

10718

I N A S S E M B L Y

June 17, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. V. Lopez, Silver) -- read once and referred to the Committee on Housing

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 collection of any rent adjustment to the legal regulated rent for a major capital improvement for any housing accommodation; and to amend the real property tax law, in relation to exemption from taxation of any increase in assessed valuation of real property resulting from alterations and improvements

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

1 Section 1. Subparagraph (g) of paragraph 1 of subdivision g of section
2 26-405 of the administrative code of the city of New York, as amended by
3 chapter 749 of the laws of 1990, is amended to read as follows:
4 (g) There has been since July first, nineteen hundred seventy, a major
5 capital improvement required for the operation, preservation or maintenance
6 of the structure. An adjustment under this subparagraph [(g)]
7 shall be in an amount sufficient to amortize the cost of the improvements
8 pursuant to this subparagraph [(g)] over a seven-year period. THE
9 COLLECTION OF ANY RENT ADJUSTMENT TO THE LEGAL REGULATED RENT FOR A
10 MAJOR CAPITAL IMPROVEMENT FOR ANY HOUSING ACCOMMODATION SHALL NOT EXCEED
11 SIX PERCENT IN ANY YEAR FROM THE EFFECTIVE DATE OF THE ORDER GRANTING
12 THE INCREASE OVER THE RENT SET FORTH IN THE SCHEDULE OF GROSS RENTS WITH
13 COLLECTIBILITY OF ANY DOLLAR EXCESS ABOVE SAID SUM TO BE SPREAD FORWARD
14 IN SIMILAR INCREMENTS AND ADDED TO THE MAXIMUM RENT AS ESTABLISHED OR
15 SET IN FUTURE YEARS. IN NO EVENT SHALL MORE THAN ONE SIX PERCENT
16 INCREASE IN THE MAXIMUM RENT BE COLLECTED IN THE SAME YEAR. A RENT
17 ADJUSTMENT FOR A MAJOR CAPITAL IMPROVEMENT MAY ONLY BE GRANTED IF THE
18 OWNER OR AGENT OF THE SUBJECT BUILDING FIRST APPLIES FOR AND RECEIVES
19 BENEFITS PURSUANT TO SECTION 11-243 OF THIS CODE FOR THE BUILDING FOR
20 WHICH THEY ARE SEEKING A MAJOR CAPITAL IMPROVEMENT, PROVIDED, HOWEVER,
21 AN OWNER OR AGENT OF THE SUBJECT BUILDING THAT IS DENIED BENEFITS PURSU-
22 ANT TO SECTION 11-243 OF THIS CODE FOR REASONS UNRELATED TO AN UNTIMELY

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

LBD16251-01-2

1 OR IMPROPERLY COMPLETED APPLICATION SHALL STILL BE ELIGIBLE TO RECEIVE A
2 RENT ADJUSTMENT FOR A MAJOR CAPITAL IMPROVEMENT; or

3 S 2. Paragraph 6 of subdivision c of section 26-511 of the administra-
4 tive code of the city of New York, as amended by chapter 116 of the laws
5 of 1997, is amended to read as follows:

6 (6) provides criteria whereby the commissioner may act upon applica-
7 tions by owners for increases in excess of the level of fair rent
8 increase established under this law provided, however, that such crite-
9 ria shall provide (a) as to hardship applications, for a finding that
10 the level of fair rent increase is not sufficient to enable the owner to
11 maintain approximately the same average annual net income (which shall
12 be computed without regard to debt service, financing costs or manage-
13 ment fees) for the three year period ending on or within six months of
14 the date of an application pursuant to such criteria as compared with
15 annual net income, which prevailed on the average over the period nine-
16 teen hundred sixty-eight through nineteen hundred seventy, or for the
17 first three years of operation if the building was completed since nine-
18 teen hundred sixty-eight or for the first three fiscal years after a
19 transfer of title to a new owner provided the new owner can establish to
20 the satisfaction of the commissioner that he or she acquired title to
21 the building as a result of a bona fide sale of the entire building and
22 that the new owner is unable to obtain requisite records for the fiscal
23 years nineteen hundred sixty-eight through nineteen hundred seventy
24 despite diligent efforts to obtain same from predecessors in title and
25 further provided that the new owner can provide financial data covering
26 a minimum of six years under his or her continuous and uninterrupted
27 operation of the building to meet the three year to three year compar-
28 ative test periods herein provided; and (b) as to completed building-
29 wide major capital improvements, for a finding that such improvements
30 are deemed depreciable under the Internal Revenue Code and that the cost
31 is to be amortized over a seven-year period, based upon cash purchase
32 price exclusive of interest or service charges. THE COLLECTION OF ANY
33 RENT ADJUSTMENT TO THE LEGAL REGULATED RENT FOR A MAJOR CAPITAL IMPROVE-
34 MENT FOR ANY HOUSING ACCOMMODATION SHALL NOT EXCEED SIX PERCENT IN ANY
35 YEAR FROM THE EFFECTIVE DATE OF THE ORDER GRANTING THE INCREASE OVER THE
36 RENT SET FORTH IN THE SCHEDULE OF GROSS RENTS WITH COLLECTIBILITY OF ANY
37 DOLLAR EXCESS ABOVE SAID SUM TO BE SPREAD FORWARD IN SIMILAR INCREMENTS
38 AND ADDED TO THE MAXIMUM RENT AS ESTABLISHED OR SET IN FUTURE YEARS. IN
39 NO EVENT SHALL MORE THAN ONE SIX PERCENT INCREASE IN THE MAXIMUM RENT BE
40 COLLECTED IN THE SAME YEAR. A RENT ADJUSTMENT FOR A MAJOR CAPITAL
41 IMPROVEMENT MAY ONLY BE GRANTED IF THE OWNER OR AGENT OF THE SUBJECT
42 BUILDING FIRST APPLIES FOR AND RECEIVES BENEFITS PURSUANT TO SECTION
43 11-243 OF THIS CODE FOR THE BUILDING FOR WHICH THEY ARE SEEKING A MAJOR
44 CAPITAL IMPROVEMENT, PROVIDED, HOWEVER, AN OWNER OR AGENT OF THE SUBJECT
45 BUILDING THAT IS DENIED BENEFITS PURSUANT TO SECTION 11-243 OF THIS CODE
46 FOR REASONS UNRELATED TO AN UNTIMELY OR IMPROPERLY COMPLETED APPLICATION
47 SHALL STILL BE ELIGIBLE TO RECEIVE A RENT ADJUSTMENT FOR A MAJOR CAPITAL
48 IMPROVEMENT. Notwithstanding anything to the contrary contained herein,
49 no hardship increase granted pursuant to this paragraph shall, when
50 added to the annual gross rents, as determined by the commissioner,
51 exceed the sum of, (i) the annual operating expenses, (ii) an allowance
52 for management services as determined by the commissioner, (iii) actual
53 annual mortgage debt service (interest and amortization) on its indebt-
54 edness to a lending institution, an insurance company, a retirement fund
55 or welfare fund which is operated under the supervision of the banking
56 or insurance laws of the state of New York or the United States, and

1 (iv) eight and one-half percent of that portion of the fair market value
2 of the property which exceeds the unpaid principal amount of the mort-
3 gage indebtedness referred to in subparagraph (iii) of this paragraph.
4 Fair market value for the purposes of this paragraph shall be six times
5 the annual gross rent. The collection of any increase in the stabilized
6 rent for any apartment pursuant to this paragraph shall not exceed six
7 percent in any year from the effective date of the order granting the
8 increase over the rent set forth in the schedule of gross rents, with
9 collectability of any dollar excess above said sum to be spread forward
10 in similar increments and added to the stabilized rent as established or
11 set in future years;

12 S 3. Paragraph 3 of subdivision d of section 6 of section 4 of chapter
13 576 of the laws of 1974, constituting the emergency tenant protection
14 act of nineteen seventy-four, as amended by chapter 749 of the laws of
15 1990, is amended to read as follows:

16 (3) there has been since January first, nineteen hundred seventy-four
17 a major capital improvement required for the operation, preservation or
18 maintenance of the structure. An adjustment under this paragraph shall
19 be in an amount sufficient to amortize the cost of the improvements
20 pursuant to this paragraph over a seven-year period. THE COLLECTION OF
21 ANY RENT ADJUSTMENT TO THE LEGAL REGULATED RENT FOR A MAJOR CAPITAL
22 IMPROVEMENT FOR ANY HOUSING ACCOMMODATION SHALL NOT EXCEED SIX PERCENT
23 IN ANY YEAR FROM THE EFFECTIVE DATE OF THE ORDER GRANTING THE INCREASE
24 OVER THE RENT SET FORTH IN THE SCHEDULE OF GROSS RENTS WITH COLLECTIBIL-
25 ITY OF ANY DOLLAR EXCESS ABOVE SAID SUM TO BE SPREAD FORWARD IN SIMILAR
26 INCREMENTS AND ADDED TO THE MAXIMUM RENT AS ESTABLISHED OR SET IN FUTURE
27 YEARS. IN NO EVENT SHALL MORE THAN ONE SIX PERCENT INCREASE IN THE MAXI-
28 MUM RENT BE COLLECTED IN THE SAME YEAR, or

29 S 4. The second undesignated paragraph of paragraph (a) of subdivision
30 4 of section 4 of chapter 274 of the laws of 1946, constituting the
31 emergency housing rent control law, as amended by section 25 of part B
32 of chapter 97 of the laws of 2011, is amended to read as follows:

33 No application for adjustment of maximum rent based upon a sales price
34 valuation shall be filed by the landlord under this subparagraph prior
35 to six months from the date of such sale of the property. In addition,
36 no adjustment ordered by the commission based upon such sales price
37 valuation shall be effective prior to one year from the date of such
38 sale. Where, however, the assessed valuation of the land exceeds four
39 times the assessed valuation of the buildings thereon, the commission
40 may determine a valuation of the property equal to five times the equal-
41 ized assessed valuation of the buildings, for the purposes of this
42 subparagraph. The commission may make a determination that the valu-
43 ation of the property is an amount different from such equalized
44 assessed valuation where there is a request for a reduction in such
45 assessed valuation currently pending; or where there has been a
46 reduction in the assessed valuation for the year next preceding the
47 effective date of the current assessed valuation in effect at the time
48 of the filing of the application. Net annual return shall be the amount
49 by which the earned income exceeds the operating expenses of the proper-
50 ty, excluding mortgage interest and amortization, and excluding allow-
51 ances for obsolescence and reserves, but including an allowance for
52 depreciation of two per centum of the value of the buildings exclusive
53 of the land, or the amount shown for depreciation of the buildings in
54 the latest required federal income tax return, whichever is lower;
55 provided, however, that (1) no allowance for depreciation of the build-
56 ings shall be included where the buildings have been fully depreciated

1 for federal income tax purposes or on the books of the owner; or (2) the
2 landlord who owns no more than four rental units within the state has
3 not been fully compensated by increases in rental income sufficient to
4 offset unavoidable increases in property taxes, fuel, utilities, insur-
5 ance and repairs and maintenance, excluding mortgage interest and amor-
6 tization, and excluding allowances for depreciation, obsolescence and
7 reserves, which have occurred since the federal date determining the
8 maximum rent or the date the property was acquired by the present owner,
9 whichever is later; or (3) the landlord operates a hotel or rooming
10 house or owns a cooperative apartment and has not been fully compensated
11 by increases in rental income from the controlled housing accommodations
12 sufficient to offset unavoidable increases in property taxes and other
13 costs as are allocable to such controlled housing accommodations,
14 including costs of operation of such hotel or rooming house, but exclud-
15 ing mortgage interest and amortization, and excluding allowances for
16 depreciation, obsolescence and reserves, which have occurred since the
17 federal date determining the maximum rent or the date the landlord
18 commenced the operation of the property, whichever is later; or (4) the
19 landlord and tenant voluntarily enter into a valid written lease in good
20 faith with respect to any housing accommodation, which lease provides
21 for an increase in the maximum rent not in excess of fifteen per centum
22 and for a term of not less than two years, except that where such lease
23 provides for an increase in excess of fifteen per centum, the increase
24 shall be automatically reduced to fifteen per centum; or (5) the land-
25 lord and tenant by mutual voluntary written agreement agree to a
26 substantial increase or decrease in dwelling space or a change in the
27 services, furniture, furnishings or equipment provided in the housing
28 accommodations; provided that an owner shall be entitled to a rent
29 increase where there has been a substantial modification or increase of
30 dwelling space or an increase in the services, or installation of new
31 equipment or improvements or new furniture or furnishings provided in or
32 to a tenant's housing accommodation. The permanent increase in the maxi-
33 mum rent for the affected housing accommodation shall be one-fortieth,
34 in the case of a building with thirty-five or fewer housing accommo-
35 dations, or one-sixtieth, in the case of a building with more than thir-
36 ty-five housing accommodations where such permanent increase takes
37 effect on or after September twenty-fourth, two thousand eleven, of the
38 total cost incurred by the landlord in providing such modification or
39 increase in dwelling space, services, furniture, furnishings or equip-
40 ment, including the cost of installation, but excluding finance charges
41 provided further that an owner who is entitled to a rent increase pursu-
42 ant to this clause shall not be entitled to a further rent increase
43 based upon the installation of similar equipment, or new furniture or
44 furnishings within the useful life of such new equipment, or new furni-
45 ture or furnishings. The owner shall give written notice to the commis-
46 sion of any such adjustment pursuant to this clause; or (6) there has
47 been, since March first, nineteen hundred fifty, an increase in the
48 rental value of the housing accommodations as a result of a substantial
49 rehabilitation of the building or housing accommodation therein which
50 materially adds to the value of the property or appreciably prolongs its
51 life, excluding ordinary repairs, maintenance and replacements; or (7)
52 there has been since March first, nineteen hundred fifty, a major capi-
53 tal improvement required for the operation, preservation or maintenance
54 of the structure. THE COLLECTION OF ANY RENT ADJUSTMENT TO THE LEGAL
55 REGULATED RENT FOR A MAJOR CAPITAL IMPROVEMENT FOR ANY HOUSING ACCOMMO-
56 DATION SHALL NOT EXCEED SIX PERCENT IN ANY YEAR FROM THE EFFECTIVE DATE

1 OF THE ORDER GRANTING THE INCREASE OVER THE RENT SET FORTH IN THE SCHED-
2 ULE OF GROSS RENTS WITH COLLECTIBILITY OF ANY DOLLAR EXCESS ABOVE SAID
3 SUM TO BE SPREAD FORWARD IN SIMILAR INCREMENTS AND ADDED TO THE MAXIMUM
4 RENT AS ESTABLISHED OR SET IN FUTURE YEARS. IN NO EVENT SHALL MORE THAN
5 ONE SIX PERCENT INCREASE IN THE MAXIMUM RENT BE COLLECTED IN THE SAME
6 YEAR; or (8) there has been since March first, nineteen hundred fifty,
7 in structures containing more than four housing accommodations, other
8 improvements made with the express consent of the tenants in occupancy
9 of at least seventy-five per centum of the housing accommodations,
10 provided, however, that no adjustment granted hereunder shall exceed
11 fifteen per centum unless the tenants have agreed to a higher percentage
12 of increase, as herein provided; or (9) there has been, since March
13 first, nineteen hundred fifty, a subletting without written consent from
14 the landlord or an increase in the number of adult occupants who are not
15 members of the immediate family of the tenant, and the landlord has not
16 been compensated therefor by adjustment of the maximum rent by lease or
17 order of the commission or pursuant to the federal act; or (10) the
18 presence of unique or peculiar circumstances materially affecting the
19 maximum rent has resulted in a maximum rent which is substantially lower
20 than the rents generally prevailing in the same area for substantially
21 similar housing accommodations.

22 S 5. Subdivision dd of section 11-243 of the administrative code of
23 the city of New York, as added by local law number 41 of the city of New
24 York for the year 1988, is amended to read as follows:

25 dd. [Partial waiver] WAIVER of rent adjustments attributable to major
26 capital improvements. (1) The provisions of this subdivision apply to
27 and are additional requirements for claiming or receiving any tax abate-
28 ment under this section, except as provided in paragraphs three and four
29 of this subdivision.

30 (2) The owner of the property shall file with the department of hous-
31 ing preservation and development, on the date any application for bene-
32 fits is made, a declaration stating that in consideration of any tax
33 abatement benefits which may be received pursuant to such application
34 for alterations or improvements constituting a major capital improve-
35 ment, such owner agrees to waive the collection of a [portion of the
36 total annual amount of any] rent adjustment attributable to such major
37 capital improvement which may be granted by the New York state division
38 of housing and community renewal pursuant to the rent stabilization code
39 equal to [one-half of] the total annual amount of the tax abatement
40 benefits which the property receives pursuant to such application with
41 respect to such alterations or improvements. Such waiver shall commence
42 on the date of the first collection of such rent adjustment[, provided
43 that, in the event that such tax abatement benefits were received prior
44 to such first collection, the amount waived shall be increased to
45 account for such tax abatement benefits so received]. Following the
46 expiration of a tax abatement for alterations or improvements constitut-
47 ing a major capital improvement for which a rent adjustment has been
48 granted by such division, the owner may collect the full amount of annu-
49 al rent permitted pursuant to such rent adjustment. A copy of such
50 declaration shall be filed simultaneously with the New York state divi-
51 sion of housing and community renewal. Such declaration shall be binding
52 upon such owner, and his or her successors and assigns.

53 (3) The provisions of this subdivision shall not apply to substantial
54 rehabilitation of buildings vacant when alterations or improvements are
55 commenced or to buildings rehabilitated with the substantial assistance
56 of city, state or federal subsidies.

(4) The provisions of this subdivision shall apply only to alterations and improvements commenced after its effective date.

S 6. The opening paragraph of paragraph (a) of subdivision 1 of section 489 of the real property tax law, as amended by chapter 244 of the laws of 2006, is amended to read as follows:

Any city to which the multiple dwelling law is applicable, acting through its local legislative body or other governing agency, is hereby authorized and empowered, to and including June first, two thousand [eleven] FIFTEEN, to adopt and amend local laws or ordinances providing that any increase in assessed valuation of real property shall be exempt from taxation for local purposes, as provided herein, to the extent such increase results from:

S 7. The closing paragraph of subparagraph 6 of paragraph (a) of subdivision 1 of section 489 of the real property tax law, as amended by chapter 244 of the laws of 2006, is amended to read as follows:

Such conversion, alterations or improvements shall be completed within thirty-six months after the date on which same shall be started except that such thirty-six month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to subparagraph one of this paragraph. Notwithstanding the foregoing, a sixty month period for completion shall be available for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from such city if alterations and improvements are completed within seven years after the date of transfer. In addition, the local housing agency is hereby empowered to grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations or improvements are completed within sixty months from commencement of construction. Provided, further, that such conversion, alterations or improvements shall in any event be completed prior to December thirty-first, two thousand [eleven] FIFTEEN. Exemption for conversions, alterations or improvements pursuant to subparagraph one, two, three or four of this paragraph shall continue for a period not to exceed fourteen years and begin no sooner than the first quarterly tax bill immediately following the completion of such conversion, alterations or improvements. Exemption for alterations or improvements pursuant to this subparagraph or subparagraph five of this paragraph shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first quarterly tax bill immediately following the completion of such alterations or improvements. Such exemption shall be equal to the increase in the valuation which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements are fully taxable. Provided, however, exemption for any conversion, alterations or improvements which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of

1 nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonza-
2 lez national affordable housing act (42 U.S.C.A. 12701 et. seq.), or
3 started after July first, nineteen hundred eighty-three by a housing
4 development fund company organized pursuant to article eleven of the
5 private housing finance law which are carried out with the substantial
6 assistance of grants, loans or subsidies from any federal, state or
7 local governmental agency or instrumentality or which are carried out in
8 a property transferred from any city and where alterations and improve-
9 ments are completed within seven years after the date of transfer may
10 commence at the beginning of any tax quarter subsequent to the start of
11 such conversion, alterations or improvements and prior to the completion
12 of such conversion, alterations or improvements.

13 S 8. Section 489 of the real property tax law is amended by adding
14 four new subdivisions 17, 18, 19 and 20 to read as follows:

15 17. (A) FOR PURPOSES OF THIS SUBDIVISION, "SUBSTANTIAL GOVERNMENTAL
16 ASSISTANCE" SHALL MEAN:

17 (1) GRANTS, LOANS OR SUBSIDIES FROM ANY FEDERAL, STATE OR LOCAL AGENCY
18 OR INSTRUMENTALITY IN FURTHERANCE OF A PROGRAM FOR THE DEVELOPMENT OF
19 AFFORDABLE HOUSING APPROVED BY THE LOCAL HOUSING AGENCY, INCLUDING,
20 WITHOUT LIMITATION, FINANCING OR INSURANCE PROVIDED BY THE STATE OF NEW
21 YORK MORTGAGE AGENCY OF THE NEW YORK CITY RESIDENTIAL MORTGAGE INSURANCE
22 CORPORATION; OR

23 (2) A WRITTEN AGREEMENT BETWEEN A HOUSING DEVELOPMENT FUND CORPORATION
24 AND THE LOCAL HOUSING AGENCY LIMITING THE INCOMES OF PERSONS ENTITLED TO
25 PURCHASE SHARES OR RENT HOUSING ACCOMMODATIONS THEREIN.

26 (B) ANY LOCAL LAW OR ORDINANCE PROVIDING FOR BENEFITS PURSUANT TO THIS
27 SECTION MUST ALSO PROVIDE THAT NO BENEFITS PURSUANT TO THIS SECTION
28 SHALL BE GRANTED FOR THE CONVERSION OF ANY NON-RESIDENTIAL BUILDING OR
29 STRUCTURE INTO A CLASS A MULTIPLE DWELLING, COMPLETED ON OR AFTER DECEM-
30 BER THIRTY-FIRST, TWO THOUSAND ELEVEN, UNLESS SUCH CONVERSION WAS
31 CARRIED OUT WITH SUBSTANTIAL GOVERNMENTAL ASSISTANCE.

32 18. ANY LOCAL LAW OR ORDINANCE PROVIDING FOR BENEFITS PURSUANT TO THIS
33 SECTION MUST ALSO PROVIDE, WITH RESPECT TO CONVERSIONS, ALTERATIONS OR
34 IMPROVEMENTS FOR WHICH APPLICATION WAS MADE AFTER THE EFFECTIVE DATE OF
35 THIS SUBDIVISION, THAT IF SUCH CONVERSIONS, ALTERATIONS OR IMPROVEMENTS
36 ARE NOT COMPLETED ON THE DATE UPON WHICH SUCH LOCAL HOUSING AGENCY
37 INSPECTS THE ITEMS OF WORK CLAIMED IN SUCH APPLICATION, THE LOCAL HOUS-
38 ING AGENCY SHALL REQUIRE THE APPLICANT TO PAY THE ACTUAL COST FOR ANY
39 ADDITIONAL INSPECTIONS NEEDED TO VERIFY THE COMPLETION OF SUCH CONVER-
40 SION, ALTERATION OR IMPROVEMENT.

41 19. THE REVOCATION OF BENEFITS GRANTED TO ANY MULTIPLE DWELLING,
42 BUILDING OR STRUCTURE PURSUANT TO THIS SECTION SHALL NOT EXEMPT ANY
43 DWELLING UNIT THEREIN FROM CONTINUED COMPLIANCE WITH THE REQUIREMENTS OF
44 THIS SECTION OR OF ANY LOCAL LAW OR ORDINANCE PROVIDING FOR BENEFITS
45 PURSUANT TO THIS SECTION.

46 20. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
47 LAW OR ANY LOCAL ORDINANCE PROVIDING FOR BENEFITS PURSUANT TO THIS
48 SECTION MAY REQUIRE THAT THE APPLICATIONS FOR EXEMPTION OR ABATEMENT
49 UNDER THIS SECTION THAT ARE FILED ON OR AFTER A DATE SPECIFIED IN SUCH
50 LOCAL LAW OR ORDINANCE BE FILED ELECTRONICALLY.

51 S 9. Severability clause. If any clause, sentence, paragraph, subdivi-
52 sion, section or subpart of this act shall be adjudged by any court of
53 competent jurisdiction to be invalid, such judgment shall not affect,
54 impair, or invalidate the remainder thereof, but shall be confined in
55 its operation to the clause, sentence, paragraph, subdivision, section
56 or subpart thereof directly involved in the controversy in which such

1 judgment shall have been rendered. It is hereby declared to be the
2 intent of the legislature that this act would have been enacted even if
3 such invalid provisions had not been included herein.

4 S 10. This act shall take effect immediately, provided, however that
5 section 26-405 of the city rent and rehabilitation law made by section
6 one of this act shall remain in full force and effect only so long as
7 the public emergency requiring the regulation and control of residential
8 rents and evictions continues, as provided in subdivision 3 of section 1
9 of the local emergency housing rent control act; and provided further
10 that the amendments to section 26-511 of chapter 4 of title 26 of the
11 administrative code of the city of New York made by section two of this
12 act shall expire on the same date as such law expires and shall not
13 affect the expiration of such law as provided under section 26-520 of
14 such law; and provided further that the amendment to section 6 of the
15 emergency tenant protection act of nineteen seventy-four made by section
16 three of this act shall expire on the same date as such act expires and
17 shall not affect the expiration of such act as provided in section 17 of
18 chapter 576 of the laws of 1974; and provided further that the amendment
19 to section 4 of the emergency housing rent control law made by section
20 four of this act shall expire on the same date as such law expires and
21 shall not affect the expiration of such law as provided in subdivision 2
22 of section 1 of chapter 274 of the laws of 1946; and provided further
23 that the provisions of sections one and two of this act shall only apply
24 to those buildings that commence work on a major capital improvement
25 fifteen days or later than the effective date of this act; provided
26 further, that sections six, seven and eight of this act shall be deemed
27 to have been in full force and effect on and after December 31, 2011;
28 provided that the amendments made to section 489 of the real property
29 tax law by section eight of this act shall not be deemed to change the
30 eligibility for benefits, pursuant to such section and any local law or
31 ordinance providing for benefits pursuant to such section, as a result
32 of conversions, alterations or improvements completed before December
33 31, 2011.