

9814

I N A S S E M B L Y

April 12, 2016

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

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to prohibiting the adjustment of maximum allowable rent where any modification, increase or improvement is made to accommodate the needs of a disabled tenant

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

1 Section 1. Subparagraph (e) of paragraph 1 of subdivision g of section  
2 26-405 of the administrative code of the city of New York, as amended by  
3 section 15 of part B of chapter 97 of the laws of 2011, is amended to  
4 read as follows:

5 (e) The landlord and tenant by mutual voluntary written agreement  
6 agree to a substantial increase or decrease in dwelling space or a  
7 change in the services, furniture, furnishings or equipment provided in  
8 the housing accommodations. An adjustment under this subparagraph shall  
9 be equal to one-fortieth, in the case of a building with thirty-five or  
10 fewer housing accommodations, or one-sixtieth, in the case of a building  
11 with more than thirty-five housing accommodations where such adjustment  
12 takes effect on or after September twenty-fourth, two thousand eleven,  
13 of the total cost incurred by the landlord in providing such modifica-  
14 tion or increase in dwelling space, services, furniture, furnishings or  
15 equipment, including the cost of installation, but excluding finance  
16 charges, provided further that an owner who is entitled to a rent  
17 increase pursuant to this subparagraph shall not be entitled to a  
18 further rent increase based upon the installation of similar equipment,  
19 or new furniture or furnishings within the useful life of such new  
20 equipment, or new furniture or furnishings. The owner shall give written  
21 notice to the city rent agency of any such adjustment pursuant to this  
22 subparagraph; PROVIDED, HOWEVER, AN OWNER SHALL NOT BE ENTITLED TO ANY  
23 ADJUSTMENT PURSUANT TO THIS SUBPARAGRAPH WHERE ANY MODIFICATION OR  
24 INCREASE IN DWELLING SPACE, SERVICES, FURNITURE, FURNISHINGS OR EQUIP-  
25 MENT IS MADE TO ACCOMMODATE THE NEEDS OF A DISABLED TENANT. FOR

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

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1 PURPOSES OF THIS SUBPARAGRAPH, "DISABLED" MEANS AN INDIVIDUAL (I) WITH A  
2 PHYSICAL OR MENTAL IMPAIRMENT, INCLUDING, BUT NOT LIMITED TO, THOSE OF  
3 NEUROLOGICAL, EMOTIONAL OR SENSORY ORGANS, WHICH SUBSTANTIALLY LIMITS  
4 ONE OR MORE OF THE INDIVIDUAL'S MAJOR LIFE ACTIVITIES, AND (II) WHO IS  
5 REGARDED AS HAVING SUCH AN IMPAIRMENT AS CERTIFIED BY A LICENSED PHYSI-  
6 CIAN OF THIS STATE; or

7 S 2. Paragraph 13 of subdivision c of section 26-511 of the adminis-  
8 trative code of the city of New York, as amended by section 16 of part B  
9 of chapter 97 of the laws of 2011, is amended to read as follows:

10 (13) provides that an owner is entitled to a rent increase where there  
11 has been a substantial modification or increase of dwelling space or an  
12 increase in the services, or installation of new equipment or improve-  
13 ments or new furniture or furnishings provided in or to a tenant's hous-  
14 ing accommodation, on written tenant consent to the rent increase. In  
15 the case of a vacant housing accommodation, tenant consent shall not be  
16 required. The permanent increase in the legal regulated rent for the  
17 affected housing accommodation shall be one-fortieth, in the case of a  
18 building with thirty-five or fewer housing accommodations, or one-sixti-  
19 eth, in the case of a building with more than thirty-five housing accom-  
20 modations where such permanent increase takes effect on or after Septem-  
21 ber twenty-fourth, two thousand eleven, of the total cost incurred by  
22 the landlord in providing such modification or increase in dwelling  
23 space, services, furniture, furnishings or equipment, including the cost  
24 of installation, but excluding finance charges. Provided further that an  
25 owner who is entitled to a rent increase pursuant to this paragraph  
26 shall not be entitled to a further rent increase based upon the instal-  
27 lation of similar equipment, or new furniture or furnishings within the  
28 useful life of such new equipment, or new furniture or furnishings.  
29 PROVIDED, HOWEVER, AN OWNER SHALL NOT BE ENTITLED TO ANY RENT INCREASE  
30 PURSUANT TO THIS PARAGRAPH WHERE ANY MODIFICATION, INCREASE OR IMPROVE-  
31 MENT IN DWELLING SPACE, SERVICES, FURNITURE, FURNISHINGS OR EQUIPMENT IS  
32 MADE TO ACCOMMODATE THE NEEDS OF A DISABLED TENANT. FOR PURPOSES OF  
33 THIS PARAGRAPH, "DISABLED" MEANS AN INDIVIDUAL (I) WITH A PHYSICAL OR  
34 MENTAL IMPAIRMENT, INCLUDING, BUT NOT LIMITED TO, THOSE OF NEUROLOGICAL,  
35 EMOTIONAL OR SENSORY ORGANS, WHICH SUBSTANTIALLY LIMITS ONE OR MORE OF  
36 THE INDIVIDUAL'S MAJOR LIFE ACTIVITIES, AND (II) WHO IS REGARDED AS  
37 HAVING SUCH AN IMPAIRMENT AS CERTIFIED BY A LICENSED PHYSICIAN OF THIS  
38 STATE.

39 S 3. Paragraph 1 of subdivision d of section 6 of section 4 of chapter  
40 576 of the laws of 1974, constituting the emergency tenant protection  
41 act of nineteen seventy-four, as amended by section 18 of part B of  
42 chapter 97 of the laws of 2011, is amended to read as follows:

43 (1) there has been a substantial modification or increase of dwelling  
44 space or an increase in the services, or installation of new equipment  
45 or improvements or new furniture or furnishings, provided in or to a  
46 tenant's housing accommodation, on written tenant consent to the rent  
47 increase. In the case of a vacant housing accommodation, tenant consent  
48 shall not be required. The permanent increase in the legal regulated  
49 rent for the affected housing accommodation shall be one-fortieth, in  
50 the case of a building with thirty-five or fewer housing accommodations,  
51 or one-sixtieth, in the case of a building with more than thirty-five  
52 housing accommodations where such permanent increase takes effect on or  
53 after September twenty-fourth, two thousand eleven, of the total cost  
54 incurred by the landlord in providing such modification or increase in  
55 dwelling space, services, furniture, furnishings or equipment, including  
56 the cost of installation, but excluding finance charges. Provided

1 further that an owner who is entitled to a rent increase pursuant to  
2 this paragraph shall not be entitled to a further rent increase based  
3 upon the installation of similar equipment, or new furniture or  
4 furnishings within the useful life of such new equipment, or new furni-  
5 ture or furnishings. PROVIDED, HOWEVER, AN OWNER SHALL NOT BE ENTITLED  
6 TO ANY RENT INCREASE PURSUANT TO THIS PARAGRAPH WHERE ANY MODIFICATION,  
7 INCREASE OR IMPROVEMENT IN DWELLING SPACE, SERVICES, FURNITURE,  
8 FURNISHINGS OR EQUIPMENT IS MADE TO ACCOMMODATE THE NEEDS OF A DISABLED  
9 TENANT. FOR PURPOSES OF THIS PARAGRAPH, "DISABLED" MEANS AN INDIVIDUAL  
10 (I) WITH A PHYSICAL OR MENTAL IMPAIRMENT, INCLUDING, BUT NOT LIMITED TO,  
11 THOSE OF NEUROLOGICAL, EMOTIONAL OR SENSORY ORGANS, WHICH SUBSTANTIALLY  
12 LIMITS ONE OR MORE OF THE INDIVIDUAL'S MAJOR LIFE ACTIVITIES, AND (II)  
13 WHO IS REGARDED AS HAVING SUCH AN IMPAIRMENT AS CERTIFIED BY A LICENSED  
14 PHYSICIAN OF THIS STATE.

15 S 4. Clause 5 of the second undesignated paragraph of paragraph (a) of  
16 subdivision 4 of section 4 of chapter 274 of the laws of 1946, consti-  
17 tuting the emergency housing rent control law, as amended by section 25  
18 of part B of chapter 97 of the laws of 2011, is amended to read as  
19 follows:

20 (5) the landlord and tenant by mutual voluntary written agreement  
21 agree to a substantial increase or decrease in dwelling space or a  
22 change in the services, furniture, furnishings or equipment provided in  
23 the housing accommodations; provided that an owner shall be entitled to  
24 a rent increase where there has been a substantial modification or  
25 increase of dwelling space or an increase in the services, or installa-  
26 tion of new equipment or improvements or new furniture or furnishings  
27 provided in or to a tenant's housing accommodation. The permanent  
28 increase in the maximum rent for the affected housing accommodation  
29 shall be one-fortieth, in the case of a building with thirty-five or  
30 fewer housing accommodations, or one-sixtieth, in the case of a building  
31 with more than thirty-five housing accommodations where such permanent  
32 increase takes effect on or after September twenty-fourth, two thousand  
33 eleven, of the total cost incurred by the landlord in providing such  
34 modification or increase in dwelling space, services, furniture,  
35 furnishings or equipment, including the cost of installation, but  
36 excluding finance charges provided further that an owner who is entitled  
37 to a rent increase pursuant to this clause shall not be entitled to a  
38 further rent increase based upon the installation of similar equipment,  
39 or new furniture or furnishings within the useful life of such new  
40 equipment, or new furniture or furnishings. The owner shall give written  
41 notice to the commission of any such adjustment pursuant to this clause;  
42 PROVIDED, HOWEVER, AN OWNER SHALL NOT BE ENTITLED TO ANY ADJUSTMENT  
43 PURSUANT TO THIS CLAUSE WHERE ANY MODIFICATION, IMPROVEMENT OR INCREASE  
44 IN DWELLING SPACE, SERVICES, FURNITURE, FURNISHINGS OR EQUIPMENT IS MADE  
45 TO ACCOMMODATE THE NEEDS OF A DISABLED TENANT. FOR PURPOSES OF THIS  
46 CLAUSE, "DISABLED" MEANS AN INDIVIDUAL (I) WITH A PHYSICAL OR MENTAL  
47 IMPAIRMENT, INCLUDING, BUT NOT LIMITED TO, THOSE OF NEUROLOGICAL,  
48 EMOTIONAL OR SENSORY ORGANS, WHICH SUBSTANTIALLY LIMITS ONE OR MORE OF  
49 THE INDIVIDUAL'S MAJOR LIFE ACTIVITIES, AND (II) WHO IS REGARDED AS  
50 HAVING SUCH AN IMPAIRMENT AS CERTIFIED BY A LICENSED PHYSICIAN OF THIS  
51 STATE; or

52 S 5. This act shall take effect immediately; provided that:

53 (a) the amendments to section 26-405 of the city rent and rehabili-  
54 tation law made by section one of this act shall remain in full force  
55 and effect only as long as the public emergency requiring the regulation  
56 and control of residential rents and evictions continues, as provided in

1 subdivision 3 of section 1 of the local emergency housing rent control  
2 act;

3 (b) the amendments made to section 26-511 of chapter 4 of title 26 of  
4 the administrative code of the city of New York made by section two of  
5 this act shall expire on the same date as such law expires and shall not  
6 affect the expiration of such law as provided under section 26-520 of  
7 such law;

8 (c) the amendments to section 6 of the emergency tenant protection act  
9 of nineteen seventy-four made by section three of this act shall expire  
10 on the same date as such act expires and shall not affect the expiration  
11 of such act as provided in section 17 of chapter 576 of the laws of  
12 1974; and

13 (d) the amendments to section 4 of the emergency housing rent control  
14 law made by section four of this act shall expire on the same date as  
15 such law expires and shall not affect the expiration of such law as  
16 provided in subdivision 2 of section 1 of chapter 274 of the laws of  
17 1946.