

STATE OF NEW YORK

9908--A

Cal. No. 896

IN SENATE

April 13, 2026

Introduced by Sens. BOTTCHER, JACKSON, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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~~] shall so reduce the rent if
18 it finds that the owner has failed to maintain such services. The owner
19 shall be supplied with a copy of the application and shall be permitted
20 to file an answer thereto. A hearing may be held upon the request of

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

LBD06764-05-6

1 either party, or the state division of housing and community renewal may
2 hold a hearing upon its own motion. The state division of housing and
3 community renewal may consolidate the proceedings for two or more
4 petitions applicable to the same building. If the state division of
5 housing and community renewal finds that the owner has knowingly filed a
6 false certification, it shall, in addition to abating the rent, assess
7 the owner with the reasonable costs of the proceeding, including reason-
8 able attorneys' fees, and impose a penalty not in excess of two hundred
9 fifty dollars for each false certification. The amount of the reduction
10 in rent ordered by the state division of housing and community renewal
11 under this subdivision shall be reduced by any credit, abatement or
12 offset in rent which the tenant has received pursuant to section two
13 hundred thirty-five-b of the real property law, that relates to one or
14 more conditions covered by such order. Any reduction in rent under this
15 subdivision shall be calculated by the state division of housing and
16 community renewal to be effective upon the date that the diminution of
17 service commenced, regardless of when the diminution of services was
18 reported to the state division of housing and community renewal or when
19 the reduction in rent was ordered by the state division of housing and
20 community renewal. Such reduction in rent shall be applicable to the
21 entire period of time the services were not maintained in full.

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

25 § 26-514 Maintenance of services. In order to collect a rent adjust-
26 ment authorized pursuant to the provisions of subdivision d of section
27 26-510 of this chapter an owner must file with the state division of
28 housing and community renewal, on a form which the commissioner shall
29 prescribe, a written certification that [~~he or she~~] such owner is main-
30 taining and will continue to maintain all services furnished on the date
31 upon which the emergency tenant protection act of nineteen seventy-four
32 becomes a law or required to be furnished by any state law or local law,
33 ordinance or regulation applicable to the premises. In addition to any
34 other remedy afforded by law, any tenant may apply to the state division
35 of housing and community renewal, for a reduction in the rent to the
36 level in effect prior to its most recent adjustment and for an order
37 requiring services to be maintained as provided in this section, and the
38 commissioner shall so reduce the rent if it is found that the owner has
39 failed to maintain such services. The owner shall also be barred from
40 applying for or collecting any further rent increases. The restoration
41 of such services shall result in the prospective elimination of such
42 sanctions. The owner shall be supplied with a copy of the application
43 and shall be permitted to file an answer thereto. A hearing may be held
44 upon the request of either party, or the commissioner may hold a hearing
45 upon [~~his or her~~] such commissioner's own motion. The commissioner may
46 consolidate the proceedings for two or more petitions applicable to the
47 same building or group of buildings or development. If the commissioner
48 finds that the owner has knowingly filed a false certification, it
49 shall, in addition to abating the rent, assess the owner with the
50 reasonable costs of the proceeding, including reasonable attorneys'
51 fees, and impose a penalty not in excess of two hundred fifty dollars
52 for each false certification. The amount of the reduction in rent
53 ordered by the state division of housing and community renewal under
54 this subdivision shall be reduced by any credit, abatement or offset in
55 rent which the tenant has received pursuant to section two hundred thir-
56 ty-five-b of the real property law, that relates to one or more condi-

1 tions covered by such order. Any reduction in rent under this section
2 shall be calculated by the state division of housing and community
3 renewal to be effective upon the date that the diminution of service
4 commenced, regardless of when the diminution of services was reported to
5 the state division of housing and community renewal or when the
6 reduction in rent was ordered by the state division of housing and
7 community renewal. Such reduction in rent shall be applicable to the
8 entire period of time the services were not maintained in full.

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

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

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

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

1 division of housing and community renewal or when the reduction in rent
2 was ordered by the state division of housing and community renewal. Such
3 reduction in rent shall be applicable to the entire period of time the
4 services were not maintained in full.

5 § 5. This act shall take effect immediately and shall apply to all
6 diminution of service complaints filed on and after such effective date;
7 provided, however, that: (a) the amendments to section 26-514 of chap-
8 ter 4 of title 26 of the administrative code of the city of New York
9 made by section two of this act shall expire on the same date as such
10 law expires and shall not affect the expiration of such law as provided
11 under section 26-520 of such law; and

12 (b) the amendments to section 26-405 of the city rent and rehabili-
13 tation law made by section three of this act shall remain in full force
14 and effect only so long as the public emergency requiring the regulation
15 and control of residential rents and evictions continues, as provided in
16 subdivision 3 of section 1 of the local emergency housing rent control
17 act.