

STATE OF NEW YORK

749

2009-2010 Regular Sessions

IN SENATE

January 15, 2009

Introduced by Sens. KRUEGER, DUANE, MONSERRATE, ONORATO, PARKER, PERKINS, SAVINO, SCHNEIDERMAN, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the local emergency housing rent control act, in relation to rent regulation laws

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 5 of section 1 of chapter 21 of the laws of
2 1962, constituting the local emergency housing rent control act, as
3 amended by chapter 82 of the laws of 2003, is amended to read as
4 follows:

5 5. Authority for local rent control legislation. Each city having a
6 population of one million or more, acting through its local legislative
7 body, may adopt and amend local laws or ordinances in respect of the
8 establishment or designation of a city housing rent agency. When it
9 deems such action to be desirable or necessitated by local conditions in
10 order to carry out the purposes of this section, such city, except as
11 hereinafter provided, acting through its local legislative body and not
12 otherwise, may adopt and amend local laws or ordinances in respect of
13 the regulation and control of residential rents, including but not
14 limited to provision for the establishment and adjustment of maximum
15 rents, the classification of housing accommodations, the regulation of
16 evictions, and the enforcement of such local laws or ordinances. The
17 validity of any such local laws or ordinances, and the rules or regu-
18 lations promulgated in accordance therewith, shall not be affected by
19 and need not be consistent with the state emergency housing rent control
20 law or with rules and regulations of the state division of housing and
21 community renewal.

22 Notwithstanding any local law or ordinance, housing accommodations
23 which became vacant on or after July first, nineteen hundred seventy-one

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

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1 or which hereafter become vacant shall be subject to the provisions of
2 the emergency tenant protection act of nineteen seventy-four, provided,
3 however, that this provision shall not apply or become effective with
4 respect to housing accommodations which, by local law or ordinance, are
5 made directly subject to regulation and control by a city housing rent
6 agency and such agency determines or finds that the housing accommo-
7 dations became vacant because the landlord or any person acting on his
8 behalf, with intent to cause the tenant to vacate, engaged in any course
9 of conduct (including but not limited to, interruption or discontinuance
10 of essential services) which interfered with or disturbed or was
11 intended to interfere with or disturb the comfort, repose, peace or
12 quiet of the tenant in his use or occupancy of the housing accommo-
13 dations. The removal of any housing accommodation from regulation and
14 control of rents pursuant to the vacancy exemption provided for in this
15 paragraph shall not constitute or operate as a ground for the subjection
16 to more stringent regulation and control of any housing accommodation in
17 such property or in any other property owned by the same landlord,
18 notwithstanding any prior agreement to the contrary by the landlord. The
19 vacancy exemption provided for in this paragraph shall not arise with
20 respect to any rented plot or parcel of land otherwise subject to the
21 provisions of this act, by reason of a transfer of title and possession
22 occurring on or after July first, nineteen hundred seventy-one of a
23 dwelling located on such plot or parcel and owned by the tenant where
24 such transfer of title and possession is made to a member of the
25 tenant's immediate family provided that the member of the tenant's im-
26 mediate family occupies the dwelling with the tenant prior to the transfer
27 of title and possession for a continuous period of two years.

28 The term "immediate family" shall include a husband, wife, son, daugh-
29 ter, stepson, stepdaughter, father, mother, father-in-law or mother-in-
30 law.

31 ~~Notwithstanding the foregoing, no local law or ordinance shall here-~~
32 ~~after provide for the regulation and control of residential rents and~~
33 ~~eviction in respect of any housing accommodations which are (1) present-~~
34 ~~ly exempt from such regulation and control or (2) hereafter decontrolled~~
35 ~~either by operation of law or by a city housing rent agency, by order or~~
36 ~~otherwise. No housing accommodations presently subject to regulation and~~
37 ~~control pursuant to local laws or ordinances adopted or amended under~~
38 ~~authority of this subdivision shall hereafter be by local law or ordi-~~
39 ~~nance or by rule or regulation which has not been theretofore approved~~
40 ~~by the state commissioner of housing and community renewal subjected to~~
41 ~~more stringent or restrictive provisions of regulation and control than~~
42 ~~those presently in effect.~~

43 ~~Notwithstanding any other provision of law, on and after the effective~~
44 ~~date of this paragraph, a city having a population of one million or~~
45 ~~more shall not, either through its local legislative body or otherwise,~~
46 ~~adopt or amend local laws or ordinances with respect to the regulation~~
47 ~~and control of residential rents and eviction, including but not limited~~
48 ~~to provision for the establishment and adjustment of rents, the classi-~~
49 ~~fication of housing accommodations, the regulation of evictions, and the~~
50 ~~enforcement of such local laws or ordinances, or otherwise adopt laws or~~
51 ~~ordinances pursuant to the provisions of this act, the emergency tenant~~
52 ~~protection act of nineteen seventy-four, the New York city rent and~~
53 ~~rehabilitation law or the New York city rent stabilization law, except~~
54 ~~to the extent that such city for the purpose of reviewing the continued~~
55 ~~need for the existing regulation and control of residential rents or to~~
56 ~~remove a classification of housing accommodation from such regulation~~

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1 ~~and control adopts or amends local laws or ordinances pursuant to subdivi-~~
2 ~~vision three of section one of this act, section three of the emergency~~
3 ~~tenant protection act of nineteen seventy-four, section 26-415 of the~~
4 ~~New York city rent and rehabilitation law, and sections 26-502 and~~
5 ~~26-520 of the New York city rent stabilization law of nineteen hundred~~
6 ~~sixty-nine.]~~

7 Notwithstanding any provision of this act to the contrary, any local
8 law adopted pursuant to this act shall provide that notwithstanding any
9 provision of such local law in the case where all tenants occupying the
10 housing accommodation on the effective date of this paragraph have
11 vacated the housing accommodation and a family member of such vacating
12 tenant or tenants is entitled to and continues to occupy the housing
13 accommodation subject to the protections of such act, if such accommo-
14 dation continues to be subject to such act after such family member
15 vacates, on the occurrence of such vacancy the maximum collectable rent
16 shall be increased by a sum equal to the allowance then in effect for
17 vacancy leases for housing accommodations covered by the rent stabiliza-
18 tion law of nineteen hundred sixty-nine, including the amount allowed by
19 paragraph (5-a) of subdivision c of section 26-511 of such law. This
20 increase shall be in addition to any other increases provided for in
21 this act and shall be applicable in like manner to each second subse-
22 quent succession.

23 Notwithstanding the foregoing, no local law or ordinance shall subject
24 to such regulation and control any housing accommodation which is not
25 occupied by the tenant in possession as his primary residence; provided,
26 however, that such housing accommodation not occupied by the tenant in
27 possession as his primary residence shall continue to be subject to
28 regulation and control as provided for herein unless the city housing
29 rent agency issues an order decontrolling such accommodation, which the
30 agency shall do upon application by the landlord whenever it is estab-
31 lished by any facts and circumstances which, in the judgment of the
32 agency, may have a bearing upon the question of residence, that the
33 tenant maintains his primary residence at some place other than at such
34 housing accommodation.

35 § 2. This act shall take effect immediately; provided, however, that
36 the amendments to subdivision 5 of section 1 of chapter 21 of the laws
37 of 1962 made by section one of this act shall remain in full force and
38 effect only so long as the public emergency requiring the regulation and
39 control of residential rents and evictions continues, as provided in
40 subdivision 3 of section 1 of the local emergency housing rent control
41 act; provided further, however, that the amendment to the second undes-
42 ignated paragraph of subdivision 5 of section 1 of chapter 21 of the
43 laws of 1962 made by section one of this act shall not affect the expi-
44 ration of such paragraph and shall be deemed to expire therewith.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S749

SPONSOR: KRUEGER

TITLE OF BILL:

An act to amend the local emergency housing rent control act, in relation to rent regulation laws

PURPOSE:

To restore home rule to New York City regarding a critical local issue by returning its power to address legislatively its worsening housing affordability and homeless crisis; to preserve remaining affordable housing by enacting enhanced rent and eviction protections.

SUMMARY OF PROVISIONS:

This act includes provisions repealing the 1971 'Urstadt Law,' which prohibits cities with a population of one million or more from strengthening rent and eviction protections, and the 2003 amendment to it that further curtailed the City's home rule powers.

JUSTIFICATION:

Since 1971, when home rule over rent and eviction protections was taken away, New York City's housing situation has gone from chronic shortage to acute crisis. According to the 2005 NYC Housing and Vacancy Survey, the rental vacancy rate is 3.09%; a vacancy rate of less than 5% creates abnormal market conditions. Rent hardship afflicts poor and middle-class households alike, with half of all New Yorkers paying at or over the federal hardship level of 30% of income in rent, and a fourth of all households paying more than half their income in rent. Firefighters, nurses, teachers, police officers, nurses, construction workers, seniors, artists and thousands of other New Yorkers can no longer afford to live in the communities they serve. More and more low income families have become homeless - there are more homeless people in NYC than at any time since the Great Depression.

As families are forced out of their homes, the rents are frequently increased to exorbitant levels, contributing to an even tighter housing market. The NYC Rent Guidelines Board found that at least 12,692 rent stabilized units were deregulated last year alone, more than 8,200 of these due to vacancy decontrol. Unless the regulations governing rent and eviction protections are strengthened, hundreds of thousands of additional affordable units are likely to be lost during the next decade.

While communities across the state face a range of housing difficulties, the housing market in NYC is unlike any other in the state. NYC's local government is in the best position to understand and address the conditions created by this market. Currently, however, because its hands are tied by the Urstadt Law, the local government is powerless to deal with

the housing crisis within its borders.

This act restores NYC's home rule in this critical area of local concern, so that it can adopt rational policies to protect more than 2.4 million residents in one million rent controlled and stabilized apartments. This act also removes the impediment to the local government's ability to protect tens of thousands of families facing the devastating loss of protections under existing Mitchell-Lama and Section B programs.

FISCAL IMPLICATIONS:

None.

LOCAL FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

STATE OF NEW YORK

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2009-2010 Regular Sessions

IN ASSEMBLY

January 9, 2009

Introduced by M. of A. V. LOPEZ, SILVER, WRIGHT, DINOWITZ, LATIMER, PERRY, KAVANAGH, BOYLAND, KELLNER, LANCMAN, MILLMAN, O'DONNELL, PHEFFER, TITUS, ORTIZ, SPANO, POWELL -- Multi-Sponsored by -- M. of A. BENJAMIN, BING, BROOK-KRASNY, COLTON, DIAZ, ESPAILLAT, FARRELL, GLICK, GOTTFRIED, GREENE, JACOBS, JEFFRIES, LENTOL, MAYERSOHN, PERALTA, P. RIVERA, ROBINSON, ROSENTHAL, TOWNS, WALKER -- read once and referred to the Committee on Housing

AN ACT to amend the local emergency housing rent control act, in relation to rent regulation laws

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 5 of section 1 of chapter 21 of the laws of
2 1962, constituting the local emergency housing rent control act, as
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4 follows:
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6 population of one million or more, acting through its local legislative
7 body, may adopt and amend local laws or ordinances in respect of the
8 establishment or designation of a city housing rent agency. When it
9 deems such action to be desirable or necessitated by local conditions in
10 order to carry out the purposes of this section, such city, except as
11 hereinafter provided, acting through its local legislative body and not
12 otherwise, may adopt and amend local laws or ordinances in respect of
13 the regulation and control of residential rents, including but not
14 limited to provision for the establishment and adjustment of maximum
15 rents, the classification of housing accommodations, the regulation of
16 evictions, and the enforcement of such local laws or ordinances. The
17 validity of any such local laws or ordinances, and the rules or regu-
18 lations promulgated in accordance therewith, shall not be affected by
19 and need not be consistent with the state emergency housing rent control

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

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1 law or with rules and regulations of the state division of housing and
2 community renewal.

3 Notwithstanding any local law or ordinance, housing accommodations
4 which became vacant on or after July first, nineteen hundred seventy-one
5 or which hereafter become vacant shall be subject to the provisions of
6 the emergency tenant protection act of nineteen seventy-four, provided,
7 however, that this provision shall not apply or become effective with
8 respect to housing accommodations which, by local law or ordinance, are
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24 respect to any rented plot or parcel of land otherwise subject to the
25 provisions of this act, by reason of a transfer of title and possession
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29 tenant's immediate family provided that the member of the tenant's im-
30 mediate family occupies the dwelling with the tenant prior to the transfer
31 of title and possession for a continuous period of two years.

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33 ter, stepson, stepdaughter, father, mother, father-in-law or mother-in-
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10 ~~sixty-nine.]~~

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12 law adopted pursuant to this act shall provide that notwithstanding any
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25 this act and shall be applicable in like manner to each second subse-
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31 possession as his primary residence shall continue to be subject to
32 regulation and control as provided for herein unless the city housing
33 rent agency issues an order decontrolling such accommodation, which the
34 agency shall do upon application by the landlord whenever it is estab-
35 lished by any facts and circumstances which, in the judgment of the
36 agency, may have a bearing upon the question of residence, that the
37 tenant maintains his primary residence at some place other than at such
38 housing accommodation.

39 § 2. This act shall take effect immediately; provided, however, that
40 the amendments to subdivision 5 of section 1 of chapter 21 of the laws
41 of 1962 made by section one of this act shall remain in full force and
42 effect only so long as the public emergency requiring the regulation and
43 control of residential rents and evictions continues, as provided in
44 subdivision 3 of section 1 of the local emergency housing rent control
45 act; provided further, however, that the amendment to the second undes-
46 ignated paragraph of subdivision 5 of section 1 of chapter 21 of the
47 laws of 1962 made by section one of this act shall not affect the expi-
48 ration of such paragraph and shall be deemed to expire therewith.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A1688

SPONSOR: Lopez V (MS)

TITLE OF BILL: An act to amend the local emergency housing rent control act, in relation to rent regulation laws

PURPOSE OR GENERAL IDEA OF BILL: This bill would amend the local emergency housing rent control act by removing the provision that prohibits cities of one million or more from strengthening rent regulation laws to provide more comprehensive coverage than provided by state laws.

JUSTIFICATION: State rent laws are "authorizing" legislation. Through this authorizing legislation, the State grants municipalities the right to impose a rent regulatory system and sets the parameters of that system. Currently, as a provision of the local emergency housing rent control act, municipalities which "opt into" this legislation have the option to extend the laws as they currently read or weakening the laws' coverage. They cannot strengthen the laws to provide more comprehensive coverage than that allowed in State statute. This bill would remove the provision prohibiting cities of one million or more from strengthening the laws to provide more comprehensive coverage than allowed by State statute.

PRIOR LEGISLATIVE HISTORY:

A6532-a in the 1997/98 Session

A6957 in the 1999/00 Session

A1307 in the 2001/02 Session

A2071 in the 2003/04 Session

A4523 in the 2005/06 Session A4069 in the 2007/08 Session

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: Immediately
