

# STATE OF NEW YORK

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9707

## IN SENATE

April 2, 2026

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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:

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

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

17 (e) prohibit individual apartment improvement increases for housing  
18 accommodations with outstanding hazardous or immediately hazardous  
19 violations of the Uniform Fire Prevention and Building Code (Uniform  
20 Code), New York City Fire Code, or New York City Building and Housing  
21 Maintenance Codes, if applicable; and prohibit individual apartment  
22 improvement increases for housing accommodations where the owner, or any  
23 person acting on the owner's behalf, has, within the look-back period  
24 defined in subdivision four of this section, demonstrated a pattern of  
25 violations meeting the threshold set forth in subdivision four of this  
26 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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1 that the proposed improvement will directly and substantially remedy  
2 those violations;

3 4. For the purposes of this section:

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

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

15 (c) qualifying violation categories are limited to the following: (i)  
16 heat or hot-water violations classified as hazardous or immediately  
17 hazardous; (ii) elevator or vertical-transportation violations classi-  
18 fied as hazardous or immediately hazardous; (iii) fire-safety system  
19 violations classified as hazardous or immediately hazardous; (iv) pest  
20 or vermin infestation violations classified as hazardous or immediately  
21 hazardous; (v) mold, moisture, lead-based paint, or other indoor envi-  
22 ronmental hazards classified as hazardous or immediately hazardous; (vi)  
23 structural instability or facade hazards classified as hazardous or  
24 immediately hazardous.

25 § 2. This act shall take effect immediately.