

STATE OF NEW YORK

403

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, in relation to surcharges assessed for the late filing of rent registration statements

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

1 Section 1. Subdivision e of section 12-a of section 4 of chapter 576
2 of the laws of 1974, constituting the emergency tenant protection act of
3 nineteen seventy-four, as amended by chapter 253 of the laws of 1993, is
4 amended to read as follows:

5 e. The failure to file a proper and timely initial or annual rent
6 registration statement shall, until such time as such registration is
7 filed, bar an owner from applying for or collecting any rent in excess
8 of the legal regulated rent in effect on the date of the last preceding
9 registration statement or if no such statements have been filed, the
10 legal regulated rent in effect on the date that the housing accommo-
11 dation became subject to the registration requirements of this section.
12 The filing of a late registration shall result in the prospective elimi-
13 nation of such sanctions and provided that increases in the legal regu-
14 lated rent were lawful except for the failure to file a timely registra-
15 tion, the owner, upon the service and filing of a late registration,
16 shall not be found to have collected an overcharge at any time prior to
17 the filing of the late registration. If such late registration is filed
18 subsequent to the filing of an overcharge complaint, the owner shall be
19 assessed a late filing surcharge for each late registration in an amount
20 ~~[equal to fifty percent of the timely rent registration fee]~~ of one
21 hundred dollars; provided, however, if the state division of housing and
22 community renewal determines such late registration was willful, such
23 late filing surcharge for each late registration shall be one thousand
24 dollars. The filing of a late registration subsequent to an overcharge
25 complaint shall not be a basis for determining that such late filing was
26 not willful.

27 § 2. This act shall take effect immediately.

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

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