

# STATE OF NEW YORK

8585

2019-2020 Regular Sessions

## IN ASSEMBLY

September 13, 2019

Introduced by M. of A. BARNWELL -- Multi-Sponsored by -- M. of A. DeSTEFANO, EPSTEIN, MOSLEY, NIOU, RICHARDSON, L. ROSENTHAL, SEAWRIGHT, TAGUE, TAYLOR -- read once and referred to the Committee on Housing

AN ACT 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 requiring annual inspections for any increase in rent due to a major capital improvement

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

1 Section 1. Subdivision b of section 26-511.1 of the administrative  
2 code of the city of New York, as added by section 4 of part K of chapter  
3 36 of the laws of 2019, is amended to read as follows:

4 b. The division shall establish an annual inspection and audit process  
5 which shall review [~~twenty-five percent of~~] all applications for [~~a~~  
6 ~~temporary~~] any major capital improvement increase that have been submit-  
7 ted and approved. Such process shall include individual inspections and  
8 document review to ensure that owners complied with all obligations and  
9 responsibilities under the law for [~~temporary~~] major capital improvement  
10 increases. Inspections shall include in-person confirmation that such  
11 improvements have been completed in such way as described in the appli-  
12 cation.

13 § 2. Subdivision b of section 26-405.1 of the administrative code of  
14 the city of New York, as added by section 5 of part K of chapter 36 of  
15 the laws of 2019, is amended to read as follows:

16 b. The division shall establish an annual inspection and audit process  
17 which shall review [~~twenty-five percent of~~] all applications for [~~a~~  
18 ~~temporary~~] any major capital improvement increase that have been submit-  
19 ted and approved. Such process shall include individual inspections and  
20 document review to ensure that owners complied with all obligations and  
21 responsibilities under the law for [~~temporary~~] major capital improvement

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

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1 increases. Inspections shall include in-person confirmation that such  
2 improvements have been completed in such way as described in the appli-  
3 cation.

4 § 3. Subdivision (b) of section 10-b of section 4 of chapter 576 of  
5 the laws of 1974, constituting the emergency tenant protection act of  
6 nineteen seventy-four, as added by section 6 of part K of chapter 36 of  
7 the laws of 2019, is amended to read as follows:

8 (b) The division shall establish an annual inspection and audit proc-  
9 ess which shall review [~~twenty-five percent of~~] all applications for [~~a~~  
10 ~~temporary~~] any major capital improvement increase that have been submit-  
11 ted and approved. Such process shall include individual inspections and  
12 document review to ensure that owners complied with all obligations and  
13 responsibilities under the law for [~~temporary~~] major capital improvement  
14 increases. Inspections shall include in-person confirmation that such  
15 improvements have been completed in such way as described in the appli-  
16 cation.

17 § 4. Subdivision 2 of section 8-a of chapter 274 of the laws of 1946,  
18 constituting the emergency housing rent control law, as added by section  
19 7 of part K of chapter 36 of the laws of 2019, is amended to read as  
20 follows:

21 2. The division shall establish an annual inspection and audit process  
22 which shall review [~~twenty-five percent of~~] all applications for [~~a~~  
23 ~~temporary~~] any major capital improvement increase that have been submit-  
24 ted and approved. Such process shall include individual inspections and  
25 document review to ensure that owners complied with all obligations and  
26 responsibilities under the law for [~~temporary~~] major capital improvement  
27 increases. Inspections shall include in-person confirmation that such  
28 improvements have been completed in such way as described in the appli-  
29 cation.

30 § 5. This act shall take effect immediately; provided, however, that:

31 (a) the amendments to section 26-511.1 of the administrative code of  
32 the city of New York made by section one of this act shall expire on the  
33 same date as such section expires and shall not affect the expiration of  
34 such section as provided under section 26-520 of such law;

35 (b) the amendments to section 26-405.1 of the city rent and rehabili-  
36 tation law made by section two of this act shall remain in full force  
37 and effect only as long as the public emergency requiring the regulation  
38 and control of residential rents and evictions continues, as provided in  
39 subdivision 3 of section 1 of the local emergency housing rent control  
40 act; and

41 (c) effective immediately, the addition, amendment and/or repeal of  
42 any rule or regulation necessary for the implementation of this act on  
43 its effective date are authorized and directed to be made and completed  
44 on or before such effective date.