STATE OF NEW YORK

9707

IN SENATE

April 2, 2026

Introduced by Sen. CLEARE -- 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 housing rent control law, in relation to major capital improvements and individual apartment improvements in rent regulated units

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

Section 1. Paragraphs (d) and (e) of subdivision 1 of section 8-a of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as added by section 7 of part K of chapter 36 of the laws of 2019, are amended and a new subdivision 4 is added to read as follows:

(d) prohibit temporary major capital improvement increases for buildings with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable; **and prohibit temporary major capital improvement increases for buildings where the owner, or any person acting on the owner's behalf, has, within the look-back period defined in subdivision four of this section, demonstrated a pattern of violations meeting the threshold set forth in subdivision four of this section, unless the applicant shows by clear and convincing evidence that the proposed improvement will directly and substantially remedy those violations;**

(e) prohibit individual apartment improvement increases for housing accommodations with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), New York City Fire Code, or New York City Building and Housing Maintenance Codes, if applicable; **and prohibit individual apartment improvement increases for housing accommodations where the owner, or any person acting on the owner's behalf, has, within the look-back period defined in subdivision four of this section, demonstrated a pattern of violations meeting the threshold set forth in subdivision four of this section, unless the applicant shows by clear and convincing evidence**

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

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that the proposed improvement will directly and substantially remedy those violations;

4. For the purposes of this section:

(a) a "look-back period" shall mean the twenty-four-month period immediately preceding the filing of an application for a major capital improvement or individual apartment improvement increase. The commission may, by regulation, extend the look-back period to no more than thirty-six months if it determines that a longer window is necessary to capture a sufficient history of violations;

(b) a "pattern of violations" shall be deemed to exist when, during the look-back period, a municipal department having jurisdiction has issued three or more violations in any category listed in paragraph (c) of this subdivision, regardless of whether such violations remain open on the date of filing; and

(c) qualifying violation categories are limited to the following: (i) heat or hot-water violations classified as hazardous or immediately hazardous; (ii) elevator or vertical-transportation violations classified as hazardous or immediately hazardous; (iii) fire-safety system violations classified as hazardous or immediately hazardous; (iv) pest or vermin infestation violations classified as hazardous or immediately hazardous; (v) mold, moisture, lead-based paint, or other indoor environmental hazards classified as hazardous or immediately hazardous; (vi) structural instability or facade hazards classified as hazardous or immediately hazardous.

§ 2. This act shall take effect immediately.