

STATE OF NEW YORK

6452

2025-2026 Regular Sessions

IN SENATE

March 14, 2025

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 tenant protection act of nineteen seventy-four, the administrative code of the city of New York and the real property tax law, in relation to reporting rent concessions

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

1 Section 1. Legislative intent and findings. The legislature finds and
2 declares that the use of rental concessions in rent stabilized apart-
3 ments to charge one rent to tenants while reporting another rent to the
4 division of housing and community renewal undermines the purposes of the
5 rent stabilization laws. It is the intent of the legislature to clarify
6 that, for the purposes of the emergency tenant protection act of nine-
7 teen seventy-four or any successor legislation, the amount of rent
8 charged to and paid by the tenant or any initial adjusted monthly rent
9 charged and paid refers to the net effective rent, which sum shall
10 reflect the value of any rental concession. In order to effectuate the
11 meaning and intent of the rent stabilization laws, rents reported to the
12 division should equal the net effective rent paid by a tenant based upon
13 the value of any and all concessions, and in this respect the applica-
14 tion of the law will be facilitated by including rental concessions and
15 their value in annual rent registration statements.

16 § 2. Subdivision f of section 12-a of section 4 of chapter 576 of the
17 laws of 1974, constituting the emergency tenant protection act of 1974,
18 as added by chapter 403 of the laws of 1983, is amended to read as
19 follows:

20 f. An annual statement shall be filed containing the current rent for
21 each unit and such other information contained in subdivision a of this
22 section as shall be required by the division. The owner shall provide
23 each tenant then in occupancy with a copy of that portion of such annual

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

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1 statement as pertains to the tenant's unit. Such annual statement shall
2 also contain information relating to any and all concessions granted for
3 a unit and, in any case where a concession includes a discount on rent
4 paid for a unit by the tenant, the current rent for each unit reported
5 by the owner to the division shall equal the net effective rent for such
6 unit based upon the value of such concession.

7 (1) For the purposes of this subdivision, the term "concession" shall
8 mean any temporary adjustment to a lease intended to induce a tenant to
9 sign or renew such lease, including without limitation a rebate,
10 discount, waiver, license agreement, proration, money payment, or phys-
11 ical good or service or access thereto.

12 (2) For the purposes of this subdivision, the term "net effective
13 rent" shall mean the average monthly rent charged to and paid by a
14 tenant over the duration of a tenant's occupancy of a unit pursuant to
15 an unexpired lease and any related rider or agreement.

16 § 3. Subdivision f of section 26-517 of the administrative code of
17 the city of New York is amended to read as follows:

18 f. An annual statement shall be filed containing the current rent for
19 each unit and such other information contained in subdivision a of this
20 section as shall be required by the division. The owner shall provide
21 each tenant then in occupancy with a copy of that portion of such annual
22 statement as pertains to the tenant's unit. Such annual statement shall
23 also contain information relating to any and all concessions granted for
24 a unit and, in any case where a concession includes a discount on rent
25 paid for a unit by the tenant, the current rent for each unit reported
26 by the owner to the division shall equal the net effective rent for such
27 unit based upon the value of such concession.

28 (1) For the purposes of this subdivision, the term "concession" shall
29 mean any temporary adjustment to a lease intended to induce a tenant to
30 sign or renew such lease, including without limitation a rebate,
31 discount, waiver, license agreement, proration, money payment, or phys-
32 ical good or service or access thereto.

33 (2) For the purposes of this subdivision, the term "net effective
34 rent" shall mean the average monthly rent charged to and paid by a
35 tenant over the duration of a tenant's occupancy of a unit pursuant to
36 an unexpired lease and any related rider or agreement.

37 § 4. Paragraph a of subdivision 1 of section 421-a of the real proper-
38 ty tax law, as amended by chapter 857 of the laws of 1975 and as renum-
39 bered by chapter 110 of the laws of 1977, is amended to read as follows:

40 a. "Adjusted Monthly Rent." The rent payable per month as provided in
41 the first effective lease or occupancy agreement upon initial occupancy
42 of a rental dwelling unit of a multiple dwelling after construction
43 aided by exemption under this section less the cost of providing parking
44 facilities and electricity, gas, cooking fuel and other utilities other
45 than heat and hot water to occupants of such dwelling units, which sum
46 shall reflect the value of any and all concessions as such term is
47 defined by subdivision f of section twelve-a of the emergency tenant
48 protection act of 1974.

49 § 5. This act shall take effect immediately; provided, however, that
50 the amendments to section 26-517 of chapter 4 of title 26 of the admin-
51 istrative code of the city of New York made by section three of this act
52 shall expire on the same date as such law expires and shall not affect
53 the expiration of such law as provided under section 26-520 of such law.