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

8050

I N S E N A T E

June 3, 2010

Introduced by Sen. ESPADA -- (at request of the Governor) -- 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 administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to the control of and stabilization of rent in certain cases; to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to enforcement and procedures for implementing a certain New York state court of appeals decision; to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to a rent stabilization code and rent increases authorized thereunder; to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to calculations of rent overcharges; to amend the civil practice law and rules, in relation to a four year rent history review period for residential rent overcharges; to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to recordkeeping and notice requirements; and to amend the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law, chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, 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 and 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, in relation to their periods of effectiveness

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

LBD12240-05-0

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

Section 1. Subparagraph (j) of paragraph 2 of subdivision e of section 26-403 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:

(j) Upon the issuance of an order of decontrol by the division, 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 in each of the two preceding calendar years, as defined in and subject to the limitations and process set forth in section 26-403.1 of this chapter; and (2) have a maximum rent of two thousand dollars or more per month, OR FOR PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN A MAXIMUM RENT OF THREE THOUSAND DOLLARS OR MORE PER MONTH, WHICH AMOUNT THEREAFTER SHALL BE ADJUSTED ANNUALLY OCTOBER FIRST OF EACH YEAR BY THE ONE-YEAR RENEWAL LEASE GUIDELINE PROMULGATED BY THE GUIDELINES BOARD OF THE CITY OF NEW YORK. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this law by virtue of receiving tax benefits pursuant to section four hundred eighty-nine of the real property tax law, EXCEPT THAT EFFECTIVE OCTOBER TWENTY-SECOND, TWO THOUSAND NINE THIS EXCLUSION SHALL APPLY TO HOUSING ACCOMMODATIONS THAT WOULD HAVE BEEN SUBJECT TO THIS CHAPTER IN THE ABSENCE OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW.

S 2. Subdivision (b) of section 26-403.1 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:

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation for which the maximum rent [is two thousand dollars or more per month] EQUALS OR EXCEEDS THE AMOUNT SPECIFIED IN SUBPARAGRAPH (J) OF PARAGRAPH TWO OF SUBDIVISION E OF SECTION 26-403 OF THIS CHAPTER may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total annual income is in excess of one hundred seventy-five thousand dollars in each of the two preceding calendar years. Such income certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursuant to section one hundred seventy-one-b of the tax law and shall not require disclosure of any income information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state that: (i) only tenants residing in housing accommodations which have a maximum rent [of two thousand dollars or more per month] THAT EQUALS OR EXCEEDS THE AMOUNT SPECIFIED IN SECTION 26-403 OF THIS CHAPTER are required to complete the certification form; (ii) that tenants have protections available to them which are designed to prevent harassment; (iii) that tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total annual income as certified is in excess of one hundred seventy-five thousand dollars in each such year, the owner may file the certification with the state division of housing and community renewal on or before June thirtieth of such

year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order of decontrol providing that such housing accommodations shall not be subject to the provisions of this law as of the first day of June in the year next succeeding the filing of the certification by the owner. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

S 3. 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:

S 26-504.1 Exclusion of accommodations of high income renters. 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, OR FOR PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN A LEGAL RENT OF THREE THOUSAND DOLLARS OR MORE PER MONTH, WHICH AMOUNT THEREAFTER SHALL BE ADJUSTED ANNUALLY OCTOBER FIRST OF EACH YEAR BY THE ONE-YEAR RENEWAL LEASE GUIDELINE PROMULGATED BY THE GUIDELINES BOARD OF THE CITY OF NEW YORK. 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, EXCEPT THAT EFFECTIVE OCTOBER TWENTY-SECOND, TWO THOUSAND NINE THIS EXCLUSION SHALL APPLY TO HOUSING ACCOMMODATIONS THAT WOULD HAVE BEEN SUBJECT TO THIS CHAPTER IN THE ABSENCE OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW.

S 4. Subdivision (b) of section 26-504.3 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:

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation for which the legal regulated rent [is two thousand dollars or more per month] EQUALS OR EXCEEDS THE AMOUNT SPECIFIED IN SECTION 26-504.1 OF THIS CHAPTER may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total annual income is in excess of one hundred seventy-five thousand dollars in each of the two preceding calendar years. Such income certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursuant to section one hundred seventy-one-b of the tax law and shall not require disclosure of any income information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state that: (i) only tenants residing in housing accommodations which have a legal regulated rent [of two thousand dollars or more per month] THAT EQUALS OR EXCEEDS THE AMOUNT SPECIFIED IN SECTION 26-504.1 OF THIS CHAPTER are required to complete the certification form; (ii)

that tenants have protections available to them which are designed to prevent harassment; (iii) that tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total annual income as certified is in excess of one hundred seventy-five thousand dollars in each such year, the owner may file the certification with the state division of housing and community renewal on or before June thirtieth of such year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order providing that such housing accommodation shall not be subject to the provisions of this act upon the expiration of the existing lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

S 5. Paragraph 12 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(12) upon issuance of an order by the division, housing accommodations which are: (1) occupied by persons who have a total annual income in excess of one hundred seventy-five thousand dollars per annum in each of the two preceding calendar years, as defined in and subject to the limitations and process set forth in section five-a of this act; and (2) have a legal regulated rent of two thousand dollars or more per month OR FOR PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN A LEGAL RENT OF THREE THOUSAND DOLLARS OR MORE PER MONTH, WHICH AMOUNT THEREAFTER SHALL BE ADJUSTED ANNUALLY OCTOBER FIRST OF EACH YEAR BY THE ONE-YEAR RENEWAL LEASE GUIDELINE PROMULGATED BY THE GUIDELINES BOARD FOR THE COUNTY IN WHICH THE HOUSING ACCOMMODATION IS LOCATED. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this act (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, EXCEPT THAT EFFECTIVE OCTOBER TWENTY-SECOND, TWO THOUSAND NINE THIS EXCLUSION SHALL APPLY TO HOUSING ACCOMMODATIONS THAT WOULD HAVE BEEN SUBJECT TO THIS ACT IN THE ABSENCE OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW.

S 6. Subdivision (b) of section 5-a of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation for which the legal regulated rent [is two thousand dollars or more per month] EQUALS OR EXCEEDS THE AMOUNT SPECIFIED IN PARAGRAPH TWELVE OF SUBDIVISION A OF SECTION FIVE OF THIS ACT may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total annual income is in excess of one hundred seventy-five thousand dollars in each of the two preceding calendar years. Such income

certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursuant to section one hundred seventy-one-b of the tax law, and shall not require disclosure of any information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state that: (i) only tenants residing in housing accommodations which had a legal regulated rent of [two thousand dollars or more per month] EQUALS OR EXCEEDS THE AMOUNT SPECIFIED IN PARAGRAPH TWELVE OF SUBDIVISION A OF SECTION FIVE OF THIS ACT are required to complete the certification form; (ii) that tenants have protections available to them which are designed to prevent harassment; (iii) that tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total annual income as certified is in excess of one hundred seventy-five thousand dollars in each such year, the owner may file the certification with the state division of housing and community renewal on or before June thirtieth of such year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order providing that such housing accommodation shall not be subject to the provisions of this act upon the expiration of the existing lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

S 7. Paragraph (m) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(m) upon the issuance of an order of decontrol by the division, housing accommodations which: (1) are occupied by persons who have a total annual income in excess of one hundred seventy-five thousand dollars in each of the two preceding calendar years, as defined in and subject to the limitations and process set forth in section two-a of this law; and (2) have a maximum rent of two thousand dollars or more per month, OR FOR PROCEEDINGS COMMENCED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN A MAXIMUM RENT OF THREE THOUSAND DOLLARS OR MORE PER MONTH, WHICH AMOUNT THEREAFTER SHALL BE ADJUSTED ANNUALLY OCTOBER FIRST OF EACH YEAR BY THE ONE YEAR RENEWAL LEASE GUIDELINE PROMULGATED BY THE GUIDELINES BOARD FOR THE COUNTY IN WHICH THE HOUSING ACCOMMODATION IS LOCATED.

S 8. Subdivision (b) of section 2-a of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation for which the maximum rent [is two thousand dollars or more per month] EQUALS OR EXCEEDS THE AMOUNT SPECIFIED IN PARAGRAPH (M) OF SUBDIVISION TWO OF SECTION TWO OF THIS LAW may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total annual income is in excess of one hundred seventy-five thousand dollars in each of the two preceding calendar years. Such income certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursu-

ant to section one hundred seventy-one-b of the tax law and shall not require disclosure of any income information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state that: (i) only tenants residing in housing accommodations which had a maximum rent [of two thousand dollars or more per month] THAT EQUALS OR EXCEEDS THE AMOUNT SPECIFIED IN PARAGRAPH (M) OF SUBDIVISION TWO OF SECTION TWO OF THIS LAW are required to complete the certification form; (ii) that tenants have protections available to them which are designed to prevent harassment; (iii) that tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total annual income as certified is in excess of one hundred seventy-five thousand dollars in each such year, the owner may file the certification with the state division of housing and community renewal on or before June thirtieth of such year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order of decontrol providing that such housing accommodations shall not be subject to the provisions of this law as of the first day of June in the year next succeeding the filing of the certification by the owner. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

S 9. 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, OR ANY HOUSING ACCOMMODATION WHICH IS OR BECOMES VACANT ON OR AFTER OCTOBER FIRST, TWO THOUSAND TEN WITH A LEGAL RENT OF THREE THOUSAND DOLLARS OR MORE PER MONTH, WHICH AMOUNT THEREAFTER SHALL BE ADJUSTED ANNUALLY OCTOBER FIRST OF EACH YEAR BY THE ONE-YEAR RENEWAL LEASE GUIDELINE PROMULGATED BY THE GUIDELINES BOARD OF THE CITY OF NEW YORK. 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] THE DEREGULATION RENT SPECIFIED IN THIS SUBDIVISION. 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, EXCEPT THAT EFFECTIVE OCTOBER TWENTY-SECOND, TWO THOUSAND NINE THIS EXCLUSION SHALL APPLY TO HOUSING ACCOMMODATIONS THAT WOULD HAVE BEEN SUBJECT TO THIS CHAPTER IN THE ABSENCE OF THE RECIPIENT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW. 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 accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

S 10. Subparagraph (k) of paragraph 2 of subdivision e of section 26-403 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:

(k) 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 maximum 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 maximum rent of two thousand dollars or more per month, OR ANY HOUSING ACCOMMODATION WHICH IS OR BECOMES VACANT ON OR AFTER OCTOBER FIRST, TWO THOUSAND TEN WITH A MAXIMUM RENT OF THREE THOUSAND DOLLARS OR MORE PER MONTH, WHICH AMOUNT THEREAFTER SHALL BE ADJUSTED ANNUALLY OCTOBER FIRST OF EACH YEAR BY THE ONE-YEAR RENEWAL LEASE GUIDELINE PROMULGATED BY THE GUIDELINES BOARD OF THE CITY OF NEW YORK. 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] THE DEREGULATION RENT SPECIFIED IN THIS SUBPARAGRAPH. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this law by virtue of receiving tax benefits pursuant to section four hundred eighty-nine of the real property tax law, EXCEPT THAT EFFECTIVE OCTOBER TWENTY-SECOND, TWO THOUSAND NINE THIS EXCLUSION SHALL APPLY TO HOUSING ACCOMMODATIONS THAT WOULD HAVE BEEN SUBJECT TO THIS CHAPTER IN THE ABSENCE OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW. This subparagraph 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, has 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 accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

S 11. Paragraph 13 of subdivision a of section 5 of section 4 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:

(13) any housing accommodation with a legal regulated rent of two thousand dollars or more per month at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three which is or becomes vacant on or after the effective date of this paragraph, or any housing accommodation with a legal regulated rent of two thousand dollars or more per month at any time on or after the effective date of the rent regulation reform act of 1997 which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997, OR ANY HOUSING ACCOMMODATION WHICH IS OR BECOMES VACANT ON OR

AFTER OCTOBER FIRST, TWO THOUSAND TEN WITH A MAXIMUM RENT OF THREE THOUSAND DOLLARS OR MORE PER MONTH, WHICH AMOUNT THEREAFTER SHALL BE ADJUSTED ANNUALLY OCTOBER FIRST OF EACH YEAR BY THE ONE-YEAR RENEWAL LEASE GUIDELINE PROMULGATED BY THE GUIDELINES BOARD FOR THE COUNTY IN WHICH THE HOUSING ACCOMMODATION IS LOCATED. 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] THE DEREGULATION RENT SPECIFIED IN THIS PARAGRAPH. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this act (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, EXCEPT THAT EFFECTIVE OCTOBER TWENTY-SECOND, TWO THOUSAND NINE THIS EXCLUSION SHALL APPLY TO HOUSING ACCOMMODATIONS THAT WOULD HAVE BEEN SUBJECT TO THIS ACT IN THE ABSENCE OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW. This paragraph 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, has 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 accommodations and in connection with such course of conduct, any other general enforcement provision of this act shall also apply.

S 12. Paragraph (n) of subdivision 2 of section 2 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:

(n) any housing accommodation with a maximum rent of two thousand dollars or more per month at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three which is or becomes vacant on or after the effective date of this paragraph, or any housing accommodation with a maximum rent of two thousand dollars or more per month at any time on or after the effective date of the rent regulation reform act of 1997 which is or becomes vacant on or after the effective date of the rent regulation reform act of 1997, OR ANY HOUSING ACCOMMODATION WHICH IS OR BECOMES VACANT ON OR AFTER OCTOBER FIRST, TWO THOUSAND TEN WITH A MAXIMUM RENT OF THREE THOUSAND DOLLARS OR MORE PER MONTH, WHICH AMOUNT THEREAFTER SHALL BE ADJUSTED ANNUALLY OCTOBER FIRST OF EACH YEAR BY THE ONE YEAR RENEWAL LEASE GUIDELINE PROMULGATED BY THE GUIDELINES BOARD FOR THE COUNTY IN WHICH THE HOUSING ACCOMMODATION IS LOCATED. 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] DEREGULATION RENT SPECIFIED ABOVE. This exclusion 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, has 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 accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

S 13. The administrative code of the city of New York is amended by adding a new section 26-504.4 to read as follows:

S 26-504.4 ENFORCEMENT AND PROCEDURES FOR IMPLEMENTING DECISION OF NEW YORK STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D279. NOTWITHSTANDING ANYTHING IN THE RENT STABILIZATION LAW OR THE EMERGENCY TENANT PROTECTION ACT OR THE CIVIL PRACTICE LAW AND RULES TO THE CONTRARY, ANY HOUSING ACCOMMODATION THAT WAS PREVIOUSLY REMOVED FROM REGULATION UNDER THIS CHAPTER PURSUANT TO THE PROVISIONS OF SECTION 26-504.1 OR SECTION 26-504.2 OF THIS CHAPTER AND AGAIN BECAME SUBJECT TO REGULATION UNDER THIS CHAPTER AS A RESULT OF THE DECISION OF THE NEW YORK STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D279 SHALL BE SUBJECT TO THE FOLLOWING RULES:

(A) THE LEGAL RENT FOR A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL BE (I) THE RENT CHARGED AND PAID FOR SUCH HOUSING ACCOMMODATION ON OCTOBER TWENTY-SECOND, TWO THOUSAND FIVE, PLUS ALL SUBSEQUENT ADJUSTMENTS THAT WOULD HAVE BEEN PERMITTED HAD THE HOUSING ACCOMMODATION CONTINUED TO BE SUBJECT TO THIS CHAPTER, OR (II) THE LEGAL RENT AGREED TO BY THE TENANT PURSUANT TO SUBDIVISION (E) OF THIS SECTION OR (III) SUCH OTHER AMOUNT AS AGREED TO BY THE OWNER AND TENANT IN A WRITING EXECUTED BY THE PARTIES AFTER RECEIPT BY THE TENANT OF THE NOTICE REQUIRED BY SUBDIVISION (C) OF THIS SECTION AND PAYMENT BY OWNER OF THE REFUND AMOUNT, IF ANY, PROVIDED IN SUCH AGREEMENT.

(B) WITHIN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION, THE OWNER OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL OFFER TO REFUND TO THE TENANT RESIDING IN SUCH HOUSING ACCOMMODATION ALL RENT COLLECTED FROM SUCH TENANT IN EXCESS OF THE LEGAL RENT CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION.

(C) WITHIN NINETY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION, AN OWNER OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL PROVIDE WRITTEN NOTICE TO THE CURRENT TENANT OF THE HOUSING ACCOMMODATION OF: (I) THE FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS CHAPTER AS A RESULT OF THE DECISION OF THE NEW YORK STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D279; (II) A CALCULATION OF THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION; AND (III) THE TOTAL AMOUNT TO BE REFUNDED PURSUANT TO SUBDIVISION (B) OF THIS SECTION.

(D) AN OWNER WHO MAKES A GOOD FAITH CALCULATION OF THE LEGAL RENT AND MAKES A REFUND OFFER IN ACCORDANCE WITH THE REQUIREMENTS OF SUBDIVISION (B) OF THIS SECTION SHALL NOT BE SUBJECT TO ANY OF THE OVERCHARGE PENALTIES, INCLUDING INTEREST AND TREBLE DAMAGES, PROVIDED FOR IN SECTION 26-516 OF THIS CHAPTER.

(E) WHERE A TENANT OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS SECTION CONSENTS IN WRITING TO THE LEGAL RENT AND REFUND AMOUNT, IF ANY, SET FORTH BY THE OWNER IN THE NOTICE REQUIRED BY SUBDIVISION (C) OF THIS SECTION, AND THE OWNER MAKES THE REQUIRED REFUND TO THE TENANT, OR AFTER THE NOTICE REQUIRED BY SUBDIVISION (C) OF THIS SECTION THE OWNER AND TENANT ENTER INTO A WRITTEN AGREEMENT PROVIDING FOR A DIFFERENT LEGAL RENT AND REFUND AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE PARTIES, THEN NEITHER SUCH LEGAL RENT NOR SUCH REFUND AMOUNT, IF ANY, SHALL THEREAFTER BE SUBJECT TO CHALLENGE BY THE TENANT OR ANY SUBSEQUENT TENANT OF THE HOUSING ACCOMMODATION.

HOWEVER, IF THE AGREEMENT ENTERED INTO PURSUANT TO THIS SUBDIVISION IS ENTERED INTO IN CONTEMPLATION OF THE TENANT VACATING THE SUBJECT HOUSING ACCOMMODATION OR ENCOMPASSES SURRENDER OF POSSESSION OF THE HOUSING ACCOMMODATION BY THE TENANT, IT SHALL NOT BE BINDING ON SUBSEQUENT TENANTS.

(F) IN NO EVENT SHALL A TENANT WHO FILES A COMPLAINT WITH THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SEEKING RELIEF UNDER THE PROVISIONS OF THIS SECTION BE ENTITLED TO A REFUND FOR RENT PAYMENTS MADE MORE THAN FOUR YEARS BEFORE THE COMPLAINT IS FILED.

S 14. Section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new section 5-b to read as follows:

S 5-B. ENFORCEMENT AND PROCEDURES FOR IMPLEMENTING DECISION OF NEW YORK STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D279. NOTWITHSTANDING ANYTHING IN THE RENT STABILIZATION LAW OR THE EMERGENCY TENANT PROTECTION ACT OR THE CIVIL PRACTICE LAW AND RULES TO THE CONTRARY, ANY HOUSING ACCOMMODATION THAT WAS PREVIOUSLY REMOVED FROM REGULATION UNDER THIS ACT PURSUANT TO THE PROVISIONS OF PARAGRAPH TWELVE OR THIRTEEN OF SUBDIVISION A OF SECTION FIVE OF THIS ACT AND AGAIN BECAME SUBJECT TO REGULATION UNDER THIS ACT AS A RESULT OF THE DECISION OF THE NEW YORK STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D279 SHALL BE SUBJECT TO THE FOLLOWING RULES:

(A) THE LEGAL RENT FOR A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL BE (I) THE RENT CHARGED AND PAID FOR SUCH HOUSING ACCOMMODATION ON OCTOBER TWENTY-SECOND, TWO THOUSAND FIVE, PLUS ALL SUBSEQUENT ADJUSTMENTS THAT WOULD HAVE BEEN PERMITTED HAD THE HOUSING ACCOMMODATION CONTINUED TO BE SUBJECT TO THIS CHAPTER, OR (II) THE LEGAL RENT AGREED TO BY THE TENANT PURSUANT TO SUBDIVISION (E) OF THIS SECTION, OR (III) SUCH OTHER AMOUNT AS AGREED TO BY THE OWNER AND TENANT IN A WRITING EXECUTED BY THE PARTIES AFTER RECEIPT BY THE TENANT OF THE NOTICE REQUIRED BY SUBDIVISION (C) OF THIS SECTION AND PAYMENT BY OWNER OF THE REFUND AMOUNT, IF ANY, PROVIDED IN SUCH AGREEMENT.

(B) WITHIN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS SECTION, THE OWNER OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL OFFER TO REFUND TO THE TENANT RESIDING IN SUCH HOUSING ACCOMMODATION ALL RENT COLLECTED FROM SUCH TENANT IN EXCESS OF THE LEGAL RENT CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION.

(C) WITHIN NINETY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION, AN OWNER OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL PROVIDE WRITTEN NOTICE TO THE CURRENT TENANT OF THE HOUSING ACCOMMODATION OF: (I) THE FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS CHAPTER AS A RESULT OF THE DECISION OF THE NEW YORK STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P. 13 NY3D279; (II) A CALCULATION OF THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION; AND (III) THE TOTAL AMOUNT TO BE REFUNDED PURSUANT TO SUBDIVISION (B) OF THIS SECTION.

(D) AN OWNER WHO MAKES A GOOD FAITH CALCULATION OF THE LEGAL RENT AND MAKES A REFUND OFFER IN ACCORDANCE WITH THE REQUIREMENTS OF SUBDIVISION (B) OF THIS SECTION SHALL NOT BE SUBJECT TO ANY OF THE OVERCHARGE PENALTIES, INCLUDING INTEREST AND TREBLE DAMAGES, PROVIDED FOR IN SECTION TWELVE OF THIS ACT.

(E) WHERE A TENANT OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS SECTION CONSENTS IN WRITING TO THE LEGAL RENT AND REFUND AMOUNT, SET FORTH BY THE OWNER IN THE NOTICE REQUIRED BY SUBDIVI-

SION (C) OF THIS SECTION, AND THE OWNER MAKES THE REQUIRED REFUND TO THE TENANT, OR AFTER THE NOTICE REQUIRED BY SUBDIVISION (C) OF THIS SECTION THE OWNER AND TENANT ENTER INTO A WRITTEN AGREEMENT PROVIDING FOR A DIFFERENT LEGAL RENT AND REFUND AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE PARTIES, THEN NEITHER SUCH LEGAL RENT OR SUCH REFUND AMOUNT, IF ANY, SHALL THEREAFTER BE SUBJECT TO CHALLENGE BY THE TENANT OR ANY SUBSEQUENT TENANT OF THE HOUSING ACCOMMODATION. HOWEVER, IF THE AGREEMENT ENTERED INTO PURSUANT TO THIS SUBDIVISION IS ENTERED INTO IN CONTEMPLATION OF THE TENANT VACATING THE SUBJECT HOUSING ACCOMMODATION OR ENCOMPASSES SURRENDER OF POSSESSION OF THE HOUSING ACCOMMODATION BY THE TENANT, IT SHALL NOT BE BINDING ON SUBSEQUENT TENANTS.

(F) IN NO EVENT SHALL A TENANT WHO FILES A COMPLAINT WITH THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SEEKING RELIEF UNDER THE PROVISIONS OF THIS SECTION BE ENTITLED TO A REFUND FOR RENT PAYMENTS MADE MORE THAN FOUR YEARS BEFORE THE COMPLAINT IS FILED.

S 15. Any adjustment required by this act by the division of housing and community renewal shall be published by operational bulletin in the state register without further action required for the promulgation of regulations pursuant to the state administrative procedure act and subdivision e of the rent stabilization law section 26-511 of the administrative code of the city of New York.

S 16. Paragraph 13 of subdivision c of section 26-511 of the administrative code of the city of New York, as added by chapter 253 of the laws of 1993, is amended to read as follows:

(13) provides that an owner is entitled to a rent increase where there has been a substantial modification or increase of dwelling space or an increase in the services, or installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's housing accommodation, on written tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The permanent increase in the legal regulated rent for the affected housing accommodation shall be one-fortieth of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. THE OWNER SHALL GIVE WRITTEN NOTICE TO THE DIVISION AND THE TENANT ON FORMS PRESCRIBED BY THE COMMISSIONER OF ANY SUCH ADJUSTMENT PURSUANT TO THIS PARAGRAPH AND THE FAILURE TO PROVIDE SUCH WRITTEN NOTICE AS PROVIDED HEREIN SHALL PRECLUDE THE COLLECTION OF ANY SUCH ADJUSTMENT.

S 17. Paragraph 1 of subdivision (d) of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by chapter 253 of the laws of 1993, is amended to read as follows:

(1) there has been a substantial modification or increase of dwelling space or an increase in the services, or installation of new equipment or improvements or new furniture or furnishings, provided in or to a tenant's housing accommodation, on written tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The permanent increase in the legal regulated rent for the affected housing accommodation shall be one-fortieth of the total cost incurred by the landlord in providing such modification or

increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges. Provided further [than] THAT an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. THE OWNER SHALL GIVE WRITTEN NOTICE TO THE DIVISION AND THE TENANT ON FORMS PRESCRIBED BY THE COMMISSIONER OF ANY SUCH ADJUSTMENT PURSUANT TO THIS PARAGRAPH AND THE FAILURE TO PROVIDE SUCH WRITTEN NOTICE AS PROVIDED HEREIN SHALL PRECLUDE THE COLLECTION OF ANY SUCH ADJUSTMENT.

S 18. Subdivision g of section 26-516 of the administrative code of the city of New York is amended to read as follows:

g. [Any] EXCEPT AS REQUIRED BY THIS SECTION OR SECTION 26-516.1 OF THIS CHAPTER ANY owner who has duly registered a housing accommodation pursuant to section 26-517 of this chapter shall not be required to maintain or produce any records relating to rentals of such accommodation for more than four years prior to the most recent registration or annual statement for such accommodation.

S 19. The administrative code of the city of New York is amended by adding a new section 26-516.1 to read as follows:

S 26-516.1 CALCULATION OF OVERCHARGE OF RENT. NOTWITHSTANDING ANYTHING IN SECTION 26-516 OF THIS CHAPTER TO THE CONTRARY, WHERE ON THE DATE FOUR YEARS PRIOR TO THE FILING DATE OF A COMPLAINT OF OVERCHARGE THERE WAS A LEASE OR OTHER AGREEMENT IN EFFECT BETWEEN THE OWNER AND THE TENANT PURSUANT TO WHICH THE RENT TO BE PAID BY THE TENANT WAS LESS THAN THE LEGAL RENT, THEN IN SUCH EVENT THE LEGAL RENT FOR PURPOSES OF CALCULATING AN OVERCHARGE SHALL BE THE RENT CHARGED ON THE LAST DATE IMMEDIATELY PRECEDING THE DATE FOUR YEARS PRIOR TO THE FILING OF THE OVERCHARGE COMPLAINT ON WHICH THERE WAS NO SUCH AGREEMENT IN EFFECT, PLUS ALL SUBSEQUENT LAWFUL INCREASES.

S 20. Section 213-a of the civil practice law and rules, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

S 213-a. Actions to be commenced within four years; residential rent overcharge. An action on a residential rent overcharge shall be commenced within four years of the first overcharge alleged and no determination of an overcharge and no award or calculation of an award of the amount of any overcharge may be based upon an overcharge having occurred more than four years before the action is commenced. This section shall preclude examination of the rental history of the housing accommodation prior to the four-year period immediately preceding the commencement of the action UNLESS ON SUCH DATE THERE WAS A LEASE OR OTHER RENTAL AGREEMENT IN EFFECT BETWEEN THE OWNER AND THE TENANT PURSUANT TO WHICH THE RENT THE TENANT WAS OBLIGATED TO PAY WAS LESS THAN LAWFUL RENT, AS AUTHORIZED BY THE EMERGENCY TENANT PROTECTION ACT OR THE NEW YORK CITY RENT STABILIZATION LAW, AS APPLICABLE, AND THEN IN SUCH EVENT THE REVIEWABLE RENTAL HISTORY SHALL BE EXTENDED BEYOND THE FOUR-YEAR PERIOD BACK TO THE LAST DATE ON WHICH THERE WAS NO SUCH AGREEMENT IN EFFECT.

S 21. Paragraph 8 of subdivision a of section 12 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 403 of the laws of 1983, is amended to read as follows:

(8) [Any] EXCEPT AS REQUIRED BY SECTION TWELVE OR TWELVE-B OF THIS ACT, ANY owner who has duly registered a housing accommodation pursuant to section twelve-a of this act shall not be required to maintain or

produce any records relating to rentals of such accommodation more than four years prior to the most recent registration or annual statement for such accommodation.

S 22. Section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new section 12-b to read as follows:

S 12-B. CALCULATION OF OVERCHARGE OF RENT. NOTWITHSTANDING ANYTHING IN SECTION TWELVE OF THIS ACT TO THE CONTRARY, WHERE ON THE DATE FOUR YEARS PRIOR TO THE FILING DATE OF A COMPLAINT OF OVERCHARGE THERE WAS A LEASE OR OTHER AGREEMENT IN EFFECT BETWEEN THE OWNER AND THE TENANT PURSUANT TO WHICH THE RENT TO BE PAID BY THE TENANT WAS LESS THAN THE LEGAL RENT, THEN IN SUCH EVENT THE LEGAL RENT FOR PURPOSES OF CALCULATING AN OVERCHARGE SHALL BE THE RENT CHARGED ON THE LAST DATE IMMEDIATELY PRECEDING THE DATE FOUR YEARS PRIOR TO THE FILING OF THE OVERCHARGE COMPLAINT ON WHICH THERE WAS NO SUCH AGREEMENT IN EFFECT, PLUS ALL SUBSEQUENT LAWFUL INCREASES.

S 23. Section 26-504.2 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

C. NOTWITHSTANDING ANYTHING IN SUBDIVISION A OF THIS SECTION OR SUBPARAGRAPH (K) OF PARAGRAPH TWO OF SUBDIVISION E OF SECTION 26-403 OF THIS TITLE TO THE CONTRARY, THE FAILURE OF THE OWNER TO COMPLY WITH THE REQUIREMENTS OF SUBDIVISION B OF THIS SECTION SHALL RESULT IN THE HOUSING ACCOMMODATION REMAINING SUBJECT TO THE PROVISIONS OF THIS LAW OR THE CITY RENT AND REHABILITATION LAW AT THE LAST REGULATED RENT UNTIL THE OWNER COMPLIES WITH THE REQUIREMENTS OF SUBDIVISION B OF THE SECTION.

S 24. The opening paragraph of paragraph 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four is designated subparagraph (i) and two new subparagraphs (ii) and (iii) are added to read as follows:

(II) THE OWNER OF ANY HOUSING ACCOMMODATION THAT IS NOT SUBJECT TO THIS ACT PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH OR PARAGRAPH (N) OF SUBDIVISION TWO OF SECTION TWO OF THE EMERGENCY HOUSING RENT CONTROL LAW SHALL GIVE WRITTEN NOTICE CERTIFIED BY SUCH OWNER TO THE FIRST TENANT OF THAT HOUSING ACCOMMODATION AFTER SUCH HOUSING ACCOMMODATION BECOMES EXEMPT FROM THE PROVISIONS OF THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW. SUCH NOTICE SHALL CONTAIN THE LAST REGULATED RENT, THE REASON THAT SUCH HOUSING ACCOMMODATION IS NOT SUBJECT TO THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW, A CALCULATION OF HOW EITHER THE RENTAL AMOUNT CHARGED WHEN THERE IS NO LEASE OR THE RENTAL AMOUNT PROVIDED FOR IN THE LEASE HAS BEEN DERIVED SO AS TO REACH THE DEREGULATION RENT, A STATEMENT THAT THE LAST LEGAL REGULATED RENT OR THE MAXIMUM RENT MAY BE VERIFIED BY THE TENANT BY CONTACTING THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, OR ANY SUCCESSOR THERETO, AND THE ADDRESS AND TELEPHONE NUMBER OF SUCH AGENCY, OR ANY SUCCESSOR THERETO. SUCH NOTICE SHALL BE SENT BY CERTIFIED MAIL WITHIN THIRTY DAYS AFTER THE TENANCY COMMENCES OR AFTER THE SIGNING OF THE LEASE BY BOTH PARTIES, WHICHEVER OCCURS FIRST OR SHALL BE DELIVERED TO THE TENANT AT THE SIGNING OF THE LEASE. IN ADDITION, THE OWNER SHALL SEND AND CERTIFY TO THE TENANT A COPY OF THE REGISTRATION STATEMENT FOR SUCH HOUSING ACCOMMODATION FILED WITH THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL INDICATING THAT SUCH HOUSING ACCOMMODATION BECAME EXEMPT FROM THE PROVISIONS OF THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW, WHICH FORM SHALL INCLUDE THE LAST REGULATED RENT, AND SHALL BE SENT TO THE TENANT WITHIN THIRTY DAYS AFTER THE TENANCY COMMENCES OR THE FILING OF SUCH REGISTRATION, WHICHEVER OCCURS LATER.

(III) NOTWITHSTANDING ANYTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH OR PARAGRAPH (N) OF SUBDIVISION TWO OF SECTION TWO OF THE EMERGENCY HOUSING RENT CONTROL LAW TO THE CONTRARY, THE FAILURE OF THE OWNER TO COMPLY WITH THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL RESULT IN THE HOUSING ACCOMMODATION REMAINING SUBJECT TO THE PROVISIONS OF THIS ACT OR THE EMERGENCY HOUSING RENT CONTROL LAW AT THE LAST REGULATED RENT UNTIL THE OWNER COMPLIES WITH THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

S 25. Paragraph 2 of subdivision a of section 26-516 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:

(2) Except as provided under clauses (i) and (ii) of this paragraph, a complaint under this subdivision shall be filed with the state division of housing and community renewal within four years of the first overcharge alleged and no determination of an overcharge and no award or calculation of an award of the amount of an overcharge may be based upon an overcharge having occurred more than four years before the complaint is filed. (i) No penalty of three times the overcharge may be based upon an overcharge having occurred more than two years before the complaint is filed or upon an overcharge which occurred prior to April first, nineteen hundred eighty-four. (ii) Any complaint based upon overcharges occurring prior to the date of filing of the initial rent registration as provided in section 26-517 of this chapter shall be filed within ninety days of the mailing of notice to the tenant of such registration. This paragraph shall preclude examination of the rental history of the housing accommodation prior to the four-year period preceding the filing of a complaint pursuant to this subdivision. NEITHER A COURT NOR THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL EXTEND THE TIME LIMITATIONS SET FORTH IN THIS PARAGRAPH OR IN SECTION TWO HUNDRED THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES FOR THE CALCULATION OF THE LEGAL REGULATED RENT EXCEPT AS FOLLOWS: (A) TO DETERMINE THE EXISTENCE OF AN ORDER ISSUED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNDER THE AUTHORITY OF SECTION 26-514 OF THIS CHAPTER OR SUBDIVISION C OF THIS SECTION, WHICH SUCH ORDER SHALL HAVE THE EFFECT OF FREEZING THE RENT FOR THE HOUSING ACCOMMODATION AS OF THE DATE FOUR YEARS PRIOR TO THE FILING OF THE COMPLAINT UNDER THIS SECTION; (B) DETERMINING THE INCREASE IN RENT AUTHORIZED BY PARAGRAPH FIVE-A OF SUBDIVISION C OF SECTION 26-511 OF THIS CHAPTER; (C) DETERMINING IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-516.1 OF THIS CHAPTER THE INCREASE IN RENT AUTHORIZED BY PARAGRAPH THIRTEEN OF SUBDIVISION C OF SECTION 26-511 OF THIS CHAPTER; (D) DETERMINING THE AMOUNT OF RENT THAT AN OWNER MAY CHARGE FOR A HOUSING ACCOMMODATION UPON RENEWAL OR UPON VACANCY IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH FOURTEEN OF SUBDIVISION C OF SECTION 26-511 OF THIS CHAPTER; (E) EXCEPT IN THE CASE OF DEREGULATION PURSUANT TO SECTION 26-504.1 OR 26-504.2 OF THIS CHAPTER DETERMINING WHETHER THE HOUSING ACCOMMODATION IS SUBJECT TO THIS CHAPTER; AND (F) WHERE THE HOUSING ACCOMMODATION WAS VACANT OR TEMPORARILY EXEMPT FROM REGULATION UNDER THIS CHAPTER ON THE DATE FOUR YEARS PRIOR TO FILING OF A COMPLAINT UNDER THIS SECTION THE LAST LEASE IN EFFECT FOR THE HOUSING ACCOMMODATION PRIOR TO SUCH VACANCY OR PERIOD OF TEMPORARY EXEMPTION FROM REGULATION UNDER THIS CHAPTER MAY BE EXAMINED.

S 26. Clause (i) of subparagraph (b) of paragraph 1 of subdivision a of section 12 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

(i) Except as provided under clauses (ii) and (iii) of this subparagraph, a complaint under this subdivision shall be filed with the state division of housing and community renewal within four years of the first overcharge alleged and no determination of an overcharge and no award or calculation of an award of the amount of an overcharge may be based upon an overcharge having occurred more than four years before the complaint is filed. This paragraph shall preclude examination of the rental history of the housing accommodation prior to the four-year period preceding the filing of a complaint pursuant to this subdivision. NEITHER A COURT NOR THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL EXTEND THE TIME LIMITATIONS SET FORTH IN THIS PARAGRAPH OR IN SECTION TWO HUNDRED THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES FOR THE CALCULATION OF THE LEGAL REGULATED RENT EXCEPT AS FOLLOWS: (A) TO DETERMINE THE EXISTENCE OF AN ORDER ISSUED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL UNDER THE AUTHORITY OF SECTION SEVEN OF THIS ACT OR PARAGRAPH THREE OF SUBDIVISION A OF THIS SECTION, WHICH, FOR PURPOSES OF CALCULATING THE LAWFUL RENT SUCH ORDER SHALL HAVE THE EFFECT OF FREEZING THE RENT FOR THE HOUSING ACCOMMODATION AS OF THE DATE FOUR YEARS PRIOR TO THE FILING OF THE COMPLAINT UNDER THIS SECTION; (B) DETERMINING THE INCREASE IN RENT AUTHORIZED BY SUBDIVISION A-ONE OF SECTION TEN OF THIS ACT; (C) DETERMINING THE INCREASE IN RENT AUTHORIZED BY PARAGRAPH ONE OF SUBDIVISION D OF SECTION SIX OF THIS ACT; (D) DETERMINING IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWELVE-B OF THIS ACT THE AMOUNT OF RENT THAT AN OWNER MAY CHARGE FOR A HOUSING ACCOMMODATION UPON RENEWAL OR UPON VACANCY IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION A-TWO OF SECTION TEN OF THIS ACT; (E) EXCEPT IN THE CASE OF DEREGULATION PURSUANT TO PARAGRAPHS TWELVE AND THIRTEEN OF SUBDIVISION A OF SECTION FIVE OF THIS ACT, DETERMINING WHETHER THE HOUSING ACCOMMODATION IS SUBJECT TO THIS ACT; AND (F) WHERE THE HOUSING ACCOMMODATION WAS VACANT OR TEMPORARILY EXEMPT FROM REGULATION UNDER THIS ACT ON THE DATE FOUR YEARS PRIOR TO FILING OF A COMPLAINT UNDER THIS SECTION THE LAST LEASE IN EFFECT FOR THE HOUSING ACCOMMODATION PRIOR TO SUCH VACANCY OR PERIOD OF TEMPORARY EXEMPTION FROM REGULATION UNDER THIS ACT MAY BE EXAMINED.

S 27. Section 17 of chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, 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, 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 28. 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 29. 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 30. 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 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 31. 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 32. This act shall take effect immediately; provided, however, that:

1. the amendments to subparagraph (j) of paragraph 2 of subdivision e of section 26-403, subdivision (b) of section 26-403.1 and subparagraph (k) of paragraph 2 of subdivision e of section 26-403 of the city rent and rehabilitation law made by sections one, two and ten of this act, respectively, shall remain in full force and effect only 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;

2. the amendments to section 26-504.1, subdivision (b) of section 26-504.3, subdivision a of section 26-504.2, section 26-504.4, paragraph 13 of subdivision c of section 26-511, subdivision g of section 26-516, section 26-516.1, subdivision c of section 26-504.2 and paragraph 2 of subdivision a of section 26-516, of chapter 4 of title 26 of the administrative code of the city of New York made by sections three, four, nine, thirteen, sixteen, eighteen, nineteen, twenty-three and twenty-five of this act, respectively, 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;

3. the amendments to paragraph 12 of subdivision a of section 5, subdivision (b) of section 5-a, paragraph 13 of subdivision a of section 5, section 5-b, paragraph 1 of subdivision (d) of section 6, paragraph 8 of subdivision a of section 12, section 12-b, paragraph 13 of subdivision (a) of section 5, clause (i) of subparagraph (b) of paragraph 1 of subdivision a of section 12 and section 17 of the emergency tenant protection act of nineteen seventy-four made by sections five, six, eleven, fourteen, seventeen, twenty-one, twenty-two, twenty-four, twenty-six and twenty-seven of this act, respectively, shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974; and

4. the amendments to paragraph (m) of subdivision 2 of section 2, subdivision (b) of section 2-a, paragraph (n) of subdivision 2 of section 2 and subdivision 2 of section 1 of the emergency housing rent control law made by sections seven, eight, twelve and twenty-eight of this act, respectively, shall expire on the same date as such law expires and shall not affect the expiration of such law as provided in subdivision 2 of section 1 of chapter 274 of the laws of 1946.