



News Release

Assembly Speaker Carl E. Heastie

FOR IMMEDIATE RELEASE:
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Assembly Passes Historic Affordable Housing Protections to Bring Stability to Tenants Across New York State

Speaker Carl Heastie and Housing Committee Chair Steven Cymbrowitz today announced passage of legislation to extend and strengthen rent protections for tenants across the state ([A.8281](#), Heastie). Rent regulations are set to expire at the end of the day on June 15, 2019.

"Today we passed historic legislation that will help keep families from being forced out of their homes and priced out of the communities they are a part of," **Speaker Heastie** said. "For too long, power has been tilted in favor of landlords. But today we were able to level the playing field and bring stability to tenants across New York State, whether they live in an apartment in the Bronx, a single family home in Nassau County or a manufactured home upstate. The Assembly Majority will continue working to ensure every New Yorker can find quality, affordable housing."

"So many New Yorkers live with the constant worry that skyrocketing rents will force them out of their homes and neighborhoods," **Assemblymember Cymbrowitz** said. "Today's bill helps us rectify that by creating stable, affordable housing — not just in New York City, but across the state. I am proud that we were able to pass this comprehensive legislation that will improve the quality of life for New York's tenants."

Extends and Makes Permanent Rent Regulation Laws

- Makes permanent the state's rent regulation laws, including the Emergency Tenant Protection Act of 1974 (ETPA), which provide the process by which local governments declare a housing emergency and administer their rent regulation program.

Repeals High Rent Vacancy Deregulation & High Income Deregulation

- Repeals statutes that currently allow units to be deregulated on vacancy if the rent reaches \$2,744 in New York City, or a corresponding amount in counties outside of the city, as well as if the rent reaches that threshold and the tenants earn more than \$200,000 per year for more than two years.

Repeals Vacancy & Longevity Bonuses

- Repeals the statutory vacancy bonus, which allows landlords of rent regulated units to collect an automatic increase in rent of up to 20 percent on vacancy.
- Repeals the vacancy longevity bonus, which allows landlords of rent regulated units that have not claimed a vacancy increase for eight or more years to collect an automatic rent increase of 0.6 percent multiplied by the number of years since the last vacancy.
- Prohibits local Rent Guideline Boards (RGBs) from setting their own vacancy and longevity bonuses, and from adjusting rent increases for reasons not in the statute.

Reforms Preferential Rent

- Prohibits owners who offer tenants a "preferential rent," or rent below the legal regulated rent, from discontinuing the use of preferential rent or raising the rent to the full legal amount upon lease renewal.
- Landlords may charge any rent up to the full legal regulated rent once the tenant vacates the unit, as long as the tenant did not vacate due to the owners failure to maintain the unit.

Extends Rent Overcharge Look-Back to Six Years

- Eliminates the statute of limitations for tenants who claim their landlords have overcharged them, and extends the "look-back" period from four years to six years.
- Removes the ability for owners to avoid treble damages if they voluntarily return the amount of the rent overcharge prior to a decision being made by a court or the Department of Housing and Community Renewal (DHCR).

Establishes Statewide Option for the ETPA

- Expands eligibility for coverage under the ETPA to every county in New York State by removing geographic limitations, allowing any municipality to opt-in to rent stabilization if there is a housing emergency in which the rental vacancy rate is five percent or less.

Provides Relief from Large Rent Increases for Rent-Controlled Tenants

- Limits rent-controlled rent increases to the lesser of 7.5 percent or a level equal to the average of the previous five RGB increases for one-year stabilized renewal leases.
- Prohibits fuel adjustments or pass-along increases for rent-controlled tenants.

Reforms the Owner Use Exception

- Limits the "owner use" provision to the use of a single unit of rent regulated housing stock by the owner or their immediate family as their primary residence.
- Provides tenants with cause of action if they are evicted because the landlord makes a fraudulent claim about the intended use of the unit.

Keeps Stabilized Apartments Rented to Nonprofits in the Stabilization System

- Requires units to remain rent-stabilized if they are provided by nonprofits to individuals who are, were or are at risk of becoming homeless.

Reforms Major Capital Improvement (MCI) Increases

- Caps the annual MCI rent increase at two percent statewide, down from the current six percent in New York City and 15 percent in other counties currently covered by ETPA.
- Caps any MCI rent increases approved within the last seven years at the lower percentage beginning in September 2019.
- Removes MCI increases and RGB increases based on an MCI after 30 years, instead of allowing them to remain in effect permanently.
- Tightens the rules governing the spending that qualifies for an MCI increase.
- Strengthens enforcement by requiring that 25 percent of MCIs be inspected and audited by DHCR annually.
- Lowers rent increases by lengthening the MCI formula's amortization period.

Reforms Individual Apartment Improvement (IAI) Increases

- Caps the amount of reimbursable IAI spending at \$15,000 over a 15 year period, for up to three separate IAIs.
- Removes IAI increases and RGB increases based on the IAI after 30 years, instead of allowing them to remain permanent.
- Lowers increases by lengthening the IAI formula's amortization period.
- Strengthens enforcement by requiring DHCR to randomly audit and inspect at least 10 percent of IAIs annually.

Establishes Stronger Housing Security and Tenant Protections Statewide

- Strengthens the existing retaliatory eviction law by prohibiting retaliatory eviction by a landlord against a tenant who makes a good faith complaint to them alleging a violation of the warranty of habitability, and requiring the landlord to prove that an eviction is not retaliation if it occurs within one year, rather than only six months, of the tenant making a good faith complaint.
- Sets a standard period of time for a landlord to provide notice of refusal to renew or of a rent increase greater than five percent, depending on length of tenancy.
- Requires landlords to make a reasonable, good faith attempt at re-letting a unit if a tenant vacates before their lease expires.
- Protects tenants by prohibiting landlords from using databases of court information to blacklist tenants.
- Reforms the eviction process so tenants have more time to pay rent owed, fix lease violations or get a lawyer before losing their home, and also gives them more time to find a new home if necessary.
- Limits security deposits to one month's rent, gives the tenants the right to ask for a walkthrough inspection with the landlord before and at the end of occupancy, and requires the landlord to provide an itemized account of why any security deposit is retained.
- Expands the circumstances under which a judge may consider a hardship and stay an eviction proceeding.

Reform Condo and Co-Op Conversion

- Eliminates "eviction plans," which allow non-purchasing tenants to be evicted, and reforms non-eviction plans.
- Requires 51 percent of current tenants to approve a non-eviction plan, as opposed to 15 percent of tenants or outside purchasers under current law.

Establishes Protections for Mobile & Manufactured Home (MMH) Tenants

- Limits rent increases to three percent, or six percent only if due to increased operating expenses, property taxes or capital improvements. Tenants could challenge increases over three percent in court.
- Establishes rent-to-own regulations to protect MMH tenants attempting to purchase a home from an MMH park owner or operator.
- Strengthens protections against evictions from parks for the purpose of changing the use of the land.

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