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2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. DINOWITZ, BARRON, GIBSON -- Multi-Sponsored by --  
M. of A. GOTTFRIED, PHEFFER -- read once and referred to the Committee  
on Housing

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 12 of the private housing finance law is amended by  
2     adding a new subdivision 17 to read as follows:  
3     17. "ESSENTIAL SERVICES". THOSE ESSENTIAL SERVICES WHICH THE COMPANY  
4     FURNISHED OR WHICH IT WAS OBLIGATED TO FURNISH ON THE DATE OF OCCUPANCY  
5     AND WHICH WERE INCLUDED IN THE MAXIMUM RENT FOR THE DWELLING ACCOMMO-  
6     DATIONS ON THAT DATE. THESE MAY INCLUDE, BUT ARE NOT LIMITED TO THE  
7     FOLLOWING: REPAIRS AND MAINTENANCE, THE FURNISHING OF LIGHT, HEAT, HOT  
8     AND COLD WATER, AND ELEVATOR SERVICE. THIS SUBDIVISION SHALL NOT APPLY  
9     WITH RESPECT TO SERVICES WHICH SHALL HAVE BEEN REDUCED OR DISCONTINUED  
10    PURSUANT TO THE EXPRESS CONSENT OF THE DIVISION.  
11    S 2. Section 31 of the private housing finance law is amended by  
12    adding a new subdivision 1-a to read as follows:  
13    1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER AND EXCEPT AS  
14    OTHERWISE PROVIDED IN THIS SUBDIVISION, THE COMMISSIONER OR SUPERVISING  
15    AGENCY SHALL NOT APPROVE AN INCREASE IN THE PRESENT MAXIMUM AVERAGE  
16    MONTHLY RENTAL UNLESS THE COMPANY OR OTHER APPLICANT IS FOUND TO BE  
17    MAINTAINING ALL ESSENTIAL SERVICES FURNISHED OR REQUIRED TO BE FURNISHED  
18    AS OF THE DATE OF THE ISSUANCE OF THE ORDER AUTHORIZING A RENT INCREASE  
19    AND SUCH INCREASE SHALL BE CONDITIONED ON THE MAINTENANCE OF SUCH  
20    SERVICES THEREAFTER. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION,  
21    NO RENT INCREASE SHALL BE APPROVED WHERE THE APPROPRIATE DEPARTMENT OR  
22    AGENCY HAVING JURISDICTION CERTIFIES THE DWELLING ACCOMMODATION IS A

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

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1 FIRE HAZARD OR IN A CONTINUED DANGEROUS CONDITION OR DETRIMENTAL TO LIFE  
2 OR HEALTH OR IS OCCUPIED IN VIOLATION OF LAW. UPON A SHOWING BY THE  
3 COMPANY OR OTHER APPLICANT THAT AN INCREASE IN MAXIMUM AVERAGE MONTHLY  
4 RENTALS IS REQUIRED IN ORDER TO MAINTAIN ESSENTIAL SERVICES OR TO CURE  
5 ANY HAZARDOUS OR DANGEROUS CONDITION THEN, IN SUCH EVENT, THE COMMIS-  
6 SIONER OR SUPERVISING AGENCY MAY APPROVE AN INCREASE IN SUCH MAXIMUM  
7 AVERAGE MONTHLY RENTALS PROVIDED THAT SUCH INCREASE SHALL BE CONTINGENT  
8 UPON THE RESTORATION AND CONTINUANCE OF ESSENTIAL SERVICES AND THE  
9 REMOVAL OF HAZARDOUS OR DANGEROUS CONDITIONS WITHIN A FIXED PERIOD OF  
10 TIME WHICH SHALL BE AS SHORT AS REASONABLY PRACTICABLE UNDER THE CIRCUM-  
11 STANCES.

12 S 3. This act shall take effect immediately.