

6811--A

I N S E N A T E

February 9, 2010

Introduced by Sens. ESPADA, BONACIC, DILAN, C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- committee discharged and said bill 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, in relation to the control of and stabilization of rent in certain cases; to amend the emergency housing rent control law, chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in the city of Albany, chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, chapter 402 of the laws of 1983 amending the general business law relating to conversions of residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland and the rent regulation reform act of 1997, in relation to extending the effectiveness of such provisions; and 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; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Section 17 of chapter 576 of the laws of 1974, constituting
2 the emergency tenant protection act of nineteen seventy-four, as amended
3 by chapter 82 of the laws of 2003, is amended to read as follows:

4 S 17. Effective date. This act shall take effect immediately and
5 shall remain in full force and effect until and including the fifteenth
6 day of June [2011] 2019; except that sections two and three shall take
7 effect with respect to any city having a population of one million or
8 more and section one shall take effect with respect to any other city,

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

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1 or any town or village whenever the local legislative body of a city,
2 town or village determines the existence of a public emergency pursuant
3 to section three of the emergency tenant protection act of nineteen
4 seventy-four, as enacted by section four of this act, and provided that
5 the housing accommodations subject on the effective date of this act to
6 stabilization pursuant to the New York city rent stabilization law of
7 nineteen hundred sixty-nine shall remain subject to such law upon the
8 expiration of this act.

9 S 2. Subdivision 2 of section 1 of chapter 274 of the laws of 1946,
10 constituting the emergency housing rent control law, as amended by chap-
11 ter 82 of the laws of 2003, is amended to read as follows:

12 2. The provisions of this act, and all regulations, orders and
13 requirements thereunder shall remain in full force and effect until and
14 including June 15, [2011] 2019.

15 S 3. Section 2 of chapter 329 of the laws of 1963, amending the emer-
16 gency housing rent control law relating to recontrol of rents in the
17 city of Albany, as amended by chapter 82 of the laws of 2003, is amended
18 to read as follows:

19 S 2. This act shall take effect immediately and the provisions of
20 subdivision 6 of section 12 of the emergency housing rent control law,
21 as added by this act, shall remain in full force and effect until and
22 including June 15, [2011] 2019.

23 S 4. Section 10 of chapter 555 of the laws of 1982, amending the
24 general business law and the administrative code of the city of New York
25 relating to the conversion of residential property to cooperative or
26 condominium ownership in the city of New York, as amended by chapter 82
27 of the laws of 2003, is amended to read as follows:

28 S 10. This act shall take effect immediately; provided, that the
29 provisions of sections one, two and nine of this act shall remain in
30 full force and effect only until and including June 15, [2011] 2019;
31 provided further that the provisions of section three of this act shall
32 remain in full force and effect only so long as the public emergency
33 requiring the regulation and control of residential rents and evictions
34 continues as provided in subdivision 3 of section 1 of the local emer-
35 gency housing rent control act; provided further that the provisions of
36 sections four, five, six and seven of this act shall expire in accord-
37 ance with the provisions of section 26-520 of the administrative code of
38 the city of New York as such section of the administrative code is, from
39 time to time, amended; provided further that the provisions of section
40 26-511 of the administrative code of the city of New York, as amended by
41 this act, which the New York City Department of Housing Preservation and
42 Development must find are contained in the code of the real estate
43 industry stabilization association of such city in order to approve it,
44 shall be deemed contained therein as of the effective date of this act;
45 and provided further that any plan accepted for filing by the department
46 of law on or before the effective date of this act shall continue to be
47 governed by the provisions of section 352-eeee of the general business
48 law as they had existed immediately prior to the effective date of this
49 act.

50 S 5. Section 4 of chapter 402 of the laws of 1983, amending the gener-
51 al business law relating to conversions of residential property to coop-
52 erative or condominium ownership in certain municipalities in the coun-
53 ties of Nassau, Westchester and Rockland, as amended by chapter 82 of
54 the laws of 2003, is amended to read as follows:

55 S 4. This act shall take effect immediately; provided, that the
56 provisions of sections one and three of this act shall remain in full

force and effect only until and including June 15, [2011] 2019; and provided further that any plan accepted for filing by the department of law on or before the effective date of this act shall continue to be governed by the provisions of section 352-eee of the general business law as they had existed immediately prior to the effective date of this act.

S 6. Subdivision 6 of section 46 of chapter 116 of the laws of 1997, constituting the rent regulation reform act of 1997, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

6. sections twenty-eight, twenty-eight-a, twenty-eight-b and twenty-eight-c of this act shall expire and be deemed repealed after June 15, [2011] 2019;

S 7. The section heading of section 467-b of the real property tax law, as amended by chapter 188 of the laws of 2005, is amended to read as follows:

Tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities OR PERSONS OF LOW-INCOME AND MODERATE-INCOME.

S 8. Paragraph b of subdivision 1 of section 467-b of the real property tax law, as amended by chapter 188 of the laws of 2005, is amended to read as follows:

b. "Head of the household" means a person (i) who is sixty-two years of age or older, or (ii) who qualifies as a person with a disability pursuant to subdivision five of this section, OR (III) WHO, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, QUALIFIES AS A PERSON OF LOW-INCOME OR MODERATE-INCOME, and is entitled to the possession or to the use or occupancy of a dwelling unit FOR NOT LESS THAN TWO YEARS PRIOR TO THE DATE OF APPLICATION FOR RENT INCREASE EXEMPTION BENEFITS. ON AND AFTER SUCH DATE, THE PROVISIONS OF CLAUSES (I) AND (II) OF THIS PARAGRAPH SHALL NO LONGER BE USED TO DEFINE THE TERM "HEAD OF HOUSEHOLD";

S 9. Paragraph a of subdivision 3 of section 467-b of the real property tax law, as separately amended by chapters 188 and 205 of the laws of 2005, is amended to read as follows:

a. for a dwelling unit where PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN the head of the household is a person sixty-two years of age or older OR WHO, ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, QUALIFIES AS A PERSON OF LOW-INCOME OR MODERATE-INCOME, no tax abatement shall be granted if the combined income of all members of the household for the income tax year immediately preceding the date of making application exceeds four thousand dollars, or such other sum not more than twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine, as may be provided by the local law, ordinance or resolution adopted pursuant to this section, AND FORTY-FIVE THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND ELEVEN; provided that when the head of the household retires before the commencement of such income tax year and the date of filing the application, the income for such year may be adjusted by excluding salary or earnings and projecting his or her retirement income over the entire period of such year.

S 10. The opening paragraph of subdivision m of section 26-405 of the administrative code of the city of New York, as amended by local law number 76 of the city of New York for the year 2005, is amended to read as follows:

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

34 S 11. Subparagraphs (i) and (ii) of paragraph 2 of subdivision m of
35 section 26-405 of the administrative code of the city of New York,
36 subparagraph (i) as separately amended by local law number 76 of the
37 city of New York for the year 2005 and subparagraph (ii) as amended by
38 local law number 44 of the city of New York for the year 2009, are
39 amended to read as follows:

40 (i) PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN the head of the household
41 residing in the housing accommodation is sixty-two years of age or older
42 OR WHO, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN QUALIFIES AS A
43 PERSON OF LOW-INCOME OR MODERATE-INCOME, or is a person with a disabili-
44 ty, and is entitled to the possession or to the use or occupancy of a
45 dwelling unit FOR NOT LESS THAN TWO YEARS PRIOR TO THE DATE OF APPLICA-
46 TION FOR RENT INCREASE EXEMPTION BENEFITS. To qualify as a person with
47 a disability for the purposes of this section, an individual shall
48 submit to such agency as the mayor shall designate proof (as specified
49 by regulation of such agency as the mayor shall designate) showing that
50 such individual is currently receiving social security disability insur-
51 ance (SSDI) or supplemental security income (SSI) benefits under the
52 federal social security act or disability pension or disability compen-
53 sation benefits provided by the United States department of veterans
54 affairs, or was previously eligible by virtue of receiving disability
55 benefits under the supplemental security income program or the social
56 security disability program and is currently receiving medical assist-

1 ance benefits based on determination of disability as provided in
2 section three hundred sixty-six of the social services law.

3 Nothing herein contained shall render ineligible for benefits persons
4 receiving supplemental security income or additional state payments, or
5 both, under a program administered by the United States department of
6 health and human services or by such department and the New York state
7 department of social services.

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

29 S 12. Paragraph 5 of subdivision m of section 26-405 of the adminis-
30 trative code of the city of New York, as amended by local law number 44
31 of the city of New York for the year 2009, is amended to read as
32 follows:

33 (5) A rent exemption order shall be issued to each tenant who applies
34 to the department of finance or such agency as the mayor shall designate
35 (which agency may also be the department of finance) in accordance with
36 such department's or agency's regulations and who is found to be eligi-
37 ble under this subdivision. Such order shall take effect on the first
38 day of the first month after receipt of such application, except that
39 where the aggregate disposable income of all members of the household
40 residing in the housing accommodation whose head of the household is
41 sixty-two years of age or older is greater than five thousand dollars
42 per year but does not exceed twenty-five thousand dollars beginning July
43 first, two thousand five, twenty-six thousand dollars beginning July
44 first, two thousand six, twenty-seven thousand dollars beginning July
45 first, two thousand seven, twenty-eight thousand dollars beginning July
46 first, two thousand eight, [and] twenty-nine thousand dollars beginning
47 July first, two thousand nine, AND FORTY-FIVE THOUSAND DOLLARS BEGINNING
48 JULY FIRST, TWO THOUSAND ELEVEN, per year pursuant to subparagraph (ii)
49 of paragraph two of subdivision m of this section on orders issued on
50 applications received before July first, nineteen hundred seventy-five,
51 the effective date of such order shall be the later of (1) June thirti-
52 eth, nineteen hundred seventy-four or (2) the last day of the month in
53 which a person becomes an eligible head of household in the housing
54 accommodation in which such person resides at the time of filing the
55 most recent application for a rent exemption order; and further, except
56 that where any other application has been received within ninety days of

the issuance of the order increasing the tenant's maximum rent pursuant to paragraph three, four or six of subdivision [(a)] A of this section, or subparagraph (a), (b), (c), or (l) of paragraph [(1)] ONE of subdivision [(g)] G of this section or pursuant to court order, whichever is later, the rent exemption order shall without further order take effect as of the effective date of said order increasing the tenant's rent including any retroactive increments collectible pursuant to such orders.

S 13. Subdivision d of section 26-406 of the administrative code of the city of New York, as amended by local law number 44 of the city of New York for the year 2009, is amended to read as follows:

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

S 14. The section heading of section 26-509 of the administrative code of the city of New York, as amended by local law number 76 of the city of New York for the year 2005, is amended to read as follows:

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

S 15. The opening paragraph of subdivision b of section 26-509 of the administrative code of the city of New York, as amended by local law number 76 of the city of New York for the year 2005, is amended to read as follows:

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

S 16. Subparagraphs (i) and (ii) of paragraph 2 of subdivision b of section 26-509 of the administrative code of the city of New York, subparagraph (i) as amended by local law number 76 of the city of New York for the year 2005 and subparagraph (ii) as amended by local law number 44 of the city of New York for the year 2009, are amended to read as follows:

(i) PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN the head of the household residing in the housing accommodation is sixty-two years of age or older OR WHO, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN QUALIFIES AS A PERSON OF LOW-INCOME OR MODERATE-INCOME, or is a person with a disability, and is entitled to the possession or to the use or occupancy of a dwelling unit FOR NOT LESS THAN TWO YEARS PRIOR TO THE DATE OF APPLICATION FOR RENT INCREASE EXEMPTION BENEFITS. To qualify as a person with a disability for the purposes of this section, an individual shall submit to such agency as the mayor shall designate proof (as specified by regulation of such agency as the mayor shall designate) showing that such individual is currently receiving social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the

1 federal social security act or disability pension or disability compen-
2 sation benefits provided by the United States department of veterans
3 affairs, or was previously eligible by virtue of receiving disability
4 benefits under the supplemental security income program or the social
5 security disability program and is currently receiving medical assist-
6 ance benefits based on determination of disability as provided in
7 section three hundred sixty-six of the social services law.

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

31 S 17. Subparagraph (ii) of paragraph 3 of subdivision b of section
32 26-509 of the administrative code of the city of New York, as amended by
33 local law 44 of the city of New York for the year 2009, is amended to
34 read as follows:

35 (ii) Each such order shall expire upon termination of occupancy of the
36 housing accommodation by the tenant to whom it is issued. The landlord
37 shall notify the department of finance in the case of a household whose
38 eligibility for such order PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN
39 EITHER is based on the fact that the head of such household is sixty-two
40 years of age or older, or such agency as the mayor shall designate in
41 the case of a household whose eligibility for such order is based on the
42 fact that the head of such household is a person with a disability, OR
43 WHO, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN QUALIFIES AS A PERSON
44 OF LOW-INCOME OR MODERATE-INCOME, on a form to be prescribed by such
45 department or agency, within thirty days of each such termination of
46 occupancy.

47 S 18. The opening paragraph of section 26-504.1 of the administrative
48 code of the city of New York, as amended by chapter 116 of the laws of
49 1997, is amended to read as follows:

50 Upon the issuance of an order by the division, "housing accommo-
51 dations" shall not include housing accommodations which: (1) are occu-
52 pied by persons who have a total annual income in excess of one hundred
53 seventy-five thousand dollars per annum for each of the two preceding
54 calendar years, as defined in and subject to the limitations and process
55 set forth in section 26-504.3 of this chapter; and (2) have a legal
56 regulated rent of two thousand dollars or more per month. Provided,

1 however, that this exclusion shall not apply to housing accommodations
2 which became or become subject to this law (a) by virtue of receiving
3 tax benefits pursuant to section four hundred twenty-one-a or four
4 hundred eighty-nine of the real property tax law, except as otherwise
5 provided in subparagraph (i) of paragraph (f) of subdivision two of
6 section four hundred twenty-one-a of the real property tax law, or (b)
7 by virtue of article seven-C of the multiple dwelling law. HOUSING
8 ACCOMMODATIONS WHICH WERE SUBJECT TO THIS LAW IMMEDIATELY PRIOR TO THE
9 COMMENCEMENT OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR
10 HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW SHALL NOT BE DEEMED TO
11 BE HOUSING ACCOMMODATIONS WHICH BECAME OR BECOME SUBJECT TO THIS LAW BY
12 VIRTUE OF RECEIVING TAX BENEFITS PURSUANT TO SUCH SECTION FOUR HUNDRED
13 EIGHTY-NINE, PROVIDED, HOWEVER, THAT THE EXCLUSION SET FORTH IN THIS
14 SECTION SHALL BE APPLICABLE TO SUCH HOUSING ACCOMMODATIONS ONLY WHERE
15 THE RECIPIENT OF TAX BENEFITS PURSUANT TO SUCH SECTION HAS ACTED IN
16 ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR
17 HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF
18 SECTION 11-243 OF THIS CODE.

19 S 19. Subdivision a of section 26-504.2 of the administrative code of
20 the city of New York, as amended by chapter 82 of the laws of 2003, is
21 amended to read as follows:

22 a. "Housing accommodations" shall not include any housing accommo-
23 dation which becomes vacant on or after April first, nineteen hundred
24 ninety-seven and where at the time the tenant vacated such housing
25 accommodation the legal regulated rent was two thousand dollars or more
26 per month, or any housing accommodation which is or becomes vacant on or
27 after the effective date of the rent regulation reform act of 1997 with
28 a legal regulated rent of two thousand dollars or more per month. This
29 exclusion shall apply regardless of whether the next tenant in occupancy
30 or any subsequent tenant in occupancy actually is charged or pays less
31 than two thousand dollars a month. Provided however, that this exclusion
32 shall not apply to housing accommodations which became or become subject
33 to this law (a) by virtue of receiving tax benefits pursuant to section
34 four hundred twenty-one-a or four hundred eighty-nine of the real prop-
35 erty tax law, except as otherwise provided in subparagraph (i) of para-
36 graph (f) of subdivision two of section four hundred twenty-one-a of the
37 real property tax law, or (b) by virtue of article seven-C of the multi-
38 ple dwelling law. HOUSING ACCOMMODATIONS WHICH WERE SUBJECT TO THIS LAW
39 IMMEDIATELY PRIOR TO THE COMMENCEMENT OF THE RECEIPT OF TAX BENEFITS
40 PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX
41 LAW SHALL NOT BE DEEMED TO BE HOUSING ACCOMMODATIONS WHICH BECAME OR
42 BECOME SUBJECT TO THIS LAW BY VIRTUE OF RECEIVING TAX BENEFITS PURSUANT
43 TO SUCH SECTION FOUR HUNDRED EIGHTY-NINE, PROVIDED, HOWEVER, THAT THE
44 EXCLUSION SET FORTH IN THIS SUBDIVISION SHALL BE APPLICABLE TO SUCH
45 HOUSING ACCOMMODATIONS ONLY WHERE THE RECIPIENT OF TAX BENEFITS PURSUANT
46 TO SUCH SECTION FOUR HUNDRED EIGHTY-NINE HAS ACTED IN ACCORDANCE WITH
47 THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR HUNDRED EIGHTY-
48 NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION 11-243
49 OF THIS CODE. This section shall not apply, however, to or become effec-
50 tive with respect to housing accommodations which the commissioner
51 determines or finds that the landlord or any person acting on his or her
52 behalf, with intent to cause the tenant to vacate, engaged in any course
53 of conduct (including, but not limited to, interruption or discontin-
54 uance of required services) which interfered with or disturbed or was
55 intended to interfere with or disturb the comfort, repose, peace or
56 quiet of the tenant in his or her use or occupancy of the housing accom-

modations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

S 20. Section 489 of the real property tax law is amended by adding a new subdivision 17 to read as follows:

17. WHERE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMMEDIATELY PRIOR TO THE RECEIPT OF TAX EXEMPTION OR TAX ABATEMENT BENEFITS PURSUANT TO THIS SECTION, THE RECIPIENT OF SUCH BENEFITS SHALL BE AUTHORIZED TO MAKE TO THE CITY OF NEW YORK, AND THE CITY OF NEW YORK SHALL BE OBLIGED TO ACCEPT, PAYMENT OF THE FULL AMOUNT OF ALL SUCH BENEFITS RECEIVED BY SUCH RECIPIENT PURSUANT TO ANY ORDER OR DETERMINATION ISSUED BY THE LOCAL HOUSING AGENCY ADMINISTERING THIS LAW OR THE LOCAL GOVERNMENT AGENCY RESPONSIBLE FOR REAL PROPERTY TAX ASSESSMENT WHICH IS CURRENTLY IN EFFECT AND TO WAIVE THE RECEIPT OF ANY FURTHER TAX EXEMPTION OR TAX ABATEMENT BENEFITS WHICH WOULD OTHERWISE BE DUE TO SUCH RECIPIENT PURSUANT TO ANY SUCH ORDER OR DETERMINATION CURRENTLY IN EFFECT. SUCH PAYMENT AND SUCH WAIVER SHALL BE MADE NO LATER THAN JUNE THIRTIETH, TWO THOUSAND TWELVE. SUCH PAYMENT AND WAIVER SHALL ENTITLE SUCH RECIPIENT TO THE BENEFIT OF THE EXCLUSIONS SET FORTH IN SECTION 26-504.1 AND SECTION 26-504.2 OF THE ADMINISTRATIVE CODE WHERE THE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMMEDIATELY PRIOR TO THE RECEIPT OF TAX BENEFITS PURSUANT TO THIS SECTION. SUCH PAYMENTS OF TAX BENEFITS RECEIVED BY SUCH RECIPIENTS, AND THE AMOUNTS OF SUCH BENEFITS TO BE WAIVED BY SUCH RECIPIENTS, SHALL BE PAID INTO A SEPARATE FUND KNOWN AS THE RENT CAP FUND IN THE TREASURY OF THE CITY. THE REVENUES PAID INTO THE FUND SHALL NOT BE REVENUES OF THE CITY AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE TREASURY. SUCH MONIES SHALL BE ALLOCATED AND EXPENDED SOLELY FOR THE PURPOSES OF PROVIDING THE TAX ABATEMENT FOR RENT-CONTROLLED AND REGULATED PROPERTY OCCUPIED BY PERSONS OF LOW INCOME AND MODERATE INCOME AS AUTHORIZED PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN-B OF THIS TITLE AND IMPLEMENTED PURSUANT TO SECTION 26-405, SECTION 26-406 AND SECTION 26-509 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK. EXCEPT THAT ON AND AFTER JULY FIRST, TWO THOUSAND TWELVE, AND UPON EACH ANNIVERSARY DATE THEREAFTER, THE CITY OF NEW YORK SHALL BE AUTHORIZED TO DETERMINE WHETHER SUCH PAYMENTS AND WAIVERS MADE TO SUCH CITY EXCEED THE AMOUNTS REQUIRED FOR THE PURPOSES OF FUNDING SUCH RENT INCREASE EXEMPTION PROGRAM FOR NOT LESS THAN TEN YEARS AND, IF SUCH IS THE CASE, THE CITY SHALL BE AUTHORIZED TO TRANSFER SUCH EXCESS AMOUNTS TO THE GENERAL FUND OF THE CITY AND SUCH EXCESS AMOUNTS SHALL BE EXCLUSIVELY UTILIZED BY THE CITY FOR THE PURPOSES OF PROVIDING HOUSING ASSISTANCE IN WHATEVER FORM THE CITY DEEMS APPROPRIATE TO INDIVIDUALS OR FAMILIES WHO ARE CONSIDERED TO BE HOMELESS AND IN NEED OF HOUSING BY THE CITY. NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, AND NO LATER THAN DECEMBER THIRTY-FIRST EACH YEAR THEREAFTER THROUGH TWO THOUSAND TWENTY-TWO, THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT OF THE CITY OF NEW YORK SHALL ISSUE A REPORT TO THE COMMITTEE ON HOUSING OF THE ASSEMBLY AND THE COMMITTEE ON HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT OF THE SENATE OF THE LEGISLATURE OF THE STATE OF NEW YORK SETTING FORTH SUCH INFORMATION AS IT RELATES TO THE AMOUNTS OF PAYMENTS AND WAIVERS MADE PURSUANT TO THIS SECTION, THE MANNER IN WHICH SUCH EXCESS AMOUNTS, IF ANY, HAVE BEEN UTILIZED BY SUCH CITY FOR THE PURPOSES OF PROVIDING HOUSING ASSISTANCE TO INDIVIDUALS OR FAMILIES WHO ARE CONSIDERED TO BE HOMELESS AND IN NEED OF HOUSING BY THE CITY AND SUCH OTHER INFORMATION RELATING TO THE RENT INCREASE EXEMPTION PROGRAM AND THE FUNDING THEREOF AS MAY BE APPROPRIATE.

S 21. Section 11-243 of the administrative code of the city of New York is amended by adding a new subdivision ee to read as follows:

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

50 S 22. This act shall take effect immediately, provided, that sections
51 eighteen and nineteen of this act shall be deemed to have been in full
52 force and effect on and after July 6, 1993; provided, further, that:

53 (a) the amendments to section 26-405 of the city rent and rehabili-
54 tation law made by sections ten, eleven and twelve of this act shall
55 remain in full force and effect until June 30, 2016, or as long as the
56 public emergency requiring the regulation and control of residential

1 rents and evictions continues, as provided in subdivision 3 of section 1
2 of the local emergency housing rent control act, whichever is earlier;
3 and

4 (b) the amendments to section 26-406 of the city rent and rehabili-
5 tation law made by section thirteen of this act shall remain in full
6 force and effect until June 30, 2016, or as long as the public emergency
7 requiring the regulation and control of residential rents and evictions
8 continues, as provided in subdivision 3 of section 1 of the local emer-
9 gency housing rent control act, whichever is earlier; and

10 (c) the amendments to section 26-509 of chapter 4 of title 26 of the
11 administrative code of the city of New York made by sections fourteen,
12 fifteen, sixteen and seventeen of this act shall expire June 30, 2016,
13 or on the same date as such law expires and shall not affect the expira-
14 tion of such law as provided under section 26-520 of such law, whichever
15 is earlier; and

16 (d) the amendments to section 26-504.1 of chapter 4 of title 26 of the
17 administrative code of the city of New York made by section eighteen of
18 this act shall expire on the same date as such law expires and shall not
19 affect the expiration of such law as provided under section 26-520 of
20 such law; and

21 (e) the amendments to section 26-504.2 of chapter 4 of title 26 of the
22 administrative code of the city of New York made by section nineteen of
23 this act shall expire on the same date as such law expires and shall not
24 affect the expiration of such law as provided under section 26-520 of
25 such law; and

26 (f) the amendments to section 467-b of the real property tax law made
27 by sections seven, eight and nine of this act shall remain in full force
28 and effect until June 30, 2016, or as long as the public emergency
29 requiring the regulation and control of residential rents and evictions
30 continues, as provided in subdivision 3 of section 1 of the local emer-
31 gency housing rent control act, whichever is earlier; provided, further,
32 that the amendments made to such section 467-b shall not affect the
33 expiration as provided in section 17 of chapter 576 of the laws of 1974,
34 as amended; and

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