

STATE OF NEW YORK

6839--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 14, 2025

Introduced by M. of A. BICHOTTE HERMELYN, SHIMSKY, STECK -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 requiring the division of housing and community renewal to calculate the period of rent reduction due to diminution of services from the date of actual diminution of the services

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

1 Section 1. Subdivision a of section 7 of section 4 of chapter 576 of
2 the laws of 1974, constituting the emergency tenant protection act of
3 nineteen seventy-four, as amended by chapter 116 of the laws of 1997, is
4 amended to read as follows:
5 a. In order to collect a rent adjustment authorized pursuant to the
6 provisions of subdivision b of section four, the owner of housing accom-
7 modations subject to this act located in a city having a population of
8 less than one million or a town or village must file with the state
9 division of housing and community renewal on a form which it shall
10 prescribe, a written certification that [~~he~~] such owner is maintaining
11 and will continue to maintain all services furnished on the date upon
12 which this act becomes a law or required to be furnished by any law,
13 ordinance or regulation applicable to the premises. In addition to any
14 other remedy afforded by law, any tenant may apply to the state division
15 of housing and community renewal for a reduction in the rent to the
16 level in effect prior to its most recent adjustment, and the state divi-
17 sion of housing and community renewal may so reduce the rent if it finds
18 that the owner has failed to maintain such services. The owner shall be

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

LBD06764-02-6

1 supplied with a copy of the application and shall be permitted to file
2 an answer thereto. A hearing may be held upon the request of either
3 party, or the state division of housing and community renewal may hold a
4 hearing upon its own motion. The state division of housing and community
5 renewal may consolidate the proceedings for two or more petitions appli-
6 cable to the same building. If the state division of housing and commu-
7 nity renewal finds that the owner has knowingly filed a false certifi-
8 cation, it shall, in addition to abating the rent, assess the owner
9 with the reasonable costs of the proceeding, including reasonable attor-
10 neys' fees, and impose a penalty not in excess of two hundred fifty
11 dollars for each false certification. The amount of the reduction in
12 rent ordered by the state division of housing and community renewal
13 under this subdivision shall be reduced by any credit, abatement or
14 offset in rent which the tenant has received pursuant to section two
15 hundred thirty-five-b of the real property law, that relates to one or
16 more conditions covered by such order. Notwithstanding any law, rule or
17 regulation to the contrary, any rent reduction attributable to diminu-
18 tion of services shall be calculated by the division of housing and
19 community renewal to be effective upon the date that the diminution of
20 service commenced, regardless of when the diminution of services was
21 reported to the division or that date upon which the diminution of
22 services was addressed by the division. Such rent reduction shall be
23 applicable to the entire period of time the services were not maintained
24 in full.

25 § 2. Section 26-514 of the administrative code of the city of New
26 York, as amended by chapter 116 of the laws of 1997, is amended to read
27 as follows:

28 § 26-514 Maintenance of services. In order to collect a rent adjust-
29 ment authorized pursuant to the provisions of subdivision d of section
30 26-510 of this chapter an owner must file with the state division of
31 housing and community renewal, on a form which the commissioner shall
32 prescribe, a written certification that [~~he or she~~] such owner is main-
33 taining and will continue to maintain all services furnished on the date
34 upon which the emergency tenant protection act of nineteen seventy-four
35 becomes a law or required to be furnished by any state law or local law,
36 ordinance or regulation applicable to the premises. In addition to any
37 other remedy afforded by law, any tenant may apply to the state division
38 of housing and community renewal, for a reduction in the rent to the
39 level in effect prior to its most recent adjustment and for an order
40 requiring services to be maintained as provided in this section, and the
41 commissioner shall so reduce the rent if it is found that the owner has
42 failed to maintain such services. The owner shall also be barred from
43 applying for or collecting any further rent increases. The restoration
44 of such services shall result in the prospective elimination of such
45 sanctions. The owner shall be supplied with a copy of the application
46 and shall be permitted to file an answer thereto. A hearing may be held
47 upon the request of either party, or the commissioner may hold a hearing
48 upon [~~his or her~~] such commissioner's own motion. The commissioner may
49 consolidate the proceedings for two or more petitions applicable to the
50 same building or group of buildings or development. If the commissioner
51 finds that the owner has knowingly filed a false certification, it
52 shall, in addition to abating the rent, assess the owner with the
53 reasonable costs of the proceeding, including reasonable attorneys'
54 fees, and impose a penalty not in excess of two hundred fifty dollars
55 for each false certification. The amount of the reduction in rent
56 ordered by the state division of housing and community renewal under

1 this subdivision shall be reduced by any credit, abatement or offset in
2 rent which the tenant has received pursuant to section two hundred thirty-
3 ty-five-b of the real property law, that relates to one or more condi-
4 tions covered by such order. Notwithstanding any law, rule or regula-
5 tion to the contrary, any rent reduction attributable to diminution
6 of services shall be calculated by the division of housing and community
7 renewal to be effective upon the date that the diminution of service
8 commenced, regardless of when the diminution of services was reported
9 to the division or that date upon which the diminution of services was
10 addressed by the division. Such rent reduction shall be applicable to
11 the entire period of time the services were not maintained in full.

12 § 3. Paragraph 2 of subdivision h of section 26-405 of the administra-
13 tive code of the city of New York, as amended by chapter 116 of the laws
14 of 1997, is amended to read as follows:

15 (2) Whenever in the judgment of such agency such action is necessary
16 or proper in order to effectuate the purposes of this chapter, such
17 agency may provide regulations to assure the maintenance of the same
18 living space, essential services, furniture, furnishings and equipment
19 as were provided on the date determining the maximum rent, and such
20 agency shall have power by regulation or order to decrease the maximum
21 rent or take action as provided in paragraph four of this subdivision h
22 for any housing accommodation with respect to which a maximum rent is in
23 effect, pursuant to this chapter, if it shall find that the living
24 space, essential services, furniture, furnishings or equipment to which
25 the tenant was entitled on such date have been decreased. The amount of
26 the reduction in maximum rent ordered by such agency under this para-
27 graph shall be reduced by any credit, abatement or offset in rent which
28 the tenant has received pursuant to section two hundred thirty-five-b of
29 the real property law that relates to one or more conditions covered by
30 such order. Notwithstanding any law, rule or regulation to the contra-
31 ry, any rent reduction attributable to diminution of services shall be
32 calculated by the division of housing and community renewal to be effec-
33 tive upon the date that the diminution of service commenced, regardless
34 of when the diminution of services was reported to the division or that
35 date upon which the diminution of services was addressed by the divi-
36 sion. Such rent reduction shall be applicable to the entire period of
37 time the services were not maintained in full.

38 § 4. Paragraph (b) of subdivision 5 of section 4 of chapter 274 of the
39 laws of 1946, constituting the emergency housing rent control law, as
40 amended by chapter 116 of the laws of 1997, is amended to read as
41 follows:

42 (b) Whenever in the judgment of the commission such action is neces-
43 sary or proper in order to effectuate the purposes of this act, the
44 commission may provide regulations to assure the maintenance of the same
45 living space, essential services, furniture, furnishings and equipment
46 as were provided on the date determining the maximum rent, and the
47 commission shall have power by regulation or order to decrease the maxi-
48 mum rent for any housing accommodation with respect to which a maximum
49 rent is in effect, pursuant to this act if it shall find that the living
50 space, essential services, furniture, furnishings or equipment to which
51 the tenant was entitled on such date has been decreased. The amount of
52 the decrease in maximum rent ordered by the commission under this para-
53 graph shall be reduced by any credit, abatement or offset in rent which
54 the tenant has received pursuant to section two hundred thirty-five-b of
55 the real property law, that relates to one or more conditions covered by
56 such order. Notwithstanding any law, rule or regulation to the contra-

1 ry, any rent reduction attributable to diminution of services shall be
2 calculated by the division of housing and community renewal to be effec-
3 tive upon the date that the diminution of service commenced, regardless
4 of when the diminution of services was reported to the division or that
5 date upon which the diminution of services was addressed by the divi-
6 sion. Such rent reduction shall be applicable to the entire period of
7 time the services were not maintained in full.

8 § 5. This act shall take effect immediately and shall apply to all
9 pending and future proceedings; provided, however, that: (a) the amend-
10 ments to section 26-514 of chapter 4 of title 26 of the administrative
11 code of the city of New York made by section two of this act shall
12 expire on the same date as such law expires and shall not affect the
13 expiration of such law as provided under section 26-520 of such law; and
14 (b) the amendments to section 26-405 of the city rent and rehabili-
15 tation law made by section three of this act shall remain in full force
16 and effect only so long as the public emergency requiring the regulation
17 and control of residential rents and evictions continues, as provided in
18 subdivision 3 of section 1 of the local emergency housing rent control
19 act.

20 Effective immediately, the addition, amendment and/or repeal of any
21 rule and regulation necessary for the implementation of this act on its
22 effective date are authorized to be made on or before such effective
23 date.