

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 administra-
tive code of the city of New York and the emergency tenant protection
act of nineteen seventy-four, in relation to eliminating rent regu-
lation protections for certain high income tenants; to amend the emer-
gency 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 ASSEM-
BLY, 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3 is REPEALED.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.