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:

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

e. The failure to file a proper and timely initial or annual rent registration statement shall, until such time as such registration is filed, bar an owner from applying for or collecting any rent in excess of the legal regulated rent in effect on the date of the last preceding registration statement or if no such statements have been filed, the legal regulated rent in effect on the date that the housing accommodation became subject to the registration requirements of this section. The filing of a late registration shall result in the prospective elimination of such sanctions and provided that increases in the legal regulated rent were lawful except for the failure to file a timely registration, the owner, upon the service and filing of a late registration, shall not be found to have collected an overcharge at any time prior to the filing of the late registration. If such late registration is filed subsequent to the filing of an overcharge complaint, the owner shall be assessed a late filing surcharge for each late registration in an amount [~~equal to fifty percent of the timely rent registration fee~~] **of one hundred dollars; provided, however, if the state division of housing and community renewal determines such late registration was willful, such late filing surcharge for each late registration shall be one thousand dollars. The filing of a late registration subsequent to an overcharge complaint shall not be a basis for determining that such late filing was not willful**.

§ 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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