

STATE OF NEW YORK

6571--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 secu-

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

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rity and tenant protection act of 2019", in relation to the effectiveness of certain provisions thereof; to amend the real property law, in 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

1 zones or jurisdictions within such county as the board finds necessary
2 to achieve the purposes of this subdivision. A [county] rent guidelines
3 board shall not establish annual guidelines for rent adjustments based
4 on the current rental cost of a unit or on the amount of time that has
5 elapsed since another rent increase was authorized pursuant to this
6 chapter.

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

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

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

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27 protection act of nineteen seventy-four, is REPEALED.

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

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

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

37 § 8. Subparagraph (j) of paragraph 2 of subdivision (e) of section
38 26-403 of the administrative code of the city of New York is REPEALED.

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

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

45 § 8. This act shall take effect immediately; provided however, that
46 (i) any unit that was lawfully deregulated prior to June 14, 2019 shall
47 remain deregulated; and (ii) a market rate unit in a multiple dwelling
48 which receives benefits pursuant to subdivision 16 of section 421-a of
49 the real property tax law shall be subject to the deregulation
50 provisions of rent stabilization as provided by law prior to June 14,
51 2019.

52 § 11. Subdivision (a-2) of section 10 of section 4 of chapter 576 of
53 the laws of 1974, constituting the emergency tenant protection act of
54 nineteen seventy-four, as amended by section 1 of part E of chapter 36
55 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 vacancy thereof, may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and other increases authorized by law. ~~Any~~ For any tenant who is subject to a lease on or after the effective date of a chapter of the laws of two thousand nineteen which amended this subdivision, or is or was entitled to receive a renewal or vacancy lease on or after such date, upon renewal of such lease, the amount of rent for such housing accommodation that may be charged and paid shall be no more than the rent charged to and paid by the tenant prior to that renewal, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. Provided, however, that for buildings that are subject to this statute by virtue of a regulatory agreement with a local government agency and which buildings receive federal project based rental assistance administered by the United States department of housing and urban development or a state or local section eight administering agency, where the rent set by the federal, state or local governmental agency is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged with the approval of such federal, state or local governmental agency upon renewal or upon vacancy thereof, may be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases or other increases authorized by law; and further provided that such vacancy shall not be caused by the failure of the owner or an agent of the owner, to maintain the housing accommodation in compliance with the warranty of habitability set forth in subdivision one of section two hundred thirty-five-b of the real property law.

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

(14) 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 vacancy thereof, may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. ~~Any~~ For any tenant who is subject to a lease on or after the effective date of a chapter of the laws of two thousand nineteen which amended this paragraph, or is or was entitled to receive a renewal or vacancy lease on or after such date, upon renewal of such lease, the amount of rent for such housing accommodation that may be charged and paid shall be no more than the rent charged to and paid by the tenant prior to that renewal, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. Provided, however, that for buildings that are subject to this statute by virtue of a regulatory agreement with a local government agency and which buildings receive federal project based rental assistance administered by the United States department of housing and urban development or a state or local section eight administering agency, where the rent set by the federal, state or local governmental agency is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged with the approval of such federal, state or local governmental agency upon renewal or upon

1 vacancy thereof, may be based upon such previously established legal
2 regulated rent, as adjusted by the most recent applicable guidelines
3 increases and other increases authorized by law; and further provided
4 that such vacancy shall not be caused by the failure of the owner or an
5 agent of the owner, to maintain the housing accommodation in compliance
6 with the warranty of habitability set forth in subdivision one of
7 section two hundred thirty-five-b of the real property law.

8 § 13. Paragraph 9 of subdivision a of section 12 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 added by section 2 of part F
11 of chapter 36 of the laws of 2019, is amended to read as follows:

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

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

30 (ii) whether an accommodation is subject to the emergency tenant
31 protection act;

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

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

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

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

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

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

51 § 14. Subparagraph (b) of paragraph 9 of subdivision c of section
52 26-511 of the administrative code of the city of New York, as amended by
53 section 2 of part I of chapter 36 of the laws of 2019, is amended to
54 read as follows:

55 (b) where he or she seeks to recover possession of one dwelling unit
56 because of immediate and compelling necessity for his or her own

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

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

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

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

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

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

§ 17. Paragraphs 6 and 10 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, paragraph 6 as amended by chapter 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

1 excluding finance charges and any costs that exceed reasonable costs
2 established by rules and regulations promulgated by the division of
3 housing and community renewal. Such rules and regulations shall include:
4 (i) requirements for work to be done by licensed contractors and a
5 prohibition on common ownership between the landlord and the contractor
6 or vendor; and (ii) a requirement that the owner resolve within the
7 dwelling space all outstanding hazardous or immediately hazardous
8 violations of the Uniform Fire Prevention and Building Code (Uniform
9 Code), New York City Fire Code, or New York City Building and Housing
10 Maintenance Codes, if applicable. Provided further that an owner who is
11 entitled to a rent increase pursuant to this paragraph shall not be
12 entitled to a further rent increase based upon the installation of simi-
13 lar equipment, or new furniture or furnishings within the useful life of
14 such new equipment, or new furniture or furnishings. Provided further
15 that the recoverable costs incurred by the landlord, pursuant to this
16 paragraph, shall be limited to an aggregate cost of fifteen thousand
17 dollars that may be expended on no more than three separate individual
18 apartment improvements in a fifteen year period beginning with the first
19 individual apartment improvement on or after June fourteenth, two thou-
20 sand nineteen. Provided further that increases to the legal regulated
21 rent pursuant to this paragraph shall be removed from the legal regu-
22 lated rent thirty years from the date the increase became effective
23 inclusive of any increases granted by the applicable rent guidelines
24 board.

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

28 (13) provides that an owner is entitled to a rent increase where there
29 has been a substantial modification or increase of dwelling space, or
30 installation of new equipment or improvements or new furniture or
31 furnishings provided in or to a tenant's housing accommodation, on writ-
32 ten informed tenant consent to the rent increase. In the case of a
33 vacant housing accommodation, tenant consent shall not be required. The
34 temporary increase in the legal regulated rent for the affected housing
35 accommodation shall be one-one hundred sixty-eighth, in the case of a
36 building with thirty-five or fewer housing accommodations or one-one
37 hundred eightieth in the case of a building with more than thirty-five
38 housing accommodations where such increase takes effect on or after the
39 effective date of the chapter of the laws of two thousand nineteen that
40 amended this paragraph, of the total actual cost incurred by the land-
41 lord in providing such reasonable and verifiable modification or
42 increase in dwelling space, furniture, furnishings, or equipment,
43 including the cost of installation but excluding finance charges and any
44 costs that exceed reasonable costs established by rules and regulations
45 promulgated by the division of housing and community renewal. Such rules
46 and regulations shall include: (i) requirements for work to be done by
47 licensed contractors and prohibit common ownership between the landlord
48 and the contractor or vendor; and (ii) a requirement that the owner
49 resolve within the dwelling space all outstanding hazardous or imme-
50 diately hazardous violations of the Uniform Fire Prevention and Building
51 Code (Uniform Code), New York City Fire Code, or New York City Building
52 and Housing Maintenance Codes, if applicable. Provided further that an
53 owner who is entitled to a rent increase pursuant to this paragraph
54 shall not be entitled to a further rent increase based upon the instal-
55 lation of similar equipment, or new furniture or furnishings within the
56 useful life of such new equipment, or new furniture or furnishings.

1 Provided further that the recoverable costs incurred by the landlord,
2 pursuant to this paragraph, shall be limited to an aggregate cost of
3 fifteen thousand dollars that may be expended on no more than three
4 separate individual apartment improvements in a fifteen year period
5 beginning with the first individual apartment improvement on or after
6 June fourteenth, two thousand nineteen. Provided further that increases
7 to the legal regulated rent pursuant to this paragraph shall be removed
8 from the legal regulated rent thirty years from the date the increase
9 became effective inclusive of any increases granted by the applicable
10 rent guidelines board.

11 § 20. Subparagraph (e) of paragraph 1 of subdivision g of section
12 26-405 of the administrative code of the city of New York, as amended by
13 section 3 of part K of chapter 36 of the laws of 2019, is amended to
14 read as follows:

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

53 § 21. Paragraphs 8 and 12 of subdivision a of section 26-511.1 of the
54 administrative code of the city of New York, as added by section 4 of
55 part K of chapter 36 of the laws of 2019, are amended to read as
56 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 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 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.

§ 23. Paragraphs 8 and 12 of subdivision (a) of section 10-b of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by section 6 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 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.

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

(h) 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

1 tenant. Such notice shall disclose the total monthly increase in rent
2 and the first month in which the tenant would be required to pay the
3 temporary increase. An approval for a temporary major capital improve-
4 ment increase shall not include retroactive payments. The collection of
5 any increase shall not exceed two percent in any year from the effective
6 date of the order granting the increase over the rent set forth in the
7 schedule of gross rents, with collectability of any dollar excess above
8 said sum to be spread forward in similar increments and added to the
9 rent as established or set in future years. Upon vacancy, the landlord
10 may add any remaining balance of the temporary major capital improvement
11 increases to the legal regulated rent. Notwithstanding any other
12 provision of the law, for any renewal lease commencing on or after June
13 14, 2019, the collection of any rent increases due to any major capital
14 improvements approved on or after June 16, 2012 and before June 16, 2019
15 shall not exceed two percent in any year [~~beginning on or after Septem-~~
16 ~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital
17 improvement was approved;

18 (l) establish a form in the top six languages other than English
19 spoken in the state according to the latest available data from the U.S.
20 Bureau of Census for a temporary individual apartment improvement rent
21 increase for a tenant in occupancy which shall be used by landlords to
22 obtain written informed consent that shall include the estimated total
23 cost of the improvement and the estimated monthly rent increase. [~~Such~~
24 ~~consent shall be executed in the tenant's primary language.~~] Such form
25 shall be completed and preserved in the centralized electronic retention
26 system to be operational by June 14, 2020. Nothing herein shall relieve
27 a landlord, lessor, or agent thereof of his or her duty to retain proper
28 documentation of all improvements performed or any rent increases
29 resulting from said improvements.

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

35 (7) there has been since March first, nineteen hundred fifty, a major
36 capital improvement essential for the preservation, energy efficiency,
37 functionality, or infrastructure of the entire building, improvement of
38 the structure including heating, windows, plumbing and roofing, but
39 shall not be for operational costs or unnecessary cosmetic improvements;
40 which for any order of the commissioner issued after the effective date
41 of the chapter of the laws of two thousand nineteen that amended this
42 paragraph the cost of such improvement shall be amortized over a twelve-
43 year period for buildings with thirty-five or fewer units or a twelve
44 and one-half year period for buildings with more than thirty-five units,
45 and shall be removed from the legal regulated rent thirty years from the
46 date the increase became effective inclusive of any increases granted by
47 the applicable rent guidelines board. Temporary major capital improve-
48 ment increases shall be collectible prospectively on the first day of
49 the first month beginning sixty days from the date of mailing notice of
50 approval to the tenant. Such notice shall disclose the total monthly
51 increase in rent and the first month in which the tenant would be
52 required to pay the temporary increase. An approval for a temporary
53 major capital improvement increase shall not include retroactive
54 payments. The collection of any increase shall not exceed two percent in
55 any year from the effective date of the order granting the increase over
56 the rent set forth in the schedule of gross rents, with collectability

1 of any dollar excess above said sum to be spread forward in similar
2 increments and added to the rent as established or set in future years.
3 Upon vacancy, the landlord may add any remaining balance of the tempo-
4 rary major capital improvement increase to the legal regulated rent.
5 Notwithstanding any other provision of the law, for any renewal lease
6 commencing on or after June 14, 2019, the collection of any rent
7 increases due to any major capital improvements approved on or after
8 June 16, 2012 and before June 16, 2019 shall not exceed two percent in
9 any year [~~beginning on or after September 1, 2019~~] for any tenant in
10 occupancy on the date the major capital improvement was approved; or

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

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

50 § 27. Subparagraph (g) of paragraph 1 of subdivision g of section
51 26-405 of the administrative code of the city of New York, as amended by
52 section 10 of part K of chapter 36 of the laws of 2019, is amended to
53 read as follows:

54 (g) There has been since July first, nineteen hundred seventy, a major
55 capital improvement essential for the preservation energy efficiency,
56 functionality, or infrastructure of the entire building, improvement of

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

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

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

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

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

(c) ~~[effective immediately,]~~ the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on ~~[its effective date are authorized and]~~ and after June 14, 2019 are directed to be made immediately and completed on or before ~~[such effective date]~~ June 14, 2020, provided however that in the absence of such rules and regulations, the division shall immediately commence and continue implementation of all provisions of this act.

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

2. The commissioner shall, on or before December thirty-first, two thousand nineteen, and on or before December thirty-first in each subsequent year, submit and make publicly available a report to the governor, the temporary president of the senate, the speaker of the assembly, and on its website, on the implementation of the system of rent regulation pursuant to chapter five hundred seventy-six of the laws of nineteen hundred seventy-four, chapter two hundred seventy four of the laws of nineteen hundred forty-six, chapter three hundred twenty-nine of the laws of nineteen hundred sixty-three, chapter five hundred fifty-five of the laws of nineteen hundred eighty-two, chapter four hundred two of the laws of nineteen hundred eighty-three, chapter one hundred sixteen of the laws of nineteen hundred ninety-seven, sections 26-501, 26-502, and 26-520 of the administrative code of the city of New York and the housing stability and tenant protection act of 2019. Such report shall include but not be limited to: a narrative describing the programs and activities undertaken by the office of rent administration and the tenant protection unit, and any other programs or activities undertaken by the division to implement, administer, and enforce the system of rent regulation; and in tabular format, for each of the three fiscal years immediately preceding the date the report is due: (i) the number of rent stabilized housing accommodations within each county; (ii) the number of rent controlled housing accommodations within each county; (iii) the number of applications for major capital improvements filed with the division, the number of such applications approved as submitted, the number of such applications approved with modifications, and the number of such applications rejected; (iv) the median and mean value of applications for major capital improvements approved; (v) the number of units which were registered with the division where the amount charged to and paid by the tenant was less than the registered rent for the housing accommodation; (vi) for housing accommodations that were registered with the division where the amount charged to and paid by the tenant was less than the registered rent for the housing accommodation, the median and mean difference between the registered rent for a housing accommodation and the amount charged to and paid by the tenant; (vii) the median and mean registered rent for housing accommodations for which the lease was renewed by an existing tenant; (viii) the median and mean registered rent for housing accommodations for which a lease was signed by a new tenant after a vacancy; (ix) the median and mean increase, in dollars and as a percentage, in the registered rent for housing accommodations where the lease was signed by a new tenant after a vacancy; (x) the median and mean increase, in dollars and as a percentage, in the registered rent for housing accommodations where the lease was signed by a new tenant after a vacancy, where the amount changed to and paid by the prior tenant was the full registered rent; (xi) the median and mean increase, in dollars and as a percentage, in the registered rent for housing accommodations where the lease was signed by a new tenant after

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

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

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

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

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

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

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

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

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

52 § 232-b. Notification to terminate monthly tenancy or tenancy from
53 month to month outside the city of New York. A monthly tenancy or tenan-
54 cy from month to month of any lands or buildings located outside of the
55 city of New York may be terminated by the tenant or for a tenancy other
56 than a residential tenancy the landlord, upon the tenant's or non-resi-

1 dential landlord's notifying the landlord or non-residential tenant at
2 least one month before the expiration of the term of the tenant's
3 election to terminate; provided, however, that no notification shall be
4 necessary to terminate a tenancy for a definite term.

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

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

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

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

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

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

accommodations, or ~~[one-sixtieth]~~ one-one hundred eightieth, in the case of a building with more than thirty-five housing accommodations where such ~~[permanent]~~ increase takes effect on or after ~~[September twenty-fourth, two thousand eleven, of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges provided]~~ the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph, 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 clause 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 subparagraph, 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. The owner shall give written notice to the commission of any such adjustment pursuant to this clause; or

§ 37. Severability clause. If any clause, sentence, paragraph, subdivision, or section of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

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

(b) the amendments to sections 26-405 and 26-405.1 of the city rent and rehabilitation law made by sections twenty, twenty-two and twenty-

1 seven of this act shall remain in full force and effect only as long as
2 the public emergency requiring the regulation and control of residential
3 rents and evictions continues, as provided in subdivision 3 of section 1
4 of the local emergency housing rent control act; and

5 (c) sections thirty-one, thirty-two and thirty-three of this act shall
6 take effect on the same date and in the same manner as sections 3, 6 and
7 7 of part M of chapter 36 of the laws of 2019, enacting the "statewide
8 housing security and tenant protection act of 2019", takes effect and
9 shall apply to actions and proceedings commenced on or after such effec-
10 tive date; and

11 (d) section thirty-five of this act shall take effect on the same date
12 and in the same manner as section 9 of part 0 of chapter 36 of the laws
13 of 2019, takes effect.