

STATE OF NEW YORK

1937

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

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

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

LBD06704-01-7

1 adjustment pursuant to this subparagraph where any modification or
2 increase in dwelling space, services, furniture, furnishings or equip-
3 ment is made to accommodate the needs of a disabled tenant. For
4 purposes of this subparagraph, "disabled" means an individual (i) with a
5 physical or mental impairment, including, but not limited to, those of
6 neurological, emotional or sensory organs, which substantially limits
7 one or more of the individual's major life activities, and (ii) who is
8 regarded as having such an impairment as certified by a licensed physi-
9 cian of this state; or

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

13 (13) provides that an owner is entitled to a rent increase where there
14 has been a substantial modification or increase of dwelling space or an
15 increase in the services, or installation of new equipment or improve-
16 ments or new furniture or furnishings provided in or to a tenant's hous-
17 ing accommodation, on written tenant consent to the rent increase. In
18 the case of a vacant housing accommodation, tenant consent shall not be
19 required. The permanent increase in the legal regulated rent for the
20 affected housing accommodation shall be one-fortieth, in the case of a
21 building with thirty-five or fewer housing accommodations, or one-sixti-
22 eth, in the case of a building with more than thirty-five housing accom-
23 modations where such permanent increase takes effect on or after Septem-
24 ber twenty-fourth, two thousand eleven, of the total cost incurred by
25 the landlord in providing such modification or increase in dwelling
26 space, services, furniture, furnishings or equipment, including the cost
27 of installation, but excluding finance charges. Provided further that an
28 owner who is entitled to a rent increase pursuant to this paragraph
29 shall not be entitled to a further rent increase based upon the instal-
30 lation of similar equipment, or new furniture or furnishings within the
31 useful life of such new equipment, or new furniture or furnishings.
32 Provided, however, an owner shall not be entitled to any rent increase
33 pursuant to this paragraph where any modification, increase or improve-
34 ment in dwelling space, services, furniture, furnishings or equipment is
35 made to accommodate the needs of a disabled tenant. For purposes of
36 this paragraph, "disabled" means an individual (i) with a physical or
37 mental impairment, including, but not limited to, those of neurological,
38 emotional or sensory organs, which substantially limits one or more of
39 the individual's major life activities, and (ii) who is regarded as
40 having such an impairment as certified by a licensed physician of this
41 state.

42 § 3. Paragraph 1 of subdivision d of section 6 of section 4 of chapter
43 576 of the laws of 1974, constituting the emergency tenant protection
44 act of nineteen seventy-four, as amended by section 18 of part B of
45 chapter 97 of the laws of 2011, is amended to read as follows:

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

1 incurred by the landlord in providing such modification or increase in
2 dwelling space, services, furniture, furnishings or equipment, including
3 the cost of installation, but excluding finance charges. Provided
4 further that an owner who is entitled to a rent increase pursuant to
5 this paragraph shall not be entitled to a further rent increase based
6 upon the installation of similar equipment, or new furniture or
7 furnishings within the useful life of such new equipment, or new furni-
8 ture or furnishings. Provided, however, an owner shall not be entitled
9 to any rent increase pursuant to this paragraph where any modification,
10 increase or improvement in dwelling space, services, furniture,
11 furnishings or equipment is made to accommodate the needs of a disabled
12 tenant. For purposes of this paragraph, "disabled" means an individual
13 (i) with a physical or mental impairment, including, but not limited to,
14 those of neurological, emotional or sensory organs, which substantially
15 limits one or more of the individual's major life activities, and (ii)
16 who is regarded as having such an impairment as certified by a licensed
17 physician of this state.

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

23 (5) the landlord and tenant by mutual voluntary written agreement
24 agree to a substantial increase or decrease in dwelling space or a
25 change in the services, furniture, furnishings or equipment provided in
26 the housing accommodations; provided that an owner shall be entitled to
27 a rent increase where there has been a substantial modification or
28 increase of dwelling space or an increase in the services, or installa-
29 tion of new equipment or improvements or new furniture or furnishings
30 provided in or to a tenant's housing accommodation. The permanent
31 increase in the maximum rent for the affected housing accommodation
32 shall be one-fortieth, in the case of a building with thirty-five or
33 fewer housing accommodations, or one-sixtieth, in the case of a building
34 with more than thirty-five housing accommodations where such permanent
35 increase takes effect on or after September twenty-fourth, two thousand
36 eleven, of the total cost incurred by the landlord in providing such
37 modification or increase in dwelling space, services, furniture,
38 furnishings or equipment, including the cost of installation, but
39 excluding finance charges provided further that an owner who is entitled
40 to a rent increase pursuant to this clause shall not be entitled to a
41 further rent increase based upon the installation of similar equipment,
42 or new furniture or furnishings within the useful life of such new
43 equipment, or new furniture or furnishings. The owner shall give written
44 notice to the commission of any such adjustment pursuant to this clause;
45 provided, however, an owner shall not be entitled to any adjustment
46 pursuant to this clause where any modification, improvement or increase
47 in dwelling space, services, furniture, furnishings or equipment is made
48 to accommodate the needs of a disabled tenant. For purposes of this
49 clause, "disabled" means an individual (i) with a physical or mental
50 impairment, including, but not limited to, those of neurological,
51 emotional or sensory organs, which substantially limits one or more of
52 the individual's major life activities, and (ii) who is regarded as
53 having such an impairment as certified by a licensed physician of this
54 state; or

55 § 5. This act shall take effect immediately; provided that:

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

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

12 (c) the amendments to section 6 of the emergency tenant protection act
13 of nineteen seventy-four made by section three of this act shall expire
14 on the same date as such act expires and shall not affect the expiration
15 of such act as provided in section 17 of chapter 576 of the laws of
16 1974; and

17 (d) the amendments to section 4 of the emergency housing rent control
18 law made by section four of this act shall expire on the same date as
19 such law expires and shall not affect the expiration of such law as
20 provided in subdivision 2 of section 1 of chapter 274 of the laws of
21 1946.