economic data and other facts, including facts found by the commission as a result of action taken under section four.

3. Any proceedings under this section may be limited by the commission to the filing of affidavits, or other written evidence, and the filing of briefs.

4. Any protest filed under this section shall be granted or denied by the commission, or granted in part and the remainder of it denied, within a reasonable time after it is filed. If the commission does not act finally within a period of ninety days after the protest is filed, the protest shall be deemed to be denied. However, the commission may grant one extension not to exceed thirty days with the consent of the party filing such protest; any further extension may only be granted with the consent of all parties to the protest. No proceeding may be brought pursuant to article seventy-eight of the civil practice law and rules to challenge any order or determination which is subject to such protest unless such review has been sought and either (1) a determination thereon has been made or (2) the ninety-day period provided for determination of the protest (or any extension thereof) has expired. If the commission does not act finally within a period of ninety days after the entry of an order of remand to the commission by the court in a proceeding instituted pursuant to section nine, the order previously made by the commission shall be deemed reaffirmed. However,

the commission may grant one extension not to exceed thirty days with the consent of the petitioner; any further extension may only be granted with the consent of all parties to the petition.

5. The commission shall compile and make available for public inspection at reasonable hours at its principal office and at each appropriate local office a copy of each decision hereafter rendered by it upon granting, or denying, in whole or in part, any protests filed under this section.

§ 8-a. Major capital improvements and individual apartment improvements in rent regulated units. 1. Notwithstanding any other provision of law to the contrary, the division of housing and community renewal, the "division", shall promulgate rules and regulations applicable to all rent regulated units that shall:

(a) establish a schedule of reasonable costs for major capital improvements, which shall set a ceiling for what can be recovered through a temporary major capital improvement increase, based on the type of improvement and its rate of depreciation;

(b) establish the criteria for eligibility of a temporary major capital improvement increase including the type of improvement, which shall be essential for the preservation, energy efficiency, functionality or infrastructure of the entire building, including heating, windows, plumbing and roofing, but shall not be for operational costs or unnecessary cosmetic improvements. Allowable improvements must additionally be depreciable pursuant to the Internal Revenue Service, other than for ordinary repairs, that directly or indirectly benefit all tenants; and no increase shall be approved for group work done in individual apartments that is otherwise not an improvement to an entire building. Only such costs that are actual, reasonable, and verifiable may be approved as a temporary major capital improvement increase;

(c) require that any temporary major capital improvement increase granted pursuant to these provisions be reduced by an amount equal to (i) any governmental grant received by the landlord, where such grant compensates the landlord for any improvements required by a city, state or federal government, an agency or any granting governmental entity to

be expended for improvements and (ii) any insurance payment received by the landlord where such insurance payment compensates the landlord for any part of the costs of the improvements;

(d) prohibit temporary major capital improvement increases for buildings with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

(e) prohibit individual apartment improvement increases for housing accommodations with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

(f) prohibit temporary major capital improvement increases for buildings with thirty-five per centum or fewer rent-regulated units;

(g) establish that temporary major capital improvement increases shall be fixed to the unit and shall cease thirty years from the date the increase became effective. Temporary major capital improvement increases shall be added to the legal regulated rent as a temporary increase and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the local rent guidelines board;

(h) establish that temporary major capital improvement increases shall be collectible prospectively on the first day of the first month beginning sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increases to the legal regulated rent. Notwithstanding any other provision of the law, for any renewal lease

commencing on or after June 14, 2019, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year for any tenant in occupancy on the date the major capital improvement was approved;

(i) ensure that the application procedure for temporary major capital improvement increases shall include an itemized list of work performed and a description or explanation of the reason or purpose of such work;

(j) provide, that where an application for a major capital improvement rent increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply;

(k) establish a notification and documentation procedure for individual apartment improvements that requires an itemized list of work performed and a description or explanation of the reason or purpose of such work, inclusive of photographic evidence documenting the condition prior to and after the completion of the performed work. Provide for the centralized electronic retention of such documentation and any other supporting documentation to be made available in cases pertaining to the adjustment of legal regulated rents; and

(l) establish a form in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census for an individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant's primary language. Such form shall be completed and preserved in the centralized electronic retention system to be operational by June 14, 2020, provided further that any changes to the form required due to the individual apartment improvement being permanent shall be completed as of October 14, 2024. Nothing herein shall relieve a landlord, lessor, or agent thereof of such person's duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

2. The division shall establish an annual inspection and audit process which shall review twenty-five percent of applications for a temporary major capital improvement increase that have been submitted and

approved. Such process shall include individual inspections and document review to ensure that owners complied with all obligations and responsibilities under the law for temporary major capital improvement increases. Inspections shall include in-person confirmation that such improvements have been completed in such way as described in the application.

3. The division shall issue a notice to the landlord and all the tenants sixty days prior to the end of the temporary major capital improvement increase and shall include the initial approved increase and the total amount to be removed from the legal regulated rent inclusive of any increases granted by the applicable rent guidelines board.

§ 9. Judicial review. 1. Any person who is aggrieved by the final determination of a protest may, in accordance with article seventy-eight of the civil practice law and rules, within sixty days after such determination, commence a proceeding in the supreme court praying that the regulation or order protested be enjoined or set aside in whole or in part. Such proceeding may at the option of the petitioner be instituted in the county where the commission has its principal office or where the property is located. The answer shall include a statement setting forth, so far as practicable, the economic data and other facts of which the commission has taken official notice. Upon the filing of such petition the court shall have jurisdiction to set aside such regulation or order, in whole or in part, to dismiss the petition, or to remit the proceeding to the commission; provided, however, that the regulation or order may be modified or rescinded by the commission at any time notwithstanding the pendency of such proceeding for review. No objection to such regulation or order, and no evidence in support of any objection thereto, shall be considered by the court, unless such objection shall have been set forth by the petitioner in the protest or such evidence shall be contained in the return. If application is made to the court by either party for leave to introduce additional evidence which was either offered and not admitted, or which could not reasonably have been offered or included in such proceedings before the commission, and the court determines that such evidence should be admitted, the

court shall order the evidence to be presented to the commission. The commission shall promptly receive the same, and such other evidence as the commission deems necessary or proper, and thereupon the commission shall file with the court the original or a transcript thereof and any modification made in regulation or order as a result thereof; except that on request by the commission, any such evidence shall be presented directly to the court. Upon final determination of the proceeding before the court, the original record, if filed by the commission with the court, shall be returned to the commission.

2. No such regulation or order shall be enjoined or set aside, in whole or in part, unless the petitioner shall establish to the satisfaction of the court that the regulation or order is not in accordance with law, or is arbitrary or capricious. The effectiveness of an order of the court enjoining or setting aside, in whole or in part, any such regulation or order shall be postponed until the expiration of thirty days from the entry thereof. The jurisdiction of the supreme court shall be exclusive and its order dismissing the petition or enjoining or setting aside such regulation or order, in whole or in part, shall be final, subject to review by the appellate division of the supreme court and the court of appeals in the same manner and form and with the same effect as provided by law for appeals from a judgment in a special proceeding. Notwithstanding any provision of section thirteen hundred four of the civil practice act to the contrary, any order of the court remitting the proceeding to the commission may, at the election of the commission, be subject to review by the appellate division of the supreme court and the court of appeals in the same manner and form and with the same effect as provided in the civil practice act for appeals from a final order in a special proceeding. All such proceedings shall be heard and determined by the court and by any appellate court as expeditiously as possible and with lawful precedence over other matters. All such proceedings for review shall be heard on the petition, transcript and other papers, and on appeal shall be heard on the record, without requirement of printing.

3. (a) Within thirty days after arraignment, or such additional time as the court may allow for good cause shown, in any criminal proceeding,

and within five days after judgment in any civil or criminal proceeding, brought pursuant to section eleven involving alleged violation of any provision of any regulation or order, the defendant may apply to the court in which the proceeding is pending for leave to file in the supreme court a petition setting forth objections to the validity of any provision which the defendant is alleged to have violated or conspired to violate. The court in which the proceeding is pending shall grant such leave with respect to any objection which it finds is made in good faith and with respect to which it finds there is reasonable and substantial excuse for the defendant's failure to present such objection in a protest filed in accordance with section eight. Upon the filing of a petition pursuant to and within thirty days from the granting of such leave, the supreme court shall have jurisdiction to enjoin or set aside in whole or in part the provision of the regulation or order complained of or to dismiss the petition. The court may authorize the introduction of evidence, either to the commission or directly to the court, in accordance with subdivision one of this section. The provisions of subdivision two of this section shall be applicable with respect to any proceedings instituted in accordance with this subdivision.

(b) In any proceeding brought pursuant to section eleven of this act involving an alleged violation of any provision of any such regulation or order, the court shall stay the proceeding:

(1) during the period within which a petition may be filed in the supreme court pursuant to leave granted under paragraph (a) of this subdivision with respect to such provision;

(2) during the pendency of any protest properly filed by the defendant under section eight prior to the institution of the proceeding under section eleven of this act, setting forth objections to the validity of such provision which the court finds to have been made in good faith; and

(3) during the pendency of any judicial proceeding instituted by the defendant under this section with respect to such protest or instituted by the defendant under paragraph (a) of this subdivision with respect to such provision, and until the expiration of the time allowed in this section for the taking of further proceedings with respect thereto.

(c) Notwithstanding the provisions of paragraph (b) of this subdivision, stays shall be granted thereunder in civil proceedings only

after judgment and upon application made within five days after judgment. Notwithstanding the provisions of paragraph (b) of this subdivision, in the case of a proceeding under subdivision one of section eleven the court granting a stay under paragraph (b) of this subdivision shall issue a temporary injunction or restraining order enjoining or restraining, during the period of the stay, violations by the defendant of any provision of the regulation or order involved in the proceeding. If any provision of a regulation or order is determined to be invalid by judgment of the supreme court which has become effective in accordance with subdivision two of this section, any proceeding pending in any court shall be dismissed, and any judgment in such proceeding vacated, to the extent that such proceeding or judgment is based upon violation of such provision. Except as provided in this subdivision, the pendency of any protest under section eight, or judicial proceeding under this section, shall not be grounds for staying any proceeding brought pursuant to section eleven; nor, except as provided in this subdivision, shall any retroactive effect be given to any judgment setting aside a provision of a regulation or order.

4. The method prescribed herein for the judicial review of a regulation or order shall be exclusive.

§ 10. Prohibitions. 1. It shall be unlawful, regardless of any contract, lease or other obligation heretofore or hereafter entered into, for any person to demand or receive any rent for any housing accommodations in excess of the maximum rent or otherwise to do or omit to do any act, in violation of any regulation, order or requirement hereunder, or to offer, solicit, attempt or agree to do any of the foregoing.

2. It shall be unlawful for any person to remove or attempt to remove from any housing accommodations the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken, or proposes to take, action authorized or required by this act or any regulation, order or requirement thereunder.

3. It shall be unlawful for any officer or employee of the commission, or for any official adviser or consultant to the commission, to disclose, otherwise than in the course of official duty, any information obtained under this act, or to use any such information for personal benefit.

4. Nothing in this act shall be construed to require any person to offer any housing accommodations for rent, but housing accommodations already on the rental market may be withdrawn only after prior written approval of the state rent commission, if such withdrawal requires that a tenant be evicted from such accommodations.

5. It shall be unlawful for any landlord or any person acting on his behalf, with intent to cause the tenant to vacate, to engage in any course of conduct (including, but not limited to, interruption or discontinuance of essential services) which interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of the housing accommodations.

§ 11. Enforcement. 1. Whenever in the judgment of the commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of section ten of this act, the commission may make application to the supreme court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, or for an order directing the landlord to correct the violation, and upon a showing by the commission that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond. Jurisdiction shall not be deemed lacking in the supreme court because the defense is based upon an order of an inferior court.

2. Any person who wilfully violates any provision of section ten of this act, and any person who makes any statement or entry false in any

material respect in any document or report required to be kept or filed under this act or any regulation, order, or requirement thereunder, and any person who wilfully omits or neglects to make any material statement or entry required to be made in any such document or report, shall, upon conviction thereof, be subject to a fine of not more than five thousand dollars, or to imprisonment for not more than two years in the case of a violation of subdivision three of section ten and for not more than one year in all other cases, or to both such fine and imprisonment. Whenever the commission has reason to believe that any person is liable to punishment under this subdivision, the commission may certify the facts to the district attorney of any county having jurisdiction of the alleged violation, who shall cause appropriate proceedings to be brought.

3. Any court shall advance on the docket and expedite the disposition of any criminal or other proceedings brought before it under this section.

4. No person shall be held liable for damages or penalties in any court, on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to any provision of this act or any regulation, order, or requirement thereunder, notwithstanding that subsequently such provision, regulation, order, or requirement may be modified, rescinded, or determined to be invalid. In any action or proceeding wherein a party relies for ground of relief or defense or raises issue or brings into question the construction or validity of this act or any regulation, order, or requirement thereunder, the court having jurisdiction of such action or proceeding may at any stage certify such fact to the commission. The commission may intervene in any such action or proceeding.

5. If any landlord who receives rent from a tenant violates a regulation or order prescribing the maximum rent with respect to the housing accommodations for which such rent is received from such tenant, the tenant paying such rent may, within two years from the date of the occurrence of the violation, except as hereinafter provided, bring an action against the landlord on account of the overcharge as hereinafter

defined. In such action, the landlord shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is the greater: (a) Such amount not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (b) an amount not less than twenty-five dollars nor more than fifty dollars, as the court in its discretion may determine; provided, however, that such amount shall be the amount of the overcharge or overcharges or twenty-five dollars, whichever is greater, if the defendant proves that the violation of the regulation or order in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation. As used in this section, the word "overcharge" shall mean the amount by which the consideration paid by a tenant to a landlord exceeds the applicable maximum rent. If any landlord who receives rent from a tenant violates a regulation or order prescribing maximum rent with respect to the housing accommodations for which such rent is received from such tenant, and such tenant either fails to institute an action under this subdivision within thirty days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the commission may institute an action on behalf of the state within such two-year period. If such action is instituted by the commission, the tenant affected shall thereafter be barred from bringing an action for the same violation or violations. Any action under this subdivision by either the tenant or the commission, as the case may be, may be brought in any court of competent jurisdiction. Recovery, by judgment or otherwise, in an action for damages under this subdivision shall be a bar to the recovery under this subdivision of any recovery, by judgment or otherwise, in any other action against the same landlord on account of the same overcharge or overcharges prior to the institution of the action in which such recovery of damages was obtained. Where recovery by judgment or otherwise is obtained in an action instituted by the commission under this subdivision, there shall be paid over to the tenant from the moneys recovered, one-third of such recovery, exclusive of costs and disbursement or the amount of the overcharge or overcharges, whichever is the greater.

6. If any landlord who receives rent from a tenant violates any order

containing a directive that rent collected by the landlord in excess of the maximum rent be refunded to the tenant within thirty days, the commission may, within one year after the expiration of such thirty day period or after such order shall become final by regulation of the commission, bring an action against the landlord on account of the failure of the landlord to make the prescribed refund. In such action, the landlord shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is the greater: (a) Such amount not more than three times the amount directed to be refunded, or the amount directed to be refunded, upon which the action is based as the court in its discretion may determine, or (b) an amount not less than twenty-five dollars nor more than fifty dollars, as the court in its discretion may determine; provided, however, that such amount shall be the amount directed to be refunded or twenty-five dollars, whichever is greater, if the defendant proves that the violation of the order in question was neither willful nor the result of failure to take practical precautions against the occurrence of the violation. If the commission fails to institute such action within thirty days from the date of the occurrence of the violation, the tenant paying such rent may thereafter institute an action for the same violation within such one year period, and the liability of the landlord in such action by the tenant shall be the same as if such action were brought by the commission. If such action is instituted by the commission, the tenant affected shall thereafter be barred from bringing an action for the same violation. Any action under this subdivision by either the commission or the tenant, as the case may be, may be brought in any court of competent jurisdiction. Recovery by judgment or otherwise in an action under this subdivision based on the failure of the landlord to make the prescribed refund, shall be a bar to recovery under this subdivision of any recovery, by judgment or otherwise, from the same landlord in any other action instituted on account of the same violation, prior to the institution of the action in which such recovery is obtained. Where recovery by judgment or otherwise, is obtained in an action instituted by the commission under this subdivision, there shall be paid over to the tenant from the moneys recovered one-third of such recovery, exclusive of costs and disbursements, or the amount of the prescribed refund, whichever is greater.

7. Any tenant who has vacated his housing accommodations because the landlord or any person acting on his behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including, but not limited to, interruption or discontinuance of essential services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of the housing accommodations may, within ninety days after vacating, apply to the commission for a determination that the housing accommodations were vacated as a result of such conduct, and may, within one year after such determination, institute a civil action against the landlord by reason of such conduct. In such action the landlord shall be liable to the tenant for three times the damages sustained on account of such conduct plus reasonable attorney's fees and costs as determined by the court. In addition to any other damages the cost of removal of property shall be a lawful measure of damages.

§ 12. Application. 1. Whenever the commission shall find that, in any municipality specified by the commission, (a) the percentage of vacancies in all or any particular class of housing accommodations is five per centum or more, or, (b) the availability of adequate rental housing accommodations and other relevant factors are such as to make rent control unnecessary for the purpose of eliminating speculative, unwarranted, and abnormal increases in rents and of preventing profiteering and speculative and other disruptive practices resulting from abnormal market conditions caused by congestion, the controls imposed upon rents by authority of this act in such municipality or with respect to any particular class of housing accommodations therein shall be abolished in the manner hereinafter provided; provided however that, except as otherwise provided in this section, no controls shall be abolished by the commission unless the commission shall hold a public hearing or hearings on such proposal at which interested persons are given a reasonable opportunity to be heard. Notice of such hearing shall be provided by publication in a daily newspaper published or having general circulation in the municipality affected not less than fifteen days prior to the date of the hearing.

2. Notwithstanding the provisions of this section or any other provision of this act, the local governing body of a city, town or village upon a finding that decontrol in such city, town or village is warranted after a public hearing upon notice by publication in a daily or weekly newspaper published or having general circulation in the city or town not less than twenty days prior to the date of hearing, and after notice to the commission, may adopt a resolution to decontrol all or any specified class of housing accommodation in such city, town or village. Such resolution shall thereafter be filed with the division. Upon receipt of any such resolution the controls imposed by authority of this act shall be abolished in the city, town or village affected with respect to housing accommodations specified in such resolution in the manner hereinafter specified. Notwithstanding the foregoing provisions of this paragraph, a city, town or village any portion of which is within the limits of an area designated as a critical defense housing area by the federal government at the time of adoption of the decontrol resolution, shall not become decontrolled without the approval of the commission.

2-a. Upon the issuance of an order of decontrol or upon the filing of a resolution resulting in decontrol of a housing accommodation pursuant to subdivision two, such decontrol shall take place:

(a) if the landlord and tenant execute a written lease for a term of not less than two years wherein the landlord agrees to maintain the same services and equipment required by this act and which provides for an increase in the maximum rent not in excess of fifteen percent for the first year and not more than a second five percent increase for the second year and otherwise continues the terms and conditions of the existing tenancy; upon the execution of such lease;

(b) if the landlord offers the tenant a lease in accordance with the terms provided in paragraph (a) and the tenant fails to execute such lease, six months from the date that the commission issued the order or the date the municipality filed the resolution, provided that the landlord has notified the tenant in writing by certified mail that his failure to execute the lease within thirty days of such notification will result in the decontrol of the housing accommodation on the date

set forth therein, such date to be the expiration of such thirty days or such six months, whichever is later; or

(c) if the landlord does not offer the tenant a lease in accordance with the terms provided in paragraph (a), two years from the date the commission issued the order or the municipality filed the resolution.

3. (a) Notwithstanding the provisions of section four or of any other inconsistent provision of this act, housing accommodations subject to rent control as provided for in this act on June thirtieth, nineteen hundred fifty-five, in any city or town within the counties of Cattaraugus, Chautauqua, Columbia, Dutchess, Erie, Fulton, Herkimer, Montgomery, Niagara, Ontario, Oswego, Saratoga, Seneca, Steuben, Suffolk, Ulster and Yates shall, subsequent to such date, be no longer subject to such rent control, except as hereinafter in this subdivision provided.

(b) The governing body of any such city or town, as hereinafter specified, may, and it is hereby authorized and empowered to, by resolution duly adopted for such purpose not later than June thirtieth, nineteen hundred fifty-five, and declaring the continuance of emergency conditions therein, elect to be excluded from the operation of the provisions of this subdivision providing for the termination of rent control therein, to the extent specified in such resolution.

In the case of any such city or town elsewhere than within the counties of Erie and Niagara, such resolution may provide for such exclusion with respect to all or any particular class of such housing accommodations within such city or town; and in the case of any such city or town within the counties of Erie or Niagara, such resolution may provide for such exclusion with respect to all or any particular class of such housing accommodations in such city or town, except (1) one family houses and (2) two family houses occupied in whole or in part by the owner.

In the event of the adoption of such a resolution in any such city or town, the provisions of this subdivision providing for the termination of rent control therein shall not apply with respect to such housing accommodations within such city or town as specified in the resolution

so adopted. Any such resolution, upon adoption, shall forthwith be transmitted to the commission.

(c) The governing body of any city or town elsewhere than in the counties of Columbia, Dutchess and Erie, as hereinafter specified, with respect to which the provisions of this subdivision providing for the termination of rent control therein are applicable and in effect subsequent to June thirtieth, nineteen hundred fifty-five, may, and it is hereby authorized and empowered to, by resolution duly adopted for such purpose at any time subsequent to such date and declaring the existence of emergency conditions therein, request the commission to reestablish the regulation of rents on housing accommodations therein, to the extent specified in such resolution.

In the case of any such city or town elsewhere than within the county of Niagara, such resolution may request such reestablishment with respect to all or any particular class of such housing accommodations in such city or town; and in the case of any such city or town within the county of Niagara, such resolution may request such reestablishment with respect to all or any particular class of such housing accommodations in such city or town, except (1) one family houses and (2) two family houses occupied in whole or in part by the owner.

Any such resolution, upon adoption, shall forthwith be transmitted to the commission. Upon receipt of such resolution, the commission shall by regulation or order reestablish the same maximum rents for such housing accommodations within such city or town specified in such resolution as last previously established by the commission and in force and effect therein immediately prior to decontrol pursuant to this subdivision. Any such regulation or order shall take effect on the date specified in such resolution, and thereafter such maximum rents shall be and continue in force and effect as to such housing accommodations within such city or town until changed or abolished in accordance with the applicable provisions of this act, and all the provisions of this act applying generally with respect to maximum rents on such housing accommodations shall apply with respect thereto within such city or town.

(d) Notwithstanding the provisions of section four or of any other inconsistent provision of this act, housing accommodations subject to

rent control as provided for in this act on June thirtieth, nineteen hundred fifty-seven, in any city or town within the counties of Columbia, Dutchess or Erie shall, subsequent to such date, be no longer subject to such rent control, except as hereinafter in this subdivision provided.

The governing body of any such city or town, as hereinbefore or hereinafter specified, may, and it is hereby authorized and empowered to, by resolution adopted for such purpose not later than June thirtieth, nineteen hundred fifty-seven, and declaring the continuance of emergency conditions therein, elect to be excluded from the operation of the provisions of this paragraph (d) providing for the termination of rent control therein, to the extent specified in such resolution. Such resolution may provide for such exclusion with respect to all or any particular class of housing accommodations subject to such rent control within such city or town. In the event of the adoption of such a resolution in any such city or town, the provisions of this paragraph (d) providing for the termination of rent control therein shall not apply with respect to such housing accommodations within such city or town as specified in the resolution so adopted. Any such resolution, upon adoption, shall forthwith be transmitted to the commission.

4. (a) Notwithstanding any inconsistent provision of this act, the local governing body of any city or town within the county of Monroe, the county of Oneida, the county of Onondaga or the county of Schenectady wherein housing accommodations are or shall be subject to rent control as provided for in this act, by resolution duly adopted for such purpose not later than June thirtieth, nineteen hundred fifty-five, may, and it is hereby authorized and empowered to, elect that the provisions of paragraph (j) of subdivision two of section two hereof excepting housing accommodations in one family houses, and in two family houses occupied in whole or in part by the owner thereof, in such counties from the classifications of housing accommodations subject to rent control shall not apply in such city or town; and in the event of the adoption of such a resolution in any such city or town, such housing accommodations specified in such subdivision within such city or town shall continue to be subject to rent control. Any such resolution, upon

adoption, shall forthwith be transmitted to the commission.

(b) Notwithstanding any inconsistent provision of this act, the local governing body of any city or town within the county of Monroe, the county of Oneida or the county of Schenectady wherein housing accommodations are or shall be subject to rent control as provided in this act, and wherein the provisions of paragraph (j) of subdivision two of section two hereof excepting housing accommodations in one family houses, and in two family houses occupied in whole or in part by the owner thereof, in such city or town, from the classifications of housing accommodations subject to rent control are in force and effect subsequent to June thirtieth, nineteen hundred fifty-five, by resolution duly adopted for such purpose at any time subsequent to such date, may, and it is hereby authorized and empowered to, request the commission to reestablish the regulation of rents on such housing accommodations therein.

Any such resolution, upon adoption, shall forthwith be transmitted to the commission. Upon receipt of such resolution, the commission shall by regulation or order reestablish the same maximum rents for such housing accommodations within such city or town as last previously established by the commission and in force and effect therein immediately prior to decontrol pursuant to the provisions of paragraph (j) of subdivision two of section two hereof. Any such regulation or order shall take effect on the date specified in such resolution, and thereafter such maximum rents shall be and continue in force and effect as to such housing accommodations within such city or town until changed or abolished in accordance with the applicable provisions of this act, and all the provisions of this act applying generally with respect to maximum rents on such housing accommodations shall apply with respect thereto within such city or town.

5. Notwithstanding any inconsistent provision of this act, the local governing body of any city or town other than the city of New York, wherein housing accommodations are or shall be subject to rent control as provided for in this act, by resolution duly adopted for such purpose not later than June thirtieth, nineteen hundred fifty-seven, may, and it is hereby authorized and empowered to, elect that the provisions of

paragraph (k) of subdivision two of section two hereof excepting housing accommodations, other than housing accommodations used as boarding houses or rooming houses in the county of Westchester which are or become vacant therein from the classifications of housing accommodations subject to rent control shall not apply in such city or town; and in the event of the adoption of such a resolution in any such city, or town, such housing accommodations specified in such subdivision within such city or town shall continue to be subject to rent control in like manner as before. Any such resolution, upon adoption, shall forthwith be transmitted to the commission.

6. Notwithstanding any inconsistent provision of this act, the local governing body of the city of Albany, by resolution duly adopted for such purpose not later than June thirtieth, nineteen hundred sixty-five, determining the existence of a public emergency requiring the regulation and control of residential rents and evictions within such city, which determination shall follow a survey which such city shall have caused to be made of the supply of housing accommodations within such city, the condition of such accommodations and the need for re-establishing the regulation and control of residential rents and evictions within such city, may, and it is hereby authorized and empowered to request the commission to re-establish the regulations of rents with respect to all or any particular class of housing accommodations in the city of Albany, to the extent specified in such resolution.

Any such resolution, upon adoption, shall forthwith be transmitted to the commission. Upon receipt of such resolution, the commission shall forthwith by regulation or order fix as the maximum rents therefor the rents which were lawfully chargeable therefor on April first, nineteen hundred sixty-two, in accordance with the request contained in such resolution. Any such regulation or order recontrolling rents shall take effect on the date specified in such resolution, and thereafter the maximum rents established thereby shall be and continue in force and effect as to such housing accommodations within such city until changed or abolished in accordance with the applicable provisions of this act and the regulations adopted thereunder, and all the provisions of this act applying generally with respect to maximum rents on such housing

accommodations and evictions therefrom shall apply with respect thereto within such city.

7. Notwithstanding any inconsistent provision of this act, the local governing body of the city of Mount Vernon, by resolution duly adopted for such purpose not later than sixty days after the effective date of this subdivision, determining the existence of a public emergency requiring the regulation and control of residential rents and evictions within such city and the need for re-establishing the regulation and control of residential rents and evictions within such city for housing accommodations subject to the provisions of this act on the first day of June, nineteen hundred eighty-three, may, and it is hereby authorized and empowered to request the division of housing and community renewal to re-establish the regulations of rents with respect to such housing accommodations in the city of Mount Vernon, to the extent specified in such resolution.

Any such resolution, upon adoption, shall forthwith be transmitted to the division of housing and community renewal. Upon receipt of such resolution, the division of housing and community renewal shall forthwith by regulation or order fix as the maximum rents therefor the rents which were lawfully chargeable therefor on June first, nineteen hundred eighty-three, in accordance with the request contained in such resolution. Any such regulation or order recontrolling rents shall be deemed to have been in full force and effect on and after the first day of June, nineteen hundred eighty-three, and thereafter the maximum rents established thereby shall be and continue in force and effect as to such housing accommodations within such city until changed or abolished in accordance with the applicable provisions of this act and the regulations adopted thereunder, and all the provisions of this act applying generally with respect to maximum rents on such housing accommodations and evictions therefrom shall apply with respect thereto within such city.

§ 13. Pending proceedings. The commission may provide for and authorize the continued processing of any application or proceeding

pending at the time this act becomes effective, provided, however, that the final determination of the commission in such pending application or proceeding shall not be inconsistent with this act.

§ 14. Intent. 1. It is the intention of this act to subject to control only those housing accommodations, as that term is defined herein, which were subject to rent control and for which a maximum rent was in effect on March first, nineteen hundred fifty, pursuant to federal or local laws, and in the discretion of the commission those housing accommodations for which a maximum rent was thereafter established, pursuant to the provisions of section four hereof.

2. Any reference made in this act to the local laws specified in chapter one of the laws of nineteen hundred fifty shall be deemed to be solely for the purposes of identification, and if any of such laws shall be held invalid, the reference made herein and any maximum rent established hereunder shall not be affected thereby.

3. The provisions of this section shall be deemed to supersede any other inconsistent provisions of this act.

4. Notwithstanding the decontrol of housing accommodations therein pursuant to this act, unless otherwise provided herein, no municipality shall have the power to adopt local laws with respect to the registration or control of rents or evictions or otherwise to the subject matter of this act.

§ 15. Separability. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

§ 16. Except for matters pending before the commission, no action or

proceeding, civil or criminal, pending at the time when this act as amended shall take effect, brought by or against the commission, shall be affected or abated by the enactment of this act or by anything therein contained. No existing right or remedy of any character shall be lost or impaired or affected by such enactment.

§ 17. Short title. This act shall be known and may be cited as the emergency housing rent control law.