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I N   S E N A T E

February 9, 2010

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Introduced by Sen. ESPADA -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the real property tax law and the administrative code of the city of New York, in relation to tax abatement for rent regulated property occupied by certain senior citizens or low-income and moderate-income persons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The section heading of section 467-b of the real property  
2 tax law, as amended by chapter 188 of the laws of 2005, is amended to  
3 read as follows:  
4     Tax abatement for rent-controlled and rent regulated property occupied  
5 by senior citizens or persons with disabilities OR PERSONS OF LOW-INCOME  
6 AND MODERATE-INCOME.  
7     S 2. Paragraph b of subdivision 1 of section 467-b of the real proper-  
8 ty tax law, as amended by chapter 188 of the laws of 2005, is amended to  
9 read as follows:  
10    b. "Head of the household" means a person (i) who is sixty-two years  
11 of age or older, or (ii) who qualifies as a person with a disability  
12 pursuant to subdivision five of this section, OR (III) WHO, ON AND AFTER  
13 JULY FIRST, TWO THOUSAND ELEVEN, QUALIFIES AS A PERSON OF LOW-INCOME OR  
14 MODERATE-INCOME, and is entitled to the possession or to the use or  
15 occupancy of a dwelling unit. ON AND AFTER SUCH DATE, THE PROVISIONS OF  
16 CLAUSES (I) AND (II) OF THIS PARAGRAPH SHALL NO LONGER BE USED TO DEFINE  
17 THE TERM "HEAD OF HOUSEHOLD";  
18     S 3. Paragraph a of subdivision 3 of section 467-b of the real proper-  
19 ty tax law, as separately amended by chapters 188 and 205 of the laws of  
20 2005, is amended to read as follows:  
21    a. for a dwelling unit where PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN  
22 the head of the household is a person sixty-two years of age or older OR  
23 WHO, ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, QUALIFIES AS A PERSON  
24 OF LOW-INCOME OR MODERATE-INCOME, no tax abatement shall be granted if  
25 the combined income of all members of the household for the income tax  
26 year immediately preceding the date of making application exceeds four

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 thousand dollars, or such other sum not more than twenty-five thousand  
2 dollars beginning July first, two thousand five, twenty-six thousand  
3 dollars beginning July first, two thousand six, twenty-seven thousand  
4 dollars beginning July first, two thousand seven, twenty-eight thousand  
5 dollars beginning July first, two thousand eight, and twenty-nine thou-  
6 sand dollars beginning July first, two thousand nine, as may be provided  
7 by the local law, ordinance or resolution adopted pursuant to this  
8 section, AND FORTY-FIVE THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOU-  
9 SAND ELEVEN; provided that when the head of the household retires before  
10 the commencement of such income tax year and the date of filing the  
11 application, the income for such year may be adjusted by excluding sala-  
12 ry or earnings and projecting his or her retirement income over the  
13 entire period of such year.

14 S 4. The opening paragraph of subdivision m of section 26-405 of the  
15 administrative code of the city of New York, as amended by local law  
16 number 76 of the city of New York for the year 2005, is amended to read  
17 as follows:

18 The council finds that there is an acute and continuing housing short-  
19 age; that this shortage has and continues to have an adverse effect on  
20 the population and especially on inhabitants of the city who are  
21 [sixty-two years of age or older and of limited means] PERSONS OF  
22 LOW-INCOME OR MODERATE-INCOME, as well as persons with disabilities, who  
23 cannot pay enough rent to induce private enterprise to maintain decent  
24 housing at rents they can afford to pay; that this condition is and  
25 continues to be particularly acute in a time of rising costs such as the  
26 present; that present rising costs and the continuing increase in rents  
27 pursuant to amendments to the New York city rent and rehabilitation law  
28 may result in such persons being unable to pay their rent, thus making  
29 them subject to eviction; that such hardships fall with particular  
30 severity upon PERSONS OF LOW-INCOME OR MODERATE-INCOME, older persons in  
31 the population, as well as persons with disabilities, because of their  
32 particular inability to find alternative accommodations within their  
33 means, because of the trauma experienced by many older persons, as well  
34 as persons with disabilities, who have to relocate and because they may  
35 endanger their health by paying additional sums for shelter and thereby  
36 deprive themselves of other necessities; that hardships imposed upon  
37 such people adversely affect their health and welfare and the general  
38 welfare of the inhabitants of the city. The council is aware of the  
39 provisions set forth in chapter three hundred seventy-two and chapter  
40 one thousand twelve of the laws of nineteen hundred seventy-one. It is  
41 our considered opinion that this legislation extending the rent  
42 exemption to cover the resultant rent increases due to the maximum rents  
43 established January first, nineteen hundred seventy-two, is not more  
44 stringent or restrictive than those presently in effect. It is found and  
45 declared to be necessary for the health, welfare and safety of persons  
46 OF LOW-INCOME OR MODERATE-INCOME, PERSONS who are sixty-two years of age  
47 or older, persons with disabilities and inhabitants of the city that the  
48 city continue a system of special rent adjustments for such older  
49 persons, as well as extend such special rent adjustments to persons with  
50 disabilities as hereinafter provided.

51 S 5. Subparagraphs (i) and (ii) of paragraph 2 of subdivision m of  
52 section 26-405 of the administrative code of the city of New York,  
53 subparagraph (i) as separately amended by local law number 76 of the  
54 city of New York for the year 2005 and subparagraph (ii) as amended by  
55 local law number 44 of the city of New York for the year 2009, are  
56 amended to read as follows:

1 (i) PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN the head of the household  
2 residing in the housing accommodation is sixty-two years of age or older  
3 OR WHO, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN QUALIFIES AS A  
4 PERSON OF LOW-INCOME OR MODERATE-INCOME, or is a person with a disabili-  
5 ty, and is entitled to the possession or to the use or occupancy of a  
6 dwelling unit. To qualify as a person with a disability for the purposes  
7 of this section, an individual shall submit to such agency as the mayor  
8 shall designate proof (as specified by regulation of such agency as the  
9 mayor shall designate) showing that such individual is currently receiv-  
10 ing social security disability insurance (SSDI) or supplemental security  
11 income (SSI) benefits under the federal social security act or disabili-  
12 ty pension or disability compensation benefits provided by the United  
13 States department of veterans affairs, or was previously eligible by  
14 virtue of receiving disability benefits under the supplemental security  
15 income program or the social security disability program and is current-  
16 ly receiving medical assistance benefits based on determination of disa-  
17 bility as provided in section three hundred sixty-six of the social  
18 services law.

19 Nothing herein contained shall render ineligible for benefits persons  
20 receiving supplemental security income or additional state payments, or  
21 both, under a program administered by the United States department of  
22 health and human services or by such department and the New York state  
23 department of social services.

24 (ii) the aggregate disposable income (as defined by regulation of the  
25 department of finance) of all members of the household residing in the  
26 housing accommodation whose head of household is sixty-two years of age  
27 or older does not exceed twenty-five thousand dollars beginning July  
28 first, two thousand five, twenty-six thousand dollars beginning July  
29 first, two thousand six, twenty-seven thousand dollars beginning July  
30 first, two thousand seven, twenty-eight thousand dollars beginning July  
31 first, two thousand eight, [and] twenty-nine thousand dollars beginning  
32 July first, two thousand nine, AND FORTY-FIVE THOUSAND DOLLARS BEGINNING  
33 JULY FIRST, TWO THOUSAND ELEVEN per year, after deduction of federal,  
34 state and city income and social security taxes. For purposes of this  
35 subparagraph, "aggregate disposable income" shall not include gifts or  
36 inheritances, payments made to individuals because of their status as  
37 victims of Nazi persecution, as defined in P.L. 103-286, or increases in  
38 benefits accorded pursuant to the social security act or a public or  
39 private pension paid to any member of the household which increase, in  
40 any given year, does not exceed the consumer price index (all items  
41 United States city average) for such year which take effect after the  
42 date of eligibility of a head of the household receiving benefits under  
43 this subdivision whether received by the head of the household or any  
44 other member of the household.

45 S 6. Paragraph 5 of subdivision m of section 26-405 of the administra-  
46 tive code of the city of New York, as amended by local law number 44 of  
47 the city of New York for the year 2009, is amended to read as follows:

48 (5) A rent exemption order shall be issued to each tenant who applies  
49 to the department of finance or such agency as the mayor shall designate  
50 (which agency may also be the department of finance) in accordance with  
51 such department's or agency's regulations and who is found to be eligi-  
52 ble under this subdivision. Such order shall take effect on the first  
53 day of the first month after receipt of such application, except that  
54 where the aggregate disposable income of all members of the household  
55 residing in the housing accommodation whose head of the household is  
56 sixty-two years of age or older is greater than five thousand dollars

1 per year but does not exceed twenty-five thousand dollars beginning July  
2 first, two thousand five, twenty-six thousand dollars beginning July  
3 first, two thousand six, twenty-seven thousand dollars beginning July  
4 first, two thousand seven, twenty-eight thousand dollars beginning July  
5 first, two thousand eight, [and] twenty-nine thousand dollars beginning  
6 July first, two thousand nine, AND FORTY-FIVE THOUSAND DOLLARS BEGINNING  
7 JULY FIRST, TWO THOUSAND ELEVEN, per year pursuant to subparagraph (ii)  
8 of paragraph two of subdivision m of this section on orders issued on  
9 applications received before July first, nineteen hundred seventy-five,  
10 the effective date of such order shall be the later of (1) June thirti-  
11 eth, nineteen hundred seventy-four or (2) the last day of the month in  
12 which a person becomes an eligible head of household in the housing  
13 accommodation in which such person resides at the time of filing the  
14 most recent application for a rent exemption order; and further, except  
15 that where any other application has been received within ninety days of  
16 the issuance of the order increasing the tenant's maximum rent pursuant  
17 to paragraph three, four or six of subdivision (a) of this section, or  
18 subparagraph (a), (b), (c), or (l) of paragraph (1) of subdivision (g)  
19 of this section or pursuant to court order, whichever is later, the rent  
20 exemption order shall without further order take effect as of the effec-  
21 tive date of said order increasing the tenant's rent including any  
22 retroactive increments collectible pursuant to such orders.

23 S 7. Subdivision d of section 26-406 of the administrative code of the  
24 city of New York, as amended by local law number 44 of the city of New  
25 York for the year 2009, is amended to read as follows:

26 d. Prior to the commencement of each fiscal year, the department of  
27 finance shall determine the total amount of taxes to be abated under  
28 this section with respect to each property for which rent exemption  
29 orders granted PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN to persons  
30 sixty-two years of age or older OR WHO, ON AND AFTER JULY FIRST, TWO  
31 THOUSAND ELEVEN QUALIFY AS PERSONS OF LOW-INCOME OR MODERATE-INCOME,  
32 WHICH were in effect for all or any part of the preceding calendar year.  
33 [Prior to the commencement of each fiscal year, such agency as the mayor  
34 shall designate shall determine and, if such agency is not the depart-  
35 ment of finance, shall notify the department of finance of the total  
36 amount of taxes to be abated under this section with respect to each  
37 property for which rent exemption orders granted to persons with disa-  
38 bilities were in effect for all or any part of the preceding calendar  
39 year.] The commissioner of finance shall make the appropriate adjustment  
40 in the real estate tax payable in such fiscal year.

41 S 8. The section heading of section 26-509 of the administrative code  
42 of the city of New York, as amended by local law number 76 of the city  
43 of New York for the year 2005, is amended to read as follows:

44 Application for rent increase exemptions and equivalent tax abatement  
45 for rent regulated property occupied by certain senior citizens or  
46 persons with disabilities OR LOW-INCOME AND MODERATE-INCOME PERSONS.

47 S 9. The opening paragraph of subdivision b of section 26-509 of the  
48 administrative code of the city of New York, as amended by local law  
49 number 76 of the city of New York for the year 2005, is amended to read  
50 as follows:

51 Rent increase exemptions for certain senior citizens and persons with  
52 disabilities OR LOW-INCOME AND MODERATE-INCOME PERSONS.

53 S 10. Subparagraphs (i) and (ii) of paragraph 2 of subdivision b of  
54 section 26-509 of the administrative code of the city of New York,  
55 subparagraph (i) as amended by local law number 76 of the city of New  
56 York for the year 2005 and subparagraph (ii) as amended by local law

1 number 44 of the city of New York for the year 2009, are amended to read  
2 as follows:

3 (i) PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN the head of the household  
4 residing in the housing accommodation is sixty-two years of age or older  
5 OR WHO, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN QUALIFIES AS A  
6 PERSON OF LOW-INCOME OR MODERATE-INCOME, or is a person with a disabili-  
7 ty, and is entitled to the possession or to the use or occupancy of a  
8 dwelling unit. To qualify as a person with a disability for the purposes  
9 of this section, an individual shall submit to such agency as the mayor  
10 shall designate proof (as specified by regulation of such agency as the  
11 mayor shall designate) showing that such individual is currently receiv-  
12 ing social security disability insurance (SSDI) or supplemental security  
13 income (SSI) benefits under the federal social security act or disabili-  
14 ty pension or disability compensation benefits provided by the United  
15 States department of veterans affairs, or was previously eligible by  
16 virtue of receiving disability benefits under the supplemental security  
17 income program or the social security disability program and is current-  
18 ly receiving medical assistance benefits based on determination of disa-  
19 bility as provided in section three hundred sixty-six of the social  
20 services law.

21 (ii) PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN the aggregate disposable  
22 income (as defined by regulation of the department of finance) of all  
23 members of the household residing in the housing accommodation whose  
24 head of the household is sixty-two years of age or older OR WHO, ON AND  
25 AFTER JULY FIRST, TWO THOUSAND ELEVEN QUALIFIES AS A PERSON OF LOW-IN-  
26 COME OR MODERATE-INCOME does not exceed twenty-five thousand dollars  
27 beginning July first, two thousand five, twenty-six thousand dollars  
28 beginning July first, two thousand six, twenty-seven thousand dollars  
29 beginning July first, two thousand seven, twenty-eight thousand dollars  
30 beginning July first, two thousand eight, [and] twenty-nine thousand  
31 dollars beginning July first, two thousand nine, AND FORTY-FIVE THOUSAND  
32 DOLLARS BEGINNING JULY FIRST, TWO THOUSAND ELEVEN, per year, after  
33 deduction of federal, state and city income and social security taxes.  
34 For purposes of this subparagraph, "aggregate disposable income" shall  
35 not include gifts or inheritances, payments made to individuals because  
36 of their status as victims of Nazi persecution, as defined in P.L. 103-  
37 286, or increases in benefits accorded pursuant to the social security  
38 act or a public or private pension paid to any member of the household  
39 which increase, in any given year, does not exceed the consumer price  
40 index (all items United States city average) for such year which take  
41 effect after the eligibility date of the head of the household receiving  
42 benefits under this section whether received by the head of the house-  
43 hold or any other member of the household;

44 S 11. Subparagraph (ii) of paragraph 3 of subdivision b of section  
45 26-509 of the administrative code of the city of New York, as amended by  
46 local law 44 of the city of New York for the year 2009, is amended to  
47 read as follows:

48 (ii) Each such order shall expire upon termination of occupancy of the  
49 housing accommodation by the tenant to whom it is issued. The landlord  
50 shall notify the department of finance in the case of a household whose  
51 eligibility for such order PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN  
52 EITHER is based on the fact that the head of such household is sixty-two  
53 years of age or older, or such agency as the mayor shall designate in  
54 the case of a household whose eligibility for such order is based on the  
55 fact that the head of such household is a person with a disability, OR  
56 WHO, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN QUALIFIES AS A PERSON

1 OF LOW-INCOME OR MODERATE-INCOME, on a form to be prescribed by such  
2 department or agency, within thirty days of each such termination of  
3 occupancy.

4 S 12. The opening paragraph of section 26-504.1 of the administrative  
5 code of the city of New York, as amended by chapter 116 of the laws of  
6 1997, is amended to read as follows:

7 Upon the issuance of an order by the division, "housing accommo-  
8 dations" shall not include housing accommodations which: (1) are occu-  
9 pied by persons who have a total annual income in excess of one hundred  
10 seventy-five thousand dollars per annum for each of the two preceding  
11 calendar years, as defined in and subject to the limitations and process  
12 set forth in section 26-504.3 of this chapter; and (2) have a legal  
13 regulated rent of two thousand dollars or more per month. Provided,  
14 however, that this exclusion shall not apply to housing accommodations  
15 which became or become subject to this law (a) by virtue of receiving  
16 tax benefits pursuant to section four hundred twenty-one-a or four  
17 hundred eighty-nine of the real property tax law, except as otherwise  
18 provided in subparagraph (i) of paragraph (f) of subdivision two of  
19 section four hundred twenty-one-a of the real property tax law, or (b)  
20 by virtue of article seven-C of the multiple dwelling law. HOUSING  
21 ACCOMMODATIONS WHICH WERE SUBJECT TO THIS LAW IMMEDIATELY PRIOR TO THE  
22 COMMENCEMENT OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR  
23 HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW SHALL NOT BE DEEMED TO  
24 BE HOUSING ACCOMMODATIONS WHICH BECAME OR BECOME SUBJECT TO THIS LAW BY  
25 VIRTUE OF RECEIVING TAX BENEFITS PURSUANT TO SUCH SECTION FOUR HUNDRED  
26 EIGHTY-NINE, PROVIDED, HOWEVER, THAT THE EXCLUSION SET FORTH IN THIS  
27 SECTION SHALL BE APPLICABLE TO SUCH HOUSING ACCOMMODATIONS ONLY WHERE  
28 THE RECIPIENT OF TAX BENEFITS PURSUANT TO SUCH SECTION HAS ACTED IN  
29 ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR  
30 HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF  
31 SECTION 11-243 OF THIS CODE.

32 S 13. Subdivision a of section 26-504.2 of the administrative code of  
33 the city of New York, as amended by chapter 82 of the laws of 2003, is  
34 amended to read as follows:

35 a. "Housing accommodations" shall not include any housing accommo-  
36 dation which becomes vacant on or after April first, nineteen hundred  
37 ninety-seven and where at the time the tenant vacated such housing  
38 accommodation the legal regulated rent was two thousand dollars or more  
39 per month, or any housing accommodation which is or becomes vacant on or  
40 after the effective date of the rent regulation reform act of 1997 with  
41 a legal regulated rent of two thousand dollars or more per month. This  
42 exclusion shall apply regardless of whether the next tenant in occupancy  
43 or any subsequent tenant in occupancy actually is charged or pays less  
44 than two thousand dollars a month. Provided however, that this exclusion  
45 shall not apply to housing accommodations which became or become subject  
46 to this law (a) by virtue of receiving tax benefits pursuant to section  
47 four hundred twenty-one-a or four hundred eighty-nine of the real prop-  
48 erty tax law, except as otherwise provided in subparagraph (i) of para-  
49 graph (f) of subdivision two of section four hundred twenty-one-a of the  
50 real property tax law, or (b) by virtue of article seven-C of the multi-  
51 ple dwelling law. HOUSING ACCOMMODATIONS WHICH WERE SUBJECT TO THIS LAW  
52 IMMEDIATELY PRIOR TO THE COMMENCEMENT OF THE RECEIPT OF TAX BENEFITS  
53 PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX  
54 LAW SHALL NOT BE DEEMED TO BE HOUSING ACCOMMODATIONS WHICH BECAME OR  
55 BECOME SUBJECT TO THIS LAW BY VIRTUE OF RECEIVING TAX BENEFITS PURSUANT  
56 TO SUCH SECTION FOUR HUNDRED EIGHTY-NINE, PROVIDED, HOWEVER, THAT THE

1 EXCLUSION SET FORTH IN THIS SUBDIVISION SHALL BE APPLICABLE TO SUCH  
2 HOUSING ACCOMMODATIONS ONLY WHERE THE RECIPIENT OF TAX BENEFITS PURSUANT  
3 TO SUCH SECTION FOUR HUNDRED EIGHTY-NINE HAS ACTED IN ACCORDANCE WITH  
4 THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR HUNDRED EIGHTY-  
5 NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION 11-243  
6 OF THIS CODE. This section shall not apply, however, to or become effec-  
7 tive with respect to housing accommodations which the commissioner  
8 determines or finds that the landlord or any person acting on his or her  
9 behalf, with intent to cause the tenant to vacate, engaged in any course  
10 of conduct (including, but not limited to, interruption or discontin-  
11 uance of required services) which interfered with or disturbed or was  
12 intended to interfere with or disturb the comfort, repose, peace or  
13 quiet of the tenant in his or her use or occupancy of the housing accom-  
14 modations and in connection with such course of conduct, any other  
15 general enforcement provision of this law shall also apply.

16 S 14. Section 489 of the real property tax law is amended by adding a  
17 new subdivision 17 to read as follows:

18 17. WHERE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMME-  
19 DIATELY PRIOR TO THE RECEIPT OF TAX EXEMPTION OR TAX ABATEMENT BENEFITS  
20 PURSUANT TO THIS SECTION, THE RECIPIENT OF SUCH BENEFITS SHALL BE  
21 AUTHORIZED TO MAKE TO THE CITY OF NEW YORK, AND THE CITY OF NEW YORK  
22 SHALL BE OBLIGED TO ACCEPT, PAYMENT OF THE FULL AMOUNT OF ALL SUCH BENE-  
23 FITS RECEIVED BY SUCH RECIPIENT PURSUANT TO ANY ORDER OR DETERMINATION  
24 ISSUED BY THE LOCAL HOUSING AGENCY ADMINISTERING THIS LAW OR THE LOCAL  
25 GOVERNMENT AGENCY RESPONSIBLE FOR REAL PROPERTY TAX ASSESSMENT WHICH IS  
26 CURRENTLY IN EFFECT AND TO WAIVE THE RECEIPT OF ANY FURTHER TAX  
27 EXEMPTION OR TAX ABATEMENT BENEFITS WHICH WOULD OTHERWISE BE DUE TO SUCH  
28 RECIPIENT PURSUANT TO ANY SUCH ORDER OR DETERMINATION CURRENTLY IN  
29 EFFECT. SUCH PAYMENT AND SUCH WAIVER SHALL BE MADE NO LATER THAN JUNE  
30 THIRTIETH, TWO THOUSAND TWELVE. SUCH PAYMENT AND WAIVER SHALL ENTITLE  
31 SUCH RECIPIENT TO THE BENEFIT OF THE EXCLUSIONS SET FORTH IN SECTION  
32 26-504.1 AND SECTION 26-504.2 OF THE ADMINISTRATIVE CODE WHERE THE HOUS-  
33 ING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMMEDIATELY PRIOR TO  
34 THE RECEIPT OF TAX BENEFITS PURSUANT TO THIS SECTION. SUCH PAYMENTS OF  
35 TAX BENEFITS RECEIVED BY SUCH RECIPIENTS, AND THE AMOUNTS OF SUCH BENE-  
36 FITS TO BE WAIVED BY SUCH RECIPIENTS, SHALL BE PAID INTO A SEPARATE FUND  
37 KNOWN AS THE RENT FREEZE PROGRAM FUND IN THE TREASURY OF THE CITY. THE  
38 REVENUES PAID INTO THE FUND SHALL NOT BE REVENUES OF THE CITY AND SHALL  
39 NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE TREASURY. SUCH MONIES  
40 SHALL BE ALLOCATED AND EXPENDED SOLELY FOR THE PURPOSES OF PROVIDING THE  
41 TAX ABATEMENT FOR RENT-CONTROLLED AND REGULATED PROPERTY OCCUPIED BY  
42 PERSONS OF LOW INCOME AND MODERATE INCOME AS AUTHORIZED PURSUANT TO  
43 SECTION FOUR HUNDRED SIXTY-SEVEN-B OF THIS ARTICLE AND IMPLEMENTED  
44 PURSUANT TO SECTIONS 26-405, 26-406 AND 26-509 OF THE ADMINISTRATIVE  
45 CODE OF THE CITY OF NEW YORK. EXCEPT THAT ON AND AFTER JULY FIRST, TWO  
46 THOUSAND TWELVE, AND UPON EACH ANNIVERSARY DATE THEREAFTER, THE CITY OF  
47 NEW YORK SHALL BE AUTHORIZED TO DETERMINE WHETHER SUCH PAYMENTS AND  
48 WAIVERS MADE TO THE CITY EXCEED THE AMOUNTS REQUIRED FOR THE PURPOSES OF  
49 FUNDING SUCH RENT INCREASE EXEMPTION PROGRAM FOR NOT LESS THAN TEN YEARS  
50 AND, IF SUCH IS THE CASE, THE CITY SHALL BE AUTHORIZED TO TRANSFER SUCH  
51 EXCESS AMOUNTS TO THE GENERAL FUND OF THE CITY AND SUCH EXCESS AMOUNTS  
52 SHALL BE EXCLUSIVELY UTILIZED BY THE CITY FOR THE PURPOSES OF PROVIDING  
53 HOUSING ASSISTANCE TO INDIVIDUALS OR FAMILIES WHO ARE CONSIDERED TO BE  
54 HOMELESS AND IN NEED OF HOUSING BY THE CITY. NO LATER THAN DECEMBER  
55 THIRTY-FIRST, TWO THOUSAND TWELVE, AND NO LATER THAN DECEMBER  
56 THIRTY-FIRST EACH YEAR THEREAFTER THROUGH TWO THOUSAND TWENTY-TWO, THE

1 DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OF THE CITY OF NEW  
2 YORK SHALL ISSUE A REPORT TO THE COMMITTEE ON HOUSING OF THE ASSEMBLY  
3 AND THE COMMITTEE ON HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT OF  
4 THE SENATE SETTING FORTH SUCH INFORMATION AS IT RELATES TO THE AMOUNTS  
5 OF PAYMENTS AND WAIVERS MADE PURSUANT TO THIS SECTION, THE MANNER IN  
6 WHICH SUCH EXCESS AMOUNTS, IF ANY, HAVE BEEN UTILIZED BY SUCH CITY FOR  
7 THE PURPOSES OF PROVIDING HOUSING ASSISTANCE TO INDIVIDUALS OR FAMILIES  
8 WHO ARE CONSIDERED TO BE HOMELESS AND IN NEED OF HOUSING BY THE CITY AND  
9 ANY SUCH OTHER INFORMATION RELATING TO THE RENT INCREASE EXEMPTION  
10 PROGRAM AND THE FUNDING THEREOF AS MAY BE APPROPRIATE.

11 S 15. Section 11-243 of the administrative code of the city of New  
12 York is amended by adding a new subdivision ee to read as follows:

13 EE. WHERE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMME-  
14 DIATELY PRIOR TO THE RECEIPT OF TAX EXEMPTION OR TAX ABATEMENT BENEFITS  
15 PURSUANT TO THIS SECTION, THE RECIPIENT OF SUCH BENEFITS SHALL BE  
16 AUTHORIZED TO MAKE TO THE CITY OF NEW YORK, AND THE CITY OF NEW YORK  
17 SHALL BE OBLIGED TO ACCEPT, PAYMENT OF THE FULL AMOUNT OF ALL SUCH BENE-  
18 FITS RECEIVED BY SUCH RECIPIENT PURSUANT TO ANY ORDER OR DETERMINATION  
19 ISSUED BY THE DEPARTMENT OR BY THE DEPARTMENT OF HOUSING PRESERVATION  
20 AND DEVELOPMENT WHICH IS CURRENTLY IN EFFECT AND TO WAIVE THE RECEIPT OF  
21 ANY FURTHER TAX EXEMPTION OR TAX ABATEMENT BENEFITS WHICH WOULD OTHER-  
22 WISE BE DUE TO SUCH RECIPIENT PURSUANT TO ANY SUCH ORDER OR DETERMI-  
23 NATION CURRENTLY IN EFFECT. SUCH PAYMENT AND SUCH WAIVER SHALL BE MADE  
24 NO LATER THAN JUNE THIRTIETH, TWO THOUSAND TWELVE. SUCH PAYMENT AND  
25 WAIVER SHALL ENTITLE SUCH RECIPIENT TO THE BENEFIT OF THE EXCLUSIONS SET  
26 FORTH IN SECTION 26-504.1 AND SECTION 26-504.2 OF THIS CODE WHERE THE  
27 HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMMEDIATELY PRIOR  
28 TO THE RECEIPT OF TAX BENEFITS PURSUANT TO THIS SECTION. SUCH PAYMENTS  
29 OF TAX BENEFITS RECEIVED BY SUCH RECIPIENTS, AND THE AMOUNTS OF SUCH  
30 BENEFITS TO BE WAIVED BY SUCH RECIPIENTS, SHALL BE PAID INTO A SEPARATE  
31 FUND KNOWN AS THE RENT FREEZE PROGRAM FUND IN THE TREASURY OF THE CITY.  
32 THE REVENUES PAID INTO THE FUND SHALL NOT BE REVENUES OF THE CITY AND  
33 SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE TREASURY. SUCH  
34 MONIES SHALL BE ALLOCATED AND EXPENDED SOLELY FOR THE PURPOSES OF  
35 PROVIDING THE TAX ABATEMENT FOR RENT-CONTROLLED AND RENT-STABILIZED  
36 PROPERTY OCCUPIED BY PERSONS OF LOW-INCOME AND MODERATE-INCOME AS  
37 AUTHORIZED PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN-B OF THE REAL  
38 PROPERTY TAX LAW AND IMPLEMENTED PURSUANT TO SECTIONS 26-405, 26-406 AND  
39 26-509 OF THIS CODE. EXCEPT THAT ON AND AFTER JULY FIRST, TWO THOUSAND  
40 TWELVE, AND UPON EACH ANNIVERSARY DATE THEREAFTER, THE CITY OF NEW YORK  
41 SHALL BE AUTHORIZED TO DETERMINE WHETHER SUCH PAYMENTS AND WAIVERS MADE  
42 TO THE CITY EXCEED THE AMOUNTS REQUIRED FOR THE PURPOSES OF FUNDING SUCH  
43 RENT INCREASE EXEMPTION PROGRAM FOR NOT LESS THAN TEN YEARS AND, IF SUCH  
44 IS THE CASE, THE CITY SHALL BE AUTHORIZED TO TRANSFER SUCH EXCESS  
45 AMOUNTS TO THE GENERAL FUND OF THE CITY AND SUCH EXCESS AMOUNTS SHALL BE  
46 EXCLUSIVELY UTILIZED BY THE CITY FOR THE PURPOSES OF PROVIDING HOUSING  
47 ASSISTANCE TO INDIVIDUALS OR FAMILIES WHO ARE CONSIDERED TO BE HOMELESS  
48 AND IN NEED OF HOUSING BY THE CITY. NO LATER THAN DECEMBER THIRTY-FIRST,  
49 TWO THOUSAND TWELVE, AND NO LATER THAN DECEMBER THIRTY-FIRST EACH YEAR  
50 THEREAFTER THROUGH TWO THOUSAND TWENTY-TWO, THE DEPARTMENT OF HOUSING  
51 PRESERVATION AND DEVELOPMENT OF THE CITY OF NEW YORK SHALL ISSUE A  
52 REPORT TO THE COMMITTEE ON HOUSING OF THE ASSEMBLY AND THE COMMITTEE ON  
53 HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT OF THE SENATE SETTING  
54 FORTH SUCH INFORMATION AS IT RELATES TO THE AMOUNTS OF PAYMENTS AND  
55 WAIVERS MADE PURSUANT TO THIS SECTION, THE MANNER IN WHICH SUCH EXCESS  
56 AMOUNTS, IF ANY, HAVE BEEN UTILIZED BY SUCH CITY FOR THE PURPOSES OF



1 PROVIDING HOUSING ASSISTANCE TO INDIVIDUALS OR FAMILIES WHO ARE CONSID-  
2 ERED TO BE HOMELESS AND IN NEED OF HOUSING BY THE CITY AND ANY SUCH  
3 OTHER INFORMATION RELATING TO THE RENT INCREASE EXEMPTION PROGRAM AND  
4 THE FUNDING THEREOF AS MAY BE APPROPRIATE.

5 S 16. This act shall take effect immediately, provided, that sections  
6 twelve and thirteen of this act shall be deemed to have been in full  
7 force and effect on and after July 6, 1993; provided, further, that:

8 (a) the amendments to section 26-405 of the city rent and rehabili-  
9 tation law made by sections four, five and six of this act shall remain  
10 in full force and effect only as long as the public emergency requiring  
11 the regulation and control of residential rents and evictions continues,  
12 as provided in subdivision 3 of section 1 of the local emergency housing  
13 rent control act; and

14 (b) the amendments to section 26-406 of the city rent and rehabili-  
15 tation law made by section seven of this act shall remain in full force  
16 and effect only as long as the public emergency requiring the regulation  
17 and control of residential rents and evictions continues, as provided in  
18 subdivision 3 of section 1 of the local emergency housing rent control  
19 act; and

20 (c) the amendments to section 26-509 of chapter 4 of title 26 of the  
21 administrative code of the city of New York made by sections eight,  
22 nine, ten and eleven of this act shall expire on the same date as such  
23 law expires and shall not affect the expiration of such law as provided  
24 under section 26-520 of such law; and

25 (d) the amendments to section 26-504.1 of chapter 4 of title 26 of the  
26 administrative code of the city of New York made by section twelve of  
27 this act shall expire on the same date as such law expires and shall not  
28 affect the expiration of such law as provided under section 26-520 of  
29 such law; and

30 (e) the amendments to section 26-504.2 of chapter 4 of title 26 of the  
31 administrative code of the city of New York made by section thirteen of  
32 this act shall expire on the same date as such law expires and shall not  
33 affect the expiration of such law as provided under section 26-520 of  
34 such law;

35 (f) the amendments to section 467-b of the real property tax law made  
36 by sections one, two and three of this act shall not affect the expira-  
37 tion of such section and shall be deemed to expire therewith; and

38 (g) this act shall preclude any and all claims in any administrative  
39 or judicial proceeding relating to the deregulation of housing accommo-  
40 dations which were subject to rent regulation immediately prior to the  
41 receipt of tax benefits pursuant to section 489 of the real property tax  
42 law, provided that the recipient of such tax benefits has acted in  
43 accordance with subdivision 17 of such section, regardless of whether  
44 such claims are brought prior or subsequent to the effective date of  
45 this act.