STATE OF NEW YORK

8291

2025-2026 Regular Sessions

IN ASSEMBLY

May 9, 2025

Introduced by M. of A. SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the New York city civil court act, in relation to actions and proceedings seeking an abatement of rent based on violations of the housing maintenance code or the warranty of habitability

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

Section 1. Subdivision (a) of section 110 of the New York city civil court act is amended by adding a new paragraph 10 to read as follows:

(10) Actions and proceedings seeking an abatement of rent based on violations of the housing maintenance code, applicable housing standards, building code, health code or section two hundred thirty-five-b of the real property law. Such abatements shall be granted beginning at the time when the violation commenced until the violation is corrected. For the purposes of this provision, "violation" shall mean any condition that would give rise to a violation of the housing maintenance code, applicable local and state housing standards, the building code, the health code, or the multiple dwelling law.

§ 2. Section 110 of the New York city civil court act is amended by adding a new subdivision (r) to read as follows:

(r) (1) Abatements shall be calculated based on the diminished value of the premises during the period of the breach as follows:

(i) For each non-hazardous violation, not less than twenty percent of the rent;

(ii) For each hazardous violation, not less than thirty percent of the rent; and

(iii) For each immediately hazardous violation, not less than sixty percent of the rent.

(2) The court may, in its discretion, grant a greater abatement than that anticipated by the minimum standards in paragraph one of this

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

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subdivision on account of the duration of the diminution in value and the severity of the violations.

(3) For any violation for which the provisions in paragraph one would not apply, the abatement granted shall equal the difference between the rent reserved under the lease and the value of the premises during the period of the breach.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.