

# STATE OF NEW YORK

8891

## IN SENATE

January 13, 2026

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 income eligibility requirements for occupancy of rent-regulated 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. 1. Notwithstanding any other provision of law to the contrary, any  
5 person, or persons, whose income exceeds one hundred twenty-five percent  
6 of the area median income shall be ineligible to occupy any housing  
7 accommodation subject to the provisions of this act.

8 2. 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 promulgated shall hold the owner of the housing accommodation, or such  
12 owner's agent, harmless for any violation of paragraph one of this  
13 subdivision.

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

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

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1 vision by the tenant, as determined by a court of competent jurisdic-  
2 tion, shall constitute grounds for eviction.

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

13 5. Any person who inherits tenancy through successorship as defined in  
14 section 24-04 of title twenty-eight of the rules of the city of New  
15 York, shall meet the income eligibility requirements as defined in para-  
16 graph one of this subdivision, in order to occupy such housing accommo-  
17 dation. Notwithstanding any other provision of law, should such person  
18 be ineligible as defined in paragraph one of this subdivision, such  
19 application for tenancy by successorship 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. (a) Notwithstanding any other provision of law to the contrary, any  
24 person, or persons, whose income exceeds one hundred twenty-five percent  
25 of the area median income shall be ineligible to occupy any housing  
26 accommodation subject to the provisions of this law.

27 (b) 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 promulgated shall hold the owner of the housing accommodation, or such  
31 owner's agent, harmless for any violation of paragraph (a) of this  
32 subdivision.

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

49 (d) A tenant who lawfully occupies a housing accommodation subject to  
50 the provisions of this law, and whose income increased above one hundred  
51 twenty-five percent of the area median income, shall be exempt from  
52 civil penalties and shall not be evicted on the grounds of a violation  
53 of this subdivision for a period of three years from the date of  
54 execution of the most recent lease agreement prior to such increase in  
55 income. After a period of three years from the date of execution of the  
56 lease agreement, continued violation of paragraph (a) of this subdivi-

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

3 (e) Any person who inherits tenancy through successorship as defined  
4 in section 24-04 of title twenty-eight of the rules of the city of New  
5 York, shall meet the income eligibility requirements as defined in para-  
6 graph (a) of this subdivision, in order to occupy such housing accommo-  
7 modation. Notwithstanding any other provision of law, should such person  
8 be ineligible as defined in paragraph (a) of this subdivision, such  
9 application for tenancy by successorship shall be denied.

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

12 § 26-418 Tenant eligibility. 1. Notwithstanding any other provision of  
13 law to the contrary, any person, or persons, whose income exceeds one  
14 hundred twenty-five percent of the area median income shall be ineligi-  
15 ble to occupy any housing accommodation subject to the provisions of  
16 this chapter.

17 2. The division of homes and community renewal and the department of  
18 taxation and finance shall promulgate rules and regulations necessary to  
19 implement this section, provided however, such rules and regulations  
20 promulgated shall hold the owner of the housing accommodation, or such  
21 owner's agent, harmless for any violation of subdivision one of this  
22 section.

23 3. A tenant found by a court of competent jurisdiction to have will-  
24 fully violated subdivision one of this section, including, but not  
25 limited to, by providing the owner, or such owner's agent false income  
26 documentation in an effort to obtain tenancy of the housing accommo-  
27 modation, shall be subject to a civil penalty not to exceed five hundred  
28 dollars per day of illegal occupancy, provided however, that a tenant  
29 who currently occupies a housing accommodation subject to the provisions  
30 of this chapter, and whose income exceeds the threshold provided in  
31 subdivision one of this section, shall be exempt from civil penalties  
32 and shall not be evicted on the grounds of a violation of subdivision  
33 one of this section for a period of ten years from the date of execution  
34 of the most recent lease agreement prior to the effective date of this  
35 section. After a period of ten years from the date of execution of the  
36 lease agreement, continued violation of subdivision one of this section  
37 by the tenant, as determined by a court of competent jurisdiction, shall  
38 constitute grounds for eviction.

39 4. A tenant who lawfully occupies a housing accommodation subject to  
40 the provisions of this chapter, and whose income increased above one  
41 hundred twenty-five percent of the area median income, shall be exempt  
42 from civil penalties and shall not be evicted on the grounds of a  
43 violation of this section for a period of three years from the date of  
44 execution of the most recent lease agreement prior to such increase in  
45 income. After a period of three years from the date of execution of the  
46 lease agreement, continued violation of subdivision one of this section  
47 by the tenant, as determined by a court of competent jurisdiction, shall  
48 constitute grounds for eviction.

49 5. Any person who inherits tenancy through successorship as defined in  
50 section 24-04 of title twenty-eight of the rules of the city of New  
51 York, shall meet the income eligibility requirements as defined in  
52 subdivision one of this section, in order to occupy such housing accom-  
53 modation. Notwithstanding any other provision of law, should such  
54 person be ineligible as defined in subdivision one of this section, such  
55 application for tenancy by successorship shall be denied.

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

3 h. (1) Notwithstanding any other provision of law to the contrary,  
4 beginning January first, two thousand twenty-seven, dwelling units  
5 subject to this chapter as prescribed in section 26-504 of this chapter  
6 shall be rented to persons whose adjusted gross income is less than one  
7 hundred twenty-five percent of the area median income.

8 (2) 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 promulgated shall hold the owner of the dwelling unit harmless for any  
12 violation of paragraph one of this subdivision.

13 (3) A tenant found by a court of competent jurisdiction to have will-  
14 fully violated paragraph one of this subdivision by occupying a dwelling  
15 unit subject to this chapter shall be subject to a civil penalty not to  
16 exceed five hundred dollars per day of illegal occupancy, provided  
17 however, that a tenant who occupies a dwelling unit subject to this  
18 chapter before January first, two thousand twenty-seven, and whose  
19 income exceeds the threshold provided in paragraph one of this subdivi-  
20 sion, shall be exempt from civil penalties and shall not be evicted on  
21 the grounds of a violation of this subdivision for a period of ten years  
22 from the date of execution of the most recent lease agreement prior to  
23 January first, two thousand twenty-seven. After a period of ten years  
24 from the date of execution of such lease agreement, continued violation  
25 of paragraph one of this subdivision by the tenant, as determined by a  
26 court of competent jurisdiction, shall constitute grounds for eviction.

27 (4) A tenant who lawfully occupies a dwelling unit subject to this  
28 chapter, and whose income increased above one hundred twenty-five  
29 percent of the area median income, shall be exempt from civil penalties  
30 and shall not be evicted on the grounds of a violation of this subdivi-  
31 sion for a period of three years from the date of execution of the most  
32 recent lease agreement. After a period of three years from the date of  
33 execution of the lease agreement, continued violation of paragraph one  
34 of this subdivision by the tenant, as determined by a court of competent  
35 jurisdiction, shall constitute grounds for eviction.

36 (5) Any person who inherits tenancy through successorship as defined  
37 in section 24-04 of title twenty-eight of the rules of the city of New  
38 York, shall meet the income eligibility requirements as defined in para-  
39 graph one of this subdivision, in order to occupy such dwelling unit.  
40 Notwithstanding any other provision of law, should such person be ineli-  
41 gible as defined in paragraph one of this subdivision, such application  
42 for tenancy by successorship shall be denied.

43 § 5. The division of homes and community renewal and the department of  
44 taxation and finance shall promulgate rules and regulations to implement  
45 the provisions of this act.

46 § 6. This act shall take effect immediately provided that section  
47 26-418 of the city rent and rehabilitation law as added by section three  
48 of this act shall remain in full force and effect only as long as the  
49 public emergency requiring the regulation and control of residential  
50 rents and evictions continues, as provided in subdivision 3 of section 1  
51 of the local emergency housing rent control act; and provided that the  
52 amendments to section 26-512 of chapter 4 of title 26 of the administra-  
53 tive code of the city of New York made by section four of this act shall  
54 expire on the same date as such law expires and shall not affect the  
55 expiration of such law as provided under section 26-520 of such law.