S T A T E O F N E W Y O R K

5063

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the multiple dwelling law and the multiple residence law, in relation to the collection of charges for heat-related residential utility service

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and intent. The legislature hereby finds that assessment and collection by multiple dwelling owners of separate charges for electricity, electric service, natural gas, and natural gas service or other fuel used to heat living quarters is not in the public interest and should be prohibited.

S 2. Subdivision 1 of section 79 of the multiple dwelling law, as amended by chapter 225 of the laws of 1982, is amended to read as follows:

1. Every multiple dwelling exceeding two stories in height and erected after April eighteenth, nineteen hundred twenty-nine, and every garden-type maisonette dwelling project erected after April eighteenth, nineteen hundred fifty-four, shall be provided with heat. On and after November first, nineteen hundred fifty-nine, every multiple dwelling shall be provided with heat or the equipment or facilities therefor. During the months between October first and May thirty-first, such heat and the equipment or facilities shall be sufficient to maintain the minimum temperatures required by local law, ordinance, rule or regulation, in all portions of the dwelling used or occupied for living purposes provided, however, that such minimum temperatures shall be as follows: (a) sixty-eight degrees Fahrenheit during the hours between six o'clock in the morning and ten o'clock in the evening, whenever the outdoor temperature falls below fifty-five degrees Fahrenheit, notwithstanding the provisions of paragraph a of subdivision four of section

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

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three of this chapter, and (b) at least fifty-five degrees Fahrenheit during the hours between ten o'clock in the evening and six o'clock in the morning, whenever the outdoor temperature falls below forty degrees Fahrenheit. Nothing in this section shall be deemed to relieve any owner of the duty of providing centrally supplied or other approved source of heat prior to November first, nineteen hundred fifty-nine in any case where such heat is required by this chapter or any other law, ordinance, rule or regulation to be supplied in a dwelling prior to said date. The heating system in dwellings used for single room occupancy shall be in conformity with the requirements of section two hundred forty-eight OF THIS CHAPTER. NO OWNER OR AGENT OF ANY OWNER SHALL SEPARATELY CHARGE TENANTS OR OCCUPANTS FOR ANY ELECTRICITY, ELECTRIC SERVICE, NATURAL GAS OR NATURAL GAS SERVICE OR OTHER FUEL UTILIZED TO HEAT LIVING QUARTERS.

S 3. Section 173 of the multiple residence law, as amended by chapter 225 of the laws of 1982, is amended to read as follows:

S 173. Heating. Every new dwelling shall be provided with heat in all living rooms sufficient to maintain the minimum temperatures required by local law, ordinances, rules or regulation, or by the local public health officer, provided, however, that such minimum temperature shall, notwithstanding the provisions of subdivision one of section three hundred twenty-nine of this chapter, be sixty-eight degrees Fahrenheit during the hours between six o'clock in the morning and ten o'clock in the evening during the months between October first and May thirty-first, whenever the outdoor temperature falls below fifty-five degrees Fahrenheit. NO OWNER OR AGENT OF ANY OWNER SHALL SEPARATELY CHARGE TENANTS OR OCCUPANTS FOR ANY ELECTRICITY, ELECTRIC SERVICE, NATURAL GAS OR NATURAL GAS SERVICE OR OTHER FUEL UTILIZED TO HEAT LIVING QUARTERS.

S 4. This act shall take effect immediately.