

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:

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds that assessment and collection by multiple dwelling owners of
3 separate charges for electricity, electric service, natural gas, and
4 natural gas service or other fuel used to heat living quarters is not in
5 the public interest and should be prohibited.
6 S 2. Subdivision 1 of section 79 of the multiple dwelling law, as
7 amended by chapter 225 of the laws of 1982, is amended to read as
8 follows:
9 1. Every multiple dwelling exceeding two stories in height and erected
10 after April eighteenth, nineteen hundred twenty-nine, and every garden-
11 type maisonette dwelling project erected after April eighteenth, nine-
12 teen hundred fifty-four, shall be provided with heat. On and after
13 November first, nineteen hundred fifty-nine, every multiple dwelling
14 shall be provided with heat or the equipment or facilities therefor.
15 During the months between October first and May thirty-first, such heat
16 and the equipment or facilities shall be sufficient to maintain the
17 minimum temperatures required by local law, ordinance, rule or regu-
18 lation, in all portions of the dwelling used or occupied for living
19 purposes provided, however, that such minimum temperatures shall be as
20 follows: (a) sixty-eight degrees Fahrenheit during the hours between
21 six o'clock in the morning and ten o'clock in the evening, whenever the
22 outdoor temperature falls below fifty-five degrees Fahrenheit, notwith-
23 standing 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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1 three of this chapter, and (b) at least fifty-five degrees Fahrenheit
2 during the hours between ten o'clock in the evening and six o'clock in
3 the morning, whenever the outdoor temperature falls below forty degrees
4 Fahrenheit. Nothing in this section shall be deemed to relieve any owner
5 of the duty of providing centrally supplied or other approved source of
6 heat prior to November first, nineteen hundred fifty-nine in any case
7 where such heat is required by this chapter or any other law, ordinance,
8 rule or regulation to be supplied in a dwelling prior to said date. The
9 heating system in dwellings used for single room occupancy shall be in
10 conformity with the requirements of section two hundred forty-eight OF
11 THIS CHAPTER. NO OWNER OR AGENT OF ANY OWNER SHALL SEPARATELY CHARGE
12 TENANTS OR OCCUPANTS FOR ANY ELECTRICITY, ELECTRIC SERVICE, NATURAL GAS
13 OR NATURAL GAS SERVICE OR OTHER FUEL UTILIZED TO HEAT LIVING QUARTERS.

14 S 3. Section 173 of the multiple residence law, as amended by chapter
15 225 of the laws of 1982, is amended to read as follows:

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

28 S 4. This act shall take effect immediately.