



NEW YORK STATE SENATOR

Brian Benjamin

Harlem Senator Fights For Tenants

[Brian Benjamin](#)

November 3, 2017

ISSUE:

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- [Preferential Rent](#)
- [Vacancy Decontrol](#)

(New York, New York) – New York State Senator Brian A. Benjamin announced today key steps in the fight to preserve affordable housing in his uptown district by co-sponsoring pro-tenant legislation needed to protect his constituents against predatory landlords and developers.

“Housing is the number one issue that constituents bring to my office. The affordable housing crisis that disproportionately affects Harlem, East Harlem, and the Upper West Side is pushing out residents in the communities I represent from the neighborhoods they worked hard to improve.” said Senator Benjamin. “We have to make sure that the law is protecting tenants not landlords, and that landlords aren’t incentivized to put profits over people.”

Two of the bills, S1593 (Serrano) and S3482 (Stewart-Cousins) relate to vacancy

decontrol. Senator Serrano's bill prevents a landlord from being able to automatically increase the rent of a rent regulated apartment by 20% upon vacancy. Senator Stewart-Cousins' bill prevents landlords from automatically removing apartments from rent regulation when they are vacated and reach a monthly rent of \$2,700 or more. "Vacancy decontrol motivates landlords to oust tenants from their homes. When these apartments leave rent regulation, we never get them back," said Sue Susman, an Upper West Side activist who runs an email list on affordable housing.

A third bill, S6527 (Krueger), relates to preferential rents, and would only allow for a dramatic increase from a preferential rent to a maximum legal rent upon the vacancy of the apartment, protecting an essential part of our affordable housing stock.

"These bills are part of a comprehensive strategy to combat gentrification and keep tenants in their homes," said Senator Benjamin. "With Democratic control of the State Senate, we could pass these bills on the first day of session. The only thing standing between tenants and their rights is the IDC/Republican coalition control of the State Senate."

Benjamin, who represents Harlem, East Harlem, and the Upper West Side in the New York State Senate, has a background in affordable housing and frequently fought for tenant's rights as Chair of Community Board 10. He is also the sponsor of the Neighborhood Integrity Act, which would help communities defend the character of their neighborhoods and protect them from predatory development, and the Heights Heritage Act, which will attract state funds to preserve Harlem. The Heights Heritage Act was signed into law by Governor Andrew Cuomo on July 25, 2017.

BACKGROUND

Vacancy decontrol allows landlords to automatically increase the rent of a rent regulated apartment by 20% when that apartment becomes vacant. If this new, higher rent is more than \$2,700 a month, the apartment is permanently removed from rent regulation.

Preferential rent is a rent offered by a landlord in a rent regulated apartment that is lower than the maximum legal rent. Though the state currently protects tenants in

rent regulated apartments from dramatic increases from the maximum legal rent, no such protection exists for tenants who lease their apartments at a preferential rate. Landlords are free to raise a preferential rent to the maximum legal rent (often significantly higher) on the renewal of a lease, often leaving New Yorkers unable to afford their homes.

#

related legislation

[2017-S1593](#)

-
- Introduced
 - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

[Relates to rent increases after vacancy of a housing accommodation; repealer](#)

January 10, 2017

In Senate Committee [Housing, Construction and Community Development](#)

Sponsored by [Jose M. Serrano](#)

Do you support this bill?

2017-S3482

-
- Introduced
 - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

[Makes conforming technical changes to the New York City administrative code and the emergency tenant protection act relating to vacancy decontrol; repealer](#)

January 23, 2017

In Senate Committee [Housing, Construction and Community Development](#)

Sponsored by [Andrea Stewart-Cousins](#)

Do you support this bill?

2017-S6527

-
- Introduced
 - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

[Prohibits an owner from adjusting the amount of preferential rent upon the renewal of a lease](#)

May 31, 2017

In Senate Committee [Housing, Construction and Community Development](#)

Sponsored by [Liz Krueger](#)

Do you support this bill?