AN ACT to amend chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, the emergency housing rent control law, chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, and the rent regulation reform act of 1997, in relation to making such provisions permanent; to amend chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, chapter 402 of the laws of 1983 amending the general business law relating to conversion of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland, in relation to making such provisions permanent (Part A); to repeal certain provisions of the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency rent control act, relating to rent increases after vacancy of a housing accommodation (Part B); to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
seventy-four, in relation to vacancy of certain housing accommodations and to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations (Part C); to amend the emergency tenant protection act of nineteen seventy-four, in relation to vacancies in certain housing accommodations; and to repeal paragraphs 12 and 13 of subdivision a of section 5 and section 5-a of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, paragraph (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, and sections 26-504.1, 26-504.2 and 26-504.3 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, relating to vacancy decontrol (Part D); to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the regulation of rents (Part E); to amend the emergency tenant protection act of nineteen seventy-four, the administrative code of the city of New York and the civil practice law and rules, in relation to investigation of rent overcharge complaints (Part F); to establish the "statewide tenant protection act of 2019"; and to amend the emergency tenant protection act of nineteen seventy-four, in relation to expanding rent and eviction protections statewide (Part G); to amend the administrative code of the city of New York and the emergency housing rent control law, in relation to the establishment of rent adjustments and prohibition of fuel pass-along charges; and to repeal certain provisions of the administrative code of the city of New York relating thereto (Part H); 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 recovery of certain housing accommodations by a landlord (Part I); to amend the emergency tenant protection act of nineteen seventy-four, in relation to not-for-profits' use of certain residential dwellings (Part J); to amend the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law, and the administrative code of the city of New York, in relation to a temporary increase in rent in certain cases (Part K); to amend the public housing law, in relation to enacting the "rent regulation reporting act of 2019" (Part L); to amend the real property law, the real property actions and proceedings law, the general obligations law and the judiciary law, in relation to enacting the "statewide housing security and tenant protection act of 2019"; establishes the New York state temporary commission on housing security and tenant protection; and to repeal certain provisions of the real property actions and proceedings law relating thereto (Part M); to amend the general business law, in relation to conversions to cooperative or condominium ownership in the city of New York (Part N); and to amend the real property law, in relation to the duties and responsibilities of manufactured home park owners and residents (Part O)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
Section 1. This act enacts into law major components of legislation relating to rent regulation and tenant protection. Each component is wholly contained within a Part identified as Parts A through O. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Short title. This act shall be known and may be cited as the "Housing Stability and Tenant Protection Act of 2019".
§ 1-a. Section 17 of chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, as amended by section 1-a of part A of chapter 20 of the laws of 2015, is amended to read as follows:
§ 17. Effective date. This act shall take effect immediately and shall remain in full force and effect [until and including the fifteenth day of June 2019] thereafter; except that sections two and three shall take effect with respect to any city having a population of one million or more and section one shall take effect with respect to any other city, or any town or village whenever the local legislative body of a city, town or village determines the existence of a public emergency pursuant to section three of the emergency tenant protection act of nineteen seventy-four, as enacted by section four of this act, and provided that the housing accommodations subject on the effective date of this act to stabilization pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine shall remain subject to such law [upon the expiration of this act] thereafter.
§ 2. Subdivision 2 of section 1 of chapter 274 of the laws of 1946 constituting the emergency housing rent control law, as amended by section 2 of part A of chapter 20 of the laws of 2015, is amended to read as follows:
2. The provisions of this act, and all regulations, orders and requirements thereunder shall remain in full force and effect [until and including June 15, 2019] thereafter.
§ 3. Section 2 of chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, as amended by section 3 of part A of chapter 20 of the laws of 2015, is amended to read as follows:
§ 2. This act shall take effect immediately and the provisions of subdivision 6 of section 12 of the emergency housing rent control law, as added by this act, shall remain in full force and effect [until and including June 15, 2018] thereafter.
§ 4. Section 10 of chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, as amended by section 4 of part A of chapter 20 of the laws of 2015, is amended to read as follows:
§ 10. This act shall take effect immediately; provided, that the provisions of sections one, two and nine of this act shall remain in full force and effect [only until and including June 15, 2019] thereafter.
provided further that the provisions of section three of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues as provided in subdivision 3 of section 1 of the local emergency housing rent control act; provided further that the provisions of sections four, five, six and seven of this act shall expire in accordance with the provisions of section 26-520 of the administrative code of the city of New York as such section of the administrative code is, from time to time, amended; provided further that the provisions of section 26-511 of the administrative code of the city of New York, as amended by this act, which the New York City Department of Housing Preservation and Development must find are contained in the code of the real estate industry stabilization association of such city in order to approve it, shall be deemed contained therein as of the effective date of this act; and provided further that any plan accepted for filing by the department of law on or before the effective date of this act shall continue to be governed by the provisions of section 352-eee of the general business law as they had existed immediately prior to the effective date of this act.

§ 5. Section 4 of chapter 402 of the laws of 1983 amending the general business law relating to conversion of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland, as amended by section 5 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

§ 4. This act shall take effect immediately; provided, that the provisions of sections one and three of this act shall remain in full force and effect [only until and including June 15, 2019] thereafter; and provided further that any plan accepted for filing by the department of law on or before the effective date of this act shall continue to be governed by the provisions of section 352-eee of the general business law as they had existed immediately prior to the effective date of this act.

§ 6. Subdivision 6 of section 46 of chapter 116 of the laws of 1997 constituting the rent regulation reform act of 1997 is REPEALED.

§ 7. This act shall take effect immediately.

PART B

Section 1. Paragraph 5-a of subdivision c of section 26-511 of the administrative code of the city of New York is REPEALED.
§ 2. Subdivision (a-1) of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four is REPEALED.
§ 3. Subdivision f of section 26-512 of the administrative code of the city of New York is REPEALED.
§ 4. Subdivision g of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four is REPEALED.
§ 5. Subdivision 9 of section 5 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law is REPEALED.
§ 6. Section 26-403.2 of the administrative code of the city of New York is REPEALED.
§ 7. The sixth undesignated paragraph of subdivision 5 of section 1 of chapter 21 of the laws of 1962, constituting the local emergency rent control act, as amended by chapter 82 of the laws of 2003, is REPEALED.
§ 8. This act shall take effect immediately.
PART C

Section 1. Section 26-510 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

j. Notwithstanding any other provision of this law, the adjustment for vacancy leases covered by the provisions of this law shall be determined exclusively pursuant to this section. County rent guidelines boards shall no longer promulgate adjustments for vacancy leases unless otherwise authorized by this chapter.

§ 2. Section 4 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 e to read as follows:

e. Notwithstanding any other provision of this act, the adjustment for vacancy leases covered by the provisions of this act shall be determined exclusively pursuant to section ten of this act. County rent guidelines boards shall no longer promulgate adjustments for vacancy leases.

§ 3. The opening paragraph of subdivision b of section 4 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 403 of the laws of 1983, is amended to read as follows:

A county rent guidelines board shall establish [annually] annual guidelines for rent adjustments, which, at its sole discretion may be varied and different for and within the several zones and jurisdictions of the board, and in determining whether rents for housing accommodations as to which an emergency has been declared pursuant to this act shall be adjusted, shall consider among other things (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) over-all supply of housing accommodations and over-all vacancy rates, (2) relevant data from the current and projected cost of living indices for the affected area, (3) such other data as may be made available to it. As soon as practicable after its creation and thereafter not later than July first of each year, a rent guidelines board shall file with the state division of housing and community renewal its findings for the preceding calendar year, and shall accompany such findings with a statement of the maximum rate or rates of rent adjustment, if any, for one or more classes of accommodation subject to this act, authorized for leases or other rental agreements commencing during the next succeeding twelve months. The standards for rent adjustments may be applicable for the entire county or may be varied according to such zones or jurisdictions within such county as the board finds necessary to achieve the purposes of this subdivision. A county rent guidelines board shall not establish annual guidelines for rent adjustments based on the current rental cost of a unit or on the amount of time that has elapsed since another rent increase was authorized pursuant to this chapter.

§ 4. Subdivision b of section 26-510 of the administrative code of the city of New York is amended to read as follows:

b. The rent guidelines board shall establish [annually] annual guidelines for rent adjustments, and in determining whether rents for housing accommodations subject to the emergency tenant protection act of nineteen seventy-four or this law shall be adjusted shall consider, among other things (1) the economic condition of the residential real estate
industry in the affected area including such factors as the prevailing
and projected (i) real estate taxes and sewer and water rates, (ii)
gross operating maintenance costs (including insurance rates, govern-
mental fees, cost of fuel and labor costs), (iii) costs and availability
of financing (including effective rates of interest), (iv) over-all
supply of housing accommodations and over-all vacancy rates, (2) rele-
vant data from the current and projected cost of living indices for the
affected area, (3) such other data as may be made available to it. Not
later than July first of each year, the rent guidelines board shall file
with the city clerk its findings for the preceding calendar year, and
shall accompany such findings with a statement of the maximum rate or
rates of rent adjustment, if any, for one or more classes of accommo-
dations subject to this law, authorized for leases or other rental
agreements commencing on the next succeeding October first or within the
twelve months thereafter. Such findings and statement shall be published
in the City Record. The rent guidelines board shall not establish annu-
al guidelines for rent adjustments based on the current rental cost of a
unit or on the amount of time that has elapsed since another rent
increase was authorized pursuant to this title.

§ 5. This act shall take effect immediately.

PART D

1. Legislative findings and declaration of emergency. The
legislature hereby finds and declares that the serious public emergency
which led to the enactment of the existing laws regulating residential
rents and evictions continues to exist; that such laws would better
serve the public interest if certain changes were made thereto, includ-
ing the continued regulation of certain housing accommodations that
become vacant.
The legislature further recognizes that severe disruption of the
rental housing market has occurred and threatens to be exacerbated as a
result of the present state of the law in relation to the deregulation
of housing accommodations upon vacancy. The situation has permitted
speculative and profiteering practices and has brought about the loss of
vital and irreplaceable affordable housing for working persons and fami-
lies.
The legislature therefore declares that in order to prevent uncertain-
ty, potential hardship and dislocation of tenants living in housing
accommodations subject to government regulations as to rentals and
continued occupancy as well as those not subject to such regulation, the
provisions of this act are necessary to protect the public health, safe-
ty and general welfare. The necessity in the public interest for the
provisions hereinafter enacted is hereby declared as a matter of legis-
late determination.

§ 2. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the
laws of 1946, constituting the emergency housing rent control law, is
REPEALED.

§ 3. Paragraph 13 of subdivision a of section 5 of section 4 of chapter
576 of the laws of 1974, constituting the emergency tenant
protection act of nineteen seventy-four, is REPEALED.

§ 4. Subparagraph (k) of paragraph 2 of subdivision e of section
26-403 of the administrative code of the city of New York is REPEALED.

§ 5. Sections 26-504.1, 26-504.2 and 26-504.3 of the administrative
code of the city of New York are REPEALED.
§ 6. Paragraph 12 of subdivision a of section 5 of chapter 576 of the
laws of 1974, constituting the emergency tenant protection act of nine-
teen seventy-four, is REPEALED.

§ 7. Section 5-a of chapter 576 of the laws of 1974, constituting the
emergency tenant protection act of nineteen seventy-four, is REPEALED.

§ 8. This act shall take effect immediately.

PART E

Section 1. Subdivision (a-2) of section 10 of section 4 of chapter 576
of the laws of 1974, constituting the emergency tenant protection act of
nineteen seventy-four, as amended by section 11 of part A of chapter 20
of the laws of 2015, is amended to read as follows:

(a-2) Where the amount of rent charged to and
paid by the tenant is less than the legal regulated rent for the housing
accommodation, the amount of rent for such housing accommodation which
may be charged upon vacancy thereof, may, at the
option of the owner, be based upon such previously established legal
regulated rent, as adjusted by the most recent applicable guidelines
increases and other increases authorized by law. Such housing accommo-
dation shall be excluded from the provisions of this act pursuant to
paragraph thirteen of subdivision a of section five of this act when
subsequent to vacancy: (i) such legal regulated rent is two thousand
five hundred dollars per month, or more, for any housing accommodation
that is, or becomes, vacant after the effective date of the rent act of
2011 but prior to the effective date of the rent act of 2015 or (ii)
such legal regulated rent is two thousand seven hundred dollars per
month or more for any housing accommodation that is or becomes vacant on
or after the rent act of 2015, starting on January 1, 2016, and annually
thereafter, the maximum legal regulated rent for this deregulation
threshold, shall also be increased by the same percent as the most
recent one-year renewal adjustment, adopted by the applicable rent
guidelines board pursuant to the rent stabilization law. Any tenant who
is subject to a lease on or after the effective date of a chapter of the
laws of two thousand nineteen which amended this subdivision, or is or
was entitled to receive a renewal or vacancy lease on or after such
date, upon renewal of such lease, the amount of rent for such housing
accommodation that may be charged and paid shall be no more than the
rent charged to and paid by the tenant prior to that renewal, as
adjusted by the most recent applicable guidelines increases and any
other increases authorized by law. Provided, however, that for build-
ings that are subject to this statute by virtue of a regulatory agree-
ment with a local government agency and which buildings receive federal
project based rental assistance administered by the United States
department of housing and urban development or a state or local section
eight administering agency, where the rent set by the federal, state or
local governmental agency is less than the legal regulated rent for the
housing accommodation, the amount of rent for such housing accommodation
which may be charged upon renewal or upon vacancy thereof, may be based
upon such previously established legal regulated rent, as adjusted by
the most recent applicable guidelines increases or other increases
authorized by law; and further provided that such vacancy shall not be
caused by the failure of the owner or an agent of the owner, to maintain
the housing accommodation in compliance with the warranty of habitabili-
ty set forth in subdivision one of section two hundred thirty-five-b of
the real property law.
§ 2. Paragraph 14 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 12 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(14) [provides that] where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged [upon renewal or] upon vacancy thereof, may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. [Such housing accommodation shall be excluded from the provisions of this code pursuant to section 26-504.2 of this chapter when, subsequent to vacancy: (i) such legal regulated rent prior to vacancy is two thousand five hundred dollars per month, or more, for any housing accommodation that is or becomes vacant after the effective date of the rent act of 2011 but prior to the effective date of the rent act of 2015 or (ii) such legal regulated rent is two thousand seven hundred dollars per month or more, provided, however that on January 1, 2016, and annually thereafter, the maximum legal regulated rent for this deregulation threshold shall be adjusted by the same percentage as the most recent one year renewal adjustment as adjusted by the relevant rent guidelines board, for any housing accommodation that is or becomes vacant on or after the rent act of 2015.] Any tenant who is subject to a lease on or after the effective date of a chapter of the laws of two thousand nineteen which amended this paragraph, or is or was entitled to receive a renewal or vacancy lease on or after such date, upon renewal of such lease, the amount of rent for such housing accommodation that may be charged and paid shall be no more than the rent charged to and paid by the tenant prior to that renewal, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. Provided, however, that for buildings that are subject to this statute by virtue of a regulatory agreement with a local government agency and which buildings receive federal project based rental assistance administered by the United States department of housing and urban development or a state or local section eight administering agency, where the rent set by the federal, state or local governmental agency is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon renewal or upon vacancy thereof, may be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and other increases authorized by law; and further provided that such vacancy shall not be caused by the failure of the owner or an agent of the owner, to maintain the housing accommodation in compliance with the warranty of habitability set forth in subdivision one of section two hundred thirty-five-b of the real property law.

§ 3. This act shall take effect immediately; provided, further, that the amendments to section 26-511 of chapter 4 of title 26 of the administrative code of the city of New York made by section two of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law.

PART F

Section 1. 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, as amended by chapter 403 of
the laws of 1983, the opening paragraph and clause (i) of subparagraph (b) as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(1) Subject to the conditions and limitations of this paragraph, any owner of housing accommodations in a city having a population of less than one million or a town or village as to which an emergency has been declared pursuant to section three, who, upon complaint of a tenant or of the state division of housing and community renewal, is found by the state division of housing and community renewal, after a reasonable opportunity to be heard, to have collected an overcharge above the rent authorized for a housing accommodation subject to this act shall be liable to the tenant for a penalty equal to three times the amount of such overcharge. [In no event shall such treble damage penalty be assessed against an owner based solely on said owner's failure to file a proper or timely initial or annual rent registration statement.] If the owner establishes by a preponderance of the evidence that the overcharge was neither willful nor attributable to his negligence, the state division of housing and community renewal shall establish the penalty as the amount of the overcharge plus interest at the rate of interest payable on a judgment pursuant to section five thousand four hundred of the civil practice law and rules. After a complaint of rent overcharge has been filed and served upon an owner, the voluntary adjustment of the rent and/or the voluntary tender of a refund of rent overcharges shall not be considered by the division of housing and community renewal or a court of competent jurisdiction as evidence that the overcharge was not willful. (i) Except as to complaints filed pursuant to clause (ii) of this paragraph, the legal regulated rent for purposes of determining an overcharge, shall be deemed to be the rent indicated in the most recent reliable annual registration statement for a rent stabilized tenant filed four and three years prior to the most recent registration statement, (or, if more recently filed, the initial registration statement) plus in each case any subsequent lawful increases and adjustments. [Where the amount of rent set forth in the annual rent registration statement filed four years prior to the most recent registration statement is not challenged within four years of its filing, neither such rent nor service of any registration shall be subject to challenge at any time thereafter.] The division of housing and community renewal or a court of competent jurisdiction, in investigating complaints of overcharge and in determining legal regulated rent, shall consider all available rent history which is reasonably necessary to make such determinations. (ii) As to complaints filed within ninety days of the initial registration of a housing accommodation, the legal regulated rent for purposes of determining an overcharge shall be deemed to be the rent charged on the date four years prior to the date of the initial registration of the housing accommodation (or, if the housing accommodation was subject to this act for less than six years, the initial legal regulated rent) plus in each case, any lawful increases and adjustments. Where the rent charged on the date four years prior to the date of the initial registration of the accommodation cannot be established, such rent shall be established by the division. [Where the amount of rent set forth in the annual rent registration statement filed four years prior to the most recent registration statement is not challenged within four years of its filing, neither such rent nor service of any registration shall be subject to challenge at any time thereafter.]
(a) The order of the state division of housing and community renewal shall apportion the owner's liability between or among two or more tenants found to have been overcharged by such owner during their particular tenancy of a unit.

(b) (i) Except as provided under clauses (ii) and (iii) of this subparagraph, a complaint under this subdivision shall be filed with the state division of housing and community renewal 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 an overcharge may be based upon an overcharge having occurred more than four years before the complaint is filed. This paragraph shall preclude examination of the rental history of the housing accommodation prior to the four-year period preceding the filing of a complaint pursuant to this subdivision or in a court of competent jurisdiction at any time, however any recovery of overcharge penalties shall be limited to the six years preceding the complaint.

(ii) A penalty of three times the overcharge is filed or upon an overcharge which occurred prior to April first, nineteen hundred eighty-four shall be assessed upon all overcharges willfully collected by the owner starting six years before the complaint is filed.

(iii) Any complaint based upon overcharges occurring prior to the date of filing of the initial rent registration as provided in subdivision b of section twelve-a of this act shall be filed within ninety days of the mailing of notice to the tenant of such registration.

(c) Any affected tenant shall be notified of and given an opportunity to join in any complaint filed by an officer or employee of the state division of housing and community renewal.

(d) An owner found to have overcharged shall, in all cases, be assessed the reasonable costs and attorney's fees of the proceeding, and interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to section five thousand four of the civil practice law and rules.

(e) The order of the state division of housing and community renewal awarding penalties may, upon the expiration of the period in which the owner may institute a proceeding pursuant to article seventy-eight of the civil practice law and rules, be filed and enforced by a tenant in the same manner as a judgment or, in the alternative, not in excess of twenty percent thereof per month may be offset against any rent thereafter due the owner.

(f) Unless a tenant shall have filed a complaint of overcharge with the division which complaint has not been withdrawn, nothing contained in this section shall be deemed to prevent a tenant or tenants, claiming to have been overcharged, from commencing an action or interposing a counterclaim in a court of competent jurisdiction for damages equal to the overcharge and the penalty provided for in this section, including interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to section five thousand four of the civil practice law and rules, plus the statutory costs and allowable disbursements in connection with the proceeding. [Such action must be commenced or counterclaim interposed within four years of the date of the alleged overcharge but no recovery of three times the amount of the overcharge may be awarded with respect to any overcharge which had occurred more than two years before the action is commenced or counterclaim is inter-]
posed.
The courts and the division shall have concurrent jurisdiction, subject to the tenant's choice of forum.

§ 2. Paragraph 8 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, as amended by chapter 403 of the laws of 1983, is amended and a new paragraph 9 is added to read as follows:

(8) Except where a specific provision of this law requires the maintenance of rent records for a longer period, including records of the useful life of improvements made to any housing accommodation or any building, any owner who has duly registered a housing accommodation pursuant to section twelve-a of this act shall not be required to maintain or produce any records relating to rentals of such accommodation more than [four] six years prior to the most recent registration or annual statement for such accommodation. However, an owner's election not to maintain records shall not limit the authority of the division of housing and community renewal and the courts to examine the rental history and determine legal regulated rents pursuant to this subdivision.

(9) The division of housing and community renewal and the courts, in investigating complaints of overcharge and in determining legal regulated rents, shall consider all available rent history which is reasonably necessary to make such determinations, including but not limited to:

(a) any rent registration or other records filed with the state division of housing and community renewal, or any other state, municipal or federal agency, regardless of the date to which the information on such registration refers; (b) any order issued by any state, municipal or federal agency; (c) any records maintained by the owner or tenants; and (d) any public record kept in the regular course of business by any state, municipal or federal agency. Nothing contained in this paragraph shall limit the examination of rent history relevant to a determination as to:

(i) whether the legality of a rental amount charged or registered is reliable in light of all available evidence including, but not limited to, whether an unexplained increase in the registered or lease rents, or a fraudulent scheme to destabilize the housing accommodation, rendered such rent or registration unreliable;

(ii) whether an accommodation is subject to the emergency tenant protection act;

(iii) whether an order issued by the division of housing and community renewal or a court of competent jurisdiction, including, but not limited to an order issued pursuant to section 26-514 of the administrative code of the city of New York, or any regulatory agreement or other contract with any governmental agency, and remaining in effect within six years of the filing of a complaint pursuant to this section, affects or limits the amount of rent that may be charged or collected;

(iv) whether an overcharge was or was not willful;

(v) whether a rent adjustment that requires information regarding the length of occupancy by a present or prior tenant was lawful;

(vi) the existence or terms and conditions of a preferential rent, or the propriety of a legal registered rent during a period when the tenants were charged a preferential rent;

(vii) the legality of a rent charged or registered immediately prior to the registration of a preferential rent; or
(viii) the amount of the legal regulated rent where the apartment was
vacant or temporarily exempt on the date six years prior to a tenant's
complaint.
§ 3. Subdivision b of section 12 of section 4 of chapter 576 of the
laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 403 of the laws of 1983, is
amended to read as follows:
b. Within a city having a population of one million or more, the state
division of housing and community renewal shall have such powers to
enforce this act as shall be provided in the New York city rent stabili-
ization law of nineteen hundred sixty-nine, as amended, or as shall
otherwise be provided by law. Unless a tenant shall have filed a
complaint of overcharge with the division which complaint has not been
withdrawn, nothing contained in this section shall be deemed to prevent
a tenant or tenants, claiming to have been overcharged, from commencing
an action or interposing a counterclaim in a court of competent juris-
diction for damages equal to the overcharge and the penalty provided for
in this section, including interest from the date of the overcharge at
the rate of interest payable on a judgment pursuant to section five
thousand four of the civil practice law and rules, plus the statutory
costs and allowable disbursements in connection with the proceeding. The
courts and the division shall have concurrent jurisdiction, subject to
the tenant's choice of forum.
§ 4. Subdivision a of section 26-516 of the administrative code of the
city of New York, as amended by chapter 116 of the laws of 1997, is
amended to read as follows:
a. Subject to the conditions and limitations of this subdivision, any
owner of housing accommodations who, upon complaint of a tenant, or of
the state division of housing and community renewal, is found by the
state division of housing and community renewal, after a reasonable
opportunity to be heard, to have collected an overcharge above the rent
authorized for a housing accommodation subject to this chapter shall be
liable to the tenant for a penalty equal to three times the amount of
such overcharge. [In no event shall such treble damage penalty be
assessed against an owner based solely on said owner's failure to file a
timely or proper initial or annual rent registration statement.] If the
owner establishes by a preponderance of the evidence that the overcharge
was not willful, the state division of housing and community renewal
shall establish the penalty as the amount of the overcharge plus inter-
est. After a complaint of rent overcharge has been filed and served on
an owner, the voluntary adjustment of the rent and/or the voluntary
tender of a refund of rent overcharges shall not be considered by the
division of housing and community renewal or a court of competent juris-
diction as evidence that the overcharge was not willful. (i) Except as
to complaints filed pursuant to clause (ii) of this paragraph, the legal
regulated rent for purposes of determining an overcharge, shall be the
rent indicated in the most recent reliable annual registration statement
filed [four] and served upon the tenant six or more years prior to the
most recent registration statement, (or, if more recently filed, the
initial registration statement) plus in each case any subsequent lawful
increases and adjustments. [Where the amount of rent set forth in the
annual rent registration statement filed four years prior to the most
recent registration statement is not challenged within four years of its
filing, neither such rent nor service of any registration shall be
subject to challenge at any time thereafter.] The division of housing
and community renewal or a court of competent jurisdiction, in investi-
gating complaints of overcharge and in determining legal regulated rent, shall consider all available rent history which is reasonably necessary to make such determinations. (ii) As to complaints filed within ninety days of the initial registration of a housing accommodation, the legal regulated rent shall be deemed to be the rent charged on the date [four] six years prior to the date of the initial registration of the housing accommodation (or, if the housing accommodation was subject to this chapter for less than [four] six years, the initial legal regulated rent) plus in each case, any lawful increases and adjustments. Where the rent charged on the date [four] six years prior to the date of the initial registration of the accommodation cannot be established, such rent shall be established by the division.

Where the prior rent charged [on the date four years prior to the date of initial registration of] for the housing accommodation cannot be established, such rent shall be established by the division provided that where a rent is established based on rentals determined under the provisions of the local emergency housing rent control act such rent must be adjusted to account for no less than the minimum increases which would be permitted if the housing accommodation were covered under the provisions of this chapter, less any appropriate penalties. [Where the amount of rent set forth in the annual rent registration statement filed four years prior to the most recent registration statement is not challenged within four years of its filing, neither such rent nor service of any registration shall be subject to challenge at any time thereafter.]

(1) The order of the state division of housing and community renewal or court of competent jurisdiction shall apportion the owner's liability between or among two or more tenants found to have been overcharged by such owner during their particular tenancy of a unit.

(2) [Except as provided under clauses (i) and (ii) of this paragraph, a] A complaint under this subdivision [shall] may be filed with the state division of housing and community renewal [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 an overcharge may be based upon an overcharge having occurred more than four years before the complaint is filed] or in a court of competent jurisdiction at any time, however any recovery of overcharge penalties shall be limited to the six years preceding the complaint. [No] A penalty of three times the overcharge [may be based upon an overcharge having occurred more than two years] shall be assessed upon all overcharges willfully collected by the owner starting six years before the complaint is filed [or upon an overcharge which occurred prior to April first, nineteen hundred eighty-four. (ii) Any complaint based upon overcharges occurring prior to the date of filing of the initial rent registration as provided in section 26-517 of this chapter shall be filed within ninety days of the mailing of notice to the tenant of such registration. This paragraph shall preclude examination of the rental history of the housing accommodation prior to the four-year period preceding the filing of a complaint pursuant to this subdivision].

(3) Any affected tenant shall be notified of and given an opportunity to join in any complaint filed by an officer or employee of the state division of housing and community renewal.

(4) An owner found to have overcharged [may] shall be assessed the reasonable costs and attorney's fees of the proceeding and interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to section five thousand four of the civil practice law and rules.
(5) The order of the state division of housing and community renewal awarding penalties may, upon the expiration of the period in which the owner may institute a proceeding pursuant to article seventy-eight of the civil practice law and rules, be filed and enforced by a tenant in the same manner as a judgment or not in excess of twenty percent thereof per month may be offset against any rent thereafter due the owner.

§ 5. Subdivision g of section 26-516 of the administrative code of the city of New York is amended, subdivision h is relettered subdivision i and a new subdivision h is added to read as follows:

g. [Any] Except where a specific provision of this law requires the maintenance of rent records for a longer period, including records of
the useful life of improvements made to any housing accommodation or any building, any owner who has duly registered a housing accommodation pursuant to section 26-517 of this chapter shall not be required to maintain or produce any records relating to rentals of such accommodation for more than [six] six years prior to the most recent registration or annual statement for such accommodation. However, an owner's election not to maintain records shall not limit the authority of the division of housing and community renewal and the courts to examine the rental history and determine legal regulated rents pursuant to this section.

h. The division of housing and community renewal, and the courts, in investigating complaints of overcharge and in determining legal regulated rents, shall consider all available rent history which is reason-
ably necessary to make such determinations, including but not limited to
(i) any rent registration or other records filed with the state division
of housing and community renewal, or any other state, municipal or
federal agency, regardless of the date to which the information on such
registration refers; (ii) any order issued by any state, municipal or
federal agency; (iii) any records maintained by the owner or tenants;
and (iv) any public record kept in the regular course of business by any
state, municipal or federal agency. Nothing contained in this subdivi-
sion shall limit the examination of rent history relevant to a determi-
nation as to:

(i) whether the legality of a rental amount charged or registered is
reliable in light of all available evidence including but not limited to
whether an unexplained increase in the registered or lease rents, or a
fraudulent scheme to destabilize the housing accommodation, rendered
such rent or registration unreliable;
(ii) whether an accommodation is subject to the emergency tenant
protection act or the rent stabilization law;
(iii) whether an order issued by the division of housing and community
renewal or by a court, including, but not limited to an order issued
pursuant to section 26-514 of this chapter, or any regulatory agreement
or other contract with any governmental agency, and remaining in effect
within six years of the filing of a complaint pursuant to this section,
affects or limits the amount of rent that may be charged or collected;
(iv) whether an overcharge was or was not willful;
(v) whether a rent adjustment that requires information regarding the
length of occupancy by a present or prior tenant was lawful;
(vi) the existence or terms and conditions of a preferential rent, or
the propriety of a legal registered rent during a period when the
tenants were charged a preferential rent;
(vii) the legality of a rent charged or registered immediately prior
to the registration of a preferential rent; or
1. (viii) the amount of the legal regulated rent where the apartment was
vacant or temporarily exempt on the date six years prior to a tenant's
complaint.

§ 6. 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:
§ 213-a. [Actions to be commenced within four years; residential]
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 preced-
ing the commencement of the action.] No overcharge penalties or damages
may be awarded for a period more than six years before the action is
commenced or complaint is filed, however, an overcharge claim may be
filed at any time, and the calculation and determination of the legal
rent and the amount of the overcharge shall be made in accordance with
the provisions of law governing the determination and calculation of
overcharges.

§ 7. This act shall take effect immediately and shall apply to any
claims pending or filed on and after such date; provided that the amend-
ments to section 26-516 of chapter 4 of title 26 of the administrative
code of the city of New York made by sections four and five of this act
shall expire on the same date as such law expires and shall not affect
the expiration of such law as provided under section 26-520 of such law.

PART G

Section 1. Short title. This act shall be known and may be cited as
the "statewide tenant protection act of 2019."
§ 2. Section 2 of section 4 of chapter 576 of the laws of 1974,
constituting the emergency tenant protection act of nineteen seventy-
four, is amended to read as follows:
§ 2. Legislative finding. The legislature hereby finds and declares
that a serious public emergency continues to exist in the housing of a
considerable number of persons in the state of New York [which emergency
was at its inception created by war, the effects of war and the after-
math of hostilities], that such emergency [necessitated] necessitates
the intervention of federal, state and local government in order to
prevent speculative, unwarranted and abnormal increases in rents; that
there continues to exist in many areas of the state an acute shortage of
housing accommodations caused by continued high demand, attributable in
part to new household formations and decreased supply, in large measure
attributable to reduced availability of federal subsidies, and increased
costs of construction and other inflationary factors; that a substantial
number of persons residing in housing not presently subject to the
provisions of this act or the emergency housing rent control law or the
local emergency housing rent control act are being charged excessive and
unwarranted rents and rent increases; that preventive action by the
legislature continues to be imperative in order to prevent exaction of
unjust, unreasonable and oppressive rents and rental agreements and to
foretell profiteering, speculation and other disruptive practices tend-
ing to produce threats to the public health, safety and general welfare;
that in order to prevent uncertainty, hardship and dislocation, the
provisions of this act are necessary and designed to protect the public
health, safety and general welfare; that the transition from regulation
to a normal market of free bargaining between landlord and tenant, while
the ultimate objective of state policy, must take place with due regard
for such emergency; and that the policy herein expressed shall be
subject to determination of the existence of a public emergency requir-
ing the regulation of residential rents within any city, town or village
by the local legislative body of such city, town or village.

§ 3. Section 14 of section 4 of chapter 576 of the laws of 1974,
constituting the emergency tenant protection act of nineteen seventy-
four, is amended to read as follows:
§ 14. Application of act. The provisions of this act shall [only] be
applicable:
  a. in the city of New York; and
  b. in [the counties of Nassau, Westchester and Rockland] all counties
within the state of New York outside the city of New York and shall
become and remain effective only in a city, town or village located
therein as provided in section three of this act.

§ 4. Subdivision a of section 5 of section 4 of chapter 576 of the
laws of 1974 constituting the emergency tenant protection act of nine-
ten seventy-four is amended by adding a new paragraph 5-a to read as
follows:
(5-a) housing accommodations located outside of a city with a popu-
lation of one million or more in any such buildings that were vacant and
unoccupied on June first, two thousand nineteen and had been vacant and
unoccupied for at least the one-year period immediately preceding such
date:

§ 5. Subdivision a of section 4 of section 4 of chapter 576 of the
laws of 1974 constituting the emergency tenant protection act of nine-
ten hundred seventy-four, as amended by chapter 349 of the laws of
1979, is amended and a new subdivision a-1 is added to read as follows:
a. In each county wherein any city having a population of less than
one million or any town or village has determined the existence of an
emergency pursuant to section three of this act, there shall be created
a rent guidelines board to consist of nine members appointed by the
commissioner of housing and community renewal upon recommendation of the
county legislature [which], except that a rent guidelines board created
subsequent to the effective date of the chapter of the laws of two thou-
sand nineteen that amended this section shall consist of nine members
appointed by the commissioner of housing and community renewal upon
recommendations of the local legislative body of each city having a
population of less than one million or town or village which has deter-
mined the existence of an emergency pursuant to section three of this
act. Such recommendation shall be made within thirty days after the
first local declaration of an emergency in such county; two such members
shall be representative of tenants, two shall be representative of
owners of property, and five shall be public members each of whom shall
have had at least five years experience in either finance, economics or
housing. One public member shall be designated by the commissioner to
serve as chairman and shall hold no other public office. No member,
officer or employee of any municipal rent regulation agency or the state
division of housing and community renewal and no person who owns or
manages real estate covered by this law or who is an officer of any
owner or tenant organization shall serve on a rent guidelines board. One
public member, one member representative of tenants and one member
representative of owners shall serve for a term ending two years from
January first next succeeding the date of their appointment; one public
member, one member representative of tenants and one member representative of owners shall serve for terms ending three years from the January first next succeeding the date of their appointment and three public members shall serve for terms ending four years from January first next succeeding the dates of their appointment. Thereafter, all members shall serve for terms of four years each. Members shall continue in office until their successors have been appointed and qualified. The commissioner shall fill any vacancy which may occur by reason of death, resignation or otherwise in a manner consistent with the original appointment. A member may be removed by the commissioner for cause, but not without an opportunity to be heard in person or by counsel, in his defense, upon not less than ten days notice. Compensation for the members of the board shall be at the rate of one hundred dollars per day, for no more than twenty days a year, except that the chairman shall be compensated at the rate of one hundred twenty-five dollars a day for no more than thirty days a year. The board shall be provided staff assistance by the division of housing and community renewal. The compensation of such members and the costs of staff assistance shall be paid by the division of housing and community renewal which shall be reimburged in the manner prescribed in section four of this act. The local legislative body of each city having a population of less than one million and each town and village in which an emergency has been determined to exist as herein provided shall be authorized to designate one person who shall be representative of tenants and one person who shall be representative of owners of property to serve at its pleasure and without compensation to advise and assist the county rent guidelines board in matters affecting the adjustment of rents for housing accommodations in such city, town or village as the case may be.

§ 6. Severability clause. If any provision of this act or the application thereof shall, for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgement shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgement shall have been rendered; provided, however, that in the event that the entire system of rent control or stabilization shall be finally adjudged invalid or unconstitutional by a court of competent jurisdiction because of the operation of any provision of this act, such provision shall be null, void and without effect, and all other provisions of this act which can be given effect without such invalid provision, as well as provisions of any other law, relating to the control of or stabilization of rent, as in effect prior to the enactment of this act as otherwise amended by this act, shall continue in full force and effect for the period of effectiveness set forth in section 17 of chapter 576 of the laws of 1974,
CHAPTER 274

of the laws of 1946, constituting the emergency housing rent control law, is amended by adding a new subdivision 9 to read as follows:

§ 4. The administrative code of the city of New York is amended by adding a new section 26-407.1 to read as follows:
§ 26-407.1 Fuel pass-along to tenants under rent control prohibited.

Notwithstanding any other provision of law, rule, regulation, charter or administrative code, tenants of housing accommodations which are subject to rent control under this chapter shall not be subject to a fuel adjustment or pass-along increase in rent and any such increase to such tenant shall be null and void.

§ 5. This act shall take effect immediately; provided that the amendments to section 26-405 of the city rent and rehabilitation law made by section one of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and provided further that the addition of section 26-407.1 to the city rent and rehabilitation law made by section four of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act.

PART I

Section 1. Paragraph 1 of subdivision b of section 26-408 of the administrative code of the city of New York is amended to read as follows:

(1) The landlord seeks in good faith to recover possession of a housing accommodation because of immediate and compelling necessity for his or her own personal use and occupancy as his or her primary residence for the use and occupancy of his or her immediate family as their primary residence provided, however, that this subdivision shall permit recovery of only one housing accommodation and shall not apply where a member of the household lawfully occupying the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, further, that a tenant required to surrender a housing accommodation by virtue of the operation of subdivision g or h of this section shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this paragraph a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees;

§ 2. Subparagraph (b) of paragraph 9 of subdivision c of section 26-511 of the administrative code of the city of New York is amended to read as follows:

(b) where he or she seeks to recover possession of one or more dwelling units because of immediate and compelling necessity for his or her own personal use and occupancy as his or her primary residence in the city of New York and/or for the use and occupancy of a member of his or her immediate family as his or her primary residence in the city of New York, provided however, that this subparagraph...
shall permit recovery of only one dwelling unit and shall not apply where a tenant or the spouse of a tenant lawfully occupying the dwelling unit is sixty-two years of age or older, has been a tenant in a dwelling unit in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment, unless such owner offers to provide and if requested, provides an equivalent or superior housing accommodation at the same or lower stabilized rent in a closely proximate area. The provisions of this subparagraph shall only permit one of the individual owners of any building to recover possession of one dwelling unit for his or her personal use and/or for that of his or her immediate family. A dwelling unit recovered by an owner pursuant to this subparagraph shall not for a period of three years be rented, leased, subleased or assigned to any person other than a person for whose benefit recovery of the dwelling unit is permitted pursuant to this subparagraph or to the tenant in occupancy at the time of recovery under the same terms as the original lease; provided, however, that a tenant required to surrender a housing accommodation by virtue of the operation of subdivision g or h of section 26-408 of this title shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this subparagraph a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees. This subparagraph shall not be deemed to establish or eliminate any claim that the former tenant of the dwelling unit may otherwise have against the owner. Any such rental, lease, sublease or assignment during such period to any other person may be subject to a penalty of a forfeiture of the right to any increases in residential rents in such building for a period of three years; or

§ 3. Subdivision a of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 234 of the laws of 1984, is amended to read as follows:

a. For cities having a population of less than one million and towns and villages, the state division of housing and community renewal shall be empowered to implement this act by appropriate regulations. Such regulations may encompass such speculative or manipulative practices or renting or leasing practices as the state division of housing and community renewal determines constitute or are likely to cause circumvention of this act. Such regulations shall prohibit practices which are likely to prevent any person from asserting any right or remedy granted by this act, including but not limited to retaliatory termination of periodic tenancies and shall require owners to grant a new one or two year vacancy or renewal lease at the option of the tenant, except where a mortgage or mortgage commitment existing as of the local effective date of this act provides that the owner shall not grant a one-year lease; and shall prescribe standards with respect to the terms and conditions of new and renewal leases, additional rent and such related matters as security deposits, advance rental payments, the use of escalator clauses in leases and provision for increase in rentals for garages and other ancillary
facilities, so as to insure that the level of rent adjustments authorized under this law will not be subverted and made ineffective. Any provision of the regulations permitting an owner to refuse to renew a lease on grounds that the owner seeks to recover possession of the a housing accommodation for his or her own use and occupancy or for the use and occupancy of his or her immediate family shall permit recovery of only one housing accommodation, shall require that an owner demonstrate immediate and compelling need and that the housing accommodation will be the proposed occupants' primary residence and shall not apply where a member of the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for [twenty] fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, however, that a tenant required to surrender a housing accommodation by virtue of the operation of subdivision g or h of section 26-408 of the administrative code of the city of New York shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this subdivision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees.

§ 4. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by chapter 234 of the laws of 1984, is amended to read as follows:

(a) the landlord seeks in good faith to recover possession of a housing accommodation because of immediate and compelling necessity for his or her own personal use and occupancy as his or her primary residence or for the use and occupancy of his or her immediate family as their primary residence; provided, however, this subdivision shall not apply where a member of the household lawfully occupying the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for [twenty] fifteen years or more, or has an impairment which results from anatomical, physiological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, however, that a tenant required to surrender a housing accommodation by virtue of the operation of subdivision g or h of section 26-408 of the administrative code of the city of New York shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this paragraph a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees;

§ 5. This act shall take effect immediately and shall apply to any tenant in possession at or after the time it takes effect, regardless of
whether the landlord's application for an order, refusal to renew a lease or refusal to extend or renew a tenancy took place before this act shall have taken effect, provided that:

a. the amendments to section 26-408 of the city rent and rehabilitation law made by section one of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and

b. the amendments to section 26-511 of the rent stabilization law of nineteen hundred sixty-nine made by section two of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law.

PART J

Section 1. Paragraph 10 and 11 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, paragraph 11 as amended by chapter 422 of the laws of 2010, are amended to read as follows:

(10) housing accommodations in buildings operated exclusively for charitable purposes on a non-profit basis except for permanent housing accommodations with government contracted services, as of and after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, to vulnerable individuals or individuals with disabilities who are or were homeless or at risk of homelessness; provided, however, that terms of leases in existence as of the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, shall only be affected upon lease renewal, and further provided that upon the vacancy of such housing accommodations shall be the legal regulated rent paid for such housing accommodations by the prior tenant, subject only to any adjustment adopted by the applicable rent guidelines board;

(11) housing accommodations which are not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. For the purposes of this paragraph, where a housing accommodation is rented to a not-for-profit hospital for residential use, affiliated subtenants authorized to use such accommodations by such hospital shall be deemed to be tenants. No action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds.

§ 2. This act shall take effect immediately.
PART K

1

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

(1) there has been a substantial modification or increase of dwelling space or an increase in the services, or installation of new equipment or improvements or new furniture or furnishings, provided in or to a tenant's housing accommodation, on written informed tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The permanent temporary increase in the legal regulated rent for the affected housing accommodation shall be one-fourtieth one-one hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations, or one-sixtieth, or one-one hundred eightieth in the case of a building with more than thirty-five housing accommodations where such permanent increase takes effect on or after September twenty-fourth, two thousand eleven, of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, of the total actual cost incurred by the landlord up to fifteen thousand dollars in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and a prohibition on common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this paragraph, shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period. Provided further that increases to the legal regulated rent pursuant to this paragraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board.

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

(13) provides that an owner is entitled to a rent increase where there has been a substantial modification or increase of dwelling space or an increase in the services, or installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's housing accommodation, on written informed tenant consent to the rent
increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The permanent increase in the legal regulated rent for the affected housing accommodation shall be one-hundred sixty-eighth in the case of a building with thirty-five or fewer housing accommodations, or one-hundred eightieth in the case of a building with more than thirty-five housing accommodations where such increase takes effect on or after September twenty-fourth, two thousand eleven, of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, of the total actual cost incurred by the landlord in providing such reasonable and verifiable modification or increase in dwelling space, furniture, furnishings, or equipment, including the cost of installation but excluding finance charges and any costs that exceed reasonable costs established by rules and regulations promulgated by the division of housing and community renewal. Such rules and regulations shall include: (i) requirements for work to be done by licensed contractors and prohibit common ownership between the landlord and the contractor or vendor; and (ii) a requirement that the owner resolve within the dwelling space all outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. Provided further that the recoverable costs incurred by the landlord, pursuant to this paragraph, shall be limited to an aggregate cost of fifteen thousand dollars that may be expended on no more than three separate individual apartment improvements in a fifteen year period. Provided further that increases to the legal regulated rent pursuant to this paragraph shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board.

§ 3. Subparagraph (e) of paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York, as amended by section 15 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

(e) The landlord and tenant by mutual voluntary written agreement demonstrating informed consent agree to a substantial increase or decrease in dwelling space or a change in services, furnishing or equipment provided in the housing accommodations. An adjustment under this subparagraph shall be equal to one-hundred sixty-eighth, in the case of a building with thirty-five or fewer housing accommodations, or one-hundred eightieth in the case of a building with more than thirty-five housing accommodations where such temporary adjustment takes effect on or after September twenty-fourth, two thousand eleven, of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges, provided the effective date of the chapter of the laws of two thousand nineteen that amended this subparagraph, of the total actual cost incurred by the
landlord in providing such reasonable and verifiable modification or
increase in dwelling space, furniture, furnishings, or equipment,
including the cost of installation but excluding finance charges and any
costs that exceed reasonable costs established by rules and regulations
promulgated by the division of housing and community renewal. Such rules
and regulations shall include: (i) requirements for work to be done by
licensed contractors and prohibit common ownership between the landlord
and the contractor or vendor; and (ii) a requirement that the owner
resolve within the dwelling space all outstanding hazardous or imme-
diately hazardous violations of the Uniform Fire Prevention and Building
Code (Uniform Code), New York City Fire Code, or New York City Building
and Housing Maintenance Codes, if applicable. Provided further that an
owner who is entitled to a rent increase pursuant to this subparagraph
shall not be entitled to a further rent increase based upon the instal-
lution of similar equipment, or new furniture or furnishings within the
useful life of such new equipment, or new furniture or furnishings.
Provided further that the recoverable costs incurred by the landlord,
pursuant to this subparagraph shall be limited to an aggregate cost of
fifteen thousand dollars that may be expended on no more than three
separate individual apartment improvements in a fifteen year period.
Provided further that increases to the legal regulated rent pursuant to
this subparagraph shall be removed from the legal regulated rent thirty
years from the date the increase became effective inclusive of any
increases granted by the applicable rent guidelines board. The owner
shall give written notice to the city rent agency of any such temporary
adjustment pursuant to this subparagraph; or
§ 4. The administrative code of the city of New York is amended by
adding a new section 26-511.1 to read as follows:
§ 26-511.1 Major capital improvements and individual apartment
improvements in rent regulated units. a. Notwithstanding any other
provision of law to the contrary, the division of housing and community
renewal, the "division", shall promulgate rules and regulations applica-
table to all rent regulated units that shall:
(1) establish a schedule of reasonable costs for major capital
improvements, which shall set a ceiling for what can be recovered
through a temporary major capital improvement increase, based on the
type of improvement and its rate of depreciation;
(2) establish the criteria for eligibility of a temporary major capi-
tal improvement increase including the type of improvement, which shall
be essential for the preservation, energy efficiency, functionality or
infrastructure of the entire building, including heating, windows,
plumbing and roofing, but shall not be for operational costs or unneces-
sary cosmetic improvements. Allowable improvements must additionally be
depreciable pursuant to the Internal Revenue Service, other than for
ordinary repairs, that directly or indirectly benefit all tenants; and
no increase shall be approved for group work done in individual apart-
ments that is otherwise not an improvement to an entire building. Only
such costs that are actual, reasonable, and verifiable may be approved
as a temporary major capital improvement increase;
(3) require that any temporary major capital improvement increase
granted pursuant to these provisions be reduced by an amount equal to
(i) any governmental grant received by the landlord, where such grant
compensates the landlord for any improvements required by a city, state
or federal government, an agency or any granting governmental entity to
be expended for improvements and (ii) any insurance payment received by
the landlord where such insurance payment compensates the landlord for any part of the costs of the improvements;

4. prohibit temporary major capital improvement increases for buildings with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

5. prohibit individual apartment improvement increases for housing accommodations with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

6. prohibit temporary major capital improvement increases for buildings with thirty-five per centum or fewer rent-regulated units;

7. establish that temporary major capital improvement increases shall be fixed to the unit and shall cease thirty years from the date the increase became effective. Temporary major capital improvement increases shall be added to the legal regulated rent as a temporary increase and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the local rent guidelines board;

8. establish that temporary major capital improvement increases shall be collectible prospectively sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year beginning on or after September 1, 2019 for any tenant in occupancy on the date the major capital improvement was approved;

9. ensure that the application procedure for temporary major capital improvement increases shall include an itemized list of work performed and a description or explanation of the reason or purpose of such work;

10. provide, that where an application for a major capital improvement rent increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply;

11. establish a notification and documentation procedure for individual apartment improvements that requires an itemized list of work performed and a description or explanation of the reason or purpose of such work, inclusive of photographic evidence documenting the condition prior to and after the completion of the performed work. Provide for the centralized electronic retention of such documentation and any other supporting documentation to be made available in cases pertaining to the adjustment of legal regulated rents; and
(12) establish a form for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant's primary language. Such form shall be completed and preserved in the centralized electronic retention system. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

b. The division shall establish an annual inspection and audit process which shall review twenty-five percent of applications for a temporary major capital improvement increase that have been submitted and approved. Such process shall include individual inspections and document review to ensure that owners complied with all obligations and responsibilities under the law for temporary major capital improvement increases. Inspections shall include in-person confirmation that such improvements have been completed in such way as described in the application.

c. The division shall issue a notice to the landlord and all the tenants sixty days prior to the end of the temporary major capital improvement increase and shall include the initial approved increase and the total amount to be removed from the legal regulated rent inclusive of any increases granted by the applicable rent guidelines board.

§ 5. The administrative code of the city of New York is amended by adding a new section 26-405.1 to read as follows:

§ 26-405.1 Major capital improvements and individual apartment improvements in rent regulated units. a. Notwithstanding any other provision of law to the contrary, the division of housing and community renewal, the "division", shall promulgate rules and regulations applicable to all rent regulated units that shall:

(1) establish a schedule of reasonable costs for major capital improvements, which shall set a ceiling for what can be recovered through a temporary major capital improvement increase, based on the type of improvement and its rate of depreciation;

(2) establish the criteria for eligibility of a temporary major capital improvement increase including the type of improvement, which shall be essential for the preservation, energy efficiency, functionality or infrastructure of the entire building, including heating, windows, plumbing and roofing, but shall not be for operational costs or unnecessary cosmetic improvements. Allowable improvements must additionally be depreciable pursuant to the Internal Revenue Service, other than for ordinary repairs, that directly or indirectly benefit all tenants; and no increase shall be approved for group work done in individual apartments that is otherwise not an improvement to an entire building. Only such costs that are actual, reasonable, and verifiable may be approved as a temporary major capital improvement increase;

(3) require that any temporary major capital improvement increase granted pursuant to these provisions be reduced by an amount equal to (i) any governmental grant received by the landlord, where such grant compensates the landlord for any improvements required by a city, state or federal government, an agency or any granting governmental entity to be expended for improvements and (ii) any insurance payment received by the landlord where such insurance payment compensates the landlord for any part of the costs of the improvements:
(4) prohibits temporary major capital improvement increases for buildings with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

(5) prohibits individual apartment improvement increases for housing accommodations with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

(6) prohibits temporary major capital improvement increases for buildings with thirty-five per centum or fewer rent-regulated units;

(7) establishes that temporary major capital improvement increases shall be fixed to the unit and shall cease thirty years from the date the increase became effective. Temporary major capital improvement increases shall be added to the legal regulated rent as a temporary increase and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the local rent guidelines board;

(8) establishes that temporary major capital improvement increases shall be collectible prospectively sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year beginning on or after September 1, 2019 for any tenant in occupancy on the date the major capital improvement was approved;

(9) ensures that the application procedure for temporary major capital improvement increases shall include an itemized list of work performed and a description or explanation of the reason or purpose of such work;

(10) provides that where an application for a major capital improvement rent increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply;

(11) establishes a notification and documentation procedure for individual apartment improvements that requires an itemized list of work performed and a description or explanation of the reason or purpose of such work, inclusive of photographic evidence documenting the condition prior to and after the completion of the performed work. Provide for the centralized electronic retention of such documentation and any other supporting documentation to be made available in cases pertaining to the adjustment of legal regulated rents; and

(12) establishes a form for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated
total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant’s primary language. Such form shall be completed and preserved in the centralized electronic retention system. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

b. The division shall establish an annual inspection and audit process which shall review twenty-five percent of applications for a temporary major capital improvement increase that have been submitted and approved. Such process shall include individual inspections and document review to ensure that owners complied with all obligations and responsibilities under the law for temporary major capital improvement increases. Inspections shall include in-person confirmation that such improvements have been completed in such way as described in the application.

c. The division shall issue a notice to the landlord and all the tenants sixty days prior to the end of the temporary major capital improvement increase and shall include the initial approved increase and the total amount to be removed from the legal regulated rent inclusive of any increases granted by the applicable rent guidelines board.

§ 6. 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 section 10-b to read as follows:

§ 10-b. Major capital improvements and individual apartment improvements in rent regulated units. (a) Notwithstanding any other provision of law to the contrary, the division of housing and community renewal, the “division”, shall promulgate rules and regulations applicable to all rent regulated units that shall:

1. establish a schedule of reasonable costs for major capital improvements, which shall set a ceiling for what can be recovered through a temporary major capital improvement increase, based on the type of improvement and its rate of depreciation;

2. establish the criteria for eligibility of a temporary major capital improvement increase including the type of improvement, which shall be essential for the preservation, energy efficiency, functionality or infrastructure of the entire building, including heating, windows, plumbing and roofing, but shall not be for operational costs or unnecessary cosmetic improvements. Allowable improvements must additionally be depreciable pursuant to the Internal Revenue Service, other than for ordinary repairs, that directly or indirectly benefit all tenants; and no increase shall be approved for group work done in individual apartments that is otherwise not an improvement to an entire building. Only such costs that are actual, reasonable, and verifiable may be approved as a temporary major capital improvement increase;

3. require that any temporary major capital improvement increase granted pursuant to these provisions be reduced by an amount equal to (i) any governmental grant received by the landlord, where such grant compensates the landlord for any improvements required by a city, state or federal government, an agency or any granting governmental entity to be expended for improvements and (ii) any insurance payment received by the landlord where such insurance payment compensates the landlord for any part of the costs of the improvements;

4. prohibit temporary major capital improvement increases for buildings with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York
City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

5. prohibit individual apartment improvement increases for housing accommodations with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

6. prohibit temporary major capital improvement increases for buildings with thirty-five per centum or fewer rent-regulated units;

7. establish that temporary major capital improvement increases shall be fixed to the unit and shall cease thirty years from the date the increase became effective. Temporary major capital improvement increases shall be added to the legal regulated rent as a temporary increase and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the local rent guidelines board;

8. establish that temporary major capital improvement increases shall be collectible prospectively sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year beginning on or after September 1, 2019 for any tenant in occupancy on the date the major capital improvement was approved;

9. ensure that the application procedure for temporary major capital improvement increases shall include an itemized list of work performed and a description or explanation of the reason or purpose of such work;

10. provide, that where an application for a major capital improvement rent increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply;

11. establish a notification and documentation procedure for individual apartment improvements that requires an itemized list of work performed and a description or explanation of the reason or purpose of such work, inclusive of photographic evidence documenting the condition prior to and after the completion of the performed work. Provide for the centralized electronic retention of such documentation and any other supporting documentation to be made available in cases pertaining to the adjustment of legal regulated rents; and

12. establish a form for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant’s primary language. Such form shall be completed and preserved in the centralized electronic
retention system. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.

(b) The division shall establish an annual inspection and audit process which shall review twenty-five percent of applications for a temporary major capital improvement increase that have been submitted and approved. Such process shall include individual inspections and document review to ensure that owners complied with all obligations and responsibilities under the law for temporary major capital improvement increases. Inspections shall include in-person confirmation that such improvements have been completed in such way as described in the application.

(c) The division shall issue a notice to the landlord and all the tenants sixty days prior to the end of the temporary major capital improvement increase and shall include the initial approved increase and the total amount to be removed from the legal regulated rent inclusive of any increases granted by the applicable rent guidelines board.

§ 7. Chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is amended by adding a new section 8-a to read as follows:

§ 8-a. Major capital improvements and individual apartment improvements in rent regulated units. 1. Notwithstanding any other provision of law to the contrary, the division of housing and community renewal, the "division", shall promulgate rules and regulations applicable to all rent regulated units that shall:

(a) establish a schedule of reasonable costs for major capital improvements, which shall set a ceiling for what can be recovered through a temporary major capital improvement increase, based on the type of improvement and its rate of depreciation;

(b) establish the criteria for eligibility of a temporary major capital improvement increase including the type of improvement, which shall be essential for the preservation, energy efficiency, functionality or infrastructure of the entire building, including heating, windows, plumbing and roofing, but shall not be for operational costs or unnecessary cosmetic improvements. Allowable improvements must additionally be depreciable pursuant to the Internal Revenue Service, other than for ordinary repairs, that directly or indirectly benefit all tenants; and no increase shall be approved for group work done in individual apartments that is otherwise not an improvement to an entire building. Only such costs that are actual, reasonable, and verifiable may be approved as a temporary major capital improvement increase;

(c) require that any temporary major capital improvement increase granted pursuant to these provisions be reduced by an amount equal to (i) any governmental grant received by the landlord, where such grant compensates the landlord for any improvements required by a city, state or federal government, an agency or any granting governmental entity to be expended for improvements and (ii) any insurance payment received by the landlord where such insurance payment compensates the landlord for any part of the costs of the improvements;

(d) prohibit temporary major capital improvement increases for buildings with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;
(e) prohibit individual apartment improvement increases for housing accommodations with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable;

(f) prohibit temporary major capital improvement increases for buildings with thirty-five per cent or fewer rent-regulated units;

(g) establish that temporary major capital improvement increases shall be fixed to the unit and shall cease thirty years from the date the increase became effective. Temporary major capital improvement increases shall be added to the legal regulated rent as a temporary increase and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the local rent guidelines board;

(h) establish that temporary major capital improvement increases shall be collectible prospectively sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increases to the legal regulated rent.

Notwithstanding any other provision of the law, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year beginning on or after September 1, 2019 for any tenant in occupancy on the date the major capital improvement was approved;

(i) ensure that the application procedure for temporary major capital improvement increases shall include an itemized list of work performed and a description or explanation of the reason or purpose of such work;

(j) provide, that where an application for a major capital improvement rent increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply;

(k) establish a notification and documentation procedure for individual apartment improvements that requires an itemized list of work performed and a description or explanation of the reason or purpose of such work, inclusive of photographic evidence documenting the condition prior to and after the completion of the performed work. Provide for the centralized electronic retention of such documentation and any other supporting documentation to be made available in cases pertaining to the adjustment of legal regulated rents; and

(l) establish a form for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such consent shall be executed in the tenant’s primary language. Such form shall be completed and preserved in the centralized electronic retention system. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all
improvements performed or any rent increases resulting from said
improvements.

2. The division shall establish an annual inspection and audit process
which shall review twenty-five percent of applications for a temporary
major capital improvement increase that have been submitted and
approved. Such process shall include individual inspections and document
review to ensure that owners complied with all obligations and responsi-
bilities under the law for temporary major capital improvement
increases. Inspections shall include in-person confirmation that such
improvements have been completed in such way as described in the appli-
cation.

3. The division shall issue a notice to the landlord and all the
tenants sixty days prior to the end of the temporary major capital
improvement increase and shall include the initial approved increase and
the total amount to be removed from the legal regulated rent inclusive
of any increases granted by the applicable rent guidelines board.

§ 8. Paragraph 2 of subdivision 3-a and subparagraphs 7 and 8 of the
second undesignated paragraph of paragraph (a) of subdivision 4 of
section 4 of chapter 274 of the laws of 1946, constituting the emergency
housing rent control law, paragraph 2 of subdivision 3-a as amended by
chapter 337 of the laws of 1961, subparagraph 8 of the second undesig-
nated paragraph of paragraph (a) of subdivision 4 as amended by section
25 of part B of chapter 97 of the laws of 2011 and subparagraph 7 of the
second undesignated paragraph of paragraph (a) of subdivision 4 as
amended by section 32 of part A of chapter 20 of the laws of 2015, are
amended to read as follows:

(2) the amount of increases in maximum rent authorized by order
because of increases in dwelling space, services, furniture, furnishings
or equipment[, or major capital improvements] and the amount of the
temporary increase authorized by order because of a major capital
improvement.

(7) there has been since March first, nineteen hundred fifty, a major
capital improvement [required] essential for the [operation,] preserva-
tion [or maintenance of the structure], energy efficiency, functional-
ity, or infrastructure of the entire building, improvement of the struc-
ture including heating, windows, plumbing and roofing, but shall not be
for operational costs or unnecessary cosmetic improvements; which for
any order of the commissioner issued after the effective date of the
rent act of 2015 chapter of the laws of two thousand nineteen that
amended this paragraph the cost of such improvement shall be amortized
over [an eight-year] a twelve-year period for buildings with thirty-five
or fewer units or a [nine] twelve and one-half year period for buildings
with more than thirty-five units, and shall be removed from the legal
regulated rent thirty years from the date the increase became effective
inclusive of any increases granted by the applicable rent guidelines
board. Temporary major capital improvement increases shall be collect-
ible prospectively sixty days from the date of mailing notice of
approval to the tenant. Such notice shall disclose the total monthly
increase in rent and the first month in which the tenant would be
required to pay the temporary increase. An approval for a temporary
major capital improvement increase shall not include retroactive
payments. The collection of any increase shall not exceed two percent in
any year from the effective date of the order granting the increase over
the rent set forth in the schedule of gross rents, with collectability
of any dollar excess above said sum to be spread forward in similar
increments and added to the rent as established or set in future years.
Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent.

Notwithstanding any other provision of the law, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year beginning on or after September 1, 2019 for any tenant in occupancy on the date the major capital improvement was approved; or (8) there has been since March first, nineteen hundred fifty, in structures containing more than four housing accommodations, other improvements made with the express informed consent of the tenants in occupancy of at least seventy-five per centum of the housing accommodations, provided, however, that no adjustment granted hereunder shall exceed [fifteen] two per centum unless the tenants have agreed to a higher percentage of increase, as herein provided;

§ 9. Paragraph 3 of subdivision d of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 30 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(3) there has been since January first, nineteen hundred seventy-four a major capital improvement [required for the operation, preservation or maintenance of the structure] essential for the preservation, energy efficiency, functionality, or infrastructure of the entire building, improvement of the structure including heating, windows, plumbing and roofing, but shall not be for operation costs or unnecessary cosmetic improvements. An adjustment under this paragraph shall be in an amount sufficient to amortize the cost of the improvements pursuant to this paragraph over [an eight-year] a twelve-year period for a building with thirty-five or fewer housing accommodations, or a [nine-year] twelve and one-half year period for a building with more than thirty-five housing accommodations and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board, for any determination issued by the division of housing and community renewal after the effective date of the [rent act of 2015] chapter of the laws of two thousand nineteen that amended this paragraph; the collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year beginning on or after September 1, 2019 for any tenant in occupancy on the date the major capital improvement was approved, or

§ 10. Subparagraph (g) of paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York, as amended by section 31 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(g) There has been since July first, nineteen hundred seventy, a major capital improvement [required] essential for the [operation] preservation [or maintenance of the structure] energy efficiency, functionality, or infrastructure of the entire building, improvement of the structure including heating, windows, plumbing and roofing but shall not be for
operational costs or unnecessary cosmetic improvements. An adjustment under this subparagraph [(g)] for any order of the commissioner issued after the effective date of the rent act of 2015 chapter of the laws of two thousand nineteen that amended this subparagraph shall be in an amount sufficient to amortize the cost of the improvements pursuant to this subparagraph (g) over an eight-year period for buildings with thirty-five or fewer units or a twelve and one-half year period for buildings with more than thirty-five units, and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board. Temporary major capital improvement increases shall be collectible prospectively sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year beginning on or after September 1, 2019 for any tenant in occupancy on the date the major capital improvement was approved, or

§ 11. Paragraph 6 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 29 of part A of chapter 20 of the laws of 2015, is amended to read as follows: (6) provides criteria whereby the commissioner may act upon applications by owners for increases in excess of the level of fair rent increase established under this law provided, however, that such criteria shall provide (a) as to hardship applications, for a finding that the level of fair rent increase is not sufficient to enable the owner to maintain approximately the same average annual net income (which shall be computed without regard to debt service, financing costs or management fees) for the three year period ending on or within six months of the date of an application pursuant to such criteria as compared with annual net income, which prevailed on the average over the period nineteen hundred sixty-eight through nineteen hundred seventy, or for the first three years of operation if the building was completed since nineteen hundred sixty-eight or for the first three fiscal years after a transfer of title to a new owner provided the new owner can establish to the satisfaction of the commissioner that he or she acquired title to the building as a result of a bona fide sale of the entire building and that the new owner is unable to obtain requisite records for the fiscal years nineteen hundred sixty-eight through nineteen hundred seventy despite diligent efforts to obtain same from predecessors in title and further provided that the new owner can provide financial data covering a minimum of six years under his or her continuous and uninterrupted operation of the building to meet the three year to three year comparative test periods herein provided; and (b) as to completed building-
wide major capital improvements, for a finding that such improvements are deemed depreciable under the Internal Revenue Code and that the cost is to be amortized over [an eight-year] a twelve-year period for a building with thirty-five or fewer housing accommodations, or a [nine-year] twelve and one-half year period for a building with more than thirty-five housing accommodations, for any determination issued by the division of housing and community renewal after the effective date of the [rent act of 2015] the chapter of the laws of two thousand nineteen that amended this paragraph and shall be removed from the legal regulated rent thirty years from the date the increase became effective inclusive of any increases granted by the applicable rent guidelines board. Temporary major capital improvement increases shall be collectible prospectively sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in rent and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary major capital improvement increase shall not include retroactive payments. The collection of any increase shall not exceed two percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may add any remaining balance of the temporary major capital improvement increase to the legal regulated rent. Notwithstanding any other provision of the law, the collection of any rent increases due to any major capital improvements approved on or after June 16, 2012 and before June 16, 2019 shall not exceed two percent in any year beginning on or after September 1, 2019 for any tenant in occupancy on the date the major capital improvement was approved or based upon cash purchase price exclusive of interest or service charges. Notwithstanding anything to the contrary contained herein, no hardship increase granted pursuant to this paragraph shall, when added to the annual gross rents, as determined by the commissioner, exceed the sum of, (i) the annual operating expenses, (ii) an allowance for management services as determined by the commissioner, (iii) actual annual mortgage debt service (interest and amortization) on its indebtedness to a lending institution, an insurance company, a retirement fund or welfare fund which is operated under the supervision of the banking or insurance laws of the state of New York or the United States, and (iv) eight and one-half percent of that portion of the fair market value of the property which exceeds the unpaid principal amount of the mortgage indebtedness referred to in subparagraph (iii) of this paragraph. Fair market value for the purposes of this paragraph shall be six times the annual gross rent. The collection of any increase in the stabilized rent for any apartment pursuant to this paragraph shall not exceed six percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the stabilized rent as established or set in future years;

§ 12. Paragraph 6 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 29 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(6) provides criteria whereby the commissioner may act upon applications by owners for increases in excess of the level of fair rent increase established under this law provided, however, that such crite-
ria shall provide (a) as to hardship applications, for a finding that the level of fair rent increase is not sufficient to enable the owner to maintain approximately the same average annual net income (which shall be computed without regard to debt service, financing costs or management fees) for the three year period ending on or within six months of the date of an application pursuant to such criteria as compared with annual net income, which prevailed on the average over the period nineteen hundred sixty-eight through nineteen hundred seventy, or for the first three years of operation if the building was completed since nineteen hundred sixty-eight or for the first three fiscal years after a transfer of title to a new owner provided the new owner can establish to the satisfaction of the commissioner that he or she acquired title to the building as a result of a bona fide sale of the entire building and that the new owner is unable to obtain requisite records for the fiscal years nineteen hundred sixty-eight through nineteen hundred seventy despite diligent efforts to obtain same from predecessors in title and further provided that the new owner can provide financial data covering a minimum of six years under his or her continuous and uninterrupted operation of the building to meet the three year to three year comparative test periods herein provided; and (b) as to completed building-wide major capital improvements, for a finding that such improvements are deemed depreciable under the Internal Revenue Code and that the cost is to be amortized over an eight-year period for a building with thirty-five or fewer housing accommodations, or a nine-year period for a building with more than thirty-five housing accommodations, for any determination issued by the division of housing and community renewal after the effective date of the rent act of 2015, based upon cash purchase price exclusive of interest or service charges. Where an application for a temporary major capital improvement increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply. The state division of housing and community renewal shall provide any responding tenant with the reasons for the division's approval or denial of such application. Notwithstanding anything to the contrary contained herein, no hardship increase granted pursuant to this paragraph shall, when added to the annual gross rents, as determined by the commissioner, exceed the sum of, (i) the annual operating expenses, (ii) an allowance for management services as determined by the commissioner, (iii) actual annual mortgage debt service (interest and amortization) on its indebtedness to a lending institution, an insurance company, a retirement fund or welfare fund which is operated under the supervision of the banking or insurance laws of the state of New York or the United States, and (iv) eight and one-half percent of that portion of the fair market value of the property which exceeds the unpaid principal amount of the mortgage indebtedness referred to in subparagraph (iii) of this paragraph. Fair market value for the purposes of this paragraph shall be six times the annual gross rent. The collection of any increase in the stabilized rent for any apartment pursuant to this paragraph shall not exceed six percent in any year from the effective date of the order granting the increase over the rent set forth in the schedule of gross rents, with collectability of any dollar excess above said sum to be spread forward in similar increments and added to the stabilized rent as established or set in future years; § 13. Subdivision d of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nine-
teen seventy-four, is amended by adding a new paragraph 3-a to read as follows:

(3-a) an application for a temporary major capital improvement increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply. The state division of housing and community renewal shall provide any responding tenant with the reasons for the division's approval or denial of such application; or

§ 14. Subparagraph 7 of the second undesignated paragraph of paragraph (a) of subdivision 4 of section 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 32 of part A of chapter 20 of the laws of 2015, is amended to read as follows:

(7) there has been since March first, nineteen hundred fifty, a major capital improvement required for the operation, preservation or maintenance of the structure; which for any order of the commissioner issued after the effective date of the rent act of 2015 the cost of such improvement shall be amortized over an eight-year period for buildings with thirty-five or fewer units or a nine year period for buildings with more than thirty-five units, provided, however, where an application for a temporary major capital improvement increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply. The state division of housing and community renewal shall provide any responding tenant with the reasons for the division's approval or denial of such application; or

§ 15. Subdivision a of section 26-517.1 of the administrative code of the city of New York, as added by local law number 95 of the city of New York for the year 1985, is amended to read as follows:

a. The [Department] department of [Finance] finance shall collect from the owner of each housing accommodation registered pursuant to [Section] section 26-517 of this [law] chapter an annual fee in the amount of [ten] twenty dollars per year for each unit subject to this law, in order to defray costs incurred by the city pursuant to subdivision c of section eight of the emergency tenant protection act of nineteen hundred seventy-four.

§ 16. Subdivisions c and d of section 8 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four, subdivision c as amended by section 5 of part Z of chapter 56 of the laws of 2010 and subdivision d as amended by chapter 116 of the laws of 1997, are amended to read as follows:

c. Whenever a city having a population of one million or more has determined the existence of an emergency pursuant to section three of this act, the provisions of this act and the New York city rent stabilization law of nineteen hundred sixty-nine shall be administered by the state division of housing and community renewal as provided in the New York city rent stabilization law of nineteen hundred sixty-nine, as amended, or as otherwise provided by law. The costs incurred by the state division of housing and community renewal in administering such regulation shall be paid by such city. All payments for such administration shall be transmitted to the state division of housing and community renewal as follows: on or after April first of each year commencing with April, nineteen hundred eighty-four, the commissioner of housing and community renewal shall determine an amount necessary to defray the division's anticipated annual cost, and one-quarter of such amount shall be paid by such city on or before July first of such year, one-quarter of such amount on or before October first of such year, one-quarter of
such amount on or before January first of the following year and one-
quarter of such amount on or before March thirty-first of the following
year. After the close of the fiscal year of the state, the commissioner
shall determine the amount of all actual costs incurred in such fiscal
year and shall certify such amount to such city. If such certified
amount shall differ from the amount paid by the city for such fiscal
year, appropriate adjustments shall be made in the next quarterly
payment to be made by such city. In the event that the amount thereof is
not paid to the commissioner as herein prescribed, the commissioner
shall certify the unpaid amount to the comptroller, and the comptroller
shall, to the extent not otherwise prohibited by law, withhold such
amount from any state aid payable to such city. In no event shall the
amount imposed on the owners exceed \[\text{ten} \text{ twenty} \] dollars per unit per
year.

d. The failure to pay the prescribed assessment not to exceed \[\text{ten} \text{ twenty} \] dollars per unit for any housing accommodation subject to this
act or the New York city rent stabilization law of nineteen hundred
sixty-nine shall constitute a charge due and owing such city, town or
village which has imposed an annual charge for each such housing accom-
modation pursuant to subdivision b of this section. Any such city, town
or village shall be authorized to provide for the enforcement of the
collection of such charges by commencing an action or proceeding for the
recovery of such fees or by the filing of a lien upon the building and
lot. Such methods for the enforcement of the collection of such charges
shall be the sole remedy for the enforcement of this section.

§ 17. Notwithstanding any other provision of law to the contrary, the
increased revenues of ten dollars per unit per year to the commissioner
of the state division of housing and community renewal pursuant to this
act, for the purpose of enforcement of rent regulations, shall be
divided equally by the commissioner between the office of rent adminis-
tration and the office of the tenant protection unit within the division
of housing and community renewal and shall be utilized by the commis-
sioner in addition to and not in substitution for the levels of funding
from all sources provided to the office of rent administration and the
office of the tenant protection unit on the effective date of this act.

§ 18. This act shall take effect immediately; provided, however, that:
(a) the amendments to chapter 4 of title 26 of the administrative code
of the city of New York made by sections two, four, eleven, twelve and
fifteen of this act shall expire on the same date as such chapter
expires and shall not affect the expiration of such chapter as provided
under section 26-520 of such law;
(b) provided that the amendments to sections 26-405 and 26-405.1 of
the city rent and rehabilitation law made by sections three, five and
ten of this act shall remain in full force and effect only as long as
the public emergency requiring the regulation and control of residential
rents and evictions continues, as provided in subdivision 3 of section 1
of the local emergency housing rent control act;
(c) effective immediately, the addition, amendment and/or repeal of
any rule or regulation necessary for the implementation of this act on
its effective date are authorized and directed to be made and completed
on or before such effective date.

PART L

Section 1. Short title. This act shall be known and may be cited as
the "rent regulation reporting act of 2019".
$ 2. Section 20 of the public housing law, as added by chapter 576 of the laws of 1989, is amended to read as follows:

§ 20. Annual reports. §  The commissioner shall, on or before October first in each year, beginning in nineteen hundred ninety, submit one or more reports to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate and minority leader of the assembly on the activity and implementation of the state housing assistance programs for the previous fiscal year. In addition, the commissioner shall, on or before February first in each year, beginning in nineteen hundred ninety-one, submit an interim report which contains, in tabular format only, the non-narrative data compiled through November thirtieth of each year. The commissioner shall submit on or before February first, nineteen hundred ninety a report for the fiscal year commencing April first, nineteen hundred eighty-eight and the most up to date non-narrative data, in tabular format only, but in no event less than the data compiled through September thirtieth, nineteen hundred eighty-nine. All such reports shall include, but not be limited to the low income housing trust fund program, the affordable home ownership development program, the urban initiatives program, the rural area revitalization program, the rural rental assistance program, the homeless housing and assistance program, the housing opportunities program for the elderly, the state of New York mortgage agency forward commitment and mortgage insurance programs, the housing finance agency secured loan rental program, the turnkey/enhanced housing trust fund program, the special needs housing program, the permanent housing for the homeless program, the infrastructure development demonstration program and the mobile home cooperative fund program. For the purpose of producing such report or reports, the commissioner shall be authorized to rely on information provided by each administering agency or authority. Such report or reports shall, to the extent applicable to a specific program, include but not be limited to: (i) a narrative for each program reported describing the program purpose, eligible applicants, eligible areas, income population to be served, and limitations on funding; (ii) for each eligible applicant receiving funding under the Housing Trust Fund or the Affordable Home Ownership Development programs during the year specified herein, such applicant's name and address, a description of the applicant's contract amount, a narrative description of the specific activities performed by such applicant, and the income levels of the occupants to be served by the units all as proposed by the applicant at the time the contract is awarded; (iii) a description of the distribution of funds for each category of project funded under each program; (iv) the number of units or beds under award, under contract, under construction and completed based on a change in project status during the year for each program; (v) the number of units or beds assisted during the year under each program; (vi) the amount and type of assistance provided for such units or beds placed under contract; (vii) based on total project costs, the number of units or beds under contract and assisted through new construction, substantial rehabilitation, moderate rehabilitation, improvements to existing units or beds, and through acquisition only for each program; (viii) for the number of units or beds under contract assisted through new construction, substantial rehabilitation, moderate rehabilitation, improvements to existing units or beds, and through acquisition only, the level of state assistance expressed as a percentage of total project cost; (ix) for those units and beds under contract a calculation of the amount of non-state funds provided expressed as a percentage of total project cost; (x) the
number of units or beds completed and under award, under contract and
under construction for each program based on the current program pipe-
line; (xi) for units or beds for which mortgage assistance was provided
by the state of New York mortgage agency, the number of existing and
newly constructed units; and (xii) a list, by program, of units or beds
assisted within each county. To the extent that any law establishing or
appropriating funds for any of the aforementioned programs requires the
commissioner to produce a report containing data substantially similar
to that required herein, this report shall be deemed to satisfy such
other requirements.

2. The commissioner shall, on or before December thirty-first, two
thousand nineteen, and on or before December thirty-first in each subse-
quent year, submit and make publicly available a report to the governor,
the temporary president of the senate, the speaker of the assembly, and
on its website, on the implementation of the system of rent regulation
pursuant to chapter five hundred seventy-six of the laws of nineteen
hundred seventy-four, chapter two hundred seventy four of the laws of
nineteen hundred forty-six, chapter three hundred twenty-nine of the
laws of nineteen hundred sixty-three, chapter five hundred fifty-five of
the laws of nineteen hundred eighty-two, chapter four hundred two of the
laws of nineteen hundred eighty-three, chapter one hundred sixteen of
the laws of nineteen hundred ninety-seven, sections 26-501, 26-502, and
26-520 of the administrative code of the city of New York and the hous-
ing stability and tenant protection act of 2019. Such report shall
include but not be limited to: a narrative describing the programs and
activities undertaken by the office of rent administration and the
tenant protection unit, and any other programs or activities undertaken
by the division to implement, administer, and enforce the system of rent
regulation; and in tabular format, for each of the three fiscal years
immediately preceding the date the report is due: (i) the number of rent
stabilized housing accommodations within each county; (ii) the number of
rent controlled housing accommodations within each county; (iii) the
number of applications for major capital improvements filed with the
division, the number of such applications approved as submitted, the
number of such applications approved with modifications, and the number
of such applications rejected; (iv) the median and mean value of appli-
cations for major capital improvements approved; (v) the number of units
which were registered with the division where the amount charged to and
paid by the tenant was less than the registered rent for the housing
accommodation; (vi) for housing accommodations that were registered with
the division where the amount charged to and paid by the tenant was less
than the registered rent for the housing accommodation, the median and
mean difference between the registered rent for a housing accommodation
and the amount charged to and paid by the tenant; (vii) the median and
mean registered rent for housing accommodations for which the lease was
renewed by an existing tenant; (viii) the median and mean registered
rent for housing accommodations for which a lease was signed by a new
tenant after a vacancy; (ix) the median and mean increase, in dollars
and as a percentage, in the registered rent for housing accommodations
where the lease was signed by a new tenant after a vacancy; (x) the
median and mean increase, in dollars and as a percentage, in the regis-
tered rent for housing accommodations where the lease was signed by a
new tenant after a vacancy, where the amount charged to and paid by the
prior tenant was the full registered rent; (xi) the median and mean
increase, in dollars and as a percentage, in the registered rent for
housing accommodations where the lease was signed by a new tenant after
a vacancy, where the amount changed to and paid by the prior tenant was
less than the registered rent; (xii) the number of rent overcharge
complaints processed by the division; (xiii) the number of final over-
charge orders granting an overcharge; (xiv) the number of investigations
commenced by the tenant protection unit, the aggregate number of rent
stabilized or rent controlled housing accommodations in each county that
were the subject of such investigations, and the dispositions of such
investigations. At the time the report is due, the commissioner shall
make available to the governor, the temporary president of the senate,
the speaker of the assembly, and shall make publicly available, and on
its website in machine readable format, the data used to tabulate the
figures required to be included in the report, taking any steps neces-
sary to protect confidential information regarding individual buildings,
housing accommodations, property owners, and tenants.
§ 3. This act shall take effect immediately.

PART M

Section 1. Short title. This act shall be known and may be cited as
the "statewide housing security and tenant protection act of 2019".
§ 2. Section 223-b of the real property law, as amended by chapter 584
of the laws of 1991, subdivision 5-a as added by chapter 466 of the laws
of 2005, is amended to read as follows:
§ 223-b. Retaliation by landlord against tenant. 1. No landlord of
premises or units to which this section is applicable shall serve a
notice to quit upon any tenant or commence any action to recover real
property or summary proceeding to recover possession of real property in
retaliation for:
a. A good faith complaint, by or in behalf of the tenant, to the land-
lord, the landlord's agent or a governmental authority of the landlord's
alleged violation of any health or safety law, regulation, code, or
ordinance, the warranty of habitability under section two hundred thir-
ty-five-b of this article, the duty to repair under sections seventy-
eight, seventy-nine, and eighty of the multiple dwelling law or section
one hundred seventy-four of the multiple residence law, or any law or
regulation which has as its objective the regulation of premises used
for dwelling purposes or which pertains to the offense of rent gouging
in the third, second or first degree; or
b. Actions taken in good faith, by or in behalf of the tenant, to
secure or enforce any rights under the lease or rental agreement, the
warranty of habitability under section two hundred thirty-five-b of this
chapter, the duty to repair under sections seventy-eight, seventy-nine, and eighty of the multiple dwelling law or section one
hundred seventy-four of the multiple residence law, or under any other
law of the state of New York, or of its governmental subdivisions, or of
the United States which has as its objective the regulation of premises
used for dwelling purposes or which pertains to the offense of rent
gouging in the third, second or first degree; or

c. The tenant's participation in the activities of a tenant's organ-
ization.
2. No landlord [ez] of premises or units to which this section is
applicable or such landlord's agent shall substantially alter the terms
of the tenancy in retaliation for any actions set forth in paragraphs a,
b, and c of subdivision one of this section. Substantial alteration
shall include, but is not limited to, the refusal to continue a tenancy
of the tenant [ez], upon expiration of the tenant's lease, to renew the
lease or offer a new lease, or offering a new lease with an unreasonable rent increase; provided, however, that a landlord shall not be required under this section to offer a new lease or a lease renewal for a term greater than one year [and after such extension of a tenancy for one year shall not be required to further extend or continue such tenancy].

3. A landlord shall be subject to a civil action for damages, attorney's fees and costs and other appropriate relief, including injunctive and other equitable remedies, as may be determined by a court of competent jurisdiction in any case in which the landlord has violated the provisions of this section.

4. In any action to recover real property or summary proceeding to recover possession of real property, judgment shall be entered for the tenant if the court finds that the landlord is acting in retaliation for any action set forth in paragraphs a, b, and c of subdivision one of this section [and further finds that the landlord would not otherwise have commenced such action or proceeding]. Retaliation shall be asserted as an affirmative defense in such action or proceeding. The tenant shall not be relieved of the obligation to pay any rent for which he is otherwise liable.

5. In an action or proceeding instituted against a tenant of premises or a unit to which this section is applicable, a rebuttable presumption that the landlord is acting in retaliation shall be created if the tenant establishes that the landlord served a notice to quit, or instituted an action or proceeding to recover possession, or attempted to substantially alter the terms of the tenancy, within six months one year after:

a. A good faith complaint was made, by or in behalf of the tenant, to the landlord, the landlord's agent or a governmental authority of the landlord's violation of any health or safety law, regulation, code, or ordinance, the warranty of habitability under section two hundred thirty-five-b of this article, the duty to repair under sections seventy-eight, seventy-nine, and eighty of the multiple dwelling law or section one hundred seventy-four of the multiple residence law, or any law or regulation which has as its objective the regulation of premises used for dwelling purposes or which pertains to the offense of rent gouging in the third, second or first degree; or

b. The tenant in good faith [commenced an action or proceeding in a court or administrative body of competent jurisdiction] took action to secure or enforce against the landlord or his agents any rights under the lease or rental agreement, the warranty of habitability under section two hundred thirty-five-b of this [chapter] article, the duty to repair under sections seventy-eight, seventy-nine, and eighty of the multiple dwelling law or section one hundred seventy-four of the multiple residence law, or under any other law of the state of New York, or of its governmental subdivisions, or of the United States which has as its objective the regulation of premises used for dwelling purposes or which pertains to the offense of rent gouging in the third, second or first degree.

c. Judgment under subdivision three or four of this section was entered for the tenant in a previous action between the parties; or an inspection was made, an order was entered, or other action was taken as a result of a complaint or act described in paragraph a or b of this subdivision.

[But the presumption shall not apply in an action or proceeding based on the violation by the tenant of the terms and conditions of the lease or rental agreement, including nonpayment of the agreed-upon rent.]
The effect of the presumption shall be to require the landlord to provide a credible explanation of a non-retaliatory motive for his acts. Such an explanation shall overcome and remove the presumption unless the tenant disproves it by a preponderance of the evidence.

5-a. Any lease provision which seeks to assess a fee, penalty or dollar charge, in addition to the stated rent, against a tenant because such tenant files a bona fide complaint with the landlord, the landlord’s agent or a building code officer regarding the condition of such tenant's leased premises shall be null and void as being against public policy. A landlord or agent of the landlord who seeks to enforce such a fee, penalty or charge shall be liable to the tenant for triple the amount of such fee, penalty or charge.

6. This section shall apply to all rental residential premises except owner-occupied dwellings with less than four units. However, its provisions shall not be given effect in any case in which it is established that the condition from which the complaint or action arose was caused by the tenant, a member of the tenant's household, or a guest of the tenant. Nor shall it apply in a case where a tenancy was terminated pursuant to the terms of a lease as a result of a bona fide transfer of ownership.

§ 3. The real property law is amended by adding a new section 226-c to read as follows:

§ 226-c. Notice of rent increase or non-renewal of residential tenancy. 1. Whenever a landlord intends to offer to renew the tenancy of an occupant in a residential dwelling unit with a rent increase equal to or greater than five percent above the current rent, or the landlord does not intend to renew the tenancy, the landlord shall provide written notice as required in subdivision two of this section. If the landlord fails to provide timely notice, the occupant's lawful tenancy shall continue under the existing terms of the tenancy from the date on which the landlord gave actual written notice until the notice period has expired, notwithstanding any provision of a lease or other tenancy agreement to the contrary.

2. (a) If the tenant has occupied the unit for less than one year and does not have a lease term of at least one year, the landlord shall provide at least thirty days' notice.

(b) If the tenant has occupied the unit for more than one year but less than two years, or has a lease term of at least one year but less than two years, the landlord shall provide at least sixty days' notice.

(c) If the tenant has occupied the unit for more than two years or has a lease term of at least two years, the landlord shall provide at least ninety days' notice.

§ 4. The real property law is amended by adding a new section 227-e to read as follows:

§ 227-e. Landlord duty to mitigate damages. In any lease or rental agreement, excluding any real estate purchase contract defined in paragraph (a), (c) and (d) of subdivision four of section four hundred sixty-one of this chapter, covering premises occupied for dwelling purposes, if a tenant vacates a premises in violation of the terms of the lease, the landlord shall, in good faith and according to the landlord's resources and abilities, take reasonable and customary actions to rent the premises at fair market value or at the rate agreed to during the term of the tenancy, whichever is lower. If the landlord rents the premises at fair market value or at the rate agreed to during the term of the tenancy, the new tenant's lease shall, once in effect, terminate
the previous tenant’s lease and mitigate damages otherwise recoverable against the previous tenant because of such tenant’s vacating the premises. The burden of proof shall be on the party seeking to recover damages. Any provision in a lease that exempts a landlord’s duty to mitigate damages under this section shall be void as contrary to public policy.

§ 5. The real property law is amended by adding a new section 227-f to read as follows:

§ 227-f. Denial on the basis of involvement in prior disputes prohibited. 1. No landlord of a residential premises shall refuse to rent or offer a lease to a potential tenant on the basis that the potential tenant was involved in a past or pending landlord-tenant action or summary proceeding under article seven of the real property actions and proceedings law. There shall be a rebuttable presumption that a person is in violation of this section if it is established that the person requested information from a tenant screening bureau relating to a potential tenant or otherwise inspected court records relating to a potential tenant and the person subsequently refuses to rent or offer a lease to the potential tenant.

2. Whenever the attorney general shall believe from evidence satisfactory to him or her that any person, firm, corporation or association or agent or employee thereof has violated subdivision one of this section, he or she may bring an action or special proceeding in the supreme court for a judgment enjoining the continuance of such violation and for a civil penalty of not less than five hundred dollars, but not more than one thousand dollars for each violation.

§ 6. Section 232-a of the real property law, as amended by chapter 312 of the laws of 1962, is amended to read as follows:

§ 232-a. Notice to terminate monthly tenancy or tenancy from month to month in the city of New York. No monthly tenant, or tenant from month to month, shall hereafter be removed from any lands or buildings in the city of New York on the grounds of holding over [his] the tenant’s term unless [at least thirty days before the expiration of the term] pursuant to the notice period required by subdivision two of section two hundred twenty-six-c of this article, the landlord or [his] the landlord’s agent serve upon the tenant, in the same manner in which a notice of petition in summary proceedings is now allowed to be served by law, a notice in writing to the effect that the landlord elects to terminate the tenancy and that unless the tenant removes from such premises on the day [on which his term expires] designated in the notice, the landlord will commence summary proceedings under the statute to remove such tenant therefrom.

§ 7. Section 232-b of the real property law, as added by chapter 813 of the laws of 1942, is amended to read as follows:

§ 232-b. Notification to terminate monthly tenancy or tenancy from month to month outside the city of New York. A monthly tenancy or tenancy from month to month outside of the city of New York may be terminated by the [his] the tenant’s notifying the [other] landlord at least one month before the expiration of the term of [his] the tenant’s election to terminate; provided, however, that no notification shall be necessary to terminate a tenancy for a definite term.

§ 8. Section 234 of the real property law, as amended by chapter 297 of the laws of 1969, is amended to read as follows:

§ 234. [Tenants’ right] Right to recover attorneys’ fees in actions or summary proceedings arising out of leases of residential property.
Whenever a lease of residential property shall provide that in any action or summary proceeding the landlord may recover attorneys' fees and/or expenses incurred as the result of the failure of the tenant to perform any covenant or agreement contained in such lease, or that amounts paid by the landlord therefor shall be paid by the tenant as additional rent, there shall be implied in such lease a covenant by the landlord to pay to the tenant the reasonable attorneys' fees and/or expenses incurred by the tenant as the result of the failure of the landlord to perform any covenant or agreement on its part to be performed under the lease or in the successful defense of any action or summary proceeding commenced by the landlord against the tenant arising out of the lease, and an agreement that such fees and expenses may be recovered as provided by law in an action commenced against the landlord or by way of counterclaim in any action or summary proceeding commenced by the landlord against the tenant. **A landlord may not recover attorneys' fees upon a default judgment.** Any waiver of this section shall be void as against public policy.

§ 9. Section 235-e of the real property law, as amended by chapter 848 of the laws of 1986, is amended to read as follows:

§ 235-e. Duty to provide written receipt. (a) Upon the receipt of the payment of rent for residential premises in the form of cash or any instrument other than the personal check of the lessee, it shall be the duty of the landlord lessee, or any agent of the lessee authorized to receive rent, to provide the payor lessee with a written receipt containing the following:

1. The date;
2. The amount;
3. The identity of the premises and period for which paid; and
4. The signature and title of the person receiving the rent.

(b) **Where a tenant requests, in writing, that a landlord lessee provide a receipt for rent paid by personal check, it shall be the duty of the landlord lessee, or any agent of the lessee authorized to receive rent, to provide the payor lessee with the receipt described in subdivision (a) of this section.** Such request shall, unless otherwise specified by the lessee, remain in effect for the duration of such lessee's tenancy. The lessor shall maintain a record of all cash receipts for rent for at least three years.

(c) If a payment of rent is personally transmitted to a lessor, or an agent of a lessor authorized to receive rent, the receipt for such payment shall be issued immediately to a lessee. If a payment of rent is transmitted indirectly to a lessor, or an agent of a lessor authorized to receive rent, a lessee shall be provided with a receipt within fifteen days of such lessor or agent's receipt of a rent payment.

(d) If a lessor, or an agent of a lessor authorized to receive rent, fails to receive payment for rent within five days of the date specified in a lease agreement, such lessor or agent shall send the lessee, by certified mail, a written notice stating the failure to receive such rent payment. The failure of a lessor, or any agent of the lessor authorized to receive rent, to provide a lessee with a written notice of the non-payment of rent may be used as an affirmative defense by such lessee in an eviction proceeding based on the non-payment of rent.

§ 10. The real property law is amended by adding a new section 238-a to read as follows:

§ 238-a. Limitation on fees. In relation to a residential dwelling unit:
1. (a) Except in instances where statutes or regulations provide for a
payment, fee or charge, no landlord, lessor, sub-lessor or grantor may
demand any payment, fee, or charge for the processing, review or accept-
ance of an application, or demand any other payment, fee or charge
before or at the beginning of the tenancy, except background checks and
credit checks as provided by paragraph (b) of this subdivision, provided
that this subdivision shall not apply to entrance fees charged by
continuing care retirement communities licensed pursuant to article
forty-six or forty-six-A of the public health law, assisted living
providers licensed pursuant to article forty-six-B of the public health
law, adult care facilities licensed pursuant to article seven of the
social services law, senior residential communities that have submitted
an offering plan to the attorney general, or not-for-profit independent
retirement communities that offer personal emergency response, house-
keeping, transportation and meals to their residents.

(b) A landlord, lessor, sub-lessor or grantor may charge a fee or fees
to reimburse costs associated with conducting a background check and
credit check, provided the cumulative fee or fees for such checks is no
more than the actual cost of the background check and credit check or
twenty dollars, whichever is less, and the landlord, lessor, sub-lessor
or grantor shall waive the fee or fees if the potential tenant provides
a copy of a background check or credit check conducted within the past
thirty days. The landlord, lessor, sub-lessor or grantor may not collect
the fee or fees unless the landlord, lessor, sub-lessor or grantor
provides the potential tenant with a copy of the background check or
credit check and the receipt or invoice from the entity conducting the
background check or credit check.

2. No landlord, lessor, sub-lessor or grantor may demand any payment,
fee, or charge for the late payment of rent unless the payment of rent
has not been made within five days of the date it was due, and such
payment, fee, or charge shall not exceed fifty dollars or five percent
of the monthly rent, whichever is less.

3. Any provision of a lease or contract waiving or limiting the
provisions of this section shall be void as against public policy.

§ 11. The real property actions and  proceedings  law  is  amended  by
adding a new section 702 to read as follows:

§ 702. Rent in a residential dwelling. In a proceeding relating to a
residential dwelling or housing accommodation, the term "rent" shall
mean the monthly or weekly amount charged in consideration for the use
and occupation of a dwelling pursuant to a written or oral rental agree-
ment. No fees, charges or penalties other than rent may be sought in a
summary proceeding pursuant to this article, notwithstanding any
language to the contrary in any lease or rental agreement.

§ 12. The opening paragraph and subdivision 2 of section 711 of the
real property actions and proceedings law, the opening paragraph as
amended by chapter 739 of the laws of 1982 and subdivision 2 as added by
chapter 312 of the laws of 1962, are amended to read as follows:
A tenant shall include an occupant of one or more rooms in a rooming
house or a resident, not including a transient occupant, of one or more
rooms in a hotel who has been in possession for thirty consecutive days
or longer [notice]. No tenant or lawful occupant of a dwelling or housing
accommodation shall [not] be removed from possession except in a special
proceeding. A special proceeding may be maintained under this article
upon the following grounds:
2. The tenant has defaulted in the payment of rent, pursuant to the
agreement under which the premises are held, and a written demand of the
rent has been made with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon him as prescribed in section 735. The landlord may waive his right to proceed upon this ground only by an express consent in writing to permit the tenant to continue in possession, which consent shall be revocable at will, in which event the landlord shall be deemed to have waived his right to summary dispossession for nonpayment of rent accruing during the time said consent remains unrevoked.

Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due his predecessor in interest if he has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and no representative or person has taken possession of the premises and no administrator or executor has been appointed, the proceeding may be commenced after three months from the date of death of the tenant by joining the surviving spouse or if there is none, then one of the surviving issue or if there is none, then any one of the distributees. The apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective against the occupants.

§ 13. Section 731 of the real property actions and proceedings law is amended by adding a new subdivision 4 to read as follows:

4. In an action premised on a tenant defaulting in the payment of rent, payment to the landlord of the full amount of rent due, when such payment is made at any time prior to the hearing on the petition, shall be accepted by the landlord and renders moot the grounds on which the special proceeding was commenced.

§ 14. Subdivisions 1, 2, and 3 of section 732 of the real property actions and proceedings law, as added by chapter 910 of the laws of 1965, are amended to read as follows:

1. The notice of petition shall be returnable before the clerk, and shall be made returnable within five days after its service.

2. If the respondent answers, the clerk shall fix a date for trial or hearing not less than three nor more than eight days after joinder of issue, and shall immediately notify by mail the parties or their attorneys of such date. If the determination be for the petitioner, the issuance of a warrant shall not be stayed for more than five days from such determination, except as provided in section seven hundred fifty-three of this article.

3. If the respondent fails to answer within five days from the date of service, as shown by the affidavit or certificate of service of the notice of petition and petition, the judge shall render judgment in favor of the petitioner and may stay the issuance of the warrant for a period of not to exceed ten days from the date of service, except as provided in section seven hundred fifty-three of this article.

§ 15. Subdivision 1 of section 733 of the real property actions and proceedings law, as amended by chapter 910 of the laws of 1965, is amended to read as follows:

1. Except as provided in section 732 seven hundred thirty-two of this article, relating to a proceeding for non-payment of rent, the notice of petition and petition shall be served at least five and not more than seventeen days before the time at which the petition is noticed to be heard.
§ 16. Section 743 of the real property actions and proceedings law, as amended by chapter 644 of the laws of 2003, is amended to read as follows:

§ 743. Answer. Except as provided in section [722] seven hundred thirty-two of this article, relating to a proceeding for non-payment of rent, at the time when the petition is to be heard the respondent, or any person in possession or claiming possession of the premises, may answer, orally or in writing. If the answer is oral the substance thereof shall be recorded by the clerk or, if a particular court has no clerk, by the presiding judge or justice of such court, and maintained in the case record. [If the notice of petition was served at least eight days before the time at which it was noticed to be heard and it so demands, the answer shall be made at least three days before the time the petition is noticed to be heard and, if in writing, it shall be served within such time, whereupon any reply shall be served at least one day before such time.] The answer may contain any legal or equitable defense, or counterclaim. The court may render affirmative judgment for the amount found due on the counterclaim.

§ 17. Subdivisions 1 and 2 of section 745 of the real property actions and proceedings law, as amended by chapter 403 of the laws of 1983, subdivision 2 as amended by chapter 116 of the laws of 1997, subparagraph (i) of paragraph (b) as amended by chapter 601 of the laws of 2007, are amended to read as follows:

1. Where triable issues of fact are raised, they shall be tried by the court unless, at the time the petition is noticed to be heard, a party demands a trial by jury, in which case trial shall be by jury. At the time when issue is joined the court, [in its discretion] at the request of either party [and upon proof to its satisfaction by affidavit or orally that an adjournment is necessary to enable the applicant to procure his necessary witnesses, or by consent of all the parties who appear, may] shall adjourn the trial of the issue, [but] not [more] less than [ten] fourteen days, except by consent of all parties. A party's second or subsequent request for adjournment shall be granted in the court's sole discretion.

2. In the city of New York:

(a) In a summary proceeding upon the second of two adjournments granted solely at the request of the respondent, or, upon the [thirtieth] sixtieth day after the first appearance of the parties in court less any days that the proceeding has been adjourned upon the request of the petitioner, counting only days attributable to adjournment requests made solely at the request of the respondent and not counting an initial adjournment requested by a respondent unrepresented by counsel for the purpose of securing counsel, whichever occurs sooner, the court [shall] may, upon consideration of the equities, direct that the respondent, upon [an application] a motion on notice made by the petitioner, deposit with the court [within five days] sums of rent or use and occupancy [accrued from the date the petition and notice of petition are served upon the respondent, and all sums as they become due for rent and use and occupancy] that shall accrue subsequent to the date of the court's order, which may be established without the use of expert testimony[unless]. The court shall not order deposit or payment of use and occupancy where the respondent can establish[ at an immediate hearing], to the satisfaction of the court that respondent has properly interposed one of the following defenses or established the following grounds:

(i) the petitioner is not a proper party to the proceeding pursuant to section seven hundred twenty-one of this article; or
(ii) (A) actual eviction, or (B) actual partial eviction, or (C) constructive eviction; and respondent has quit the premises; or

(iii) a defense pursuant to section one hundred forty-three-b of the social services law; or

(iv) a defense based upon the existence of hazardous or immediately hazardous violations of the housing maintenance code in the subject apartment or common areas; or

(v) a colorable defense of rent overcharge; or

(vi) a defense that the unit is in violation of the building's certificate of occupancy or is otherwise illegal under the multiple dwelling law or the New York city housing maintenance code; or

(vii) the court lacks personal jurisdiction over the respondent.

[When the rental unit that is the subject of the petition is located in a building containing twelve or fewer units, the court shall inquire of the respondent as to whether there is any undisputed amount of the rent or use and occupancy due to the petitioner. Any such undisputed amount shall be paid directly to the petitioner, and any disputed amount shall be deposited to the court by the respondent as provided in this subdivision.]

Two adjournments shall not include an adjournment requested by a respondent unrepresented by counsel for the purpose of securing counsel made on a return date of the proceeding. Such rent or use and occupancy sums shall be deposited with the clerk of the court or paid to such other person or entity, including the petitioner or an agent designated by the division of housing and community renewal, as the court shall direct or shall be expended for such emergency repairs as the court shall approve.

(b) In establishing the monthly amount to be deposited, the court shall not exceed the amount of the regulated rent for the unit under any state, local or federal regulatory scheme, or the amount of the tenant's rent share under a state, local or federal subsidy program, or the amount of the tenant's share under an expired subsidy, unless the tenant has entered into an enforceable new agreement to pay the full lease rent.

(c) (i) The court shall not require the respondent to deposit the portion of rent or use and occupancy, if any, which is payable by direct government housing subsidy, any currently effective senior citizen increase exemption authorized pursuant to sections four hundred sixty-seven-b and four hundred sixty-seven-c of the real property tax law, direct payment of rent or a two-party check issued by a social services district or the office of temporary and disability assistance, or rental assistance that is payable pursuant to court orders issued in litigation commenced in nineteen hundred eighty-seven in a proceeding in which the amount of shelter allowance is at issue on behalf of recipients of family assistance. In the event the respondent or other adult member of the respondent's household receives public assistance pursuant to title three or title ten of article five of the social services law, the respondent shall, when directed by the court to deposit rent and use or occupancy, only be required to deposit with the court the amount of the shelter allowance portion of the public assistance grant issued by the office of temporary and disability assistance or a social services district. In the event the respondent receives a fixed income, including but not limited to, social security income, supplemental security income pursuant to title sixteen of the federal social security act and title six of article five of the social services law, or pension income, the respondent shall [only] not be required to deposit [one-third] more than
thirty percent of the monthly supplemental security income payment payments.

(ii) Any sum required to be deposited with the court pursuant to this subdivision shall be offset by payment, if any, made by the respondent pursuant to section two hundred thirty-five-a of the real property law or section three hundred two-c of the multiple dwelling law.

(c) (i) If the respondent shall fail to comply with the court's directions with respect to direct payment to the petitioner or making a deposit as directed by the court of the full amount of the rent or use and occupancy required to be deposited, the court upon an application by the petitioner shall dismiss without prejudice the defenses and counterclaims interposed by the respondent and grant judgment for petitioner unless respondent has interposed the defense of payment and shows that the amount required to be deposited has previously been paid to the petitioner.

(d) (i) In the event that the respondent makes a deposit required by this subdivision but fails to deposit with the court or pay, as the case may be, upon the due date, all rent or use and occupancy which may become due up to the time of the entry of judgment subsequent to the issuance of the court's deposit order, the court upon an application of the petitioner may order an immediate trial of the issues raised in the respondent's answer. An "immediate trial" shall mean that no further adjournments of the proceeding shall be granted, the case shall be assigned by the administrative judge to a trial ready part and such trial shall commence and continue day to day until completed. [There shall be no stay granted of such trial without an order to respondent to pay rent or use and occupancy due pursuant to this subdivision and rent or use and occupancy as it becomes due.

(ii) The court shall not may extend any time provided for such deposit under this subdivision for good cause shown.

(iii) Upon the entry of the final judgment in the proceeding such deposits shall be credited against any judgment amount awarded and, without further order of the court, be paid in accordance with the judgment.

The provisions of this paragraph requiring the deposit of rent or use and occupancy as it becomes due shall not be waived by the court.

(e) The court may dismiss any summary proceeding without prejudice and with costs to the respondent by reason of excessive adjournments requested by the petitioner.

(f) The provisions of this subdivision shall not be construed as to deprive a respondent of a trial of any defenses or counterclaims in a separate action if such defenses or counterclaims are dismissed without prejudice.

Under no circumstances shall the respondent's failure or inability to pay use and occupancy as ordered by the court constitute a basis to dismiss any of the respondent's defenses or counterclaims, with or without prejudice to their assertion in another forum.

§ 18. Section 747-a of the real property actions and proceedings law is REPEALED.

§ 19. Section 749 of the real property actions and proceedings law, as added by chapter 312 of the laws of 1962, subdivision 2 as amended by chapter 205 of the laws of 2018 and subdivision 3 as amended by chapter 192 of the laws of 1975, is amended to read as follows:
§ 749. Warrant. 1. Upon rendering a final judgment for petitioner, the court shall issue a warrant directed to the sheriff of the county or to any constable or marshal of the city in which the property, or a portion thereof, is situated, or, if it is not situated in a city, to any constable of any town in the county, describing the property, stating the earliest date upon which execution may occur pursuant to the order of the court, and commanding the officer to remove all persons named in the proceeding, provided upon a showing of good cause, the court may issue a stay of re-letting or renovation of the premises for a reasonable period of time.

2. (a) The officer to whom the warrant is directed and delivered shall give at least notice, excluding any period which occurs on a Saturday, Sunday or a public holiday, in writing and in the manner prescribed in this article for the service of a notice of petition, to the person or persons to be evicted or dispossessed and shall execute the warrant on a business day between the hours of sunrise and sunset.

(b) Such officer shall check such property for the presence of a companion animal prior to executing such warrant and coordinate with such person or persons to be evicted or dispossessed to provide for the safe and proper care of such companion animal or animals. If such persons to be evicted or dispossessed cannot be found after reasonable efforts are made to coordinate with such persons, or if such person is found and declines to take possession of such animal or animals, such officer shall promptly coordinate with the duly incorporated humane society, duly incorporated society for the prevention of cruelty to animals or pound maintained by or under contract or agreement with the municipality in which the animal was found for the safe removal of such companion animal or animals. Such officer shall make reasonable efforts to provide notice to the person or persons to be evicted regarding the location of such companion animal or animals. Disposition of such companion animal or animals shall be in accordance with the provisions of sections one hundred seventeen and three hundred seventy-four of the agriculture and markets law, and all other laws, rules and regulations that govern the humane treatment of animals. "Companion animal," as used in this paragraph, shall have the same meaning as provided in subdivision five of section three hundred fifty of the agriculture and markets law.

3. [The issuing of a warrant for the removal of a tenant cancels the agreement under which the person removed held the premises, and annuls the relation of landlord and tenant, but nothing] Nothing contained herein shall deprive the court of the power to stay or vacate such warrant for good cause shown prior to the execution thereof, or to restore the tenant to possession subsequent to execution of the warrant.

In a judgment for non-payment of rent, the court shall vacate a warrant upon tender or deposit with the court of the full rent due at any time prior to its execution, unless the petitioner establishes that the tenant withheld the rent due in bad faith. Petitioner may recover by action any sum of money which was payable at the time when the special proceeding was commenced and the reasonable value of the use and occupation to the time when the warrant was issued, for any period of time with respect to which the agreement does not make any provision for payment of rent.

§ 20. Subdivision 4 of section 751 of the real property actions and proceedings law is REPEALED.
§ 21. Section 753 of the real property actions and proceedings law, as added by chapter 312 of the laws of 1962, the section heading as amended, subdivision 4 as added and subdivision 5 as renumbered by chapter 870 of the laws of 1982 and subdivision 1 as amended by chapter 305 of the laws of 1963, is amended to read as follows:

§ 753. Stay in premises occupied for dwelling purposes. 1. In a proceeding to recover the possession of premises occupied for dwelling purposes, other than a room or rooms in an hotel, lodging house, or rooming house, upon the ground that the occupant is holding over and continuing in possession of the premises after the expiration of his term and without the permission of the landlord, or, in a case where a new lessee is entitled to possession, without the permission of the new lessee, the court, on application of the occupant, may stay the issuance of a warrant and also stay any execution to collect the costs of the proceeding for a period of not more than one year, if it appears that the premises are used for dwelling purposes; that the application is made in good faith; that the applicant cannot within the neighborhood secure suitable premises similar to those occupied by the applicant and that the applicant made due and reasonable efforts to secure such other premises, or that by reason of other facts it would occasion extreme hardship to the applicant or the applicant's family if the stay were not granted. In determining whether refusal to grant a stay would occasion extreme hardship, the court shall consider serious ill health, significant exacerbation of an ongoing condition, a child's enrollment in a local school, and any other extenuating life circumstances affecting the ability of the applicant or the applicant's family to relocate and maintain quality of life. The court shall consider any substantial hardship the stay may impose on the landlord in determining whether to grant the stay or in setting the length or other terms of the stay. In an application brought outside a city of one million or more, the term "neighborhood" shall be construed to mean (i) the same town, village or city where the applicant now resides, or (ii) if the applicant has school aged children residing with him or her, "neighborhood" shall mean the school district where such children attend or are eligible to attend.

2. Such stay shall be granted and continue effective only upon the condition that the person against whom the judgment is entered shall make a deposit in court of the entire amount, or such installments thereof from time to time as the court may direct, for the occupation of the premises for the period of the stay, at the rate for which the applicant was liable as rent for the month immediately prior to the expiration of the applicant's term or tenancy, plus such additional amount, if any, as the court may determine to be the difference between such rent and the reasonable rent or value of the use and occupation of the premises; such deposit may also include all rent unpaid by the occupant prior to the period of the stay. The amount of such deposit shall be determined by the court upon the application for the stay and such determination shall be final and conclusive in respect to the amount of such deposit, and the amount thereof shall be paid into court, in such manner and in such installments, if any, as the court may direct. A separate account shall be kept of the amount to the credit of each proceeding, and all such payments shall be deposited in a bank or trust company and shall be subject to the check of the clerk of the court, if there be one, or otherwise of the court. The clerk of the court, if there be one, and otherwise the court shall pay to the land-
lord or [his] the landlord's duly authorized agent, the amount of such
deposit in accordance with the terms of the stay or the further order of
the court.
3. The provisions of this section shall not apply to a proceeding
where the petitioner shows to the satisfaction of the court that he
desires in good faith to recover the premises for the purpose of demol-
ishing same with the intention of constructing a new building, plans for
which new building shall have been duly filed and approved by the proper
authority; nor shall it apply to a proceeding] to recover possession
upon the ground that an occupant is holding over and is objectionable if
the landlord shall establish by competent evidence to the satisfaction
of the court that such occupant is objectionable.
4. In the event that such proceeding is based upon a claim that the
tenant or lessee has breached a provision of the lease, the court shall
grant a [ten] thirty day stay of issuance of the warrant, during which
time the respondent may correct such breach.
5. Any provision of a lease or other agreement whereby a lessee or
tenant waives any provision of this section shall be deemed against
public policy and void.
§ 22. Section 756 of the real property actions and proceedings law, as
added by chapter 913 of the laws of 1965, is amended to read as follows:
§ 756. Stay of summary proceedings or actions for rent under certain
conditions. In the event that utilities are discontinued in any part of
a [multiple] dwelling because of the failure of the landlord or other
person having control of said [multiple] dwelling to pay for utilities
for which he may have contracted, any proceeding to dispossess a tenant
from said building or an action against any tenant of said building for
rent shall be stayed until such time as the landlord or person having
control of said [multiple] dwelling pays the amount owing for said util-
ities and until such time as the utilities are restored to working
order.
§ 23. The real property actions and proceedings law is amended by
adding a new section 757 to read as follows:
§ 757. Eviction as the result of foreclosure. In the event that a
lessee is removed from real property pursuant to this article, and the
leased real property was the subject of a foreclosure proceeding pursu-
ant to this chapter or the subject of a tax foreclosure proceeding, the
court records relating to any such lessee shall be sealed and be deemed
confidential. No disclosure or use of such information relating to any
such lessee shall be authorized, and the use of such information shall
be prohibited.
§ 24. The real property actions and proceedings law is amended by
adding a new section 768 to read as follows:
§ 768. Unlawful eviction. 1. (a) It shall be unlawful for any person
to evict or attempt to evict an occupant of a dwelling unit who has
lawfully occupied the dwelling unit for thirty consecutive days or long-
er or who has entered into a lease with respect to such dwelling except
to the extent permitted by law pursuant to a warrant of eviction or
other order of a court of competent jurisdiction or a governmental
vacate order by:
(i) using or threatening the use of force to induce the occupant to
vacate the dwelling unit; or
(ii) engaging in a course of conduct which interferes with or is
intended to interfere with or disturb the comfort, repose, peace or
quiet of such occupant in the use or occupancy of the dwelling unit, to
induce the occupant to vacate the dwelling unit including, but not limited to, the interruption or discontinuance of essential services; or (iii) engaging or threatening to engage in any other conduct which prevents or is intended to prevent such occupant from the lawful occupancy of such dwelling unit or to induce the occupant to vacate the dwelling unit including, but not limited to, removing the occupant's possessions from the dwelling unit, removing the door at the entrance to the dwelling unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable, or changing the lock on such entrance door without supplying the occupant with a key.

(b) It shall be unlawful for an owner of a dwelling unit to fail to take all reasonable and necessary action to restore to occupancy an occupant of a dwelling unit who either vacates, has been removed from or is otherwise prevented from occupying a dwelling unit as the result of any of the acts or omissions prescribed in paragraph (a) of this subdivision and to provide to such occupant a dwelling unit within such dwelling suitable for occupancy, after being requested to do so by such occupant or the representative of such occupant, if such owner either committed such unlawful acts or omissions or knew or had reason to know of such unlawful acts or omissions, or if such acts or omissions occurred within seven days prior to such request.

§ 25. The section heading and subdivision 1 of section 7-108 of the general obligations law, as added by chapter 917 of the laws of 1984, are amended and a new subdivision 1-a is added to read as follows:

1-a. Except in dwelling units subject to the city rent and rehabilitation law or the emergency housing rent control law, continuing care retirement communities licensed pursuant to article forty-six or forty-six-A of the public health law, assisted living providers licensed pursuant to article forty-six-B of the public health law, adult care facilities licensed pursuant to article seven of the social services law, senior residential communities that have submitted an offering plan to the attorney general, or not-for-profit independent retirement communities that offer personal emergency response, housekeeping, transportation and meals to their residents:

(a) No deposit or advance shall exceed the amount of one month's rent under such contract.
(b) The entire amount of the deposit or advance shall be refundable to the tenant upon the tenant's vacating of the premises except for an amount lawfully retained for the reasonable and itemized costs due to non-payment of rent, damage caused by the tenant beyond normal wear and tear, non-payment of utility charges payable directly to the landlord under the terms of the lease or tenancy, and moving and storage of the tenant's belongings. The landlord may not retain any amount of the deposit for costs relating to ordinary wear and tear of occupancy or damage caused by a prior tenant.

(c) After initial lease signing but before the tenant begins occupancy, the landlord shall offer the tenant the opportunity to inspect the premises with the landlord or the landlord's agent to determine the condition of the property. If the tenant requests such inspection, the parties shall execute a written agreement before the tenant begins occupancy of the unit attesting to the condition of the property and specifically noting any existing defects or damages. Upon the tenant's vacating of the premises, the landlord may not retain any amount of the deposit or advance due to any condition, defect, or damage noted in such agreement. The agreement shall be admissible as evidence of the condition of the premises at the beginning of occupancy only in proceedings related to the return or amount of the security deposit.

(d) Within a reasonable time after notification of either party's intention to terminate the tenancy, unless the tenant terminates the tenancy with less than two weeks' notice, the landlord shall notify the tenant in writing of the tenant's right to request an inspection before vacating the premises and of the tenant's right to be present at the inspection. If the tenant requests such an inspection, the inspection shall be made no earlier than two weeks and no later than one week before the end of the tenancy. The landlord shall provide at least forty-eight hours written notice of the date and time of the inspection. After the inspection, the landlord shall provide the tenant with an itemized statement specifying repairs or cleaning that are proposed to be the basis of any deductions from the tenant's deposit. The tenant shall have the opportunity to cure any such condition before the end of the tenancy. Any statement produced pursuant to this paragraph shall only be admissible in proceedings related to the return or amount of the security deposit.

(e) Within fourteen days after the tenant has vacated the premises, the landlord shall provide the tenant with an itemized statement indicating the basis for the amount of the deposit retained, if any, and shall return any remaining portion of the deposit to the tenant. If a landlord fails to provide the tenant with the statement and deposit within fourteen days, the landlord shall forfeit any right to retain any portion of the deposit.

(f) In any action or proceeding disputing the amount of any amount of the deposit retained, the landlord shall bear the burden of proof as to the reasonableness of the amount retained.

(g) Any person who violates the provisions of this subdivision shall be liable for actual damages, provided a person found to have willfully violated this subdivision shall be liable for punitive damages of up to twice the amount of the deposit or advance.

§ 26. Subdivision 1 of section 212 of the judiciary law is amended by adding a new paragraph (x) to read as follows:

(x) Not permit the unified court system to sell any data regarding judicial proceedings related to residential tenancy, rent or eviction to any third party. Such prohibition includes data collected, stored or
§ 27. 1. (a) There is hereby created a temporary commission to be known as the "New York state temporary commission on housing security and tenant protection," which shall be charged with studying the impacts of the statewide housing security and tenant protection act of 2019 on tenants, landlords, and the court system, and recommending the implementation of legislation, regulations and rules to further improve tenant protections in New York.

(b) The commission shall consist of ten members: (i) the commissioner of housing and community renewal shall serve ex officio; (ii) three members shall be appointed by the governor, one of whom shall be an attorney with significant housing court experience employed by a not-for-profit legal services firm, one of whom shall be a landlord, and one of whom shall be a retired judge or justice of the unified court system with significant experience in housing court; (iii) two members shall be appointed by the temporary president of the senate; (iv) one member shall be appointed by the minority leader of the senate; (v) two members shall be appointed by the speaker of the assembly; and (vi) one member shall be appointed by the minority leader of the assembly. The commissioner of housing and community renewal shall serve as the chair of the commission. Vacancies in the commission shall be filled in the same manner as the members whose vacancy is being filled was appointed.

(c) The members of the commission shall receive no compensation for their services as members, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. No member of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment pursuant to this section, notwithstanding the provisions of any general, special or local law, regulation, ordinance or city charter.

2. To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any department, division, board, bureau, committee, agency or public authority of the state or any political subdivision thereof as it may reasonably request to properly carry out its powers and duties pursuant to this act.

3. On or before December 31, 2022, the commission shall transmit to the governor, the legislature, and the chief administrator of the courts a report containing its findings and recommendations. The commissioner of housing and community renewal shall post the report on its website. Upon the making of its report, the commission shall be deemed dissolved.

§ 28. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 29. This act shall take effect immediately and shall apply to actions and proceedings commenced on or after such effective date; provided, however, that sections three, six and seven shall take effect on the one hundred twentieth day after this act shall have become a law; provided, further, that section twenty-five of this act shall take effect on the thirtieth day after this act shall have become a law and shall apply to any lease or rental agreement or renewal of a lease or rental agreement entered into on or after such date; and, provided,
further, section five of this act shall take effect on the thirtieth day after this act shall have become a law.

PART N

Section 1. Section 352-eeee of the general business law, as added by chapter 555 of the laws of 1982, subdivision 3 as amended by chapter 685 of the laws of 1988, is amended to read as follows:

§ 352-eeee. Conversions to cooperative or condominium ownership in the city of New York. 1. As used in this section, the following words and terms shall have the following meanings:

(a) "Plan". Every offering statement or prospectus submitted to the department of law pursuant to section three hundred fifty-two-e of this article for the conversion of a building or group of buildings or development from residential rental status to cooperative or condominium ownership or other form of cooperative interest in realty, other than an offering statement or prospectus for such conversion pursuant to article two, eight or eleven of the private housing finance law.

(b) "Non-eviction plan". A plan which may not be declared effective until written purchase agreements have been executed and delivered for at least [fifteen] fifty-one percent of all dwelling units in the building or group of buildings or development by bona fide tenants [in occupancy or bona fide purchasers who represent that they intend that they or one or more members of their immediate family intend to occupy the unit when it becomes vacant. As to tenants who were in occupancy on the date a letter was issued by the attorney general accepting the plan for filing], the purchase agreement shall be executed and delivered pursuant to an offering made in good faith without fraud and discriminatory repurchase agreements or other discriminatory inducements.

(c) "Eviction plan". A plan which, submitted prior to the effective date of the chapter of the laws of two thousand nineteen that amended this section, can result in the eviction of a non-purchasing tenant by reason of the tenant failing to purchase pursuant thereto, and which may not be declared effective until at least fifty-one percent of the bona fide tenants in occupancy of all dwelling units in the building or group of buildings or development on the date the offering statement or prospectus was accepted for filing by the attorney general (excluding, for the purposes of determining the number of bona fide tenants in occupancy on such date, eligible senior citizens and eligible disabled persons) shall have executed and delivered written agreements to purchase under the plan pursuant to an offering made in good faith without fraud and with no discriminatory repurchase agreements or other discriminatory inducements.

(d) "Purchaser under the plan". A person who owns the shares allocated to a dwelling unit or who owns such dwelling unit itself.

(e) "Non-purchasing tenant". A person who has not purchased under the plan and who is a tenant entitled to possession at the time the plan is declared effective or a person to whom a dwelling unit is rented subsequent to the effective date. A person who sublets a dwelling unit from a purchaser under the plan shall not be deemed a non-purchasing tenant.

(f) "Eligible senior citizens". Non-purchasing tenants who are sixty-two years of age or older on the date the plan is submitted to the department of law or on the date the attorney general has accepted the plan for filing, and the spouses of any such tenants on such date, and who have elected, within sixty days of the date the plan is submitted to the department of law or on the date the attorney general has accepted
the plan for filing, on forms promulgated by the attorney general and
presented to such tenants by the offeror, to become non-purchasing
tenants under the provisions of this section; provided that such
election shall not preclude any such tenant from subsequently purchasing
the dwelling unit on the terms then offered to tenants in occupancy.

(g) "Eligible disabled persons". Non-purchasing tenants who have an
impairment which results from anatomical, physiological or psychological
conditions, other than addiction to alcohol, gambling, or any controlled
substance, which are demonstrable by medically acceptable clinical and
laboratory diagnostic techniques, and which are expected to be permanent
and which prevent the tenant from engaging in any substantial gainful
employment on the date the plan is submitted to the department of law or
on the date the attorney general has accepted the plan for filing, and
the spouses of any such tenants on such date, and who have elected,
within sixty days of the date the plan is submitted to the department of
law or on the date the attorney general has accepted the plan for
filing, on forms promulgated by the attorney general and presented to
such tenants by the offeror, to become non-purchasing tenants under the
provisions of this section; provided, however, that if the disability
first occurs after acceptance of the plan for filing, then such election
may be made within sixty days following the onset of such disability
unless during the period subsequent to sixty days following the accept-
ance of the plan for filing but prior to such election, the offeror
accepts a written agreement to purchase the apartment from a bona fide
purchaser; and provided further that such election shall not preclude
any such tenant from subsequently purchasing the dwelling unit or the
shares allocated thereto on the terms then offered to tenants in occu-
pancy.

2. The attorney general shall refuse to issue a letter stating that
the offering statement or prospectus required in subdivision one of
section three hundred fifty-two-e of this [chapter] article has been
filed whenever it appears that the offering statement or prospectus
offers for sale residential cooperative apartments or condominium units
pursuant to a plan unless:

(a) The plan provides that it will be deemed abandoned, void and of no
effect if it does not become effective within fifteen months from the
date of issue of the letter of the attorney general stating that the
offering statement or prospectus has been accepted for filing and, in
the event of such abandonment, no new plan for the conversion of such
building or group of buildings or development shall be submitted to the
attorney general for at least twelve months after such abandonment.

(b) The plan provides either that it is an eviction plan or that it is
a non-eviction plan.

(c) The plan provides, if it is a non-eviction plan, as follows:

(i) The plan may not be declared effective until written purchase
agreements have been executed and delivered for at least [fifteen]
fifty-one percent of all dwelling units in the building or group of
buildings or development subscribed for by bona fide tenants in occupan-
cy [or bona fide purchasers who represent that they intend that they or
one or more members of their immediate family occupy the dwelling unit
when it becomes vacant. As to tenants who were in occupancy] on the date
a letter was issued by the attorney general accepting the plan for
filing[the] for which purchase agreement shall be executed and deliv-
ered pursuant to an offering made without discriminatory repurchase
agreements or other discriminatory inducements.
(ii) No eviction proceedings will be commenced at any time against non-purchasing tenants for failure to purchase or any other reason applicable to expiration of tenancy; provided that such proceedings may be commenced for non-payment of rent, illegal use or occupancy of the premises, refusal of reasonable access to the owner or a similar breach by the non-purchasing tenant of his obligations to the owner of the dwelling unit or the shares allocated thereto; and provided further that an owner of a unit or of the shares allocated thereto may not commence an action to recover possession of a dwelling unit from a non-purchasing tenant on the grounds that he seeks the dwelling unit for the use and occupancy of himself or his family.

(iii) **No eviction proceedings will be commenced, except as hereinafter provided, at any time against either eligible senior citizens or eligible disabled persons.** The rentals of eligible senior citizens and eligible disabled persons who reside in dwelling units not subject to government regulation as to rentals and continued occupancy and eligible senior citizens and eligible disabled persons who reside in dwelling units with respect to which government regulation as to rentals and continued occupancy is eliminated or becomes inapplicable after the plan has been accepted for filing shall not be subject to unconscionable increases beyond ordinary rentals for comparable apartments during the period of their occupancy considering, in determining comparability, such factors as building services, level of maintenance and operating expenses; provided that such proceedings may be commenced against such tenants for non-payment of rent, illegal use or occupancy of the premises, refusal of reasonable access to the owner or a similar breach by the tenant of his obligations to the owner of the dwelling unit or the shares allocated thereto.

(iv) Eligible senior citizens and eligible disabled persons who reside in dwelling units subject to government regulation as to rentals and continued occupancy shall continue to be subject thereto.

(v) The rights granted under the plan to eligible senior citizens and eligible disabled persons may not be abrogated or reduced notwithstanding any expiration of, or amendment to, this section.

(vi) Any offeror who disputes the election by a person to be an eligible senior citizen or an eligible disabled person must apply to the attorney general within thirty days of the receipt of the election forms for a determination by the attorney general of such person's eligibility. The attorney general shall, within thirty days thereafter, issue his determination of eligibility. The foregoing shall, in the absence of fraud, be the sole method for determining a dispute as to whether a person is an eligible senior citizen or an eligible disabled person. The determination of the attorney general shall be reviewable only through a proceeding under article seventy-eight of the civil practice law and rules, which proceeding must be commenced within thirty days after such determination by the attorney general becomes final.

(vii) Non-purchasing tenants who reside in dwelling units subject to government regulation as to rentals and continued occupancy prior to the conversion of the building or group of buildings or development to cooperative or [condominium] ownership shall continue to be subject thereto.

[(iv)] (viii) The rentals of non-purchasing tenants who reside in dwelling units not subject to government regulation as to rentals and continued occupancy and non-purchasing tenants who reside in dwelling units with respect to which government regulation as to rentals and continued occupancy is eliminated or becomes inapplicable after the plan
has been accepted for filing by the attorney general shall not be
subject to unconscionable increases beyond ordinary rentals for compara-
ble apartments during the period of their occupancy. In determining
comparability, consideration shall be given to such factors as building
services, level of maintenance and operating expenses.

[(vi)] (ix) The plan may not be amended at any time to provide that it
shall be an eviction plan.

[(vii)] (x) The rights granted under the plan to purchasers under the
plan and to non-purchasing tenants may not be abrogated or reduced
notwithstanding any expiration of, or amendment to, this section.

[(viii)] (xi) After the issuance of the letter from the attorney gener-
al stating that the offering statement or prospectus required in subdi-
vision one of section three hundred fifty-two-e of this article has been
filed accepted for filing, the offeror shall, on the thirtieth, sixti-
eighth, eighty-eighth and ninetieth day after such date and at least once
every thirty days until the plan is declared effective or [sic] aban-
doned, as the case may be, and on the second day before the expiration
of any exclusive purchase period provided in a substantial amendment to
the plan, (1) file with the attorney general a written statement, under
oath, setting forth the percentage of [the] bona fide tenants in occu-
pancy of all dwelling units in the building or group of buildings or
development [subscribed for by bona fide tenants in occupancy or bona
fide purchasers who represent that they intend that they or one or more
members of their immediate family occupy the dwelling unit when it
becomes vacant as of the date of such statement and] on the date the
offering statement or prospectus was accepted for filing by the attorney
general who have executed and delivered written agreements to purchase
under the plan as of the date of such statement, and (2) before noon on
the day such statement is filed post a copy of such statement in a promi-
inent place accessible to all tenants in each building covered by the plan.

(xii) The tenants in occupancy on the date the attorney general
accepts the plan for filing shall have the exclusive right to purchase
their dwelling units or the shares allocated thereto for ninety days
after the plan is accepted for filing by the attorney general, during
which time a tenant's dwelling unit shall not be shown to a third party
unless he or she has, in writing, waived his or her right to purchase;
subsequent to the expiration of such ninety day period, a tenant in
occupancy of a dwelling unit who has not purchased shall be given the
exclusive right for an additional period of six months from said expira-
tion date to purchase said dwelling unit or the shares allocated thereto
on the same terms and conditions as are contained in an executed
contract to purchase said dwelling unit or shares entered into by a bona
fide purchaser, such exclusive right to be exercisable within fifteen
days from the date of mailing by registered mail of notice of the
execution of a contract of sale together with a copy of said executed
contract to said tenant.

(d) The plan provides, if it is an eviction plan, as follows:

(i) The plan may not be declared effective unless at least fifty-one
percent of the bona fide tenants in occupancy of all dwelling units in
the building or group of buildings or development on the date the offer-
ing statement or prospectus was accepted for filing by the attorney
general (excluding, for the purposes of determining the number of bona
fide tenants in occupancy on such date, eligible senior citizens and
eligible disabled persons) shall have executed and delivered written
agreements to purchase under the plan pursuant to an offering made in
good faith without fraud and with no discriminatory repurchase agreements or other discriminatory inducements.

(ii) No eviction proceedings will be commenced against a non-purchasing tenant for failure to purchase or any other reason applicable to expiration of tenancy until the later to occur of (1) the date which is the expiration date provided in such non-purchasing tenant's lease or rental agreement, and (2) the date which is three years after the date on which the plan is declared effective. Non-purchasing tenants who reside in dwelling units subject to government regulation as to rentals and continued occupancy prior to conversion shall continue to be subject thereto during the period of occupancy provided in this paragraph. Thereafter, if a tenant has not purchased, he may be removed by the owner of the dwelling unit or the shares allocated to such dwelling unit.

(iii) No eviction proceedings will be commenced, except as hereinafter provided, at any time against either eligible senior citizens or eligible disabled persons. The rentals of eligible senior citizens and eligible disabled persons who reside in dwelling units not subject to government regulation as to rentals and continued occupancy and eligible senior citizens and eligible disabled persons who reside in dwelling units with respect to which government regulation as to rentals and continued occupancy is eliminated or becomes inapplicable after the plan has been accepted for filing shall not be subject to unconscionable increases beyond ordinary rentals for comparable apartments during the period of their occupancy considering, in determining comparability, such factors as building services, level of maintenance and operating expenses; provided that such proceedings may be commenced against such tenants for non-payment of rent, illegal use or occupancy of the premises, refusal of reasonable access to the owner or a similar breach by the tenant of his obligations to the owner of the dwelling unit or the shares allocated thereto.

(iv) Eligible senior citizens and eligible disabled persons who reside in dwelling units subject to government regulation as to rentals and continued occupancy shall continue to be subject thereto.

(v) The rights granted under the plan to eligible senior citizens and eligible disabled persons may not be abrogated or reduced notwithstanding any expiration of, or amendment to, this section.

(vi) Any offeror who disputes the election by a person to be an eligible senior citizen or an eligible disabled person must apply to the attorney general within thirty days of the receipt of the election forms for a determination by the attorney general of such person's eligibility. The attorney general shall, within thirty days thereafter, issue his determination of eligibility. The foregoing shall, in the absence of fraud, be the sole method for determining a dispute as to whether a person is an eligible senior citizen or an eligible disabled person. The determination of the attorney general shall be reviewable only through a proceeding under article seventy-eight of the civil practice law and rules, which proceeding must be commenced within thirty days after such determination by the attorney general becomes final.

(vii) After the issuance of the letter from the attorney general stating that the offering statement or prospectus required in subdivision one of section three hundred fifty-two-e of this article has been accepted for filing, the offeror shall, on the thirtieth, sixtieth, eighty-eighth and ninetieth [days] day after such date and at least once every thirty days until the plan is declared effective or abandoned, as the case may be, and on the second day before the expiration of any
exclusive purchase period provided in a substantial amendment to the plan, (1) file with the attorney general a written statement, under oath, setting forth the percentage of bona fide tenants in occupancy of all dwelling units in the building or group of buildings or development on the date the offering statement or prospectus was accepted for filing by the attorney general who have executed and delivered written agreements to purchase under the plan as of the date of such statement, and (2) before noon on the day such statement is filed post a copy of such statement in a prominent place accessible to all tenants in each building covered by the plan.

(viii) If the plan is amended before it is declared effective to provide that it shall be a non-eviction plan, any person who has agreed to purchase under the plan prior to such amendment shall have a period of thirty days after receiving written notice of such amendment to revoke his agreement to purchase under the plan.

(ix) The tenants in occupancy on the date the attorney general accepts the plan for filing shall have the exclusive right to purchase their dwelling units or the shares allocated thereto for ninety days after the plan is accepted for filing by the attorney general, during which time a tenant’s dwelling unit shall not be shown to a third party unless he has, in writing, waived his right to purchase; subsequent to the expiration of such ninety day period, a tenant in occupancy of a dwelling unit who has not purchased shall be given the exclusive right for an additional period of six months from said expiration date to purchase said dwelling unit or the shares allocated thereto on the same terms and conditions as are contained in an executed contract to purchase said dwelling unit or shares entered into by a bona fide purchaser, such exclusive right to be exercisable within fifteen days from the date of mailing by registered mail of notice of the execution of a contract of sale together with a copy of said executed contract to said tenant.

(e) The attorney general finds that an excessive number of long-term vacancies did not exist on the date that the offering statement or prospectus was first submitted to the department of law. "Long-term vacancies" shall mean dwelling units not leased or occupied by bona fide tenants for more than five months prior to the date of such submission to the department of law. "Excessive" shall mean a vacancy rate in excess of the greater of (i) ten percent and (ii) a percentage that is double the normal average vacancy rate for the building or group of buildings or development for two years prior to the January preceding the date the offering statement or prospectus was first submitted to the department of law.

(f) The attorney general finds that, following the submission of the offering statement or prospectus to the department of law, each tenant in the building or group of buildings or development was provided with a written notice stating that such offering statement or prospectus has been submitted to the department of law for filing. Such notice shall be accompanied by a copy of the offering statement or prospectus and a statement that the statements submitted pursuant to subparagraph (vii) of paragraph (c) or subparagraph (vii) of paragraph (d) subdivision, whichever is applicable, will be available for inspection and copying at the office of the department of law where the submission was made and at the office of the offeror or a selling agent of the offeror. Such notice shall also be accompanied by a statement that tenants or their representatives may physically inspect the premises at any time subsequent to the submission of the plan to the department of law, during normal business hours, upon written request made by them to
the offeror, provided such representatives are registered architects or
professional engineers licensed to practice in the state of New York.
Such notice shall be sent to each tenant in occupancy on the date the
plan is first submitted to the department of law.

3. All dwelling units occupied by non-purchasing tenants shall be
managed by the same managing agent who manages all other dwelling units
in the building or group of buildings or development. Such managing
agent shall provide to non-purchasing tenants all services and facilities
required by law on a non-discriminatory basis. The offeror shall
guarantee the obligation of the managing agent to provide all such
services and facilities until such time as the offeror surrenders
control to the board of directors or board of managers, at which time
the cooperative corporation or the condominium association shall assume
responsibility for the provision of all services and facilities required
by law on a non-discriminatory basis.

4. It shall be unlawful for any person to engage in any course of
conduct, including, but not limited to, interruption or discontinuance
of essential services, which substantially interferes with or disturbs
the comfort, repose, peace or quiet of any tenant in his use or occupan-
cy of his dwelling unit or the facilities related thereto. The attorney
general may apply to a court of competent jurisdiction for an order
restraining such conduct and, if he deems it appropriate, an order
restraining the owner from selling the shares allocated to the dwelling
unit or the dwelling unit itself or from proceeding with the plan of
conversion; provided that nothing contained herein shall be deemed to
preclude the tenant from applying on his own behalf for similar relief.

5. Any local legislative body may adopt local laws and any agency,
officer or public body may prescribe rules and regulations with respect
to the continued occupancy by tenants of dwelling units which are
subject to regulation as to rentals and continued occupancy pursuant to
law, provided that in the event that any such local law, rule or regu-
lation shall be inconsistent with the provisions of this section, the
provisions of this section shall control.

6. Any provision of a lease or other rental agreement which purports
to waive a tenant's rights under this section or rules and regulations
promulgated pursuant hereto shall be void as contrary to public policy.

7. The attorney general is hereby authorized and empowered to adopt,
promulgate, amend and rescind suitable rules and regulations to carry
out the provisions of this section, including issuing waivers of the
requirements of this section to the extent the requirements would not
carry out the intent of this section or the Martin Act.

8. The provisions of this section shall only be applicable in the city
of New York.

§ 2. This act shall take effect immediately and shall only apply to
plans submitted pursuant to section 352-eeeee of the general business law
after the effective date of this act.

PART O

Section 1. Legislative findings. The legislature finds and declares
that:

a. Manufactured homes are a critical source of affordable housing for
residents in New York state.

b. Factors unique to home ownership in manufactured home parks in New
York state require that the owners of such manufactured homes be
protected from involuntary forfeiture of their homes due to unreasonable increases in lot rent.

c. Homeownership in such manufactured home parks differs from other forms of homeownership as well as from the traditional landlord-tenant relationship. Unlike other homeowners, because the manufactured home-owners do not control the land on which their manufactured homes exist, they have no control over this substantial portion of their housing costs.

d. Vacancies in existing manufactured home parks are extremely rare in New York state, and the cost of relocating a manufactured home, even if such a vacancy exists, is prohibitively high and may not be feasible due to the structural integrity of the home.

e. The manufactured homeowners' lack of bargaining power disrupts the normal operation of market forces and renders such manufactured home-owners captive to whatever terms a manufactured home park owner may choose to impose. This results in manufactured homeowners being evicted because of manufactured home parks' rents they can no longer afford, and as a result, losing their manufactured home and the equity they have built altogether because there is not an alternative site on which to place such home.

f. Under current law, manufactured homeowners who rent in manufactured home parks have no legal remedy for an unjustifiable and unreasonable rent increase.

g. The legislature therefore declares that in order to prevent hardship, unjustifiable rent increases, loss of equity, and the dislocation of residents living in manufactured home parks, the provisions of this act are necessary to protect the safety and general welfare of manufactured home owners and tenants.

§ 2. Subdivision a of section 233 of the real property law is amended by adding two new paragraphs 6 and 7 to read as follows:

6. The term "rent-to-own contract" shall mean any agreement between a manufactured home park owner or operator and a manufactured home renter which provides that after a specified term or other contingency the manufactured home renter will take ownership of the rented home.

7. The term "rent-to-own payment" shall mean any payment or payments made by a manufactured home renter pursuant to a rent-to-own contract which are in addition to rental payments for the rented site and the rented home.

§ 3. Paragraphs 1 and 6 of subdivision b of section 233 of the real property law, paragraph 1 as amended by chapter 566 of the laws of 1996 and paragraph 6 as amended by chapter 561 of the laws of 2008, are amended to read as follows:

1. The manufactured home tenant continues in possession of any portion of the premises after the expiration of his term without the permission of the manufactured home park owner or operator.

6. (i) The manufactured home park owner or operator proposes a change in the use of the land comprising the manufactured home park, or a portion thereof, on which the manufactured home is located, from manufactured home lot rentals to some other use, provided the manufactured home owner is given written notice of the proposed change of use and the manufactured home owner's need to secure other accommodations. Whenever a manufactured home park owner or operator gives a notice of proposed change of use to any manufactured home owner, the manufactured home park owner or operator shall, at the same time, give notice of the proposed change of use to all other manufactured home owners or tenants in the manufactured home park who will be required to secure other accomm-
Eviction proceedings based on a change in use shall not be commenced prior to 
six months from the service of notice of proposed change in use, or the end of the lease term, whichever is later. Such notice shall be served in the manner prescribed in section seven hundred thirty-five of the real property actions and proceedings law or by certified mail, return receipt requested.

(ii) Where a purchaser of a manufactured home park certified that such purchaser did not intend to change the use of the land pursuant to paragraph (b) of subdivision two of section two hundred thirty-three-a of this article, no eviction proceedings based on a change of use shall be commenced until the expiration of sixty months from the date of the closing on the sale of the park.

(iii) (A) The manufactured home park owner or operator shall provide the manufactured home owner a stipend of up to fifteen thousand dollars per manufactured home owner, pursuant to a court order. A warrant for eviction cannot be executed until the stipend has been paid to the manufactured home owner being evicted.

(B) The court shall calculate the stipend based upon consideration of the following factors:

1. The cost of relocation of the manufactured home;
2. The number of manufactured homes in the same park that would be receiving a stipend;
3. The amount the real property is being purchased for;
4. The value of the real property the manufactured home is located on;
5. The value of the development rights attached to real property parcel the manufactured home is located on; and
6. Any other factors the court determines are relevant in each case.

(C) In the event the manufactured home owner is not removed and the eviction proceeding is terminated the manufactured home owner shall return the stipend to the park owner. The weight to be afforded to each of the various factors is within the discretion of the trial court.

§ 4. Subdivision e of section 233 of the real property law, as amended by chapter 566 of the laws of 1996, is amended to read as follows:

e. Leases. 1. The manufactured home park owner or operator shall offer every manufactured home tenant prior to occupancy, the opportunity to sign a lease for a minimum of one year, which offer shall be made in writing. All lease offers, including initial and renewal leases, shall include a rider regarding tenant rights. Such rider shall be in a form approved or promulgated by the commissioner of housing and community renewal and which shall be made available to manufactured home park owners and operators.

2. (i) On or before, as appropriate, (a) the first day of October of each calendar year with respect to a manufactured home owner [then in good standing] who is not currently a party to a written lease with a manufactured home park owner or operator or (b) the ninetieth day next preceding the expiration date of any existing written lease between a manufactured home owner [then in good standing] and a manufactured home park owner or operator, the manufactured home park owner or operator shall submit to each such manufactured home owner a written offer to lease for a term of at least twelve months from the commencement date thereof unless the manufactured home park owner or operator has previously furnished the manufactured home owner with written notification of a proposed change of use pursuant to paragraph six of subdivision b of this section. Any such offer shall include a copy of the proposed lease
containing such terms and conditions, including provisions for rent and 
other charges, as the manufactured home park owner shall deem appropri-
ate; provided such terms and conditions are consistent with all rules 
and regulations promulgated by the manufactured home park operator prior 
to the date of the offer and are not otherwise prohibited or limited by 
applicable law. Such offer shall also contain a statement advising the 
manufactured home owner that if he or she fails to execute and return 
the lease to the manufactured home park owner or operator within thirty 
days after submission of such lease, the manufactured home owner shall 
be deemed to have declined the offer of a lease and shall not have any 
right to a lease from the manufactured home park owner or operator for 
the next succeeding twelve months.

(ii) For purposes of this paragraph, a manufactured home owner shall 
be deemed in good standing if he or she is not in default in the payment 
of more than one month's rent to the manufactured home park owner, and 
is not in violation of paragraph three, four or five of subdivision b of 
this section. No manufactured home park owner or operator shall refuse 
to provide a written offer to lease based on a default of rent payments 
or a violation of paragraph three, four or five of subdivision b of this 
section unless, at least thirty days prior to the last date on which the 
owner or operator would otherwise be required to provide such written 
offer to lease, the owner or operator notifies the manufactured home 
owner, in writing, of the default in rent or the specific grounds 
constituting the violation and such grounds continues up and until the 
fifth calendar day immediately preceding the last date on which the 
written offer would otherwise be required to be made.

(iii) For purposes of this paragraph, the commencement date of 
any lease offered by the manufactured home park owner to the manufac-
tured home owner shall be the ninetieth day after the date upon which 
the manufactured home park owner shall have provided the offer required 
pursuant to this paragraph; provided, however, that no such lease shall 
be effective if, on such commencement date, the manufactured home owner 
is in default of more than one month's rent. In the event the manufac-
tured home owner shall have failed to execute and return said lease to 
the manufactured home park owner or operator within thirty days after it 
is submitted to the manufactured home owner as required by subparagraph 
(i) of this paragraph the manufactured home owner shall be deemed to 
have declined to enter said lease.

3. No lease provision shall be inconsistent with any rule or regu-
lation in effect at the commencement of the lease.

4. If a manufactured home park owner or operator fails to offer a 
tenant a lease as provided in this subdivision, the tenant shall have 
all the rights of a leaseholder and may not be evicted for other than 
the reasons specified in paragraph two, three, four, five or six of 
subdivision (b) of this section.

5. All rent increases, including all fees, rents, charges, assessments 
and utilities, shall be subject and pursuant to section two hundred 
and thirty-three-b of this article.

§ 5. Paragraphs 2 and 3 of subdivision g of section 233 of the real 
property law, as amended by chapter 566 of the laws of 1996, are amended 
to read as follows:

2. A manufactured home park owner or operator shall be required to 
fully disclose in writing all fees, charges, assessments, including 
rental fees, rules and regulations prior to [a manufactured home tenant 
assuming occupancy] entering into a rental agreement with a prospective 
tenant in the manufactured home park.
3. No fees, charges, assessments or rental fees may be increased by a manufactured home park owner or operator without specifying the date of implementation of said fees, charges, assessments or rental fees which date shall be no less than ninety days after written notice to all manufactured home tenants. Failure on the part of the manufactured home park owner or operator to fully disclose all fees, charges or assessments shall prevent the manufactured home park owner or operator from collecting said fees, charges or assessments, and refusal by the manufactured home tenant to pay any undisclosed charges shall not be used by the manufactured home park owner or operator as a cause for eviction in any court of law. Rent, utilities and charges for facilities and services available to the tenant may not be increased unless a lease has been offered to the tenant as required by subdivision e of this section.

§ 6. Subdivision m of section 233 of the real property law, as amended by chapter 566 of the laws of 1996, is amended to read as follows:

m. Warranty of habitability, maintenance, disruption of services. In every written or oral lease or rental agreement entered into by a manufactured home tenant, the manufactured home park owner or operator shall be deemed to covenant and warrant that the premises so leased or rented and the manufactured home if rented, including rental through a rent-to-own contract, and all areas used in connection therewith in common with other manufactured home tenants or residents including all roads within the manufactured home park are fit for human habitation and for the uses reasonably intended by the parties and that the occupants of such premises and such manufactured homes if rented shall not be subjected to any conditions which would be dangerous, hazardous or detrimental to their life, health or safety. When any such condition has been caused by the misconduct of the manufactured home tenant or lessee or persons under his direction or control, it shall not constitute a breach of such covenants and warranties. The rights and obligations of the manufactured home park owner or operator and the manufactured home tenant shall be governed by the provisions of this subdivision and subdivisions two and three of section two hundred thirty-five-b of this article.

§ 7. Subdivision o of section 233 of the real property law, as amended by chapter 566 of the laws of 1996, is amended to read as follows:

o. Whenever a lease shall provide that in any action or summary proceeding the manufactured home park owner or operator may recover attorney's fees and/or expenses incurred as the result of the failure of the tenant to perform any covenant or agreement contained in such lease, or that amounts paid by the manufactured home park owner or operator therefor shall be paid by the tenant as additional rent awarded by a court, there shall be implied in such lease a covenant by the manufactured home park owner or operator, to pay to the tenant the reasonable attorney's fees and/or expenses incurred by the tenant to the same extent as is provided in section two hundred thirty-four of this article which section shall apply in its entirety. A manufactured home park owner or operator may not demand that a tenant pays attorneys' fees unless such fees have been awarded pursuant to a court order.

§ 8. Subdivision r of section 233 of the real property law, as amended by chapter 566 of the laws of 1996, is amended to read as follows:

r. Limitation on late charges. A late charge on any rental payment by a manufactured home owner which has become due and remains unpaid shall not exceed and shall be enforced to the extent of [five] three percent of such delinquent payment; provided, however, that no charge shall be imposed on any rental payment by a manufactured home owner received within ten days after the due date. In the absence of a specific
provision in the lease or the manufactured home park's rules and regulations, no late charge on any delinquent rental payment shall be assessed or collected. **Late charges may not be compounded and shall not be considered additional rent.**

§ 9. Section 233 of the real property law is amended by adding a new subdivision y to read as follows:

y. 1. No manufactured home park owner or operator shall offer or execute a rent-to-own contract unless the manufactured park owner or operator possesses documentation of ownership of the manufactured home, including a certificate of title to the home, if the home is a manufactured home subject to being titled pursuant to article forty-six of the vehicle and traffic law, or for mobile homes not subject to being titled pursuant to such law, such other documentation, which may include a bill of sale, or deed, sufficient to establish ownership.

2. Every rent-to-own contract shall be in writing and clearly state all terms, including but not limited to: a description of the home to be leased, including the name of the manufacturer, the serial number and the year of manufacture; the site number upon which the home is located in the manufactured home park; an itemized statement of any payments to be made during the term of the contract, including the initial lot rent, the rental amount for the home, and the amount of the rent-to-own payments; the term of the agreement; the number of payments, itemized, required to be made over the term of the agreement; the annual percentage rate of the amount financed, if applicable; and the amount of any additional fees to be paid during the term. A rent-to-own contract shall not require a manufactured home tenant to pay any additional fees for transfer of ownership at the end of the lease period. A rent-to-own contract shall provide that where the rent-to-own tenant pays all rent-to-own payments and other fees established in the contract during the lease term, title transferred at the end of the lease term shall be free of superior interests, liens or encumbrances.

3. Valuations used to determine the fair market value of the manufactured home at the time the rent-to-own contract is entered into, shall be based on the information provided by an independent system, entity, publication or publications that provide valuation information for manufactured homes adjusted, as appropriate, by reasonable and identifiable regional market data, such as location, park-specific amenities, trends and comparable sales.

4. Every rent-to-own contract shall clearly state that the manufactured home tenant is occupying a rented home, until ownership is transferred, and that the manufactured home park owner and operator shall be responsible for compliance with the warranty of habitability, including but not limited to all major repairs and capital improvements.

5. With the execution of every rent-to-own contract, the manufactured home park owner or operator shall offer the manufactured home tenant a lease for the site on which the home is located as provided in subdivision f of this section, and, if the term of the rent-to-own contract is longer than the term of the initial site lease, shall offer renewal leases on the same terms as provided to manufactured home tenants within the park pursuant to subdivision e of this section, provided that such renewal lease may not include a rent increase greater than that imposed on similarly situated manufactured home tenants that own their home within the park.

6. The manufactured home park owner or operator shall provide each manufactured home tenant who is a party to a rent-to-own contract an itemized accounting listing all payments made pursuant to the rent-to-
own contract. Such accounting shall be provided no less than once each year, beginning one year from the execution of the rent-to-own contract. Upon request by a manufactured home tenant, the manufactured home park owner or operator shall provide such an accounting within ten days of such request.

7. Any successor to ownership of the manufactured home park shall be bound by the terms of a rent-to-own contract entered into after the effective date of this subdivision.

8. If a manufactured home tenant’s tenancy is terminated by the manufactured home park owner or operator during the term of a rent-to-own contract, all rent-to-own payments made during the term of the contract shall be refunded to the manufactured home tenant; if a manufactured home park owner or operator fails to refund such payments, in an eviction proceeding, the court may award the manufactured home renter damages in the amount of the rent-to-own payments which have not been refunded.

9. It is a violation of this section for a manufactured home park owner or operator to make any material misrepresentation, either written or oral, regarding any of the terms of a rent-to-own contract, or to obtain, or attempt to obtain, a waiver from any manufactured home renter of any protection or right provided under this subdivision.

10. (i) If a manufactured home park owner or operator violates the provisions of this subdivision or wrongfully evicts a manufactured home tenant who is a party to a rent-to-own contract, a court may award damages including treble the economic damages suffered by the manufactured home tenant, which may include all rent-to-own payments. The court may also provide for reasonable attorney fees and costs of litigation, and other equitable relief.

(ii) Failure of the manufactured home park owner or operator to comply with this section shall give the manufactured home renter the unconditional right to cancel the rent-to-own contract and receive immediate refund of all payments and deposits made on account of or in contemplation of the lease with the rent-to-own contract.

11. The provisions of this section apply to rent-to-own contracts and tenants with rent-to-own contracts.

§ 10. Paragraphs (a) and (c) of subdivision 2 of section 233-a of the real property law, as added by chapter 561 of the laws of 2008, are amended to read as follows:

(a) If a manufactured home park owner receives a bona fide offer to purchase a manufactured home park that such manufactured home park owner intends to accept, or respond with a counteroffer, such manufactured home park owner shall require the prospective purchaser to provide, in writing, the certification required by paragraph (b) of this subdivision, and shall not accept any offer to purchase, nor respond with a counteroffer until such manufactured home park owner has received such certification and met the requirements of this section.

(c) If a manufactured home park owner takes any action to market or offer the park for sale, or receives a bona fide offer to purchase a manufactured home park that such manufactured home park owner intends to accept or respond to with a counteroffer, such manufactured home park owner shall include a notice stating that such acceptance or counteroffer shall be subject to the right of the homeowners of the manufactured home park to purchase the manufactured home park pursuant to this subdivision. Notwithstanding any provision of law or agreement to the contrary, every agreement to purchase a manufactured home park by a prospective purchaser of a manu-
factured home park shall be subject to the right of the homeowners of the manufactured home park to purchase the manufactured home park pursuant to this subdivision if the purchaser certifies pursuant to paragraph (b) of this subdivision that he or she intends to change the use of the land.

§ 11. The first subdivision 3 of section 233-a of the real property law, as added by chapter 561 of the laws of 2008, is amended to read as follows:

3. (a) If a manufactured home park owner receives a bona fide offer to purchase a manufactured home park that such manufactured home park owner intends to accept or respond to with a counteroffer, and the purchaser has certified pursuant to paragraph (b) of subdivision two of this section that he intends to change the use of the land, such manufactured home park owner shall notify:

(i) the officers of the manufactured homeowners' association within such park of all the terms thereof; provided the offer to purchase and that the park owner has been notified of the establishment of a manufactured homeowners' association and been provided with the names and addresses of the officers of such association; or

(ii) if no homeowners' association exists, all manufactured homeowners in the manufactured home park; and

(iii) the commissioner of housing and community renewal.

(b) The manufactured home park owner's notification shall state:

(i) the price and

(ii) the material terms and conditions of sale or, in the case where such manufactured home park owner intends to make a counteroffer, the price and material terms and conditions upon which such manufactured home park owner would sell the park.

(iii) that the manufactured homeowners have the right to organize a manufactured homeowners' association or a manufactured homeowners' cooperative for the park;

(iv) that purchase financing may be available through the New York state homes and community renewal; and

(v) that the manufactured homeowners' association, a cooperative, or manufactured home owners or tenants have one hundred forty days to exercise their right to purchase the park in accordance with this section.

(c) (i) If a manufactured homeowners' association exists at the time of the offer, the association shall have the right to purchase the park; provided that the association shall have delivered to the manufactured home park owner an executed offer to purchase which meets the identical price, terms, and conditions of the offer or counteroffer provided in the notice of the manufactured home park owner within one hundred [twenty] forty days of receipt of notice from the manufactured home park owner, unless otherwise agreed to in writing. During this time period, the park owner shall not accept a final unconditional offer to purchase the park.

(ii) If an offer to purchase by the association is not delivered within such one hundred [twenty] forty day period, then, unless the park owner thereafter elects to offer to sell the park at a price lower than the price specified in the notice to the homeowners' association or at terms substantially different from those presented to the association, the park owner has no further obligations under this section.

(iii) If the park owner, after such one hundred [twenty] forty day period, elects to offer to sell the park at a price lower than the price specified in the notice given or at terms substantially different from those previously presented to the association, then the association
shall be entitled to notice thereof and shall have an additional [ten] thirty days after receipt of notice of the revised terms to deliver to the park owner an executed offer to purchase which meets the revised price, terms, and conditions as presented by the park owner.

(d) (i) If there is no existing homeowners' association at the time of the offer, the homeowners shall have the right to purchase the park; provided the following conditions are met:

(A) The manufactured homeowners shall have the right to form a manufactured homeowners' association, whether incorporated or not.

(B) Such homeowners' association shall include at least fifty-one percent of all manufactured homeowners, who shall have given written consent to forming a manufactured homeowners' association. The provisions of section two hundred twenty-three-b of this article shall apply to the formation of a manufactured homeowners' association.

(C) The association, acting through its officers, shall have given notice to the park owner of its formation, the names and addresses of its officers, and delivered an executed offer to purchase the park at the identical price, terms, and conditions of the offer presented in the notification given by the park owner within one hundred twenty days of receipt of notice from the park owner, unless otherwise agreed to in writing. During this time period, the park owner shall not accept a final unconditional offer to purchase the park.

(ii) If the homeowners fail to form a manufactured homeowners' association, or if upon the formation of a manufactured homeowners' association, the association does not deliver an executed offer to purchase as set forth in paragraph (a) of this subdivision within the one hundred twenty day period, then, unless the park owner elects to offer the park at a price lower than the price specified in the notice previously presented to the homeowners, the park owner has no further obligation under this section; and

(iii) If the park owner thereafter elects to sell the park at a price lower than the price specified in the notice to the homeowners or at terms substantially different from those previously presented, then the association shall have an additional [ten] thirty days after receipt of notice of the revised terms to deliver to the park owner an executed offer to purchase which meets the revised price, terms, and conditions as presented by the park owner.

§ 12. The real property law is amended by adding a new section 233-b to read as follows:

§ 233-b. Manufactured home parks; rent increases. 1. The provisions of this section shall apply to all manufactured homes located in a manufactured home park as defined in section two hundred thirty-three of this article, however manufactured homes located in manufactured home parks that are subject to a regulatory agreement with a governmental entity to preserve affordable housing or that otherwise limits rent increases are exempt from the provisions of this section.

2. Increases in rent shall not exceed a three percent increase above the rent since the current rent became effective. In this section, rent shall mean all costs, including all rent, fees, charges, assessments, and utilities. Notwithstanding the above, a manufactured home park owner is permitted to increase the rent in excess of three percent above the rent since the current rent became effective, due to:

(a) Increases in the manufactured home park owner's operating expenses.

(b) Increases in the manufactured home park owner's property taxes on such park.
(c) Increases in costs which are directly related to capital improvements in the park.

3. An increase above three percent may be challenged by an aggrieved manufactured homeowner as unjustified. Multiple aggrieved manufactured homeowners may join in the same action where there is a common question of law and fact.

4. Within ninety days of the proposed increase, an aggrieved manufactured homeowner may challenge such increase by filing an action in the court of appropriate subject matter jurisdiction where the real property is located seeking a declaratory judgment that the rent increase is unjustifiable.

5. In any proceeding under this section there shall be an irrebuttable presumption that a rent increase is justifiable when the amount of such increase does not exceed the tenant's pro-rata share in operating costs and property taxes for the manufactured home park in which the manufactured home owner resides.

6. (a) In determining whether a rent increase is permissible, the court shall consider the provisions of paragraphs (a), (b) and (c) of subdivision two of this section. Notwithstanding the above, rent increases shall not exceed six percent above the rent since the current rent became effective, except upon the approval of a temporary hardship application by the court. In addition to the provisions of this paragraph and paragraphs (b) and (c) of this subdivision the court shall take into account the following factors when determining whether to grant a temporary hardship application:

(i) The amount of increase being sought by the park owners;
(ii) The ability of the manufactured home owner to pay such increase including whether the increase would have an unreasonable adverse impact on the manufactured home owner;
(iii) The amount of time and notice the manufactured home owner may need in order to pay a temporary rent increase;
(iv) The duration the park owners intend for the temporary rent increase to last;
(v) The cause of the hardship the rent increase is being requested to alleviate, including whether the hardship was due to owner negligence and malfeasance;
(vi) The ability of the park owners to utilize other means besides a rent increase to alleviate said hardship;
(vii) The likelihood that the property the manufactured home park is located on will go into foreclosure if a temporary rent increase above six percent is not granted;
(viii) Any other factor that will jeopardize the ability of the park to legally operate.

(b) A court order approving a temporary hardship application shall state for each manufactured home owner:

(i) The amount of the rent increase;
(ii) The date the rent increase is to take effect;
(iii) The date the increase is to end;
(iv) The amount the rent will return to; and
(v) The court's findings as to the factors necessitating a temporary increase.

(c) Upon a finding by the court that the manufactured home park should be granted a hardship exemption, the amount of any rent increase shall be the minimum amount to alleviate the hardship. An order granting a temporary rent increase shall not exceed six months. The order must be served on the manufactured home owners and all known legal tenants.
pursuant to the rules of civil procedure within thirty days of the court
order, the cost of which shall be on the manufactured home park owner.

7. The court may condition its approval of any rent increase upon the
redress of conditions in the manufactured home park which threaten the
health and safety of the manufactured home tenant.

8. While a challenge to a rent increase pursuant to this section is
pending, manufactured home park tenants shall pay the amount of the rent
increase to the manufactured home park owner who shall hold such amounts
in escrow pending a mediated agreement between the parties or a final
decision from the courts, provided, however, that no manufactured home
park tenant shall be evicted for non-payment of the rent increase prior
to the final disposition of the matter by the court in the county where
the manufactured home park is located. Failure by the manufactured home
park owner to place such challenged rent increase in escrow shall be
punishable by a civil penalty of not more than five hundred dollars. If
the petitioners appeal, the manufactured home park owner may remove the
rent increase funds from escrow, mingle such funds with any other funds,
and commence a nonpayment proceeding in the court of appropriate juris-
diction against a tenant who has not paid the increase of rent. If the
court enters a final judgment declaring the rent increases or any part
thereof unjustifiable and impermissible, the manufactured home park
owner shall refund the amount of the impermissible increase to each
tenant household.

§ 13. Severability. If any provision of this act, or any application
of any provision of this act, is held to be invalid, that shall not
affect the validity or effectiveness of any other provision of this act,
or of any application of any provision of this act, which can be given
effect without that provision or application; and to that end, the
provisions and applications of this act are severable.

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

§ 2. Severability clause. If any clause, sentence, paragraph, subdivi-
sion, section or part of this act shall be adjudged by any court of
competent jurisdiction to be invalid, such judgment shall not affect,
impair, or invalidate the remainder thereof, but shall be confined in
its operation to the clause, sentence, paragraph, subdivision, section
or part thereof directly involved in the controversy in which such judg-
ment shall have been rendered. It is hereby declared to be the intent of
the legislature that this act would have been enacted even if such
invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that
the applicable effective date of Parts A through O of this act shall be
as specifically set forth in the last section of such Parts.