



MEMORANDUM IN OPPOSITION
A759

The Rent Stabilization Association of New York City represents approximately 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout New York City. We thank the Committee for giving us the opportunity to submit this memorandum in opposition to A759, which imposes on owners an obligation to provide amenities to rent stabilized tenants if such amenities are available to other/fair market tenants.

The bill provides that an owner “may charge a fee...provided that such fee is reasonable and not structured in a manner meant to be prohibitive...” However, there is no guidance as to how such a fee would be set, and given the nature of the amenity, which could involve contracts with third-party vendors and high costs associated with providing such amenity, this bill would open landlords who provide these amenities to liability if a court or an agency were to find that a fee imposed by the owner was somehow “unreasonable”. Without further guidance, the bill would have the effect of having owners simply not provide any amenities, since doing so would open them up to unknown liability. Moreover, as rent stabilized tenants are entitled to service fees that increase annually or bi-annually pursuant to RGB guidelines increases, this bill will impose on owners the obligation to provide amenities to their rent regulated tenants which cost may only increase by the RGB guidelines, irrespective of the actual cost of providing the amenity. These issues of cost and just compensation to the owner for providing amenities must be addressed before this bill is enacted into law, or it will simply have the effect of decreasing the quality of housing for everyone in New York City.

Accordingly, the RSA opposes this bill.