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

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:

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

S 17. Effective date. This act shall take effect immediately and shall remain in full force and effect until and including the fifteenth day of June [2011] 2019; except that sections two and three shall take effect with respect to any city having a population of one million or 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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or any town or village whenever the local legislative body of a city, town or village determines the existence of a public emergency pursuant to section three of the emergency tenant protection act of nineteen seventy-four, as enacted by section four of this act, and provided that the housing accommodations subject on the effective date of this act to stabilization pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine shall remain subject to such law upon the expiration of this act.

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

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

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

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

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

S 10. This act shall take effect immediately; provided, that the provisions of sections one, two and nine of this act shall remain in full force and effect only until and including June 15, [2011] 2019; provided further that the provisions of section three of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues as provided in subdivision 3 of section 1 of the local emergency housing rent control act; provided further that the provisions of sections four, five, six and seven of this act shall expire in accordance with the provisions of section 26-520 of the administrative code of the city of New York as such section of the administrative code is, from time to time, amended; provided further that the provisions of section 26-511 of the administrative code of the city of New York, as amended by this act, which the New York City Department of Housing Preservation and Development must find are contained in the code of the real estate industry stabilization association of such city in order to approve it, shall be deemed contained therein as of the effective date of this act; 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-eeee of the general business law as they had existed immediately prior to the effective date of this act.

S 5. Section 4 of 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, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

S 4. This act shall take effect immediately; provided, that the 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:

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

S 11. Subparagraphs (i) and (ii) of paragraph 2 of subdivision m of section 26-405 of the administrative code of the city of New York, subparagraph (i) as separately 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 federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs, or was previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and is currently receiving medical assist-

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

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

(ii) the aggregate disposable income (as defined by regulation of the department of finance) of all members of the household residing in the housing accommodation whose head of household is sixty-two years of age or older does not exceed 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, AND FORTY-FIVE THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND ELEVEN per year, after deduction of federal, state and city income and social security taxes. For purposes of this subparagraph, "aggregate disposable income" shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the date of eligibility of a head of the household receiving benefits under this subdivision whether received by the head of the household or any other member of the household.

S 12. Paragraph 5 of subdivision m of section 26-405 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:

(5) A rent exemption order shall be issued to each tenant who applies to the department of finance or such agency as the mayor shall designate (which agency may also be the department of finance) in accordance with such department's or agency's regulations and who is found to be eligible under this subdivision. Such order shall take effect on the first day of the first month after receipt of such application, except that where the aggregate disposable income of all members of the household residing in the housing accommodation whose head of the household is sixty-two years of age or older is greater than five thousand dollars per year but does not exceed 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, AND FORTY-FIVE THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND ELEVEN, per year pursuant to subparagraph (ii) of paragraph two of subdivision m of this section on orders issued on applications received before July first, nineteen hundred seventy-five, the effective date of such order shall be the later of (1) June thirtieth, nineteen hundred seventy-four or (2) the last day of the month in which a person becomes an eligible head of household in the housing accommodation in which such person resides at the time of filing the most recent application for a rent exemption order; and further, except 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

federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs, or was previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and is currently receiving medical assistance benefits based on determination of disability as provided in section three hundred sixty-six of the social services law.

(ii) PRIOR TO JULY FIRST, TWO THOUSAND ELEVEN the aggregate disposable income (as defined by regulation of the department of finance) of all members of the household residing in the housing accommodation whose head of the household 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 does not exceed 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, AND FORTY-FIVE THOUSAND DOLLARS BEGINNING JULY FIRST, TWO THOUSAND ELEVEN, per year, after deduction of federal, state and city income and social security taxes. For purposes of this subparagraph, "aggregate disposable income" shall not include gifts or inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or increases in benefits accorded pursuant to the social security act or a public or private pension paid to any member of the household which increase, in any given year, does not exceed the consumer price index (all items United States city average) for such year which take effect after the eligibility date of the head of the household receiving benefits under this section whether received by the head of the household or any other member of the household;

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

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

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

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

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

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

a. "Housing accommodations" shall not include any housing accommodation which becomes vacant on or after April first, nineteen hundred ninety-seven and where at the time the tenant vacated such housing accommodation the legal regulated rent was two thousand dollars or more per month, or any housing accommodation which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997 with a legal regulated rent of two thousand dollars or more per month. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand dollars a month. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this law (a) by virtue of receiving tax benefits pursuant to section four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, except as otherwise provided in subparagraph (i) of paragraph (f) of subdivision two of section four hundred twenty-one-a of the real property tax law, or (b) by virtue of article seven-C of the multiple dwelling law. HOUSING ACCOMMODATIONS WHICH WERE SUBJECT TO THIS LAW IMMEDIATELY PRIOR TO THE COMMENCEMENT OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW SHALL NOT BE DEEMED TO BE HOUSING ACCOMMODATIONS WHICH BECAME OR BECOME SUBJECT TO THIS LAW BY VIRTUE OF RECEIVING TAX BENEFITS PURSUANT TO SUCH SECTION FOUR HUNDRED EIGHTY-NINE, PROVIDED, HOWEVER, THAT THE EXCLUSION SET FORTH IN THIS SUBDIVISION SHALL BE APPLICABLE TO SUCH HOUSING ACCOMMODATIONS ONLY WHERE THE RECIPIENT OF TAX BENEFITS PURSUANT TO SUCH SECTION FOUR HUNDRED EIGHTY-NINE HAS ACTED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION 11-243 OF THIS CODE. This section shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or 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:

EE. 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 DEPARTMENT OR BY THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT 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 THIS 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 RENT-STABILIZED PROPERTY OCCUPIED BY PERSONS OF LOW-INCOME AND MODERATE-INCOME AS AUTHORIZED PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN-B OF THE REAL PROPERTY TAX LAW AND IMPLEMENTED PURSUANT TO SECTION 26-405, SECTION 26-406 AND SECTION 26-509 OF THIS CODE. 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 22. This act shall take effect immediately, provided, that sections eighteen and nineteen of this act shall be deemed to have been in full force and effect on and after July 6, 1993; provided, further, that:

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

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

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

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

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

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

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

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