

Legal Alert: Governor Signs Air-Conditioner Surcharge Bill

November 23, 2022

On November 22, 2022, Governor Kathy Hochul signed Senate bill [S02012A](#) into law, which prohibits the monthly \$5.00 charge that property owners were permitted to collect from tenants who install their own air conditioner and pay for their electricity. The law has gone into effect immediately and owners can no longer collect the monthly charge.

As [DHCR Fact Sheet No. 27](#) explains, when the tenant in a rent controlled or rent stabilized apartment in an electrical exclusion building (that is, a building in which the tenant pays for electricity), purchases and installs an air conditioner unit that protrudes beyond the window line, the owner may collect a \$5.00 per-month surcharge for each unit installed. Effective immediately, owners must cease charging and collecting this \$5.00 surcharge.

initial installation of an air conditioner for rent regulated apartments in NYC. The air conditioner surcharge increased from \$27.16 per month to \$31.83 per month (or \$381.93 per year), effective October 1, 2022 where electricity costs are included in the rent.