

STATE OF NEW YORK

8887

IN SENATE

March 25, 2024

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the administrative code of the city of New York, in relation to establishing tenant eligibility for certain housing accommodations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 10 of section 4 of chapter 576 of the laws of 1974,
2 constituting the emergency tenant protection act of nineteen seventy-
3 four, is amended by adding a new subdivision d to read as follows:

4 d. Notwithstanding any provisions of law to the contrary, any person,
5 or persons, whose income exceeds one hundred twenty-five percent of area
6 median income shall be ineligible to occupy any housing accommodation
7 subject to this act.

8 (1) The division of homes and community renewal and the department of
9 taxation and finance shall promulgate rules and regulations necessary to
10 implement this subdivision, provided however, such rules and regulations
11 shall include holding the owner, or such owner's agent, of the housing
12 accommodation harmless for any violation of this subdivision.

13 (2) A tenant found by a court of competent jurisdiction to have will-
14 fully violated this subdivision, including, but not limited to, by
15 providing the owner, or such owner's agent false income documentation in
16 an effort to obtain tenancy of the housing accommodation, shall be
17 subject to a civil penalty not to exceed five hundred dollars per day of
18 illegal occupancy, provided however, that a tenant who currently occu-
19 pies a housing accommodation subject to this act, and whose income
20 exceeds the threshold provided in this subdivision, shall be exempt from
21 civil penalties and shall not be evicted on the grounds of a violation
22 of this subdivision for a period of ten years from the date of execution
23 of the most recent lease agreement prior to the effective date of this
24 subdivision. After a period of ten years from the date of execution of
25 the lease agreement, continued violation of this subdivision by the

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

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1 tenant, as determined by a court of competent jurisdiction, shall
2 constitute grounds for eviction.

3 (3) A tenant who lawfully occupies a housing accommodation subject to
4 this act, and whose income increased above one hundred twenty-five
5 percent of area median income, shall be exempt from civil penalties and
6 shall not be evicted on the grounds of a violation of this subdivision
7 for a period of three years from the date of execution of the most
8 recent lease agreement prior to the increase in income. After a period
9 of three years from the date of execution of the lease agreement,
10 continued violation of this subdivision by the tenant, as determined by
11 a court of competent jurisdiction, shall constitute grounds for
12 eviction.

13 (4) Any person who inherits tenancy through successorship as defined
14 in section 24-04 of title twenty-eight of the rules of the city of New
15 York, must meet the income eligibility requirements as defined in this
16 subdivision, in order to occupy the housing accommodation. Notwith-
17 standing any other provisions of law, should said person be ineligible
18 as defined in this subdivision, such application for tenancy by succes-
19 sorship shall be denied.

20 § 2. Section 10 of chapter 274 of the laws of 1946, constituting the
21 emergency housing rent control law, is amended by adding a new subdivi-
22 sion 6 to read as follows:

23 6. Notwithstanding any provisions of law to the contrary, any person,
24 or persons, whose income exceeds one hundred twenty-five percent of area
25 median income shall be ineligible to occupy any housing accommodation
26 subject to this act.

27 (a) The division of homes and community renewal and the department of
28 taxation and finance shall promulgate rules and regulations necessary to
29 implement this subdivision, provided however, such rules and regulations
30 shall include holding the owner, or such owner's agent, of the housing
31 accommodation harmless for any violation of this subdivision.

32 (b) A tenant found by a court of competent jurisdiction to have will-
33 fully violated this subdivision, including but not limited to, by
34 providing the owner, or such owner's agent false income documentation in
35 an effort to obtain tenancy of the housing accommodation, shall be
36 subject to a civil penalty not to exceed five hundred dollars per day of
37 illegal occupancy, provided however, that a tenant who currently occu-
38 pies a housing accommodation subject to this act, and whose income
39 exceeds the threshold provided in this subdivision, shall be exempt from
40 civil penalties and shall not be evicted on the grounds of a violation
41 of this subdivision for a period of ten years from the date of execution
42 of the most recent lease agreement prior to the effective date of this
43 subdivision. After a period of ten years from the date of execution of
44 the lease agreement, continued violation of this subdivision by the
45 tenant, as determined by a court of competent jurisdiction, shall
46 constitute grounds for eviction.

47 (c) A tenant who lawfully occupies a housing accommodation subject to
48 this act, and whose income increased above one hundred twenty-five
49 percent of area median income, shall be exempt from civil penalties and
50 shall not be evicted on the grounds of a violation of this subdivision
51 for a period of three years from the date of execution of the most
52 recent lease agreement prior to the increase in income. After a period
53 of three years from the date of execution of the lease agreement,
54 continued violation of this subdivision by the tenant, as determined by
55 a court of competent jurisdiction, shall constitute grounds for
56 eviction.

(d) Any person who inherits tenancy through successorship as defined in section 24-04 of title twenty-eight of the rules of the city of New York, must meet the income eligibility requirements as defined in this subdivision, in order to occupy the housing accommodation. Notwithstanding any other provisions of law, should said person be ineligible as defined in this subdivision, such application for tenancy by successorship shall be denied.

§ 3. The administrative code of the city of New York is amended by adding a new section 26-418 to read as follows:

§ 26-418 Means testing. a. The division of homes and community renewal and the department of taxation and finance shall promulgate rules and regulations necessary to implement this section, provided however, such rules and regulations shall include holding the owner, or such owner's agent, of the housing accommodation harmless for any violation of this section.

b. A tenant found, by a court of competent jurisdiction, to have willfully violated this section, including but not limited to, by providing the owner, or such owner's agent false income documentation in an effort to obtain tenancy of the housing accommodation, shall be subject to a civil penalty not to exceed five hundred dollars per day of illegal occupancy, provided however, that a tenant who currently occupies a housing accommodation subject to the emergency tenant protection act of nineteen seventy-four, and whose income exceeds the threshold provided in this section, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this section for a period of ten years from the date of execution of the most recent lease agreement prior to the effective date of this section. After a period of ten years from the date of execution of the lease agreement, continued violation of this section by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

c. A tenant who lawfully occupies a housing accommodation subject to the emergency tenant protection act of nineteen seventy-four, and whose income increased above one hundred twenty-five percent of area median income, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for a period of three years from the date of execution of the most recent lease agreement prior to the increase in income. After a period of three years from the date of execution of the lease agreement, continued violation of this section by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

d. Any person who inherits tenancy through successorship as defined in section 24-04 of title twenty-eight of the rules of the city of New York, must meet the income eligibility requirements as defined in this section, in order to occupy the housing accommodation. Notwithstanding any other provisions of law, should said person be ineligible as defined in this section, such application for tenancy by successorship shall be denied.

§ 4. Section 26-512 of the administrative code of the city of New York is amended by adding a new paragraph h to read as follows:

h. Notwithstanding any provisions of law to the contrary, beginning January first, two thousand twenty-seven, dwelling units subject to this chapter as prescribed in section 26-504 of this chapter shall be rented to persons whose adjusted gross income is less than one hundred twenty-five percent of area median income.

(1) The division of homes and community renewal and the department of taxation and finance shall promulgate rules and regulations necessary to

1 implement this paragraph, provided however, such rules and regulations
2 shall include holding the owner of the dwelling unit harmless for any
3 violation of this paragraph.

4 (2) A tenant found by a court of competent jurisdiction to have will-
5 fully violated this paragraph shall be subject to a civil penalty not to
6 exceed five hundred dollars per day of illegal occupancy, provided
7 however, that a tenant who currently occupies a dwelling unit subject to
8 the emergency tenant protection act of nineteen seventy-four, and whose
9 income exceeds the threshold provided in this paragraph, shall be exempt
10 from civil penalties and shall not be evicted on the grounds of a
11 violation of this paragraph for a period of ten years from the date of
12 execution of the most recent lease agreement prior to the effective date
13 of this paragraph. After a period of ten years from the date of
14 execution of the lease agreement, continued violation of this paragraph
15 by the tenant, as determined by a court of competent jurisdiction, shall
16 constitute grounds for eviction.

17 (3) A tenant who lawfully occupies a dwelling unit subject to the
18 emergency tenant protection act of nineteen seventy-four, and whose
19 income increased above one hundred twenty-five percent of area median
20 income, shall be exempt from civil penalties and shall not be evicted on
21 the grounds of a violation of this paragraph for a period of three years
22 from the date of execution of the most recent lease agreement. After a
23 period of three years from the date of execution of the lease agreement,
24 continued violation of this paragraph by the tenant, as determined by a
25 court of competent jurisdiction, shall constitute grounds for eviction.

26 (4) Any person who inherits tenancy through successorship as defined
27 in section 24-04 of title twenty-eight of the rules of the city of New
28 York, must meet the income eligibility requirements as defined in this
29 paragraph, in order to occupy the dwelling unit. Notwithstanding any
30 other provisions of law, should said person be ineligible as defined in
31 this paragraph, such application for tenancy by successorship shall be
32 denied.

33 § 5. The division of homes and community renewal, in conjunction with
34 the department of taxation and finance, shall promulgate rules and regu-
35 lations necessary for the implementation of this act.

36 § 6. This act shall take effect immediately; provided that the addi-
37 tion of section 26-418 of the city rent and rehabilitation law made by
38 section three of this act shall remain in full force and effect only as
39 long as the public emergency requiring the regulation and control of
40 residential rents and evictions continues, as provided in subdivision 3
41 of section 1 of the local emergency housing rent control act; and
42 provided, further that the amendments to section 26-512 of chapter 4 of
43 title 26 of the administrative code of the city of new York made by
44 section four of this act shall expire on the same date as such law
45 expires and shall not affect the expiration of such law as provided
46 under section 26-520 of such law.