STATE OF NEW YORK

1101

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sens. BAILEY, MAYER, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, the administrative code of the city of New York and the emergency housing rent control law, in relation to prohibiting the collection of rent arrearages accruing prior to the date of approval of an application for an adjustment in the legal regulated rent based upon a major capital improvement

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

Section 1. Section 6 of section 4 of chapter 576 of the laws of 1974 constituting the emergency tenant protection act of nineteen seventy-four is amended by adding a new subdivision h to read as follows:

h. Notwithstanding any provision of law or rule or regulation to the contrary, any adjustment in the legal regulated rent based upon a major capital improvement shall be effective upon approval of the application therefor. No increase may be collected for the period of time prior to the date of approval of the application.

§ 2. Section 26-512 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. Notwithstanding any provision of law or rule or regulation to the contrary, any adjustment in the legal regulated rent based upon a major capital improvement shall be effective upon approval of the application therefor. No increase may be collected for the period of time prior to the date of approval of the application.

§ 3. Subparagraph 10 of the second undesignated paragraph of paragraph (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by section 25 of part B of chapter 97 of the laws of 2011, is amended and a new subparagraph 11 is added to read as follows:

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

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(10) the presence of unique or peculiar circumstances materially affecting the maximum rent has resulted in a maximum rent which is substantially lower than the rents generally prevailing in the same area for substantially similar housing accommodations[.]; or (11) notwithstanding any provision of law or rule or regulation to the contrary, any adjustment in the legal regulated rent based upon a major capital improvement shall be effective upon approval of the application therefor. No increase may be collected for the period of time prior to the date of approval of the application.

§ 4. Paragraph 1 of subdivision g of section 26-405 of the administrative code of the city of New York is amended by adding a new subparagraph (p) to read as follows:

(p) Notwithstanding any provision of law or rule or regulation to the contrary, any adjustment in the legal regulated rent based upon a major capital improvement shall be effective upon approval of the application therefor. No increase may be collected for the period of time prior to the date of approval of the application.

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

a. the amendments to section 26-512 of chapter 4 of title 26 of the administrative code of the city of New York made by section two of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law; and

b. the amendments to section 26-405 of the city rent and rehabilitation law made by section four of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act.