

STATE OF NEW YORK

558--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. L. ROSENTHAL, DINOWITZ, M. G. MILLER, MOSLEY, COOK, HOOPER -- Multi-Sponsored by -- M. of A. GLICK, RIVERA -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to non-preferential opportunity for use of amenities in certain buildings and apartments

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property law is amended by adding a new section
2 235-h to read as follows:

3 § 235-h. Use of amenities. 1. Any rental tenant must be provided with
4 the opportunity to use amenities commonly accessible to other tenants of
5 the multiple dwelling and not unique to an individual unit, including,
6 but not limited to: pools, fitness centers, storage spaces, parking, and
7 roofs or gardens accessible to building tenants, in buildings or
8 complexes where such amenities exist, provided, however, that the
9 provisions of this section shall apply only to multiple dwellings with
10 six or more units.

11 2. An owner may charge a fee to rental tenants for use of amenities
12 provided that such fee is reasonable and not structured in a manner
13 meant to be prohibitive to such tenants which might normally not have
14 access to such amenities as part of their rental agreements, provided,
15 however, that such fee shall not become part of the rent. Nothing in
16 this section shall prohibit any owner from promulgating uniformly appli-
17 cable rules on the use of amenities through systems, including but not
18 limited to: sign-up sheets, waiting lists, or lotteries, provided,
19 however that no tenant shall be required to use or pay a fee for any
20 amenity as a condition of the rental of their residential unit.

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

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1 3. In cases where the use of amenities by all occupants is denied,
2 such denial shall not provide the basis for a rent reduction order
3 pursuant to section 26-405 or 26-509 of the administrative code of the
4 city of New York, unless use of the amenities was historically provided
5 or is a required service. An owner may change or completely remove any
6 amenity pursuant to subdivision one of this section without being
7 subject to a claim of diminution of services.

8 4. An owner of a building or complex that is found in violation of
9 subdivision one of this section is punishable by a fine not to exceed
10 two thousand dollars. Prior to the application of any penalties set
11 forth in this section, an owner found to be in violation of this section
12 shall be given thirty days from the date of receiving such finding to
13 cure the violating condition or conditions.

14 5. The commissioner of housing preservation and development in cities
15 having a population of one million or more or the commissioner of homes
16 and community renewal are hereby directed to promulgate rules and regu-
17 lations to effectuate the provisions of this section, including but not
18 limited to:

19 (a) Enforcement mechanism of provisions in this section;

20 (b) Creating a system of receiving and investigating complaints
21 regarding violations of this section, including a system on how an owner
22 can cure such violations; and

23 (c) System of notification for an owner to be aware of a finding of
24 violations and what will be the enforcement mechanisms.

25 6. Any penalty assessed for the violation of any of the provisions of
26 this section shall be payable to the commissioner of housing preserva-
27 tion and development if the violation occurred in a city having a popu-
28 lation of one million or more, or the commissioner of homes and communi-
29 ty renewal if it did not.

30 § 2. This act shall take effect on the thirtieth day after it shall
31 have become a law.