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

7975

2013-2014 Regular Sessions

I N A S S E M B L Y

June 12, 2013

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

AN ACT to amend the multiple residence law, in relation to minimum heating requirements

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

Section 1. 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. 1. Every new dwelling shall be provided with heat [in all living rooms], OR THE FACILITIES OR EQUIPMENT THEREFOR, IN ALL PORTIONS OF THE DWELLING USED OR OCCUPIED FOR LIVING PURPOSES sufficient to maintain the minimum temperatures AS required by local law, ordinances, rules, or regulation, or by the local public health officer[, provided, however, that such minimum temperature shall, notwithstanding]. NOTWITHSTANDING the provisions of subdivision one of section three hundred twenty-nine of this chapter, [be] DURING THE PERIOD BETWEEN OCTOBER FIRST AND MAY THIRTY-FIRST, SUCH MINIMUM TEMPERATURES SHALL BE: (A) 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; AND (B) AT LEAST FIFTY-FIVE DEGREES FAHRENHEIT BETWEEN THE HOURS OF TEN O'CLOCK IN THE EVENING AND SIX O'CLOCK IN THE MORNING, WHENEVER THE OUTDOOR TEMPERATURE FALLS BELOW FORTY DEGREES FAHRENHEIT.

2. NOTHING IN THIS SECTION SHALL RELIEVE AN OWNER OF THE DUTY TO PROVIDE CENTRALLY SUPPLIED OR OTHER APPROVED SOURCE OF HEAT IN A DWELLING, IN ANY CASE WHERE SUCH HEAT IS REQUIRED BY THIS CHAPTER OR ANY OTHER LAW, ORDINANCE, RULE, OR REGULATION. NOTHING IN THIS SECTION SHALL PROHIBIT A TENANT OR OTHER LEGAL OCCUPANT, AS SUCH TERMS ARE DEFINED IN SECTION TWO HUNDRED THIRTY-FIVE-F OF THE REAL PROPERTY LAW, FROM INTENTIONALLY MAINTAINING A DWELLING TEMPERATURE LOWER THAN PRESCRIBED IN THIS SECTION.

S 2. This act shall take effect immediately.

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

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