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**Committee on Housing and Buildings**

Hon. Pierina Sanchez, Chair

**March 9, 2022**

**Int. No. 70:** By Council Members Sanchez, Powers, Hudson, Cabán, Won, Louis, Krishnan, Dinowitz, Farías, Brewer, Stevens, Rivera and Restler (by request of the Mayor)

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine

**Administrative Code:** Amends section 26-520

**Introduction**

On March 9, 2022, the Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, will hold a hearing on Int. No. 70, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine This bill was first heard on February 25, 2022. More information about this bill along with the materials for that hearing can be found at <https://on.nyc.gov/3vOE9lA>.

**Background**

**The Housing and Vacancy Survey**

In order for rent regulation to continue in New York City, the local legislative body (*i.e.*, the City Council) must make a determination as to whether there is an ongoing public emergency.[[1]](#footnote-1) In New York City, this public emergency is based on a finding that there is a housing shortage, defined as a vacancy rate of less than 5% of the City’s rental housing stock.[[2]](#footnote-2) The City Council is required to make this determination at least once every three years, and must do so following a survey of the City’s housing stock. The survey, known as the Housing and Vacancy Survey (“HVS”), is sponsored by HPD and conducted in collaboration with the United States Census Bureau (“Census Bureau”).[[3]](#footnote-3) Following the HVS, the City Council must pass a resolution finding that, because there is still a housing shortage, there continues to be a need for rent regulation.[[4]](#footnote-4) Under New York State law, the current rent regulation system is set to expire on April 1, 2022.[[5]](#footnote-5)

The most recent HVS data comes from the 2017 HVS,[[6]](#footnote-6) which indicated a citywide rental vacancy rate of 3.63%.[[7]](#footnote-7) According to the 2017 HVS, there were approximately 79,000 vacant available rental units in New York City as of the survey period, an increase of approximately 4,000 units since the previous HVS in 2014.[[8]](#footnote-8) The 2017 HVS also found that the median contract rent, excluding utility payments, was $1,337, while the median monthly gross rent, including utility payments, was $1,450, an inflation-adjusted increase of 8.1% and 6.2%, respectively, from 2014.[[9]](#footnote-9)

Following the 2017 HVS, the next mandated survey was scheduled for 2020, the same year the Census Bureau conducts the decennial census. These two events coincide once every 30 years. Recognizing that the Census Bureau may not have the capacity to assist HPD in the same year as the decennial census, the State amended the Local Emergency Housing Rent Control Act in April 2020 so that, on the occasion the decennial census and the HVS coincide, the due date of the required survey and local determination of an emergency are to be postponed by one year.[[10]](#footnote-10) The due date for the next determination was thus moved from April 1, 2021 to April 1, 2022. In accordance with that amendment, the New York City Council enacted Local Law Number 113 for the year 2020, amending the expiration date of the New York City Rent Stabilization Law to reflect the extension of the deadline for the Council’s determination by one year, from April 1, 2021 to April 1, 2022.[[11]](#footnote-11)

Accordingly, the 2021 HVS was completed between February and July of 2021, with a new module to capture the effects of the Covid-19 pandemic.[[12]](#footnote-12) Recognizing that the COVID-19 pandemic caused additional delays to the 2021 HVS and local determination of an emergency, the State legislature passed, and Governor Kathy Hochul signed, legislation to further extend the deadline from April 1, 2022 to July 1, 2022.[[13]](#footnote-13) The stated purpose of this additional extension was to ensure sufficient time to complete the survey, given the context of the COVID-19 pandemic.

**Legislation**

Below is a brief summary of the legislation being heard by the Committee at this hearing. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bills, which are attached below.

**Int. No. 70,** **A Local Law to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine**

This bill would extend the expiration date of the New York City Rent Stabilization Law of 1969 from April 1, 2022 to July 1, 2022.

This legislation would take effect immediately.

Int. No. 70

By Council Members Sanchez, Powers, Hudson, Cabán, Won, Louis, Krishnan, Dinowitz, Farías, Brewer, Stevens, Rivera and Restler (by request of the Mayor)

..Title

A Local Law to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine

..Body

Be it enacted by the Council as follows:

Section 1. Section 26-520 of the administrative code of the city of New York, as amended by local law number 113 for the year 2020, is amended to read as follows:

§ 26-520 Expiration date. This chapter shall expire on [April] July 1, 2022 unless rent control shall sooner terminate as provided in subdivision three of section one of the local emergency housing rent control law.

§ 2. This local law takes effect immediately.

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1. N.Y. Unconsolidated Law § 8603. [↑](#footnote-ref-1)
2. *See:* Local Emergency Housing Rent Control Act § 1(3); Emergency Tenant Protection Act of 1974 § 3. [↑](#footnote-ref-2)
3. U.S. Census Bureau, *New York City Housing and Vacancy Survey (NYCHVS): About this Survey*, <https://www.census.gov/programs-surveys/nychvs/about.html> (last visited Mar. 8, 2022). [↑](#footnote-ref-3)
4. *Id.*  [↑](#footnote-ref-4)
5. *See:* Local Emergency Housing Rent Control Act § 1(3); Emergency Tenant Protection Act of 1974 § 3. [↑](#footnote-ref-5)
6. New York City Department of Housing Preservation and Development, *Selected Initial Findings of the 2017 New York City Housing and Vacancy Survey* (Feb. 9, 2018) *available at* <https://rentguidelinesboard.cityofnewyork.us/wp-content/uploads/2019/08/2017_hvs_findings.pdf> [↑](#footnote-ref-6)
7. *Id.* at 2. [↑](#footnote-ref-7)
8. *Id.* at 4. [↑](#footnote-ref-8)
9. *Id.* at 5. [↑](#footnote-ref-9)
10. 2020 Sess. Law News of N.Y. Ch. 56 (S. 7506-B) (McKinney’s). [↑](#footnote-ref-10)
11. N.Y.C. Council Local Law No. *113/2020, available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4642204&GUID=4E7BAF52-4D04-4BE3-8DC3-C0ADB1927AB4&Options=ID|Text|&Search=2093> [↑](#footnote-ref-11)
12. N.Y.C. Dep’t of Housing Preservation and Development, *About: Research*, *available at* <https://www1.nyc.gov/site/hpd/about/research.page> (last visited Mar. 8, 2022). [↑](#footnote-ref-12)
13. N.Y. S.B.6916/A.B.7918, <https://www.nysenate.gov/legislation/bills/2021/s6916>. [↑](#footnote-ref-13)