STATE OF NEW YORK

5708

2021-2022 Regular Sessions

IN SENATE

March 16, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, and the civil practice law and rules, in relation to rent overcharges

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

Section 1. The opening paragraph of subdivision a of section 26-516 of the administrative code of the city of New York is amended by adding a new clause (iii) to read as follows:

(iii) Notwithstanding the provisions of clause (i) of this paragraph, for any year in which an owner or a landlord who is required to file an annual rent registration statement, has failed to timely file such annual rent registration statement, the division or a court of competent jurisdiction shall consider such year or years when determining the current legal regulated rent.

§ 2. Section 26-512 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. Upon the offering of a lease to a prospective tenant, an owner or a landlord shall be required to provide such tenant with the documentation used by such owner or landlord to support any allowable increases in the legal regulated rent during the previous four years.

§ 3. 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 is amended by adding a new clause (iii) to read as follows:

(iii) Notwithstanding the provisions of clause (i) of this paragraph, for any year in which an owner or a landlord who is required to file an annual rent registration statement, has failed to timely file such annual rent registration statement, the division or a court of competent

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

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jurisdiction shall consider such year or years when determining the current legal regulated rent.

§ 4. Section 6 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 g to read as follows:

g. Upon the offering of a lease to a prospective tenant, an owner or a landlord shall be required to provide such tenant with the documentation used by such owner or landlord to support any allowable increases in the legal regulated rent during the previous four years.

§ 5. Section 213-a of the civil practice law and rules, as amended by section 6 of part F of chapter 36 of the laws of 2019, is amended to read as follows:

§ 213-a. Residential rent overcharge. 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. **A court of competent jurisdiction shall consider any year in which an owner or a landlord who is required to file an annual rent registration statement, has failed to timely file such annual rent registration statement when determining the current legal regulated rent.**

§ 6. This act shall take effect immediately, and shall apply to any action or proceeding pending in any court or any application, complaint or proceeding before an administrative agency on the effective date of this act, as well as any action or proceeding commenced thereafter; provided, however, that:

(a) the amendments to subdivision a of section 26-516 of the administrative code of the city of New York made by section one of this act shall expire on the same date as such law expires and shall not affect the expiration of such section as provided under section 26-520 of such code; and

(b) the amendments to section 26-512 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 section as provided under section 26-520 of such code.