

# STATE OF NEW YORK

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6571

2019-2020 Regular Sessions

## IN SENATE

June 16, 2019

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Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the administrative code of the city of New York, to amend the emergency tenant protection act of nineteen seventy-four, and to amend part C of chapter 36 of the laws of 2019, amending the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating 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 relating to prohibiting a county rent guidelines board from establishing rent adjustments for class A dwelling units based on certain considerations, in relation to rent guidelines boards; to amend part D of chapter 36 of the laws of 2019 amending the emergency tenant protection act of nineteen seventy-four relating to vacancies in certain housing accommodations, in relation to making certain technical corrections; to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to vacancy decontrol; 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; to amend the emergency tenant protection act of nineteen seventy-four, the administrative code of the city of New York, the emergency housing rent control law, and to amend part K of chapter 36 of the laws of 2019, amending the emergency tenant protection act of nineteen seventy-four and other laws, relating to a temporary increase in rent in certain cases, in relation to rent increases in certain cases; to amend the public housing law, in relation to annual reports by the state commissioner of housing and community renewal; to amend the real property law, in relation to notices required to tenants; to amend part M of chapter 36 of the laws of 2019, amending the real property law, and other laws, relating to enacting the "statewide housing security and tenant protection act of 2019", in relation to the effectiveness of certain provisions thereof; to amend the real property law, in

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

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relation to the content of rent-to-own contracts pertaining to manufactured or mobile homes; to amend the emergency housing rent control law, in relation to adjustments of maximum rent; and to repeal certain provisions of the emergency housing rent control law and the administrative code of the city of New York relating to vacancy decontrol

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

1 Section 1. Subdivision j of section 26-510 of the administrative code  
2 of the city of New York, as added by section 1 of part C of chapter 36  
3 of the laws of 2019, is amended to read as follows:

4 j. Notwithstanding any other provision of this law, the adjustment for  
5 vacancy leases covered by the provisions of this law shall be determined  
6 exclusively pursuant to this section. [~~County~~] The rent guidelines  
7 [~~boards~~] board shall no longer promulgate adjustments for vacancy leases  
8 unless otherwise authorized by this chapter.

9 § 2. Subdivision e of section 4 of section 4 of chapter 576 of the  
10 laws of 1974, constituting the emergency tenant protection act of nine-  
11 teen seventy-four, as added by section 2 of part C of chapter 36 of the  
12 laws of 2019, is amended to read as follows:

13 e. Notwithstanding any other provision of this act, the adjustment for  
14 vacancy leases covered by the provisions of this act shall be determined  
15 exclusively pursuant to section ten of this act. [~~County—rent~~] Rent  
16 guidelines boards shall no longer promulgate adjustments for vacancy  
17 leases.

18 § 3. The opening paragraph of subdivision b of section 4 of section 4  
19 of chapter 576 of the laws of 1974, constituting the emergency tenant  
20 protection act of nineteen seventy-four, as amended by section 3 of part  
21 C of chapter 36 of the laws of 2019, is amended to read as follows:

22 A county rent guidelines board shall establish annual guidelines for  
23 rent adjustments which, at its sole discretion may be varied and differ-  
24 ent for and within the several zones and jurisdictions of the board, and  
25 in determining whether rents for housing accommodations as to which an  
26 emergency has been declared pursuant to this act shall be adjusted,  
27 shall consider among other things (1) the economic condition of the  
28 residential real estate industry in the affected area including such  
29 factors as the prevailing and projected (i) real estate taxes and sewer  
30 and water rates, (ii) gross operating maintenance costs (including  
31 insurance rates, governmental fees, cost of fuel and labor costs), (iii)  
32 costs and availability of financing (including effective rates of inter-  
33 est), (iv) over-all supply of housing accommodations and over-all vacan-  
34 cy rates, (2) relevant data from the current and projected cost of  
35 living indices for the affected area, (3) such other data as may be made  
36 available to it. As soon as practicable after its creation and thereaft-  
37 er not later than July first of each year, a rent guidelines board shall  
38 file with the state division of housing and community renewal its find-  
39 ings for the preceding calendar year, and shall accompany such findings  
40 with a statement of the maximum rate or rates of rent adjustment, if  
41 any, for one or more classes of accommodation subject to this act,  
42 authorized for leases or other rental agreements commencing during the  
43 next succeeding twelve months. The standards for rent adjustments may be  
44 applicable for the entire county or may be varied according to such  
45 zones or jurisdictions within such county as the board finds necessary  
46 to achieve the purposes of this subdivision. A [~~county~~] rent guidelines

1 board shall not establish annual guidelines for rent adjustments based  
2 on the current rental cost of a unit or on the amount of time that has  
3 elapsed since another rent increase was authorized pursuant to this  
4 chapter.

5 § 4. Section 5 of part C of chapter 36 of the laws of 2019, amending  
6 the administrative code of the city of New York and the emergency tenant  
7 protection act of nineteen seventy-four relating to vacancy of certain  
8 housing accommodations and to amend the emergency tenant protection act  
9 of nineteen seventy-four and the administrative code of the city of New  
10 York relating to prohibiting a county rent guidelines board from estab-  
11 lishing rent adjustments for class A dwelling units based on certain  
12 considerations, is amended to read as follows:

13 § 5. This act shall take effect immediately; provided, further, that  
14 the amendments to section 26-510 of chapter 4 of title 26 of the admin-  
15 istrative code of the city of New York made by sections one and four of  
16 this act shall expire on the same date as such law expires and shall not  
17 affect the expiration of such law as provided under section 26-520 of  
18 such law.

19 § 5. Section 6 of part D of chapter 36 of the laws of 2019 amending  
20 the emergency tenant protection act of nineteen seventy-four, relating  
21 to vacancies in certain housing accommodations, is amended to read as  
22 follows:

23 § 6. Paragraph 12 of subdivision a of section 5 of section 4 of chap-  
24 ter 576 of the laws of 1974, constituting the emergency tenant  
25 protection act of nineteen seventy-four, is REPEALED.

26 § 6. Section 7 of part D of chapter 36 of the laws of 2019 amending  
27 the emergency tenant protection act of nineteen seventy-four, relating  
28 to vacancies in certain housing accommodations, is amended to read as  
29 follows:

30 § 7. Section 5-a of section 4 of chapter 576 of the laws of 1974,  
31 constituting the emergency tenant protection act of nineteen seventy-  
32 four, is REPEALED.

33 § 7. Section 26-403.1 of the administrative code of the city of New  
34 York is REPEALED.

35 § 8. Subparagraph (j) of paragraph 2 of subdivision (e) of section  
36 26-403 of the administrative code of the city of New York is REPEALED.

37 § 9. Section 2-a of chapter 274 of the laws of 1946, constituting the  
38 emergency housing rent control law, is REPEALED.

39 § 10. Section 8 of part D of chapter 36 of the laws of 2019, amending  
40 the emergency tenant protection act of nineteen seventy-four, in relat-  
41 ing to vacancies in certain housing accommodations, is amended to read  
42 as follows:

43 § 8. This act shall take effect immediately; provided however, that  
44 (i) any unit that was lawfully deregulated prior to June 14, 2019 shall  
45 remain deregulated; and (ii) a market rate unit in a multiple dwelling  
46 receiving benefits pursuant to subdivision 16 of section 421-a of the  
47 real property tax law shall continue to be subject to the deregulation  
48 provisions of rent stabilization as provided by law prior to June 14,  
49 2019.

50 § 11. Subdivision (a-2) of section 10 of section 4 of chapter 576 of  
51 the laws of 1974, constituting the emergency tenant protection act of  
52 nineteen seventy-four, as amended by section 1 of part E of chapter 36  
53 of the laws of 2019, is amended to read as follows:

54 (a-2) Where the amount of rent charged to and paid by the tenant is  
55 less than the legal regulated rent for the housing accommodation, the  
56 amount of rent for such housing accommodation which may be charged upon

1 vacancy thereof, may, at the option of the owner, be based upon such  
2 previously established legal regulated rent, as adjusted by the most  
3 recent applicable guidelines increases and other increases authorized by  
4 law. ~~[Any]~~ For any tenant who is subject to a lease on or after the  
5 effective date of a chapter of the laws of two thousand nineteen which  
6 amended this subdivision, or is or was entitled to receive a renewal or  
7 vacancy lease on or after such date, upon renewal of such lease, the  
8 amount of rent for such housing accommodation that may be charged and  
9 paid shall be no more than the rent charged to and paid by the tenant  
10 prior to that renewal, as adjusted by the most recent applicable guide-  
11 lines increases and any other increases authorized by law. Provided,  
12 however, that for buildings that are subject to this statute by virtue  
13 of a regulatory agreement with a local government agency and which  
14 buildings receive federal project based rental assistance administered  
15 by the United States department of housing and urban development or a  
16 state or local section eight administering agency, where the rent set by  
17 the federal, state or local governmental agency is less than the legal  
18 regulated rent for the housing accommodation, the amount of rent for  
19 such housing accommodation which may be charged with the approval of  
20 such federal, state or local governmental agency upon renewal or upon  
21 vacancy thereof, may be based upon such previously established legal  
22 regulated rent, as adjusted by the most recent applicable guidelines  
23 increases or other increases authorized by law; and further provided  
24 that such vacancy shall not be caused by the failure of the owner or an  
25 agent of the owner, to maintain the housing accommodation in compliance  
26 with the warranty of habitability set forth in subdivision one of  
27 section two hundred thirty-five-b of the real property law.

28 § 12. Paragraph 14 of subdivision c of section 26-511 of the adminis-  
29 trative code of the city of New York, as amended by section 2 of part E  
30 of chapter 36 of the laws of 2019, is amended to read as follows:

31 (14) where the amount of rent charged to and paid by the tenant is  
32 less than the legal regulated rent for the housing accommodation, the  
33 amount of rent for such housing accommodation which may be charged upon  
34 vacancy thereof, may, at the option of the owner, be based upon such  
35 previously established legal regulated rent, as adjusted by the most  
36 recent applicable guidelines increases and any other increases author-  
37 ized by law. ~~[Any]~~ For any tenant who is subject to a lease on or after  
38 the effective date of a chapter of the laws of two thousand nineteen  
39 which amended this paragraph, or is or was entitled to receive a renewal  
40 or vacancy lease on or after such date, upon renewal of such lease, the  
41 amount of rent for such housing accommodation that may be charged and  
42 paid shall be no more than the rent charged to and paid by the tenant  
43 prior to that renewal, as adjusted by the most recent applicable guide-  
44 lines increases and any other increases authorized by law. Provided,  
45 however, that for buildings that are subject to this statute by virtue  
46 of a regulatory agreement with a local government agency and which  
47 buildings receive federal project based rental assistance administered  
48 by the United States department of housing and urban development or a  
49 state or local section eight administering agency, where the rent set by  
50 the federal, state or local governmental agency is less than the legal  
51 regulated rent for the housing accommodation, the amount of rent for  
52 such housing accommodation which may be charged with the approval of  
53 such federal, state or local governmental agency upon renewal or upon  
54 vacancy thereof, may be based upon such previously established legal  
55 regulated rent, as adjusted by the most recent applicable guidelines  
56 increases and other increases authorized by law; and further provided

1 that such vacancy shall not be caused by the failure of the owner or an  
2 agent of the owner, to maintain the housing accommodation in compliance  
3 with the warranty of habitability set forth in subdivision one of  
4 section two hundred thirty-five-b of the real property law.

5 § 13. Paragraph 9 of subdivision a of section 12 of section 4 of chap-  
6 ter 576 of the laws of 1974, constituting the emergency tenant  
7 protection act of nineteen seventy-four, as added by section 2 of part F  
8 of chapter 36 of the laws of 2019, is amended to read as follows:

9 (9) The division of housing and community renewal and the courts, in  
10 investigating complaints of overcharge and in determining legal regu-  
11 lated rents, shall consider all available rent history which is reason-  
12 ably necessary to make such determinations, including but not limited to  
13 (a) any rent registration or other records filed with the state division  
14 of housing and community renewal, or any other state, municipal or  
15 federal agency, regardless of the date to which the information on such  
16 registration refers; (b) any order issued by any state, municipal or  
17 federal agency; (c) any records maintained by the owner or tenants; and  
18 (d) any public record kept in the regular course of business by any  
19 state, municipal or federal agency. Nothing contained in this paragraph  
20 shall limit the examination of rent history relevant to a determination  
21 as to:

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

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

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

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

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

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

43 (vii) the legality of a rent charged or registered immediately prior  
44 to the registration of a preferential rent; or

45 (viii) the amount of the legal regulated rent where the apartment was  
46 vacant or temporarily exempt on the date six years prior to a tenant's  
47 complaint.

48 § 14. Subparagraph (b) of paragraph 9 of subdivision c of section  
49 26-511 of the administrative code of the city of New York, as amended by  
50 section 2 of part I of chapter 36 of the laws of 2019, is amended to  
51 read as follows:

52 (b) where he or she seeks to recover possession of one dwelling unit  
53 because of immediate and compelling necessity for his or her own  
54 personal use and occupancy as his or her primary residence or for the  
55 use and occupancy of a member of his or her immediate family as his or  
56 her primary residence, provided however, that this subparagraph shall

1 permit recovery of only one dwelling unit and shall not apply where a  
2 tenant or the spouse of a tenant lawfully occupying the dwelling unit is  
3 sixty-two years of age or older, has been a tenant in a dwelling unit in  
4 that building for fifteen years or more, or has an impairment which  
5 results from anatomical, physiological or psychological conditions,  
6 other than addiction to alcohol, gambling, or any controlled substance,  
7 which are demonstrable by medically acceptable clinical and laboratory  
8 diagnostic techniques, and which are expected to be permanent and which  
9 prevent the tenant from engaging in any substantial gainful employment,  
10 unless such owner offers to provide and if requested, provides an equiv-  
11 alent or superior housing accommodation at the same or lower stabilized  
12 rent in a closely proximate area. The provisions of this subparagraph  
13 shall only permit one of the individual owners of any building to  
14 recover possession of one dwelling unit for his or her own personal use  
15 and/or for that of his or her immediate family. A dwelling unit recov-  
16 ered by an owner pursuant to this subparagraph shall not for a period of  
17 three years be rented, leased, subleased or assigned to any person other  
18 than a person for whose benefit recovery of the dwelling unit is permit-  
19 ted pursuant to this subparagraph or to the tenant in occupancy at the  
20 time of recovery under the same terms as the original lease; provided,  
21 however, that a tenant required to surrender a [~~housing accommodation by~~  
22 ~~virtue of the operation of subdivision g or h of section 26-408 of this~~  
23 ~~title~~] dwelling unit under this subparagraph shall have a cause of  
24 action in any court of competent jurisdiction for damages, declaratory,  
25 and injunctive relief against a landlord or purchaser of the premises  
26 who makes a fraudulent statement regarding a proposed use of the housing  
27 accommodation. In any action or proceeding brought pursuant to this  
28 subparagraph a prevailing tenant shall be entitled to recovery of actual  
29 damages, and reasonable attorneys' fees. This subparagraph shall not be  
30 deemed to establish or eliminate any claim that the former tenant of the  
31 dwelling unit may otherwise have against the owner. Any such rental,  
32 lease, sublease or assignment during such period to any other person may  
33 be subject to a penalty of a forfeiture of the right to any increases in  
34 residential rents in such building for a period of three years; or

35 § 15. Subdivision a of section 10 of section 4 of chapter 576 of the  
36 laws of 1974, constituting the emergency tenant protection act of nine-  
37 teen seventy-four, as amended by section 3 of part I of chapter 36 of  
38 the laws of 2019, is amended to read as follows:

39 a. For cities having a population of less than one million and towns  
40 and villages, the state division of housing and community renewal shall  
41 be empowered to implement this act by appropriate regulations. Such  
42 regulations may encompass such speculative or manipulative practices or  
43 renting or leasing practices as the state division of housing and commu-  
44 nity renewal determines constitute or are likely to cause circumvention  
45 of this act. Such regulations shall prohibit practices which are likely  
46 to prevent any person from asserting any right or remedy granted by this  
47 act, including but not limited to retaliatory termination of periodic  
48 tenancies and shall require owners to grant a new one or two year vacan-  
49 cy or renewal lease at the option of the tenant, except where a mortgage  
50 or mortgage commitment existing as of the local effective date of this  
51 act provides that the owner shall not grant a one-year lease; and shall  
52 prescribe standards with respect to the terms and conditions of new and  
53 renewal leases, additional rent and such related matters as security  
54 deposits, advance rental payments, the use of escalator clauses in leas-  
55 es and provision for increase in rentals for garages and other ancillary  
56 facilities, so as to [~~insure~~] ensure that the level of rent adjustments

1 authorized under this law will not be subverted and made ineffective.  
2 Any provision of the regulations permitting an owner to refuse to renew  
3 a lease on grounds that the owner seeks to recover possession of a hous-  
4 ing accommodation for his or her own use and occupancy or for the use  
5 and occupancy of his or her immediate family shall permit recovery of  
6 only one housing accommodation, shall require that an owner demonstrate  
7 immediate and compelling need and that the housing accommodation will be  
8 the proposed occupants' primary residence and shall not apply where a  
9 member of the housing accommodation is sixty-two years of age or older,  
10 has been a tenant in a housing accommodation in that building for  
11 fifteen years or more, or has an impairment which results from anatom-  
12 ical, physiological or psychological conditions, other than addiction to  
13 alcohol, gambling, or any controlled substance, which are demonstrable  
14 by medically acceptable clinical and laboratory diagnostic techniques,  
15 and which are expected to be permanent and which prevent the tenant from  
16 engaging in any substantial gainful employment; provided, however, that  
17 a tenant required to surrender a housing accommodation [~~by virtue of the~~  
18 ~~operation of subdivision g or h of section 26-408 of the administrative~~  
19 ~~code of the city of New York~~] under this subdivision shall have a cause  
20 of action in any court of competent jurisdiction for damages, declarato-  
21 ry, and injunctive relief against a landlord or purchaser of the prem-  
22 ises who makes a fraudulent statement regarding a proposed use of the  
23 housing accommodation. In any action or proceeding brought pursuant to  
24 this subdivision a prevailing tenant shall be entitled to recovery of  
25 actual damages, and reasonable attorneys' fees.

26 § 16. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of  
27 the laws of 1946, constituting the emergency housing rent control law,  
28 as amended by section 4 of part I of chapter 36 of the laws of 2019, is  
29 amended to read as follows:

30 (a) the landlord seeks in good faith to recover possession of a hous-  
31 ing accommodation because of immediate and compelling necessity for his  
32 or her own personal use and occupancy as his or her primary residence or  
33 for the use and occupancy of his or her immediate family as their prima-  
34 ry residence; provided, however, this subdivision shall permit recovery  
35 of only one housing accommodation and shall not apply where a member of  
36 the household lawfully occupying the housing accommodation is sixty-two  
37 years of age or older, has been a tenant in a housing accommodation in  
38 that building for fifteen years or more, or has an impairment which  
39 results from anatomical, physiological or psychological conditions,  
40 other than addiction to alcohol, gambling, or any controlled substance,  
41 which are demonstrable by medically acceptable clinical and laboratory  
42 diagnostic techniques, and which are expected to be permanent and which  
43 prevent the tenant from engaging in any substantial gainful employment;  
44 provided, however, that a tenant required to surrender a housing accom-  
45 modation [~~by virtue of the operation of subdivision g or h of section~~  
46 ~~26-408 of the administrative code of the city of New York~~] under this  
47 paragraph shall have a cause of action in any court of competent juris-  
48 diction for damages, declaratory, and injunctive relief against a land-  
49 lord or purchaser of the premises who makes a fraudulent statement  
50 regarding a proposed use of the housing accommodation. In any action or  
51 proceeding brought pursuant to this paragraph a prevailing tenant shall  
52 be entitled to recovery of actual damages, and reasonable attorneys'  
53 fees; or

54 § 17. Paragraphs 6 and 10 of subdivision a of section 5 of section 4  
55 of chapter 576 of the laws of 1974, constituting the emergency tenant  
56 protection act of nineteen seventy-four, paragraph 6 as amended by chap-

1 ter 403 of the laws of 1983 and paragraph 10 as amended by section 1 of  
2 part J of chapter 36 of the laws of 2019, are amended to read as  
3 follows:

4 (6) housing accommodations owned or operated by a hospital, convent,  
5 monastery, asylum, public institution, or college or school dormitory or  
6 any institution operated exclusively for charitable or educational  
7 purposes on a non-profit basis other than (i) those accommodations occu-  
8 pied by a tenant on the date such housing accommodation is acquired by  
9 any such institution, or which are occupied subsequently by a tenant who  
10 is not affiliated with such institution at the time of his initial occu-  
11 pancy or (ii) permanent housing accommodations with government  
12 contracted services, as of and after June fourteenth, two thousand nine-  
13 teen, to vulnerable individuals or individuals with disabilities who are  
14 or were homeless or at risk of homelessness; provided, however, that the  
15 terms of leases in existence as of June fourteenth, two thousand nine-  
16 teen, shall only be affected upon lease renewal, and further provided  
17 that upon the vacancy of such housing accommodations, the legal regu-  
18 lated rent for such housing accommodations shall be the legal regulated  
19 rent paid for such housing accommodations by the prior tenant, subject  
20 only to any adjustment adopted by the applicable rent guidelines board;

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

35 § 18. Paragraph 1 of subdivision d of section 6 of section 4 of chap-  
36 ter 576 of the laws of 1974, constituting the emergency tenant  
37 protection act of nineteen seventy-four, as amended by section 1 of part  
38 K of chapter 36 of the laws of 2019, is amended to read as follows:

39 (1) there has been a substantial modification or increase of dwelling  
40 space, or installation of new equipment or improvements or new furniture  
41 or furnishings, provided in or to a tenant's housing accommodation, on  
42 written informed tenant consent to the rent increase. In the case of a  
43 vacant housing accommodation, tenant consent shall not be required. The  
44 temporary increase in the legal regulated rent for the affected housing  
45 accommodation shall be one-one hundred sixty-eighth, in the case of a  
46 building with thirty-five or fewer housing accommodations or one-one  
47 hundred eightieth in the case of a building with more than thirty-five  
48 housing accommodations where such increase takes effect on or after the  
49 effective date of the chapter of the laws of two thousand nineteen that  
50 amended this paragraph, of the total actual cost incurred by the land-  
51 lord up to fifteen thousand dollars in providing such reasonable and  
52 verifiable modification or increase in dwelling space, furniture,  
53 furnishings, or equipment, including the cost of installation but  
54 excluding finance charges and any costs that exceed reasonable costs  
55 established by rules and regulations promulgated by the division of  
56 housing and community renewal. Such rules and regulations shall include:

1 (i) requirements for work to be done by licensed contractors and a  
2 prohibition on common ownership between the landlord and the contractor  
3 or vendor; and (ii) a requirement that the owner resolve within the  
4 dwelling space all outstanding hazardous or immediately hazardous  
5 violations of the Uniform Fire Prevention and Building Code (Uniform  
6 Code), New York City Fire Code, or New York City Building and Housing  
7 Maintenance Codes, if applicable. Provided further that an owner who is  
8 entitled to a rent increase pursuant to this paragraph shall not be  
9 entitled to a further rent increase based upon the installation of simi-  
10 lar equipment, or new furniture or furnishings within the useful life of  
11 such new equipment, or new furniture or furnishings. Provided further  
12 that the recoverable costs incurred by the landlord, pursuant to this  
13 paragraph, shall be limited to an aggregate cost of fifteen thousand  
14 dollars that may be expended on no more than three separate individual  
15 apartment improvements in a fifteen year period beginning with the first  
16 individual apartment improvement on or after June fourteenth, two thou-  
17 sand nineteen. Provided further that increases to the legal regulated  
18 rent pursuant to this paragraph shall be removed from the legal regu-  
19 lated rent thirty years from the date the increase became effective  
20 inclusive of any increases granted by the applicable rent guidelines  
21 board.

22 § 19. Paragraph 13 of subdivision c of section 26-511 of the adminis-  
23 trative code of the city of New York, as amended by section 2 of part K  
24 of chapter 36 of the laws of 2019, is amended to read as follows:

25 (13) provides that an owner is entitled to a rent increase where there  
26 has been a substantial modification or increase of dwelling space, or  
27 installation of new equipment or improvements or new furniture or  
28 furnishings provided in or to a tenant's housing accommodation, on writ-  
29 ten informed tenant consent to the rent increase. In the case of a  
30 vacant housing accommodation, tenant consent shall not be required. The  
31 temporary increase in the legal regulated rent for the affected housing  
32 accommodation shall be one-one hundred sixty-eighth, in the case of a  
33 building with thirty-five or fewer housing accommodations or one-one  
34 hundred eightieth in the case of a building with more than thirty-five  
35 housing accommodations where such increase takes effect on or after the  
36 effective date of the chapter of the laws of two thousand nineteen that  
37 amended this paragraph, of the total actual cost incurred by the land-  
38 lord in providing such reasonable and verifiable modification or  
39 increase in dwelling space, furniture, furnishings, or equipment,  
40 including the cost of installation but excluding finance charges and any  
41 costs that exceed reasonable costs established by rules and regulations  
42 promulgated by the division of housing and community renewal. Such rules  
43 and regulations shall include: (i) requirements for work to be done by  
44 licensed contractors and prohibit common ownership between the landlord  
45 and the contractor or vendor; and (ii) a requirement that the owner  
46 resolve within the dwelling space all outstanding hazardous or imme-  
47 diately hazardous violations of the Uniform Fire Prevention and Building  
48 Code (Uniform Code), New York City Fire Code, or New York City Building  
49 and Housing Maintenance Codes, if applicable. Provided further that an  
50 owner who is entitled to a rent increase pursuant to this paragraph  
51 shall not be entitled to a further rent increase based upon the instal-  
52 lation of similar equipment, or new furniture or furnishings within the  
53 useful life of such new equipment, or new furniture or furnishings.  
54 Provided further that the recoverable costs incurred by the landlord,  
55 pursuant to this paragraph, shall be limited to an aggregate cost of  
56 fifteen thousand dollars that may be expended on no more than three

1 separate individual apartment improvements in a fifteen year period  
2 beginning with the first individual apartment improvement on or after  
3 June fourteenth, two thousand nineteen. Provided further that increases  
4 to the legal regulated rent pursuant to this paragraph shall be removed  
5 from the legal regulated rent thirty years from the date the increase  
6 became effective inclusive of any increases granted by the applicable  
7 rent guidelines board.

8 § 20. Subparagraph (e) of paragraph 1 of subdivision g of section  
9 26-405 of the administrative code of the city of New York, as amended by  
10 section 3 of part K of chapter 36 of the laws of 2019, is amended to  
11 read as follows:

12 (e) The landlord and tenant by mutual voluntary written agreement  
13 demonstrating informed consent agree to a substantial increase or  
14 decrease in dwelling space or a change in furniture, furnishings or  
15 equipment provided in the housing accommodations. An adjustment under  
16 this subparagraph shall be equal to one-one hundred sixty-eighth, in the  
17 case of a building with thirty-five or fewer housing accommodations or  
18 one-one hundred eightieth in the case of a building with more than thir-  
19 ty-five housing accommodations where such temporary adjustment takes  
20 effect on or after the effective date of the chapter of the laws of two  
21 thousand nineteen that amended this subparagraph, of the total actual  
22 cost incurred by the landlord in providing such reasonable and verifi-  
23 able modification or increase in dwelling space, furniture, furnishings,  
24 or equipment, including the cost of installation but excluding finance  
25 charges and any costs that exceed reasonable costs established by rules  
26 and regulations promulgated by the division of housing and community  
27 renewal. Such rules and regulations shall include: (i) requirements for  
28 work to be done by licensed contractors and prohibit common ownership  
29 between the landlord and the contractor or vendor; and (ii) a require-  
30 ment that the owner resolve within the dwelling space all outstanding  
31 hazardous or immediately hazardous violations of the Uniform Fire  
32 Prevention and Building Code (Uniform Code), New York City Fire Code, or  
33 New York City Building and Housing Maintenance Codes, if applicable.  
34 Provided further that an owner who is entitled to a rent increase pursu-  
35 ant to this subparagraph shall not be entitled to a further rent  
36 increase based upon the installation of similar equipment, or new furni-  
37 ture or furnishings within the useful life of such new equipment, or new  
38 furniture or furnishings. Provided further that the recoverable costs  
39 incurred by the landlord, pursuant to this subparagraph shall be limited  
40 to an aggregate cost of fifteen thousand dollars that may be expended on  
41 no more than three separate individual apartment improvements in a  
42 fifteen year period beginning with the first individual apartment  
43 improvement on or after June fourteenth, two thousand nineteen. Provided  
44 further that increases to the legal regulated rent pursuant to this  
45 subparagraph shall be removed from the legal regulated rent thirty years  
46 from the date the increase became effective inclusive of any increases  
47 granted by the applicable rent guidelines board. The owner shall give  
48 written notice to the city rent agency of any such temporary adjustment  
49 pursuant to this subparagraph; or

50 § 21. Paragraphs 8 and 12 of subdivision a of section 26-511.1 of the  
51 administrative code of the city of New York, as added by section 4 of  
52 part K of chapter 36 of the laws of 2019, are amended to read as  
53 follows:

54 (8) establish that temporary major capital improvement increases shall  
55 be collectible prospectively on the first day of the first month begin-  
56 ning sixty days from the date of mailing notice of approval to the

1 tenant. Such notice shall disclose the total monthly increase in rent  
2 and the first month in which the tenant would be required to pay the  
3 temporary increase. An approval for a temporary major capital improve-  
4 ment increase shall not include retroactive payments. The collection of  
5 any increase shall not exceed two percent in any year from the effective  
6 date of the order granting the increase over the rent set forth in the  
7 schedule of gross rents, with collectability of any dollar excess above  
8 said sum to be spread forward in similar increments and added to the  
9 rent as established or set in future years. Upon vacancy, the landlord  
10 may add any remaining balance of the temporary major capital improvement  
11 increase to the legal regulated rent. Notwithstanding any other  
12 provision of the law, for any renewal lease commencing on or after June  
13 14, 2019, the collection of any rent increases due to any major capital  
14 improvements approved on or after June 16, 2012 and before June 16, 2019  
15 shall not exceed two percent in any year [~~beginning on or after Septem-~~  
16 ~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital  
17 improvement was approved;

18 (12) establish a form in the top six languages other than English  
19 spoken in the state according to the latest available data from the U.S.  
20 Bureau of Census for a temporary individual apartment improvement rent  
21 increase for a tenant in occupancy which shall be used by landlords to  
22 obtain written informed consent that shall include the estimated total  
23 cost of the improvement and the estimated monthly rent increase. [~~Such~~  
24 ~~consent shall be executed in the tenant's primary language.~~] Such form  
25 shall be completed and preserved in the centralized electronic retention  
26 system to be operational by June 14, 2020. Nothing herein shall relieve  
27 a landlord, lessor, or agent thereof of his or her duty to retain proper  
28 documentation of all improvements performed or any rent increases  
29 resulting from said improvements.

30 § 22. Paragraphs 8 and 12 of subdivision a of section 26-405.1 of the  
31 administrative code of the city of New York, as added by section 5 of  
32 part K of chapter 36 of the laws of 2019, are amended to read as  
33 follows:

34 (8) establish that temporary major capital improvement increases shall  
35 be collectible prospectively on the first day of the first month begin-  
36 ning sixty days from the date of mailing notice of approval to the  
37 tenant. Such notice shall disclose the total monthly increase in rent  
38 and the first month in which the tenant would be required to pay the  
39 temporary increase. An approval for a temporary major capital improve-  
40 ment increase shall not include retroactive payments. The collection of  
41 any increase shall not exceed two percent in any year from the effective  
42 date of the order granting the increase over the rent set forth in the  
43 schedule of gross rents, with collectability of any dollar excess above  
44 said sum to be spread forward in similar increments and added to the  
45 rent as established or set in future years. Upon vacancy, the landlord  
46 may add any remaining balance of the temporary major capital improvement  
47 increase to the legal regulated rent. Notwithstanding any other  
48 provision of the law, for any renewal lease commencing on or after June  
49 14, 2019, the collection of any rent increases due to any major capital  
50 improvements approved on or after June 16, 2012 and before June 16, 2019  
51 shall not exceed two percent in any year [~~beginning on or after Septem-~~  
52 ~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital  
53 improvement was approved;

54 (12) establish a form in the top six languages other than English  
55 spoken in the state according to the latest available data from the U.S.  
56 Bureau of Census for a temporary individual apartment improvement rent

1 increase for a tenant in occupancy which shall be used by landlords to  
2 obtain written informed consent that shall include the estimated total  
3 cost of the improvement and the estimated monthly rent increase. [~~Such~~  
4 ~~consent shall be executed in the tenant's primary language.~~] Such form  
5 shall be completed and preserved in the centralized electronic retention  
6 system to be operational by June 14, 2020. Nothing herein shall relieve  
7 a landlord, lessor, or agent thereof of his or her duty to retain proper  
8 documentation of all improvements performed or any rent increases  
9 resulting from said improvements.

10 § 23. Paragraphs 8 and 12 of subdivision (a) of section 10-b of  
11 section 4 of chapter 576 of the laws of 1974, constituting the emergency  
12 tenant protection act of nineteen seventy-four, as added by section 6 of  
13 part K of chapter 36 of the laws of 2019, are amended to read as  
14 follows:

15 8. establish that temporary major capital improvement increases shall  
16 be collectible prospectively on the first day of the first month begin-  
17 ning sixty days from the date of mailing notice of approval to the  
18 tenant. Such notice shall disclose the total monthly increase in rent  
19 and the first month in which the tenant would be required to pay the  
20 temporary increase. An approval for a temporary major capital improve-  
21 ment increase shall not include retroactive payments. The collection of  
22 any increase shall not exceed two percent in any year from the effective  
23 date of the order granting the increase over the rent set forth in the  
24 schedule of gross rents, with collectability of any dollar excess above  
25 said sum to be spread forward in similar increments and added to the  
26 rent as established or set in future years. Upon vacancy, the landlord  
27 may add any remaining balance of the temporary major capital improvement  
28 increase to the legal regulated rent. Notwithstanding any other  
29 provision of the law, for any renewal lease commencing on or after June  
30 14, 2019, the collection of any rent increases due to any major capital  
31 improvements approved on or after June 16, 2012 and before June 16, 2019  
32 shall not exceed two percent in any year [~~beginning on or after Septem-~~  
33 ~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital  
34 improvement was approved;

35 12. establish a form in the top six languages other than English  
36 spoken in the state according to the latest available data from the U.S.  
37 Bureau of Census for a temporary individual apartment improvement rent  
38 increase for a tenant in occupancy which shall be used by landlords to  
39 obtain written informed consent that shall include the estimated total  
40 cost of the improvement and the estimated monthly rent increase. [~~Such~~  
41 ~~consent shall be executed in the tenant's primary language.~~] Such form  
42 shall be completed and preserved in the centralized electronic retention  
43 system to be operational by June 14, 2020. Nothing herein shall relieve  
44 a landlord, lessor, or agent thereof of his or her duty to retain proper  
45 documentation of all improvements performed or any rent increases  
46 resulting from said improvements.

47 § 24. Paragraphs (h) and (l) of subdivision 1 of section 8-a of chap-  
48 ter 274 of the laws of 1946, constituting the emergency housing rent  
49 control law, as added by section 7 of part K of chapter 36 of the laws  
50 of 2019, are amended to read as follows:

51 (h) establish that temporary major capital improvement increases shall  
52 be collectible prospectively on the first day of the first month begin-  
53 ning sixty days from the date of mailing notice of approval to the  
54 tenant. Such notice shall disclose the total monthly increase in rent  
55 and the first month in which the tenant would be required to pay the  
56 temporary increase. An approval for a temporary major capital improve-

1 ment increase shall not include retroactive payments. The collection of  
2 any increase shall not exceed two percent in any year from the effective  
3 date of the order granting the increase over the rent set forth in the  
4 schedule of gross rents, with collectability of any dollar excess above  
5 said sum to be spread forward in similar increments and added to the  
6 rent as established or set in future years. Upon vacancy, the landlord  
7 may add any remaining balance of the temporary major capital improvement  
8 increases to the legal regulated rent. Notwithstanding any other  
9 provision of the law, for any renewal lease commencing on or after June  
10 14, 2019, the collection of any rent increases due to any major capital  
11 improvements approved on or after June 16, 2012 and before June 16, 2019  
12 shall not exceed two percent in any year [~~beginning on or after Septem-~~  
13 ~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital  
14 improvement was approved;

15 (1) establish a form in the top six languages other than English  
16 spoken in the state according to the latest available data from the U.S.  
17 Bureau of Census for a temporary individual apartment improvement rent  
18 increase for a tenant in occupancy which shall be used by landlords to  
19 obtain written informed consent that shall include the estimated total  
20 cost of the improvement and the estimated monthly rent increase. [~~Such~~  
21 ~~consent shall be executed in the tenant's primary language.~~] Such form  
22 shall be completed and preserved in the centralized electronic retention  
23 system to be operational by June 14, 2020. Nothing herein shall relieve  
24 a landlord, lessor, or agent thereof of his or her duty to retain proper  
25 documentation of all improvements performed or any rent increases  
26 resulting from said improvements.

27 § 25. Subparagraph 7 of the second undesignated paragraph of paragraph  
28 (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946,  
29 constituting the emergency housing rent control law, as amended by  
30 section 8 of part K of chapter 36 of the laws of 2019, is amended to  
31 read as follows:

32 (7) there has been since March first, nineteen hundred fifty, a major  
33 capital improvement essential for the preservation, energy efficiency,  
34 functionality, or infrastructure of the entire building, improvement of  
35 the structure including heating, windows, plumbing and roofing, but  
36 shall not be for operational costs or unnecessary cosmetic improvements;  
37 which for any order of the commissioner issued after the effective date  
38 of the chapter of the laws of two thousand nineteen that amended this  
39 paragraph the cost of such improvement shall be amortized over a twelve-  
40 year period for buildings with thirty-five or fewer units or a twelve  
41 and one-half year period for buildings with more than thirty-five units,  
42 and shall be removed from the legal regulated rent thirty years from the  
43 date the increase became effective inclusive of any increases granted by  
44 the applicable rent guidelines board. Temporary major capital improve-  
45 ment increases shall be collectible prospectively on the first day of  
46 the first month beginning sixty days from the date of mailing notice of  
47 approval to the tenant. Such notice shall disclose the total monthly  
48 increase in rent and the first month in which the tenant would be  
49 required to pay the temporary increase. An approval for a temporary  
50 major capital improvement increase shall not include retroactive  
51 payments. The collection of any increase shall not exceed two percent in  
52 any year from the effective date of the order granting the increase over  
53 the rent set forth in the schedule of gross rents, with collectability  
54 of any dollar excess above said sum to be spread forward in similar  
55 increments and added to the rent as established or set in future years.  
56 Upon vacancy, the landlord may add any remaining balance of the tempo-

1 rary major capital improvement increase to the legal regulated rent.  
2 Notwithstanding any other provision of the law, for any renewal lease  
3 commencing on or after June 14, 2019, the collection of any rent  
4 increases due to any major capital improvements approved on or after  
5 June 16, 2012 and before June 16, 2019 shall not exceed two percent in  
6 any year [~~beginning on or after September 1, 2019~~] for any tenant in  
7 occupancy on the date the major capital improvement was approved; or

8 § 26. Paragraph 3 of subdivision d of section 6 of section 4 of chap-  
9 ter 576 of the laws of 1974, constituting the emergency tenant  
10 protection act of nineteen seventy-four, as amended by section 9 of part  
11 K of chapter 36 of the laws of 2019, is amended to read as follows:

12 (3) there has been since January first, nineteen hundred seventy-four  
13 a major capital improvement essential for the preservation, energy effi-  
14 ciency, functionality, or infrastructure of the entire building,  
15 improvement of the structure including heating, windows, plumbing and  
16 roofing, but shall not be for operation costs or unnecessary cosmetic  
17 improvements. An adjustment under this paragraph shall be in an amount  
18 sufficient to amortize the cost of the improvements pursuant to this  
19 paragraph over a twelve-year period for a building with thirty-five or  
20 fewer housing accommodations, or a twelve and one-half period for a  
21 building with more than thirty-five housing accommodations and shall be  
22 removed from the legal regulated rent thirty years from the date the  
23 increase became effective inclusive of any increases granted by the  
24 applicable rent guidelines board, for any determination issued by the  
25 division of housing and community renewal after the effective date of  
26 the chapter of the laws of two thousand nineteen that amended this para-  
27 graph[~~, the~~]. Temporary major capital improvement increases shall be  
28 collectable prospectively on the first day of the first month beginning  
29 sixty days from the date of mailing notice of approval to the tenant.  
30 Such notice shall disclose the total monthly increase in rent and the  
31 first month in which the tenant would be required to pay the temporary  
32 increase. An approval for a temporary major capital improvement increase  
33 shall not include retroactive payments. The collection of any increase  
34 shall not exceed two percent in any year from the effective date of the  
35 order granting the increase over the rent set forth in the schedule of  
36 gross rents, with collectability of any dollar excess above said sum to  
37 be spread forward in similar increments and added to the rent as estab-  
38 lished or set in future years. Upon vacancy, the landlord may add any  
39 remaining balance of the temporary major capital improvement increase to  
40 the legal regulated rent. Notwithstanding any other provision of the  
41 law, the collection of any rent increases for any renewal lease commenc-  
42 ing on or after June 14, 2019, due to any major capital improvements  
43 approved on or after June 16, 2012 and before June 16, 2019 shall not  
44 exceed two percent in any year [~~beginning on or after September 1, 2019~~]  
45 for any tenant in occupancy on the date the major capital improvement  
46 was approved, or

47 § 27. Subparagraph (g) of paragraph 1 of subdivision g of section  
48 26-405 of the administrative code of the city of New York, as amended by  
49 section 10 of part K of chapter 36 of the laws of 2019, is amended to  
50 read as follows:

51 (g) There has been since July first, nineteen hundred seventy, a major  
52 capital improvement essential for the preservation energy efficiency,  
53 functionality, or infrastructure of the entire building, improvement of  
54 the structure including heating, windows, plumbing and roofing but shall  
55 not be for operational costs or unnecessary cosmetic improvements. The  
56 temporary increase based upon a major capital improvement under this

1 subparagraph for any order of the commissioner issued after the effective date of the chapter of the laws of two thousand nineteen that  
2 amended this subparagraph shall be in an amount sufficient to amortize  
3 the cost of the improvements pursuant to this subparagraph (g) over a  
4 twelve-year period for buildings with thirty-five or fewer units or a  
5 twelve and one-half year period for buildings with more than thirty-five  
6 units, and shall be removed from the legal regulated rent thirty years  
7 from the date the increase became effective inclusive of any increases  
8 granted by the applicable rent guidelines board. Temporary major capital  
9 improvement increases shall be collectible prospectively on the  
10 first day of the first month beginning sixty days from the date of mailing  
11 notice of approval to the tenant. Such notice shall disclose the  
12 total monthly increase in rent and the first month in which the tenant  
13 would be required to pay the temporary increase. An approval for a  
14 temporary major capital improvement increase shall not include retroactive  
15 payments. The collection of any increase shall not exceed two  
16 percent in any year from the effective date of the order granting the  
17 increase over the rent set forth in the schedule of gross rents, with  
18 collectability of any dollar excess above said sum to be spread forward  
19 in similar increments and added to the rent as established or set in  
20 future years. Upon vacancy, the landlord may add any remaining balance  
21 of the temporary major capital improvement increase to the legal regulated  
22 rent. Notwithstanding any other provision of the law, for any  
23 renewal lease commencing on or after June 14, 2019, the collection of  
24 any rent increases due to any major capital improvements approved on or  
25 after June 16, 2012 and before June 16, 2019 shall not exceed two  
26 percent in any year [~~beginning on or after September 1, 2019~~] for any  
27 tenant in occupancy on the date the major capital improvement was  
28 approved, or

29  
30 § 28. Paragraph 6 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 11 of part K of chapter 36 of the laws of 2019, is amended to read as follows:

31  
32 (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  
33 the level of fair rent increase is not sufficient to enable the owner to  
34 maintain approximately the same average annual net income (which shall  
35 be computed without regard to debt service, financing costs or management fees) for the three year period ending on or within six months of  
36 the date of an application pursuant to such criteria as compared with  
37 annual net income, which prevailed on the average over the period nineteen hundred sixty-eight through nineteen hundred seventy, or for the  
38 first three years of operation if the building was completed since nineteen hundred sixty-eight or for the first three fiscal years after a  
39 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  
40 the building as a result of a bona fide sale of the entire building and  
41 that the new owner is unable to obtain requisite records for the fiscal years nineteen hundred sixty-eight through nineteen hundred seventy  
42 despite diligent efforts to obtain same from predecessors in title and  
43 further provided that the new owner can provide financial data covering  
44 a minimum of six years under his or her continuous and uninterrupted  
45 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

1 are deemed depreciable under the Internal Revenue Code and that the cost  
2 is to be amortized over a twelve-year period for a building with thir-  
3 ty-five or fewer housing accommodations, or a twelve and one-half-year  
4 period for a building with more than thirty-five housing accommodations,  
5 for any determination issued by the division of housing and community  
6 renewal after the effective date of the the chapter of the laws of two  
7 thousand nineteen that amended this paragraph and shall be removed from  
8 the legal regulated rent thirty years from the date the increase became  
9 effective inclusive of any increases granted by the applicable rent  
10 guidelines board. Temporary major capital improvement increases shall  
11 be collectible prospectively on the first day of the first month begin-  
12 ning sixty days from the date of mailing notice of approval to the  
13 tenant. Such notice shall disclose the total monthly increase in rent  
14 and the first month in which the tenant would be required to pay the  
15 temporary increase. An approval for a temporary major capital improve-  
16 ment increase shall not include retroactive payments. The collection of  
17 any increase shall not exceed two percent in any year from the effective  
18 date of the order granting the increase over the rent set forth in the  
19 schedule of gross rents, with collectability of any dollar excess above  
20 said sum to be spread forward in similar increments and added to the  
21 rent as established or set in future years. Upon vacancy, the landlord  
22 may add any remaining balance of the temporary major capital improvement  
23 increase to the legal regulated rent. Notwithstanding any other  
24 provision of the law, for any renewal lease commencing on or after June  
25 14, 2019, the collection of any rent increases due to any major capital  
26 improvements approved on or after June 16, 2012 and before June 16, 2019  
27 shall not exceed two percent in any year [~~beginning on or after Septem-~~  
28 ~~ber 1, 2019~~] for any tenant in occupancy on the date the major capital  
29 improvement was approved or based upon cash purchase price exclusive of  
30 interest or service charges. Notwithstanding anything to the contrary  
31 contained herein, no hardship increase granted pursuant to this para-  
32 graph shall, when added to the annual gross rents, as determined by the  
33 commissioner, exceed the sum of, (i) the annual operating expenses, (ii)  
34 an allowance for management services as determined by the commissioner,  
35 (iii) actual annual mortgage debt service (interest and amortization) on  
36 its indebtedness to a lending institution, an insurance company, a  
37 retirement fund or welfare fund which is operated under the supervision  
38 of the banking or insurance laws of the state of New York or the United  
39 States, and (iv) eight and one-half percent of that portion of the fair  
40 market value of the property which exceeds the unpaid principal amount  
41 of the mortgage indebtedness referred to in subparagraph (iii) of this  
42 paragraph. Fair market value for the purposes of this paragraph shall be  
43 six times the annual gross rent. The collection of any increase in the  
44 stabilized rent for any apartment pursuant to this paragraph shall not  
45 exceed six percent in any year from the effective date of the order  
46 granting the increase over the rent set forth in the schedule of gross  
47 rents, with collectability of any dollar excess above said sum to be  
48 spread forward in similar increments and added to the stabilized rent as  
49 established or set in future years;

50 § 29. Subdivision (c) of section 18 of part K of chapter 36 of the  
51 laws of 2019, amending the emergency tenant protection act of nineteen  
52 seventy-four and other laws relating to a temporary increase in rent in  
53 certain cases, is amended to read as follows:

54 (c) [~~effective immediately,~~] the addition, amendment and/or repeal of  
55 any rule or regulation necessary for the implementation of this act on  
56 [~~its effective date are authorized and~~] and after June 14, 2019 are

1 directed to be made immediately and completed on or before [~~such effective~~  
2 ~~date~~] June 14, 2020, provided however that in the absence of such  
3 rules and regulations, the division shall immediately commence and  
4 continue implementation of all provisions of this act.

5 § 30. Subdivision 2 of section 20 of the public housing law, as added  
6 by section 2 of part L of chapter 36 of the laws of 2019, is amended to  
7 read as follows:

8 2. The commissioner shall, on or before December thirty-first, two  
9 thousand nineteen, and on or before December thirty-first in each subse-  
10 quent year, submit and make publicly available a report to the governor,  
11 the temporary president of the senate, the speaker of the assembly, and  
12 on its website, on the implementation of the system of rent regulation  
13 pursuant to chapter five hundred seventy-six of the laws of nineteen  
14 hundred seventy-four, chapter two hundred seventy four of the laws of  
15 nineteen hundred forty-six, chapter three hundred twenty-nine of the  
16 laws of nineteen hundred sixty-three, chapter five hundred fifty-five of  
17 the laws of nineteen hundred eighty-two, chapter four hundred two of the  
18 laws of nineteen hundred eighty-three, chapter one hundred sixteen of  
19 the laws of nineteen hundred ninety-seven, sections 26-501, 26-502, and  
20 26-520 of the administrative code of the city of New York and the hous-  
21 ing stability and tenant protection act of 2019. Such report shall  
22 include but not be limited to: a narrative describing the programs and  
23 activities undertaken by the office of rent administration and the  
24 tenant protection unit, and any other programs or activities undertaken  
25 by the division to implement, administer, and enforce the system of rent  
26 regulation; and in tabular format, for each of the three fiscal years  
27 immediately preceding the date the report is due: (i) the number of rent  
28 stabilized housing accommodations within each county; (ii) the number of  
29 rent controlled housing accommodations within each county; (iii) the  
30 number of applications for major capital improvements filed with the  
31 division, the number of such applications approved as submitted, the  
32 number of such applications approved with modifications, and the number  
33 of such applications rejected; (iv) the median and mean value of appli-  
34 cations for major capital improvements approved; (v) the number of units  
35 which were registered with the division where the amount charged to and  
36 paid by the tenant was less than the registered rent for the housing  
37 accommodation; (vi) for housing accommodations that were registered with  
38 the division where the amount charged to and paid by the tenant was less  
39 than the registered rent for the housing accommodation, the median and  
40 mean difference between the registered rent for a housing accommodation  
41 and the amount charged to and paid by the tenant; (vii) the median and  
42 mean registered rent for housing accommodations for which the lease was  
43 renewed by an existing tenant; (viii) the median and mean registered  
44 rent for housing accommodations for which a lease was signed by a new  
45 tenant after a vacancy; (ix) the median and mean increase, in dollars  
46 and as a percentage, in the registered rent for housing accommodations  
47 where the lease was signed by a new tenant after a vacancy; (x) the  
48 median and mean increase, in dollars and as a percentage, in the regis-  
49 tered rent for housing accommodations where the lease was signed by a  
50 new tenant after a vacancy, where the amount charged to and paid by the  
51 prior tenant was the full registered rent; (xi) the median and mean  
52 increase, in dollars and as a percentage, in the registered rent for  
53 housing accommodations where the lease was signed by a new tenant after  
54 a vacancy, where the amount charged to and paid by the prior tenant was  
55 less than the registered rent; (xii) the number of rent overcharge  
56 complaints processed by the division; (xiii) the number of final over-

1 charge orders granting an overcharge; (xiv) the number of investigations  
2 commenced by the tenant protection unit, the aggregate number of rent  
3 stabilized or rent controlled housing accommodations in each county that  
4 were the subject of such investigations, and the dispositions of such  
5 investigations. At the time the report is due, the commissioner shall  
6 make available to the governor, the temporary president of the senate,  
7 the speaker of the assembly, and shall make publicly available, and on  
8 its website in machine readable format, the data used to tabulate the  
9 figures required to be included in the report, taking any steps neces-  
10 sary to protect confidential information regarding ongoing investi-  
11 gations, individual buildings, housing accommodations, property owners,  
12 and tenants.

13 § 31. Subdivision 2 of section 226-c of the real property law, as  
14 added by section 3 of part M of chapter 36 of the laws of 2019, is  
15 amended to read as follows:

16 2. (a) For the purposes of this section, the required notice shall be  
17 based on the cumulative amount of time the tenant has occupied the resi-  
18 dence or the length of the tenancy in each lease, whichever is longer.

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

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

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

29 § 32. Section 232-a of the real property law, as amended by section 6  
30 of part M of chapter 36 of the laws of 2019, is amended to read as  
31 follows:

32 § 232-a. Notice to terminate monthly tenancy or tenancy from month to  
33 month in the city of New York. No monthly tenant, or tenant from month  
34 to month, shall hereafter be removed from any lands or buildings in the  
35 city of New York on the grounds of holding over the tenant's term unless  
36 pursuant to the notice period required by subdivision two of section two  
37 hundred twenty-six-c of this article, or for a tenancy other than a  
38 residential tenancy at least thirty days before the expiration of the  
39 term, the landlord or the landlord's agent serve upon the tenant, in the  
40 same manner in which a notice of petition in summary proceedings is now  
41 allowed to be served by law, a notice in writing to the effect that the  
42 landlord elects to terminate the tenancy and that unless the tenant  
43 removes from such premises on the day designated in the notice, the  
44 landlord will commence summary proceedings under the statute to remove  
45 such tenant therefrom.

46 § 33. Section 232-b of the real property law, as amended by section 7  
47 of part M of chapter 36 of the laws of 2019, is amended to read as  
48 follows:

49 § 232-b. Notification to terminate monthly tenancy or tenancy from  
50 month to month outside the city of New York. A monthly tenancy or tenan-  
51 cy from month to month of any lands or buildings located outside of the  
52 city of New York may be terminated by the tenant or for a tenancy other  
53 than a residential tenancy the landlord, upon the tenant's or non-resi-  
54 dential landlord's notifying the landlord or non-residential tenant at  
55 least one month before the expiration of the term of the tenant's

1 election to terminate; provided, however, that no notification shall be  
2 necessary to terminate a tenancy for a definite term.

3 § 34. Section 29 of part M of chapter 36 of the laws of 2019, amending  
4 the real property law, and other laws, in relation to enacting the  
5 "statewide housing security and tenant protection act of 2019", is  
6 amended to read as follows:

7 § 29. This act shall take effect immediately and shall apply to  
8 actions and proceedings commenced on or after such effective date;  
9 provided, however, that sections three, six and seven shall take effect  
10 on the one hundred twentieth day after this act shall have become a law;  
11 provided, further, that section twenty-five of this act shall take  
12 effect on the thirtieth day after this act shall have become a law and  
13 shall apply to any lease or rental agreement or renewal of a lease or  
14 rental agreement entered into on or after such date; and, provided,  
15 further, ~~[section]~~ sections five, fourteen, sixteen and seventeen of  
16 this act shall take effect on the thirtieth day after this act shall  
17 have become a law.

18 § 35. Paragraph 2 of subdivision y of section 233 of the real property  
19 law, as added by section 9 of part O of chapter 36 of the laws of 2019,  
20 is amended to read as follows:

21 2. Every rent-to-own contract shall be in writing and clearly state  
22 all terms, including but not limited to: a description of the home to be  
23 leased, including the name of the manufacturer, the serial number and  
24 the year of manufacture; the site number upon which the home is located  
25 in the manufactured home park; an itemized statement of any payments to  
26 be made during the term of the contract, including the initial lot rent,  
27 the rental amount for the home, and the amount of the rent-to-own  
28 payments; the term of the agreement; the number of payments, itemized,  
29 required to be made over the term of the agreement; ~~[the annual percent-~~  
30 ~~age rate of the amount financed]~~ any lien or security interest encumber-  
31 ing the manufactured or mobile home, if applicable; and the amount of  
32 any additional fees to be paid during the term. A rent-to-own contract  
33 shall not require a manufactured home tenant to pay any additional fees  
34 for transfer of ownership at the end of the lease period. A rent-to-own  
35 contract shall provide that where the rent-to-own tenant pays all rent-  
36 to-own payments and other fees established in the contract during the  
37 lease term, title transferred at the end of the lease term shall be free  
38 of superior interests, liens or encumbrances.

39 § 36. Subparagraph 5 of the second undesignated paragraph of paragraph  
40 (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946,  
41 constituting the emergency housing rent control law, as amended by  
42 section 25 of part B of chapter 97 of the laws of 2011, is amended to  
43 read as follows:

44 (5) the landlord and tenant by mutual voluntary written informed  
45 agreement agree to a substantial increase or decrease in dwelling space  
46 ~~[or a change in the services]~~, furniture, furnishings or equipment  
47 provided in the housing accommodations; provided that an owner shall be  
48 entitled to a rent increase where there has been a substantial modifica-  
49 tion or increase of dwelling space ~~[or an increase in the services]~~, or  
50 installation of new equipment or improvements or new furniture or  
51 furnishings provided in or to a tenant's housing accommodation. The  
52 ~~[permanent]~~ temporary increase in the maximum rent for the affected  
53 housing accommodation shall be ~~[one-fortieth]~~ one-one hundred sixty-  
54 eighth, in the case of a building with thirty-five or fewer housing  
55 accommodations, or ~~[one-sixtieth]~~ one-one hundred eightieth, in the case  
56 of a building with more than thirty-five housing accommodations where

1 such [~~permanent~~] increase takes effect on or after [~~September twenty-~~  
2 ~~fourth, two thousand eleven, of the total cost incurred by the landlord~~  
3 ~~in providing such modification or increase in dwelling space, services,~~  
4 ~~furniture, furnishings or equipment, including the cost of installation,~~  
5 ~~but excluding finance charges provided]~~ the effective date of the chap-  
6 ter of the laws of two thousand nineteen that amended this subparagraph,  
7 of the total actual cost incurred by the landlord up to fifteen thousand  
8 dollars in providing such reasonable and verifiable modification or  
9 increase in dwelling space, furniture, furnishings, or equipment,  
10 including the cost of installation but excluding finance charges and any  
11 costs that exceed reasonable costs established by rules and regulations  
12 promulgated by the division of housing and community renewal. Such rules  
13 and regulations shall include: (i) requirements for work to be done by  
14 licensed contractors and a prohibition on common ownership between the  
15 landlord and the contractor or vendor; and (ii) a requirement that the  
16 owner resolve within the dwelling space all outstanding hazardous or  
17 immediately hazardous violations of the uniform fire prevention and  
18 building code (Uniform Code), New York city fire code, or New York city  
19 building and housing maintenance codes, if applicable. Provided further  
20 that an owner who is entitled to a rent increase pursuant to this clause  
21 shall not be entitled to a further rent increase based upon the instal-  
22 lation of similar equipment, or new furniture or furnishings within the  
23 useful life of such new equipment, or new furniture or furnishings.  
24 Provided further that the recoverable costs incurred by the landlord,  
25 pursuant to this subparagraph, shall be limited to an aggregate cost of  
26 fifteen thousand dollars that may be expended on no more than three  
27 separate individual apartment improvements in a fifteen year period  
28 beginning with the first individual apartment improvement on or after  
29 June fourteenth, two thousand nineteen. Provided further that increases  
30 to the legal regulated rent pursuant to this paragraph shall be removed  
31 from the legal regulated rent thirty years from the date the increase  
32 became effective inclusive of any increases granted by the applicable  
33 rent guidelines board. The owner shall give written notice to the  
34 commission of any such adjustment pursuant to this clause; or

35 § 37. Severability clause. If any clause, sentence, paragraph, subdi-  
36 vision, or section of this act shall be adjudged by any court of compe-  
37 tent jurisdiction to be invalid, such judgment shall not affect, impair,  
38 or invalidate the remainder thereof, but shall be confined in its opera-  
39 tion to the clause, sentence, paragraph, subdivision, section or part  
40 thereof directly involved in the controversy in which such judgment  
41 shall have been rendered. It is hereby declared to be the intent of the  
42 legislature that this act would have been enacted even if such invalid  
43 provisions had not been included herein.

44 § 38. This act shall take effect immediately and shall be deemed to  
45 have been in full force and effect on the same date and in the same  
46 manner as chapter 36 of the laws of 2019 took effect; provided, further  
47 that:

48 (a) the amendments to chapter 4 of title 26 of the administrative code  
49 of the city of New York made by sections one, twelve, fourteen, nine-  
50 teen, twenty-one and twenty-eight of this act shall expire on the same  
51 date as such chapter expires and shall not affect the expiration of such  
52 chapter as provided under section 26-520 of such law; and

53 (b) the amendments to sections 26-405 and 26-405.1 of the city rent  
54 and rehabilitation law made by sections twenty, twenty-two and twenty-  
55 seven of this act shall remain in full force and effect only as long as  
56 the public emergency requiring the regulation and control of residential

1 rents and evictions continues, as provided in subdivision 3 of section 1  
2 of the local emergency housing rent control act; and  
3 (c) sections thirty-one, thirty-two and thirty-three of this act shall  
4 take effect on the same date and in the same manner as sections 3, 6 and  
5 7 of part M of chapter 36 of the laws of 2019, enacting the "statewide  
6 housing security and tenant protection act of 2019", takes effect and  
7 shall apply to actions and proceedings commenced on or after such effec-  
8 tive date; and  
9 (d) section thirty-five of this act shall take effect on the same date  
10 and in the same manner as section 9 of part O of chapter 36 of the laws  
11 of 2019.