

# STATE OF NEW YORK

5882

2021-2022 Regular Sessions

## IN ASSEMBLY

March 1, 2021

Introduced by M. of A. JOYNER, SIMON -- 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 prohibiting the adjustment of maximum allowable rent where any modification, increase or improvement is made to accommodate the needs of a disabled tenant

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

1 Section 1. Subparagraph (e) of paragraph 1 of subdivision g of section  
2 26-405 of the administrative code of the city of New York, as amended by  
3 section 20 of part Q of chapter 39 of the laws of 2019, is amended to  
4 read as follows:  
5 (e) The landlord and tenant by mutual voluntary written agreement  
6 demonstrating informed consent agree to a substantial increase or  
7 decrease in dwelling space or a change in furniture, furnishings or  
8 equipment provided in the housing accommodations. An adjustment under  
9 this subparagraph shall be equal to one-one hundred sixty-eighth, in the  
10 case of a building with thirty-five or fewer housing accommodations or  
11 one-one hundred eightieth in the case of a building with more than thir-  
12 ty-five housing accommodations where such temporary adjustment takes  
13 effect on or after the effective date of [~~the~~] chapter thirty-six of the  
14 laws of two thousand nineteen that amended this subparagraph, of the  
15 total actual cost incurred by the landlord in providing such reasonable  
16 and verifiable modification or increase in dwelling space, furniture,  
17 furnishings, or equipment, including the cost of installation but  
18 excluding finance charges and any costs that exceed reasonable costs  
19 established by rules and regulations promulgated by the division of  
20 housing and community renewal. Such rules and regulations shall include:  
21 (i) requirements for work to be done by licensed contractors and prohib-  
22 it common ownership between the landlord and the contractor or vendor;

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

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1 and (ii) a requirement that the owner resolve within the dwelling space  
2 all outstanding hazardous or immediately hazardous violations of the  
3 Uniform Fire Prevention and Building Code (Uniform Code), New York City  
4 Fire Code, or New York City Building and Housing Maintenance Codes, if  
5 applicable. Provided further that an owner who is entitled to a rent  
6 increase pursuant to this subparagraph shall not be entitled to a  
7 further rent increase based upon the installation of similar equipment,  
8 or new furniture or furnishings within the useful life of such new  
9 equipment, or new furniture or furnishings. Provided further that the  
10 recoverable costs incurred by the landlord, pursuant to this subpara-  
11 graph shall be limited to an aggregate cost of fifteen thousand dollars  
12 that may be expended on no more than three separate individual apartment  
13 improvements in a fifteen year period beginning with the first individ-  
14 ual apartment improvement on or after June fourteenth, two thousand  
15 nineteen. Provided further that increases to the legal regulated rent  
16 pursuant to this subparagraph shall be removed from the legal regulated  
17 rent thirty years from the date the increase became effective inclusive  
18 of any increases granted by the applicable rent guidelines board. The  
19 owner shall give written notice to the city rent agency of any such  
20 temporary adjustment pursuant to this subparagraph; provided, however,  
21 an owner shall not be entitled to any adjustment pursuant to this  
22 subparagraph where any modification or increase in dwelling space,  
23 services, furniture, furnishings or equipment is made to accommodate the  
24 needs of a disabled tenant. For purposes of this subparagraph, "disa-  
25 bled" means an individual (i) with a physical or mental impairment,  
26 including, but not limited to, those of neurological, emotional or  
27 sensory organs, which substantially limits one or more of the individ-  
28 ual's major life activities, and (ii) who is regarded as having such an  
29 impairment as certified by a licensed physician of this state; or

30 § 2. Paragraph 13 of subdivision c of section 26-511 of the adminis-  
31 trative code of the city of New York, as amended by section 19 of part Q  
32 of chapter 39 of the laws of 2019, is amended to read as follows:

33 (13) provides that an owner is entitled to a rent increase where there  
34 has been a substantial modification or increase of dwelling space, or  
35 installation of new equipment or improvements or new furniture or  
36 furnishings provided in or to a tenant's housing accommodation, on writ-  
37 ten informed tenant consent to the rent increase. In the case of a  
38 vacant housing accommodation, tenant consent shall not be required. The  
39 temporary increase in the legal regulated rent for the affected housing  
40 accommodation shall be one-one hundred sixty-eighth, in the case of a  
41 building with thirty-five or fewer housing accommodations or one-one  
42 hundred eightieth in the case of a building with more than thirty-five  
43 housing accommodations where such increase takes effect on or after the  
44 effective date of [~~the~~] chapter thirty-six of the laws of two thousand  
45 nineteen that amended this paragraph, of the total actual cost incurred  
46 by the landlord in providing such reasonable and verifiable modification  
47 or increase in dwelling space, furniture, furnishings, or equipment,  
48 including the cost of installation but excluding finance charges and any  
49 costs that exceed reasonable costs established by rules and regulations  
50 promulgated by the division of housing and community renewal. Such rules  
51 and regulations shall include: (i) requirements for work to be done by  
52 licensed contractors and prohibit common ownership between the landlord  
53 and the contractor or vendor; and (ii) a requirement that the owner  
54 resolve within the dwelling space all outstanding hazardous or imme-  
55 diately hazardous violations of the Uniform Fire Prevention and Building  
56 Code (Uniform Code), New York City Fire Code, or New York City Building

1 and Housing Maintenance Codes, if applicable. Provided further that an  
2 owner who is entitled to a rent increase pursuant to this paragraph  
3 shall not be entitled to a further rent increase based upon the instal-  
4 lation of similar equipment, or new furniture or furnishings within the  
5 useful life of such new equipment, or new furniture or furnishings.  
6 Provided further that the recoverable costs incurred by the landlord,  
7 pursuant to this paragraph, shall be limited to an aggregate cost of  
8 fifteen thousand dollars that may be expended on no more than three  
9 separate individual apartment improvements in a fifteen year period  
10 beginning with the first individual apartment improvement on or after  
11 June fourteenth, two thousand nineteen. Provided further that increases  
12 to the legal regulated rent pursuant to this paragraph shall be removed  
13 from the legal regulated rent thirty years from the date the increase  
14 became effective inclusive of any increases granted by the applicable  
15 rent guidelines board. Provided, however, an owner shall not be enti-  
16 tled to any rent increase pursuant to this paragraph where any modifica-  
17 tion, increase or improvement in dwelling space, services, furniture,  
18 furnishings or equipment is made to accommodate the needs of a disabled  
19 tenant. For purposes of this paragraph, "disabled" means an individual  
20 (i) with a physical or mental impairment, including, but not limited to,  
21 those of neurological, emotional or sensory organs, which substantially  
22 limits one or more of the individual's major life activities, and (ii)  
23 who is regarded as having such an impairment as certified by a licensed  
24 physician of this state.

25 § 3. Paragraph 1 of subdivision d of section 6 of section 4 of chapter  
26 576 of the laws of 1974, constituting the emergency tenant protection  
27 act of nineteen seventy-four, as amended by section 18 of part Q of  
28 chapter 39 of the laws of 2019, is amended to read as follows:

29 (1) there has been a substantial modification or increase of dwelling  
30 space, or installation of new equipment or improvements or new furniture  
31 or furnishings, provided in or to a tenant's housing accommodation, on  
32 written informed tenant consent to the rent increase. In the case of a  
33 vacant housing accommodation, tenant consent shall not be required. The  
34 temporary increase in the legal regulated rent for the affected housing  
35 accommodation shall be one-one hundred sixty-eighth, in the case of a  
36 building with thirty-five or fewer housing accommodations or one-one  
37 hundred eightieth in the case of a building with more than thirty-five  
38 housing accommodations where such increase takes effect on or after the  
39 effective date of [~~the~~] chapter thirty-six of the laws of two thousand  
40 nineteen that amended this paragraph, of the total actual cost incurred  
41 by the landlord up to fifteen thousand dollars in providing such reason-  
42 able and verifiable modification or increase in dwelling space, furni-  
43 ture, furnishings, or equipment, including the cost of installation but  
44 excluding finance charges and any costs that exceed reasonable costs  
45 established by rules and regulations promulgated by the division of  
46 housing and community renewal. Such rules and regulations shall include:  
47 (i) requirements for work to be done by licensed contractors and a  
48 prohibition on common ownership between the landlord and the contractor  
49 or vendor; and (ii) a requirement that the owner resolve within the  
50 dwelling space all outstanding hazardous or immediately hazardous  
51 violations of the Uniform Fire Prevention and Building Code (Uniform  
52 Code), New York City Fire Code, or New York City Building and Housing  
53 Maintenance Codes, if applicable. Provided further that an owner who is  
54 entitled to a rent increase pursuant to this paragraph shall not be  
55 entitled to a further rent increase based upon the installation of simi-  
56 lar equipment, or new furniture or furnishings within the useful life of

1 such new equipment, or new furniture or furnishings. Provided further  
2 that the recoverable costs incurred by the landlord, pursuant to this  
3 paragraph, shall be limited to an aggregate cost of fifteen thousand  
4 dollars that may be expended on no more than three separate individual  
5 apartment improvements in a fifteen year period beginning with the first  
6 individual apartment improvement on or after June fourteenth, two thou-  
7 sand nineteen. Provided further that increases to the legal regulated  
8 rent pursuant to this paragraph shall be removed from the legal regu-  
9 lated rent thirty years from the date the increase became effective  
10 inclusive of any increases granted by the applicable rent guidelines  
11 board. Provided, however, an owner shall not be entitled to any rent  
12 increase pursuant to this paragraph where any modification, increase or  
13 improvement in dwelling space, services, furniture, furnishings or  
14 equipment is made to accommodate the needs of a disabled tenant. For  
15 purposes of this paragraph, "disabled" means an individual (i) with a  
16 physical or mental impairment, including, but not limited to, those of  
17 neurological, emotional or sensory organs, which substantially limits  
18 one or more of the individual's major life activities, and (ii) who is  
19 regarded as having such an impairment as certified by a licensed physi-  
20 cian of this state.

21 § 4. Subparagraph 5 of the second undesignated paragraph of paragraph  
22 (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946,  
23 constituting the emergency housing rent control law, as amended by  
24 section 36 of part Q of chapter 39 of the laws of 2019, is amended to  
25 read as follows:

26 (5) the landlord and tenant by mutual voluntary written informed  
27 agreement agree to a substantial increase or decrease in dwelling space,  
28 furniture, furnishings or equipment provided in the housing accommo-  
29 dations; provided that an owner shall be entitled to a rent increase  
30 where there has been a substantial modification or increase of dwelling  
31 space, or installation of new equipment or improvements or new furniture  
32 or furnishings provided in or to a tenant's housing accommodation. The  
33 temporary increase in the maximum rent for the affected housing accommo-  
34 dation shall be one-one hundred sixty-eighth, in the case of a building  
35 with thirty-five or fewer housing accommodations, or one-one hundred  
36 eightieth, in the case of a building with more than thirty-five housing  
37 accommodations where such increase takes effect on or after the effec-  
38 tive date of [~~the~~] chapter thirty-nine of the laws of two thousand nine-  
39 teen that amended this subparagraph, of the total actual cost incurred  
40 by the landlord up to fifteen thousand dollars in providing such reason-  
41 able and verifiable modification or increase in dwelling space, furni-  
42 ture, furnishings, or equipment, including the cost of installation but  
43 excluding finance charges and any costs that exceed reasonable costs  
44 established by rules and regulations promulgated by the division of  
45 housing and community renewal. Such rules and regulations shall include:  
46 (i) requirements for work to be done by licensed contractors and a  
47 prohibition on common ownership between the landlord and the contractor  
48 or vendor; and (ii) a requirement that the owner resolve within the  
49 dwelling space all outstanding hazardous or immediately hazardous  
50 violations of the uniform fire prevention and building code (Uniform  
51 Code), New York city fire code, or New York city building and housing  
52 maintenance codes, if applicable. Provided further that an owner who is  
53 entitled to a rent increase pursuant to this clause shall not be enti-  
54 tled to a further rent increase based upon the installation of similar  
55 equipment, or new furniture or furnishings within the useful life of  
56 such new equipment, or new furniture or furnishings. Provided further

1 that the recoverable costs incurred by the landlord, pursuant to this  
2 subparagraph, shall be limited to an aggregate cost of fifteen thousand  
3 dollars that may be expended on no more than three separate individual  
4 apartment improvements in a fifteen year period beginning with the first  
5 individual apartment improvement on or after June fourteenth, two thou-  
6 sand nineteen. Provided further that increases to the legal regulated  
7 rent pursuant to this paragraph shall be removed from the legal regu-  
8 lated rent thirty years from the date the increase became effective  
9 inclusive of any increases granted by the applicable rent guidelines  
10 board. The owner shall give written notice to the commission of any such  
11 adjustment pursuant to this clause; provided, however, an owner shall  
12 not be entitled to any adjustment pursuant to this clause where any  
13 modification, improvement or increase in dwelling space, services,  
14 furniture, furnishings or equipment is made to accommodate the needs of  
15 a disabled tenant. For purposes of this clause, "disabled" means an  
16 individual (i) with a physical or mental impairment, including, but not  
17 limited to, those of neurological, emotional or sensory organs, which  
18 substantially limits one or more of the individual's major life activ-  
19 ities, and (ii) who is regarded as having such an impairment as certi-  
20 fied by a licensed physician of this state; or

21 § 5. This act shall take effect immediately; provided that:

22 (a) the amendments to section 26-405 of the city rent and rehabili-  
23 tation law made by section one of this act shall remain in full force  
24 and effect only as long as the public emergency requiring the regulation  
25 and control of residential rents and evictions continues, as provided in  
26 subdivision 3 of section 1 of the local emergency housing rent control  
27 act; and

28 (b) the amendments made to section 26-511 of chapter 4 of title 26 of  
29 the administrative code of the city of New York made by section two of  
30 this act shall expire on the same date as such law expires and shall not  
31 affect the expiration of such law as provided under section 26-520 of  
32 such law.