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

4538

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. MAYERSOHN, V. LOPEZ -- read once and referred to the Committee on Housing

AN ACT to amend the private housing finance law, in relation to persons and families eligible for dwellings in mutual and non-mutual housing company projects

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

Section 1. Paragraphs (c) and (d) of subdivision 1 of section 85-a of the private housing finance law, as amended by chapter 301 of the laws of 1983, are amended to read as follows:

(c) In the event that the income of a person or family residing in a project increases and the ratio to the rental of the dwelling becomes greater than prescribed by law for admission or in this subdivision, whichever is greater, and the income is not more than fifty per centum above the income so prescribed for admission to the dwelling and such increased income continues for a period of three months or more, the housing company may permit such person or family to continue to remain in occupancy provided the housing company is convinced that such person or family cannot secure other safe and sanitary dwelling accommodations, or by reason of other facts the removal of such person or family from the project would occasion other undue hardship to such person or family. However, such person or family shall pay a rental surcharge in accordance with a schedule of surcharges promulgated by the company with the approval of the commissioner and in no event shall such removal be effected against any person or family which was in occupancy prior to July first, [nineteen hundred eighty-three] TWO THOUSAND NINE;

(d) In the event that the ratio of the income of a person or family to the rental of the dwelling becomes greater than that prescribed by law for admission or in this subdivision, whichever is greater, and is more than fifty per centum above the income so prescribed for admission to the dwelling and such increased income continues for a period of three

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

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months, the housing company shall require such person or family to remove from the dwelling and may take such steps, including summary proceedings, as are necessary to effect the removal of the person or family. A three months' period shall be given such person or family to find new accommodations. Pending removal from the dwelling, such person or family shall pay a rental surcharge in accordance with a schedule promulgated by the company with the approval of the commissioner. In no event shall a removal otherwise authorized by this paragraph be effected against any person or family which was in occupancy prior to July first, [nineteen hundred eighty-three] TWO THOUSAND NINE.

S 2. Paragraph (d) of subdivision 2 of section 85-a of the private housing finance law, as amended by chapter 301 of the laws of 1983, is amended to read as follows:

(d) No occupant whose income increases shall be compelled to vacate the project unless the ratio of his income to rental of the dwelling becomes greater by fifty per centum or more than is prescribed by law at the time of admission or in this subdivision, whichever is greater, and unless at the same time he shall be discharged from all liability on any note, bond or other evidence of indebtedness relating thereto, and there shall be repaid to such person by the housing company all sums paid to such company for or on account of the purchase of stock or income debentures as a condition of such occupancy. The housing company may, with the approval of the commissioner, permit such occupant whose income increases and the ratio of income to rental of the dwelling becomes greater by fifty per centum or more than is prescribed by law at the time of admission or in this subdivision, whichever is greater, to occupy the dwelling for not more than three years from the time such increase in income first accrues unless such occupancy is extended with the approval of the commissioner. In no event shall a removal otherwise authorized by this paragraph be effected against any person or family which has been in occupancy prior to July first, [nineteen hundred eighty-three] TWO THOUSAND NINE. However, such occupant shall pay a rental surcharge in accordance with a schedule of surcharges promulgated by the company with the approval of the commissioner.

S 3. This act shall take effect immediately.