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

1658

2009-2010 Regular Sessions

I N S E N A T E

February 4, 2009

Introduced by Sen. ESPADA -- 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 private housing finance law, in relation to defining "essential services" and conditioning approval of increase of maximum rentals upon maintenance of all essential services

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

Section 1. Section 12 of the private housing finance law is amended by adding a new subdivision 17 to read as follows:

17. "ESSENTIAL SERVICES". THOSE ESSENTIAL SERVICES WHICH THE COMPANY FURNISHED OR WHICH IT WAS OBLIGATED TO FURNISH ON THE DATE OF OCCUPANCY AND WHICH WERE INCLUDED IN THE MAXIMUM RENT FOR THE DWELLING ACCOMMODATIONS ON THAT DATE. THESE MAY INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING: REPAIRS AND MAINTENANCE, THE FURNISHING OF LIGHT, HEAT, HOT AND COLD WATER, AND ELEVATOR SERVICE. THIS SUBDIVISION SHALL NOT APPLY WITH RESPECT TO SERVICES WHICH SHALL HAVE BEEN REDUCED OR DISCONTINUED PURSUANT TO THE EXPRESS CONSENT OF THE DIVISION.

S 2. Section 31 of the private housing finance law is amended by adding a new subdivision 1-a to read as follows:

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER AND EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE COMMISSIONER OR SUPERVISING AGENCY SHALL NOT APPROVE AN INCREASE IN THE PRESENT MAXIMUM AVERAGE MONTHLY RENTAL UNLESS THE COMPANY OR OTHER APPLICANT IS FOUND TO BE MAINTAINING ALL ESSENTIAL SERVICES FURNISHED OR REQUIRED TO BE FURNISHED AS OF THE DATE OF THE ISSUANCE OF THE ORDER AUTHORIZING A RENT INCREASE AND SUCH INCREASE SHALL BE CONDITIONED ON THE MAINTENANCE OF SUCH SERVICES THEREAFTER. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, NO RENT INCREASE SHALL BE APPROVED WHERE THE APPROPRIATE DEPARTMENT OR AGENCY HAVING JURISDICTION CERTIFIES THE DWELLING ACCOMMODATION IS A FIRE HAZARD OR IN A CONTINUED DANGEROUS CONDITION OR DETRIMENTAL TO LIFE

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

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OR HEALTH OR IS OCCUPIED IN VIOLATION OF LAW. UPON A SHOWING BY THE COMPANY OR OTHER APPLICANT THAT AN INCREASE IN MAXIMUM AVERAGE MONTHLY RENTALS IS REQUIRED IN ORDER TO MAINTAIN ESSENTIAL SERVICES OR TO CURE ANY HAZARDOUS OR DANGEROUS CONDITION THEN, IN SUCH EVENT, THE COMMISSIONER OR SUPERVISING AGENCY MAY APPROVE AN INCREASE IN SUCH MAXIMUM AVERAGE MONTHLY RENTALS PROVIDED THAT SUCH INCREASE SHALL BE CONTINGENT UPON THE RESTORATION AND CONTINUANCE OF ESSENTIAL SERVICES AND THE REMOVAL OF HAZARDOUS OR DANGEROUS CONDITIONS WITHIN A FIXED PERIOD OF TIME WHICH SHALL BE AS SHORT AS REASONABLY PRACTICABLE UNDER THE CIRCUMSTANCES.

S 3. This act shall take effect immediately.