

STATE OF NEW YORK

8887--A

IN SENATE

March 25, 2024

Introduced by Sens. MARTINS, RHOADS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 the duration of the most recent lease agreement
23 executed prior to the effective date of this subdivision. After the

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

LBD14991-02-4

duration of the most recent lease agreement executed prior to the effective date of this subdivision has ended, continued violation of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(3) A tenant who lawfully occupies a housing accommodation subject to this act, 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 the duration of the most recent lease agreement executed prior to the increase in income. After the duration of the most recent lease agreement executed prior to the increase in income has ended, continued violation of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(4) 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.

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

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

(a) The division of homes and community renewal and the department of taxation and finance shall promulgate rules and regulations necessary to implement this subdivision, 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 subdivision.

(b) A tenant found by a court of competent jurisdiction to have willfully violated this subdivision, 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 this act, and whose income exceeds the threshold provided in this subdivision, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for the duration of the most recent lease agreement executed prior to the effective date of this subdivision. After the duration of the most recent lease agreement executed prior to the effective date of this subdivision has ended, continued violation of this subdivision 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 this act, 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 the duration of the most recent lease agreement executed prior to the increase in income. After the duration of the most recent lease agreement executed prior to the increase in income has ended, continued violation of this subdivision 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 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 the duration of the most recent lease agreement executed prior to the effective date of this section. After the duration of the most recent lease agreement executed prior to the effective date of this subdivision has ended, 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 section for the duration of the most recent lease agreement executed prior to the increase in income. After the duration of the most recent lease agreement executed prior to the increase in income has ended, 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 subdivision 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 subdivision, provided however, such rules and regulations
2 shall include holding the owner of the dwelling unit harmless for any
3 violation of this subdivision.

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 subdivision for the duration of the most recent lease
12 agreement executed prior to the effective date of this subdivision.
13 After the duration of the most recent lease agreement executed prior to
14 the effective date of this subdivision has ended, continued violation of
15 this subdivision by the tenant, as determined by a court of competent
16 jurisdiction, shall 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 subdivision for the duration of the
22 most recent lease agreement executed prior to the increase in income.
23 After the duration of the most recent lease agreement executed prior to
24 the increase in income has ended, continued violation of this subdivi-
25 sion by the tenant, as determined by a court of competent jurisdiction,
26 shall constitute grounds for eviction.

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

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

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