

# STATE OF NEW YORK

441

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the real property law, in relation to non-preferential  
opportunity for use of amenities in certain buildings and apartments

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

1 Section 1. The real property law is amended by adding a new section  
2 235-j to read as follows:

3 § 235-j. Use of amenities. 1. Any rental tenant must be provided with  
4 the opportunity to use amenities commonly accessible to other tenants of  
5 the multiple dwelling and not unique to an individual unit, including,  
6 but not limited to: pools, fitness centers, storage spaces, parking, and  
7 roofs or gardens accessible to building tenants, in buildings or  
8 complexes where such amenities exist, provided, however, that the  
9 provisions of this section shall apply only to multiple dwellings with  
10 six or more units.

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

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

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

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

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

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

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

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

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

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

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