

STATE OF NEW YORK

690

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. L. ROSENTHAL, DINOWITZ, M. G. MILLER, MOSLEY,
COOK -- Multi-Sponsored by -- M. of A. GLICK, RIVERA -- read once and
referred to the Committee on Housing

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 Assem-
bly, do enact as follows:

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

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

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

3. In cases where the use of amenities by all occupants is denied,
such denial shall not provide the basis for a rent reduction order
pursuant to section 26-405 or 26-509 of the administrative code of the

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

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1 city of New York, unless use of the amenities was historically provided
2 or is a required service. An owner may change or completely remove any
3 amenity pursuant to subdivision one of this section without being
4 subject to a claim of diminution of services.

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

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

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

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

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

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

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