

6410

2011-2012 Regular Sessions

I N A S S E M B L Y

March 16, 2011

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, in relation to rent reduction based upon a failure to maintain services for purposes of the rent stabilization law of nineteen hundred sixty-nine

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

1 Section 1. Section 26-514 of the administrative code of the city of
2 New York, as amended by chapter 116 of the laws of 1997, is amended to
3 read as follows:
4 S 26-514 Maintenance of services. In order to collect a rent adjust-
5 ment authorized pursuant to the provisions of subdivision d of section
6 26-510 of this chapter an owner must file with the state division of
7 housing and community renewal, on a form which the commissioner shall
8 prescribe, a written certification that he or she is maintaining and
9 will continue to maintain all services furnished on the date upon which
10 the emergency tenant protection act of nineteen seventy-four becomes a
11 law or required to be furnished by any state law or local law, ordinance
12 or regulation applicable to the premises. In addition to any other remedy
13 afforded by law, any tenant may apply to the state division of housing
14 and community renewal, for a reduction in the rent to the level in
15 effect prior to its most recent adjustment and for an order requiring
16 services to be maintained as provided in this section, and the commissioner
17 shall so reduce the rent if it is found that the owner has failed
18 to maintain such services. SUCH REDUCTION SHALL BE RETROACTIVE TO THE
19 DATE OCCURRING THIRTY DAYS AFTER THE DATE UPON WHICH THE TENANT APPLIED
20 TO THE DIVISION FOR SUCH A REDUCTION. The owner shall also be barred
21 from applying for or collecting any further rent increases. The restoration
22 of such services shall result in the prospective elimination of
23 such sanctions. The owner shall be supplied with a copy of the applica-

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

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1 tion and shall be permitted to file an answer thereto. A hearing may be
2 held upon the request of either party, or the commissioner may hold a
3 hearing upon his or her own motion. The commissioner may consolidate the
4 proceedings for two or more petitions applicable to the same building or
5 group of buildings or development. If the commissioner finds that the
6 owner has knowingly filed a false certification, it shall, in addition
7 to abating the rent, assess the owner with the reasonable costs of the
8 proceeding, including reasonable attorneys' fees, and impose a penalty
9 not in excess of two hundred fifty dollars for each false certification.
10 The amount of the reduction in rent ordered by the state division of
11 housing and community renewal under this [subdivision] SECTION shall be
12 reduced by any credit, abatement or offset in rent which the tenant has
13 received pursuant to section two hundred thirty-five-b of the real prop-
14 erty law, that relates to one or more conditions covered by such order.
15 S 2. This act shall take effect on the thirtieth day after it shall
16 have become a law and shall apply to all applications for reductions in
17 rent pending on the effective date of this act or filed on or after such
18 date with the state division of housing and community renewal pursuant
19 to the provisions of section 26-514 of the administrative code of the
20 city of New York; provided that the amendments to section 26-514 of the
21 rent stabilization law of nineteen hundred sixty-nine made by section
22 one of this act shall expire on the same date as such law expires and
23 shall not affect the expiration of such law as provided under section
24 26-520 of such law.