S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. V. LOPEZ, BING, KAVANAGH, BROOK-KRASNY, WRIGHT, SPANO, ROBINSON -- Multi-Sponsored by -- M. of A. GLICK, GOTTFRIED, MILLMAN, ROSENTHAL -- read once and referred to the Committee on Housing

AN ACT to amend the private housing finance law, in relation to notification of tenants of pending "buy out" from mortgages by Mitchell-Lama building owners

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

Section 1. Section 35 of the private housing finance law is amended by adding two new subdivisions 5 and 6 to read as follows:

5. (A) ANY COMPANY WHICH INTENDS TO DISSOLVE OR OTHERWISE TAKE ANY ACTION WHICH WOULD CAUSE THE COMPANY TO NO LONGER BE SUBJECT TO SUPERVISION OF THE COMMISSIONER OR THE SUPERVISING AGENCY SHALL PROVIDE TO EVERY LEASE HOLDER OF AN APARTMENT IN THE PROJECT OF SUCH COMPANY, NOTICE NOT LESS THAN TWELVE MONTHS PRIOR TO THE ANTICIPATED DATE OF SUCH ACTION CONTAINING THE FOLLOWING INFORMATION IN PLAIN LANGUAGE:

(I) THE NATURE OF THE ACTION WHICH THE COMPANY INTENDS TO TAKE;

(II) THE DATE ON WHICH SUCH ACTION IS ANTICIPATED TO TAKE PLACE;

(III) THE PROVISIONS OF LAW OR REGULATION PURSUANT TO WHICH SUCH ACTION IS AUTHORIZED; AND

(IV) A SUMMARY OF THE POTENTIAL CONSEQUENCES OF SUCH ACTION, INCLUDING, BUT NOT LIMITED TO, ITS EFFECT ON THE FOLLOWING:

(1) OWNERSHIP OF THE PROJECT;

(2) SUPERVISION OF THE PROJECT;

(3) EXPENSES OF THE PROJECT INCLUDING TAXES AND OTHER MUNICIPAL CHARGES; AND

(4) RENTS.

(B) ANY CITY, TOWN OR VILLAGE MAY ENACT LOCAL LAWS, ORDINANCES, RESOLUTIONS OR REGULATIONS NOT LESS RESTRICTIVE THAN THOSE PROVIDED IN THIS SUBDIVISION.

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

(C) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT DIMINISH THE REQUIREMENTS OF ANY OTHER LAW WHICH MAY APPLY TO SUCH ACTION.

6. WITHIN THREE MONTHS OF RECEIPT OF A NOTICE OF INTENT TO BUY-OUT AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION, THE COMMISSIONER OR SUPERVISING AGENCY SHALL PREPARE AND MAKE AVAILABLE TO ALL TENANTS OF THE PROJECT AND TO THEIR DESIGNATED REPRESENTATIVE A REPORT WHICH PROVIDES THE FOLLOWING INFORMATION RELATING TO THE TENANTS OF THE PROJECT. THE INFORMATION SHALL BE PRESENTED IN AN EASILY UNDERSTANDABLE SUMMARY FORMAT AND SHALL BE BROKEN DOWN ACCORDING TO HOUSEHOLD PROBABLE AGGREGATE ANNUAL INCOME IN FIVE THOUSAND DOLLAR INTERVALS (E.G. $0 - $4,999: $5,000 - $9,999: ETC.) AND SHALL INCLUDE:

(A) THE TOTAL NUMBER OF DWELLINGS AND TENANTS IN EACH INCOME RANGE;

(B) THE NUMBER OF DWELLINGS IN EACH INCOME RANGE OCCUPIED BY A TENANT OR TENANTS WHO ARE SIXTY-TWO YEARS OF AGE OR OLDER AND THE NUMBER OF SUCH TENANTS;

(C) THE NUMBER OF DWELLINGS IN EACH INCOME RANGE OCCUPIED BY A TENANT OR TENANTS WHO RECEIVE ANY FORM OF RENTAL ASSISTANCE, THE TYPE OF ASSISTANCE AND NUMBER OF TENANTS RECEIVING SUCH ASSISTANCE; AND

(D) THE NUMBER OF DWELLINGS IN EACH INCOME RANGE OCCUPIED BY A TENANT OR TENANTS WHO HAVE AN IMPAIRMENT WHICH RESULTS FROM ANATOMICAL, PHYSIOLOGICAL OR PSYCHOLOGICAL CONDITIONS, OTHER THAN ADDICTION TO ALCOHOL, GAMBLING OR ANY CONTROLLED SUBSTANCE, WHICH ARE DEMONSTRABLE BY MEDICALLY ACCEPTABLE CLINICAL AND LABORATORY DIAGNOSTIC TECHNIQUES, AND WHICH ARE EXPECTED TO BE PERMANENT AND WHICH PREVENT THE TENANT FROM ENGAGING IN ANY SUBSTANTIAL GAINFUL EMPLOYMENT AND THE NUMBER OF SUCH TENANTS.

ANY COMPANY THAT SERVES A NOTICE PURSUANT TO SUBDIVISION FIVE OF THIS SECTION SHALL PROVIDE THE COMMISSIONER OR SUPERVISING AGENCY WITH ALL AVAILABLE INFORMATION TO ENABLE THE COMMISSIONER OR SUPERVISING AGENCY TO PREPARE THE FOREGOING REPORT. SUCH INFORMATION SHALL BE ANNEXED TO THE NOTICE SERVED UPON THE COMMISSIONER OR SUPERVISING AGENCY. A NOTICE SHALL NOT BE DEEMED EFFECTIVE IF IT DOES NOT INCLUDE THE AVAILABLE REQUIRED INFORMATION.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.