

STATE OF NEW YORK

6571

2019-2020 Regular Sessions

IN SENATE

June 16, 2019

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the administrative code of the city of New York, to amend the emergency tenant protection act of nineteen seventy-four, and to amend part C of chapter 36 of the laws of 2019, amending the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating to vacancy of certain housing accommodations and to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York relating to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations, in relation to rent guidelines boards; to amend part D of chapter 36 of the laws of 2019 amending the emergency tenant protection act of nineteen seventy-four relating to vacancies in certain housing accommodations, in relation to making certain technical corrections; to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to vacancy decontrol; to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to recovery of certain housing accommodations by a landlord; to amend the emergency tenant protection act of nineteen seventy-four, the administrative code of the city of New York, the emergency housing rent control law, and to amend part K of chapter 36 of the laws of 2019, amending the emergency tenant protection act of nineteen seventy-four and other laws, relating to a temporary increase in rent in certain cases, in relation to rent increases in certain cases; to amend the public housing law, in relation to annual reports by the state commissioner of housing and community renewal; to amend the real property law, in relation to notices required to tenants; to amend part M of chapter 36 of the laws of 2019, amending the real property law, and other laws, relating to enacting the "statewide housing security and tenant protection act of 2019", in relation to the effectiveness of certain provisions thereof; to amend the real property law, in

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

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relation to the content of rent-to-own contracts pertaining to manufactured or mobile homes; to amend the emergency housing rent control law, in relation to adjustments of maximum rent; and to repeal certain provisions of the emergency housing rent control law and the administrative code of the city of New York relating to vacancy decontrol

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

1 Section 1. Subdivision j of section 26-510 of the administrative code
2 of the city of New York, as added by section 1 of part C of chapter 36
3 of the laws of 2019, is amended to read as follows:

4 j. Notwithstanding any other provision of this law, the adjustment for
5 vacancy leases covered by the provisions of this law shall be determined
6 exclusively pursuant to this section. ~~[County]~~ **The** rent guidelines
7 ~~[boards]~~ **board** shall no longer promulgate adjustments for vacancy leases
8 unless otherwise authorized by this chapter.

9 § 2. Subdivision e of section 4 of section 4 of chapter 576 of the
10 laws of 1974, constituting the emergency tenant protection act of nine-
11 teen seventy-four, as added by section 2 of part C of chapter 36 of the
12 laws of 2019, is amended to read as follows:

13 e. Notwithstanding any other provision of this act, the adjustment for
14 vacancy leases covered by the provisions of this act shall be determined
15 exclusively pursuant to section ten of this act. ~~[County—rent]~~ **Rent**
16 guidelines boards shall no longer promulgate adjustments for vacancy
17 leases.

18 § 3. The opening paragraph of subdivision b of section 4 of section 4
19 of chapter 576 of the laws of 1974, constituting the emergency tenant
20 protection act of nineteen seventy-four, as amended by section 3 of part
21 C of chapter 36 of the laws of 2019, is amended to read as follows:

22 A county rent guidelines board shall establish annual guidelines for
23 rent adjustments which, at its sole discretion may be varied and differ-
24 ent for and within the several zones and jurisdictions of the board, and
25 in determining whether rents for housing accommodations as to which an
26 emergency has been declared pursuant to this act shall be adjusted,
27 shall consider among other things (1) the economic condition of the
28 residential real estate industry in the affected area including such
29 factors as the prevailing and projected (i) real estate taxes and sewer
30 and water rates, (ii) gross operating maintenance costs (including
31 insurance rates, governmental fees, cost of fuel and labor costs), (iii)
32 costs and availability of financing (including effective rates of inter-
33 est), (iv) over-all supply of housing accommodations and over-all vacan-
34 cy rates, (2) relevant data from the current and projected cost of
35 living indices for the affected area, (3) such other data as may be made
36 available to it. As soon as practicable after its creation and thereaft-
37 er not later than July first of each year, a rent guidelines board shall
38 file with the state division of housing and community renewal its find-
39 ings for the preceding calendar year, and shall accompany such findings
40 with a statement of the maximum rate or rates of rent adjustment, if
41 any, for one or more classes of accommodation subject to this act,
42 authorized for leases or other rental agreements commencing during the
43 next succeeding twelve months. The standards for rent adjustments may be
44 applicable for the entire county or may be varied according to such
45 zones or jurisdictions within such county as the board finds necessary
46 to achieve the purposes of this subdivision. A ~~[county]~~ rent guidelines

board shall not establish annual guidelines for rent adjustments based on the current rental cost of a unit or on the amount of time that has elapsed since another rent increase was authorized pursuant to this chapter.

§ 4. Section 5 of part C of chapter 36 of the laws of 2019, amending the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating to vacancy of certain housing accommodations and to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York relating to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations, is amended to read as follows:

§ 5. This act shall take effect immediately; provided, further, that the amendments to section 26-510 of chapter 4 of title 26 of the administrative code of the city of New York made by sections one and four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law.

§ 5. Section 6 of part D of chapter 36 of the laws of 2019 amending the emergency tenant protection act of nineteen seventy-four, relating to vacancies in certain housing accommodations, is amended to read as follows:

§ 6. Paragraph 12 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is REPEALED.

§ 6. Section 7 of part D of chapter 36 of the laws of 2019 amending the emergency tenant protection act of nineteen seventy-four, relating to vacancies in certain housing accommodations, is amended to read as follows:

§ 7. Section 5-a of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is REPEALED.

§ 7. Section 26-403.1 of the administrative code of the city of New York is REPEALED.

§ 8. Subparagraph (j) of paragraph 2 of subdivision (e) of section 26-403 of the administrative code of the city of New York is REPEALED.

§ 9. Section 2-a of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is REPEALED.

§ 10. Section 8 of part D of chapter 36 of the laws of 2019, amending the emergency tenant protection act of nineteen seventy-four, in relating to vacancies in certain housing accommodations, is amended to read as follows:

§ 8. This act shall take effect immediately; provided however, that (i) any unit that was lawfully deregulated prior to June 14, 2019 shall remain deregulated; and (ii) a market rate unit in a multiple dwelling receiving benefits pursuant to subdivision 16 of section 421-a of the real property tax law shall continue to be subject to the deregulation provisions of rent stabilization as provided by law prior to June 14, 2019.

§ 11. Subdivision (a-2) of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 1 of part E of chapter 36 of the laws of 2019, is amended to read as follows:

(a-2) Where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon

1 vacancy thereof, may, at the option of the owner, be based upon such
2 previously established legal regulated rent, as adjusted by the most
3 recent applicable guidelines increases and other increases authorized by
4 law. ~~[Any]~~ For any tenant who is subject to a lease on or after the
5 effective date of a chapter of the laws of two thousand nineteen which
6 amended this subdivision, or is or was entitled to receive a renewal or
7 vacancy lease on or after such date, upon renewal of such lease, the
8 amount of rent for such housing accommodation that may be charged and
9 paid shall be no more than the rent charged to and paid by the tenant
10 prior to that renewal, as adjusted by the most recent applicable guide-
11 lines increases and any other increases authorized by law. Provided,
12 however, that for buildings that are subject to this statute by virtue
13 of a regulatory agreement with a local government agency and which
14 buildings receive federal project based rental assistance administered
15 by the United States department of housing and urban development or a
16 state or local section eight administering agency, where the rent set by
17 the federal, state or local governmental agency is less than the legal
18 regulated rent for the housing accommodation, the amount of rent for
19 such housing accommodation which may be charged with the approval of
20 such federal, state or local governmental agency upon renewal or upon
21 vacancy thereof, may be based upon such previously established legal
22 regulated rent, as adjusted by the most recent applicable guidelines
23 increases or other increases authorized by law; and further provided
24 that such vacancy shall not be caused by the failure of the owner or an
25 agent of the owner, to maintain the housing accommodation in compliance
26 with the warranty of habitability set forth in subdivision one of
27 section two hundred thirty-five-b of the real property law.

28 § 12. Paragraph 14 of subdivision c of section 26-511 of the adminis-
29 trative code of the city of New York, as amended by section 2 of part E
30 of chapter 36 of the laws of 2019, is amended to read as follows:

31 (14) where the amount of rent charged to and paid by the tenant is
32 less than the legal regulated rent for the housing accommodation, the
33 amount of rent for such housing accommodation which may be charged upon
34 vacancy thereof, may, at the option of the owner, be based upon such
35 previously established legal regulated rent, as adjusted by the most
36 recent applicable guidelines increases and any other increases author-
37 ized by law. ~~[Any]~~ For any tenant who is subject to a lease on or after
38 the effective date of a chapter of the laws of two thousand nineteen
39 which amended this paragraph, or is or was entitled to receive a renewal
40 or vacancy lease on or after such date, upon renewal of such lease, the
41 amount of rent for such housing accommodation that may be charged and
42 paid shall be no more than the rent charged to and paid by the tenant
43 prior to that renewal, as adjusted by the most recent applicable guide-
44 lines increases and any other increases authorized by law. Provided,
45 however, that for buildings that are subject to this statute by virtue
46 of a regulatory agreement with a local government agency and which
47 buildings receive federal project based rental assistance administered
48 by the United States department of housing and urban development or a
49 state or local section eight administering agency, where the rent set by
50 the federal, state or local governmental agency is less than the legal
51 regulated rent for the housing accommodation, the amount of rent for
52 such housing accommodation which may be charged with the approval of
53 such federal, state or local governmental agency upon renewal or upon
54 vacancy thereof, may be based upon such previously established legal
55 regulated rent, as adjusted by the most recent applicable guidelines
56 increases and other increases authorized by law; and further provided

1 that such vacancy shall not be caused by the failure of the owner or an
2 agent of the owner, to maintain the housing accommodation in compliance
3 with the warranty of habitability set forth in subdivision one of
4 section two hundred thirty-five-b of the real property law.

5 § 13. Paragraph 9 of subdivision a of section 12 of section 4 of chap-
6 ter 576 of the laws of 1974, constituting the emergency tenant
7 protection act of nineteen seventy-four, as added by section 2 of part F
8 of chapter 36 of the laws of 2019, is amended to read as follows:

9 (9) The division of housing and community renewal and the courts, in
10 investigating complaints of overcharge and in determining legal regu-
11 lated rents, shall consider all available rent history which is reason-
12 ably necessary to make such determinations, including but not limited to
13 (a) any rent registration or other records filed with the state division
14 of housing and community renewal, or any other state, municipal or
15 federal agency, regardless of the date to which the information on such
16 registration refers; (b) any order issued by any state, municipal or
17 federal agency; (c) any records maintained by the owner or tenants; and
18 (d) any public record kept in the regular course of business by any
19 state, municipal or federal agency. Nothing contained in this paragraph
20 shall limit the examination of rent history relevant to a determination
21 as to:

22 (i) whether the legality of a rental amount charged or registered is
23 reliable in light of all available evidence including, but not limited
24 to, whether an unexplained increase in the registered or lease rents, or
25 a fraudulent scheme to destabilize the housing accommodation, rendered
26 such rent or registration unreliable;

27 (ii) whether an accommodation is subject to the emergency tenant
28 protection act;

29 (iii) whether an order issued by the division of housing and community
30 renewal or a court of competent jurisdiction, including, but not limited
31 to an order issued pursuant to section ~~[26-514 of the administrative~~
32 ~~code of the city of New York]~~ seven of this act, or any regulatory
33 agreement or other contract with any governmental agency, and remaining
34 in effect within six years of the filing of a complaint pursuant to this
35 section, affects or limits the amount of rent that may be charged or
36 collected;

37 (iv) whether an overcharge was or was not willful;

38 (v) whether a rent adjustment that requires information regarding the
39 length of occupancy by a present or prior tenant was lawful;

40 (vi) the existence or terms and conditions of a preferential rent, or
41 the propriety of a legal registered rent during a period when the
42 tenants were charged a preferential rent;

43 (vii) the legality of a rent charged or registered immediately prior
44 to the registration of a preferential rent; or

45 (viii) the amount of the legal regulated rent where the apartment was
46 vacant or temporarily exempt on the date six years prior to a tenant's
47 complaint.

48 § 14. Subparagraph (b) of paragraph 9 of subdivision c of section
49 26-511 of the administrative code of the city of New York, as amended by
50 section 2 of part I of chapter 36 of the laws of 2019, is amended to
51 read as follows:

52 (b) where he or she seeks to recover possession of one dwelling unit
53 because of immediate and compelling necessity for his or her own
54 personal use and occupancy as his or her primary residence or for the
55 use and occupancy of a member of his or her immediate family as his or
56 her primary residence, provided however, that this subparagraph shall

1 permit recovery of only one dwelling unit and shall not apply where a
2 tenant or the spouse of a tenant lawfully occupying the dwelling unit is
3 sixty-two years of age or older, has been a tenant in a dwelling unit in
4 that building for fifteen years or more, or has an impairment which
5 results from anatomical, physiological or psychological conditions,
6 other than addiction to alcohol, gambling, or any controlled substance,
7 which are demonstrable by medically acceptable clinical and laboratory
8 diagnostic techniques, and which are expected to be permanent and which
9 prevent the tenant from engaging in any substantial gainful employment,
10 unless such owner offers to provide and if requested, provides an equiv-
11 alent or superior housing accommodation at the same or lower stabilized
12 rent in a closely proximate area. The provisions of this subparagraph
13 shall only permit one of the individual owners of any building to
14 recover possession of one dwelling unit for his or her own personal use
15 and/or for that of his or her immediate family. A dwelling unit recov-
16 ered by an owner pursuant to this subparagraph shall not for a period of
17 three years be rented, leased, subleased or assigned to any person other
18 than a person for whose benefit recovery of the dwelling unit is permit-
19 ted pursuant to this subparagraph or to the tenant in occupancy at the
20 time of recovery under the same terms as the original lease; provided,
21 however, that a tenant required to surrender a ~~[housing accommodation by~~
22 ~~virtue of the operation of subdivision g or h of section 26-408 of this~~
23 ~~title]~~ dwelling unit under this subparagraph shall have a cause of
24 action in any court of competent jurisdiction for damages, declaratory,
25 and injunctive relief against a landlord or purchaser of the premises
26 who makes a fraudulent statement regarding a proposed use of the housing
27 accommodation. In any action or proceeding brought pursuant to this
28 subparagraph a prevailing tenant shall be entitled to recovery of actual
29 damages, and reasonable attorneys' fees. This subparagraph shall not be
30 deemed to establish or eliminate any claim that the former tenant of the
31 dwelling unit may otherwise have against the owner. Any such rental,
32 lease, sublease or assignment during such period to any other person may
33 be subject to a penalty of a forfeiture of the right to any increases in
34 residential rents in such building for a period of three years; or

35 § 15. Subdivision a of section 10 of section 4 of chapter 576 of the
36 laws of 1974, constituting the emergency tenant protection act of nine-
37 teen seventy-four, as amended by section 3 of part I of chapter 36 of
38 the laws of 2019, is amended to read as follows:

39 a. For cities having a population of less than one million and towns
40 and villages, the state division of housing and community renewal shall
41 be empowered to implement this act by appropriate regulations. Such
42 regulations may encompass such speculative or manipulative practices or
43 renting or leasing practices as the state division of housing and commu-
44 nity renewal determines constitute or are likely to cause circumvention
45 of this act. Such regulations shall prohibit practices which are likely
46 to prevent any person from asserting any right or remedy granted by this
47 act, including but not limited to retaliatory termination of periodic
48 tenancies and shall require owners to grant a new one or two year vacan-
49 cy or renewal lease at the option of the tenant, except where a mortgage
50 or mortgage commitment existing as of the local effective date of this
51 act provides that the owner shall not grant a one-year lease; and shall
52 prescribe standards with respect to the terms and conditions of new and
53 renewal leases, additional rent and such related matters as security
54 deposits, advance rental payments, the use of escalator clauses in leas-
55 es and provision for increase in rentals for garages and other ancillary
56 facilities, so as to ~~[insure]~~ ensure that the level of rent adjustments

1 authorized under this law will not be subverted and made ineffective.
2 Any provision of the regulations permitting an owner to refuse to renew
3 a lease on grounds that the owner seeks to recover possession of a hous-
4 ing accommodation for his or her own use and occupancy or for the use
5 and occupancy of his or her immediate family shall permit recovery of
6 only one housing accommodation, shall require that an owner demonstrate
7 immediate and compelling need and that the housing accommodation will be
8 the proposed occupants' primary residence and shall not apply where a
9 member of the housing accommodation is sixty-two years of age or older,
10 has been a tenant in a housing accommodation in that building for
11 fifteen years or more, or has an impairment which results from anatom-
12 ical, physiological or psychological conditions, other than addiction to
13 alcohol, gambling, or any controlled substance, which are demonstrable
14 by medically acceptable clinical and laboratory diagnostic techniques,
15 and which are expected to be permanent and which prevent the tenant from
16 engaging in any substantial gainful employment; provided, however, that
17 a tenant required to surrender a housing accommodation [~~by virtue of the~~
18 ~~operation of subdivision g or h of section 26-408 of the administrative~~
19 ~~code of the city of New York~~] under this subdivision shall have a cause
20 of action in any court of competent jurisdiction for damages, declarato-
21 ry, and injunctive relief against a landlord or purchaser of the prem-
22 ises who makes a fraudulent statement regarding a proposed use of the
23 housing accommodation. In any action or proceeding brought pursuant to
24 this subdivision a prevailing tenant shall be entitled to recovery of
25 actual damages, and reasonable attorneys' fees.

26 § 16. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of
27 the laws of 1946, constituting the emergency housing rent control law,
28 as amended by section 4 of part I of chapter 36 of the laws of 2019, is
29 amended to read as follows:

30 (a) the landlord seeks in good faith to recover possession of a hous-
31 ing accommodation because of immediate and compelling necessity for his
32 or her own personal use and occupancy as his or her primary residence or
33 for the use and occupancy of his or her immediate family as their prima-
34 ry residence; provided, however, this subdivision shall permit recovery
35 of only one housing accommodation and shall not apply where a member of
36 the household lawfully occupying the housing accommodation is sixty-two
37 years of age or older, has been a tenant in a housing accommodation in
38 that building for fifteen years or more, or has an impairment which
39 results from anatomical, physiological or psychological conditions,
40 other than addiction to alcohol, gambling, or any controlled substance,
41 which are demonstrable by medically acceptable clinical and laboratory
42 diagnostic techniques, and which are expected to be permanent and which
43 prevent the tenant from engaging in any substantial gainful employment;
44 provided, however, that a tenant required to surrender a housing accom-
45modation [~~by virtue of the operation of subdivision g or h of section~~
46 ~~26-408 of the administrative code of the city of New York~~] under this
47 paragraph shall have a cause of action in any court of competent juris-
48 diction for damages, declaratory, and injunctive relief against a land-
49 lord or purchaser of the premises who makes a fraudulent statement
50 regarding a proposed use of the housing accommodation. In any action or
51 proceeding brought pursuant to this paragraph a prevailing tenant shall
52 be entitled to recovery of actual damages, and reasonable attorneys'
53 fees; or

54 § 17. Paragraphs 6 and 10 of subdivision a of section 5 of section 4
55 of chapter 576 of the laws of 1974, constituting the emergency tenant
56 protection act of nineteen seventy-four, paragraph 6 as amended by chap-

ter 403 of the laws of 1983 and paragraph 10 as amended by section 1 of part J of chapter 36 of the laws of 2019, are amended to read as follows:

(6) housing accommodations owned or operated by 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 other than (i) those accommodations occupied by a tenant on the date such housing accommodation is acquired by any such institution, or which are occupied subsequently by a tenant who is not affiliated with such institution at the time of his initial occupancy or (ii) permanent housing accommodations with government contracted services, as of and after June fourteenth, two thousand nineteen, to vulnerable individuals or individuals with disabilities who are or were homeless or at risk of homelessness; provided, however, that the terms of leases in existence as of June fourteenth, two thousand nineteen, shall only be affected upon lease renewal, and further provided that upon the vacancy of such housing accommodations, the legal regulated rent for such housing accommodations shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board;

(10) housing accommodations in buildings operated exclusively for charitable purposes on a non-profit basis except for permanent housing accommodations with government contracted services, as of and after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, to vulnerable individuals or individuals with disabilities who are or were homeless or at risk of homelessness; provided, however, that the terms of leases in existence as of the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, shall only be affected upon lease renewal, and further provided that upon the vacancy of such housing accommodations, the legal regulated rent for such housing accommodations shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board;

§ 18. Paragraph 1 of subdivision d of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 1 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(1) 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, on written informed tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The temporary increase in the legal regulated 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 paragraph, of the total actual cost incurred by the landlord up to fifteen 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 paragraph 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 paragraph, shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period beginning with the first individual apartment improvement on or after June fourteenth, two thousand nineteen. Provided further that increases to the legal regulated rent pursuant to this paragraph 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.

§ 19. Paragraph 13 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 2 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(13) provides that an owner is 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, on written informed tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The temporary increase in the legal regulated 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 paragraph, of the total actual cost incurred by the landlord 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 prohibit 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 paragraph 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 paragraph, shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three

1 separate individual apartment improvements in a fifteen year period
2 beginning with the first individual apartment improvement on or after
3 June fourteenth, two thousand nineteen. Provided further that increases
4 to the legal regulated rent pursuant to this paragraph shall be removed
5 from the legal regulated rent thirty years from the date the increase
6 became effective inclusive of any increases granted by the applicable
7 rent guidelines board.

8 § 20. Subparagraph (e) of paragraph 1 of subdivision g of section
9 26-405 of the administrative code of the city of New York, as amended by
10 section 3 of part K of chapter 36 of the laws of 2019, is amended to
11 read as follows:

12 (e) The landlord and tenant by mutual voluntary written agreement
13 demonstrating informed consent agree to a substantial increase or
14 decrease in dwelling space or a change in furniture, furnishings or
15 equipment provided in the housing accommodations. An adjustment under
16 this subparagraph shall be equal to one-one hundred sixty-eighth, in the
17 case of a building with thirty-five or fewer housing accommodations or
18 one-one hundred eightieth in the case of a building with more than thir-
19 ty-five housing accommodations where such temporary adjustment takes
20 effect on or after the effective date of the chapter of the laws of two
21 thousand nineteen that amended this subparagraph, of the total actual
22 cost incurred by the landlord in providing such reasonable and verifi-
23 able modification or increase in dwelling space, furniture, furnishings,
24 or equipment, including the cost of installation but excluding finance
25 charges and any costs that exceed reasonable costs established by rules
26 and regulations promulgated by the division of housing and community
27 renewal. Such rules and regulations shall include: (i) requirements for
28 work to be done by licensed contractors and prohibit common ownership
29 between the landlord and the contractor or vendor; and (ii) a require-
30 ment that the owner resolve within the dwelling space all outstanding
31 hazardous or immediately hazardous violations of the Uniform Fire
32 Prevention and Building Code (Uniform Code), New York City Fire Code, or
33 New York City Building and Housing Maintenance Codes, if applicable.
34 Provided further that an owner who is entitled to a rent increase pursu-
35 ant to this subparagraph shall not be entitled to a further rent
36 increase based upon the installation of similar equipment, or new furni-
37 ture or furnishings within the useful life of such new equipment, or new
38 furniture or furnishings. Provided further that the recoverable costs
39 incurred by the landlord, pursuant to this subparagraph shall be limited
40 to an aggregate cost of fifteen thousand dollars that may be expended on
41 no more than three separate individual apartment improvements in a
42 fifteen year period beginning with the first individual apartment
43 improvement on or after June fourteenth, two thousand nineteen. Provided
44 further that increases to the legal regulated rent pursuant to this
45 subparagraph shall be removed from the legal regulated rent thirty years
46 from the date the increase became effective inclusive of any increases
47 granted by the applicable rent guidelines board. The owner shall give
48 written notice to the city rent agency of any such temporary adjustment
49 pursuant to this subparagraph; or

50 § 21. Paragraphs 8 and 12 of subdivision a of section 26-511.1 of the
51 administrative code of the city of New York, as added by section 4 of
52 part K of chapter 36 of the laws of 2019, are amended to read as
53 follows:

54 (8) establish that temporary major capital improvement increases shall
55 be collectible prospectively on the first day of the first month begin-
56 ning 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 [~~beginning on or after September 1, 2019~~] for any tenant in occupancy on the date the major capital improvement was approved;

(12) 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 a temporary 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. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 22. Paragraphs 8 and 12 of subdivision a of section 26-405.1 of the administrative code of the city of New York, as added by section 5 of part K of chapter 36 of the laws of 2019, are amended to read as follows:

(8) 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 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 [~~beginning on or after September 1, 2019~~] for any tenant in occupancy on the date the major capital improvement was approved;

(12) 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 a temporary individual apartment improvement rent

1 increase for a tenant in occupancy which shall be used by landlords to
2 obtain written informed consent that shall include the estimated total
3 cost of the improvement and the estimated monthly rent increase. [~~Such~~
4 ~~consent shall be executed in the tenant's primary language.~~] Such form
5 shall be completed and preserved in the centralized electronic retention
6 system to be operational by June 14, 2020. Nothing herein shall relieve
7 a landlord, lessor, or agent thereof of his or her duty to retain proper
8 documentation of all improvements performed or any rent increases
9 resulting from said improvements.

10 § 23. Paragraphs 8 and 12 of subdivision (a) of section 10-b of
11 section 4 of chapter 576 of the laws of 1974, constituting the emergency
12 tenant protection act of nineteen seventy-four, as added by section 6 of
13 part K of chapter 36 of the laws of 2019, are amended to read as
14 follows:

15 8. establish that temporary major capital improvement increases shall
16 be collectible prospectively on the first day of the first month begin-
17 ning sixty days from the date of mailing notice of approval to the
18 tenant. Such notice shall disclose the total monthly increase in rent
19 and the first month in which the tenant would be required to pay the
20 temporary increase. An approval for a temporary major capital improve-
21 ment increase shall not include retroactive payments. The collection of
22 any increase shall not exceed two percent in any year from the effective
23 date of the order granting the increase over the rent set forth in the
24 schedule of gross rents, with collectability of any dollar excess above
25 said sum to be spread forward in similar increments and added to the
26 rent as established or set in future years. Upon vacancy, the landlord
27 may add any remaining balance of the temporary major capital improvement
28 increase to the legal regulated rent. Notwithstanding any other
29 provision of the law, for any renewal lease commencing on or after June
30 14, 2019, the collection of any rent increases due to any major capital
31 improvements approved on or after June 16, 2012 and before June 16, 2019
32 shall not exceed two percent in any year [~~beginning on or after Septem-~~
33 ~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital
34 improvement was approved;

35 12. establish a form in the top six languages other than English
36 spoken in the state according to the latest available data from the U.S.
37 Bureau of Census for a temporary individual apartment improvement rent
38 increase for a tenant in occupancy which shall be used by landlords to
39 obtain written informed consent that shall include the estimated total
40 cost of the improvement and the estimated monthly rent increase. [~~Such~~
41 ~~consent shall be executed in the tenant's primary language.~~] Such form
42 shall be completed and preserved in the centralized electronic retention
43 system to be operational by June 14, 2020. Nothing herein shall relieve
44 a landlord, lessor, or agent thereof of his or her duty to retain proper
45 documentation of all improvements performed or any rent increases
46 resulting from said improvements.

47 § 24. Paragraphs (h) and (l) of subdivision 1 of section 8-a of chap-
48 ter 274 of the laws of 1946, constituting the emergency housing rent
49 control law, as added by section 7 of part K of chapter 36 of the laws
50 of 2019, are amended to read as follows:

51 (h) establish that temporary major capital improvement increases shall
52 be collectible prospectively on the first day of the first month begin-
53 ning sixty days from the date of mailing notice of approval to the
54 tenant. Such notice shall disclose the total monthly increase in rent
55 and the first month in which the tenant would be required to pay the
56 temporary increase. An approval for a temporary major capital improve-

ment 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 [~~beginning on or after September 1, 2019~~] for any tenant in occupancy on the date the major capital improvement was approved;

(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 a temporary 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. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

§ 25. Subparagraph 7 of the second undesignated paragraph of paragraph (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 8 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

(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 tempo-

1 rary major capital improvement increase to the legal regulated rent.
2 Notwithstanding any other provision of the law, for any renewal lease
3 commencing on or after June 14, 2019, the collection of any rent
4 increases due to any major capital improvements approved on or after
5 June 16, 2012 and before June 16, 2019 shall not exceed two percent in
6 any year [~~beginning on or after September 1, 2019~~] for any tenant in
7 occupancy on the date the major capital improvement was approved; or

8 § 26. Paragraph 3 of subdivision d of section 6 of section 4 of chap-
9 ter 576 of the laws of 1974, constituting the emergency tenant
10 protection act of nineteen seventy-four, as amended by section 9 of part
11 K of chapter 36 of the laws of 2019, is amended to read as follows:

12 (3) there has been since January first, nineteen hundred seventy-four
13 a major capital improvement essential for the preservation, energy effi-
14 ciency, functionality, or infrastructure of the entire building,
15 improvement of the structure including heating, windows, plumbing and
16 roofing, but shall not be for operation costs or unnecessary cosmetic
17 improvements. An adjustment under this paragraph shall be in an amount
18 sufficient to amortize the cost of the improvements pursuant to this
19 paragraph over a twelve-year period for a building with thirty-five or
20 fewer housing accommodations, or a twelve and one-half period for a
21 building with more than thirty-five housing accommodations and shall be
22 removed from the legal regulated rent thirty years from the date the
23 increase became effective inclusive of any increases granted by the
24 applicable rent guidelines board, for any determination issued by the
25 division of housing and community renewal after the effective date of
26 the chapter of the laws of two thousand nineteen that amended this para-
27 graph[; ~~the~~]. Temporary major capital improvement increases shall be
28 collectable prospectively on the first day of the first month beginning
29 sixty days from the date of mailing notice of approval to the tenant.
30 Such notice shall disclose the total monthly increase in rent and the
31 first month in which the tenant would be required to pay the temporary
32 increase. An approval for a temporary major capital improvement increase
33 shall not include retroactive payments. The collection of any increase
34 shall not exceed two percent in any year from the effective date of the
35 order granting the increase over the rent set forth in the schedule of
36 gross rents, with collectability of any dollar excess above said sum to
37 be spread forward in similar increments and added to the rent as estab-
38 lished or set in future years. Upon vacancy, the landlord may add any
39 remaining balance of the temporary major capital improvement increase to
40 the legal regulated rent. Notwithstanding any other provision of the
41 law, the collection of any rent increases for any renewal lease commenc-
42 ing on or after June 14, 2019, due to any major capital improvements
43 approved on or after June 16, 2012 and before June 16, 2019 shall not
44 exceed two percent in any year [~~beginning on or after September 1, 2019~~]
45 for any tenant in occupancy on the date the major capital improvement
46 was approved, or

47 § 27. Subparagraph (g) of paragraph 1 of subdivision g of section
48 26-405 of the administrative code of the city of New York, as amended by
49 section 10 of part K of chapter 36 of the laws of 2019, is amended to
50 read as follows:

51 (g) There has been since July first, nineteen hundred seventy, a major
52 capital improvement essential for the preservation energy efficiency,
53 functionality, or infrastructure of the entire building, improvement of
54 the structure including heating, windows, plumbing and roofing but shall
55 not be for operational costs or unnecessary cosmetic improvements. The
56 temporary increase based upon a major capital improvement under this

1 subparagraph for any order of the commissioner issued after the effec-
2 tive date of the chapter of the laws of two thousand nineteen that
3 amended this subparagraph shall be in an amount sufficient to amortize
4 the cost of the improvements pursuant to this subparagraph (g) over a
5 twelve-year period for buildings with thirty-five or fewer units or a
6 twelve and one-half year period for buildings with more than thirty-five
7 units, and shall be removed from the legal regulated rent thirty years
8 from the date the increase became effective inclusive of any increases
9 granted by the applicable rent guidelines board. Temporary major capi-
10 tal improvement increases shall be collectible prospectively on the
11 first day of the first month beginning sixty days from the date of mail-
12 ing notice of approval to the tenant. Such notice shall disclose the
13 total monthly increase in rent and the first month in which the tenant
14 would be required to pay the temporary increase. An approval for a
15 temporary major capital improvement increase shall not include retroac-
16 tive payments. The collection of any increase shall not exceed two
17 percent in any year from the effective date of the order granting the
18 increase over the rent set forth in the schedule of gross rents, with
19 collectability of any dollar excess above said sum to be spread forward
20 in similar increments and added to the rent as established or set in
21 future years. Upon vacancy, the landlord may add any remaining balance
22 of the temporary major capital improvement increase to the legal regu-
23 lated rent. Notwithstanding any other provision of the law, for any
24 renewal lease commencing on or after June 14, 2019, the collection of
25 any rent increases due to any major capital improvements approved on or
26 after June 16, 2012 and before June 16, 2019 shall not exceed two
27 percent in any year [~~beginning on or after September 1, 2019~~] for any
28 tenant in occupancy on the date the major capital improvement was
29 approved, or

30 § 28. Paragraph 6 of subdivision c of section 26-511 of the adminis-
31 trative code of the city of New York, as amended by section 11 of part K
32 of chapter 36 of the laws of 2019, is amended to read as follows:

33 (6) provides criteria whereby the commissioner may act upon applica-
34 tions by owners for increases in excess of the level of fair rent
35 increase established under this law provided, however, that such crite-
36 ria shall provide (a) as to hardship applications, for a finding that
37 the level of fair rent increase is not sufficient to enable the owner to
38 maintain approximately the same average annual net income (which shall
39 be computed without regard to debt service, financing costs or manage-
40 ment fees) for the three year period ending on or within six months of
41 the date of an application pursuant to such criteria as compared with
42 annual net income, which prevailed on the average over the period nine-
43 teen hundred sixty-eight through nineteen hundred seventy, or for the
44 first three years of operation if the building was completed since nine-
45 teen hundred sixty-eight or for the first three fiscal years after a
46 transfer of title to a new owner provided the new owner can establish to
47 the satisfaction of the commissioner that he or she acquired title to
48 the building as a result of a bona fide sale of the entire building and
49 that the new owner is unable to obtain requisite records for the fiscal
50 years nineteen hundred sixty-eight through nineteen hundred seventy
51 despite diligent efforts to obtain same from predecessors in title and
52 further provided that the new owner can provide financial data covering
53 a minimum of six years under his or her continuous and uninterrupted
54 operation of the building to meet the three year to three year compar-
55 ative test periods herein provided; and (b) as to completed building-
56 wide major capital improvements, for a finding that such improvements

1 are deemed depreciable under the Internal Revenue Code and that the cost
2 is to be amortized over a twelve-year period for a building with thir-
3 ty-five or fewer housing accommodations, or a twelve and one-half-year
4 period for a building with more than thirty-five housing accommodations,
5 for any determination issued by the division of housing and community
6 renewal after the effective date of the the chapter of the laws of two
7 thousand nineteen that amended this paragraph and shall be removed from
8 the legal regulated rent thirty years from the date the increase became
9 effective inclusive of any increases granted by the applicable rent
10 guidelines board. Temporary major capital improvement increases shall
11 be collectible prospectively on the first day of the first month begin-
12 ning sixty days from the date of mailing notice of approval to the
13 tenant. Such notice shall disclose the total monthly increase in rent
14 and the first month in which the tenant would be required to pay the
15 temporary increase. An approval for a temporary major capital improve-
16 ment increase shall not include retroactive payments. The collection of
17 any increase shall not exceed two percent in any year from the effective
18 date of the order granting the increase over the rent set forth in the
19 schedule of gross rents, with collectability of any dollar excess above
20 said sum to be spread forward in similar increments and added to the
21 rent as established or set in future years. Upon vacancy, the landlord
22 may add any remaining balance of the temporary major capital improvement
23 increase to the legal regulated rent. Notwithstanding any other
24 provision of the law, for any renewal lease commencing on or after June
25 14, 2019, the collection of any rent increases due to any major capital
26 improvements approved on or after June 16, 2012 and before June 16, 2019
27 shall not exceed two percent in any year [~~beginning on or after Septem-~~
28 ~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital
29 improvement was approved or based upon cash purchase price exclusive of
30 interest or service charges. Notwithstanding anything to the contrary
31 contained herein, no hardship increase granted pursuant to this para-
32 graph shall, when added to the annual gross rents, as determined by the
33 commissioner, exceed the sum of, (i) the annual operating expenses, (ii)
34 an allowance for management services as determined by the commissioner,
35 (iii) actual annual mortgage debt service (interest and amortization) on
36 its indebtedness to a lending institution, an insurance company, a
37 retirement fund or welfare fund which is operated under the supervision
38 of the banking or insurance laws of the state of New York or the United
39 States, and (iv) eight and one-half percent of that portion of the fair
40 market value of the property which exceeds the unpaid principal amount
41 of the mortgage indebtedness referred to in subparagraph (iii) of this
42 paragraph. Fair market value for the purposes of this paragraph shall be
43 six times the annual gross rent. The collection of any increase in the
44 stabilized rent for any apartment pursuant to this paragraph shall not
45 exceed six percent in any year from the effective date of the order
46 granting the increase over the rent set forth in the schedule of gross
47 rents, with collectability of any dollar excess above said sum to be
48 spread forward in similar increments and added to the stabilized rent as
49 established or set in future years;

50 § 29. Subdivision (c) of section 18 of part K of chapter 36 of the
51 laws of 2019, amending the emergency tenant protection act of nineteen
52 seventy-four and other laws relating to a temporary increase in rent in
53 certain cases, is amended to read as follows:

54 (c) [~~effective immediately,~~] the addition, amendment and/or repeal of
55 any rule or regulation necessary for the implementation of this act on
56 [~~its effective date are authorized and~~] and after June 14, 2019 are

1 directed to be made immediately and completed on or before [~~such effec-~~
2 ~~tive date~~] June 14, 2020, provided however that in the absence of such
3 rules and regulations, the division shall immediately commence and
4 continue implementation of all provisions of this act.

5 § 30. Subdivision 2 of section 20 of the public housing law, as added
6 by section 2 of part L of chapter 36 of the laws of 2019, is amended to
7 read as follows:

8 2. The commissioner shall, on or before December thirty-first, two
9 thousand nineteen, and on or before December thirty-first in each subse-
10 quent year, submit and make publicly available a report to the governor,
11 the temporary president of the senate, the speaker of the assembly, and
12 on its website, on the implementation of the system of rent regulation
13 pursuant to chapter five hundred seventy-six of the laws of nineteen
14 hundred seventy-four, chapter two hundred seventy four of the laws of
15 nineteen hundred forty-six, chapter three hundred twenty-nine of the
16 laws of nineteen hundred sixty-three, chapter five hundred fifty-five of
17 the laws of nineteen hundred eighty-two, chapter four hundred two of the
18 laws of nineteen hundred eighty-three, chapter one hundred sixteen of
19 the laws of nineteen hundred ninety-seven, sections 26-501, 26-502, and
20 26-520 of the administrative code of the city of New York and the hous-
21 ing stability and tenant protection act of 2019. Such report shall
22 include but not be limited to: a narrative describing the programs and
23 activities undertaken by the office of rent administration and the
24 tenant protection unit, and any other programs or activities undertaken
25 by the division to implement, administer, and enforce the system of rent
26 regulation; and in tabular format, for each of the three fiscal years
27 immediately preceding the date the report is due: (i) the number of rent
28 stabilized housing accommodations within each county; (ii) the number of
29 rent controlled housing accommodations within each county; (iii) the
30 number of applications for major capital improvements filed with the
31 division, the number of such applications approved as submitted, the
32 number of such applications approved with modifications, and the number
33 of such applications rejected; (iv) the median and mean value of appli-
34 cations for major capital improvements approved; (v) the number of units
35 which were registered with the division where the amount charged to and
36 paid by the tenant was less than the registered rent for the housing
37 accommodation; (vi) for housing accommodations that were registered with
38 the division where the amount charged to and paid by the tenant was less
39 than the registered rent for the housing accommodation, the median and
40 mean difference between the registered rent for a housing accommodation
41 and the amount charged to and paid by the tenant; (vii) the median and
42 mean registered rent for housing accommodations for which the lease was
43 renewed by an existing tenant; (viii) the median and mean registered
44 rent for housing accommodations for which a lease was signed by a new
45 tenant after a vacancy; (ix) the median and mean increase, in dollars
46 and as a percentage, in the registered rent for housing accommodations
47 where the lease was signed by a new tenant after a vacancy; (x) the
48 median and mean increase, in dollars and as a percentage, in the regis-
49 tered rent for housing accommodations where the lease was signed by a
50 new tenant after a vacancy, where the amount charged to and paid by the
51 prior tenant was the full registered rent; (xi) the median and mean
52 increase, in dollars and as a percentage, in the registered rent for
53 housing accommodations where the lease was signed by a new tenant after
54 a vacancy, where the amount charged to and paid by the prior tenant was
55 less than the registered rent; (xii) the number of rent overcharge
56 complaints processed by the division; (xiii) the number of final over-

1 charge orders granting an overcharge; (xiv) the number of investigations
2 commenced by the tenant protection unit, the aggregate number of rent
3 stabilized or rent controlled housing accommodations in each county that
4 were the subject of such investigations, and the dispositions of such
5 investigations. At the time the report is due, the commissioner shall
6 make available to the governor, the temporary president of the senate,
7 the speaker of the assembly, and shall make publicly available, and on
8 its website in machine readable format, the data used to tabulate the
9 figures required to be included in the report, taking any steps neces-
10 sary to protect confidential information regarding ongoing investi-
11 gations, individual buildings, housing accommodations, property owners,
12 and tenants.

13 § 31. Subdivision 2 of section 226-c of the real property law, as
14 added by section 3 of part M of chapter 36 of the laws of 2019, is
15 amended to read as follows:

16 2. (a) For the purposes of this section, the required notice shall be
17 based on the cumulative amount of time the tenant has occupied the resi-
18 dence or the length of the tenancy in each lease, whichever is longer.

19 (b) If the tenant has occupied the unit for less than one year and
20 does not have a lease term of at least one year, the landlord shall
21 provide at least thirty days' notice.

22 [~~(b)~~] (c) If the tenant has occupied the unit for more than one year
23 but less than two years, or has a lease term of at least one year but
24 less than two years, the landlord shall provide at least sixty days'
25 notice.

26 [~~(c)~~] (d) If the tenant has occupied the unit for more than two years
27 or has a lease term of at least two years, the landlord shall provide at
28 least ninety days' notice.

29 § 32. Section 232-a of the real property law, as amended by section 6
30 of part M of chapter 36 of the laws of 2019, is amended to read as
31 follows:

32 § 232-a. Notice to terminate monthly tenancy or tenancy from month to
33 month in the city of New York. No monthly tenant, or tenant from month
34 to month, shall hereafter be removed from any lands or buildings in the
35 city of New York on the grounds of holding over the tenant's term unless
36 pursuant to the notice period required by subdivision two of section two
37 hundred twenty-six-c of this article, or for a tenancy other than a
38 residential tenancy at least thirty days before the expiration of the
39 term, the landlord or the landlord's agent serve upon the tenant, in the
40 same manner in which a notice of petition in summary proceedings is now
41 allowed to be served by law, a notice in writing to the effect that the
42 landlord elects to terminate the tenancy and that unless the tenant
43 removes from such premises on the day designated in the notice, the
44 landlord will commence summary proceedings under the statute to remove
45 such tenant therefrom.

46 § 33. Section 232-b of the real property law, as amended by section 7
47 of part M of chapter 36 of the laws of 2019, is amended to read as
48 follows:

49 § 232-b. Notification to terminate monthly tenancy or tenancy from
50 month to month outside the city of New York. A monthly tenancy or tenan-
51 cy from month to month of any lands or buildings located outside of the
52 city of New York may be terminated by the tenant or for a tenancy other
53 than a residential tenancy the landlord, upon the tenant's or non-resi-
54 dential landlord's notifying the landlord or non-residential tenant at
55 least one month before the expiration of the term of the tenant's

1 election to terminate; provided, however, that no notification shall be
2 necessary to terminate a tenancy for a definite term.

3 § 34. Section 29 of part M of chapter 36 of the laws of 2019, amending
4 the real property law, and other laws, in relation to enacting the
5 "statewide housing security and tenant protection act of 2019", is
6 amended to read as follows:

7 § 29. This act shall take effect immediately and shall apply to
8 actions and proceedings commenced on or after such effective date;
9 provided, however, that sections three, six and seven shall take effect
10 on the one hundred twentieth day after this act shall have become a law;
11 provided, further, that section twenty-five of this act shall take
12 effect on the thirtieth day after this act shall have become a law and
13 shall apply to any lease or rental agreement or renewal of a lease or
14 rental agreement entered into on or after such date; and, provided,
15 further, ~~[section]~~ sections five, fourteen, sixteen and seventeen of
16 this act shall take effect on the thirtieth day after this act shall
17 have become a law.

18 § 35. Paragraph 2 of subdivision y of section 233 of the real property
19 law, as added by section 9 of part 0 of chapter 36 of the laws of 2019,
20 is amended to read as follows:

21 2. Every rent-to-own contract shall be in writing and clearly state
22 all terms, including but not limited to: a description of the home to be
23 leased, including the name of the manufacturer, the serial number and
24 the year of manufacture; the site number upon which the home is located
25 in the manufactured home park; an itemized statement of any payments to
26 be made during the term of the contract, including the initial lot rent,
27 the rental amount for the home, and the amount of the rent-to-own
28 payments; the term of the agreement; the number of payments, itemized,
29 required to be made over the term of the agreement; ~~[the annual percent-~~
30 ~~age rate of the amount financed]~~ any lien or security interest encumber-
31 ing the manufactured or mobile home, if applicable; and the amount of
32 any additional fees to be paid during the term. A rent-to-own contract
33 shall not require a manufactured home tenant to pay any additional fees
34 for transfer of ownership at the end of the lease period. A rent-to-own
35 contract shall provide that where the rent-to-own tenant pays all rent-
36 to-own payments and other fees established in the contract during the
37 lease term, title transferred at the end of the lease term shall be free
38 of superior interests, liens or encumbrances.

39 § 36. Subparagraph 5 of the second undesignated paragraph of paragraph
40 (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946,
41 constituting the emergency housing rent control law, as amended by
42 section 25 of part B of chapter 97 of the laws of 2011, is amended to
43 read as follows:

44 (5) the landlord and tenant by mutual voluntary written informed
45 agreement agree to a substantial increase or decrease in dwelling space
46 ~~[or a change in the services]~~, furniture, furnishings or equipment
47 provided in the housing accommodations; provided that an owner shall be
48 entitled to a rent increase where there has been a substantial modifica-
49 tion or increase of dwelling space ~~[or an increase in the services]~~, or
50 installation of new equipment or improvements or new furniture or
51 furnishings provided in or to a tenant's housing accommodation. The
52 ~~[permanent]~~ temporary increase in the maximum rent for the affected
53 housing accommodation shall be ~~[one-fortieth]~~ one-one hundred sixty-
54 eighth, in the case of a building with thirty-five or fewer housing
55 accommodations, or ~~[one-sixtieth]~~ one-one hundred eightieth, in the case
56 of a building with more than thirty-five housing accommodations where

1 such [~~permanent~~] increase takes effect on or after [~~September twenty-~~
2 ~~fourth, two thousand eleven, of the total cost incurred by the landlord~~
3 ~~in providing such modification or increase in dwelling space, services,~~
4 ~~furniture, furnishings or equipment, including the cost of installation,~~
5 ~~but excluding finance charges provided~~] the effective date of the chap-
6 ter of the laws of two thousand nineteen that amended this subparagraph,
7 of the total actual cost incurred by the landlord up to fifteen thousand
8 dollars in providing such reasonable and verifiable modification or
9 increase in dwelling space, furniture, furnishings, or equipment,
10 including the cost of installation but excluding finance charges and any
11 costs that exceed reasonable costs established by rules and regulations
12 promulgated by the division of housing and community renewal. Such rules
13 and regulations shall include: (i) requirements for work to be done by
14 licensed contractors and a prohibition on common ownership between the
15 landlord and the contractor or vendor; and (ii) a requirement that the
16 owner resolve within the dwelling space all outstanding hazardous or
17 immediately hazardous violations of the uniform fire prevention and
18 building code (Uniform Code), New York city fire code, or New York city
19 building and housing maintenance codes, if applicable. Provided further
20 that an owner who is entitled to a rent increase pursuant to this clause
21 shall not be entitled to a further rent increase based upon the instal-
22 lation of similar equipment, or new furniture or furnishings within the
23 useful life of such new equipment, or new furniture or furnishings.
24 Provided further that the recoverable costs incurred by the landlord,
25 pursuant to this subparagraph, shall be limited to an aggregate cost of
26 fifteen thousand dollars that may be expended on no more than three
27 separate individual apartment improvements in a fifteen year period
28 beginning with the first individual apartment improvement on or after
29 June fourteenth, two thousand nineteen. Provided further that increases
30 to the legal regulated rent pursuant to this paragraph shall be removed
31 from the legal regulated rent thirty years from the date the increase
32 became effective inclusive of any increases granted by the applicable
33 rent guidelines board. The owner shall give written notice to the
34 commission of any such adjustment pursuant to this clause; or

35 § 37. Severability clause. If any clause, sentence, paragraph, subdi-
36 vision, or section of this act shall be adjudged by any court of compe-
37 tent jurisdiction to be invalid, such judgment shall not affect, impair,
38 or invalidate the remainder thereof, but shall be confined in its opera-
39 tion to the clause, sentence, paragraph, subdivision, section or part
40 thereof directly involved in the controversy in which such judgment
41 shall have been rendered. It is hereby declared to be the intent of the
42 legislature that this act would have been enacted even if such invalid
43 provisions had not been included herein.

44 § 38. This act shall take effect immediately and shall be deemed to
45 have been in full force and effect on the same date and in the same
46 manner as chapter 36 of the laws of 2019 took effect; provided, further
47 that:

48 (a) the amendments to chapter 4 of title 26 of the administrative code
49 of the city of New York made by sections one, twelve, fourteen, nine-
50 teen, twenty-one and twenty-eight of this act shall expire on the same
51 date as such chapter expires and shall not affect the expiration of such
52 chapter as provided under section 26-520 of such law; and

53 (b) the amendments to sections 26-405 and 26-405.1 of the city rent
54 and rehabilitation law made by sections twenty, twenty-two and twenty-
55 seven of this act shall remain in full force and effect only as long as
56 the public emergency requiring the regulation and control of residential

1 rents and evictions continues, as provided in subdivision 3 of section 1
2 of the local emergency housing rent control act; and
3 (c) sections thirty-one, thirty-two and thirty-three of this act shall
4 take effect on the same date and in the same manner as sections 3, 6 and
5 7 of part M of chapter 36 of the laws of 2019, enacting the "statewide
6 housing security and tenant protection act of 2019", takes effect and
7 shall apply to actions and proceedings commenced on or after such effec-
8 tive date; and
9 (d) section thirty-five of this act shall take effect on the same date
10 and in the same manner as section 9 of part 0 of chapter 36 of the laws
11 of 2019.