

6568

2013-2014 Regular Sessions

I N A S S E M B L Y

April 10, 2013

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Housing

AN ACT to amend the private housing finance law, in relation to notification of tenants of pending "buy out" from mortgages by Mitchell-Lama building owners

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

- 1 Section 1. Section 35 of the private housing finance law is amended by
2 adding three new subdivisions 5, 6 and 7 to read as follows:
3 5. (A) ANY COMPANY WHICH INTENDS TO DISSOLVE OR OTHERWISE TAKE ANY
4 ACTION WHICH WOULD CAUSE THE COMPANY TO NO LONGER BE SUBJECT TO SUPER-
5 VISION OF THE COMMISSIONER OR THE SUPERVISING AGENCY SHALL PROVIDE TO
6 EVERY PERSON THAT CURRENTLY HAS A LEASE FOR HOUSING IN THE PROJECT OF
7 SUCH COMPANY, NOTICE NOT LESS THAN TWELVE MONTHS PRIOR TO THE ANTIC-
8 IPATED DATE OF SUCH ACTION CONTAINING THE FOLLOWING INFORMATION IN PLAIN
9 LANGUAGE:
10 (I) THE NATURE OF THE ACTION WHICH THE COMPANY INTENDS TO TAKE;
11 (II) THE DATE ON WHICH SUCH ACTION IS ANTICIPATED TO TAKE PLACE;
12 (III) THE PROVISIONS OF LAW OR REGULATION PURSUANT TO WHICH SUCH
13 ACTION IS AUTHORIZED; AND
14 (IV) A SUMMARY OF THE POTENTIAL CONSEQUENCES OF SUCH ACTION, INCLUD-
15 ING, BUT NOT LIMITED TO, ITS EFFECT ON THE FOLLOWING:
16 (1) OWNERSHIP OF THE PROJECT;
17 (2) SUPERVISION OF THE PROJECT;
18 (3) EXPENSES OF THE PROJECT, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO
19 TAXES AND OTHER MUNICIPAL CHARGES;
20 (4) RENTS; AND
21 (5) ANY GOVERNMENTAL APPROVALS OR AUTHORIZATION, IF ANY, NECESSARY FOR
22 SUCH ACTION TO OCCUR, INCLUDING INFORMATION SETTING FORTH THE GOVERN-
23 MENTAL BODY THAT WOULD NEED TO ISSUE SUCH APPROVAL OR AUTHORIZATION AND
24 THE DATES BY WHICH SUCH APPROVAL OR AUTHORIZATION WOULD BE REQUIRED.

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

LBD10207-01-3

1 (B) ANY CITY, TOWN OR VILLAGE MAY ENACT LOCAL LAWS, ORDINANCES, RESOL-
2 UTIONS OR REGULATIONS PROVIDED THAT SUCH ENACTMENTS ARE MORE STRINGENT
3 OR RESTRICTIVE THAN THOSE PROVIDED IN THIS SUBDIVISION.

4 (C) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT DIMINISH THE REQUIRE-
5 MENTS OF ANY OTHER LAW WHICH MAY APPLY TO SUCH ACTION.

6 6. WITHIN THREE MONTHS OF RECEIPT OF A NOTICE OF INTENT TO BUY OUT AS
7 PROVIDED IN SUBDIVISION FIVE OF THIS SECTION, THE COMMISSIONER OR SUPER-
8 VISING AGENCY SHALL PREPARE AND MAKE AVAILABLE TO ALL TENANTS OF THE
9 PROJECT AND TO THEIR DESIGNATED REPRESENTATIVE A REPORT WHICH PROVIDES
10 THE FOLLOWING INFORMATION RELATING TO THE TENANTS OF THE PROJECT. THE
11 INFORMATION SHALL BE PRESENTED IN AN EASILY UNDERSTANDABLE SUMMARY
12 FORMAT AND SHALL BE BROKEN DOWN ACCORDING TO HOUSEHOLD PROBABLE AGGRE-
13 GATE ANNUAL INCOME IN FIVE THOUSAND DOLLAR INTERVALS (E.G. \$0 - \$4,999:
14 \$5,000 - \$9,999: ETC.) AND SHALL INCLUDE:

15 (A) THE TOTAL NUMBER OF DWELLINGS AND TENANTS IN EACH INCOME RANGE;

16 (B) THE NUMBER OF DWELLINGS IN EACH INCOME RANGE OCCUPIED BY A TENANT
17 OR TENANTS WHO ARE SIXTY-TWO YEARS OF AGE OR OLDER AND THE NUMBER OF
18 SUCH TENANTS;

19 (C) THE NUMBER OF DWELLINGS IN EACH INCOME RANGE OCCUPIED BY A TENANT
20 OR TENANTS WHO RECEIVE ANY FORM OF RENTAL ASSISTANCE, THE TYPE OF
21 ASSISTANCE AND NUMBER OF TENANTS RECEIVING SUCH ASSISTANCE; AND

22 (D) THE NUMBER OF DWELLINGS IN EACH INCOME RANGE OCCUPIED BY A TENANT
23 OR TENANTS WHO HAVE AN IMPAIRMENT WHICH RESULTS FROM ANATOMICAL, PHYSIO-
24 LOGICAL OR PSYCHOLOGICAL CONDITIONS, OTHER THAN ADDICTION TO ALCOHOL,
25 GAMBLING OR ANY CONTROLLED SUBSTANCE, WHICH ARE DEMONSTRABLE BY
26 MEDICALLY ACCEPTABLE CLINICAL AND LABORATORY DIAGNOSTIC TECHNIQUES, AND
27 WHICH ARE EXPECTED TO BE PERMANENT AND WHICH PREVENT THE TENANT FROM
28 ENGAGING IN ANY SUBSTANTIAL GAINFUL EMPLOYMENT AND THE NUMBER OF SUCH
29 TENANTS.

30 7. ANY COMPANY THAT SERVES A NOTICE PURSUANT TO SUBDIVISION FIVE OF
31 THIS SECTION SHALL PROVIDE THE COMMISSIONER OR SUPERVISING AGENCY WITH
32 ALL AVAILABLE INFORMATION TO ENABLE THE COMMISSIONER OR SUPERVISING
33 AGENCY TO PREPARE THE FOREGOING REPORT. SUCH INFORMATION SHALL BE
34 ANNEXED TO THE NOTICE SERVED UPON THE COMMISSIONER OR SUPERVISING AGEN-
35 CY. A NOTICE SHALL NOT BE DEEMED EFFECTIVE IF IT DOES NOT INCLUDE THE
36 AVAILABLE REQUIRED INFORMATION.

37 S 2. This act shall take effect on the ninetieth day after it shall
38 have become a law.