

2322

2013-2014 Regular Sessions

I N A S S E M B L Y

January 14, 2013

Introduced by M. of A. KOLB, FITZPATRICK, RAIA, TEDISCO, MONTESANO --  
Multi-Sponsored by -- M. of A. BARCLAY, CROUCH, OAKS, TENNEY -- read  
once and referred to the Committee on Housing

AN ACT to amend the emergency housing rent control law, the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to eliminating rent regulation protections for certain high income tenants; to amend the emergency housing rent control law, the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the deregulation of rent-stabilized housing accommodations upon vacancy and to repeal certain provisions of the emergency housing rent control law, the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four relating to eliminating rent regulation protections for certain high income tenants

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

1 Section 1. Paragraph (n) of subdivision 2 of section 2 of chapter 274  
2 of the laws of 1946 constituting the emergency housing rent control law  
3 is REPEALED.  
4 S 2. Section 2-a of chapter 274 of the laws of 1946, constituting the  
5 emergency housing rent control law, as amended by section 32 of part B  
6 of chapter 97 of the laws of 2011, is amended to read as follows:  
7 S 2-a. (a) 1. For purposes of this section, annual income shall mean  
8 the federal adjusted gross income as reported on the New York state  
9 income tax return. Total annual income means the sum of the annual  
10 incomes of all persons who occupy the housing accommodation as their  
11 primary residence on other than a temporary basis, excluding bona fide  
12 employees of such occupants residing therein in connection with such  
13 employment and excluding bona fide subtenants in occupancy pursuant to

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

LBD05354-03-3

1 the provisions of section two hundred twenty-six-b of the real property  
2 law. In the case where a housing accommodation is sublet, the annual  
3 income of the sublessor shall be considered.

4 2. Deregulation income threshold means total annual income equal to  
5 one hundred seventy-five thousand dollars in each of the two preceding  
6 calendar years for proceedings commenced before July first, two thousand  
7 eleven. For proceedings commenced on or after July first, two thousand  
8 [eleven] TWELVE, the deregulation income threshold means the total annu-  
9 al income equal to [two hundred] ONE HUNDRED TWENTY-FIVE thousand  
10 dollars in each of the two preceding calendar years.

11 [3. Deregulation rent threshold means two thousand dollars for  
12 proceedings commenced prior to July first, two thousand eleven. For  
13 proceedings commenced on or after July first, two thousand eleven, the  
14 deregulation rent threshold means two thousand five hundred dollars.]

15 (b) On or before the first day of May in each calendar year, the owner  
16 of each housing accommodation [for which the maximum monthly rent equals  
17 or exceeds the deregulation rent threshold] may provide the tenant or  
18 tenants residing therein with an income certification form prepared by  
19 the division of housing and community renewal on which such tenant or  
20 tenants shall identify all persons referred to in subdivision (a) of  
21 this section and shall certify whether the total annual income is in  
22 excess of the deregulation income threshold in each of the two preceding  
23 calendar years. Such income certification form shall state that the  
24 income level certified to by the tenant may be subject to verification  
25 by the department of taxation and finance pursuant to section one  
26 hundred seventy-one-b of the tax law and shall not require disclosure of  
27 any income information other than whether the aforementioned threshold  
28 has been exceeded. Such income certification form shall clearly state  
29 that: (i) [only tenants residing in housing accommodations which had a  
30 maximum monthly rent equal to or in excess of the deregulation rent  
31 threshold are required to complete the certification form; (ii) that]  
32 tenants have protections available to them which are designed to prevent  
33 harassment; [(iii) that] AND (II) tenants are not required to provide  
34 any information regarding their income except that which is requested on  
35 the form and may contain such other information the division deems  
36 appropriate. The tenant or tenants shall return the completed certif-  
37 ication to the owner within thirty days after service upon the tenant or  
38 tenants. In the event that the total annual income as certified is in  
39 excess of the deregulation income threshold in each of the two preceding  
40 calendar years, the owner may file the certification with the state  
41 division of housing and community renewal on or before June thirtieth of  
42 such year. Upon filing such certification with the division, the divi-  
43 sion shall, within thirty days after the filing, issue an order of  
44 deregulation providing that such housing accommodations shall not be  
45 subject to the provisions of this law as of the first day of June in the  
46 year next succeeding the filing of the certification by the owner. A  
47 copy of such order shall be mailed by regular and certified mail, return  
48 receipt requested, to the tenant or tenants and a copy thereof shall be  
49 mailed to the owner.

50 (c) 1. In the event that the tenant or tenants either fail to return  
51 the completed certification to the owner on or before the date required  
52 by subdivision (b) of this section or the owner disputes the certif-  
53 ication returned by the tenant or tenants, the owner may, on or before  
54 June thirtieth of such year, petition the state division of housing and  
55 community renewal to verify, pursuant to section one hundred seventy-  
56 one-b of the tax law, whether the total annual income exceeds the dereg-

1 ulation income threshold in each of the two preceding calendar years.  
2 Within twenty days after the filing of such request with the division,  
3 the division shall notify the tenant or tenants that such tenant or  
4 tenants must provide the division with such information as the division  
5 and the department of taxation and finance shall require to verify  
6 whether the total annual income exceeds the deregulation income thresh-  
7 old in each of the two preceding calendar years. The division's notifi-  
8 cation shall require the tenant or tenants to provide the information to  
9 the division within sixty days of service upon such tenant or tenants  
10 and shall include a warning in bold faced type that failure to respond  
11 will result in an order of deregulation being issued by the division for  
12 such housing accommodation.

13 2. If the department of taxation and finance determines that the total  
14 annual income is in excess of the deregulation income threshold in each  
15 of the two preceding calendar years, the division shall, on or before  
16 November fifteenth of such year, notify the owner and tenants of the  
17 results of such verification. Both the owner and the tenants shall have  
18 thirty days within which to comment on such verification results. Within  
19 forty-five days after the expiration of the comment period, the division  
20 shall, where appropriate, issue an order of deregulation providing that  
21 such housing accommodation shall not be subject to the provisions of  
22 this law as of the first day of March in the year next succeeding the  
23 filing of the owner's petition with the division. A copy of such order  
24 shall be mailed by regular and certified mail, return receipt requested,  
25 to the tenant or tenants and a copy thereof shall be sent to the owner.

26 3. In the event the tenant or tenants fail to provide the information  
27 required pursuant to paragraph one of this subdivision, the division  
28 shall issue, on or before December first of such year, an order of  
29 deregulation providing that such housing accommodation shall not be  
30 subject to the provisions of this law as of the first day of March in  
31 the year next succeeding the last day on which the tenant or tenants  
32 were required to provide the information required by such paragraph. A  
33 copy of such order shall be mailed by regular and certified mail, return  
34 receipt requested, to the tenant or tenants and a copy thereof shall be  
35 sent to the owner.

36 4. The provisions of the state freedom of information act shall not  
37 apply to any income information obtained by the division pursuant to  
38 this section.

39 (d) This section shall apply only to paragraph (m) of subdivision two  
40 of section two of this law.

41 (e) Upon receipt of such order of deregulation pursuant to this  
42 section, an owner shall offer the housing accommodation subject to such  
43 order to the tenant at a rent not in excess of the market rent, which  
44 for the purposes of this section means a rent obtainable in an arm's  
45 length transaction. Such rental offer shall be made by the owner in  
46 writing to the tenant by certified and regular mail and shall inform the  
47 tenant that such offer must be accepted in writing within ten days of  
48 receipt. The tenant shall respond within ten days after receipt of such  
49 offer. If the tenant declines the offer or fails to respond within such  
50 period, the owner may commence an action or proceeding for the eviction  
51 of such tenant.

52 S 3. Section 26-403.1 of the administrative code of the city of New  
53 York, as amended by section 34 of part B of chapter 97 of the laws of  
54 2011, is amended to read as follows:

55 S 26-403.1 High income rent deregulation. (a) 1. For purposes of this  
56 section, annual income shall mean the federal adjusted gross income as

1 reported on the New York state income tax return. Total annual income  
2 means the sum of the annual incomes of all persons who occupy the hous-  
3 ing accommodation as their primary residence other than on a temporary  
4 basis, excluding bona fide employees of such occupants residing therein  
5 in connection with such employment and excluding bona fide subtenants in  
6 occupancy pursuant to the provisions of section two hundred twenty-six-b  
7 of the real property law. In the case where a housing accommodation is  
8 sublet, the annual income of the sublessor shall be considered.

9 2. Deregulation income threshold means total annual income equal to  
10 one hundred seventy-five thousand dollars in each of the two preceding  
11 calendar years for proceedings commenced prior to July first, two thou-  
12 sand eleven. For proceedings commenced on or after July first, two thou-  
13 sand [eleven] TWELVE, the deregulation income threshold means the total  
14 annual income equal to [two hundred] ONE HUNDRED TWENTY-FIVE thousand  
15 dollars in each of the two preceding calendar years.

16 [3. Deregulation rent threshold means two thousand dollars for  
17 proceedings commenced before July first, two thousand eleven. For  
18 proceedings commenced on or after July first, two thousand eleven, the  
19 deregulation rent threshold means two thousand five hundred dollars.]

20 (b) On or before the first day of May in each calendar year, the owner  
21 of each housing accommodation [for which the maximum rent equals or  
22 exceeds the deregulation rent threshold] may provide the tenant or  
23 tenants residing therein with an income certification form prepared by  
24 the division of housing and community renewal on which such tenant or  
25 tenants shall identify all persons referred to in subdivision (a) of  
26 this section and shall certify whether the total annual income is in  
27 excess of the deregulation income threshold in each of the two preceding  
28 calendar years. Such income certification form shall state that the  
29 income level certified to by the tenant may be subject to verification  
30 by the department of taxation and finance pursuant to section one  
31 hundred seventy-one-b of the tax law and shall not require disclosure of  
32 any income information other than whether the aforementioned threshold  
33 has been exceeded. Such income certification form shall clearly state  
34 that: (i) [only tenants residing in housing accommodations which have a  
35 maximum monthly rent that equals or exceeds the deregulation rent thres-  
36 hold are required to complete the certification form; (ii) that] tenants  
37 have protections available to them which are designed to prevent harass-  
38 ment; [(iii) that] AND (II) tenants are not required to provide any  
39 information regarding their income except that which is requested on the  
40 form and may contain such other information the division deems appropri-  
41 ate. The tenant or tenants shall return the completed certification to  
42 the owner within thirty days after service upon the tenant or tenants.  
43 In the event that the total annual income as certified is in excess of  
44 the deregulation income threshold in each of the two preceding calendar  
45 years, the owner may file the certification with the state division of  
46 housing and community renewal on or before June thirtieth of such year.  
47 Upon filing such certification with the division, the division shall,  
48 within thirty days after the filing, issue an order of deregulation  
49 providing that such housing accommodations shall not be subject to the  
50 provisions of this law as of the first day of June in the year next  
51 succeeding the filing of the certification by the owner. A copy of such  
52 order shall be mailed by regular and certified mail, return receipt  
53 requested, to the tenant or tenants and a copy thereof shall be mailed  
54 to the owner.

55 (c) 1. In the event that the tenant or tenants either fail to return  
56 the completed certification to the owner on or before the date required

1 by subdivision (b) of this section or the owner disputes the certifi-  
2 cation returned by the tenant or tenants, the owner may, on or before  
3 June thirtieth of such year, petition the state division of housing and  
4 community renewal to verify, pursuant to section one hundred seventy-  
5 one-b of the tax law, whether the total annual income exceeds the dereg-  
6 ulation income threshold in each of the two preceding calendar years.  
7 Within twenty days after the filing of such request with the division,  
8 the division shall notify the tenant or tenants that such tenant or  
9 tenants must provide the division with such information as the division  
10 and the department of taxation and finance shall require to verify  
11 whether the total annual income exceeds the deregulation income thresh-  
12 old in each of the two preceding calendar years. The division's notifi-  
13 cation shall require the tenant or tenants to provide the information to  
14 the division within sixty days of service upon such tenant or tenants  
15 and shall include a warning in bold faced type that failure to respond  
16 will result in an order of deregulation being issued by the division for  
17 such housing accommodation.

18 2. If the department of taxation and finance determines that the total  
19 annual income is in excess of the deregulation income threshold in each  
20 of the two preceding calendar years, the division shall, on or before  
21 November fifteenth of such year, notify the owner and tenants of the  
22 results of such verification. Both the owner and the tenants shall have  
23 thirty days within which to comment on such verification results. Within  
24 forty-five days after the expiration of the comment period, the division  
25 shall, where appropriate, issue an order of deregulation providing that  
26 such housing accommodation shall not be subject to the provisions of  
27 this law as of the first day of March in the year next succeeding the  
28 filing of the owner's petition with the division. A copy of such order  
29 shall be mailed by regular and certified mail, return receipt requested,  
30 to the tenant or tenants and a copy thereof shall be sent to the owner.

31 3. In the event the tenant or tenants fail to provide the information  
32 required pursuant to paragraph one of this subdivision, the division  
33 shall issue, on or before December first of such year, an order of  
34 deregulation providing that such housing accommodation shall not be  
35 subject to the provisions of this law as of the first day of March in  
36 the year next succeeding the last day on which the tenant or tenants  
37 were required to provide the information required by such paragraph. A  
38 copy of such order shall be mailed by regular and certified mail, return  
39 receipt requested, to the tenant or tenants and a copy thereof shall be  
40 sent to the owner.

41 4. The provisions of the state freedom of information act shall not  
42 apply to any income information obtained by the division pursuant to  
43 this section.

44 (d) This section shall apply only to subparagraph (j) of paragraph two  
45 of subdivision e of section 26-403 of this chapter.

46 (e) Upon receipt of such order of deregulation pursuant to this  
47 section, an owner shall offer the housing accommodation subject to such  
48 order to the tenant at a rent not in excess of the market rent, which  
49 for the purposes of this section means a rent obtainable in an arm's  
50 length transaction. Such rental offer shall be made by the owner in  
51 writing to the tenant by certified and regular mail and shall inform the  
52 tenant that such offer must be accepted in writing within ten days of  
53 receipt. The tenant shall respond within ten days after receipt of such  
54 offer. If the tenant declines the offer or fails to respond within such  
55 period, the owner may commence an action or proceeding for the eviction  
56 of such tenant.

1 S 4. Subparagraph (k) of paragraph 2 of subdivision e of section  
2 26-403 of the administrative code of the city of New York is REPEALED.

3 S 5. Section 26-504.1 of the administrative code of the city of New  
4 York, as amended by section 35 of part B of chapter 97 of the laws of  
5 2011, is amended to read as follows:

6 S 26-504.1 Exclusion of accommodations of high income renters. Upon  
7 the issuance of an order by the division, "housing accommodations" shall  
8 not include housing accommodations which[: (1)] are occupied by persons  
9 who have a total annual income, as defined in and subject to the limita-  
10 tions and process set forth in section 26-504.3 of this chapter, in  
11 excess of the deregulation income threshold, as defined in section  
12 26-504.3 of this chapter, for each of the two preceding calendar years[;  
13 and (2) have a legal regulated monthly rent that equals or exceeds the  
14 deregulation rent threshold, as defined in section 26-504.3 of this  
15 chapter]. Provided, however, that this exclusion shall not apply to  
16 housing accommodations which became or become subject to this law (a) by  
17 virtue of receiving tax benefits pursuant to section four hundred twen-  
18 ty-one-a or four hundred eighty-nine of the real property tax law,  
19 except as otherwise provided in subparagraph (i) of paragraph (f) of  
20 subdivision two of section four hundred twenty-one-a of the real proper-  
21 ty tax law, or (b) by virtue of article seven-C of the multiple dwelling  
22 law.

23 S 6. Section 26-504.2 of the administrative code of the city of New  
24 York is REPEALED.

25 S 7. Section 26-504.3 of the administrative code of the city of New  
26 York, as amended by section 36 of part B of chapter 97 of the laws of  
27 2011, is amended to read as follows:

28 S 26-504.3 High income rent deregulation. (a) 1. For purposes of this  
29 section, annual income shall mean the federal adjusted gross income as  
30 reported on the New York state income tax return. Total annual income  
31 means the sum of the annual incomes of all persons whose names are  
32 recited as the tenant or co-tenant on a lease who occupy the housing  
33 accommodation and all other persons that occupy the housing accommo-  
34 dation as their primary residence on other than a temporary basis,  
35 excluding bona fide employees of such occupants residing therein in  
36 connection with such employment and excluding bona fide subtenants in  
37 occupancy pursuant to the provisions of section two hundred twenty-six-b  
38 of the real property law. In the case where a housing accommodation is  
39 sublet, the annual income of the tenant or co-tenant recited on the  
40 lease who will reoccupy the housing accommodation upon the expiration of  
41 the sublease shall be considered.

42 2. Deregulation income threshold means total annual income equal to  
43 one hundred seventy-five thousand dollars in each of the two preceding  
44 calendar years for proceedings commenced before July first, two thousand  
45 eleven. For proceedings commenced on or after July first, two thousand  
46 [eleven] TWELVE, the deregulation income threshold means the total annu-  
47 al income equal to [two hundred] ONE HUNDRED TWENTY-FIVE thousand  
48 dollars in each of the two preceding calendar years.

49 [3. Deregulation rent threshold means two thousand dollars for  
50 proceedings commenced before July first, two thousand eleven. For  
51 proceedings commenced on or after July first, two thousand eleven, the  
52 deregulation rent threshold means two thousand five hundred dollars.]

53 (b) On or before the first day of May in each calendar year, the owner  
54 of each housing accommodation [for which the legal regulated rent equals  
55 or exceeds the deregulation rent threshold] may provide the tenant or  
56 tenants residing therein with an income certification form prepared by

1 the division of housing and community renewal on which such tenant or  
2 tenants shall identify all persons referred to in subdivision (a) of  
3 this section and shall certify whether the total annual income is in  
4 excess of the deregulation income threshold in each of the two preceding  
5 calendar years. Such income certification form shall state that the  
6 income level certified to by the tenant may be subject to verification  
7 by the department of taxation and finance pursuant to section one  
8 hundred seventy-one-b of the tax law and shall not require disclosure of  
9 any income information other than whether the aforementioned threshold  
10 has been exceeded. Such income certification form shall clearly state  
11 that: (i) [only tenants residing in housing accommodations which have a  
12 legal regulated monthly rent, that equals or exceeds the deregulation  
13 rent threshold are required to complete the certification form; (ii)  
14 that] tenants have protections available to them which are designed to  
15 prevent harassment; [(iii) that] AND (II) tenants are not required to  
16 provide any information regarding their income except that which is  
17 requested on the form and may contain such other information the divi-  
18 sion deems appropriate. The tenant or tenants shall return the completed  
19 certification to the owner within thirty days after service upon the  
20 tenant or tenants. In the event that the total annual income as certi-  
21 fied is in excess of the deregulation income threshold in each of the  
22 two preceding calendar years, the owner may file the certification with  
23 the state division of housing and community renewal on or before June  
24 thirtieth of such year. Upon filing such certification with the divi-  
25 sion, the division shall, within thirty days after the filing, issue an  
26 order providing that such housing accommodation shall not be subject to  
27 the provisions of this act upon the expiration of the existing lease. A  
28 copy of such order shall be mailed by regular and certified mail, return  
29 receipt requested, to the tenant or tenants and a copy thereof shall be  
30 mailed to the owner.

31 (c) 1. In the event that the tenant or tenants either fail to return  
32 the completed certification to the owner on or before the date required  
33 by subdivision (b) of this section or the owner disputes the certifi-  
34 cation returned by the tenant or tenants, the owner may, on or before  
35 June thirtieth of such year, petition the state division of housing and  
36 community renewal to verify, pursuant to section one hundred seventy-  
37 one-b of the tax law, whether the total annual income exceeds the dereg-  
38 ulation income threshold in each of the two preceding calendar years.  
39 Within twenty days after the filing of such request with the division,  
40 the division shall notify the tenant or tenants named on the lease that  
41 such tenant or tenants must provide the division with such information  
42 as the division and the department of taxation and finance shall require  
43 to verify whether the total annual income exceeds the deregulation  
44 income threshold in each of the two preceding calendar years. The divi-  
45 sion's notification shall require the tenant or tenants to provide the  
46 information to the division within sixty days of service upon such  
47 tenant or tenants and shall include a warning in bold faced type that  
48 failure to respond will result in an order being issued by the division  
49 providing that such housing accommodation shall not be subject to the  
50 provisions of this law.

51 2. If the department of taxation and finance determines that the total  
52 annual income is in excess of the deregulation income threshold in each  
53 of the two preceding calendar years, the division shall, on or before  
54 November fifteenth of such year, notify the owner and tenants of the  
55 results of such verification. Both the owner and the tenants shall have  
56 thirty days within which to comment on such verification results. Within

1 forty-five days after the expiration of the comment period, the division  
2 shall, where appropriate, issue an order providing that such housing  
3 accommodation shall not be subject to the provisions of this law upon  
4 the expiration of the existing lease. A copy of such order shall be  
5 mailed by regular and certified mail, return receipt requested, to the  
6 tenant or tenants and a copy thereof shall be sent to the owner.

7 3. In the event the tenant or tenants fail to provide the information  
8 required pursuant to paragraph one of this subdivision, the division  
9 shall issue, on or before December first of such year, an order provid-  
10 ing that such housing accommodation shall not be subject to the  
11 provisions of this law upon the expiration of the current lease. A copy  
12 of such order shall be mailed by regular and certified mail, return  
13 receipt requested, to the tenant or tenants and a copy thereof shall be  
14 sent to the owner.

15 4. The provisions of the state freedom of information act shall not  
16 apply to any income information obtained by the division pursuant to  
17 this section.

18 (d) This section shall apply only to section 26-504.1 of this chapter.

19 (e) Upon receipt of such order of deregulation pursuant to this  
20 section, an owner shall offer the housing accommodation subject to such  
21 order to the tenant at a rent not in excess of the market rent, which  
22 for the purposes of this section means a rent obtainable in an arm's  
23 length transaction. Such rental offer shall be made by the owner in  
24 writing to the tenant by certified and regular mail and shall inform the  
25 tenant that such offer must be accepted in writing within ten days of  
26 receipt. The tenant shall respond within ten days after receipt of such  
27 offer. If the tenant declines the offer or fails to respond within such  
28 period, the owner may commence an action or proceeding for the eviction  
29 of such tenant.

30 S 8. Paragraph 13 of subdivision a of section 5 of section 4 of chap-  
31 ter 576 of the laws of 1974 constituting the emergency tenant protection  
32 act of nineteen seventy-four is REPEALED.

33 S 9. Section 5-a of section 4 of chapter 576 of the laws of 1974,  
34 constituting the emergency tenant protection act of nineteen seventy-  
35 four, as amended by section 30 of part B of chapter 97 of the laws of  
36 2011, is amended to read as follows:

37 S 5-a. High income rent deregulation. (a) 1. For purposes of this  
38 section, annual income shall mean the federal adjusted gross income as  
39 reported on the New York state income tax return. Total annual income  
40 means the sum of the annual incomes of all persons whose names are  
41 recited as the tenant or co-tenant on a lease who occupy the housing  
42 accommodation and all other persons that occupy the housing accommo-  
43 dation as their primary residence on other than a temporary basis,  
44 excluding bona fide employees of such occupants residing therein in  
45 connection with such employment and excluding bona fide subtenants in  
46 occupancy pursuant to the provisions of section two hundred twenty-six-b  
47 of the real property law. In the case where a housing accommodation is  
48 sublet, the annual income of the tenant or co-tenant recited on the  
49 lease who will reoccupy the housing accommodation upon the expiration of  
50 the sublease shall be considered.

51 2. Deregulation income threshold means total annual income equal to  
52 one hundred seventy-five thousand dollars in each of the two preceding  
53 calendar years for proceedings commenced before July first, two thousand  
54 eleven. For proceedings commenced on or after July first, two thousand  
55 [eleven] TWELVE, the deregulation income threshold means the total annu-

1 al income equal to [two hundred] ONE HUNDRED TWENTY-FIVE thousand  
2 dollars in each of the two preceding calendar years.

3 [3. Deregulation rent threshold means two thousand dollars for  
4 proceedings commenced before July first, two thousand eleven. For  
5 proceedings commenced on or after July first, two thousand eleven, the  
6 deregulation rent threshold means two thousand five hundred dollars.]

7 (b) On or before the first day of May in each calendar year, the owner  
8 of each housing accommodation [for which the legal regulated monthly  
9 rent equals or exceeds the deregulation rent threshold] may provide the  
10 tenant or tenants residing therein with an income certification form  
11 prepared by the division of housing and community renewal on which such  
12 tenant or tenants shall identify all persons referred to in subdivision  
13 (a) of this section and shall certify whether the total annual income is  
14 in excess of the deregulation income threshold in each of the two  
15 preceding calendar years. Such income certification form shall state  
16 that the income level certified to by the tenant may be subject to  
17 verification by the department of taxation and finance pursuant to  
18 section one hundred seventy-one-b of the tax law, and shall not require  
19 disclosure of any information other than whether the aforementioned  
20 threshold has been exceeded. Such income certification form shall clear-  
21 ly state that: (i) [only tenants residing in housing accommodations  
22 which had a legal regulated monthly rent that equals or exceeds the  
23 deregulation rent threshold are required to complete the certification  
24 form; (ii) that] tenants have protections available to them which are  
25 designed to prevent harassment; [(iii) that] AND (II) tenants are not  
26 required to provide any information regarding their income except that  
27 which is requested on the form and may contain such other information  
28 the division deems appropriate. The tenant or tenants shall return the  
29 completed certification to the owner within thirty days after service  
30 upon the tenant or tenants. In the event that the total annual income as  
31 certified is in excess of the deregulation income threshold in each of  
32 the two preceding calendar years, the owner may file the certification  
33 with the state division of housing and community renewal on or before  
34 June thirtieth of such year. Upon filing such certification with the  
35 division, the division shall, within thirty days after the filing, issue  
36 an order providing that such housing accommodation shall not be subject  
37 to the provisions of this act upon the expiration of the existing lease.  
38 A copy of such order shall be mailed by regular and certified mail,  
39 return receipt requested, to the tenant or tenants and a copy thereof  
40 shall be mailed to the owner.

41 (c) 1. In the event that the tenant or tenants either fail to return  
42 the completed certification to the owner on or before the date required  
43 by subdivision (b) of this section or the owner disputes the certifi-  
44 cation returned by the tenant or tenants, the owner may, on or before  
45 June thirtieth of such year, petition the state division of housing and  
46 community renewal to verify, pursuant to section one hundred seventy-  
47 one-b of the tax law, whether the total annual income exceeds the dereg-  
48 ulation income threshold in each of the two preceding calendar years.  
49 Within twenty days after the filing of such request with the division,  
50 the division shall notify the tenant or tenants that such tenant or  
51 tenants named on the lease must provide the division with such informa-  
52 tion as the division and the department of taxation and finance shall  
53 require to verify whether the total annual income exceeds the dereg-  
54 ulation income threshold in each of the two preceding calendar years. The  
55 division's notification shall require the tenant or tenants to provide  
56 the information to the division within sixty days of service upon such

1 tenant or tenants and shall include a warning in bold faced type that  
2 failure to respond will result in an order being issued by the division  
3 providing that such housing accommodations shall not be subject to the  
4 provisions of this act.

5 2. If the department of taxation and finance determines that the total  
6 annual income is in excess of the deregulation income threshold in each  
7 of the two preceding calendar years, the division shall, on or before  
8 November fifteenth of such year, notify the owner and tenants of the  
9 results of such verification. Both the owner and the tenants shall have  
10 thirty days within which to comment on such verification results. Within  
11 forty-five days after the expiration of the comment period, the division  
12 shall, where appropriate, issue an order providing that such housing  
13 accommodation shall not be subject to the provisions of this act upon  
14 expiration of the existing lease. A copy of such order shall be mailed  
15 by regular and certified mail, return receipt requested, to the tenant  
16 or tenants and a copy thereof shall be sent to the owner.

17 3. In the event the tenant or tenants fail to provide the information  
18 required pursuant to paragraph one of this subdivision, the division  
19 shall issue, on or before December first of such year, an order provid-  
20 ing that such housing accommodation shall not be subject to the  
21 provisions of this act upon the expiration of the current lease. A copy  
22 of such order shall be mailed by regular and certified mail, return  
23 receipt requested, to the tenant or tenants and a copy thereof shall be  
24 sent to the owner.

25 4. The provisions of the state freedom of information act shall not  
26 apply to any income information obtained by the division pursuant to  
27 this section.

28 (d) This section shall apply only to paragraph twelve of subdivision a  
29 of section five of this act.

30 (e) Upon receipt of such order of deregulation pursuant to this  
31 section, an owner shall offer the housing accommodation subject to such  
32 order to the tenant at a rent not in excess of the market rent, which  
33 for the purposes of this section means a rent obtainable in an arm's  
34 length transaction. Such rental offer shall be made by the owner in  
35 writing to the tenant by certified and regular mail and shall inform the  
36 tenant that such offer must be accepted in writing within ten days of  
37 receipt. The tenant shall respond within ten days after receipt of such  
38 offer. If the tenant declines the offer or fails to respond within such  
39 period, the owner may commence an action or proceeding for the eviction  
40 of such tenant.

41 S 10. Paragraph (i) of subdivision 2 of section 2 of chapter 274 of  
42 the laws of 1946, constituting the emergency housing rent control law,  
43 as amended by chapter 576 of the laws of 1974, is amended to read as  
44 follows:

45 (i) housing accommodations which become vacant ON AND AFTER JUNE  
46 SIXTEENTH, TWO THOUSAND THIRTEEN, provided, however, that this exemption  
47 shall not apply or become effective where the commission determines or  
48 finds that the housing accommodations became vacant because the landlord  
49 or any person acting on his behalf, with intent to cause the tenant to  
50 vacate, engaged in any course of conduct (including, but not limited to,  
51 interruption or discontinuance of essential services) which interfered  
52 with or disturbed or was intended to interfere with or disturb the  
53 comfort, repose, peace or quiet of the tenant in his use or occupancy of  
54 the housing accommodations; [and further provided that housing accommo-  
55 dations as to which a housing emergency has been declared pursuant to  
56 the emergency tenant protection act of nineteen seventy-four shall be

1 subject to the provisions of such act for the duration of such emergen-  
2 cy;] or

3 S 11. The second undesignated paragraph of subdivision 5 of section 1  
4 of chapter 21 of the laws of 1962, constituting the local emergency  
5 housing rent control act, as amended by chapter 82 of the laws of 2003,  
6 is amended to read as follows:

7 Notwithstanding any local law or ordinance, housing accommodations  
8 which [became] BECOME vacant on or after [July first, nineteen hundred  
9 seventy-one or which hereafter become vacant] JUNE SIXTEENTH, TWO THOU-  
10 SAND THIRTEEN shall be [subject to the provisions of the emergency  
11 tenant protection act of nineteen seventy-four] EXEMPT FROM REGULATION  
12 AND CONTROL, provided, however, that this [provision] EXEMPTION shall  
13 not apply or become effective with respect to housing accommodations  
14 which, by local law or ordinance, are made directly subject to regu-  
15 lation and control by a city housing rent agency and such agency deter-  
16 mines or finds that the housing accommodations became vacant because the  
17 landlord or any person acting on his behalf, with intent to cause the  
18 tenant to vacate, engaged in any course of conduct (including but not  
19 limited to, interruption or discontinuance of essential services) which  
20 interfered with or disturbed or was intended to interfere with or  
21 disturb the comfort, repose, peace or quiet of the tenant in his use or  
22 occupancy of the housing accommodations. The removal of any housing  
23 accommodation from regulation and control of rents pursuant to the  
24 vacancy exemption provided for in this paragraph shall not constitute or  
25 operate as a ground for the subjection to more stringent regulation and  
26 control of any housing accommodation in such property or in any other  
27 property owned by the same landlord, notwithstanding any prior agreement  
28 to the contrary by the landlord. The vacancy exemption provided for in  
29 this paragraph shall not arise with respect to any rented plot or parcel  
30 of land otherwise subject to the provisions of this act, by reason of a  
31 transfer of title and possession occurring on or after July first, nine-  
32 teen hundred seventy-one of a dwelling located on such plot or parcel  
33 and owned by the tenant where such transfer of title and possession is  
34 made to a member of the tenant's immediate family provided that the  
35 member of the tenant's immediate family occupies the dwelling with the  
36 tenant prior to the transfer of title and possession for a continuous  
37 period of two years.

38 S 12. Paragraph (h) of subdivision 10 of section 1 of chapter 21 of  
39 the laws of 1962, constituting the local emergency housing rent control  
40 act, as amended by chapter 576 of the laws of 1974, is amended to read  
41 as follows:

42 (h) Any tenant who has vacated his housing accommodations because the  
43 landlord or any person acting on his behalf, with intent to cause the  
44 tenant to vacate, engaged in any course of conduct (including but not  
45 limited to, interruption or discontinuance of essential services) which  
46 interfered with or disturbed or was intended to interfere with or  
47 disturb the comfort, repose, peace or quiet of the tenant in his use or  
48 occupancy of the housing accommodations may, within ninety days after  
49 vacating, apply for a determination that the housing accommodations were  
50 vacated as a result of such conduct, and may, within one year after such  
51 determination, institute a civil action against the landlord by reason  
52 of such conduct. Application for such determination may be made to the  
53 [city housing rent agency with respect to housing accommodations which,  
54 by local law or ordinance, are made directly subject to regulation and  
55 control by such agency. For all other housing accommodadations subject  
56 to regulation and control pursuant to the New York city rent stabiliza-

1 tion law of nineteen hundred sixty-nine, application for such determi-  
2 nation may be made to the New York city conciliation and appeals board.  
3 For the purpose of making and enforcing any determination of the New  
4 York city conciliation and appeals board as herein provided, the  
5 provisions of sections seven, eight and ten, whenever they refer to the  
6 city housing rent agency, shall be deemed to refer to such board] STATE  
7 DIVISION OF HOUSING AND COMMUNITY RENEWAL. In such action the landlord  
8 shall be liable to the tenant for three times the damages sustained on  
9 account of such conduct plus reasonable attorney's fees and costs as  
10 determined by the court. In addition to any other damages the cost of  
11 removal of property shall be a lawful measure of damages.

12 S 13. Subdivision a of section 5 of section 4 of chapter 576 of the  
13 laws of 1974, constituting the emergency tenant protection act of nine-  
14 teen seventy-four, is amended by adding a new paragraph 3-a to read as  
15 follows:

16 (3-A) HOUSING ACCOMMODATIONS WHICH BECOME VACANT ON OR AFTER JUNE  
17 SIXTEENTH, TWO THOUSAND THIRTEEN, PROVIDED, HOWEVER, THAT THIS EXCEPTION  
18 SHALL NOT APPLY TO OR BECOME EFFECTIVE WITH RESPECT TO HOUSING ACCOMMO-  
19 DATIONS WHICH THE COMMISSIONER DETERMINES OR FINDS BECAME VACANT BECAUSE  
20 THE LANDLORD OR ANY PERSON ACTING ON HIS OR HER BEHALF, WITH INTENT TO  
21 CAUSE THE TENANT TO VACATE, ENGAGED IN ANY COURSE OF CONDUCT (INCLUDING,  
22 BUT NOT LIMITED TO, INTERRUPTION OR DISCONTINUANCE OF REQUIRED SERVICES)  
23 WHICH INTERFERED WITH OR DISTURBED OR WAS INTENDED TO INTERFERE IN HIS  
24 OR HER USE OR OCCUPANCY OF THE HOUSING ACCOMMODATIONS.

25 S 14. Section 26-504 of the administrative code of the city of New  
26 York is amended by adding a new subdivision d to read as follows:

27 D. NOTWITHSTANDING ANY OF THE PROVISIONS OF THIS SECTION OR TITLE OR  
28 ANY OTHER PROVISIONS OF LAW, THIS LAW SHALL NOT APPLY TO ANY HOUSING  
29 ACCOMMODATION WHICH BECOMES VACANT ON OR AFTER JUNE SIXTEENTH, TWO THOU-  
30 SAND THIRTEEN PROVIDED, HOWEVER, THAT THIS EXCEPTION SHALL NOT APPLY TO  
31 OR BECOME EFFECTIVE WITH RESPECT TO HOUSING ACCOMMODATIONS WHICH THE  
32 COMMISSIONER DETERMINES OR FINDS BECAME VACANT BECAUSE THE LANDLORD OR  
33 ANY PERSON ACTING ON HIS OR HER BEHALF, WITH INTENT TO CAUSE THE TENANT  
34 TO VACATE, ENGAGED IN ANY COURSE OF CONDUCT (INCLUDING BUT NOT LIMITED  
35 TO, INTERRUPTION OR DISCONTINUANCE OF REQUIRED SERVICES) WHICH INTERFER-  
36 ED WITH OR DISTURBED OR WAS INTENDED TO INTERFERE WITH OR DISTURB THE  
37 COMFORT, REPOSE, PEACE OR QUIET OF THE TENANT IN HIS OR HER USE OR OCCU-  
38 PANCY OF THE HOUSING ACCOMMODATIONS.

39 S 15. This act shall take effect immediately; provided that the amend-  
40 ments to section 26-403.1 of the city rent and rehabilitation law made  
41 by section three of this act shall remain in full force and effect only  
42 as long as the public emergency requiring the regulation and control of  
43 residential rents and evictions continues, as provided in subdivision 3  
44 of section 1 of the local emergency housing rent control act; and  
45 provided that the amendments to sections 26-504.1, 26-504.3, and 26-504  
46 of chapter 4 of title 26 of the administrative code of the city of New  
47 York made by sections five, seven and fourteen of this act respectively,  
48 shall expire on the same date as such law expires and shall not affect  
49 the expiration of such law as provided under section 26-520 of such law;  
50 and provided that the amendments to sections 5-a and 5 of the emergency  
51 tenant protection act of nineteen seventy-four made by sections nine and  
52 thirteen of this act, respectively, shall expire on the same date as  
53 such act expires and shall not affect the expiration of such act as  
54 provided in section 17 of chapter 576 of the laws of 1974; and provided  
55 that the amendments to sections 2-a and 2 of the emergency housing rent  
56 control law made by sections two and ten of this act, respectively,

1 shall expire on the same date as such law expires and shall not affect  
2 the expiration of such law as provided in subdivision 2 of section 1 of  
3 chapter 274 of the laws of 1946; and provided that the amendments to the  
4 local emergency housing rent control act made by section eleven of this  
5 act shall remain in full force and effect only so long as the public  
6 emergency requiring the regulation and control of residential rents and  
7 evictions continues, as provided in subdivision 3 of section 1 of the  
8 local emergency housing rent control act; and provided further that the  
9 amendments to paragraph (h) of subdivision 10 of section 1 of the local  
10 emergency housing rent control act made by section twelve of this act  
11 shall not affect the expiration of certain provisions of such paragraph  
12 (h) made by section 3 of chapter 576 of the laws of 1974 and shall  
13 expire when such chapter 576 of the laws of 1974 expires.