

5763--A

2011-2012 Regular Sessions

I N S E N A T E

June 14, 2011

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

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

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

9 (5) THE TENANT SHALL BE OBLIGATED TO RESPOND WITHIN THIRTY-FIVE DAYS
10 OF THE MAILING OF SUCH NOTICE TO THE TENANT. WHERE A TENANT OF A HOUSING
11 ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS SECTION CONSENTS IN
12 WRITING TO THE LEGAL REGULATED RENT AND REFUND AMOUNT, IF ANY, SET FORTH
13 BY THE OWNER IN THE NOTICE REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVI-
14 SION, AND THE OWNER MAKES THE REQUIRED REFUND TO THE TENANT, OR AFTER
15 THE NOTICE REQUIRED BY SUCH PARAGRAPH THE OWNER AND TENANT ENTER INTO A
16 WRITTEN AGREEMENT PROVIDING FOR A DIFFERENT LEGAL REGULATED RENT AND
17 REFUND AMOUNT AND THE OWNER MAKES THE REFUND, IF ANY, AGREED TO BY THE
18 PARTIES, THEN NEITHER SUCH LEGAL REGULATED RENT NOR SUCH REFUND AMOUNT,
19 IF ANY, SHALL THEREAFTER BE SUBJECT TO CHALLENGE BY THE TENANT OR ANY
20 SUBSEQUENT TENANT OF THE HOUSING ACCOMMODATION. HOWEVER, IF THE AGREE-
21 MENT ENTERED INTO PURSUANT TO THIS PARAGRAPH REQUIRES THE TENANT VACAT-
22 ING THE SUBJECT HOUSING ACCOMMODATION OR ENCOMPASSES SURRENDER OF
23 POSSESSION OF THE HOUSING ACCOMMODATION BY THE TENANT, IT SHALL NOT BE
24 BINDING UPON SUBSEQUENT TENANTS.

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

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

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

55 (1) WHERE A HOUSING ACCOMMODATION PRIOR TO ITS VACANCY WAS SUBJECT TO
56 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-

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

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

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

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

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

45 S 5-B. ENFORCEMENT AND PROCEDURES FOR IMPLEMENTING THE DECISION OF THE
46 COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER PROPERTIES, L.P., 13 NY3D
47 270. FOR PURPOSES OF THIS SECTION, "HOUSING ACCOMMODATIONS SUBJECT TO
48 THE RULING OF THE STATE COURT OF APPEALS IN ROBERTS V. TISHMAN SPEYER
49 PROPERTIES, L.P., 13 NY3D 270" SHALL MEAN HOUSING ACCOMMODATIONS IN
50 BUILDINGS THAT WERE SUBJECT TO THE NEW YORK CITY RENT AND REHABILITATION
51 LAW, NEW YORK CITY RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE
52 OR THIS ACT PRIOR TO THE RECEIPT OF BENEFITS PURSUANT TO SECTION 489 OF
53 THE REAL PROPERTY TAX LAW, EXCEPT AS TO (I) THOSE HOUSING ACCOMMODATIONS
54 RENTED AFTER SAID TAX BENEFITS HAD EXPIRED, (II) HOUSING ACCOMMODATIONS
55 RENTING DURING THE TAX BENEFIT PERIOD WHERE EACH LEASE HAD THE REQUISITE
56 DEREGULATION NOTICE OR (III) THOSE HOUSING ACCOMMODATIONS DEREGULATED BY

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

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

10 (1) THE LEGAL REGULATED RENT FOR A HOUSING ACCOMMODATION SUBJECT TO
11 THIS SECTION SHALL BE (I) THE RENT CHARGED AND PAID FOR SUCH HOUSING
12 ACCOMMODATION ON OCTOBER 22, 2005, OR PROVIDED FOR IN THE LEASE IN
13 EFFECT ON SUCH DATE, WHICHEVER IS GREATER, PLUS ALL SUBSEQUENT ADJUST-
14 MENTS AND INCREASES, INCLUDING BUT NOT LIMITED TO INCREASES ATTRIBUTABLE
15 TO VACANCIES, MAJOR CAPITAL IMPROVEMENTS, INDIVIDUAL APARTMENT IMPROVE-
16 MENTS, RENT GUIDELINES BOARD ORDERS, SURCHARGES OR ANY OTHER INCREASES
17 THAT WERE NOT PRECLUDED BY AN ORDER OF THE DIVISION OF HOUSING AND
18 COMMUNITY RENEWAL AS TO OTHER REGULATED HOUSING ACCOMMODATIONS IN THE
19 BUILDING AND THAT WOULD HAVE BEEN PERMITTED NOTWITHSTANDING THE ABSENCE
20 OR OMISSION OF ANY FORM, RIDER, NOTICE, REGISTRATION, APPLICATION OR ANY
21 OTHER DOCUMENT THAT WOULD HAVE BEEN REQUIRED OR OTHERWISE PROVIDED; IF
22 THERE IS NO TENANT OR NO LEASE IN EFFECT ON OCTOBER TWENTY-SECOND, TWO
23 THOUSAND FIVE, THEN THE FIRST RENT CHARGED AND PAID OR PROVIDED FOR IN
24 THE FIRST LEASE IN EFFECT AFTER SAID DATE, WHICHEVER IS GREATER; OR (II)
25 THE LEGAL REGULATED RENT AGREED TO BY THE TENANT PURSUANT TO PARAGRAPH
26 FIVE OF THIS SUBDIVISION; OR (III) SUCH OTHER AMOUNT AS AGREED TO BY THE
27 OWNER AND TENANT IN A WRITING EXECUTED BY THE PARTIES AFTER RECEIPT BY
28 THE TENANT OF THE NOTICE REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVISION
29 AND PAYMENT BY THE OWNER OF THE REFUND AMOUNT, IF ANY, PROVIDED IN SUCH
30 AGREEMENT.

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

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

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

51 (5) THE TENANT SHALL BE OBLIGATED TO RESPOND WITHIN THIRTY-FIVE DAYS
52 OF THE MAILING OF SUCH NOTICE TO THE TENANT. WHERE A TENANT OF A HOUSING
53 ACCOMMODATION SUBJECT TO THE PROVISIONS OF THIS SECTION CONSENTS IN
54 WRITING TO THE LEGAL REGULATED RENT AND REFUND AMOUNT, IF ANY, SET FORTH
55 BY THE OWNER IN THE NOTICE REQUIRED BY PARAGRAPH THREE OF THIS SUBDIVI-
56 SION, 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-eee 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.