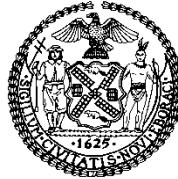


Staff: Edward Atkin, Counsel to the Committee
Jennifer Wilcox, Legislative Attorney
Guillermo Patino, Legislative Policy Analyst
Jose Conde, Legislative Policy Analyst
Sarah Gastelum, Legislative Financial Analyst



THE COUNCIL

Committee Report of the Infrastructure Division

Matt Gewolb, Legislative Director
Baaba Halm, Deputy Director, Infrastructure Division

COMMITTEE ON HOUSING AND BUILDINGS

Jumaane D. Williams, Chair

June 18, 2014

INT. NO. 33:

By Council Members Weprin, Koo, Levin, Richards, Vallone, Mendez and Ulrich

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to allowing residential cooperatives to consolidate required energy efficiency reports.

ADMINISTRATIVE CODE:

Amends sections 28-308.1 and 28-308.4.1.

INT. NO. 35:

By Council Members Williams and Johnson

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to posting certain information in multiple dwellings containing rent-regulated units.

ADMINISTRATIVE CODE:

Amends sections 27-2098 and 27-2104.

PROPOSED INT. NO. 48-A:

By Council Members Cabrera, Johnson, Koo, Rose, Rosenthal, Reynoso and Richards

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to a tenants' bill of rights.

ADMINISTRATIVE CODE:

Adds a new chapter 11 to title 26.

INT. NO. 163:

By Council Members Mendez, Koo, Rose, Rosenthal and Koslowitz (by request of the Manhattan Borough President)

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to information required to be provided upon the signing of a lease.

ADMINISTRATIVE CODE:

Adds a new section 27-2009.2.

RES. NO. 30:

By Council Members Williams, Levin, Levine, Richards, Johnson, Reynoso, Mendez and Menchaca

TITLE:

Resolution calling on the New York State Division of Housing and Community Renewal and the New York City Rent Guidelines Board to work together to provide notice by mail of the dates, times and locations of all public meetings of the Rent Guidelines Board to all tenants of rent-stabilized housing in New York City.

RES. NO. 191:

By Council Members Johnson, Chin, Gibson, Lander, Levine, Richards, Rose and Wills

TITLE:

Resolution calling upon the New York State Homes and Community Renewal to release the addresses of illegally deregulated rental units upon their return to the rent regulatory system.

Introduction

On June 18, 2014, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams, will hold a hearing to consider Int. No. 33, Int. No. 35, Proposed Int. No. 48-A, Int. No. 163, Res. No. 30, and Res. No. 191. The Committee expects to receive testimony from representatives of the Department of Housing Preservation and Development (HPD), the Department of Buildings (DOB), legal service providers, tenant and community advocacy organizations, members of the real estate industry, building managers, owners and managers of cooperatives, environmental advocates, engineers, architects, builders, and other interested members of the public.

Int. No. 33

Owners of certain larger buildings – i.e. “covered buildings”¹ – are generally required to file energy efficiency reports with the Department of Buildings (DOB) every ten years.² The filing schedule for a particular covered building depends on its tax block number: for example, owners of covered buildings located in a tax block that ends in a zero are generally required to file their reports in 2020 and every ten years thereafter, owners of covered buildings located in a tax block that ends with one are required to file their reports in 2021 and every ten years thereafter, and so on.³

Int. No. 33 would allow cooperative corporations⁴ owning multiple covered buildings with different energy efficiency report filing dates to file a single, consolidated energy efficiency

¹ A “covered building” is generally (i) a building that exceeds 50,000 square feet, (ii) two or more buildings on the same tax lot that together exceed 100,000 square feet, or (iii) “two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 square feet.” Ad. Code § 28-308.1. There is, however, an exception for buildings that are “class one” under section 1802 of the State Real Property Tax Law.

² Ad. Code § 28-308.4.

³ Ad. Code § 28-308.4.1.

⁴ A “cooperative corporation” is, according to the bill, a corporation organized under applicable State law “that, among other things, grants persons the rights to reside in a cooperative apartment, that right existing by such

report for all of its buildings.⁵ This consolidated report would be “due no later than the year in which the last energy efficiency report would be due.”⁶ Int. No. 33 would take effect 180 days after enactment except that DOB would be permitted to take measures necessary for its implementation (e.g. promulgate rules) before the effective date.⁷

Int. No. 35

Dwelling owners are generally required to file annual registration statements with HPD providing, among other things, the dwelling’s street address, block and lot number, and the dwelling owner’s name and address.⁸ Owners of multiple dwellings are also required to post a sign in the building identifying the “owner, managing agent, and agent designated by the owner for the collection of rental payments if different from the managing agent.”⁹

Int. No. 35 would provide that, for multiple dwellings,¹⁰ the annual registration must include a statement as to whether or not the multiple dwelling includes any apartments that are subject to rent control or rent stabilization.¹¹ Int. No. 35 would further require that a sign be posted in the building indicating that the building contains one or more rent-regulated units.¹² The bill would take effect 120 days after enactment except that HPD would be permitted to take measures necessary for its implementation (e.g. promulgate rules) before the effective date.¹³

person’s ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity.” *See* Int. No. 33 § 1, amending Ad. Code § 28-308.1.

⁵ Int. No. 33 § 2, amending Ad. Code § 28-308.4.1.

⁶ *Id.*

⁷ Int. No. 33 § 3.

⁸ Ad. Code §§ 27-2097 and 27-2098.

⁹ Ad. Code § 27-2104.

¹⁰ A “multiple dwelling” is generally a building with three or more dwelling units. *See* Ad. Code § 27-2004 (a) (7).

¹¹ Int. No. 35 § 1, amending Ad. Code § 27-2098.

¹² Int. No. 35 § 2, amending Ad. Code § 27-2104.

¹³ Int. No. 35 § 3.

Proposed Int. No. 48-A

Currently, detailed descriptions of the rights and responsibilities of residential tenants are provided on HPD's website and the website of the New York State Attorney General's Office.¹⁴

Additionally, it has been reported that tenants in some residential buildings receive a list of their rights and responsibilities attached to their leases.¹⁵ However, the language describing such rights and responsibilities can be very long and complex and may not be understood or accessed by many tenants.¹⁶ Some tenants and tenant advocates fear that as a result, tenants are not aware of their basic rights, which can lead to an environment in which they can be taken advantage of.¹⁷ Proposed Int. No. 48-A would seek to ensure that tenants throughout the City are made aware of their rights by requiring that a summary listing a tenant's basic rights and responsibilities be posted in a conspicuous location in multiple dwellings and that the summary of such rights be provided to all tenants when signing or renewing a lease. The bill also sets the applicable penalty provisions for landlords who violate certain provisions of the bill.

Section one of Proposed Int. No. 48-A would add a new chapter 11, entitled "Tenants' Bill of Rights," to title 26 of the Administrative Code of the City of New York (the Code). New section 26-1001, entitled "Tenants' bill of rights," would require every owner of a multiple dwelling to post in and provide to all tenants in such multiple dwelling a tenants' bill of rights in accordance with the provisions of new chapter 11.

¹⁴ See <http://www.nyc.gov/html/hpd/downloads/pdf/ABCs-housing-singlepg.pdf>; see also http://www.ag.ny.gov/sites/default/files/pdfs/publications/Tenant_Rights_2011.pdf.

¹⁵ Daniel Beekman, *City Councilman Fernando Cabrera, Advocates to Rally Outside Bronx Housing Court for Tenants' Bill of Rights*, New York Daily News (Mar. 20, 2012), available online at <http://www.nydailynews.com/new-york/bronx/city-councilman-fernando-cabrera-advocates-rally-bronx-housing-court-tenants-bill-rights-article-1.1046992>.

¹⁶ See Metropolitan Council on Housing website, http://metcouncilonhousing.org/get_involved/tenants_bill_of_rights.

¹⁷ *Id.*

New section 26-1002 sets forth applicable definitions.

New section 26-1003, entitled “Contents of tenants’ bill of rights,” would require the tenants’ bill of rights to provide that “As a tenant in New York City you have rights based on federal, state, and local laws. If there are conditions in your apartment that need to be corrected, please contact your landlord. If you feel your rights may have been violated, please contact the department of housing preservation and development. You are encouraged to consult a lawyer regarding particular situations of concern. In New York City, generally: (i) Your landlord cannot evict you without taking you to Court. (ii) Every tenant has the right to hot water all year long and to adequate heat, during the period from October first through May thirty-first. (iii) Your landlord must exterminate rats, mice, roaches, bedbugs and other vermin. (iv) You have the right to form, join, and participate in a tenants’ organization for the purposes of protecting your rights.”

Subdivision a of new section 26-1004, entitled “Notice required,” would require the owner of a multiple dwelling to deliver or cause to be delivered to each tenant or prospective tenant of a dwelling unit in such multiple dwelling, along with a lease or lease renewal form, a notice that states the rights of tenants as set forth in new section 26-1003, HPD’s telephone number, and the web address of HPD’s legal assistance guide. Subdivision b of the new section 26-1004, entitled “Posting required,” would require HPD to determine the form of the notice stating the rights of tenants which shall be posted by the owner of a multiple dwelling in a conspicuous place within view of the area in the multiple dwelling to which mail is delivered.

New section 26-1005, entitled “Legal assistance guide,” would require HPD to provide and maintain on the City’s website a list of organizations that provide legal counsel to tenants. An organization would be eligible for inclusion on the website if one of its principal purposes is

the furnishing of free or low-cost legal services to persons who are unable to afford private legal counsel; has substantial expertise in housing law and landlord and tenant law and relevant experience in representing low-income tenants in the civil court of the city of New York; operates pursuant to the standards contained in section 4 (standards for relations with clients) and section 6 (standards for quality assurance) of the standards for providers of civil legal aid established by the American Bar Association; and satisfies such other criteria as may be established by HPD.

New section 26-1006, entitled “Violations and penalties,” establishes penalties for violations of this new chapter. Subdivision a of new section 26-2006 would make any owner who fails to comply with the provisions of subdivision a of new section 26-1004 liable for a civil penalty of one hundred fifty dollars for each dwelling unit for which there was a failure to comply. Subdivision b of new section 26-1006 would make any owner who fails to comply with the provisions of subdivision b of new section 26-1004 liable for a civil penalty of two hundred fifty dollars.

Section two of this legislation contains the enactment clause and provides that this local law take effect one hundred and twenty days after its enactment into law, except that HPD may take measures necessary for its implementation (e.g. promulgate rules) before the effective date.

Changes to Int. No. 48

Int. No. 48 has been amended in the following manner:

- The list of enumerated rights has been shortened and changed into plain language.
- Owners of multiple dwellings are no longer required to deliver a copy of the tenants’ bill of rights to tenants of each occupied dwelling unit within one hundred twenty days of the effective date of this chapter.
- The notice to be distributed to each tenant or prospective tenant and published in a conspicuous place within view of the area of the multiple dwelling to which mail is

delivered no longer needs to include telephone numbers for New York State Homes and Community Renewal, the City's Human Rights Commission, and Department of Health and Mental Hygiene.

- The notice to be distributed to each tenant or prospective tenant and published in a conspicuous place within view of the area of the multiple dwelling to which mail is delivered now must include the web address of the legal assistance guide.
- HPD no longer needs to provide and maintain on the City's website a tenants' rights and responsibilities guide, but does now need to provide and maintain on the City's website a legal assistance guide.

Int. No. 163

Int. No. 163 would require that residential leases include a rider setting forth a list of notices that landlords are required to provide tenants at the time of lease offering.¹⁸ The content of the rider would be determined by HPD, would be made available on its website, and would include, at a minimum, "information related to when lead-based paint notices are required under section 27-2056.4 of this code, when bedbug infestation history notices are required under section 27-2018.1 of this code and when window guard notices are required by the department of health."¹⁹ The rider would have to be signed and dated by both the tenant and the owner, and an owner who fails to provide such a rider would be subject to a civil penalty of at least \$50.²⁰

Int. No. 163 would take effect 90 days after enactment.²¹

Res. No. 30

According to the most recent Housing Vacancy Survey, of the City's approximately 2,172,634 renter households, 45 percent or 987,000 dwelling units are rent stabilized.²² According to the New York State Division of Housing and Community Renewal

¹⁸ Int. No. 163 § 1, adding Ad. Code § 27-2009.2.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Int. No. 163 § 2.

²² Selected Initial Findings of the 2011 New York City Housing and Vacancy Survey, available online at <http://www.nyc.gov/html/hpd/downloads/pdf/HPD-2011-HVS-Selected-Findings-Tables.pdf>.

(NYS HCR), rent stabilization is intended to protect tenants in privately-owned buildings from illegal rent increases and allow owners to maintain their buildings and realize a reasonable profit.²³ The New York City Rent Guidelines Board (NYC RGB) is tasked with establishing annual rent adjustments for the approximately one million dwelling units subject to the Rent Stabilization Law in the City.²⁴ The NYC RGB is required to hold a public hearing or hearings for the purpose of collecting information before setting the maximum adjustment of rents.²⁵ Currently, notice of meetings and hearings is available on the NYC RGB website, the media and other sources, but is not provided directly to tenants of rent-stabilized housing.

Res. No. 30 calls upon the NYS HCR and the NYC RGB to work together to provide advance notice, by mail, of the dates, times and locations of all public meetings of the NYC RGB to all tenants of rent-stabilized housing in the City in order to allow them to stay informed about the rent-adjustment process and to provide testimony at public hearings if they wish to do so.

Res. No. 191

In 2012, Governor Andrew Cuomo created the Tenant Protection Unit (TPU), a division at NYS HCR, to enforce the State's rent laws. TPU increases the scrutiny on property owners' business practices by conducting outreach to those who have failed to register units and auditing properties that received significant rent increases after a vacancy. Through these methods, TPU has identified 28,000 illegally deregulated apartments and added these rental units back to the

²³ Fact Sheet #1: Rent Stabilization and Rent Control, New York State Division of Housing and Community Renewal, available online at <http://www.nyshcr.org/Rent/FactSheets/orafac1.htm>.

²⁴ Mission Statement, The New York City Rent Guidelines Board, available online at <http://www.nycrgb.org/html/about/about.html>.

²⁵ Ad. Code § 26-510(h).

rent regulated system.²⁶ However, NYS HCR has not identified which apartments have returned to rent regulations.²⁷

Res. No. 191 calls on NYS HCR to release the addresses of illegally deregulated rental units upon their return to rent regulation. The resolution states that affected tenants may not know they are eligible for a refund and may not know that their unit has returned to rent regulation. Knowledge of the location of the illegally deregulated units would allow advocates to educate affected tenants about their tenant rights and aid in the enforcement of the rent regulatory system.

²⁶ Governor's Press Office, *Governor Cuomo Announces 28,000 Units Added Back to the Rent-Stabilization Rolls*, <http://www.governor.ny.gov/press/02042014-rent-stabilization-rolls> (February 4, 2014)

²⁷ Simone Weichselbaum, *Tenants advocates push the Cuomo administration to release the addresses of rent stabilized buildings*, New York Daily News (Feb. 11, 2014), available online at <http://www.nydailynews.com/new-york/uptown/rent-regulation-mystery-brews-uptown-article-1.1609033>.

Int. No. 33

By Council Members Weprin, Koo, Levin, Richards, Vallone, Mendez and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to allowing residential cooperatives to consolidate required energy efficiency reports.

Be it enacted by the Council as follows:

Section 1. Section 28-308.1 of the administrative code of the city of New York as added by Local Law number 87 for the year 2009, is amended by adding the following definition in appropriate alphabetical order to read as follows:

COOPERATIVE CORPORATION. A corporation governed by the requirements of the state cooperative corporation law or general business law that, among other things, grants persons the right to reside in a cooperative apartment, that right existing by such person's ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity.

§ 2. Section 28-308.4.1 of the administrative code of the city of New York is amended to read as follows:

§ 28-308.4.1 Due dates. The first energy efficiency reports for covered buildings in existence on the effective date of this article and for new buildings shall be due, beginning with calendar year 2013, in the calendar year with a final digit that is the same as the last digit of the building's tax block number, as illustrated in the following chart:

Last digit of 0 1 2 3 4 5 6 7 8 9
tax block
number

Year first
EER is due 2020 2021 2022 2013 2014 2015 2016 2017 2018 2019

Owners of covered buildings (i) that are less than 10 years old at the commencement of their first assigned calendar year or (ii) that have undergone substantial rehabilitation, as certified by a registered design professional, within the 10 year period prior to any calendar year in which an energy efficiency report is due, such that at the commencement of such calendar year all of the base building systems of such building are in compliance with the New York city energy conservation code as in effect for new buildings constructed on and after July 1, 2010, or as in effect on the date of such substantial rehabilitation, whichever is later, may defer submitting an energy efficiency report for such building until the tenth calendar year after such assigned calendar year.

[Exception] Exceptions:

1. The first due dates for city buildings shall be in accordance with a staggered schedule, commencing with calendar year 2013 and ending with calendar year 2022 for buildings in existence on the effective date of this article, to be submitted by the department of citywide administrative services to the department on or prior to December 31, 2011. A city building constructed after the effective date of this article shall be added to such schedule within 10 years after the issuance of the first certificate of occupancy for such building. Copies of energy efficiency reports submitted to the department with respect to city buildings that are not submitted by the department of citywide administrative services shall also be submitted to the department of citywide administrative services.

2. A cooperative corporation that owns multiple covered buildings located on different tax block numbers, that is required to file an energy efficiency report for more than one covered building in different calendar years, may consolidate all such energy efficiency reports into one report, due no later than the year in which the last energy efficiency report would be due, which

shall be accepted by the department in satisfaction of the requirements of this section for each covered building included in such consolidated report.

§ 3. This local law shall take effect one hundred eighty days after its enactment into law, except that the department of buildings shall take all measures for its implementation including the promulgation of rules prior to such effective date.

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1/30/2014 10:15 AM
Int. 1230/2013

Int. No. 35

By Council Members Williams and Johnson

A Local Law to amend the administrative code of the city of New York, in relation to posting certain information in multiple dwellings containing rent-regulated units.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2098 of the administrative code of the city of New York is amended by adding a new paragraph 7 to read as follows:

(7) If the dwelling is a multiple dwelling, a statement of whether or not the multiple dwelling contains any dwelling unit subject to rent control pursuant to chapter three of title twenty-six of this code or rent stabilization pursuant to chapter four of title twenty-six of this code and the number of such dwelling units as applicable.

§ 2. Section 27-2104 of the administrative code of the city of New York is amended to read as follows:

§ 27-2104. Posting of serial number.

a. An identification sign containing the dwelling serial number assigned by the department for the purpose of identifying the registered multiple dwelling and the owner, managing agent, and agent designated by the owner for the collection of rental payments if different from the managing agent, shall be posted in every multiple dwelling in the manner and location prescribed by the department.

b. In any multiple dwelling that contains one or more dwelling units subject to rent control pursuant to chapter three of title twenty-six of this code or rent stabilization pursuant to chapter four of title twenty-six of this code, a sign shall be posted in the manner and location prescribed by the department and shall read as follows: "This building contains one or more units that are subject to rent regulation."

§ 3. This local law shall take effect 120 days after its enactment, provided, however, that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

wcj
LS# 2990
Cr-11/12/2013 Sv-11/19/2013 3:32 PM

Proposed Int. No. 48-A

By Council Members Cabrera, Johnson, Koo, Rose, Rosenthal, Reynoso and Richards

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to a tenants' bill of rights.

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

TENANTS' BILL OF RIGHTS

§26-1001 Tenants' bill of rights. Every owner of a multiple dwelling shall be required to post in and provide to all tenants in such multiple dwelling a tenants' bill of rights in accordance with the provisions of this chapter.

§26-1002 Definitions. For purposes of this chapter, the following terms shall be defined as follows:

"Department" shall mean the department of housing preservation and development.

"Dwelling unit" shall mean a dwelling unit as defined in paragraph thirteen of subdivision a of section 27-2004 of this code.

"Multiple dwelling" shall mean a dwelling as defined in paragraph seven of subdivision a of section 27-2004 of this code.

"Owner" shall mean an owner as defined in paragraph forty-five of subdivision a of section 27-2004 of this code.

"Tenant" shall mean any lawful occupant of a dwelling unit in a multiple dwelling.

§26-1003 Content of tenants' bill of rights. Such statement of rights shall provide the

following:

“As a tenant in New York City you have rights based on federal, state and local laws. If there are conditions in your apartment that need to be corrected, please contact your landlord. If you feel your rights may have been violated, please contact the department of housing preservation and development. You are encouraged to consult a lawyer regarding particular situations of concern.

In New York City, generally:

- (i) Your landlord cannot evict you without taking you to Court.
- (ii) Every tenant has the right to hot water all year long and to adequate heat, during the period from October first through May thirty-first.
- (iii) Your landlord must exterminate rats, mice, roaches, bedbugs and other vermin.
- (iv) You have the right to form, join, and participate in a tenants’ organization for the purposes of protecting your rights.”

§26-1004 Notice required. a. The owner of a multiple dwelling shall deliver or cause to be delivered to each tenant or prospective tenant of a dwelling unit in such multiple dwelling, along with a lease or lease renewal form, a notice that states the rights of tenants as set forth in section 26-1003 of this chapter, the telephone number for the New York city department of housing preservation and development, the web address of the department’s legal assistance guide.

b. Posting required. The department shall determine the form of the notice stating the rights of tenants which shall be posted by the owner of a multiple dwelling in a conspicuous place within view of the area in the multiple dwelling to which mail is delivered. Such notice shall include the rights of tenants as set forth in section 26-1003 of this chapter, the telephone

number for the New York city department of housing preservation and development, the web address of the department's legal assistance guide and contact information for the New York State homes & community renewal tenant protection unit.

26-1005 Legal assistance guide. The department shall provide and maintain on the city's website a list of organizations that provide legal counsel to tenants. An organization may be eligible for inclusion on the website if it:

- i. has as a principal purpose the furnishing of free or low-cost legal services to persons who are unable to afford private legal counsel;
- ii. has substantial expertise in housing law and landlord and tenant law and relevant experience in representing low-income tenants in the civil court of the city of New York;
- iii. operates pursuant to the standards contained in section 4 (standards for relations with clients) and section 6 (standards for quality assurance) of the standards for providers of civil legal aid established by the american bar association; and
- iv. satisfies such other criteria as may be established by the commissioner of housing preservation and development.

§26-1006. Violations and penalties. a. Any owner who fails to comply with the provisions of subdivision a of section 26-1004 of this chapter shall be liable for a civil penalty of one hundred fifty dollars for each dwelling unit for which there was a failure to comply.

b. Any owner who fails to comply with the provisions of subdivision b of section 26-1004 of this chapter shall be liable for a civil penalty of two hundred fifty dollars.

§2. This local law shall take effect one hundred and twenty days after its enactment, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective

date.

JW
LS 375/2014
6/5/14 – 3:09p

Int. No. 163

By Council Members Mendez, Koo, Rose, Rosenthal and Koslowitz (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the City of New York, in relation to information required to be provided upon the signing of a lease.

Be it enacted by the Council as follows:

Section 1. Article 1 of subchapter two of chapter two of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2009.2, to read as follows:

§27-2009.2 Required forms list. a. All leases offered by owners to tenants or prospective tenants must contain a rider, the content of which shall be determined by the department and made available on its website, with a list of notices that may be required to be provided to tenants or prospective tenants at the time of a lease offering. The rider must include, at a minimum, information related to when lead-based paint notices are required under section 27-2056.4 of this code, when bedbug infestation history notices are required under section 27-2018.1 of this code and when window guard notices are required by the department of health. Such rider must be signed and dated by both the tenant or prospective tenant and the owner.

b. Any owner who fails to provide a lease rider to a tenant or prospective tenant as set forth in subsection a of this section shall be liable for a civil penalty enforceable by the department of at least fifty dollars.

§2. This local law shall take effect ninety days after its enactment.

KS
Int. No. 872/2012
2/26/14 2:45PM
LS 710/2014

Res. No. 30

Resolution calling on the New York State Division of Housing and Community Renewal and the New York City Rent Guidelines Board to work together to provide notice by mail of the dates, times and locations of all public meetings of the Rent Guidelines Board to all tenants of rent-stabilized housing in New York City.

By Council Members Williams, Levin, Levine, Richards, Johnson, Reynoso, Mendez and Menchaca

Whereas, According to the 2011 New York City Housing and Vacancy Survey, approximately 45.4 percent of New York City's total rental stock is rent-stabilized; and

Whereas, Under § 26-510(b) of the Administrative Code of the City of New York (Administrative Code), the Rent Guidelines Board (RGB) is charged with determining the maximum level of annual rent adjustments for rent-stabilized housing; and

Whereas, The RGB's rent-adjustment decision affects approximately one million New Yorkers whose housing is rent-stabilized; and

Whereas, Section 26-510(h) of the Administrative Code requires the RGB to "hold a public hearing or hearings for the purpose of collecting information" before setting the maximum adjustment of rents; and

Whereas, In 2013 the RGB eliminated the public hearing that has historically been held in the Bronx, Brooklyn or Queens, citing a trend of decreased attendance at public hearings; and

Whereas, Notice of RGB meetings and hearings is available through its website, the media and other sources, but is not provided directly to tenants of rent-stabilized housing; and

Whereas, Directly providing tenants of rent-stabilized housing with advance notice of RGB meetings, especially those meetings at which public testimony will be taken, would help those tenants stay informed about the rent-adjustment process and help ensure that tenants who wish to testify before the RGB are able to do so; and

Whereas, The New York State Division of Housing and Community Renewal administers the registration of rent-stabilized apartments, including maintaining a list of those apartments; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Division of Housing and Community Renewal and the New York City Rent Guidelines Board to work together to provide notice by mail of the dates, times and locations of all public meetings of the Rent Guidelines Board to all tenants of rent-stabilized housing in New York City.

wcj
LS# 2991
Cr-11/25/2013 Sv-12/6/2013 2:54 PM

Res. No. 191

Resolution calling upon the New York State Homes and Community Renewal to release the addresses of illegally deregulated rental units upon their return to the rent regulatory system.

By Council Members Johnson, Chin, Gibson, Lander, Levine, Richards, Rose and Wills

Whereas, New York State's rent-regulation programs, known as rent control and rent stabilization, cover about 1 million apartments in New York City, which represents most of the city's affordable rental housing stock; and

Whereas, The New York State Homes and Community Renewal (HCR) is the state agency responsible for administering rent regulation laws in order to protect tenants in privately owned buildings from illegal rent increases, unlawful harassment, unwarranted evictions, and to require that habitable building conditions be maintained; and

Whereas, A regulated unit can be removed from the regulatory system if a vacant unit's permitted rent increases to above \$2,500 a month or if an occupied unit's rent exceeds \$2,500 a month and the tenant's annual income is \$200,000 or more for two consecutive years; and

Whereas, Some property owners are violating rent regulation laws by charging market rate rent for apartments required to be rent regulated; and

Whereas, This practice has greatly exacerbated the city's severe lack of affordable housing by taking thousands of affordable units off the market; and

Whereas, HCR is limited to a four-year statute of limitations to investigate rent overcharge and unit registration complaints unless there is evidence of fraud; and

Whereas, The New York City Guidelines Board recently stated that 9,499 rent stabilized apartments were deregulated in 2012 with approximately 249,355 rent stabilized units deregulated between 1994 and 2012 because of high rent amounts, coop/condo conversions, the expirations of tax benefits and other property alterations; and

Whereas, The Governor in 2012 created the Tenant Protection Unit (TPU), a division at HCR, to proactively enforce compliance with the State's rent laws and investigate those involved in schemes to illegally deregulate apartments; and

Whereas, TPU has increased the level of scrutiny on property owners' business practices by conducting proactive outreach to those who have failed to register units and audits on properties that have significantly increased rent upon vacancy; and

Whereas, Through these initiatives, TPU identified more than 28,000 illegally deregulated apartments and has added these units back to the rent stabilization system, entered into settlement agreements with property owners to refund rent overcharges and revised tenant leases impacted by such illegal activity; and

Whereas, Despite these steps, more transparency and accountability is needed to ensure that the landlords that engaged in these types of activities do not continue to flout the law or have more units that should be returned back to rent regulated status; and

Whereas, Tenants affected by such illegal activities may not be aware that they may be due a refund or that their unit has been reregulated; and

Whereas, Knowledge of the location of illegally deregulated units would allow advocates to reach out to affected tenants to educate them on their rent-regulated rights, and aid in the enforcement of the rent regulatory system; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Homes and Community Renewal to release the addresses of illegally deregulated rental units upon their return to the rent regulatory system.

JLC
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