STATE OF NEW YORK

6839--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 14, 2025

Introduced by M. of A. BICHOTTE HERMELYN, SHIMSKY, STECK -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, the administrative code of the city of New York and the emergency housing rent control law, in relation to requiring the division of housing and community renewal to calculate the period of rent reduction due to diminution of services from the date of actual diminution of the services

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

Section 1. Subdivision a of section 7 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

a. In order to collect a rent adjustment authorized pursuant to the provisions of subdivision b of section four, the owner of housing accommodations subject to this act located in a city having a population of less than one million or a town or village must file with the state division of housing and community renewal on a form which it shall prescribe, a written certification that [~~he~~] **such owner** is maintaining and will continue to maintain all services furnished on the date upon which this act becomes a law or required to be furnished by any law, ordinance or regulation applicable to the premises. In addition to any other remedy afforded by law, any tenant may apply to the state division of housing and community renewal for a reduction in the rent to the level in effect prior to its most recent adjustment, and the state division of housing and community renewal may so reduce the rent if it finds that the owner has failed to maintain such services. The owner shall be

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

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supplied with a copy of the application and shall be permitted to file an answer thereto. A hearing may be held upon the request of either party, or the state division of housing and community renewal may hold a hearing upon its own motion. The state division of housing and community renewal may consolidate the proceedings for two or more petitions applicable to the same building. If the state division of housing and community renewal finds that the owner has knowingly filed a false certification, it shall, in addition to abating the rent, assess the owner with the reasonable costs of the proceeding, including reasonable attorneys' fees, and impose a penalty not in excess of two hundred fifty dollars for each false certification. The amount of the reduction in rent ordered by the state division of housing and community renewal under this subdivision shall be reduced by any credit, abatement or offset in rent which the tenant has received pursuant to section two hundred thirty-five-b of the real property law, that relates to one or more conditions covered by such order. **Notwithstanding any law, rule or regulation to the contrary, any rent reduction attributable to diminution of services shall be calculated by the division of housing and community renewal to be effective upon the date that the diminution of service commenced, regardless of when the diminution of services was reported to the division or that date upon which the diminution of services was addressed by the division. Such rent reduction shall be applicable to the entire period of time the services were not maintained in full.**

§ 2. Section 26-514 of the administrative code of the city of New York, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

§ 26-514 Maintenance of services. In order to collect a rent adjustment authorized pursuant to the provisions of subdivision d of section 26-510 of this chapter an owner must file with the state division of housing and community renewal, on a form which the commissioner shall prescribe, a written certification that [~~he or she~~] **such owner** is maintaining and will continue to maintain all services furnished on the date upon which the emergency tenant protection act of nineteen seventy-four becomes a law or required to be furnished by any state law or local law, ordinance or regulation applicable to the premises. In addition to any other remedy afforded by law, any tenant may apply to the state division of housing and community renewal, for a reduction in the rent to the level in effect prior to its most recent adjustment and for an order requiring services to be maintained as provided in this section, and the commissioner shall so reduce the rent if it is found that the owner has failed to maintain such services. The owner shall also be barred from applying for or collecting any further rent increases. The restoration of such services shall result in the prospective elimination of such sanctions. The owner shall be supplied with a copy of the application and shall be permitted to file an answer thereto. A hearing may be held upon the request of either party, or the commissioner may hold a hearing upon [~~his or her~~] **such commissioner's** own motion. The commissioner may consolidate the proceedings for two or more petitions applicable to the same building or group of buildings or development. If the commissioner finds that the owner has knowingly filed a false certification, it shall, in addition to abating the rent, assess the owner with the reasonable costs of the proceeding, including reasonable attorneys' fees, and impose a penalty not in excess of two hundred fifty dollars for each false certification. The amount of the reduction in rent ordered by the state division of housing and community renewal under

this subdivision shall be reduced by any credit, abatement or offset in rent which the tenant has received pursuant to section two hundred thirty-five-b of the real property law, that relates to one or more conditions covered by such order. **Notwithstanding any law, rule or regulation to the contrary, any rent reduction attributable to diminution of services shall be calculated by the division of housing and community renewal to be effective upon the date that the diminution of service commenced, regardless of when the diminution of services was reported to the division or that date upon which the diminution of services was addressed by the division. Such rent reduction shall be applicable to the entire period of time the services were not maintained in full.**

§ 3. Paragraph 2 of subdivision h of section 26-405 of the administrative code of the city of New York, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(2) Whenever in the judgment of such agency such action is necessary or proper in order to effectuate the purposes of this chapter, such agency may provide regulations to assure the maintenance of the same living space, essential services, furniture, furnishings and equipment as were provided on the date determining the maximum rent, and such agency shall have power by regulation or order to decrease the maximum rent or take action as provided in paragraph four of this subdivision h for any housing accommodation with respect to which a maximum rent is in effect, pursuant to this chapter, if it shall find that the living space, essential services, furniture, furnishings or equipment to which the tenant was entitled on such date have been decreased. The amount of the reduction in maximum rent ordered by such agency under this paragraph shall be reduced by any credit, abatement or offset in rent which the tenant has received pursuant to section two hundred thirty-five-b of the real property law that relates to one or more conditions covered by such order. **Notwithstanding any law, rule or regulation to the contrary, any rent reduction attributable to diminution of services shall be calculated by the division of housing and community renewal to be effective upon the date that the diminution of service commenced, regardless of when the diminution of services was reported to the division or that date upon which the diminution of services was addressed by the division. Such rent reduction shall be applicable to the entire period of time the services were not maintained in full.**

§ 4. Paragraph (b) of subdivision 5 of section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(b) Whenever in the judgment of the commission such action is necessary or proper in order to effectuate the purposes of this act, the commission may provide regulations to assure the maintenance of the same living space, essential services, furniture, furnishings and equipment as were provided on the date determining the maximum rent, and the commission shall have power by regulation or order to decrease the maximum rent for any housing accommodation with respect to which a maximum rent is in effect, pursuant to this act if it shall find that the living space, essential services, furniture, furnishings or equipment to which the tenant was entitled on such date has been decreased. The amount of the decrease in maximum rent ordered by the commission under this paragraph shall be reduced by any credit, abatement or offset in rent which the tenant has received pursuant to section two hundred thirty-five-b of the real property law, that relates to one or more conditions covered by such order. **Notwithstanding any law, rule or regulation to the contra-**

ry, any rent reduction attributable to diminution of services shall be calculated by the division of housing and community renewal to be effective upon the date that the diminution of service commenced, regardless of when the diminution of services was reported to the division or that date upon which the diminution of services was addressed by the division. Such rent reduction shall be applicable to the entire period of time the services were not maintained in full.

§ 5. This act shall take effect immediately and shall apply to all pending and future proceedings; provided, however, that: (a) the amendments to section 26-514 of chapter 4 of title 26 of the administrative code of the city of New York made by section two 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; and

(b) the amendments to section 26-405 of the city rent and rehabilitation law made by section three of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act.

Effective immediately, the addition, amendment and/or repeal of any rule and regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.