

STATE OF NEW YORK

6565

2019-2020 Regular Sessions

IN ASSEMBLY

March 12, 2019

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

AN ACT to amend the public housing law and the real property law, in relation to temporary reductions of rent for failure to maintain services

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

1 Section 1. The public housing law is amended by adding a new section
2 402-e to read as follows:

3 § 402-e. Temporary reduction of rent. In addition to any other remedy
4 afforded by law, any tenant or representative on behalf of a building or
5 development may apply to the state division of housing and community
6 renewal for a temporary reduction in the rent paid by the tenant and for
7 an order requiring services to be maintained as provided in paragraph
8 (d) of subdivision three of section two hundred thirty-five-b of the
9 real property law, or any applicable local law, ordinance or regulation,
10 and the commissioner shall so reduce the rent if it is found that the
11 New York city housing authority has failed to maintain such services.
12 The restoration of such services shall result in the prospective elimi-
13 nation of such sanctions. The authority shall be supplied with a copy of
14 the application and shall be permitted to file an answer thereto. A
15 hearing may be held upon the request of either party, or the commission-
16 er may hold a hearing upon his or her own motion. The commissioner may
17 consolidate the proceedings for petitions applicable to the same build-
18 ing or group of buildings or development. In determining the implementa-
19 tion of the reduction of rent, the commissioner shall take into consid-
20 eration the impact on the essential operations of the authority. If the
21 commissioner finds that the authority has knowingly filed a false
22 certification, he or she shall, in addition to abating the rent, assess
23 the authority with the reasonable costs of the proceeding, including
24 reasonable attorneys' fees, and impose a penalty not in excess of two

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

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1 hundred fifty dollars for each false certification. The amount of the
2 reduction in rent ordered by the state division of housing and community
3 renewal under this section shall be reduced by any credit, abatement or
4 offset in rent which the tenant has received pursuant to section two
5 hundred thirty-five-b of the real property law, that relates to one or
6 more conditions covered by such order.

7 § 2. Subdivision 3 of section 235-b of the real property law is
8 amended by adding a new paragraph (d) to read as follows:

9 (d) where the premises is owned or operated by the New York city hous-
10 ing authority as constituted by section four hundred one of the public
11 housing law, reduce the amount awarded hereunder by the total amount of
12 any rent reduction ordered by the state division of housing and communi-
13 ty renewal pursuant to section four hundred two-e of the public housing
14 law, awarded to the tenant, from the effective date of such rent
15 reduction order, that relates to one or more matters for which relief is
16 awarded hereunder.

17 § 3. This act shall take effect on the ninetieth day after it shall
18 have become a law.