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

7310

2015-2016 Regular Sessions

I N A S S E M B L Y

May 5, 2015

Introduced by M. of A. FARRELL -- 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 civil practice law and rules, in relation to rent overcharges

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

Section 1. The opening paragraph of subdivision a of section 26-516 of the administrative code of the city of New York is amended by adding a new clause (iii) to read as follows:

(III) NOTWITHSTANDING THE PROVISIONS OF CLAUSE (I) OF THIS PARAGRAPH, FOR ANY YEAR IN WHICH AN OWNER OR A LANDLORD WHO IS REQUIRED TO FILE AN ANNUAL RENT REGISTRATION STATEMENT, HAS FAILED TO TIMELY FILE SUCH ANNUAL RENT REGISTRATION STATEMENT, THE DIVISION OR A COURT OF COMPETENT JURISDICTION SHALL CONSIDER SUCH YEAR OR YEARS WHEN DETERMINING THE CURRENT LEGAL REGULATED RENT.

S 2. Section 26-512 of the administrative code of the city of New York is amended by adding a new subdivision (g) to read as follows:

(G) UPON THE OFFERING OF A LEASE TO A PROSPECTIVE TENANT, AN OWNER OR A LANDLORD SHALL BE REQUIRED TO PROVIDE SUCH TENANT WITH THE DOCUMENTATION USED BY SUCH OWNER OR LANDLORD TO SUPPORT ANY ALLOWABLE INCREASES IN THE LEGAL REGULATED RENT DURING THE PREVIOUS FOUR YEARS.

S 3. Paragraph 1 of subdivision a of section 12 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 clause (iii) to read as follows:

(III) NOTWITHSTANDING THE PROVISIONS OF CLAUSE (I) OF THIS PARAGRAPH, FOR ANY YEAR IN WHICH AN OWNER OR A LANDLORD WHO IS REQUIRED TO FILE AN ANNUAL RENT REGISTRATION STATEMENT, HAS FAILED TO TIMELY FILE SUCH ANNUAL RENT REGISTRATION STATEMENT, THE DIVISION OR A COURT OF COMPETENT

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

LBD10834-01-5

JURISDICTION SHALL CONSIDER SUCH YEAR OR YEARS WHEN DETERMINING THE CURRENT LEGAL REGULATED RENT.

S 4. 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 (h) to read as follows:

(H) UPON THE OFFERING OF A LEASE TO A PROSPECTIVE TENANT, AN OWNER OR A LANDLORD SHALL BE REQUIRED TO PROVIDE SUCH TENANT WITH THE DOCUMENTATION USED BY SUCH OWNER OR LANDLORD TO SUPPORT ANY ALLOWABLE INCREASES IN THE LEGAL REGULATED RENT DURING THE PREVIOUS FOUR YEARS.

S 5. Section 213-a of the civil practice law and rules, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

S 213-a. Actions to be commenced within four years; residential rent overcharge. An action on a residential rent overcharge shall be commenced within four years of the first overcharge alleged and no determination of an overcharge and no award or calculation of an award of the amount of any overcharge may be based upon an overcharge having occurred more than four years before the action is commenced. This section shall preclude examination of the rental history of the housing accommodation prior to the four-year period immediately preceding the commencement of the action; PROVIDED HOWEVER, FOR ANY YEAR IN WHICH AN OWNER OR A LANDLORD WHO IS REQUIRED TO FILE AN ANNUAL RENT REGISTRATION STATEMENT, HAS FAILED TO TIMELY FILE SUCH ANNUAL RENT REGISTRATION STATEMENT, A COURT OF COMPETENT JURISDICTION SHALL CONSIDER SUCH YEAR OR YEARS WHEN DETERMINING THE CURRENT LEGAL REGULATED RENT.

S 6. This act shall take effect immediately, and shall apply to any action or proceeding pending in any court or any application, complaint or proceeding before an administrative agency on the effective date of this act, as well as any action or proceeding commenced thereafter; provided, however, that:

(a) the amendments to subdivision a of section 26-516 of the administrative code of the city of New York made by section one of this act shall expire on the same date as such law expires and shall not affect the expiration of such section as provided under section 26-520 of such code; and

(b) the amendments to the emergency tenant protection act of nineteen seventy-four made by sections three and four 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.