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

6814

2015-2016 Regular Sessions

I N A S S E M B L Y

April 6, 2015

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

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to approval of energy-related major capital improvement rent increases

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

Section 1. Section 26-405 of the administrative code of the city of New York is amended by adding a new subdivision n to read as follows:

N. NO ENERGY-RELATED MAJOR CAPITAL IMPROVEMENT RENT INCREASE WILL BE APPROVED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNLESS PRIOR TO PERFORMING ENERGY-RELATED MAJOR CAPITAL IMPROVEMENTS, AN ENERGY AUDIT, AS DEFINED IN SECTION 28-308.1 OF THIS CHAPTER, DEMONSTRATES THAT SUCH IMPROVEMENTS TO THE BUILDING ARE NECESSARY IN ORDER TO OPTIMIZE ENERGY PERFORMANCE OF THE BUILDING. FURTHER, NO ENERGY-RELATED MAJOR CAPITAL IMPROVEMENT RENT INCREASE WILL BE APPROVED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNLESS THE LANDLORD HAS DEMONSTRATED THAT HE OR SHE HAS EXHAUSTED ALL PUBLIC FUNDING OPPORTUNITIES IN ORDER TO AVOID THE RATE INCREASE.

S 2. Subdivision c of section 26-511 of the administrative code of the city of New York is amended by adding a new paragraph 6-b to read as follows:

(6-B) PROVIDES CRITERIA WHEREBY THE COMMISSIONER MAY ACT UPON APPLICATIONS BY OWNERS FOR INCREASES IN EXCESS OF THE LEVEL OF FAIR RENT INCREASE ESTABLISHED UNDER THIS LAW PROVIDED, HOWEVER, THAT SUCH CRITERIA SHALL PROVIDE THAT NO ENERGY-RELATED MAJOR CAPITAL IMPROVEMENT RENT INCREASE WILL BE APPROVED BY THE DIVISION UNLESS PRIOR TO PERFORMING ENERGY-RELATED MAJOR CAPITAL IMPROVEMENTS, AN ENERGY AUDIT, AS DEFINED IN SECTION 28-308.1 OF THIS CHAPTER, DEMONSTRATES THAT SUCH IMPROVEMENTS TO THE BUILDING ARE NECESSARY IN ORDER TO OPTIMIZE ENERGY PERFORMANCE OF THE BUILDING. FURTHER, NO ENERGY-RELATED MAJOR CAPITAL IMPROVEMENT RENT

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

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INCREASE WILL BE APPROVED BY THE DIVISION UNLESS THE LANDLORD HAS DEMONSTRATED THAT HE OR SHE HAS EXHAUSTED ALL PUBLIC FUNDING OPPORTUNITIES IN ORDER TO AVOID THE RATE INCREASE.

S 3. Section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new subdivision d-1 to read as follows:

D-1. NO ENERGY-RELATED MAJOR CAPITAL IMPROVEMENT RENT INCREASE WILL BE APPROVED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNLESS PRIOR TO PERFORMING ENERGY-RELATED MAJOR CAPITAL IMPROVEMENTS, AN ENERGY AUDIT, AS DEFINED IN SECTION 28-308.1 OF THIS CHAPTER, DEMONSTRATES THAT SUCH IMPROVEMENTS TO THE BUILDING ARE NECESSARY IN ORDER TO OPTIMIZE ENERGY PERFORMANCE OF THE BUILDING. FURTHER, NO ENERGY-RELATED MAJOR CAPITAL IMPROVEMENT RENT INCREASE WILL BE APPROVED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNLESS THE LANDLORD HAS DEMONSTRATED THAT HE OR SHE HAS EXHAUSTED ALL PUBLIC FUNDING OPPORTUNITIES IN ORDER TO AVOID THE RATE INCREASE.

S 4. This act shall take effect immediately, provided that:

(a) The amendment to section 26-405 of the city rent and rehabilitation law made by section one of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act;

(b) The amendment to section 26-511 of the rent stabilization law of nineteen hundred sixty-nine made by section two of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law, as from time to time amended; and

(c) The amendment to section 6 of the emergency tenant protection act of nineteen seventy-four made by section three of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as from time to time amended.