STATE OF NEW YORK

2453

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. FALL -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to enacting the tenant repair reconciliation act

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

Section 1. This act shall be known and may be cited as the "tenant repair reconciliation act".

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

§ 235-j. Repairs; certain multiple dwellings. 1. The provisions of this section shall apply to any multiple dwelling containing fifty or more separate units, located in a city with a population of one million or more, where the payment of rent for at least one of such units is fully or partially subsidized by the state or federal government, including dwellings privately or publicly owned or managed. The provisions of this section shall apply to individual units within a multiple dwelling covered by this section, and to all common areas within and surrounding such multiple dwelling.

2. Notwithstanding any law, rule or regulation to the contrary, a landlord of a multiple dwelling covered by this section shall repair any conditions such landlord otherwise has a duty to repair under law, within thirty days of receipt of written notice of such conditions.

3. A tenant of a multiple dwelling covered by this section may report a violation of subdivision two of this section by a landlord to the division. Upon receipt of a report of a violation of subdivision two of this section by a landlord, the division shall issue to such landlord a mandatory order to repair the conditions upon which such violation is predicated. After fifteen days of the issuance of such mandatory order to repair, the division shall inspect such reported violation. If, upon such inspection, the division finds that such landlord has failed to

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

LBD06792-01-3

repair such conditions, such landlord shall be subject to a fine of one thousand dollars. For every fifteen days following such inspection where such condition remains unrepaired, such landlord shall be subject to an additional fifteen hundred dollar fine.

4. A tenant of a multiple dwelling covered by this section may choose to repair a condition that the landlord of such multiple dwelling otherwise has a duty to repair under law. Before beginning such repair, such tenant shall notify such landlord of such tenant's intent to repair such conditions. Such tenant shall keep an accurate record of expenses incurred by repairing such conditions, and shall either (a) be entitled to payment from such landlord of such amount, within fifteen days of notice to such landlord of such expenses incurred, or (b) be entitled to deduct such amount from future rent owed to such landlord.

5. Any condition in need of repair caused by a tenant of a multiple dwelling covered by this section, or by a person or persons under such tenant's direction or control, shall not be subject to the provisions of this section.

6. The comptroller of the city of New York shall create a fund into which penalties collected pursuant to subdivision three of this section shall be deposited. Such funds shall be distributed by the comptroller of the city of New York to the New York city department of housing preservation and development's home repair and preservation financing program to be used for preservation and upgrades for multiple dwellings containing fifty or more units within the city of New York.

7. For the purposes of this section, the following terms shall have the following meanings:

(a) "Multiple dwelling" means a dwelling which is occupied, for permanent residence purposes and which is either sold, rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other.

(b) "Division" means the division of housing and community renewal.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.