

2104

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

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.