

4971

2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

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

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

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

1 Section 1. Paragraphs (c) and (d) of subdivision 1 of section 85-a of
2 the private housing finance law, as amended by chapter 301 of the laws
3 of 1983, are amended to read as follows:
4 (c) In the event that the income of a person or family residing in a
5 project increases and the ratio to the rental of the dwelling becomes
6 greater than prescribed by law for admission or in this subdivision,
7 whichever is greater, and the income is not more than fifty per centum
8 above the income so prescribed for admission to the dwelling and such
9 increased income continues for a period of three months or more, the
10 housing company may permit such person or family to continue to remain
11 in occupancy provided the housing company is convinced that such person
12 or family cannot secure other safe and sanitary dwelling accommodations,
13 or by reason of other facts the removal of such person or family from
14 the project would occasion other undue hardship to such person or fami-
15 ly. However, such person or family shall pay a rental surcharge in
16 accordance with a schedule of surcharges promulgated by the company with
17 the approval of the commissioner and in no event shall such removal be
18 effected against any person or family which was in occupancy prior to
19 July first, [nineteen hundred eighty-three] TWO THOUSAND ELEVEN;
20 (d) In the event that the ratio of the income of a person or family to
21 the rental of the dwelling becomes greater than that prescribed by law
22 for admission or in this subdivision, whichever is greater, and is more
23 than fifty per centum above the income so prescribed for admission to
24 the dwelling and such increased income continues for a period of three

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

LBD08582-01-1

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

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

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

35 S 3. This act shall take effect immediately.