

4117

2011-2012 Regular Sessions

I N S E N A T E

March 18, 2011

Introduced by Sen. YOUNG -- 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 real property tax law, in relation to rent regulated housing accommodations

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

1 Section 1. The opening paragraph of section 26-504.1 of the adminis-
2 trative code of the city of New York is designated subdivision a and a
3 new subdivision b is added to read as follows:
4 B. NOTWITHSTANDING THE RULING OF THE STATE COURT OF APPEALS IN ROBERTS
5 V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 279, HOUSING ACCOMMODATIONS
6 WHICH WERE SUBJECT TO THIS CHAPTER IMMEDIATELY PRIOR TO THE COMMENCEMENT
7 OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-
8 NINE OF THE REAL PROPERTY TAX LAW OR WHICH WERE REMOVED FROM RENT REGU-
9 LATION AND AGAIN BECAME SUBJECT TO THIS CHAPTER PURSUANT TO SUCH RULING
10 SHALL NOT BE DEEMED TO BE HOUSING ACCOMMODATIONS WHICH BECAME OR BECOME
11 SUBJECT TO THIS CHAPTER BY VIRTUE OF RECEIVING TAX BENEFITS PURSUANT TO
12 SUCH SECTION FOUR HUNDRED EIGHTY-NINE; PROVIDED, HOWEVER, THAT THE
13 EXCLUSION SET FORTH IN THIS SUBDIVISION SHALL BE APPLICABLE TO SUCH
14 HOUSING ACCOMMODATIONS SUBJECT TO SUCH RULING ONLY WHERE THE RECIPIENT
15 OF TAX BENEFITS PURSUANT TO SUCH SECTION HAS MADE FULL PAYMENT TO THE
16 CITY IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF
17 SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDI-
18 VISION EE OF SECTION 11-243 OF THIS CODE. FOR HOUSING ACCOMMODATIONS IN
19 BUILDINGS WHICH WERE, ARE OR BECOME THE SUBJECT OF CONVERSIONS PURSUANT
20 TO SECTION THREE HUNDRED FIFTY-TWO-EEEE OF THE GENERAL BUSINESS LAW, A
21 RECIPIENT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE
22 OF THE REAL PROPERTY TAX LAW SHALL NOT BE REQUIRED TO ACT IN ACCORDANCE
23 WITH SUCH SECTIONS OF THE REAL PROPERTY TAX LAW AND THIS CODE TO QUALIFY
24 AS HOUSING ACCOMMODATIONS NOT SUBJECT TO THIS CHAPTER BY VIRTUE OF
25 RECEIVING SUCH TAX BENEFITS.

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

LBD10036-05-1

1 S 2. Subdivision a of section 26-504.2 of the administrative code of
2 the city of New York, as amended by chapter 82 of the laws of 2003, is
3 amended to read as follows:

4 a. (1) "Housing accommodations" shall not include any housing accommo-
5 dation which becomes vacant on or after April first, nineteen hundred
6 ninety-seven and where at the time the tenant vacated such housing
7 accommodation the legal regulated rent was two thousand dollars or more
8 per month, or any housing accommodation which is or becomes vacant on or
9 after the effective date of the rent regulation reform act of 1997 with
10 a legal regulated rent of two thousand dollars or more per month. This
11 exclusion shall apply regardless of whether the next tenant in occupancy
12 or any subsequent tenant in occupancy actually is charged or pays less
13 than two thousand dollars a month. Provided however, that this exclusion
14 shall not apply to housing accommodations which became or become subject
15 to this law (a) by virtue of receiving tax benefits pursuant to section
16 four hundred twenty-one-a or four hundred eighty-nine of the real prop-
17 erty tax law, except as otherwise provided in subparagraph (i) of para-
18 graph (f) of subdivision two of section four hundred twenty-one-a of the
19 real property tax law, or (b) by virtue of article seven-C of the multi-
20 ple dwelling law.

21 (2) NOTWITHSTANDING THE RULING OF THE STATE COURT OF APPEALS IN
22 ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 279, HOUSING ACCOM-
23 MODATIONS WHICH WERE SUBJECT TO THIS CHAPTER IMMEDIATELY PRIOR TO THE
24 COMMENCEMENT OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR
25 HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW OR WHICH WERE REMOVED
26 FROM RENT REGULATION AND AGAIN BECAME SUBJECT TO THIS CHAPTER PURSUANT
27 TO SUCH RULING SHALL NOT BE DEEMED TO BE HOUSING ACCOMMODATIONS WHICH
28 BECAME OR BECOME SUBJECT TO THIS CHAPTER BY VIRTUE OF RECEIVING TAX
29 BENEFITS PURSUANT TO SUCH SECTION FOUR HUNDRED EIGHTY-NINE; PROVIDED,
30 HOWEVER, THAT THE EXCLUSION SET FORTH IN THIS PARAGRAPH SHALL BE APPLI-
31 CABLE TO SUCH HOUSING ACCOMMODATIONS SUBJECT TO SUCH RULING ONLY WHERE
32 THE RECIPIENT OF TAX BENEFITS PURSUANT TO SUCH SECTION HAS MADE FULL
33 PAYMENT TO THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION
34 SEVENTEEN OF SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX
35 LAW AND SUBDIVISION EE OF SECTION 11-243 OF THIS CODE. FOR HOUSING
36 ACCOMMODATIONS IN BUILDINGS WHICH WERE, ARE OR BECOME THE SUBJECT OF
37 CONVERSIONS PURSUANT TO SECTION THREE HUNDRED FIFTY-TWO-EEEE OF THE
38 GENERAL BUSINESS LAW, A RECIPIENT OF TAX BENEFITS PURSUANT TO SECTION
39 FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW SHALL NOT BE
40 REQUIRED TO ACT IN ACCORDANCE WITH SUCH SECTIONS OF THE REAL PROPERTY
41 TAX LAW AND THIS CODE TO QUALIFY AS HOUSING ACCOMMODATIONS NOT SUBJECT
42 TO THIS CHAPTER BY VIRTUE OF RECEIVING TAX BENEFITS.

43 (3) This section shall not apply, however, to or become effective with
44 respect to housing accommodations which the commissioner determines or
45 finds that the landlord or any person acting on his or her behalf, with
46 intent to cause the tenant to vacate, engaged in any course of conduct
47 (including, but not limited to, interruption or discontinuance of
48 required services) which interfered with or disturbed or was intended to
49 interfere with or disturb the comfort, repose, peace or quiet of the
50 tenant in his or her use or occupancy of the housing accommodations and
51 in connection with such course of conduct, any other general enforcement
52 provision of this law shall also apply.

53 S 3. The administrative code of the city of New York is amended by
54 adding a new section 26-504.4 to read as follows:

55 S 26-504.4 ENFORCEMENT AND PROCEDURES FOR IMPLEMENTING THE DECISION OF
56 THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES,

1 L.P., 13 NY3D279. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER,
2 THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR OR THE
3 CIVIL PRACTICE LAW AND RULES TO THE CONTRARY, AND SUBJECT TO THE
4 PROVISIONS OF SUBDIVISION G OF THIS SECTION, ANY HOUSING ACCOMMODATION
5 THAT WAS REMOVED FROM REGULATION UNDER THIS CHAPTER AND AGAIN BECAME
6 SUBJECT TO REGULATION UNDER THIS CHAPTER AS A RESULT OF THE DECISION OF
7 THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES,
8 L.P., 13 NY3D279, SHALL BE SUBJECT TO THE FOLLOWING:

9 A. THE LEGAL RENT FOR A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION
10 SHALL BE (1) THE RENT CHARGED AND PAID FOR SUCH HOUSING ACCOMMODATION ON
11 OCTOBER TWENTY-SECOND, TWO THOUSAND FIVE, PLUS ALL SUBSEQUENT ADJUST-
12 MENTS AND INCREASES AUTHORIZED BY LAW THAT WOULD HAVE BEEN PERMITTED HAD
13 THE HOUSING ACCOMMODATION CONTINUED TO BE SUBJECT TO THIS CHAPTER, OR
14 (2) THE LEGAL RENT AGREED TO BY THE TENANT PURSUANT TO SUBDIVISION E OF
15 THIS SECTION OR (3) SUCH OTHER AMOUNT AS AGREED TO BY THE OWNER AND
16 TENANT IN A WRITING EXECUTED BY THE PARTIES AFTER RECEIPT BY THE TENANT
17 OF THE NOTICE REQUIRED BY SUBDIVISION C OF THIS SECTION AND PAYMENT BY
18 THE OWNER OF THE REFUND AMOUNT, IF ANY, PROVIDED IN SUCH AGREEMENT.

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

24 C. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, AN OWNER
25 OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL PROVIDE WRITTEN
26 NOTICE TO THE CURRENT TENANT OF THE HOUSING ACCOMMODATION OF: (1) THE
27 FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS CHAPTER AS A
28 RESULT OF THE DECISION OF THE STATE COURT OF APPEALS IN ROBERTS V.
29 TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 279; (2) A CALCULATION OF THE
30 LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH
31 THE PROVISIONS OF SUBDIVISION A OF THIS SECTION; AND (3) THE TOTAL
32 AMOUNT TO BE REFUNDED PURSUANT TO SUBDIVISION B OF THIS SECTION.

33 D. AN OWNER WHO MAKES A GOOD FAITH CALCULATION OF THE LEGAL RENT AND
34 MAKES A REFUND OFFER IN ACCORDANCE WITH THE REQUIREMENTS OF SUBDIVISION
35 B OF THIS SECTION SHALL NOT BE SUBJECT TO ANY OF THE OVERCHARGE PENAL-
36 TIES, INCLUDING INTEREST AND TREBLE DAMAGES, PROVIDED FOR IN SECTION
37 26-516 OF THIS CHAPTER.

38 E. WHERE A TENANT OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS
39 OF THIS SECTION CONSENTS IN WRITING TO THE LEGAL RENT AND REFUND AMOUNT,
40 IF ANY, SET FORTH BY THE OWNER IN THE NOTICE REQUIRED BY SUBDIVISION C
41 OF THIS SECTION, AND THE OWNER MAKES THE REQUIRED REFUND TO THE TENANT,
42 OR AFTER THE NOTICE REQUIRED BY SUCH SUBDIVISION THE OWNER AND TENANT
43 ENTER INTO A WRITTEN AGREEMENT PROVIDING FOR A DIFFERENT LEGAL RENT AND
44 REFUND AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE
45 PARTIES, THEN NEITHER SUCH LEGAL RENT NOR SUCH REFUND AMOUNT, IF ANY,
46 SHALL THEREAFTER BE SUBJECT TO CHALLENGE BY THE TENANT OR ANY SUBSEQUENT
47 TENANT OF THE HOUSING ACCOMMODATION. HOWEVER, IF THE AGREEMENT ENTERED
48 INTO PURSUANT TO THIS SUBDIVISION IS ENTERED INTO IN CONTEMPLATION OF
49 THE TENANT VACATING THE SUBJECT HOUSING ACCOMMODATION OR ENCOMPASSES
50 SURRENDER OF POSSESSION OF THE HOUSING ACCOMMODATION BY THE TENANT, IT
51 SHALL NOT BE BINDING UPON SUBSEQUENT TENANTS.

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

1 G. AS AN ALTERNATIVE TO THE PROCEDURES SET FORTH ABOVE IN THIS
2 SECTION, AN OWNER MAY, WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS
3 SECTION, PROVIDE WRITTEN NOTICE TO THE CURRENT TENANT OF THE HOUSING
4 ACCOMMODATION THAT THE OWNER INTENDS TO MAKE PAYMENT TO THE CITY IN
5 ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR
6 HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF
7 SECTION 11-243 OF THIS CODE. AN OWNER WHO PROVIDES A NOTICE PURSUANT TO
8 THIS SECTION BUT WHO DOES NOT MAKE PAYMENT TO THE CITY IN ACCORDANCE
9 WITH THE REAL PROPERTY TAX LAW AND THIS CODE BY JUNE THIRTIETH, TWO
10 THOUSAND TWELVE SHALL BE SUBJECT TO THE OVERCHARGE PENALTIES, INCLUDING
11 INTEREST AND TREBLE DAMAGES, PROVIDED FOR IN SECTION 26-516 OF THIS
12 CHAPTER.

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

16 S 5-B. ENFORCEMENT AND PROCEDURES FOR IMPLEMENTING THE DECISION OF THE
17 COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D
18 279. NOTWITHSTANDING ANY OTHER PROVISION OF THE RENT STABILIZATION LAW
19 OF NINETEEN HUNDRED SIXTY-NINE, THIS ACT OR THE CIVIL PRACTICE LAW AND
20 RULES TO THE CONTRARY, AND SUBJECT TO THE PROVISIONS OF SUBDIVISION G OF
21 THIS SECTION, ANY HOUSING ACCOMMODATION THAT WAS REMOVED FROM REGULATION
22 UNDER THIS CHAPTER AND AGAIN BECAME SUBJECT TO REGULATION UNDER THIS
23 CHAPTER AS A RESULT OF THE DECISION OF THE COURT OF APPEALS IN ROBERTS
24 V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D279, SHALL BE SUBJECT TO THE
25 FOLLOWING:

26 A. THE LEGAL RENT FOR A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION
27 SHALL BE (1) THE RENT CHARGED AND PAID FOR SUCH HOUSING ACCOMMODATION ON
28 OCTOBER 22, 2005, PLUS ALL SUBSEQUENT ADJUSTMENTS AND INCREASES AUTHOR-
29 IZED BY LAW THAT WOULD HAVE BEEN PERMITTED HAD THE HOUSING ACCOMMODATION
30 CONTINUED TO BE SUBJECT TO THIS ACT, OR (2) THE LEGAL RENT AGREED TO BY
31 THE TENANT PURSUANT TO SUBDIVISION E OF THIS SECTION OR (3) SUCH OTHER
32 AMOUNT AS AGREED TO BY THE OWNER AND TENANT IN A WRITING EXECUTED BY THE
33 PARTIES AFTER RECEIPT BY THE TENANT OF THE NOTICE REQUIRED BY SUBDIVI-
34 SION C OF THIS SECTION AND PAYMENT BY THE OWNER OF THE REFUND AMOUNT, IF
35 ANY, PROVIDED IN SUCH AGREEMENT.

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

41 C. WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, AN OWNER
42 OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL PROVIDE WRITTEN
43 NOTICE TO THE CURRENT TENANT OF THE HOUSING ACCOMMODATION OF: (1) THE
44 FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS CHAPTER AS A
45 RESULT OF THE DECISION OF THE COURT OF APPEALS IN ROBERTS V. TISHMAN
46 SPEYER PROPERTIES, L.P., 13 NY3D279; (2) A CALCULATION OF THE LEGAL
47 REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE
48 PROVISIONS OF SUBDIVISION A OF THIS SECTION; AND (3) THE TOTAL AMOUNT TO
49 BE REFUNDED PURSUANT TO SUBDIVISION B OF THIS SECTION.

50 D. AN OWNER WHO MAKES A GOOD FAITH CALCULATION OF THE LEGAL RENT AND
51 MAKES A REFUND OFFER IN ACCORDANCE WITH THE REQUIREMENTS OF SUBDIVISION
52 B OF THIS SECTION SHALL NOT BE SUBJECT TO ANY OF THE OVERCHARGE PENAL-
53 TIES, INCLUDING INTEREST AND TREBLE DAMAGES, PROVIDED FOR IN SECTION
54 26-516 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

55 E. WHERE A TENANT OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS
56 OF THIS SECTION CONSENTS IN WRITING TO THE LEGAL RENT AND REFUND AMOUNT,

1 IF ANY, SET FORTH BY THE OWNER IN THE NOTICE REQUIRED BY SUBDIVISION C
2 OF THIS SECTION, AND THE OWNER MAKES THE REQUIRED REFUND TO THE TENANT,
3 OR AFTER THE NOTICE REQUIRED BY SUCH SUBDIVISION THE OWNER AND TENANT
4 ENTER INTO A WRITTEN AGREEMENT PROVIDING FOR A DIFFERENT LEGAL RENT AND
5 REFUND AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE
6 PARTIES, THEN NEITHER SUCH LEGAL RENT NOR SUCH REFUND AMOUNT, IF ANY,
7 SHALL THEREAFTER BE SUBJECT TO CHALLENGE BY THE TENANT OR ANY SUBSEQUENT
8 TENANT OF THE HOUSING ACCOMMODATION. HOWEVER, IF THE AGREEMENT ENTERED
9 INTO PURSUANT TO THIS SUBDIVISION IS ENTERED INTO IN CONTEMPLATION OF
10 THE TENANT VACATING THE SUBJECT HOUSING ACCOMMODATION OR ENCOMPASSES
11 SURRENDER OF POSSESSION OF THE HOUSING ACCOMMODATION BY THE TENANT, IT
12 SHALL NOT BE BINDING UPON SUBSEQUENT TENANTS.

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

17 G. AS AN ALTERNATIVE TO THE PROCEDURES SET FORTH ABOVE IN THIS
18 SECTION, AN OWNER MAY, WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS
19 SECTION, PROVIDE WRITTEN NOTICE TO THE CURRENT TENANT OF THE HOUSING
20 ACCOMMODATION THAT THE OWNER INTENDS TO MAKE PAYMENT TO THE CITY OF NEW
21 YORK IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF
22 SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDI-
23 VISION EE OF SECTION 11-243 OF THE ADMINISTRATIVE CODE OF THE CITY OF
24 NEW YORK. AN OWNER WHO PROVIDES A NOTICE PURSUANT TO THIS SECTION BUT
25 WHO DOES NOT MAKE PAYMENT TO SUCH CITY IN ACCORDANCE WITH THE REAL PROP-
26 erty TAX LAW AND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK BY JUNE
27 30, 2012 SHALL BE SUBJECT TO THE OVERCHARGE PENALTIES, INCLUDING INTER-
28 EST AND TREBLE DAMAGES, PROVIDED FOR IN SECTION 26-516 OF THE ADMINIS-
29 TRATIVE CODE OF THE CITY OF NEW YORK.

30 S 5. Subparagraph (i) of paragraph 14 of subdivision a of section 5 of
31 section 4 of chapter 576 of the laws of 1974, constituting the emergency
32 tenant protection act of nineteen seventy-four, as added by chapter 253
33 of the laws of 1993, is amended to read as follows:

34 (i) housing accommodations owned as a cooperative or condominium unit
35 which are or become vacant on or after the effective date of this para-
36 graph REGARDLESS OF WHETHER SUCH HOUSING ACCOMMODATIONS WERE, ARE OR
37 WILL BE IN A BUILDING WHICH RECEIVED OR RECEIVES TAX BENEFITS PURSUANT
38 TO SECTION 489 OF THE REAL PROPERTY TAX LAW AND REGARDLESS OF THE RULING
39 OF THE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P.,
40 13 NY3D 279, except that this subparagraph shall not apply to units
41 occupied by non-purchasing tenants under section three hundred fifty-
42 two-eee of the general business law until the occurrence of a vacancy.

43 S 6. Section 489 of the real property tax law is amended by adding a
44 new subdivision 17 to read as follows:

45 17. WHERE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION
46 IMMEDIATELY PRIOR TO THE RECEIPT OF TAX EXEMPTION OR TAX ABATEMENT BENE-
47 FITS PURSUANT TO THIS SECTION OR WERE REMOVED FROM RENT REGULATION AND
48 AGAIN BECAME SUBJECT TO RENT REGULATION DUE TO THE RECEIPT OF SUCH BENE-
49 FITS PURSUANT TO THE RULING OF THE COURT OF APPEALS IN ROBERTS V. TISH-
50 MAN SPEYER PROPERTIES, L.P., 13 NY3D 279, THE RECIPIENT OF SUCH BENEFITS
51 SHALL BE AUTHORIZED TO MAKE TO THE CITY OF NEW YORK, AND THE CITY OF NEW
52 YORK SHALL BE OBLIGED TO ACCEPT, PAYMENT OF THE FULL AMOUNT OF ALL SUCH
53 BENEFITS, PLUS INTEREST AT A RATE OF NINE PER CENTUM, RECEIVED BY SUCH
54 RECIPIENT PURSUANT TO ANY ORDER OR DETERMINATION ISSUED BY THE LOCAL
55 HOUSING AGENCY ADMINISTERING THIS CHAPTER OR THE LOCAL GOVERNMENT AGENCY
56 RESPONSIBLE FOR REAL PROPERTY TAX ASSESSMENT WHICH IS CURRENTLY IN

1 EFFECT AND TO WAIVE THE RECEIPT OF ANY FURTHER TAX EXEMPTION OR TAX
2 ABATEMENT BENEFITS WHICH WOULD OTHERWISE BE DUE TO SUCH RECIPIENT PURSU-
3 ANT TO ANY SUCH ORDER OR DETERMINATION CURRENTLY IN EFFECT. SUCH PAYMENT
4 AND SUCH WAIVER SHALL BE MADE NO LATER THAN JUNE THIRTIETH, TWO THOUSAND
5 TWELVE. SUCH PAYMENT AND WAIVER SHALL ENTITLE SUCH RECIPIENT TO THE
6 BENEFIT OF THE EXCLUSIONS SET FORTH IN SECTIONS 26-504.1 AND 26-504.2 OF
7 THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK WHERE THE HOUSING ACCOM-
8 MODATIONS WERE SUBJECT TO RENT REGULATION IMMEDIATELY PRIOR TO THE
9 RECEIPT OF TAX BENEFITS PURSUANT TO THIS SECTION. SUCH PAYMENT SHALL BE
10 PAID INTO THE GENERAL FUND OF THE CITY OF NEW YORK.

11 S 7. Section 11-243 of the administrative code of the city of New York
12 is amended by adding a new subdivision ee to read as follows:

13 EE. WHERE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMME-
14 DIATELY PRIOR TO THE RECEIPT OF TAX EXEMPTION OR TAX ABATEMENT BENEFITS
15 PURSUANT TO THIS SECTION OR WERE REMOVED FROM RENT REGULATION AND AGAIN
16 BECAME SUBJECT TO RENT REGULATION DUE TO THE RECEIPT OF SUCH BENEFITS
17 PURSUANT TO THE RULING OF THE COURT OF APPEALS IN ROBERTS V. TISHMAN
18 SPEYER PROPERTIES, L.P., 13 NY3D 279, THE RECIPIENT OF SUCH BENEFITS
19 SHALL BE AUTHORIZED TO MAKE TO THE CITY, AND THE CITY SHALL BE OBLIGED
20 TO ACCEPT, PAYMENT OF THE FULL AMOUNT OF ALL SUCH BENEFITS, PLUS INTER-
21 EST AT A RATE OF NINE PER CENTUM, RECEIVED BY SUCH RECIPIENT PURSUANT TO
22 ANY ORDER OR DETERMINATION ISSUED BY THE DEPARTMENT OR BY THE DEPARTMENT
23 OF HOUSING PRESERVATION AND DEVELOPMENT WHICH IS CURRENTLY IN EFFECT AND
24 TO WAIVE THE RECEIPT OF ANY FURTHER TAX EXEMPTION OR TAX ABATEMENT BENE-
25 FITS WHICH WOULD OTHERWISE BE DUE TO SUCH RECIPIENT PURSUANT TO ANY SUCH
26 ORDER OR DETERMINATION CURRENTLY IN EFFECT. SUCH PAYMENT AND SUCH WAIVER
27 SHALL BE MADE NO LATER THAN JUNE THIRTIETH, TWO THOUSAND TWELVE. SUCH
28 PAYMENT AND WAIVER SHALL ENTITLE SUCH RECIPIENT TO THE BENEFIT OF THE
29 EXCLUSIONS SET FORTH IN SECTIONS 26-504.1 AND 26-504.2 OF THIS CODE
30 WHERE THE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMME-
31 DIATELY PRIOR TO THE RECEIPT OF TAX BENEFITS PURSUANT TO THIS SECTION.
32 SUCH PAYMENT SHALL BE PAID INTO THE GENERAL FUND OF THE CITY.

33 S 8. This act shall take effect immediately, provided, that sections
34 one and two of this act shall be deemed to have been in full force and
35 effect on and after July 6, 1993; provided, further, that:

36 (a) the amendments to chapter 4 of title 26 of the administrative code
37 of the city of New York made by sections one, two and three of this act
38 shall expire on the same date as such law expires and shall not affect
39 the expiration of such law as provided under section 26-520 of such law;

40 (b) the amendments to the emergency tenant protection act of nineteen
41 seventy-four made by sections four and five of this act shall expire on
42 the same date as such act expires and shall not affect the expiration of
43 such act as provided in section 17 of chapter 576 of the laws of 1974;
44 and

45 (c) the provisions of this act shall preclude in their entirety any
46 and all claims in any administrative or judicial proceeding relating to
47 the deregulation of housing accommodations which were subject to rent
48 regulation immediately prior to the receipt of tax benefits pursuant to
49 section 489 of the real property tax law and section 11-243 of the
50 administrative code of the city of New York or which were removed from
51 rent regulation and again became subject to rent regulation pursuant to
52 the ruling of the court of appeals in ROBERTS V. TISHMAN SPEYER PROPER-
53 TIES, L.P., 13 NY3D 279, provided that the recipient of such tax bene-
54 fits has acted in accordance with sections three and four of this act,
55 regardless of whether such claims are brought prior or subsequent to the
56 effective date of this act.