

5763--A

2011-2012 Regular Sessions

I N   S E N A T E

June 14, 2011

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Section 26-504.1 of the administrative code of the city of  
2     New York, as amended by section 35 of part B of chapter 97 of the laws  
3     of 2011, is amended to read as follows:  
4     S 26-504.1 Exclusion of accommodations of high income renters. Upon  
5     the issuance of an order by the division, "housing accommodations" shall  
6     not include housing accommodations which: (1) are occupied by persons  
7     who have a total annual income, as defined in and subject to the limita-  
8     tions and process set forth in section 26-504.3 of this chapter, in  
9     excess of the deregulation income threshold, as defined in section  
10    26-504.3 of this chapter, for each of the two preceding calendar years;  
11    and (2) have a legal regulated monthly rent that equals or exceeds the  
12    deregulation rent threshold, as defined in section 26-504.3 of this  
13    chapter. Provided, however, that this exclusion shall not apply to hous-  
14    ing accommodations which became or become subject to this law (a) by  
15    virtue of receiving tax benefits pursuant to section four hundred twen-  
16    ty-one-a or four hundred eighty-nine of the real property tax law,  
17    except as otherwise provided in subparagraph (i) of paragraph (f) of  
18    subdivision two of section four hundred twenty-one-a of the real proper-  
19    ty tax law, or (b) by virtue of article seven-C of the multiple dwelling  
20    law. NOTWITHSTANDING THE FOREGOING, HOUSING ACCOMMODATIONS WHICH WERE

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

LBD13151-04-2

1 SUBJECT TO THIS CHAPTER OR CHAPTER THREE OF THIS TITLE IMMEDIATELY PRIOR  
2 TO THE COMMENCEMENT OF THE RECEIPT OF TAX BENEFITS PURSUANT TO SECTION  
3 FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW OR WHICH ARE OR  
4 WOULD BE SUBJECT TO THIS CHAPTER PURSUANT TO SUCH RULING SHALL BE DEEMED  
5 TO BE HOUSING ACCOMMODATIONS WHICH BECAME OR BECOME SUBJECT TO THIS  
6 CHAPTER BY VIRTUE OF RECEIVING TAX BENEFITS PURSUANT TO SUCH SECTION  
7 FOUR HUNDRED EIGHTY-NINE BUT ONLY FOR THE DURATION OF SUCH BENEFITS AND  
8 SHALL BE EXCLUDED FROM REGULATION THEREAFTER; PROVIDED, HOWEVER, THAT  
9 SUCH EXCLUSION SHALL BE APPLICABLE TO SUCH HOUSING ACCOMMODATIONS  
10 SUBJECT TO THE RULING OF THE STATE COURT OF APPEALS IN ROBERTS V. TISH-  
11 MAN SPEYER PROPERTIES, L.P., 13 NY3D 270, ONLY WHERE THE OWNER OF SUCH  
12 HOUSING ACCOMMODATIONS HAS MADE FULL PAYMENT TO THE CITY IN ACCORDANCE  
13 WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR HUNDRED  
14 EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION  
15 11-243 OF THIS CODE. FOR PURPOSES OF THIS SECTION, "HOUSING ACCOMMO-  
16 DATIONS SUBJECT TO THE RULING OF THE STATE COURT OF APPEALS IN ROBERTS  
17 V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270" SHALL MEAN HOUSING  
18 ACCOMMODATIONS IN BUILDINGS THAT WERE SUBJECT TO THIS CHAPTER, THE NEW  
19 YORK CITY RENT AND REHABILITATION LAW, OR THE EMERGENCY TENANT  
20 PROTECTION ACT OF NINETEEN SEVENTY-FOUR PRIOR TO THE RECEIPT OF BENEFITS  
21 PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX  
22 LAW, EXCEPT AS TO (I) THOSE HOUSING ACCOMMODATIONS RENTED AFTER SAID TAX  
23 BENEFITS HAD EXPIRED, (II) HOUSING ACCOMMODATIONS RENTING DURING THE TAX  
24 BENEFIT PERIOD WHERE EACH LEASE HAD THE REQUISITE DEREGULATION NOTICE OR  
25 (III) THOSE HOUSING ACCOMMODATIONS DEREGULATED BY ADMINISTRATIVE OR  
26 COURT ORDER, WHICH HOUSING ACCOMMODATIONS SHALL REMAIN DEREGULATED  
27 DESPITE SUCH RULING.

28 FOR HOUSING ACCOMMODATIONS IN BUILDINGS WHICH WERE, ARE OR BECOME THE  
29 SUBJECT OF CONVERSIONS PURSUANT TO SECTION THREE HUNDRED FIFTY-TWO-EEEE  
30 OF THE GENERAL BUSINESS LAW, SUCH HOUSING ACCOMMODATIONS SHALL NOT BE  
31 DEEMED TO BE HOUSING ACCOMMODATIONS WHICH BECAME OR BECOME SUBJECT TO  
32 THIS CHAPTER BY VIRTUE OF RECEIVING TAX BENEFITS PURSUANT TO SECTION  
33 FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND THE OWNER OR  
34 PROPRIETARY LESSEE OF SUCH HOUSING ACCOMMODATIONS SHALL NOT BE REQUIRED  
35 TO ACT IN ACCORDANCE WITH SUCH SECTIONS OF THE REAL PROPERTY TAX LAW AND  
36 THIS CODE TO QUALIFY AS HOUSING ACCOMMODATIONS NOT SUBJECT TO THIS CHAP-  
37 TER BY VIRTUE OF RECEIVING SUCH TAX BENEFITS.

38 S 2. Subdivision a of section 26-504.2 of the administrative code of  
39 the city of New York, as amended by section 12 of part B of chapter 97  
40 of the laws of 2011, is amended to read as follows:

41 a. (1) "Housing accommodations" shall not include: any housing accom-  
42 modation which becomes vacant on or after April first, nineteen hundred  
43 ninety-seven and before the effective date of the rent act of 2011 and  
44 where at the time the tenant vacated such housing accommodation the  
45 legal regulated rent was two thousand dollars or more per month; or, for  
46 any housing accommodation which is or becomes vacant on or after the  
47 effective date of the rent regulation reform act of 1997 and before the  
48 effective date of the rent act of 2011, with a legal regulated rent of  
49 two thousand dollars or more per month. This exclusion shall apply  
50 regardless of whether the next tenant in occupancy or any subsequent  
51 tenant in occupancy is charged or pays less than two thousand dollars a  
52 month; or, for any housing accommodation with a legal regulated rent of  
53 two thousand five hundred dollars or more per month at any time on or  
54 after the effective date of the rent act of 2011, which is or becomes  
55 vacant on or after such effective date. This exclusion shall apply  
56 regardless of whether the next tenant in occupancy or any subsequent

1 tenant in occupancy actually is charged or pays less than two thousand  
2 five hundred dollars a month. Provided however, that an exclusion pursu-  
3 ant to this subdivision shall not apply to housing accommodations which  
4 became or become subject to this law (a) by virtue of receiving tax  
5 benefits pursuant to section four hundred twenty-one-a or four hundred  
6 eighty-nine of the real property tax law, except as otherwise provided  
7 in subparagraph (i) of paragraph (f) of subdivision two of section four  
8 hundred twenty-one-a of the real property tax law, or (b) by virtue of  
9 article seven-C of the multiple dwelling law. NOTWITHSTANDING THE FORE-  
10 GOING, HOUSING ACCOMMODATIONS WHICH WERE SUBJECT TO THIS CHAPTER OR  
11 CHAPTER THREE OF THIS TITLE IMMEDIATELY PRIOR TO THE COMMENCEMENT OF THE  
12 RECEIPT OF TAX BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF  
13 THE REAL PROPERTY TAX LAW OR WHICH ARE OR WOULD BE SUBJECT TO THIS CHAP-  
14 TER PURSUANT TO SUCH RULING SHALL BE DEEMED TO BE HOUSING ACCOMMODATIONS  
15 WHICH BECAME OR BECOME SUBJECT TO THIS CHAPTER BY VIRTUE OF RECEIVING  
16 TAX BENEFITS PURSUANT TO SUCH SECTION FOUR HUNDRED EIGHTY-NINE BUT ONLY  
17 FOR THE DURATION OF SUCH BENEFITS AND SHALL BE EXCLUDED FROM RENT REGU-  
18 LATION THEREAFTER; PROVIDED, HOWEVER, THAT SUCH EXCLUSION SHALL BE  
19 APPLICABLE TO SUCH HOUSING ACCOMMODATIONS SUBJECT TO THE RULING OF THE  
20 STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P.,  
21 13 NY3D 270, ONLY WHERE THE OWNER OF SUCH HOUSING ACCOMMODATIONS HAS  
22 MADE FULL PAYMENT TO THE CITY IN ACCORDANCE WITH THE PROVISIONS OF  
23 SUBDIVISION SEVENTEEN OF SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL  
24 PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION 11-243 OF THIS CODE. FOR  
25 PURPOSES OF THIS SECTION, "HOUSING ACCOMMODATIONS SUBJECT TO THE RULING  
26 OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES,  
27 L.P., 13 NY3D 270" SHALL MEAN HOUSING ACCOMMODATIONS IN BUILDINGS THAT  
28 WERE SUBJECT TO THIS CHAPTER, THE NEW YORK CITY RENT AND REHABILITATION  
29 LAW, OR THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR  
30 PRIOR TO THE RECEIPT OF BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHT-  
31 Y-NINE OF THE REAL PROPERTY TAX LAW, EXCEPT AS TO (I) THOSE HOUSING  
32 ACCOMMODATIONS RENTED AFTER SAID TAX BENEFITS HAD EXPIRED, (II) HOUSING  
33 ACCOMMODATIONS RENTING DURING THE TAX BENEFIT PERIOD WHERE EACH LEASE  
34 HAD THE REQUISITE DEREGULATION NOTICE OR (III) THOSE HOUSING ACCOMMO-  
35 DATIONS DEREGULATED BY ADMINISTRATIVE OR COURT ORDER, WHICH HOUSING  
36 ACCOMMODATIONS SHALL REMAIN DEREGULATED DESPITE SUCH RULING.

37 FOR HOUSING ACCOMMODATIONS IN BUILDINGS WHICH WERE, ARE OR BECOME THE  
38 SUBJECT OF CONVERSIONS PURSUANT TO SECTION THREE HUNDRED FIFTY-TWO-EEEE  
39 OF THE GENERAL BUSINESS LAW, SUCH HOUSING ACCOMMODATIONS SHALL NOT BE  
40 DEEMED TO BE HOUSING ACCOMMODATIONS WHICH BECAME OR BECOME SUBJECT TO  
41 THIS CHAPTER BY VIRTUE OF RECEIVING TAX BENEFITS PURSUANT TO SECTION  
42 FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND THE OWNER OR  
43 PROPRIETARY LESSEE OF SUCH HOUSING ACCOMMODATIONS SHALL NOT BE REQUIRED  
44 TO ACT IN ACCORDANCE WITH SUCH SECTIONS OF THE REAL PROPERTY TAX LAW AND  
45 THIS CODE TO QUALIFY AS HOUSING ACCOMMODATIONS NOT SUBJECT TO THIS CHAP-  
46 TER BY VIRTUE OF RECEIVING TAX BENEFITS.

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

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

3 S 26-504.4 ENFORCEMENT AND PROCEDURES FOR IMPLEMENTING THE DECISION OF  
4 THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES,  
5 L.P., 13 NY3D 270. FOR PURPOSES OF THIS SECTION, "HOUSING ACCOMMODATIONS  
6 SUBJECT TO THE RULING OF THE STATE COURT OF APPEALS IN ROBERTS V. TISH-  
7 MAN SPEYER PROPERTIES, L.P., 13 NY3D 270" SHALL MEAN HOUSING ACCOMMO-  
8 DATIONS IN BUILDINGS THAT WERE SUBJECT TO THIS CHAPTER, THE NEW YORK  
9 CITY RENT AND REHABILITATION LAW, AND/OR THE EMERGENCY TENANT PROTECTION  
10 ACT OF NINETEEN SEVENTY-FOUR PRIOR TO THE RECEIPT OF BENEFITS PURSUANT  
11 TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW, EXCEPT  
12 AS TO (I) THOSE HOUSING ACCOMMODATIONS RENTED AFTER SAID TAX BENEFITS  
13 HAD EXPIRED, (II) HOUSING ACCOMMODATIONS RENTING DURING THE TAX BENEFIT  
14 PERIOD WHERE EACH LEASE HAD THE REQUISITE DEREGULATION NOTICE OR (III)  
15 THOSE HOUSING ACCOMMODATIONS DEREGULATED BY ADMINISTRATIVE OR COURT  
16 ORDER, WHICH HOUSING ACCOMMODATIONS SHALL REMAIN DEREGULATED DESPITE  
17 SUCH RULING.

18 A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE EMERGENCY  
19 TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR OR THE CIVIL PRACTICE LAW  
20 AND RULES TO THE CONTRARY, AND SUBJECT TO THE PROVISIONS OF SUBDIVISION  
21 C OF THIS SECTION, ANY HOUSING ACCOMMODATION THAT IS OR WOULD BE SUBJECT  
22 TO REGULATION UNDER THIS CHAPTER AS A RESULT OF THE DECISION OF THE  
23 STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13  
24 NY3D 270, SHALL BE SUBJECT TO THE FOLLOWING:

25 (1) THE LEGAL REGULATED RENT FOR A HOUSING ACCOMMODATION SUBJECT TO  
26 THIS SECTION SHALL BE (I) THE RENT CHARGED AND PAID FOR SUCH HOUSING  
27 ACCOMMODATION ON OCTOBER TWENTY-SECOND, TWO THOUSAND FIVE, OR PROVIDED  
28 FOR IN THE LEASE IN EFFECT ON SUCH DATE, WHICHEVER IS GREATER, PLUS ALL  
29 SUBSEQUENT ADJUSTMENTS AND INCREASES, INCLUDING BUT NOT LIMITED TO  
30 INCREASES ATTRIBUTABLE TO VACANCIES, MAJOR CAPITAL IMPROVEMENTS, INDI-  
31 VIDUAL APARTMENT IMPROVEMENTS, RENT GUIDELINES BOARD ORDERS, SURCHARGES  
32 OR ANY OTHER INCREASES THAT WERE NOT PRECLUDED BY AN ORDER OF THE DIVI-  
33 SION OF HOUSING AND COMMUNITY RENEWAL AS TO OTHER REGULATED HOUSING  
34 ACCOMMODATIONS IN THE BUILDING AND THAT WOULD HAVE BEEN PERMITTED  
35 NOTWITHSTANDING THE ABSENCE OR OMISSION OF ANY FORM, RIDER, NOTICE,  
36 REGISTRATION, APPLICATION OR ANY OTHER DOCUMENT THAT WOULD HAVE BEEN  
37 REQUIRED OR OTHERWISE PROVIDED; IF THERE IS NO TENANT OR NO LEASE IN  
38 EFFECT ON OCTOBER TWENTY-SECOND, TWO THOUSAND FIVE, THEN THE FIRST RENT  
39 CHARGED AND PAID OR PROVIDED FOR IN THE FIRST LEASE IN EFFECT AFTER SAID  
40 DATE, WHICHEVER IS GREATER; OR (II) THE LEGAL REGULATED RENT AGREED TO  
41 BY THE TENANT PURSUANT TO PARAGRAPH FIVE OF THIS SUBDIVISION; OR (III)  
42 SUCH OTHER AMOUNT AS AGREED TO BY THE OWNER AND TENANT IN A WRITING  
43 EXECUTED BY THE PARTIES AFTER RECEIPT BY THE TENANT OF THE NOTICE  
44 REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVISION AND PAYMENT BY THE OWNER  
45 OF THE REFUND AMOUNT, IF ANY, PROVIDED IN SUCH AGREEMENT.

46 (2) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, THE OWNER  
47 OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL OFFER TO REFUND  
48 TO THE TENANT RESIDING IN SUCH HOUSING ACCOMMODATION ALL RENT COLLECTED  
49 FROM SUCH TENANT IN EXCESS OF THE LEGAL REGULATED RENT CALCULATED IN  
50 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION.

51 (3) WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, AN OWNER  
52 OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL PROVIDE WRITTEN  
53 NOTICE TO THE CURRENT TENANT OF THE HOUSING ACCOMMODATION OF: (I) THE  
54 FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS CHAPTER AS A  
55 RESULT OF THE DECISION OF THE STATE COURT OF APPEALS IN ROBERTS V. TISH-  
56 MAN SPEYER PROPERTIES, L.P., 13 NY3D 270; (II) A CALCULATION OF THE

LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION; AND (III) THE TOTAL AMOUNT TO BE REFUNDED PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION.

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

(5) THE TENANT SHALL BE OBLIGATED TO RESPOND WITHIN THIRTY-FIVE DAYS OF THE MAILING OF SUCH NOTICE TO THE TENANT. WHERE A TENANT OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS SECTION CONSENTS IN WRITING TO THE LEGAL REGULATED RENT AND REFUND AMOUNT, IF ANY, SET FORTH BY THE OWNER IN THE NOTICE REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVISION, AND THE OWNER MAKES THE REQUIRED REFUND TO THE TENANT, OR AFTER THE NOTICE REQUIRED BY SUCH PARAGRAPH THE OWNER AND TENANT ENTER INTO A WRITTEN AGREEMENT PROVIDING FOR A DIFFERENT LEGAL REGULATED RENT AND REFUND AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE PARTIES, THEN NEITHER SUCH LEGAL REGULATED 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 PARAGRAPH REQUIRES THE TENANT VACATING THE SUBJECT HOUSING ACCOMMODATION OR ENCOMPASSES SURRENDER OF POSSESSION OF THE HOUSING ACCOMMODATION BY THE TENANT, IT SHALL NOT BE BINDING UPON SUBSEQUENT TENANTS.

(6) 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.

(7) FOR ANY HOUSING ACCOMMODATION THAT IS OR WOULD BE SUBJECT TO REGULATION AS A RESULT OF THE DECISION OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, 13 NY3D 270, AND WHERE THE OWNER MAKES PAYMENT IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION 11-243 OF THIS CODE, THE LEGAL REGULATED RENT FOR SUCH HOUSING ACCOMMODATION SHALL BE THE AMOUNT SET FORTH IN THE LEASE IN EFFECT ON OCTOBER TWENTY-SECOND, TWO THOUSAND NINE; IF THERE IS NO LEASE IN EFFECT ON SAID DATE, THEN THE AMOUNT SET FORTH IN THE FIRST LEASE IN EFFECT AFTER SAID DATE, PLUS ALL SUBSEQUENT ADJUSTMENTS AND INCREASES, INCLUDING BUT NOT LIMITED TO INCREASES ATTRIBUTABLE TO VACANCIES, MAJOR CAPITAL IMPROVEMENTS, INDIVIDUAL APARTMENT IMPROVEMENTS, RENT GUIDELINES BOARD ORDERS, SURCHARGES OR ANY OTHER INCREASES THAT WERE NOT PRECLUDED BY AN ORDER OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL AS TO OTHER REGULATED HOUSING ACCOMMODATIONS IN THE BUILDING AND THAT WOULD HAVE BEEN PERMITTED NOTWITHSTANDING THE ABSENCE OR OMISSION OF ANY FORM, RIDER, NOTICE, REGISTRATION, APPLICATION OR ANY OTHER DOCUMENT THAT WOULD HAVE BEEN REQUIRED OR OTHERWISE PROVIDED.

B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR OR THE CIVIL PRACTICE LAW AND RULES TO THE CONTRARY, AND SUBJECT TO THE PROVISIONS OF SUBDIVISION C OF THIS SECTION, ANY HOUSING ACCOMMODATION THAT, PRIOR TO ITS VACANCY, WAS SUBJECT TO REGULATION UNDER CHAPTER THREE OF THIS TITLE AND WHICH IS OR WOULD BE SUBJECT TO REGULATION UNDER THIS CHAPTER AS A RESULT OF THE DECISION OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270, SHALL BE SUBJECT TO THE FOLLOWING:

(1) WHERE A HOUSING ACCOMMODATION PRIOR TO ITS VACANCY WAS SUBJECT TO REGULATION UNDER CHAPTER THREE OF THIS TITLE AND WHICH IS OR WOULD BE

1 SUBJECT TO REGULATION UNDER THIS CHAPTER AS A RESULT OF THE DECISION OF  
2 THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES,  
3 L.P., 13 NY3D 270, THE INITIAL LEGAL REGULATED RENT SHALL BE (I) DETER-  
4 MINED IN ACCORDANCE WITH THE METHODOLOGY USED FOR FAIR MARKET RENT  
5 APPEALS, PROVIDED, HOWEVER, THAT THE RENTS IN EFFECT FOR COMPARABLE  
6 APARTMENTS, WHETHER OR NOT REGULATED, ON THE DATE FOUR YEARS PRIOR TO  
7 THE DATE OF THE COMMENCEMENT OF THE FIRST LEASE EXECUTED AFTER THE  
8 VACANCY BY THE FORMER RENT CONTROLLED TENANT OF SUCH HOUSING ACCOMMO-  
9 DATION, BUT IN NO EVENT PRIOR TO OCTOBER TWENTY-SECOND, TWO THOUSAND  
10 FIVE, SHALL BE UTILIZED FOR THE PURPOSE OF DETERMINING THE COMPARABILITY  
11 COMPONENT USED FOR THE DETERMINATION OF FAIR MARKET RENT APPEALS, PLUS  
12 ALL SUBSEQUENT ADJUSTMENTS AND INCREASES INCLUDING BUT NOT LIMITED TO  
13 INCREASES ATTRIBUTABLE TO VACANCIES, MAJOR CAPITAL IMPROVEMENTS, INDI-  
14 VIDUAL APARTMENT IMPROVEMENTS, RENT GUIDELINES BOARD ORDERS, SURCHARGES  
15 OR OTHER INCREASES THAT WERE NOT PRECLUDED BY AN ORDER OF THE DIVISION  
16 OF HOUSING AND COMMUNITY RENEWAL AS TO OTHER REGULATED HOUSING ACCOMMO-  
17 DATIONS IN THE BUILDING AND THAT WOULD HAVE BEEN PERMITTED NOTWITHSTAND-  
18 ING THE ABSENCE OR OMISSION OF ANY FORM, RIDER, NOTICE, REGISTRATION,  
19 APPLICATION OR ANY OTHER DOCUMENT THAT WOULD HAVE BEEN REQUIRED OR  
20 OTHERWISE PROVIDED, OR (II) THE INITIAL LEGAL REGULATED RENT AGREED TO  
21 BY THE TENANT PURSUANT TO PARAGRAPH FIVE OF THIS SUBDIVISION, OR (III)  
22 SUCH OTHER AMOUNT AS AGREED TO BY THE OWNER AND TENANT IN A WRITING  
23 EXECUTED BY THE PARTIES AFTER RECEIPT BY THE TENANT OF THE NOTICE  
24 REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVISION AND PAYMENT BY THE OWNER  
25 OF THE REFUND AMOUNT, IF ANY, PROVIDED IN SUCH AGREEMENT.

26 (2) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, THE OWNER  
27 OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL OFFER TO REFUND  
28 TO THE TENANT RESIDING IN SUCH HOUSING ACCOMMODATION ALL RENT COLLECTED  
29 FROM SUCH TENANT IN EXCESS OF THE LEGAL REGULATED RENT CALCULATED IN  
30 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION.

31 (3) WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, AN OWNER  
32 OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL PROVIDE WRITTEN  
33 NOTICE TO THE CURRENT TENANT OF THE HOUSING ACCOMMODATION OF: (I) THE  
34 FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS CHAPTER AS A  
35 RESULT OF THE DECISION OF THE STATE COURT OF APPEALS IN ROBERTS V. TISH-  
36 MAN SPEYER PROPERTIES, L.P., 13 NY3D 270; (II) A CALCULATION OF THE  
37 LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH  
38 THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION; AND (III) THE TOTAL  
39 AMOUNT TO BE REFUNDED PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION.

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

45 (5) THE TENANT SHALL BE OBLIGATED TO RESPOND WITHIN THIRTY-FIVE DAYS  
46 OF THE MAILING OF SUCH NOTICE TO THE TENANT. WHERE A TENANT OF A HOUSING  
47 ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS SECTION CONSENTS IN  
48 WRITING TO THE LEGAL REGULATED RENT AND REFUND AMOUNT, IF ANY, SET FORTH  
49 BY THE OWNER IN THE NOTICE REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVI-  
50 SION, AND THE OWNER MAKES THE REQUIRED REFUND TO THE TENANT, OR AFTER  
51 THE NOTICE REQUIRED BY SUCH PARAGRAPH THE OWNER AND TENANT ENTER INTO A  
52 WRITTEN AGREEMENT PROVIDING FOR A DIFFERENT LEGAL REGULATED RENT AND  
53 REFUND AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE  
54 PARTIES, THEN NEITHER SUCH LEGAL REGULATED RENT NOR SUCH REFUND AMOUNT,  
55 IF ANY, SHALL THEREAFTER BE SUBJECT TO CHALLENGE BY THE TENANT OR ANY  
56 SUBSEQUENT TENANT OF THE HOUSING ACCOMMODATION. HOWEVER, IF THE AGREE-

MENT ENTERED INTO PURSUANT TO THIS PARAGRAPH REQUIRES THAT THE TENANT VACATE THE SUBJECT HOUSING ACCOMMODATION OR SURRENDER POSSESSION OF THE HOUSING ACCOMMODATION, IT SHALL NOT BE BINDING UPON SUBSEQUENT TENANTS.

(6) 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.

(7) FOR ANY HOUSING ACCOMMODATION THAT IS OR WOULD BE SUBJECT TO REGULATION AS A RESULT OF THE DECISION OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270, AND WHERE THE OWNER MAKES PAYMENT IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION 11-243 OF THIS CODE, THE INITIAL LEGAL REGULATED RENT FOR SUCH HOUSING ACCOMMODATION SHALL BE THE AMOUNT SET FORTH IN THE LEASE IN EFFECT ON OCTOBER TWENTY-SECOND, TWO THOUSAND NINE; IF THERE IS NO LEASE IN EFFECT ON SAID DATE, THE FIRST LEASE IN EFFECT THEREAFTER; PLUS ALL SUBSEQUENT ADJUSTMENTS AND INCREASES, INCLUDING BUT NOT LIMITED TO INCREASES ATTRIBUTABLE TO VACANCIES, MAJOR CAPITAL IMPROVEMENTS, INDIVIDUAL APARTMENT IMPROVEMENTS, RENT GUIDELINES BOARD ORDERS, SURCHARGES OR ANY OTHER INCREASES THAT WERE NOT PRECLUDED BY AN ORDER OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL AS TO OTHER REGULATED HOUSING ACCOMMODATIONS IN THE BUILDING AND THAT WOULD HAVE BEEN PERMITTED NOTWITHSTANDING THE ABSENCE OR OMISSION OF ANY FORM, RIDER, NOTICE, REGISTRATION, APPLICATION OR ANY OTHER DOCUMENT THAT WOULD HAVE BEEN REQUIRED OR OTHERWISE PROVIDED.

C. AS AN ALTERNATIVE TO THE PROCEDURES SET FORTH IN SUBDIVISIONS A AND B OF THIS SECTION, AN OWNER MAY, WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, PROVIDE WRITTEN NOTICE TO THE CURRENT TENANT OF THE HOUSING ACCOMMODATION THAT THE OWNER INTENDS TO MAKE PAYMENT TO THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SEVENTEEN OF SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION 11-243 OF THIS CODE. AN OWNER WHO PROVIDES A NOTICE PURSUANT TO THIS SECTION BUT WHO DOES NOT MAKE PAYMENT TO THE CITY IN ACCORDANCE WITH THE REAL PROPERTY TAX LAW AND THIS CODE BY JUNE THIRTIETH, TWO THOUSAND THIRTEEN SHALL BE SUBJECT TO THE OVERCHARGE PENALTIES, INCLUDING INTEREST AND TREBLE DAMAGES, PROVIDED FOR IN SECTION 26-516 OF THIS CHAPTER. DURING THE PERIODS IN WHICH THE PROCEDURES SET FORTH IN SUBDIVISION A, B OR C OF THIS SECTION ARE BEING UTILIZED, THE OWNER OF SUCH HOUSING ACCOMMODATIONS SHALL BE AUTHORIZED TO CHARGE, AND A TENANT OR FORMER TENANT OF SUCH A HOUSING ACCOMMODATION SHALL BE OBLIGATED TO PAY, THE AMOUNT SET FORTH IN THE LEASE THEN IN EFFECT.

S 4. 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 THE DECISION OF THE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270. FOR PURPOSES OF THIS SECTION, "HOUSING ACCOMMODATIONS SUBJECT TO THE RULING OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270" SHALL MEAN HOUSING ACCOMMODATIONS IN BUILDINGS THAT WERE SUBJECT TO THE NEW YORK CITY RENT AND REHABILITATION LAW, NEW YORK CITY RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE OR THIS ACT PRIOR TO THE RECEIPT OF BENEFITS PURSUANT TO SECTION 489 OF THE REAL PROPERTY TAX LAW, EXCEPT AS TO (I) THOSE HOUSING ACCOMMODATIONS RENTED AFTER SAID TAX BENEFITS HAD EXPIRED, (II) HOUSING ACCOMMODATIONS RENTING DURING THE TAX BENEFIT PERIOD WHERE EACH LEASE HAD THE REQUISITE DEREGULATION NOTICE OR (III) THOSE HOUSING ACCOMMODATIONS DEREGULATED BY

ADMINISTRATIVE OR COURT ORDER, WHICH HOUSING ACCOMMODATIONS SHALL REMAIN DEREGULATED DESPITE SUCH RULING.

A. NOTWITHSTANDING ANY OTHER PROVISION OF THE RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THIS ACT OR THE CIVIL PRACTICE LAW AND RULES TO THE CONTRARY, AND SUBJECT TO THE PROVISIONS OF SUBDIVISION C OF THIS SECTION, ANY HOUSING ACCOMMODATION THAT IS OR WOULD BE SUBJECT TO REGULATION UNDER THIS ACT AS A RESULT OF THE DECISION OF THE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270, SHALL BE SUBJECT TO THE FOLLOWING:

(1) THE LEGAL REGULATED RENT FOR A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL BE (I) THE RENT CHARGED AND PAID FOR SUCH HOUSING ACCOMMODATION ON OCTOBER 22, 2005, OR PROVIDED FOR IN THE LEASE IN EFFECT ON SUCH DATE, WHICHEVER IS GREATER, PLUS ALL SUBSEQUENT ADJUSTMENTS AND INCREASES, INCLUDING BUT NOT LIMITED TO INCREASES ATTRIBUTABLE TO VACANCIES, MAJOR CAPITAL IMPROVEMENTS, INDIVIDUAL APARTMENT IMPROVEMENTS, RENT GUIDELINES BOARD ORDERS, SURCHARGES OR ANY OTHER INCREASES THAT WERE NOT PRECLUDED BY AN ORDER OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL AS TO OTHER REGULATED HOUSING ACCOMMODATIONS IN THE BUILDING AND THAT WOULD HAVE BEEN PERMITTED NOTWITHSTANDING THE ABSENCE OR OMISSION OF ANY FORM, RIDER, NOTICE, REGISTRATION, APPLICATION OR ANY OTHER DOCUMENT THAT WOULD HAVE BEEN REQUIRED OR OTHERWISE PROVIDED; IF THERE IS NO TENANT OR NO LEASE IN EFFECT ON OCTOBER TWENTY-SECOND, TWO THOUSAND FIVE, THEN THE FIRST RENT CHARGED AND PAID OR PROVIDED FOR IN THE FIRST LEASE IN EFFECT AFTER SAID DATE, WHICHEVER IS GREATER; OR (II) THE LEGAL REGULATED RENT AGREED TO BY THE TENANT PURSUANT TO PARAGRAPH FIVE OF THIS SUBDIVISION; 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 PARAGRAPH THREE OF THIS SUBDIVISION AND PAYMENT BY THE OWNER OF THE REFUND AMOUNT, IF ANY, PROVIDED IN SUCH AGREEMENT.

(2) WITHIN SIX MONTHS OF 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 REGULATED RENT CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION.

(3) WITHIN NINETY DAYS OF 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 COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270; (II) A CALCULATION OF THE LEGAL REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION; AND (III) THE TOTAL AMOUNT TO BE REFUNDED PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION.

(4) AN OWNER WHO MAKES A GOOD FAITH CALCULATION OF THE LEGAL REGULATED RENT AND MAKES A REFUND OFFER IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH TWO OF THIS SUBDIVISION SHALL NOT BE SUBJECT TO ANY OF THE OVERCHARGE PENALTIES, INCLUDING INTEREST AND TREBLE DAMAGES, PROVIDED FOR IN SECTION 26-516 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

(5) THE TENANT SHALL BE OBLIGATED TO RESPOND WITHIN THIRTY-FIVE DAYS OF THE MAILING OF SUCH NOTICE TO THE TENANT. WHERE A TENANT OF A HOUSING ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS SECTION CONSENTS IN WRITING TO THE LEGAL REGULATED RENT AND REFUND AMOUNT, IF ANY, SET FORTH BY THE OWNER IN THE NOTICE REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVISION, AND THE OWNER MAKES THE REQUIRED REFUND TO THE TENANT, OR AFTER



1 THE NOTICE REQUIRED BY SUCH PARAGRAPH THE OWNER AND TENANT ENTER INTO A  
2 WRITTEN AGREEMENT PROVIDING FOR A DIFFERENT LEGAL REGULATED RENT AND  
3 REFUND AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE  
4 PARTIES, THEN NEITHER SUCH LEGAL REGULATED RENT NOR SUCH REFUND AMOUNT,  
5 IF ANY, SHALL THEREAFTER BE SUBJECT TO CHALLENGE BY THE TENANT OR ANY  
6 SUBSEQUENT TENANT OF THE HOUSING ACCOMMODATION. HOWEVER, IF THE AGREE-  
7 MENT ENTERED INTO PURSUANT TO THIS PARAGRAPH REQUIRES THE TENANT VACAT-  
8 ING THE SUBJECT HOUSING ACCOMMODATION OR SURRENDER POSSESSION OF THE  
9 HOUSING ACCOMMODATION, IT SHALL NOT BE BINDING UPON SUBSEQUENT TENANTS.

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

14 (7) FOR ANY HOUSING ACCOMMODATION THAT IS OR WOULD BE SUBJECT TO REGU-  
15 LATION AS A RESULT OF THE DECISION OF THE STATE COURT OF APPEALS IN  
16 ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270, AND WHERE THE  
17 OWNER MAKES PAYMENT IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION 17  
18 OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION 11-243 OF THE  
19 ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, THE LEGAL REGULATED RENT  
20 FOR SUCH HOUSING ACCOMMODATION SHALL BE THE AMOUNT SET FORTH IN THE  
21 LEASE IN EFFECT ON OCTOBER 22, 2009; IF THERE IS NO LEASE IN EFFECT ON  
22 SAID DATE, THEN THE AMOUNT SET FORTH IN THE FIRST LEASE IN EFFECT AFTER  
23 SAID DATE; PLUS ALL SUBSEQUENT ADJUSTMENTS AND INCREASES, INCLUDING BUT  
24 NOT LIMITED TO INCREASES ATTRIBUTABLE TO VACANCIES, MAJOR CAPITAL  
25 IMPROVEMENTS, INDIVIDUAL APARTMENT IMPROVEMENTS, RENT GUIDELINES BOARD  
26 ORDERS, SURCHARGES OR ANY OTHER INCREASES THAT WERE NOT PRECLUDED BY AN  
27 ORDER OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL AS TO OTHER REGU-  
28 LATED HOUSING ACCOMMODATIONS IN THE BUILDING AND THAT WOULD HAVE BEEN  
29 PERMITTED NOTWITHSTANDING THE ABSENCE OR OMISSION OF ANY FORM, RIDER,  
30 NOTICE, REGISTRATION, APPLICATION OR ANY OTHER DOCUMENT THAT WOULD HAVE  
31 BEEN REQUIRED OR OTHERWISE PROVIDED.

32 B. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE NEW YORK CITY  
33 RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, OR THE CIVIL  
34 PRACTICE LAW AND RULES TO THE CONTRARY, AND SUBJECT TO THE PROVISIONS OF  
35 SUBDIVISION C OF THIS SECTION, ANY HOUSING ACCOMMODATION THAT IS OR  
36 WOULD BE SUBJECT TO REGULATION UNDER THIS ACT AS A RESULT OF THE DECI-  
37 SION OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPER-  
38 TIES, L.P., 13 NY3D 270, SHALL BE SUBJECT TO THE FOLLOWING:

39 (1) WHERE A HOUSING ACCOMMODATION IS OR WOULD BE SUBJECT TO REGULATION  
40 UNDER THIS ACT AS A RESULT OF A DECISION OF THE STATE COURT OF APPEALS  
41 IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270, THE INITIAL  
42 LEGAL REGULATED RENT SHALL BE (I) DETERMINED IN ACCORDANCE WITH THE  
43 METHODOLOGY USED FOR FAIR MARKET RENT APPEALS, PROVIDED, HOWEVER, THAT  
44 THE RENTS IN EFFECT FOR COMPARABLE APARTMENTS, WHETHER OR NOT REGULATED,  
45 ON THE DATE FOUR YEARS PRIOR TO THE DATE OF THE COMMENCEMENT OF THE  
46 FIRST LEASE EXECUTED AFTER THE VACANCY BY THE FORMER RENT CONTROLLED  
47 TENANT OF SUCH HOUSING ACCOMMODATION BUT IN NO EVENT PRIOR TO OCTOBER  
48 22, 2005, SHALL BE UTILIZED FOR THE PURPOSE OF DETERMINING THE COMPAR-  
49 ABILITY COMPONENT USED FOR THE DETERMINATION OF FAIR MARKET RENT  
50 APPEALS, PLUS ALL SUBSEQUENT ADJUSTMENTS AND INCREASES INCLUDING BUT NOT  
51 LIMITED TO INCREASES ATTRIBUTABLE TO VACANCIES, MAJOR CAPITAL IMPROVE-  
52 MENTS, INDIVIDUAL APARTMENT IMPROVEMENTS, RENT GUIDELINES BOARD ORDERS,  
53 SURCHARGES OR ANY OTHER INCREASES THAT WERE NOT PRECLUDED BY AN ORDER OF  
54 THE DIVISION OF HOUSING AND COMMUNITY RENEWAL AS TO OTHER REGULATED  
55 HOUSING ACCOMMODATIONS IN THE BUILDING AND THAT WOULD HAVE BEEN PERMIT-  
56 TED NOTWITHSTANDING THE ABSENCE OR OMISSION OF ANY FORM, RIDER, NOTICE,

1 REGISTRATION, APPLICATION OR ANY OTHER DOCUMENT THAT WOULD HAVE BEEN  
2 REQUIRED OR OTHERWISE PROVIDED, OR (II) THE INITIAL LEGAL REGULATED RENT  
3 AGREED TO BY THE TENANT PURSUANT TO PARAGRAPH FIVE OF THIS SUBDIVISION  
4 OR (III) SUCH OTHER AMOUNT AS AGREED TO BY THE OWNER AND TENANT IN A  
5 WRITING EXECUTED BY THE PARTIES AFTER RECEIPT BY THE TENANT OF THE  
6 NOTICE REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVISION AND PAYMENT BY  
7 THE OWNER OF THE REFUND AMOUNT, IF ANY, PROVIDED IN SUCH AGREEMENT.

8 (2) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, THE OWNER  
9 OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL OFFER TO REFUND  
10 TO THE TENANT RESIDING IN SUCH HOUSING ACCOMMODATION ALL RENT COLLECTED  
11 FROM SUCH TENANT IN EXCESS OF THE LEGAL REGULATED RENT CALCULATED IN  
12 ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION.

13 (3) WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, AN OWNER  
14 OF A HOUSING ACCOMMODATION SUBJECT TO THIS SECTION SHALL PROVIDE WRITTEN  
15 NOTICE TO THE CURRENT TENANT OF THE HOUSING ACCOMMODATION OF: (I) THE  
16 FACT THAT THE HOUSING ACCOMMODATION IS SUBJECT TO THIS ACT AS A RESULT  
17 OF THE DECISION OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN  
18 SPEYER PROPERTIES, L.P., 13 NY3D 270; (II) A CALCULATION OF THE LEGAL  
19 REGULATED RENT FOR THE HOUSING ACCOMMODATION IN ACCORDANCE WITH THE  
20 PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION; AND (III) THE TOTAL  
21 AMOUNT TO BE REFUNDED PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION.

22 (4) AN OWNER WHO MAKES A GOOD FAITH CALCULATION OF THE LEGAL REGULATED  
23 RENT AND MAKES A REFUND OFFER IN ACCORDANCE WITH THE REQUIREMENTS OF  
24 PARAGRAPH TWO OF THIS SUBDIVISION SHALL NOT BE SUBJECT TO ANY OF THE  
25 OVERCHARGE PENALTIES, INCLUDING INTEREST AND TREBLE DAMAGES, PROVIDED  
26 FOR IN SECTION 26-516 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW  
27 YORK.

28 (5) THE TENANT SHALL BE OBLIGATED TO RESPOND WITHIN THIRTY-FIVE DAYS  
29 OF THE MAILING OF SUCH NOTICE. WHERE A TENANT OF A HOUSING ACCOMMODATION  
30 SUBJECT TO THE PROVISIONS OF THIS SECTION CONSENTS IN WRITING TO THE  
31 LEGAL REGULATED RENT AND REFUND AMOUNT, IF ANY, SET FORTH BY THE OWNER  
32 IN THE NOTICE REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVISION, AND THE  
33 OWNER MAKES THE REQUIRED REFUND TO THE TENANT, OR AFTER THE NOTICE  
34 REQUIRED BY SUCH PARAGRAPH THE OWNER AND TENANT ENTER INTO A WRITTEN  
35 AGREEMENT PROVIDING FOR A DIFFERENT LEGAL REGULATED RENT AND REFUND  
36 AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE PARTIES,  
37 THEN NEITHER SUCH LEGAL REGULATED RENT NOR SUCH REFUND AMOUNT, IF ANY,  
38 SHALL THEREAFTER BE SUBJECT TO CHALLENGE BY THE TENANT OR ANY SUBSEQUENT  
39 TENANT OF THE HOUSING ACCOMMODATION. HOWEVER, IF THE AGREEMENT ENTERED  
40 INTO PURSUANT TO THIS PARAGRAPH REQUIRES THAT THE TENANT VACATE THE  
41 SUBJECT HOUSING ACCOMMODATION OR SURRENDER POSSESSION OF THE HOUSING  
42 ACCOMMODATION, IT SHALL NOT BE BINDING UPON SUBSEQUENT TENANTS.

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

47 (7) FOR ANY HOUSING ACCOMMODATION THAT IS OR WOULD BE SUBJECT TO REGU-  
48 LATION AS A RESULT OF THE DECISION OF THE STATE COURT OF APPEALS IN  
49 ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270, AND WHERE THE  
50 OWNER MAKES PAYMENT IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION 17  
51 OF SECTION 489 OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF  
52 SECTION 11-243 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, THE  
53 INITIAL LEGAL REGULATED RENT FOR SUCH HOUSING ACCOMMODATION SHALL BE THE  
54 AMOUNT SET FORTH IN THE LEASE IN EFFECT ON OCTOBER 22, 2009; IF THERE IS  
55 NO LEASE IN EFFECT ON SAID DATE, THE FIRST LEASE IN EFFECT THEREAFTER;  
56 PLUS ALL SUBSEQUENT ADJUSTMENTS AND INCREASES, INCLUDING BUT NOT LIMITED

1 TO INCREASES ATTRIBUTABLE TO VACANCIES, MAJOR CAPITAL IMPROVEMENTS,  
2 INDIVIDUAL APARTMENT IMPROVEMENTS, RENT GUIDELINES BOARD ORDERS,  
3 SURCHARGES OR ANY OTHER INCREASES THAT WERE NOT PRECLUDED BY AN ORDER OF  
4 THE DIVISION OF HOUSING AND COMMUNITY RENEWAL AS TO OTHER REGULATED  
5 HOUSING ACCOMMODATIONS IN THE BUILDING AND THAT WOULD HAVE BEEN PERMIT-  
6 TED NOTWITHSTANDING THE ABSENCE OR OMISSION OF ANY FORM, RIDER, NOTICE,  
7 REGISTRATION, APPLICATION OR ANY OTHER DOCUMENT THAT WOULD HAVE BEEN  
8 REQUIRED OR OTHERWISE PROVIDED.

9 C. AS AN ALTERNATIVE TO THE PROCEDURES SET FORTH IN SUBDIVISIONS A AND  
10 B OF THIS SECTION, AN OWNER MAY, WITHIN NINETY DAYS OF THE EFFECTIVE  
11 DATE OF THIS SECTION, PROVIDE WRITTEN NOTICE TO THE CURRENT TENANT OF  
12 THE HOUSING ACCOMMODATION THAT THE OWNER INTENDS TO MAKE PAYMENT TO THE  
13 CITY OF NEW YORK IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION 17 OF  
14 SECTION 489 OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE OF SECTION  
15 11-243 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK. AN OWNER WHO  
16 PROVIDES A NOTICE PURSUANT TO THIS SECTION BUT WHO DOES NOT MAKE PAYMENT  
17 TO SUCH CITY IN ACCORDANCE WITH THE REAL PROPERTY TAX LAW AND THE ADMIN-  
18 ISTRATIVE CODE OF THE CITY OF NEW YORK BY JUNE 30, 2013 SHALL BE SUBJECT  
19 TO THE OVERCHARGE PENALTIES, INCLUDING INTEREST AND TREBLE DAMAGES,  
20 PROVIDED FOR IN SECTION 26-516 OF THE ADMINISTRATIVE CODE OF THE CITY OF  
21 NEW YORK. DURING THE PERIODS IN WHICH THE PROCEDURES SET FORTH IN SUBDI-  
22 VISIONS A, B OR C OF THIS SECTION ARE BEING UTILIZED, THE OWNER OF SUCH  
23 HOUSING ACCOMMODATIONS SHALL BE AUTHORIZED TO CHARGE, AND A TENANT OR  
24 FORMER TENANT OF SUCH A HOUSING ACCOMMODATION SHALL BE OBLIGATED TO PAY,  
25 THE AMOUNT SET FORTH IN THE LEASE THEN IN EFFECT.

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

30 (i) housing accommodations owned as a cooperative or condominium unit  
31 which are or become vacant on or after the effective date of this para-  
32 graph REGARDLESS OF WHETHER SUCH HOUSING ACCOMMODATIONS WERE, ARE OR  
33 WILL BE IN A BUILDING WHICH RECEIVED OR RECEIVES TAX BENEFITS PURSUANT  
34 TO SECTION 489 OF THE REAL PROPERTY TAX LAW AND REGARDLESS OF THE RULING  
35 OF THE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P.,  
36 13 NY3D 270, except that this subparagraph shall not apply to units  
37 occupied by non-purchasing tenants under section [three hundred fifty-  
38 two-eee] 352-EEE of the general business law until the occurrence of a  
39 vacancy.

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

42 17. WHERE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMME-  
43 DIATELY PRIOR TO THE RECEIPT OF TAX EXEMPTION OR TAX ABATEMENT BENEFITS  
44 PURSUANT TO THIS SECTION OR WHICH ARE OR WOULD BE SUBJECT TO RENT REGU-  
45 LATION DUE TO THE RECEIPT OF SUCH BENEFITS PURSUANT TO THE RULING OF THE  
46 COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D  
47 270, THE OWNER OF SUCH HOUSING ACCOMMODATIONS SHALL BE AUTHORIZED TO  
48 MAKE TO THE CITY OF NEW YORK, AND THE CITY OF NEW YORK SHALL BE OBLIGED  
49 TO ACCEPT, PAYMENT OF THE FULL AMOUNT OF ALL SUCH BENEFITS RECEIVED BY  
50 ALL OWNERS OF SUCH HOUSING ACCOMMODATIONS PURSUANT TO ANY ORDER OR  
51 DETERMINATION ISSUED BY THE LOCAL HOUSING AGENCY ADMINISTERING THIS  
52 CHAPTER OR THE LOCAL GOVERNMENT AGENCY RESPONSIBLE FOR REAL PROPERTY TAX  
53 ASSESSMENT PRIOR TO OCTOBER TWENTY-SECOND, TWO THOUSAND NINE WHICH  
54 REQUIRED THE HOUSING ACCOMMODATION TO BE SUBJECT TO RENT REGULATIONS.  
55 SUCH PAYMENT SHALL BE MADE NO LATER THAN JUNE THIRTIETH, TWO THOUSAND  
56 THIRTEEN. SUCH PAYMENT SHALL ENTITLE SUCH OWNER TO THE BENEFIT OF THE

1 EXCLUSIONS SET FORTH IN SECTIONS 26-504.1 AND 26-504.2 OF THE ADMINIS-  
2 TRATIVE CODE OF THE CITY OF NEW YORK WHERE THE HOUSING ACCOMMODATIONS  
3 WERE SUBJECT TO RENT REGULATION IMMEDIATELY PRIOR TO THE RECEIPT OF TAX  
4 BENEFITS PURSUANT TO THIS SECTION OR WHICH ARE OR WOULD BE SUBJECT TO  
5 RENT REGULATION DUE TO RECEIPT OF SUCH BENEFITS PURSUANT TO THE RULING  
6 OF THE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P.,  
7 13 NY3D, 270 UPON THE EXPIRATION OF SAID BENEFITS. PAYMENT PURSUANT TO  
8 THIS SUBDIVISION SHALL BE PAID INTO THE GENERAL FUND OF THE CITY OF NEW  
9 YORK. THE CITY OF NEW YORK SHALL, UPON REQUEST OF SUCH OWNER, PROVIDE  
10 WITHIN THIRTY DAYS OF SUCH REQUEST A STATEMENT SETTING FORTH THE AMOUNTS  
11 DUE FOR PAYMENT AND WAIVER, AND THE BASIS THEREOF. THE CITY'S FAILURE TO  
12 RESPOND TIMELY TO SUCH REQUEST SHALL TOLL THE RUNNING OF THE OWNER'S  
13 OBLIGATION TO MAKE PAYMENT FOLLOWING THE DELIVERY OF NOTICE OF SUCH  
14 INTENT TO THE TENANT. FOR PURPOSES OF THIS SECTION, "HOUSING ACCOMMO-  
15 DATIONS SUBJECT TO THE RULING OF THE STATE COURT OF APPEALS IN ROBERTS  
16 V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270" SHALL MEAN HOUSING  
17 ACCOMMODATIONS IN BUILDINGS THAT WERE SUBJECT TO THE NEW YORK CITY RENT  
18 AND REHABILITATION LAW, THE NEW YORK CITY RENT STABILIZATION LAW OF  
19 NINETEEN HUNDRED SIXTY-NINE OR THE EMERGENCY TENANT PROTECTION ACT OF  
20 NINETEEN SEVENTY-FOUR PRIOR TO THE RECEIPT OF BENEFITS PURSUANT TO THIS  
21 SECTION, EXCEPT AS TO (I) THOSE HOUSING ACCOMMODATIONS RENTED AFTER SAID  
22 TAX BENEFITS HAD EXPIRED, (II) HOUSING ACCOMMODATIONS RENTING DURING THE  
23 TAX BENEFIT PERIOD WHERE EACH LEASE HAD THE REQUISITE DEREGULATION  
24 NOTICE OR (III) THOSE HOUSING ACCOMMODATIONS DEREGULATED BY ADMINISTRA-  
25 TIVE OR COURT ORDER, WHICH HOUSING ACCOMMODATIONS SHALL REMAIN DEREGU-  
26 LATED DESPITE SUCH RULING.

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

29 EE. WHERE HOUSING ACCOMMODATIONS WERE SUBJECT TO RENT REGULATION IMME-  
30 DIATELY PRIOR TO THE RECEIPT OF TAX EXEMPTION OR TAX ABATEMENT BENEFITS  
31 PURSUANT TO THIS SECTION OR WHICH ARE OR WOULD BE SUBJECT TO RENT REGU-  
32 LATION DUE TO THE RECEIPT OF SUCH BENEFITS PURSUANT TO THE RULING OF THE  
33 COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D  
34 270, THE OWNER OF SUCH HOUSING ACCOMMODATIONS SHALL BE AUTHORIZED TO  
35 MAKE OR TO HAVE MADE TO THE CITY, AND THE CITY SHALL BE OR HAVE BEEN  
36 OBLIGED TO ACCEPT, PAYMENT OF THE FULL AMOUNT OF ALL SUCH BENEFITS  
37 RECEIVED BY ALL OWNERS OF SUCH HOUSING ACCOMMODATIONS PURSUANT TO ANY  
38 ORDER OR DETERMINATION ISSUED BY THE DEPARTMENT OR BY THE DEPARTMENT OF  
39 HOUSING PRESERVATION AND DEVELOPMENT PRIOR TO OCTOBER TWENTY-SECOND, TWO  
40 THOUSAND NINE WHICH REQUIRED THE HOUSING ACCOMMODATION TO BE SUBJECT TO  
41 SUCH RENT REGULATIONS. SUCH PAYMENT SHALL BE MADE NO LATER THAN JUNE  
42 THIRTIETH, TWO THOUSAND THIRTEEN. SUCH PAYMENT SHALL ENTITLE SUCH OWNER  
43 TO THE BENEFIT OF THE EXCLUSIONS SET FORTH IN SECTIONS 26-504.1 AND  
44 26-504.2 OF THIS CODE WHERE THE HOUSING ACCOMMODATIONS WERE SUBJECT TO  
45 RENT REGULATION IMMEDIATELY PRIOR TO THE RECEIPT OF TAX BENEFITS PURSU-  
46 ANT TO THIS SECTION OR WHICH ARE OR WOULD BE SUBJECT TO RENT REGULATION  
47 DUE TO RECEIPT OF TAX BENEFITS PURSUANT TO THE RULING OF THE COURT OF  
48 APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., NY3D 270 UPON THE  
49 EXPIRATION OF SAID BENEFITS. PAYMENT PURSUANT TO THIS SUBDIVISION SHALL  
50 BE PAID INTO THE GENERAL FUND OF THE CITY. THE CITY SHALL, UPON REQUEST  
51 OF SUCH OWNER, PROVIDE WITHIN THIRTY DAYS OF SUCH REQUEST A STATEMENT  
52 SETTING FORTH THE AMOUNTS DUE FOR PAYMENT AND WAIVER, AND THE BASIS  
53 THEREOF. THE CITY'S FAILURE TO RESPOND TIMELY TO SUCH REQUEST SHALL TOLL  
54 THE RUNNING OF THE OWNER'S OBLIGATION TO MAKE PAYMENT FOLLOWING THE  
55 DELIVERY OF NOTICE OF SUCH INTENT TO THE TENANT. FOR PURPOSES OF THIS  
56 SECTION, "HOUSING ACCOMMODATIONS SUBJECT TO THE RULING OF THE STATE

1 COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D  
2 270" SHALL MEAN HOUSING ACCOMMODATIONS IN BUILDINGS THAT WERE SUBJECT TO  
3 THE NEW YORK CITY RENT AND REHABILITATION LAW, THE NEW YORK CITY RENT  
4 STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE OR THE EMERGENCY TENANT  
5 PROTECTION ACT OF NINETEEN SEVENTY-FOUR PRIOR TO THE RECEIPT OF BENEFITS  
6 PURSUANT TO SECTION FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX  
7 LAW, EXCEPT AS TO (I) THOSE HOUSING ACCOMMODATIONS RENTED AFTER SAID TAX  
8 BENEFITS HAD EXPIRED, (II) HOUSING ACCOMMODATIONS RENTING DURING THE TAX  
9 BENEFIT PERIOD WHERE EACH LEASE HAD THE REQUISITE DEREGULATION NOTICE,  
10 OR (III) THOSE HOUSING ACCOMMODATIONS DEREGULATED BY ADMINISTRATIVE OR  
11 COURT ORDER, WHICH HOUSING ACCOMMODATIONS SHALL REMAIN DEREGULATED  
12 DESPITE SUCH RULING.

13 S 8. Subdivision c of section 26-504 of the administrative code of the  
14 city of New York, as amended by chapter 289 of the laws of 1985, is  
15 amended to read as follows:

16 c. [Dwelling] EXCEPT AS OTHERWISE PROVIDED BY 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, DWELLING units in a building  
19 or structure receiving the benefits of section 11-243 or section 11-244  
20 of [the] THIS code or article eighteen of the private housing finance  
21 law, not owned as a cooperative or as a condominium, except as provided  
22 in section three hundred fifty-two-eeee of the general business law and  
23 not subject to chapter three of this title. [Upon] EXCEPT AS OTHERWISE  
24 PROVIDED BY SUBDIVISION SEVENTEEN AND SUBDIVISION EIGHTEEN OF SECTION  
25 FOUR HUNDRED EIGHTY-NINE OF THE REAL PROPERTY TAX LAW AND SUBDIVISION EE  
26 AND SUBDIVISION FF OF SECTION 11-243 OF THIS CODE, the expiration or  
27 termination for any reason of the benefits of section 11-243 or section  
28 11-244 of [the] THIS code or article eighteen of the private housing  
29 finance law any such dwelling unit shall be subject to this chapter  
30 until the occurrence of the first vacancy of such unit after such bene-  
31 fits are no longer being received or if each lease and renewal thereof  
32 for such unit for the tenant in residence at the time of the expiration  
33 of the tax benefit period has included a notice in at least twelve point  
34 type informing such tenant that the unit shall become subject to deregu-  
35 lation upon the expiration of such tax benefit period and states the  
36 approximate date on which such tax benefit period is scheduled to  
37 expire, such dwelling unit shall be deregulated as of the end of the tax  
38 benefit period; provided, however, that if such dwelling unit would have  
39 been subject to this chapter or the emergency tenant protection act of  
40 nineteen seventy-four in the absence of this subdivision, such dwelling  
41 unit shall, upon the expiration of such benefits, continue to be subject  
42 to this chapter or the emergency tenant protection act of nineteen  
43 seventy-four to the same extent and in the same manner as if this subdi-  
44 vision had never applied thereto. NOTWITHSTANDING THE FOREGOING, WHERE  
45 THE NOTIFICATION REQUIRED BY THIS SUBDIVISION WAS NOT PROVIDED FOR ANY  
46 HOUSING ACCOMMODATION WHICH IS OR WOULD BE SUBJECT TO REGULATION UNDER  
47 THIS CHAPTER AS A RESULT OF THE DECISION OF THE STATE COURT OF APPEALS  
48 IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D 270, THE FAILURE  
49 TO PROVIDE SUCH NOTIFICATION SHALL NOT PRECLUDE THE DEREGULATION OF SUCH  
50 HOUSING ACCOMMODATION UPON THE EXPIRATION OF THE LEASE OR RENEWAL LEASE  
51 IMMEDIATELY SUBSEQUENT TO THE EXPIRATION OF SUCH TAX BENEFITS, PROVIDED  
52 THAT THE OWNER OF SUCH HOUSING ACCOMMODATION SHALL COMPLY WITH SUCH  
53 NOTICE REQUIREMENT FOR EACH LEASE OR RENEWAL LEASE OFFERED FOR SUCH  
54 HOUSING ACCOMMODATION DURING THE PERIOD BETWEEN NINETY DAYS AFTER THE  
55 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH  
56 AMENDED THIS SUBDIVISION AND THE EXPIRATION OF SUCH TAX BENEFITS. FOR

1 PURPOSES OF THIS SECTION, "HOUSING ACCOMMODATIONS SUBJECT TO THE RULING  
2 OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES,  
3 L.P., 13 NY3D 270" SHALL MEAN HOUSING ACCOMMODATIONS IN BUILDINGS THAT  
4 WERE SUBJECT TO THIS CHAPTER, THE NEW YORK CITY RENT AND REHABILITATION  
5 LAW, AND/OR THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR  
6 PRIOR TO THE RECEIPT OF BENEFITS PURSUANT TO SECTION FOUR HUNDRED EIGHT-  
7 Y-NINE OF THE REAL PROPERTY TAX LAW, EXCEPT AS TO (I) THOSE HOUSING  
8 ACCOMMODATIONS RENTED AFTER SAID TAX BENEFITS HAD EXPIRED, (II) HOUSING  
9 ACCOMMODATIONS RENTING DURING THE TAX BENEFIT PERIOD WHERE EACH LEASE  
10 HAD THE REQUISITE DEREGULATION NOTICE, OR (III) THOSE HOUSING ACCOMMO-  
11 DATIONS DEREGULATED BY ADMINISTRATIVE OR COURT ORDER, WHICH HOUSING  
12 ACCOMMODATIONS SHALL REMAIN DEREGULATED DESPITE SUCH RULING.

13 S 9. This act shall take effect immediately, provided, that sections  
14 one and two of this act shall be deemed to have been in full force and  
15 effect on and after July 6, 1993; provided, further, that:

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

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

25 (c) the provisions of this act shall preclude in their entirety any  
26 and all claims in any administrative or judicial proceeding relating to  
27 the deregulation of housing accommodations which were subject to rent  
28 regulation immediately prior to the receipt of tax benefits pursuant to  
29 section 489 of the real property tax law and section 11-243 of the  
30 administrative code of the city of New York or which are or would be  
31 subject to rent regulation pursuant to the ruling of the court of  
32 appeals in Roberts v. Tishman Speyer Properties, L.P., 13 NY3d 270,  
33 provided that the owner of such housing accommodations has acted in  
34 accordance with this act, regardless of whether such claims are brought,  
35 or any payments by such owner permitted under this act are made, prior  
36 or subsequent to the effective date of this act. For purposes of this  
37 section, "housing accommodations subject to the ruling of the state  
38 court of appeals in ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D  
39 270" shall mean housing accommodations in buildings that were subject to  
40 the New York city rent and rehabilitation law, the New York city rent  
41 stabilization law of nineteen hundred sixty-nine or the emergency tenant  
42 protection act of nineteen seventy-four prior to the receipt of benefits  
43 pursuant to section 489 of the real property tax law, except as to (i)  
44 those housing accommodations rented after said tax benefits had expired,  
45 (ii) housing accommodations renting during the tax benefit period where  
46 each lease had the requisite deregulation notice, or (iii) those housing  
47 accommodations deregulated by administrative or court order, which hous-  
48 ing accommodations shall remain deregulated despite such ruling;

49 (d) if any provision or provisions of this act shall be held to be  
50 invalid, the validity of the remaining provisions shall not in any  
51 manner be affected or impaired thereby; and

52 (e) the provisions of this act shall preclude in their entirety any  
53 and all claims in any administrative or judicial proceeding, whether  
54 previously or hereafter commenced, relating to the regulation or rents  
55 of housing accommodations which are located in buildings completed or  
56 substantially rehabilitated after January 1, 1974 and which became

1 subject to rent stabilization due to the receipt of tax exemption or tax  
2 abatement benefits pursuant to section 489 of the real property tax law  
3 and section 11-243 of the administrative code of the city of New York,  
4 provided that the owner of such housing accommodations has acted in  
5 accordance with this act, regardless of whether such proceedings are  
6 brought, or payments by such owner permitted under this act are made,  
7 prior or subsequent to the effective date of this act.