



Legislation Details (With Text)

File #: Int 0477-2011 **Version:** A **Name:** Tenants bill of rights and responsibilities.
Type: Introduction **Status:** Filed
In control: Committee on Housing and Buildings

On agenda: 2/16/2011

Enactment date: **Enactment #:**

Title: A Local Law to amend the administrative code of the City of New York, in relation to a tenants bill of rights and responsibilities.

Sponsors: Fernando Cabrera, Jumaane D. Williams, Charles Barron, Gale A. Brewer, Margaret S. Chin, Daniel Dromm, Daniel R. Garodnick, Sara M. Gonzalez, David G. Greenfield, Robert Jackson, Letitia James, G. Oliver Koppell, Karen Koslowitz, Brad S. Lander, Melissa Mark-Viverito, Darlene Mealy, Rosie Mendez, Annabel Palma, Deborah L. Rose, Albert Vann, Ruben Wills, Joel Rivera, Inez E. Dickens, The Public Advocate (Mr. de Blasio), Mathieu Eugene, Maria Del Carmen Arroyo, Ydanis A. Rodriguez, Stephen T. Levin, Domenic M. Recchia, Jr., James G. Van Bramer, Mark S. Weprin, Michael C. Nelson, Daniel J. Halloran III

Indexes:

Attachments: 1. Int. No. 477 - 2/16/11

Date	Ver.	Action By	Action	Result
2/16/2011	*	City Council	Introduced by Council	
2/16/2011	*	City Council	Referred to Comm by Council	
12/31/2013	A	City Council	Filed (End of Session)	

Proposed Int. No. 477-A

By Council Members Cabrera, Williams, Barron, Brewer, Chin, Dromm, Garodnick, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Vann, Wills, Rivera, Dickens, The Public Advocate (Mr. de Blasio) and Council Members Eugene, Arroyo, Rodriguez, Levin, Recchia, Van Bramer, Weprin, Nelson and Halloran

A Local Law to amend the administrative code of the City of New York, in relation to a tenants bill of rights and responsibilities.

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 10 to read as follows:

CHAPTER 10

TENANTS BILL OF RIGHTS AND RESPONSIBILITIES

§26-901 Tenants bill of rights and responsibilities. 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 and responsibilities in accordance with the provisions of this chapter.

§26-902 For purposes of this chapter, the following terms shall be defined as follows:

a. “Commissioner” shall mean the commissioner of housing preservation and development.

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

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

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

e. “Tenant” shall mean any lawful occupant of a dwelling unit in a multiple dwelling.

§26-903 Contents of tenants bill of rights and responsibilities. Such statement of rights and responsibilities shall provide the following:

1. Eviction. (i) Your landlord is required to seek a warrant for your eviction from a court before evicting you and you have a right to defend yourself. It is illegal for your landlord to remove you or your possessions, prevent you from entering your dwelling unit or discontinue services such as water, heat or electricity and such actions should be reported to the police. These rights apply to anyone who lives in a dwelling unit for thirty or more days including roommates and others not named on a lease. In an eviction case for nonpayment of rent, at any time before the warrant of eviction is issued, you may request a stay (delay) of the issuance of a warrant of eviction by depositing with the housing court the rent due and the costs of the proceeding.

(ii) You must pay your rent on time to avoid late fees and legal action for the non-payment of rent. Your landlord can seek to evict you for any amount of rent owed that is past-due in a non-payment of rent case. You may end a non-payment case by paying the amount owed, and until a judgment is entered, your landlord may not refuse to accept the rent. You have a right to raise certain defenses in a non-payment case including the lack

of required services or repairs.

(iii) Your landlord may seek to evict you in a holdover case for remaining past the term of your lease or agreement or if you have been properly given a notice to leave. Rent-stabilized and rent-controlled tenants are protected against lease terminations and evictions without cause. Your landlord may also seek to evict you in a holdover case for violating a substantial condition of your lease, for being a nuisance or for staying after a lease expires if your dwelling unit is not rent-regulated. In holdover cases your landlord is seeking to evict you whether or not you pay your rent.

2. Hot water and heat. Every tenant has the right to hot water all year long at all times at a minimum temperature of one hundred twenty degrees Fahrenheit and to adequate heat, during the period from October through May thirty-first the inside temperature must be at least sixty-eight degrees Fahrenheit from six a.m. to ten p.m. when the outside temperature is below fifty-five degrees Fahrenheit, and the inside temperature must be at least fifty-five degrees Fahrenheit from ten p.m. to six a.m. when the outside temperature is below forty degrees Fahrenheit.

3. Habitability. (i) Your landlord must maintain standards of habitability. The warranty of habitability requires that your landlord maintain your building in good repair; keep the hallways and public areas clean; paint your dwelling unit every three years; and exterminate rats, mice, roaches, bedbugs and other vermin, and deal with any other matter dangerous to life or health in a timely manner. The landlord must also maintain electrical, plumbing, sanitary, heating and ventilating systems and appliances installed by the landlord in good working order.

(ii) You are required to take care of your dwelling unit and to inform your landlord of the need for repairs in your dwelling unit and of vermin infestations requiring attention. You must provide your landlord or his or her agent access to your dwelling unit to make necessary repairs or to inspect conditions when your landlord makes a reasonable request with adequate notice. You do not have the right to make repairs or alterations to your dwelling unit without the written consent of your landlord and you can be subject to eviction

for doing so. If you pay for emergency repairs or services when the landlord has failed to respond to a request for repairs and deduct the cost of such work from your rent, you risk your landlord suing you for non-payment of rent.

4. Quiet Enjoyment. You have the right to the quiet enjoyment of your dwelling unit and are entitled to be free of nuisances or harassment by your landlord, his or her agent or other tenants. It is your landlord's responsibility to address ongoing nuisances that are within his or her control.

5. Discrimination. It is illegal for landlords and their agents to discriminate in the rental of housing, or in the provision of services, based on actual or perceived race, creed, color, national origin, gender, gender identity, disability, age, marital or familial status, the presence of children, lawful occupation, sexual orientation or immigration status. In buildings with six or more dwelling units, tenants are also protected against discrimination based on a lawful source of income: the landlord may not refuse to rent to a tenant based on his or her intention to pay the rent using section 8 vouchers or through another rent subsidy or to refuse such subsidy from an existing tenant. If you have been discriminated against, you may contact the New York city human rights commission by calling 311.

6. Roommates. You have the right to have family members reside with you so long as the dwelling unit does not become overcrowded. If only one person has signed a lease, you also have the right to share your dwelling unit with one other adult not related to you, and that person's dependent children, but overcharging roommates is illegal and can put you at risk of eviction. Exceptions and restrictions to the rights to share your dwelling unit apply to tenants receiving section 8 assistance, a senior citizen rent increase exemption, a disability rent increase exemption or other rental assistance, and for tenants in housing programs where rent is based on income-eligibility. While participating in these programs, always check your program's rules before taking in another household member.

7. Assigning or subletting leases. If you ask to assign the remaining time of your lease and, if the request is reasonable, your landlord must either agree to the assignment or release you from your lease

obligations. In privately-owned buildings with at least four units, your landlord may not unreasonably deny your request to sublet your dwelling unit. Tenants must follow specific rules when seeking to assign or sublet their dwelling unit and a failure to follow these rules may be grounds for eviction. Tenants receiving section 8 assistance, a senior citizen rent increase exemption, a disability rent increase exemption other rental assistance programs or in housing where rent is based on income-eligibility, may not have such rights to assign and sublet, while participating in these programs always check your program's rules.

8. Tenants sixty-two years of age or older and tenants with a disability. You have unique protections against certain types of evictions. Additionally, if you live in a rent stabilized, rent controlled or mitchell-lama apartment, are sixty-two years of age or older or have a disability and you pay one-third or more of your income in rent and your income falls below a certain income threshold, you may apply to have your rent frozen through the senior citizen rent increase exemption or disability rent increase exemption programs. You may apply for such programs through the department of finance by calling 311.

9. Tenants organizations. You have the right to form, join, and participate in a tenants organization for the purpose of protecting your rights. Tenants organizations have the right to use common areas of the building, free of charge for meetings, including the lobby if a community room is not available. Your landlord is forbidden by law to harass you for tenant-organizing activities.

10. Additional rights and responsibilities of rent regulated tenants. Tenants living in a rent stabilized and rent controlled tenants (rent regulated tenants) are subject to specific laws governing, among other things, maximum legal rents, causes for eviction, and leases. If you are a rent regulated tenant, you have certain rights relating to:

(i) leases, renewals and riders. With some exceptions, landlords cannot end the tenancy of rent regulated tenants without good cause. In most cases, when tenants are in compliance with their leases or other obligations, rent controlled tenants have rights to continuous occupancy, and rent-stabilized tenants must be offered the option of either a one- or two-year renewal lease, but if a renewal is not offered, the old lease

remains in effect. Rent stabilized tenants are not obligated to sign any riders or amendments that change the terms of their original lease;

(ii) rent increases. In rent regulated units, a dwelling unit's unique rental history determines its legal maximum rent. Rents for rent controlled tenants are governed by the maximum base rent system. Rent increases for rent-stabilized tenants may not exceed the guidelines set annually by the New York city rent guidelines board. Landlords may also apply for increases for major capital improvements or individual apartment improvements for certain types of work, using specific guidelines and formulas. Tenants have an opportunity to review a landlord's major capital improvement application and challenge inconsistencies or violations of regulations. Individual apartment improvements performed during vacancy may be challenged by the subsequent tenant by filing a rent overcharge complaint with New York state homes and community renewal.

11. Tenants have the right to consult an attorney to protect their legal rights. Tenants who feel their rights have been violated may also contact the New York city department of housing preservation and development or the New York city human rights commission by calling 311. Tenants whose rents are regulated by rent stabilization or rent control laws may also contact New York state homes and community renewal if they believe that any of these rights has been violated. The government does not provide free legal counsel to tenants who cannot afford a lawyer and many tenants have to rely on advocates or become their own advocates.

§26-904 Notice required. a. The owner of a multiple dwelling must deliver or cause to be delivered to the tenant of each occupied dwelling unit within one hundred twenty days of the effective date of this chapter a notice that states the rights and responsibilities of tenants as set forth in section 26-903 of this chapter, and the telephone numbers of the New York city department of housing preservation and development, New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

b. 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 and responsibilities of tenants as set forth in section 26-903 of this chapter, and telephone numbers for the New York city department of housing preservation and development, New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

c. Posting required. The department shall determine the form of the notice stating the rights and responsibilities 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 and responsibilities of tenants as set forth in section 26-903 of this chapter, information on how tenants may obtain a more detailed explanation of such rights and responsibilities as well as a tenants rights and responsibilities guide and shall include the telephone numbers for the New York city department of housing preservation and development, New York state homes and community renewal, the New York city human rights commission and the New York city department of health and mental hygiene.

d. Tenants rights and responsibilities guide. The department shall provide and maintain on the city's website a tenants rights and responsibilities guide which shall include a detailed explanation of the rights and responsibilities set forth in section 26-903 of this chapter as well as information on additional issues related to security deposits, boarders, pets, window guards, lead paint, locks, brokers and any other landlord/tenant topics the department deems relevant. Such guide shall also be made available in a print copy upon request.

§26-905. Violations and penalties. a. Any owner who fails to comply with the provisions of subdivision a of section 26-904 of this chapter shall be liable for a civil penalty of fifty dollars for each occupied 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 26-904 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.

c. Any owner who fails to comply with the provisions of subdivision c of section 26-904 of this chapter shall be liable for a civil penalty of two hundred fifty dollars.

§2. This local law shall take effect ninety 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.

BH
LS# 1202
10/21/2011 3:20 PM