S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 22, 2016

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

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to notification to tenants of certain information by the state division of housing and community renewal, prohibits deregulation without verification of the tax abatement/credit status of a building, requires local agencies to notify the state division of housing and community renewal of approval of an application for a tax exemption

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

Section 1. Subdivisions d and f of section 26-517 of the administrative code of the city of New York are amended to read as follows:

d. Copies of the registration shall be filed with the state division of housing and community renewal in such place or places as it may require. In addition, one copy of that portion of the registration statement which pertains to the tenant's unit must be mailed by the [owner] STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL to the tenant in possession at the time of initial registration or to the first tenant in occupancy if the apartment is vacant at the time of initial registration.

f. An annual statement shall be filed containing the current rent for each unit and such other information contained in subdivision a of this section as shall be required by the division. The [owner] STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL shall provide each tenant then in occupancy with a copy of that portion of such annual statement as pertains to the tenant's unit.

S 2. The administrative code of the city of New York is amended by adding a new section 26-504.4 to read as follows:

S 26-504.4 DEREGULATION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL VERIFY CURRENT TAX ABATEMENT/CREDIT STATUS OF BUILDINGS BEFORE ALLOWING UNITS TO BE DEREGULATED UNDER ANY APPLICABLE PROVISION OF LAW.

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

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S 3. The administrative code of the city of New York is amended by adding a new section 26-517.2 to read as follows:

S 26-517.2 ADDITIONAL INFORMATION. A. IN ADDITION TO PROVIDING TENANTS WITH REGISTRATION INFORMATION AS REQUIRED BY SUBDIVISIONS D AND F OF SECTION 26-517 OF THIS CHAPTER, THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL GIVE NOTICE IN WRITING TO ALL OWNERS OF BUILDINGS REGULATED PURSUANT TO THIS CHAPTER THAT SUCH OWNER MUST REGISTER EACH UNIT AS RENT STABILIZED PURSUANT TO SECTION 26-517 OF THIS CHAPTER; SUCH OWNER MUST ISSUE RENT STABILIZED LEASES TO ALL RENTAL TENANTS; AND FAILURE TO REGISTER PURSUANT TO SECTION 26-517 OF THIS CHAPTER SHALL SUBJECT SUCH OWNER TO FINES AND PENALTIES. IN ADDITION, A COPY OF THE NOTICE REQUIRED PURSUANT TO THIS SECTION MUST BE MAILED BY THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL TO THE TENANT IN OCCUPANCY OF EACH UNIT REGULATED PURSUANT TO THIS CHAPTER.

B. NOTICE REQUIRED PURSUANT TO THIS SECTION SHALL BE PROVIDED ANNUALLY. SUCH NOTICE SHALL ALSO BE PROVIDED WHEN A NEW TENANT TAKES OCCUPANCY OF A REGULATED UNIT.

C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, LOCAL AGENCIES SHALL IMMEDIATELY NOTIFY THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL IN WRITING, ON A FORM APPROVED BY THE COMMISSIONER OF THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THAT AN APPLICATION FOR AN EXEMPTION UNDER SECTION FOUR HUNDRED TWENTY-ONE-A OF THE REAL PROPERTY TAX LAW HAS BEEN APPROVED. SUCH NOTIFICATION SHALL PROVIDE THE BEGINNING AND END DATES OF SUCH EXEMPTION.

S 4. Subdivisions d and f of section 12-a of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by chapter 403 of the laws of 1983, are amended to read as follows:

d. Copies of the registration shall be filed with the state division of housing and community renewal in such place or places as it may require. In addition, one copy of that portion of the registration statement which pertains to the tenant's unit must be mailed by the [owner] STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL to the tenant in possession at the time of initial registration or to the first tenant in occupancy if the apartment is vacant at the time of initial registration.

f. An annual statement shall be filed containing the current rent for each unit and such other information contained in subdivision a of this section as shall be required by the division. The [owner] STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL shall provide each tenant then in occupancy with a copy of that portion of such annual statement as pertains to the tenant's unit.

S 5. Section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new section 5-b to read as follows:

S 5-B. DEREGULATION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL VERIFY CURRENT TAX ABATEMENT STATUS OF BUILDINGS BEFORE ALLOWING UNITS TO BE DEREGULATED UNDER ANY APPLICABLE PROVISION OF LAW.

S 6. Section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new section 12-b to read as follows:

S 12-B. ADDITIONAL INFORMATION. A. IN ADDITION TO PROVIDING TENANTS WITH REGISTRATION INFORMATION AS REQUIRED BY SUBDIVISIONS D AND F OF SECTION 12-A OF THIS SECTION, THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL GIVE NOTICE IN WRITING TO ALL OWNERS OF BUILDINGS REGU-

LATED PURSUANT TO THIS CHAPTER THAT SUCH OWNER MUST REGISTER EACH UNIT AS RENT STABILIZED; SUCH OWNER MUST ISSUE RENT STABILIZED LEASES TO ALL RENTAL TENANTS; AND FAILURE TO REGISTER PURSUANT TO SECTION 12-A OF THIS SECTION SHALL SUBJECT SUCH OWNER TO FINES AND PENALTIES. IN ADDITION, A COPY OF THE NOTICE REQUIRED PURSUANT TO THIS SECTION MUST BE MAILED BY THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL TO THE TENANT IN OCCUPANCY OF EACH UNIT REGULATED PURSUANT TO THIS CHAPTER.

B. NOTICE REQUIRED PURSUANT TO THIS SECTION SHALL BE PROVIDED ANNUALLY. SUCH NOTICE SHALL ALSO BE PROVIDED WHEN A NEW TENANT TAKES OCCUPANCY OF A REGULATED UNIT.

S 7. Section 13 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 403 of the laws of 1983, is amended to read as follows:

S 13. Cooperation with other governmental agencies. A. The state division of housing and community renewal and any rent guidelines board may request and shall receive cooperation and assistance in effectuating the purposes of this act from all departments, divisions, boards, bureaus, commissions or agencies of the state and political subdivisions thereof.

B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, LOCAL AGENCIES SHALL IMMEDIATELY NOTIFY THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL IN WRITING, ON A FORM APPROVED BY THE COMMISSIONER OF THE STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THAT AN APPLICATION FOR AN EXEMPTION UNDER SECTION FOUR HUNDRED TWENTY-ONE-A OF THE REAL PROPERTY TAX LAW HAS BEEN APPROVED. SUCH NOTIFICATION SHALL PROVIDE THE BEGINNING AND END DATES OF SUCH EXEMPTION.

S 8. This act shall take effect on the sixtieth day after it shall have become a law; provided that the amendments to chapter 4 of title 26 of the administrative code of the city of New York made by sections one, two and three of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law; and provided, further, that the amendments to the emergency tenant protection act of nineteen seventy-four made by sections four, five, six and seven of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974.