

2104

2013-2014 Regular Sessions

I N   S E N A T E

January 10, 2013

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Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the emergency housing rent control law, the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to income certification forms

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

1     Section 1. Subdivision (b) of section 2-a of chapter 274 of the laws  
2     of 1946, constituting the emergency housing rent control law, as amended  
3     by section 32 of part B of chapter 97 of the laws of 2011, is amended to  
4     read as follows:  
5     (b) On or before the first day of May in each calendar year, the owner  
6     of each housing accommodation for which the maximum monthly rent equals  
7     or exceeds the deregulation rent threshold may provide the tenant or  
8     tenants residing therein with an income certification form prepared by  
9     the division of housing and community renewal on which such tenant or  
10    tenants shall identify all persons referred to in subdivision (a) of  
11    this section and shall certify whether the total annual income is in  
12    excess of the deregulation income threshold in each of the two preceding  
13    calendar years. SUCH INCOME CERTIFICATION FORM SHALL NOT APPEAR ON THE  
14    OFFICIAL LETTERHEAD OF THE STATE OR OF ANY AGENCY, DEPARTMENT, DIVISION,  
15    BUREAU, BOARD, COMMISSION, COUNCIL OR AUTHORITY THEREOF OR OTHERWISE  
16    CONVEY THE IMPRESSION THAT THE OWNER OF THE SUBJECT HOUSING ACCOMMO-  
17    DATION WHO UTILIZES SUCH FORM IS VOUCHERED FOR OR IS AN INSTRUMENTALITY OF  
18    THE STATE. Such income certification form shall state that the income  
19    level certified to by the tenant may be subject to verification by the  
20    department of taxation and finance pursuant to section one hundred  
21    seventy-one-b of the tax law and shall not require disclosure of any  
22    income information other than whether the aforementioned threshold has

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

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1 been exceeded. Such income certification form shall clearly state that:  
2 (i) only tenants residing in housing accommodations which had a maximum  
3 monthly rent equal to or in excess of the deregulation rent threshold  
4 are required to complete the certification form; (ii) that tenants have  
5 protections available to them which are designed to prevent harassment;  
6 (iii) that tenants are not required to provide any information regarding  
7 their income except that which is requested on the form and may contain  
8 such other information the division deems appropriate. The tenant or  
9 tenants shall return the completed certification to the owner within  
10 thirty days after service upon the tenant or tenants. In the event that  
11 the total annual income as certified is in excess of the deregulation  
12 income threshold in each of the two preceding calendar years, the owner  
13 may file the certification with the state division of housing and commu-  
14 nity renewal on or before June thirtieth of such year. Upon filing such  
15 certification with the division, the division shall, within thirty days  
16 after the filing, issue an order of deregulation providing that such  
17 housing accommodations shall not be subject to the provisions of this  
18 law as of the first day of June in the year next succeeding the filing  
19 of the certification by the owner. A copy of such order shall be mailed  
20 by regular and certified mail, return receipt requested, to the tenant  
21 or tenants and a copy thereof shall be mailed to the owner.

22 S 2. Subdivision (b) of section 5-a of section 4 of chapter 576 of the  
23 laws of 1974, constituting the emergency tenant protection act of nine-  
24 teen seventy-four, as amended by section 30 of part B of chapter 97 of  
25 the laws of 2011, is amended to read as follows:

26 (b) On or before the first day of May in each calendar year, the owner  
27 of each housing accommodation for which the legal regulated monthly rent  
28 equals or exceeds the deregulation rent threshold may provide the tenant  
29 or tenants residing therein with an income certification form prepared  
30 by the division of housing and community renewal on which such tenant or  
31 tenants shall identify all persons referred to in subdivision (a) of  
32 this section and shall certify whether the total annual income is in  
33 excess of the deregulation income threshold in each of the two preceding  
34 calendar years. SUCH INCOME CERTIFICATION FORM SHALL NOT APPEAR ON THE  
35 OFFICIAL LETTERHEAD OF THE STATE OR OF ANY AGENCY, DEPARTMENT, DIVISION,  
36 BUREAU, BOARD, COMMISSION, COUNCIL OR AUTHORITY THEREOF OR OTHERWISE  
37 CONVEY THE IMPRESSION THAT THE OWNER OF THE SUBJECT HOUSING ACCOMMO-  
38 DATION WHO UTILIZES SUCH FORM IS VOUCHERED FOR OR IS AN INSTRUMENTALITY OF  
39 THE STATE. Such income certification form shall state that the income  
40 level certified to by the tenant may be subject to verification by the  
41 department of taxation and finance pursuant to section one hundred  
42 seventy-one-b of the tax law, and shall not require disclosure of any  
43 information other than whether the aforementioned threshold has been  
44 exceeded. Such income certification form shall clearly state that: (i)  
45 only tenants residing in housing accommodations which had a legal regu-  
46 lated monthly rent that equals or exceeds the deregulation rent thresh-  
47 old are required to complete the certification form; (ii) that tenants  
48 have protections available to them which are designed to prevent harass-  
49 ment; (iii) that tenants are not required to provide any information  
50 regarding their income except that which is requested on the form and  
51 may contain such other information the division deems appropriate. The  
52 tenant or tenants shall return the completed certification to the owner  
53 within thirty days after service upon the tenant or tenants. In the  
54 event that the total annual income as certified is in excess of the  
55 deregulation income threshold in each of the two preceding calendar  
56 years, the owner may file the certification with the state division of

1 housing and community renewal on or before June thirtieth of such year.  
2 Upon filing such certification with the division, the division shall,  
3 within thirty days after the filing, issue an order providing that such  
4 housing accommodation shall not be subject to the provisions of this act  
5 upon the expiration of the existing lease. A copy of such order shall be  
6 mailed by regular and certified mail, return receipt requested, to the  
7 tenant or tenants and a copy thereof shall be mailed to the owner.

8 S 3. Subdivision (b) of section 26-403.1 of the administrative code of  
9 the city of New York, as amended by section 34 of part B of chapter 97  
10 of the laws of 2011, is amended to read as follows:

11 (b) On or before the first day of May in each calendar year, the owner  
12 of each housing accommodation for which the maximum rent equals or  
13 exceeds the deregulation rent threshold may provide the tenant or  
14 tenants residing therein with an income certification form prepared by  
15 the division of housing and community renewal on which such tenant or  
16 tenants shall identify all persons referred to in subdivision (a) of  
17 this section and shall certify whether the total annual income is in  
18 excess of the deregulation income threshold in each of the two preceding  
19 calendar years. SUCH INCOME CERTIFICATION FORM SHALL NOT APPEAR ON THE  
20 OFFICIAL LETTERHEAD OF THE STATE OR OF ANY AGENCY, DEPARTMENT, DIVISION,  
21 BUREAU, BOARD, COMMISSION, COUNCIL OR AUTHORITY THEREOF OR OTHERWISE  
22 CONVEY THE IMPRESSION THAT THE OWNER OF THE SUBJECT HOUSING ACCOMMO-  
23 DATION WHO UTILIZES SUCH FORM IS VOUCHERED FOR OR IS AN INSTRUMENTALITY OF  
24 THE STATE. Such income certification form shall state that the income  
25 level certified to by the tenant may be subject to verification by the  
26 department of taxation and finance pursuant to section one hundred  
27 seventy-one-b of the tax law and shall not require disclosure of any  
28 income information other than whether the aforementioned threshold has  
29 been exceeded. Such income certification form shall clearly state that:

30 (i) only tenants residing in housing accommodations which have a maximum  
31 monthly rent that equals or exceeds the deregulation rent threshold are  
32 required to complete the certification form; (ii) that tenants have  
33 protections available to them which are designed to prevent harassment;  
34 (iii) that tenants are not required to provide any information regarding  
35 their income except that which is requested on the form and may contain  
36 such other information the division deems appropriate. The tenant or  
37 tenants shall return the completed certification to the owner within  
38 thirty days after service upon the tenant or tenants. In the event that  
39 the total annual income as certified is in excess of the deregulation  
40 income threshold in each of the two preceding calendar years, the owner  
41 may file the certification with the state division of housing and commu-  
42 nity renewal on or before June thirtieth of such year. Upon filing such  
43 certification with the division, the division shall, within thirty days  
44 after the filing, issue an order of deregulation providing that such  
45 housing accommodations shall not be subject to the provisions of this  
46 law as of the first day of June in the year next succeeding the filing  
47 of the certification by the owner. A copy of such order shall be mailed  
48 by regular and certified mail, return receipt requested, to the tenant  
49 or tenants and a copy thereof shall be mailed to the owner.

50 S 4. Subdivision (b) of section 26-504.3 of the administrative code of  
51 the city of New York, as amended by section 36 of part B of chapter 97  
52 of the laws of 2011, is amended to read as follows:

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 NOT APPEAR ON THE  
6 OFFICIAL LETTERHEAD OF THE STATE OR OF ANY AGENCY, DEPARTMENT, DIVISION,  
7 BUREAU, BOARD, COMMISSION, COUNCIL OR AUTHORITY THEREOF OR OTHERWISE  
8 CONVEY THE IMPRESSION THAT THE OWNER OF THE SUBJECT HOUSING ACCOMMO-  
9 DATION WHO UTILIZES SUCH FORM IS VOUCHERED FOR OR IS AN INSTRUMENTALITY OF  
10 THE STATE. Such income certification form shall state that the income  
11 level certified to by the tenant may be subject to verification by the  
12 department of taxation and finance pursuant to section one hundred  
13 seventy-one-b of the tax law and shall not require disclosure of any  
14 income information other than whether the aforementioned threshold has  
15 been exceeded. Such income certification form shall clearly state that:  
16 (i) only tenants residing in housing accommodations which have a legal  
17 regulated monthly rent, that equals or exceeds the deregulation rent  
18 threshold are required to complete the certification form; (ii) that  
19 tenants have protections available to them which are designed to prevent  
20 harassment; (iii) that tenants are not required to provide any informa-  
21 tion regarding their income except that which is requested on the form  
22 and may contain such other information the division deems appropriate.  
23 The tenant or tenants shall return the completed certification to the  
24 owner within thirty days after service upon the tenant or tenants. In  
25 the event that the total annual income as certified is in excess of the  
26 deregulation income threshold in each of the two preceding calendar  
27 years, the owner may file the certification with the state division of  
28 housing and community renewal on or before June thirtieth of such year.  
29 Upon filing such certification with the division, the division shall,  
30 within thirty days after the filing, issue an order providing that such  
31 housing accommodation shall not be subject to the provisions of this act  
32 upon the expiration of the existing lease. A copy of such order shall be  
33 mailed by regular and certified mail, return receipt requested, to the  
34 tenant or tenants and a copy thereof shall be mailed to the owner.

35 S 5. The division of housing and community renewal is hereby directed  
36 to revise the income verification form required by section 2-a of the  
37 emergency housing rent control law, section 5-a of the emergency tenant  
38 protection act of nineteen seventy-four, section 26-403.1 of the city  
39 rent and rehabilitation law and section 26-504.3 of the rent stabiliza-  
40 tion law of nineteen hundred sixty-nine to set forth the required  
41 content in a manner of language and format which is more comprehensible  
42 to laypersons and on a form which does not appear on the letterhead of  
43 the state or of any agency, department, division, bureau, board, commis-  
44 sion, council or authority thereof and does not otherwise convey the  
45 impression that the owner of the subject housing accommodation who  
46 utilizes such form is vouched for or is an instrumentality of the state.  
47 The content of such form shall, at a minimum, be available in English  
48 and Spanish. The revised form shall be complete and made available by  
49 the division on or before December 31, 2013.

50 S 6. This act shall take effect on the ninetieth day after it shall  
51 have become a law; provided that:

52 (a) the amendments to subdivision (b) of section 2-a of the emergency  
53 housing rent control law made by section one of this act shall expire on  
54 the same date as such law expires and shall not affect the expiration of  
55 such law as provided in subdivision 2 of section 1 of chapter 274 of the  
56 laws of 1946, as amended;

1 (b) the amendments to subdivision (b) of section 5-a of the emergency  
2 tenant protection act of nineteen seventy-four made by section two of  
3 this act shall expire on the same date as such act expires and shall not  
4 affect the expiration of such act as provided in section 17 of chapter  
5 576 of the laws of 1974, as amended;

6 (c) the amendments to subdivision (b) of section 26-403.1 of the city  
7 rent and rehabilitation law made by section three of this act shall  
8 remain in full force and effect only as long as the public emergency  
9 requiring the regulation and control of residential rents and evictions  
10 continues, as provided in subdivision 3 of section 1 of the local emer-  
11 gency housing rent control act;

12 (d) the amendments to section 26-504.3 of chapter 4 of title 26 of the  
13 administrative code of the city of New York made by section four of this  
14 act shall expire on the same date as such law expires and shall not  
15 affect the expiration of such law as provided under section 26-520 of  
16 such law; and

17 (e) effective immediately, the addition, amendment and/or repeal of  
18 any rule or regulation necessary for the implementation of this act on  
19 its effective date are authorized and directed to be made and completed  
20 on or before such effective date.