

# STATE OF NEW YORK

8920

## IN ASSEMBLY

January 26, 2024

Introduced by M. of A. SIMONE, DINOWITZ, KELLES, SHIMSKY, COLTON, ALVA-  
REZ, RIVERA, EPSTEIN, DeSTEFANO, AUBRY, TAYLOR, WALKER, CUNNINGHAM,  
RAGA -- 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 emer-  
gency housing rent control law, in relation to prohibiting the adjust-  
ment 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 Assem-  
bly, 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;  
23 and (ii) a requirement that the owner resolve within the dwelling space  
24 all outstanding hazardous or immediately hazardous violations of the

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

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

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

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

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

23 § 3. Paragraph 1 of subdivision d of section 6 of section 4 of chapter  
24 576 of the laws of 1974, constituting the emergency tenant protection  
25 act of nineteen seventy-four, as amended by section 18 of part Q of  
26 chapter 39 of the laws of 2019, is amended to read as follows:

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

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

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

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

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

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

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

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