

6009

2015-2016 Regular Sessions

I N S E N A T E

June 20, 2015

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

AN ACT to amend chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, the emergency housing rent control law, chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, and the rent regulation reform act of 1997, in relation to extending the effectiveness thereof (Subpart A); to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to vacancy decontrol and adjustments (Subpart B); to amend the public housing law and the tax law, in relation to income verification for rent controlled apartments (Subpart C); to amend the public housing law, in relation to establishing a tenant protection unit within the division of housing and community renewal (Subpart D); to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to enforcement of rent control laws (Subpart E); to amend the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to leasing to business and other entities (Subpart F); and to amend the real property tax law, in relation to tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties; and providing state aid to cities affected by such tax abatements (Subpart G)(Part A); to amend the real property tax law, in relation to tax exemption for multiple dwellings (Part B); to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness of certain provisions of such chapter; to amend chapter 345 of the laws of 2009 amending the education law relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness of certain provisions of such

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

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chapter; and to amend the education law, in relation to the New York city community school district system (Part C); to amend chapter 56 of the laws of 2015 amending the education law relating to annual performance reviews of classroom teachers and building principals, in relation to the public comment period; and to amend the education law, in relation to annual teacher and principal evaluations; to amend the education law, in relation to directing the release of test questions on statewide English language arts and mathematics examinations; and making an appropriation therefor; to amend the education law, in relation to the addition of student characteristics for consideration of student performance; to amend the education law, in relation to establishing a content review committee for the purpose of reviewing new standardized test items; to amend the education law, in relation to the board of regents; and to direct the commissioner of education to conduct a comprehensive review of the education standards administered by the state education department (Part D); to amend chapter 97 of the laws of 2011, amending the general municipal law and the education law relating to establishing limits upon school district and local government tax levies, in relation to eliminating the expiration of and making permanent certain provisions thereof (Part E); and to amend the real property tax law and the tax law, in relation to the New York property tax relief check program; to amend the education law and the general municipal law, in relation to certification of compliance with the New York property tax relief check program requirements (Part F)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2015-2016
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through F. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. This act enacts into law components of legislation which
14 are necessary to implement the provisions relating to the prosecution of
15 misconduct by public officials. Each component is wholly contained
16 within a Subpart identified as Subparts A through G. The effective date
17 for each particular provision contained within such Subpart is set forth
18 in the last section of such Subpart. Any provision in any section
19 contained within a Subpart, including the effective date of the Subpart,
20 which makes a reference to a section "of this act", when used in
21 connection with that particular component, shall be deemed to mean and
22 refer to the corresponding section of the Subpart in which it is found.
23 Section three of this act sets forth the general effective date of this
24 act.

SUBPART A

Section 1. Section 17 of chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, as amended by chapter 19 of the laws of 2015, is amended to read as follows:

S 17. Effective date. This act shall take effect immediately and shall remain in full force and effect until and including the [twenty-third] FIFTEENTH day of June [2015] 2021; except that sections two and three shall take effect with respect to any city having a population of one million or more and section one shall take effect with respect to any other city, or any town or village whenever the local legislative body of a city, town or village determines the existence of a public emergency pursuant to section three of the emergency tenant protection act of nineteen seventy-four, as enacted by section four of this act, and provided that the housing accommodations subject on the effective date of this act to stabilization pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine shall remain subject to such law upon the expiration of this act.

S 2. Subdivision 2 of section 1 of chapter 274 of the laws of 1946 constituting the emergency housing rent control law, as amended by chapter 19 of the laws of 2015, is amended to read as follows:

2. The provisions of this act, and all regulations, orders and requirements thereunder shall remain in full force and effect until and including June [23] 15, [2015] 2021.

S 3. Section 2 of chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, as amended by chapter 19 of the laws of 2015, is amended to read as follows:

S 2. This act shall take effect immediately and the provisions of subdivision 6 of section 12 of the emergency housing rent control law, as added by this act, shall remain in full force and effect until and including June [23] 15, [2015] 2021.

S 4. Subdivision 6 of section 46 of chapter 116 of the laws of 1997 constituting the rent regulation reform act of 1997, as amended by chapter 19 of the laws of 2015, is amended to read as follows:

6. sections twenty-eight, twenty-eight-a, twenty-eight-b and twenty-eight-c of this act shall expire and be deemed repealed after June [23] 15, [2015] 2021;

S 5. This act shall take effect immediately, provided, however, that if this act shall become a law after June 23, 2015, then it shall be deemed to have been in full force and effect on and after June 23, 2015.

SUBPART B

Section 1. Paragraph 14 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 14 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

(14) provides that where the amount of rent charged to and paid by the tenant is less than the legal regulated rent for the housing accommodation, the amount of rent for such housing accommodation which may be charged upon renewal or upon vacancy thereof may, at the option of the owner, be based upon such previously established legal regulated rent, as adjusted by the most recent applicable guidelines increases and any other increases authorized by law. Where, subsequent to vacancy, such legal regulated rent, as adjusted by the most recent applicable guide-

1 lines increases and any other increases authorized by law is two thou-
2 sand dollars or more per month or, for any housing accommodation which
3 is or becomes vacant on or after the effective date of the rent act of
4 2011, is two thousand five hundred dollars or more per month OR, FOR ANY
5 HOUSING ACCOMMODATION WHICH IS OR BECOMES VACANT ON OR AFTER THE EFFEC-
6 TIVE DATE OF THE CHAPTER OF THE LAWS OF 2015 THAT AMENDED THIS PARA-
7 GRAPH, IS TWO THOUSAND FIVE HUNDRED DOLLARS OR MORE A MONTH FOR ALL
8 HOUSING ACCOMMODATIONS LOCATED OUTSIDE OF THE BOROUGH OF MANHATTAN AND
9 TWO THOUSAND SIX HUNDRED DOLLARS OR MORE PER MONTH WITHIN THE BOROUGH OF
10 MANHATTAN, such housing accommodation shall be excluded from the
11 provisions of this law pursuant to section 26-504.2 of this chapter.
12 NOTWITHSTANDING THE AFOREMENTIONED PROVISIONS OF THIS PARAGRAPH THE
13 FOLLOWING PROVISIONS SHALL APPLY TO A RENT ADJUSTMENT THAT WOULD OTHER-
14 WISE EXCLUDE A HOUSING ACCOMMODATION WITHIN THE BOROUGH OF MANHATTAN
15 FROM THE PROVISIONS OF THIS LAW: (I) AN ADJUSTMENT IN LEGAL REGULATED
16 RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER FIRST, TWO
17 THOUSAND FIFTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND SIXTEEN,
18 WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT GUIDELINES
19 BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN THE JURIS-
20 DICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY LEGALLY
21 REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE EXCLUSION OF
22 SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS LAW PURSUANT TO
23 SECTION 26-504.2 OF THIS CHAPTER UNLESS UPON ANY OTHER LEGALLY ADOPTED
24 ADJUSTMENT THE AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT
25 INCLUSIVE OF AN INCREASE THAT IS THE RESULT OF SUCH ORDER; (II) AN
26 ADJUSTMENT IN LEGAL REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO
27 ON OR AFTER OCTOBER FIRST, TWO THOUSAND SIXTEEN AND ENDING SEPTEMBER
28 THIRTIETH, TWO THOUSAND SEVENTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT
29 OF AN ORDER OF THE RENT GUIDELINES BOARD APPLIED GENERALLY TO ALL
30 ONE-YEAR RENEWAL LEASES WITHIN THE JURISDICTION OF SUCH BOARD DURING
31 SUCH PERIOD, MAY BE ADDED TO ANY LEGALLY REGULATED RENT FOR SUCH PERIOD
32 AND SHALL NOT RESULT IN THE EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM
33 THE PROVISIONS OF THIS LAW PURSUANT TO SECTION 26-504.2 OF THIS CHAPTER
34 UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE AMOUNT OF SUCH RENT
35 WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN INCREASE THAT IS
36 THE RESULT OF SUCH ORDER; AND (III) AN ADJUSTMENT IN LEGAL REGULATED
37 RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER FIRST, TWO
38 THOUSAND SEVENTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND EIGH-
39 TEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT GUIDE-
40 LINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN THE
41 JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
42 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
43 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS LAW
44 PURSUANT TO SECTION 26-504.2 OF THIS CHAPTER UNLESS UPON ANY OTHER
45 LEGALLY ADOPTED ADJUSTMENT THE AMOUNT OF SUCH RENT WOULD EXCEED THE
46 AMOUNT OF SUCH RENT INCLUSIVE OF AN INCREASE THAT IS THE RESULT OF SUCH
47 ORDER.

48 S 2. Subdivision (a-2) of section 10 of section 4 of chapter 576 of
49 the laws of 1974 constituting the emergency tenant protection act of
50 nineteen seventy-four, as amended by section 13 of part B of chapter 97
51 of the laws of 2011, is amended to read as follows:

52 (a-2) Provides that where the amount of rent charged to and paid by
53 the tenant is less than the legal regulated rent for the housing accom-
54 modation, the amount of rent for such housing accommodation which may be
55 charged upon renewal or upon vacancy thereof may, at the option of the
56 owner, be based upon such previously established legal regulated rent,

1 as adjusted by the most recent applicable guidelines increases and other
2 increases authorized by law. Where, subsequent to vacancy, such legal
3 regulated rent, as adjusted by the most recent applicable guidelines
4 increases and any other increases authorized by law is two thousand
5 dollars or more per month or, for any housing accommodation which is or
6 becomes vacant on or after the effective date of the rent act of 2011,
7 is two thousand five hundred dollars or more per month OR, FOR ANY HOUS-
8 ING ACCOMMODATION WHICH IS OR BECOMES VACANT ON OR AFTER THE EFFECTIVE
9 DATE OF THE CHAPTER OF THE LAWS OF 2015 THAT AMENDED THIS SUBDIVISION,
10 IS TWO THOUSAND FIVE HUNDRED DOLLARS OR MORE A MONTH FOR ALL HOUSING
11 ACCOMMODATIONS LOCATED OUTSIDE OF THE BOROUGH OF MANHATTAN AND TWO THOU-
12 SAND SIX HUNDRED DOLLARS OR MORE PER MONTH WITHIN THE BOROUGH OF MANHAT-
13 TAN, such housing accommodation shall be excluded from the provisions of
14 this act pursuant to paragraph thirteen of subdivision a of section five
15 of this act. NOTWITHSTANDING THE AFOREMENTIONED PROVISIONS OF THIS
16 SUBDIVISION THE FOLLOWING PROVISIONS SHALL APPLY TO A RENT ADJUSTMENT
17 THAT WOULD OTHERWISE EXCLUDE A HOUSING ACCOMMODATION WITHIN THE BOROUGH
18 OF MANHATTAN FROM THE PROVISIONS OF THIS ACT: (I) AN ADJUSTMENT IN LEGAL
19 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
20 FIRST, TWO THOUSAND FIFTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
21 SIXTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT
22 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
23 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
24 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
25 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS ACT
26 PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF NINETEEN
27 HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE
28 AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN
29 INCREASE THAT IS THE RESULT OF SUCH ORDER; (II) AN ADJUSTMENT IN LEGAL
30 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
31 FIRST, TWO THOUSAND SIXTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
32 SEVENTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT
33 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
34 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
35 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
36 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS ACT
37 PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF NINETEEN
38 HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE
39 AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN
40 INCREASE THAT IS THE RESULT OF SUCH ORDER; AND (III) AN ADJUSTMENT IN
41 LEGAL REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER
42 OCTOBER FIRST, TWO THOUSAND SEVENTEEN AND ENDING SEPTEMBER THIRTIETH,
43 TWO THOUSAND EIGHTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER
44 OF THE RENT GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL
45 LEASES WITHIN THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE
46 ADDED TO ANY LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT
47 IN THE EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF
48 THIS ACT PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF
49 NINETEEN HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED
50 ADJUSTMENT THE AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT
51 INCLUSIVE OF AN INCREASE THAT IS THE RESULT OF SUCH ORDER.

52 S 3. Paragraph 3 of subdivision (a) of section 5-a of section 4 of
53 chapter 576 of the laws of 1974, constituting the emergency tenant
54 protection act of nineteen seventy-four, as added by section 30 of part
55 B of chapter 97 of the laws of 2011, is amended to read as follows:

1 3. Deregulation rent threshold means two thousand dollars for
2 proceedings commenced before July first, two thousand eleven. For
3 proceedings commenced on or after July first, two thousand eleven, the
4 deregulation rent threshold means two thousand five hundred dollars. FOR
5 PROCEEDINGS COMMENCED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN, THE
6 DEREGULATION RENT THRESHOLD MEANS TWO THOUSAND FIVE HUNDRED DOLLARS FOR
7 ALL HOUSING ACCOMMODATIONS LOCATED OUTSIDE OF THE BOROUGH OF MANHATTAN
8 AND TWO THOUSAND SIX HUNDRED DOLLARS OR MORE PER MONTH WITHIN THE
9 BOROUGH OF MANHATTAN. NOTWITHSTANDING THE AFOREMENTIONED PROVISIONS OF
10 THIS PARAGRAPH THE FOLLOWING PROVISIONS SHALL APPLY TO A RENT ADJUSTMENT
11 THAT WOULD OTHERWISE EXCLUDE A HOUSING ACCOMMODATION WITHIN THE BOROUGH
12 OF MANHATTAN FROM THE PROVISIONS OF THIS ACT: (I) AN ADJUSTMENT IN LEGAL
13 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
14 FIRST, TWO THOUSAND FIFTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
15 SIXTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT
16 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
17 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
18 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
19 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS ACT
20 PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF NINETEEN
21 HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE
22 AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN
23 INCREASE THAT IS THE RESULT OF SUCH ORDER; (II) AN ADJUSTMENT IN LEGAL
24 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
25 FIRST, TWO THOUSAND SIXTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
26 SEVENTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT
27 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
28 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
29 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
30 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS ACT
31 PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF NINETEEN
32 HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE
33 AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN
34 INCREASE THAT IS THE RESULT OF SUCH ORDER; AND (III) AN ADJUSTMENT IN
35 LEGAL REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER
36 OCTOBER FIRST, TWO THOUSAND SEVENTEEN AND ENDING SEPTEMBER THIRTIETH,
37 TWO THOUSAND EIGHTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER
38 OF THE RENT GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL
39 LEASES WITHIN THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE
40 ADDED TO ANY LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT
41 IN THE EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF
42 THIS ACT PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF
43 NINETEEN HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED
44 ADJUSTMENT THE AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT
45 INCLUSIVE OF AN INCREASE THAT IS THE RESULT OF SUCH ORDER.

46 S 4. Paragraph 3 of subdivision (a) of section 2-a of chapter 274 of
47 the laws of 1946, constituting the emergency housing rent control law,
48 as added by section 32 of part B of chapter 97 of the laws of 2011, is
49 amended to read as follows:

50 3. Deregulation rent threshold means two thousand dollars for
51 proceedings commenced prior to July first, two thousand eleven. For
52 proceedings commenced on or after July first, two thousand eleven, the
53 deregulation rent threshold means two thousand five hundred dollars.
54 FOR PROCEEDINGS COMMENCED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN,
55 THE DEREGULATION RENT THRESHOLD MEANS TWO THOUSAND FIVE HUNDRED DOLLARS
56 FOR ALL HOUSING ACCOMMODATIONS LOCATED OUTSIDE OF THE BOROUGH OF MANHAT-

1 TAN AND TWO THOUSAND SIX HUNDRED DOLLARS OR MORE PER MONTH WITHIN THE
2 BOROUGH OF MANHATTAN. NOTWITHSTANDING THE AFOREMENTIONED PROVISIONS OF
3 THIS PARAGRAPH THE FOLLOWING PROVISIONS SHALL APPLY TO A RENT ADJUSTMENT
4 THAT WOULD OTHERWISE EXCLUDE A HOUSING ACCOMMODATION WITHIN THE BOROUGH
5 OF MANHATTAN FROM THE PROVISIONS OF THIS LAW: (I) AN ADJUSTMENT IN LEGAL
6 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
7 FIRST, TWO THOUSAND FIFTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
8 SIXTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT
9 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
10 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
11 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
12 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS LAW
13 PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF NINETEEN
14 HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE
15 AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN
16 INCREASE THAT IS THE RESULT OF SUCH ORDER; (II) AN ADJUSTMENT IN LEGAL
17 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
18 FIRST, TWO THOUSAND SIXTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
19 SEVENTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT
20 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
21 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
22 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
23 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS LAW
24 PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF NINETEEN
25 HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE
26 AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN
27 INCREASE THAT IS THE RESULT OF SUCH ORDER; AND (III) AN ADJUSTMENT IN
28 LEGAL REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER
29 OCTOBER FIRST, TWO THOUSAND SEVENTEEN AND ENDING SEPTEMBER THIRTIETH,
30 TWO THOUSAND EIGHTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER
31 OF THE RENT GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL
32 LEASES WITHIN THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE
33 ADDED TO ANY LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT
34 IN THE EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF
35 THIS LAW PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF
36 NINETEEN HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED
37 ADJUSTMENT THE AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT
38 INCLUSIVE OF AN INCREASE THAT IS THE RESULT OF SUCH ORDER.

39 S 5. Paragraph 3 of subdivision (a) of section 26-403.1 of the admin-
40 istrative code of the city of New York, as added by section 34 of part B
41 of chapter 97 of the laws of 2011, is amended to read as follows:

42 3. Deregulation rent threshold means two thousand dollars for
43 proceedings commenced before July first, two thousand eleven. For
44 proceedings commenced on or after July first, two thousand eleven, the
45 deregulation rent threshold means two thousand five hundred dollars. FOR
46 PROCEEDINGS COMMENCED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN, THE
47 DEREGULATION RENT THRESHOLD MEANS TWO THOUSAND FIVE HUNDRED DOLLARS FOR
48 ALL HOUSING ACCOMMODATIONS LOCATED OUTSIDE OF THE BOROUGH OF MANHATTAN
49 AND TWO THOUSAND SIX HUNDRED DOLLARS OR MORE PER MONTH WITHIN THE
50 BOROUGH OF MANHATTAN. NOTWITHSTANDING THE AFOREMENTIONED PROVISIONS OF
51 THIS PARAGRAPH THE FOLLOWING PROVISIONS SHALL APPLY TO A RENT ADJUSTMENT
52 THAT WOULD OTHERWISE EXCLUDE A HOUSING ACCOMMODATION WITHIN THE BOROUGH
53 OF MANHATTAN FROM THE PROVISIONS OF THIS LAW: (I) AN ADJUSTMENT IN LEGAL
54 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
55 FIRST, TWO THOUSAND FIFTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
56 SIXTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT

1 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
2 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
3 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
4 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS LAW
5 PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF NINETEEN
6 HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE
7 AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN
8 INCREASE THAT IS THE RESULT OF SUCH ORDER; (II) AN ADJUSTMENT IN LEGAL
9 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
10 FIRST, TWO THOUSAND SIXTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
11 SEVENTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT
12 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
13 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
14 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
15 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS LAW
16 PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF NINETEEN
17 HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE
18 AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN
19 INCREASE THAT IS THE RESULT OF SUCH ORDER; AND (III) AN ADJUSTMENT IN
20 LEGAL REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER
21 OCTOBER FIRST, TWO THOUSAND SEVENTEEN AND ENDING SEPTEMBER THIRTIETH,
22 TWO THOUSAND EIGHTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER
23 OF THE RENT GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL
24 LEASES WITHIN THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE
25 ADDED TO ANY LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT
26 IN THE EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF
27 THIS LAW PURSUANT TO SECTION 26-504.2 OF THE RENT STABILIZATION LAW OF
28 NINETEEN HUNDRED SIXTY-NINE UNLESS UPON ANY OTHER LEGALLY ADOPTED
29 ADJUSTMENT THE AMOUNT OF SUCH RENT WOULD EXCEED THE AMOUNT OF SUCH RENT
30 INCLUSIVE OF AN INCREASE THAT IS THE RESULT OF SUCH ORDER.

31 S 6. Paragraph 3 of subdivision (a) of section 26-504.3 of the admin-
32 istrative code of the city of New York, as added by section 36 of part B
33 of chapter 97 of the laws of 2011, is amended to read as follows:

34 3. Deregulation rent threshold means two thousand dollars for
35 proceedings commenced before July first, two thousand eleven. For
36 proceedings commenced on or after July first, two thousand eleven, the
37 deregulation rent threshold means two thousand five hundred dollars. FOR
38 PROCEEDINGS COMMENCED ON OR AFTER JULY FIRST, TWO THOUSAND FIFTEEN, THE
39 DEREGULATION RENT THRESHOLD MEANS TWO THOUSAND FIVE HUNDRED DOLLARS FOR
40 ALL HOUSING ACCOMMODATIONS LOCATED OUTSIDE OF THE BOROUGH OF MANHATTAN
41 AND TWO THOUSAND SIX HUNDRED DOLLARS OR MORE PER MONTH WITHIN THE
42 BOROUGH OF MANHATTAN. NOTWITHSTANDING THE AFOREMENTIONED PROVISIONS OF
43 THIS PARAGRAPH THE FOLLOWING PROVISIONS SHALL APPLY TO A RENT ADJUSTMENT
44 THAT WOULD OTHERWISE EXCLUDE A HOUSING ACCOMMODATION WITHIN THE BOROUGH
45 OF MANHATTAN FROM THE PROVISIONS OF THIS LAW: (I) AN ADJUSTMENT IN LEGAL
46 REGULATED RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER
47 FIRST, TWO THOUSAND FIFTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND
48 SIXTEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT
49 GUIDELINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN
50 THE JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
51 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
52 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS LAW
53 PURSUANT TO SECTION 26-504.2 OF THIS CHAPTER UNLESS UPON ANY OTHER
54 LEGALLY ADOPTED ADJUSTMENT THE AMOUNT OF SUCH RENT WOULD EXCEED THE
55 AMOUNT OF SUCH RENT INCLUSIVE OF AN INCREASE THAT IS THE RESULT OF SUCH
56 ORDER; (II) AN ADJUSTMENT IN LEGAL REGULATED RENT FOR ANY LEASE RENEWAL,

1 ENTERED INTO ON OR AFTER OCTOBER FIRST, TWO THOUSAND SIXTEEN AND ENDING
2 SEPTEMBER THIRTIETH, TWO THOUSAND SEVENTEEN, WHERE SUCH ADJUSTMENT IS
3 THE RESULT OF AN ORDER OF THE RENT GUIDELINES BOARD APPLIED GENERALLY TO
4 ALL ONE-YEAR RENEWAL LEASES WITHIN THE JURISDICTION OF SUCH BOARD DURING
5 SUCH PERIOD, MAY BE ADDED TO ANY LEGALLY REGULATED RENT FOR SUCH PERIOD
6 AND SHALL NOT RESULT IN THE EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM
7 THE PROVISIONS OF THIS LAW PURSUANT TO SECTION 26-504.2 OF THIS CHAPTER
8 UNLESS UPON ANY OTHER LEGALLY ADOPTED ADJUSTMENT THE AMOUNT OF SUCH RENT
9 WOULD EXCEED THE AMOUNT OF SUCH RENT INCLUSIVE OF AN INCREASE THAT IS
10 THE RESULT OF SUCH ORDER; AND (III) AN ADJUSTMENT IN LEGAL REGULATED
11 RENT FOR ANY LEASE RENEWAL, ENTERED INTO ON OR AFTER OCTOBER FIRST, TWO
12 THOUSAND SEVENTEEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND EIGH-
13 TEEN, WHERE SUCH ADJUSTMENT IS THE RESULT OF AN ORDER OF THE RENT GUIDE-
14 LINES BOARD APPLIED GENERALLY TO ALL ONE-YEAR RENEWAL LEASES WITHIN THE
15 JURISDICTION OF SUCH BOARD DURING SUCH PERIOD, MAY BE ADDED TO ANY
16 LEGALLY REGULATED RENT FOR SUCH PERIOD AND SHALL NOT RESULT IN THE
17 EXCLUSION OF SUCH HOUSING ACCOMMODATION FROM THE PROVISIONS OF THIS LAW
18 PURSUANT TO SECTION 26-504.2 OF THIS CHAPTER UNLESS UPON ANY OTHER
19 LEGALLY ADOPTED ADJUSTMENT THE AMOUNT OF SUCH RENT WOULD EXCEED THE
20 AMOUNT OF SUCH RENT INCLUSIVE OF AN INCREASE THAT IS THE RESULT OF SUCH
21 ORDER.

22 S 7. This act shall take effect immediately; provided however, that
23 the amendments to sections 26-511 and 26-504.3 of chapter 4 of title 26
24 of the administrative code of the city of New York made by sections one
25 and six of this act shall expire on the same date as such law expires
26 and shall not affect the expiration of such law as provided under
27 section 26-520 of such law; and provided that the amendments to section
28 4 of the emergency tenant protection act of nineteen seventy-four made
29 by sections two and three of this act shall expire on the same date as
30 such act expires and shall not affect the expiration of such act as
31 provided in section 17 of chapter 576 of the laws of 1974; and provided
32 that the amendments to section 2-a of the emergency housing rent control
33 law made by section four of this act shall expire on the same date as
34 such law expires and shall not affect the expiration of such law as
35 provided in subdivision 2 of section 1 of chapter 274 of the laws of
36 1946; and provided that the amendments to section 26-403.1 of the city
37 rent and rehabilitation law made by section five of this act shall
38 remain in full force and effect only as long as the public emergency
39 requiring the regulation and control of residential rents and evictions
40 continues, as provided in subdivision 3 of section 1 of the local emer-
41 gency housing rent control act.

42 SUBPART C

43 Section 1. Section 14 of the public housing law is amended by adding a
44 new subdivision 7 to read as follows:

45 7. (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
46 COMMISSIONER SHALL ESTABLISH A SYSTEM TO IDENTIFY AND VERIFY QUALIFICA-
47 TION OF ANY LESSEE ENTERING INTO OR RENEWING A LEASE FOR AN APARTMENT
48 SUBJECT TO THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR,
49 THE RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE EMERGENCY
50 HOUSING RENT CONTROL LAW AND THE LOCAL EMERGENCY RENT CONTROL ACT, AND
51 TO DOCUMENT AND RETAIN A RECORD OF EVERY SUCH LESSEE AND EVERY SUCH
52 APARTMENT THAT IS SUBJECT TO SUCH PROVISIONS.

53 (B) SUCH SYSTEM SHALL REQUIRE THE SUBMISSION OF INFORMATION, IN A FORM
54 AND MANNER DETERMINED BY THE COMMISSIONER, BY ANY OWNER, WITHIN NINETY

1 DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION TO IDENTIFY AND CATALOGUE
2 EACH APARTMENT, OWNED AND MAINTAINED BY SUCH OWNER, THAT IS SUBJECT TO
3 THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, THE RENT
4 STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE EMERGENCY HOUSING
5 RENT CONTROL LAW AND THE LOCAL EMERGENCY RENT CONTROL ACT, AND ANY
6 LESSEE CURRENTLY RESIDING IN SUCH APARTMENT. SUCH SUBMISSION SHALL
7 INCLUDE: ADDRESS, INCLUDING APARTMENT NUMBER, NUMBER OF BEDROOMS; SQUARE
8 FOOTAGE; AND ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER
9 TO IDENTIFY SUCH APARTMENT. SUCH SUBMISSION SHALL ALSO CONTAIN INFORMA-
10 TION IDENTIFYING THE CURRENT LESSEE OF THE APARTMENT, IF SUCH APARTMENT
11 IS LEASED, OR RESIDENT OF SUCH APARTMENT INCLUDING: FULL NAME; TERMS OF
12 THE LEASE; AND ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSION-
13 ER TO IDENTIFY SUCH LESSEE. UPON THE SUBMISSION AND REVIEW OF SUCH
14 INFORMATION, THE COMMISSIONER SHALL MAINTAIN A DATABASE CONTAINING ALL
15 SUCH INFORMATION SO SUBMITTED IDENTIFYING EVERY SUCH APARTMENT AND ANY
16 LESSEE OR RESIDENT OF SUCH APARTMENT.

17 (C) AFTER THE COMPLETION OF THE PERIOD FOR SUBMISSION PURSUANT TO
18 PARAGRAPH (B) OF THIS SUBDIVISION, SUCH INFORMATION SHALL BE SHARED WITH
19 THE NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE PURSUANT TO
20 SECTION ONE HUNDRED SEVENTY-ONE-Z OF THE TAX LAW.

21 (D) ANY FINDINGS PURSUANT TO SECTION ONE HUNDRED SEVENTY-ONE-Z OF THE
22 TAX LAW THAT A LESSEE OR RESIDENT OF ANY SUCH APARTMENT DOES NOT SATISFY
23 ANY INCOME ELIGIBILITY OR RESIDENCY REQUIREMENTS PRESCRIBED BY THE EMER-
24 GENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, THE RENT STABILI-
25 ZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE EMERGENCY HOUSING RENT
26 CONTROL LAW AND THE LOCAL EMERGENCY RENT CONTROL ACT FOR THE APPLICABLE
27 INCOME TAX YEAR SHALL RESULT IN A WRITTEN NOTICE WITHIN THIRTY DAYS OF
28 SUCH FINDING, BY THE COMMISSIONER TO THE OWNER OF SUCH APARTMENT OF SUCH
29 A FINDING.

30 (E) ANY FINDINGS PURSUANT TO SECTION ONE HUNDRED SEVENTY-ONE-Z OF THE
31 TAX LAW THAT THE ELIGIBILITY OF SUCH LESSEE CANNOT BE VERIFIED SHALL
32 RESULT, WITHIN SIXTY DAYS OF SUCH FINDING, OF A AUDIT, CONDUCTED IN A
33 FORM AND MANNER PRESCRIBED BY THE COMMISSIONER IN COOPERATION WITH THE
34 NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, OF SUCH LESSEE OR
35 RESIDENT TO VERIFY SUCH LESSEE OR RESIDENT QUALIFIES TO LEASE AN APART-
36 MENT SUBJECT TO THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVEN-
37 TY-FOUR, THE RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE
38 EMERGENCY HOUSING RENT CONTROL LAW AND THE LOCAL EMERGENCY RENT CONTROL
39 ACT. UPON THE COMPLETION OF AN AUDIT PURSUANT TO THIS PARAGRAPH THAT
40 RESULTS IN A FINDING THAT A LESSEE OR RESIDENT OF ANY SUCH APARTMENT
41 DOES NOT SATISFY ANY INCOME ELIGIBILITY OR RESIDENCY REQUIREMENTS
42 PRESCRIBED BY THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN
43 SEVENTY-FOUR, THE RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE,
44 THE EMERGENCY HOUSING RENT CONTROL LAW AND THE LOCAL EMERGENCY RENT
45 CONTROL ACT FOR THE APPLICABLE INCOME TAX YEAR, THE COMMISSIONER SHALL
46 PROVIDE WRITTEN NOTICE, WITHIN THIRTY DAYS OF SUCH FINDING, TO THE OWNER
47 OF SUCH APARTMENT NOTIFYING SUCH OWNER OF SUCH FINDING.

48 (F) THE COMMISSIONER SHALL, PERIODICALLY, REQUIRE FURTHER SUBMISSIONS
49 CONSISTENT WITH THIS SUBDIVISION TO UPDATE ANY SUCH INFORMATION SO
50 RETAINED.

51 (G) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, ANY INFORMATION
52 RETAINED BY THE COMMISSIONER PURSUANT TO THIS SUBDIVISION SHALL NOT BE
53 SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS
54 LAW.

55 S 2. The tax law is amended by adding a new section 171-z to read as
56 follows:

S 171-Z. INCOME VERIFICATION FOR ANY RESIDENT SUBJECT TO THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, THE RENT STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE EMERGENCY HOUSING RENT CONTROL LAW AND THE LOCAL EMERGENCY RENT CONTROL ACT. (1) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, HEREINAFTER REFERRED TO AS THE DIVISION, TO VERIFY, TO THE EXTENT PRACTICABLE, WHETHER A LESSEE OR RESIDENT OF AN APARTMENT SUBJECT TO THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, THE RENT STABILIZATION OF LAW OF NINETEEN HUNDRED SIXTY-NINE, THE EMERGENCY HOUSING RENT CONTROL LAW AND THE LOCAL EMERGENCY RENT CONTROL ACT MEET ANY INCOME ELIGIBILITY AND RESIDENCY REQUIREMENTS PRESCRIBED BY SUCH LAWS FOR THE APPLICABLE INCOME TAX YEAR, BEGINNING WITH THE INCOME TAX YEAR ENDING IN TWO THOUSAND FIFTEEN. SUCH AGREEMENT SHALL INCLUDE PROVISIONS ASSOCIATED WITH THE SHARING OF INFORMATION RETAINED BY THE DIVISION PURSUANT TO SUBDIVISION SEVEN OF SECTION FOURTEEN OF THE PUBLIC HOUSING LAW.

(2) THE DEPARTMENT SHALL ADVISE THE DIVISION OF ITS FINDINGS, STATING IN EACH CASE EITHER THAT SUCH LESSEE OR RESIDENT DOES OR DOES NOT SATISFY ANY SUCH REQUIREMENTS PURSUANT TO SUBDIVISION ONE OF THIS SECTION, OR THAT THE ELIGIBILITY OF SUCH LESSEE OR RESIDENT CANNOT BE VERIFIED, WHICHEVER IS APPROPRIATE. THE DEPARTMENT SHALL NOT PROVIDE ANY OTHER INFORMATION ABOUT THE INCOME OF SUCH LESSEE TO THE DIVISION.

(3) FURTHER VERIFICATIONS MAY OCCUR AFTER THE TAX YEAR PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION AS DETERMINED IN CONJUNCTION WITH AN AGREEMENT BETWEEN THE COMMISSIONER AND THE DIVISION.

(4) THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW SHALL NOT APPLY TO ANY INFORMATION THAT THE DEPARTMENT OBTAINS FROM OR PROVIDES TO THE DIVISION PURSUANT TO THIS SECTION.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

SUBPART D

Section 1. Section 10 of the public housing law, as amended by chapter 398 of the laws of 1961, is amended to read as follows:

S 10. Division of housing and community renewal. 1. There shall be in the executive department a division of housing and community renewal. Reference in this chapter or in any other general, special or local law to the division of housing shall be deemed to mean and refer to the division of housing and community renewal which is hereby made the new title of such division.

2. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL IS AUTHORIZED TO ESTABLISH A TENANT PROTECTION UNIT. THE COMMISSIONER, THROUGH SUCH UNIT, SHALL HAVE THE FOLLOWING POWERS:

(A) TO CONDUCT AUDITS AND HEARINGS THEREON TO REVIEW RENT INCREASES RESULTING FROM INDIVIDUAL APARTMENT IMPROVEMENTS AUTHORIZED PURSUANT TO PARAGRAPH THIRTEEN OF SUBDIVISION C OF SECTION 26-511 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR PARAGRAPH ONE OF SUBDIVISION (D) OF SECTION SIX OF THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR. SUCH AUDITS MAY REQUIRE THE PRODUCTION OF BOOKS, PAPERS, RECORDS, CONTRACTS, CHECKS OR ANY OTHER DOCUMENTS RELEVANT AND MATERIAL TO INDIVIDUAL APARTMENT IMPROVEMENTS. ANY AUDIT SHALL BE LIMITED TO THOSE INDIVIDUAL APARTMENT IMPROVEMENTS FOR WHICH RENT INCREASES RESULTING FROM SUCH IMPROVEMENTS TOOK EFFECT WITHIN THREE CALENDAR YEARS PRIOR TO THE DATE OF THE NOTICE OF THE AUDIT;

1 (B) TO AUDIT COMPLIANCE BY OWNERS OF HOUSING ACCOMMODATIONS WITH
2 RESPECT TO ANNUAL REGISTRATION REQUIREMENTS PURSUANT TO SECTION 26-517
3 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND SECTION TWELVE-A
4 OF THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR; AND

5 (C) TO INVESTIGATE, ADMINISTER OATHS, ISSUE SUBPOENAS AND MAKE
6 INSPECTIONS UPON THE RECEIPT OF A TENANT COMPLAINT THAT ESTABLISHES
7 REASONABLE CAUSE TO BELIEVE THAT VIOLATIONS OF THE EMERGENCY TENANT
8 PROTECTION ACT OF NINETEEN SEVENTY-FOUR, THE RENT STABILIZATION LAW OF
9 NINETEEN HUNDRED SIXTY-NINE, THE EMERGENCY HOUSING RENT CONTROL LAW AND
10 THE LOCAL EMERGENCY HOUSING RENT CONTROL ACT HAVE OCCURRED.

11 3. (A) FOR THE PURPOSES OF THIS SECTION, THE SELECTION OF AN INDIVID-
12 UAL APARTMENT IMPROVEMENT FOR AUDIT SHALL BE CONDUCTED ON A RANDOM BASIS
13 BY THE TENANT PROTECTION UNIT FROM AMONG THOSE IMPROVEMENTS FOR WHICH
14 RENT INCREASES WHICH TOOK EFFECT WITHIN THREE CALENDAR YEARS PRIOR TO
15 THE DATE OF NOTICE OF SUCH AUDIT. ANY SUCH SELECTION SHALL BE DONE IN A
16 MANNER SUCH THAT THE IDENTITY OF THE OWNER WHOSE INDIVIDUAL APARTMENT
17 IMPROVEMENT IS SELECTED FOR AUDIT IS NOT KNOWN TO SUCH UNIT. THE DIVI-
18 SION OF HOUSING AND COMMUNITY RENEWAL SHALL PROMULGATE REGULATIONS
19 SETTING FORTH ITS METHODOLOGY FOR THE CONDUCT OF SUCH RANDOM AUDITS AND
20 TO ENSURE THAT INDIVIDUAL APARTMENT IMPROVEMENTS ARE AUDITED IN A
21 UNIFORM AND CONSISTENT MANNER.

22 (B) NOTWITHSTANDING THE FOREGOING, THE TENANT PROTECTION UNIT SHALL BE
23 AUTHORIZED UPON A FINDING OF FRAUD OR INTENTIONAL MISCONDUCT IN THE
24 CALCULATION OF RENT INCREASES TO EXPAND THE SCOPE OF ITS AUDIT TO OTHER
25 UNITS OWNED BY A COMMON OWNER OR TO EXTEND THE PERIOD OF TIME FOR THE
26 AUDIT.

27 (C) THE OWNER OF SUCH HOUSING ACCOMMODATION SHALL BE PROVIDED WITH
28 NOTICE OF THE AUDIT AND HEARING THEREON. THE OWNER SHALL, AT A MINIMUM,
29 BE PROVIDED WITH THE REASONABLE OPPORTUNITY TO RESPOND AT LEAST THIRTY
30 DAYS PRIOR TO A HEARING DATE WHERE THE OWNER, AT HIS OR HER OPTION, HAS
31 AN OPPORTUNITY TO BE HEARD IN-PERSON, PRESENT WITNESSES, AND SUBMIT
32 EVIDENCE. SUCH OWNER SHALL BE ENTITLED TO PROVIDE BOOKS, PAPERS,
33 RECORDS, CONTRACTS, CHECKS OR ANY OTHER DOCUMENTS IN SUPPORT OF AND
34 RELATING TO THE RENT INCREASE AND THE INDIVIDUAL APARTMENT IMPROVEMENT.

35 (D) AFTER SUCH HEARING, THE TENANT PROTECTION UNIT SHALL DETERMINE
36 WHETHER THE CORRECT AMOUNT OF RENT INCREASE RESULTING FROM AN INDIVIDUAL
37 APARTMENT IMPROVEMENT WAS CHARGED AND COLLECTED BY THE OWNER. WHERE THE
38 TENANT PROTECTION UNIT DETERMINES THAT SUCH CORRECT AMOUNT WAS NOT
39 CHARGED AND COLLECTED BY THE OWNER, THE OWNER SHALL BE LIABLE TO THE
40 TENANT FOR SUCH TOTAL AMOUNT, PLUS INTEREST. THE TENANT PROTECTION UNIT
41 SHALL INFORM THE OWNER, IN WRITING, VIA CERTIFIED MAIL, NO LATER THAN
42 THIRTY CALENDAR DAYS AFTER SUCH HEARING, WHETHER THE CORRECT AMOUNT WAS
43 CHARGED AND COLLECTED.

44 (E) ANY DETERMINATION BY THE TENANT PROTECTION UNIT SHALL BE SUBJECT
45 TO A PETITION FOR ADMINISTRATIVE REVIEW BY THE DEPUTY COMMISSIONER OF
46 THE OFFICE OF RENT ADMINISTRATION WHICH SHALL ISSUE A FINAL DETERMI-
47 NATION. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL, BY REGU-
48 LATION, PROVIDE FOR THE ADMINISTRATIVE REVIEW OF ALL DETERMINATIONS
49 ISSUED BY THE TENANT PROTECTION UNIT PURSUANT TO THIS SECTION. A PETI-
50 TION FOR SUCH REVIEW SHALL BE DISPOSED OF BY A FINAL DETERMINATION WITH-
51 IN NINETY DAYS AFTER IT IS FILED, OR IT SHALL BE DEEMED TO BE DENIED.
52 PROVIDED, HOWEVER, SUCH REGULATION SHALL PROVIDE FOR ONE EXTENSION NOT
53 TO EXCEED THIRTY DAYS UPON THE CONSENT OF THE PARTY FILING SUCH PETI-
54 TION. A FINAL DETERMINATION OR A PRESUMPTIVE DENIAL BY THE OFFICE OF
55 RENT ADMINISTRATION SHALL BE SUBJECT TO JUDICIAL REVIEW PURSUANT TO
56 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

1 (F) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, A DETERMINATION
2 PURSUANT TO THIS SECTION THAT THE CORRECT AMOUNT OF RENT INCREASE
3 RESULTING FROM AN INDIVIDUAL APARTMENT IMPROVEMENT WAS NOT CHARGED AND
4 COLLECTED BY THE OWNER SHALL CONSTITUTE THE SOLE AND EXCLUSIVE REMEDY
5 FOR ANY AND ALL CLAIMS BY THE DIVISION OR THE TENANT OF SUCH HOUSING
6 ACCOMMODATION RELATING TO SUCH INCREASE AND ANY SUCH DETERMINATION SHALL
7 PRECLUDE ANY OTHER ADMINISTRATIVE OR JUDICIAL ACTIONS OR PROCEEDINGS BY
8 THE DIVISION OR SUCH TENANT ARISING FROM OR RELATING TO SUCH RENT
9 INCREASE OR SUCH IMPROVEMENT; PROVIDED FURTHER THAT A SHORTFALL IN THE
10 AMOUNT THAT WAS CHARGED MAY RESULT IN AN IMMEDIATE INCREASE, COMMENCING
11 FROM THE DATE OF THE FINDING.

12 (G) THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL ESTABLISH AND
13 MAKE PUBLICLY AVAILABLE GUIDELINES AND BEST PRACTICES REGARDING PROPER
14 RECORD RETENTION AND DOCUMENTATION PROCEDURES FOR OWNERS WHO HAVE OR MAY
15 INTEND TO PERFORM IMPROVEMENTS THAT MAY BE SUBJECT TO AUDIT PURSUANT TO
16 THIS SECTION. SUCH GUIDELINES SHALL ALSO SET FORTH A FORM AFFIDAVIT BY
17 WHICH OWNERS MAY ATTEST TO THE PERFORMANCE OF INDIVIDUAL APARTMENT
18 IMPROVEMENTS IN THOSE INSTANCES WHERE THE DOCUMENTATION RELATING TO SUCH
19 IMPROVEMENTS IS UNAVAILABLE, INCLUDING BUT NOT LIMITED TO, BECAUSE SUCH
20 DOCUMENTS WERE DAMAGED OR DESTROYED BY FIRE, FLOOD OR ANY OTHER CAUSE,
21 BECAUSE THEY WERE NOT PROVIDED TO THE CURRENT OWNER BY THE PRIOR OWNER,
22 OR FOR ANY OTHER REASON ATTESTED TO IN GOOD FAITH.

23 (H) THE TENANT PROTECTION UNIT SHALL ALSO CREATE, MAINTAIN AND MAKE
24 PUBLICLY AVAILABLE A SCHEDULE ESTABLISHING PERIODS OF PROBABLE USEFUL-
25 NESS FOR INDIVIDUAL APARTMENT IMPROVEMENTS.

26 S 2. This act shall take effect on the ninetieth day after it shall
27 have become a law; provided however the division of housing and communi-
28 ty renewal is authorized and directed to promulgate rules and regu-
29 lations necessary for the implementation of this act on or before such
30 date.

31 SUBPART E

32 Section 1. Paragraphs 1 and 2 of subdivision c of section 26-516 of
33 the administrative code of the city of New York, as amended by section 1
34 of chapter 480 of the laws of 2009, are amended to read as follows:

35 (1) to have violated an order of the division the commissioner may
36 impose by administrative order after hearing, a civil penalty [in the
37 amount of one thousand dollars for the first such offense and two] AT
38 MINIMUM IN THE AMOUNT OF ONE THOUSAND BUT NOT TO EXCEED TWO THOUSAND
39 DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT A MINIMUM IN THE AMOUNT OF
40 TWO THOUSAND BUT NOT TO EXCEED THREE thousand dollars for each subse-
41 quent offense; or

42 (2) to have harassed a tenant to obtain vacancy of his or her housing
43 accommodation, the commissioner may impose by administrative order after
44 hearing, a civil penalty for any such violation. Such penalty shall be
45 [in the amount of two thousand dollars for a first such offense and up
46 to ten] AT A MINIMUM IN THE AMOUNT OF TWO THOUSAND BUT NOT TO EXCEED
47 THREE THOUSAND DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE
48 AMOUNT OF TEN THOUSAND BUT NOT TO EXCEED ELEVEN thousand dollars for
49 each subsequent offense or for a violation consisting of conduct
50 directed at the tenants of more than one housing accommodation.

51 S 2. Paragraph 2 of subdivision c of section 26-516 of the administra-
52 tive code of the city of New York, as amended by section 2 of chapter
53 480 of the laws of 2009, is amended to read as follows:

(2) to have harassed a tenant to obtain vacancy of his or her housing accommodation, the commissioner may impose by administrative order after hearing, a civil penalty for any such violation. Such penalty shall be [in the amount of two thousand dollars for a first such offense and up to ten] AT MINIMUM IN THE AMOUNT OF TWO THOUSAND BUT NOT TO EXCEED THREE THOUSAND DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT A MINIMUM IN THE AMOUNT OF TEN THOUSAND BUT NOT TO EXCEED ELEVEN thousand dollars for each subsequent offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation.

S 3. Subparagraph (a) of paragraph 2 of subdivision b of section 26-413 of the administrative code of the city of New York, as amended by section 3 of chapter 480 of the laws of 2009, is amended to read as follows:

(a) Impose by administrative order after hearing, a civil penalty for any violation of said section and bring an action to recover same in any court of competent jurisdiction. Such penalty in the case of a violation of subdivision d of such section shall be [in the amount of two thousand dollars for the first offense and ten] AT MINIMUM IN THE AMOUNT OF TWO THOUSAND BUT NOT TO EXCEED THREE THOUSAND DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE AMOUNT OF TEN THOUSAND BUT NOT TO EXCEED ELEVEN thousand dollars for each subsequent offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation; and in the case of any other violation of such section [in the amount of one thousand dollars for the first such offense and two] AT MINIMUM IN THE AMOUNT OF ONE THOUSAND BUT NOT TO EXCEED TWO THOUSAND DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE AMOUNT OF TWO THOUSAND BUT NOT TO EXCEED THREE thousand dollars for each subsequent offense. Such order by the city rent agency shall be deemed a final determination for the purposes of judicial review as provided in section 26-411 of this chapter. Such action shall be brought on behalf of the city and any amount recovered shall be paid into the city treasury. Such right of action may be released, compromised or adjusted by the city rent agency at any time subsequent to the issuance of such administrative order.

S 4. Subparagraph (a) of paragraph 2 of subdivision b of section 26-413 of the administrative code of the city of New York, as amended by section 4 of chapter 480 of the laws of 2009, is amended to read as follows:

(a) Impose by administrative order after hearing, a civil penalty for any violation of said section and bring an action to recover same in any court of competent jurisdiction. Such penalty in the case of a violation of subdivision d of such section shall be [in the amount of two thousand dollars for a first such offense and ten] AT MINIMUM IN THE AMOUNT OF TWO THOUSAND BUT NOT TO EXCEED THREE THOUSAND DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE AMOUNT OF TEN THOUSAND BUT NOT TO EXCEED ELEVEN thousand dollars for each subsequent offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation; and in the case of any other violation of such section [in the amount of one thousand dollars for the first such offense and two] AT MINIMUM IN THE AMOUNT OF ONE THOUSAND BUT NOT TO EXCEED TWO THOUSAND DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE AMOUNT OF TWO THOUSAND BUT NOT TO EXCEED THREE thousand dollars for each subsequent offense. Such order by the city rent agency shall be deemed a final determination for the purposes of judicial review as provided in section 26-411 of this chapter. Such action shall be brought on behalf of the city and any amount recovered shall be paid into the city treas-

1 ury. Such right of action may be released, compromised or adjusted by
2 the city rent agency at any time subsequent to the issuance of such
3 administrative order.

4 S 5. Clauses (i) and (ii) of paragraph 3 of subdivision a of section
5 12 of section 4 of chapter 576 of the laws of 1974 constituting the
6 emergency tenant protection act of nineteen seventy-four, as amended by
7 section 5 of chapter 480 of the laws of 2009, are amended to read as
8 follows:

9 (i) to have violated an order of the division the commissioner may
10 impose by administrative order after hearing, a civil penalty [in the
11 amount of one thousand dollars for the first such offense and two] AT
12 MINIMUM IN THE AMOUNT OF ONE THOUSAND BUT NOT TO EXCEED TWO THOUSAND
13 DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE AMOUNT OF TWO
14 THOUSAND BUT NOT TO EXCEED THREE thousand dollars for each subsequent
15 offense; or

16 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
17 modation, the commissioner may impose by administrative order after
18 hearing, a civil penalty for any such violation. Such penalty shall be
19 in [the amount of two thousand dollars for the first such offense and
20 ten] AT MINIMUM IN THE AMOUNT OF TWO THOUSAND BUT NOT TO EXCEED THREE
21 THOUSAND DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE
22 AMOUNT OF TEN THOUSAND BUT NOT TO EXCEED ELEVEN thousand dollars for
23 each subsequent offense or for a violation consisting of conduct
24 directed at the tenants of more than one housing accommodation.

25 S 6. Clause (ii) of paragraph 3 of subdivision a of section 12 of
26 section 4 of chapter 576 of the laws of 1974 constituting the emergency
27 tenant protection act of nineteen seventy-four, as amended by section 6
28 of chapter 480 of the laws of 2009, is amended to read as follows:

29 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
30 modation, the commissioner may impose by administrative order after
31 hearing, a civil penalty for any such violation. Such penalty shall be
32 [in the amount of two thousand dollars for the first such offense and
33 ten] AT MINIMUM IN THE AMOUNT OF TWO THOUSAND BUT NOT TO EXCEED THREE
34 THOUSAND DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE
35 AMOUNT OF TEN THOUSAND BUT NOT TO EXCEED ELEVEN thousand dollars for
36 each subsequent offense or for a violation consisting of conduct
37 directed at the tenants of more than one housing accommodation.

38 S 7. This act shall take effect immediately; provided, however, that:

39 1. the amendments to section 26-516 of chapter 4 of title 26 of the
40 administrative code of the city of New York made by sections one and two
41 of this act shall expire on the same date as such law expires and shall
42 not affect the expiration of such law as provided under section 26-520
43 of such law;

44 2. the amendments to section 4 of the emergency tenant protection act
45 of nineteen seventy-four made by sections five and six of this act shall
46 expire on the same date as such act expires and shall not affect the
47 expiration of such act as provided in section 17 of chapter 576 of the
48 laws of 1974;

49 3. the amendments to section 26-413 of the city rent and rehabili-
50 tation law made by sections three and four of this act shall remain in
51 full force and effect only as long as the public emergency requiring the
52 regulation and control of residential rents and evictions continues, as
53 provided in subdivision 3 of section 1 of the local emergency housing
54 rent control act;

55 4. the amendments to paragraph 2 of subdivision c of section 26-516 of
56 the administrative code of the city of New York made by section one of

1 this act shall be subject to the expiration and reversion of such para-
2 graph pursuant to section 46 of chapter 116 of the laws of 1997, as
3 amended, when upon such date the provisions of section two of this act
4 shall take effect;

5 5. the amendments to subparagraph (a) of paragraph 2 of subdivision b
6 of section 26-413 of the administrative code of the city of New York
7 made by section three of this act shall be subject to the expiration and
8 reversion of such subparagraph pursuant to section 46 of chapter 116 of
9 the laws of 1997, as amended, when upon such date the provisions of
10 section four of this act shall take effect; and

11 6. the amendments to clause (ii) of paragraph 3 of subdivision a of
12 section 12 of section 4 of chapter 576 of the laws of 1974 constituting
13 the emergency tenant protection act of nineteen seventy-four made by
14 section five of this act shall be subject to the expiration and rever-
15 sion of such clause pursuant to section 46 of chapter 116 of the laws of
16 1997, as amended, when upon such date the provisions of section six of
17 this act shall take effect.

18 SUBPART F

19 Section 1. Section 4 of chapter 576 of the laws of 1974 constituting
20 the emergency tenant protection act of nineteen seventy-four is amended
21 by adding a new section 5-b to read as follows:

22 S 5-B. TENANCY. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ACT
23 OR THE PROVISIONS OF ANY CONTRACT, LEASE OR RENTAL AGREEMENT, NO OWNER
24 OR ANY AGENT THEREOF SHALL ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT
25 FOR OCCUPANCY OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS ACT IF
26 THE OWNER OR ANY AGENT THEREOF HAS REASON TO KNOW THAT THE TENANT WILL
27 NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE, OR
28 THE TENANT IS A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS OR NOT-FOR-
29 PROFIT ENTITY, PROVIDED, HOWEVER, IF THE TENANT (I) IS A NOT-FOR-PROFIT
30 CORPORATION, PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW, THAT IS
31 SOLELY ENGAGED IN ACTIVITIES TO PROVIDE HOUSING AND ADDITIONAL SUPPORT
32 SERVICES, IF ANY, TO LOW-INCOME OR VULNERABLE MEMBERS OF THE POPULATION,
33 AS DETERMINED BY THE COMMISSIONER OF THE DIVISION OF HOUSING AND COMMU-
34 NITY RENEWAL, OR (II) IS A CORPORATION, PARTNERSHIP OR OTHER BUSINESS
35 THAT IS PROVIDING AN OFFICER, PARTNER, EMPLOYEE OR OTHER NATURAL PERSON
36 PARTICIPATING IN THE DAY-TO-DAY OPERATIONS WITH A DWELLING UNIT, WHICH
37 SHALL BE OCCUPIED AS THE INDIVIDUAL'S PRIMARY RESIDENCE, AN OWNER OR
38 AGENT THEREOF MAY ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR
39 OCCUPANCY OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS ACT.

40 S 2. Clause (i) of paragraph 3 of subdivision a of section 12 of
41 section 4 of chapter 576 of the laws of 1974 constituting the emergency
42 tenant protection act of nineteen seventy-four, as amended by chapter
43 480 of the laws of 2009, is amended to read as follows:

44 (i) to have violated an order of the division OR SECTION FIVE-B OF
45 THIS ACT the commissioner may impose by administrative order after hear-
46 ing, a civil penalty in the amount of one thousand dollars for the first
47 such offense and two thousand dollars for each subsequent offense; or

48 S 3. Section 26-512 of the administrative code of the city of New York
49 is amended by adding a new subdivision g to read as follows:

50 G. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW OR THE PROVISIONS
51 OF ANY CONTRACT, LEASE OR RENTAL AGREEMENT, NO OWNER OR ANY AGENT THERE-
52 OF SHALL ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR OCCUPANCY OF
53 A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER IF THE OWNER OR
54 ANY AGENT THEREOF HAS REASON TO KNOW THAT THE TENANT WILL NOT OCCUPY THE

1 HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE, OR THE TENANT IS
2 A CORPORATION, PARTNERSHIP, OR OTHER BUSINESS OR NOT-FOR-PROFIT ENTITY,
3 PROVIDED, HOWEVER, IF THE TENANT (I) IS A NOT-FOR-PROFIT CORPORATION,
4 PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW, THAT IS SOLELY ENGAGED
5 IN ACTIVITIES TO PROVIDE HOUSING AND ADDITIONAL SUPPORT SERVICES, IF
6 ANY, TO LOW-INCOME OR VULNERABLE MEMBERS OF THE POPULATION, AS DETER-
7 MINED BY THE COMMISSIONER OF THE DIVISION OF HOUSING AND COMMUNITY
8 RENEWAL, OR (II) IS A CORPORATION, PARTNERSHIP OR OTHER BUSINESS THAT IS
9 PROVIDING AN OFFICER, PARTNER, EMPLOYEE OR OTHER NATURAL PERSON PARTIC-
10 IPATING IN THE DAY-TO-DAY OPERATIONS WITH A DWELLING UNIT, WHICH SHALL
11 BE OCCUPIED AS THE INDIVIDUAL'S PRIMARY RESIDENCE, AN OWNER OR AGENT
12 THEREOF MAY ENTER INTO A LEASE, OR OTHER RENTAL AGREEMENT FOR OCCUPANCY
13 OF A VACANT HOUSING ACCOMMODATION SUBJECT TO THIS CHAPTER.

14 S 4. Paragraph 1 of subdivision c of section 26-516 of the administra-
15 tive code of the city of New York, as amended by chapter 480 of the laws
16 of 2009, is amended to read as follows:

17 (1) to have violated an order of the division OR SUBDIVISION G OF
18 SECTION 26-512 OF THIS CHAPTER the commissioner may impose by adminis-
19 trative order after hearing, a civil penalty in the amount of one thou-
20 sand dollars for the first such offense and two thousand dollars for
21 each subsequent offense; or

22 S 5. Severability. If any provision of this act, or any application of
23 any provision of this act, is held to be invalid, that shall not affect
24 the validity or effectiveness of any other provision of this act, any
25 other application of any provision of this act, or any other provision
26 of any law or code amended by this act.

27 S 6. This act shall take effect on the sixtieth day after it shall
28 have become a law; provided that:

29 (a) the amendments to the emergency tenant protection act of nineteen
30 seventy-four made by sections one and two of this act shall expire on
31 the same date as such act expires and shall not affect the expiration of
32 such act as provided in section 17 of chapter 576 of the laws of 1974;
33 and

34 (b) the amendments to sections 26-512 and 26-516 of the administrative
35 code of the city of New York made by sections three and four of this act
36 shall expire on the same date as such sections expire and shall not
37 affect the expiration of such sections as provided in section 26-520 of
38 such code.

39 SUBPART G

40 Section 1. The section heading of section 467-b of the real property
41 tax law, as amended by section 1 of chapter 188 of the laws of 2005, is
42 amended to read as follows:

43 Tax abatement for rent-controlled and rent regulated property occupied
44 by senior citizens or persons with disabilities OR PERSONS PAYING A
45 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
46 COMBINED INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD.

47 S 2. Paragraph b of subdivision 1 of section 467-b of the real proper-
48 ty tax law, as amended by section 1 of chapter 188 of the laws of 2005,
49 is amended to read as follows:

50 b. "Head of the household" means a person (i) who is sixty-two years
51 of age or older, or (ii) who qualifies as a person with a disability
52 pursuant to subdivision five of this section, OR (III) WHO PAYS A MAXI-
53 MUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED

1 INCOME OF ALL MEMBERS OF THEIR HOUSEHOLD, and is entitled to the
2 possession or to the use or occupancy of a dwelling unit;

3 S 3. Subdivision 2 of section 467-b of the real property tax law, as
4 amended by chapter 747 of the laws of 1985, is amended to read as
5 follows:

6 2. The governing body of any municipal corporation is hereby author-
7 ized and empowered to adopt, after public hearing, in accordance with
8 the provisions of this section, a local law, ordinance or resolution
9 providing for the abatement of taxes of said municipal corporation
10 imposed on real property containing a dwelling unit as defined herein by
11 one of the following amounts: (a) where the head of the household does
12 not receive a monthly allowance for shelter pursuant to the social
13 services law, an amount not in excess of that portion of any increase in
14 maximum rent or legal regulated rent which causes such maximum rent or
15 legal regulated rent to exceed one-third of the combined income of all
16 members of the household; or

17 (b) WHERE THE HEAD OF THE HOUSEHOLD QUALIFIES AS A PERSON PAYING A
18 MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
19 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD AND DOES NOT RECEIVE A
20 MONTHLY ALLOWANCE FOR SHELTER PURSUANT TO THE SOCIAL SERVICES LAW, AN
21 AMOUNT NOT IN EXCESS OF THAT PORTION OF ANY INCREASE IN MAXIMUM RENT OR
22 LEGAL REGULATED RENT WHICH CAUSES SUCH MAXIMUM RENT OR LEGAL REGULATED
23 RENT TO EXCEED ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE
24 HOUSEHOLD; OR

25 (C) where the head of the household receives a monthly allowance for
26 shelter pursuant to the social services law, an amount not in excess of
27 that portion of any increase in maximum rent or legal regulated rent
28 which is not covered by the maximum allowance for shelter which such
29 person is entitled to receive pursuant to the social services law.

30 S 4. Paragraph a of subdivision 3 of section 467-b of the real proper-
31 ty tax law, as amended by section 1 of part U of chapter 55 of the laws
32 of 2014, is amended to read as follows:

33 a. for a dwelling unit where the head of the household is a person
34 sixty-two years of age or older OR WHERE THE HEAD OF THE HOUSEHOLD PAYS
35 A MAXIMUM RENT OR LEGAL REGULATED RENT WHICH EXCEEDS ONE-HALF OF THE
36 COMBINED INCOME OF ALL MEMBERS OF THE HOUSEHOLD, no tax abatement shall
37 be granted if the combined income of all members of the household for
38 the income tax year immediately preceding the date of making application
39 exceeds four thousand dollars, or such other sum not more than twenty-
40 five thousand dollars beginning July first, two thousand five, twenty-
41 six thousand dollars beginning July first, two thousand six, twenty-sev-
42 en thousand dollars beginning July first, two thousand seven,
43 twenty-eight thousand dollars beginning July first, two thousand eight,
44 twenty-nine thousand dollars beginning July first, two thousand nine,
45 and fifty thousand dollars beginning July first, two thousand fourteen,
46 as may be provided by the local law, ordinance or resolution adopted
47 pursuant to this section, provided that when the head of the household
48 retires before the commencement of such income tax year and the date of
49 filing the application, the income for such year may be adjusted by
50 excluding salary or earnings and projecting his or her retirement income
51 over the entire period of such year.

52 S 5. Paragraph d of subdivision 1 of section 467-c of the real proper-
53 ty tax law, as separately amended by chapters 188 and 205 of the laws of
54 2005, and subparagraph 1 of paragraph d as amended by section 2 of part
55 U of chapter 55 of the laws of 2014, is amended to read as follows:

1 d. "Eligible head of the household" means (1) a person or his or her
2 spouse who is sixty-two years of age or older, OR A PERSON WHO PAYS A
3 MAXIMUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL
4 MEMBERS OF THE HOUSEHOLD, and is entitled to the possession or to the
5 use and occupancy of a dwelling unit, provided, however, with respect to
6 a dwelling which was subject to a mortgage insured or initially insured
7 by the federal government pursuant to section two hundred thirteen of
8 the National Housing Act, as amended "eligible head of the household"
9 shall be limited to that person or his or her spouse who was entitled to
10 possession or the use and occupancy of such dwelling unit at the time of
11 termination of such mortgage, and whose income when combined with the
12 income of all other members of the household, does not exceed six thou-
13 sand five hundred dollars for the taxable period, or such other sum not
14 less than sixty-five hundred dollars nor more than twenty-five thousand
15 dollars beginning July first, two thousand five, twenty-six thousand
16 dollars beginning July first, two thousand six, twenty-seven thousand
17 dollars beginning July first, two thousand seven, twenty-eight thousand
18 dollars beginning July first, two thousand eight, twenty-nine thousand
19 dollars beginning July first, two thousand nine, and fifty thousand
20 dollars beginning July first, two thousand fourteen, as may be provided
21 by local law; or (2) a person with a disability as defined in this
22 subdivision.

23 S 6. Subparagraph (1) of paragraph a of subdivision 3 of section 467-c
24 of the real property tax law, as amended by chapter 747 of the laws of
25 1985, is amended to read as follows:

26 (1) where the eligible head of the household WHO IS EITHER SIXTY-TWO
27 YEARS OF AGE OR OLDER OR IS DISABLED does not receive a monthly allow-
28 ance for shelter pursuant to the social services law, the amount by
29 which increases in the maximum rent subsequent to such person's eligi-
30 bility date have resulted in the maximum rent exceeding one-third of the
31 combined income of all members of the household for the taxable period,
32 OR WHERE THE ELIGIBLE HEAD OF THE HOUSEHOLD IS A PERSON WHO PAYS A MAXI-
33 MUM RENT WHICH EXCEEDS ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF
34 THE HOUSEHOLD DOES NOT RECEIVE A MONTHLY ALLOWANCE FOR SHELTER PURSUANT
35 TO THE SOCIAL SERVICES LAW, THE AMOUNT BY WHICH INCREASES IN THE MAXIMUM
36 RENT SUBSEQUENT TO SUCH PERSON'S DATE HAVE RESULTED IN THE MAXIMUM RENT
37 EXCEEDING ONE-HALF OF THE COMBINED INCOME OF ALL MEMBERS OF THE HOUSE-
38 HOLD FOR THE TAXABLE PERIOD, except that in no event shall a rent
39 increase exemption order/tax abatement certificate become effective
40 prior to January first, nineteen hundred seventy-six; or

41 S 7. The state comptroller shall annually pay to each city providing
42 real property tax abatements pursuant to sections 467-v and 467-c of the
43 real property tax law an amount equal to 10 per centum of the real prop-
44 erty tax revenue lost during the city fiscal year due to the implementa-
45 tion of the provisions of this act. Each city eligible for state
46 payments pursuant to this section shall provide the state comptroller
47 with such information as he or she shall deem necessary.

48 S 8. This act shall take effect July 1, 2015; provided however, that
49 a. the amendments to section 467-b of the real property tax law, made
50 by sections one, two, three and four of this act shall be subject to the
51 expiration and reversion of such section pursuant to section 17 of chap-
52 ter 576 of the laws of 1974, and shall expire and be deemed repealed
53 therewith;

54 b. the amendments to paragraph a of subdivision 3 of section 467-b of
55 the real property tax law, made by section four of this act shall be
56 subject to the expiration of such paragraph pursuant to section 4 of

part U of chapter 55 of the laws of 2014, as amended, and shall be deemed to expire therewith; and

c. the amendments to subparagraph (1) of paragraph d of subdivision 1 of section 467-c of the real property tax law, made by section five of this act shall not affect the expiration of such subparagraph pursuant to section 4 of part U of chapter 55 of the laws of 2014, as amended, and shall expire and be deemed repealed therewith.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date of Subparts A through G of this act shall be as specifically set forth in the last section of such Subparts.

PART B

Section 1. Section 421-a of the real property tax law is amended by adding two new subdivisions 16 and 17 to read as follows:

16. (A) DEFINITIONS. FOR THE PURPOSES OF THIS SUBDIVISION:

(I) "421-A BENEFITS" SHALL MEAN EXEMPTION FROM REAL PROPERTY TAXATION PURSUANT TO THIS SUBDIVISION.

(II) "AFFORDABILITY OPTION A" SHALL MEAN THAT, WITHIN ANY ELIGIBLE SITE LOCATED EITHER ONSITE OR OFFSITE: (A) NOT LESS THAN TEN PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING FORTY PERCENT UNITS, (B) NOT LESS THAN AN ADDITIONAL TEN PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING SIXTY PERCENT UNITS, (C) NOT LESS THAN AN ADDITIONAL FIVE PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS, AND (D) SUCH ELIGIBLE SITE IS DEVELOPED WITHOUT THE SUBSTANTIAL ASSISTANCE OF GRANTS, LOANS OR SUBSIDIES PROVIDED BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY OR INSTRUMENTALITY PURSUANT TO A PROGRAM FOR THE DEVELOPMENT OF AFFORDABLE HOUSING, EXCEPT THAT SUCH ELIGIBLE SITE MAY RECEIVE TAX EXEMPT BOND PROCEEDS AND FOUR PERCENT TAX CREDITS.

(III) "AFFORDABILITY OPTION B" SHALL MEAN THAT, WITHIN ANY ELIGIBLE SITE LOCATED EITHER ONSITE OR OFFSITE: (A) NOT LESS THAN TEN PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING SEVENTY PERCENT UNITS, AND (B) NOT LESS THAN AN ADDITIONAL TWENTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

(IV) "AFFORDABILITY OPTION C" SHALL MEAN THAT, WITHIN ANY ELIGIBLE SITE LOCATED EITHER ONSITE OR OFFSITE: (A) NOT LESS THAN THIRTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS, AND (B) SUCH ELIGIBLE SITE IS DEVELOPED WITHOUT THE SUBSTANTIAL ASSISTANCE OF GRANTS, LOANS OR SUBSIDIES PROVIDED BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY OR INSTRUMENTALITY PURSUANT TO A PROGRAM FOR THE DEVELOPMENT OF AFFORDABLE HOUSING.

(V) "AFFORDABILITY OPTION D" SHALL ONLY APPLY TO A HOMEOWNERSHIP PROJECT, OF WHICH TWENTY-FIVE PERCENT OF THE UNITS SHALL HAVE AN AVERAGE ASSESSED VALUE NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS.

(VI) "AFFORDABILITY PERCENTAGE" SHALL MEAN A FRACTION, THE NUMERATOR OF WHICH IS THE NUMBER OF AFFORDABLE HOUSING UNITS IN AN ELIGIBLE SITE

1 AND THE DENOMINATOR OF WHICH IS THE TOTAL NUMBER OF DWELLING UNITS IN
2 SUCH ELIGIBLE SITE.

3 (VII) "AFFORDABLE HOUSING FORTY PERCENT UNIT" SHALL MEAN A DWELLING
4 UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH 421-A
5 BENEFITS ARE GRANTED, AND (B) UPON INITIAL RENTAL AND UPON EACH SUBSE-
6 QUENT RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, IS
7 AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES
8 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED FORTY PERCENT OF THE AREA MEDIAN
9 INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD
10 INITIALLY OCCUPIES SUCH DWELLING UNIT.

11 (VIII) "AFFORDABLE HOUSING SIXTY PERCENT UNIT" SHALL MEAN A DWELLING
12 UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH 421-A
13 BENEFITS ARE GRANTED, AND (B) UPON INITIAL RENTAL AND UPON EACH SUBSE-
14 QUENT RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, IS
15 AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES
16 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED SIXTY PERCENT OF THE AREA MEDIAN
17 INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD
18 INITIALLY OCCUPIES SUCH DWELLING UNIT.

19 (IX) "AFFORDABLE HOUSING SEVENTY PERCENT UNIT" SHALL MEAN A DWELLING
20 UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH 421-A
21 BENEFITS ARE GRANTED, AND (B) UPON INITIAL RENTAL AND UPON EACH SUBSE-
22 QUENT RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, IS
23 AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES
24 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED SEVENTY PERCENT OF THE AREA MEDI-
25 AN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD
26 INITIALLY OCCUPIES SUCH DWELLING UNIT.

27 (X) "AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNIT" SHALL MEAN A
28 DWELLING UNIT THAT: (A) IS SITUATED WITHIN THE ELIGIBLE SITE FOR WHICH
29 421-A BENEFITS ARE GRANTED, AND (B) UPON INITIAL RENTAL AND UPON EACH
30 SUBSEQUENT RENTAL FOLLOWING A VACANCY DURING THE RESTRICTION PERIOD, IS
31 AFFORDABLE TO AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES
32 WHOSE HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE
33 AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH
34 HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

35 (XI) "AFFORDABLE HOUSING UNIT" SHALL MEAN, COLLECTIVELY AND INDIVID-
36 UALLY, AFFORDABLE HOUSING FORTY PERCENT UNITS, AFFORDABLE HOUSING SIXTY
37 PERCENT UNITS, AFFORDABLE HOUSING SEVENTY PERCENT UNITS, AND AFFORDABLE
38 HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

39 (XII) "AGENCY" SHALL MEAN THE DEPARTMENT OF HOUSING PRESERVATION AND
40 DEVELOPMENT.

41 (XIII) "APPLICATION" SHALL MEAN AN APPLICATION FOR 421-A BENEFITS.

42 (XIV) "BUILDING SERVICE EMPLOYEE" SHALL MEAN ANY PERSON WHO IS REGU-
43 LARLY EMPLOYED AT, AND PERFORMS WORK IN CONNECTION WITH THE CARE OR
44 MAINTENANCE OF, AN ELIGIBLE SITE, INCLUDING, BUT NOT LIMITED TO, A
45 WATCHMAN, GUARD, DOORMAN, BUILDING CLEANER, PORTER, HANDYMAN, JANITOR,
46 GARDENER, GROUNDSKEEPER, ELEVATOR OPERATOR AND STARTER, AND WINDOW
47 CLEANER, BUT NOT INCLUDING PERSONS REGULARLY SCHEDULED TO WORK FEWER
48 THAN EIGHT HOURS PER WEEK AT THE ELIGIBLE SITE.

49 (XV) "COMMENCEMENT DATE" SHALL MEAN, WITH RESPECT TO ANY ELIGIBLE
50 MULTIPLE DWELLING, THE DATE UPON WHICH EXCAVATION AND CONSTRUCTION OF
51 INITIAL FOOTINGS AND FOUNDATIONS LAWFULLY BEGINS IN GOOD FAITH OR, FOR
52 AN ELIGIBLE CONVERSION, THE DATE UPON WHICH THE ACTUAL CONSTRUCTION OF
53 THE CONVERSION, ALTERATION OR IMPROVEMENT OF THE PRE-EXISTING BUILDING
54 OR STRUCTURE LAWFULLY BEGINS IN GOOD FAITH.

55 (XVI) "COMPLETION DATE" SHALL MEAN THE DATE UPON WHICH THE LOCAL
56 DEPARTMENT OF BUILDINGS ISSUES THE FIRST TEMPORARY OR PERMANENT CERTIF-

1 ICATE OF OCCUPANCY COVERING ALL RESIDENTIAL AREAS OF AN ELIGIBLE MULTI-
2 PLE DWELLING.

3 (XVII) "CONSTRUCTION PERIOD" SHALL MEAN, WITH RESPECT TO ANY ELIGIBLE
4 MULTIPLE DWELLING, A PERIOD: (A) BEGINNING ON THE LATER OF THE COMMENCE-
5 MENT DATE OF SUCH ELIGIBLE MULTIPLE DWELLING OR THREE YEARS BEFORE THE
6 COMPLETION DATE OF SUCH ELIGIBLE MULTIPLE DWELLING, AND (B) ENDING ON
7 THE DAY PRECEDING THE COMPLETION DATE OF SUCH ELIGIBLE MULTIPLE DWELL-
8 ING.

9 (XVIII) "ELIGIBLE CONVERSION" SHALL MEAN THE CONVERSION, ALTERATION OR
10 IMPROVEMENT OF A PRE-EXISTING BUILDING OR STRUCTURE RESULTING IN A
11 MULTIPLE DWELLING IN WHICH NO MORE THAN FORTY-NINE PERCENT OF THE FLOOR
12 AREA CONSISTS OF SUCH PRE-EXISTING BUILDING OR STRUCTURE.

13 (XIX) "ELIGIBLE MULTIPLE DWELLING" SHALL MEAN A MULTIPLE DWELLING THAT
14 MAY INCLUDE BOTH ONSITE AND OFFSITE UNITS OR HOMEOWNERSHIP PROJECT
15 CONTAINING SIX OR MORE DWELLING UNITS CREATED THROUGH NEW CONSTRUCTION
16 OR ELIGIBLE CONVERSION FOR WHICH THE COMMENCEMENT DATE IS AFTER DECEMBER
17 THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ON OR BEFORE JUNE FIFTEENTH, TWO
18 THOUSAND TWENTY-ONE, AND FOR WHICH THE COMPLETION DATE IS ON OR BEFORE
19 JUNE FIFTEENTH, TWO THOUSAND TWENTY-FIVE.

20 (XX) "ELIGIBLE SITE" SHALL MEAN EITHER: (A) A TAX LOT CONTAINING AN
21 ELIGIBLE MULTIPLE DWELLING, OR (B) A ZONING LOT CONTAINING TWO OR MORE
22 ELIGIBLE MULTIPLE DWELLINGS THAT ARE PART OF A SINGLE APPLICATION.

23 (XXI) "FISCAL OFFICER" SHALL MEAN THE COMPTROLLER OR OTHER ANALOGOUS
24 OFFICER IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

25 (XXII) "FLOOR AREA" SHALL MEAN "FLOOR AREA" AS DEFINED IN THE NEW YORK
26 CITY ZONING RESOLUTION.

27 (XXIII) "FOUR PERCENT TAX CREDITS" SHALL MEAN FEDERAL LOW INCOME HOUS-
28 ING TAX CREDITS COMPUTED IN ACCORDANCE WITH CLAUSE (II) OF SUBPARAGRAPH
29 (B) OF PARAGRAPH ONE OF SUBSECTION (B) OF SECTION FORTY-TWO OF THE
30 INTERNAL REVENUE CODE OF NINETEEN HUNDRED EIGHTY-SIX, AS AMENDED.

31 (XXIV) "HOMEOWNERSHIP PROJECT" SHALL MEAN A MULTIPLE DWELLING OR
32 PORTION THEREOF OPERATED AS CONDOMINIUM OR COOPERATIVE HOUSING, HOWEVER,
33 IT SHALL NOT INCLUDE A MULTIPLE DWELLING OR PORTION THEREOF OPERATED AS
34 COOPERATIVE OR CONDOMINIUM HOUSING LOCATED WITHIN THE BOROUGH OF MANHAT-
35 TAN.

36 (XXV) "MARKET UNIT" SHALL MEAN A DWELLING UNIT IN AN ELIGIBLE MULTIPLE
37 DWELLING OTHER THAN AN AFFORDABLE HOUSING UNIT.

38 (XXVI) "MULTIPLE DWELLING" SHALL HAVE THE MEANING SET FORTH IN THE
39 MULTIPLE DWELLING LAW.

40 (XXVII) "NON-RESIDENTIAL TAX LOT" SHALL MEAN A TAX LOT THAT DOES NOT
41 CONTAIN ANY DWELLING UNITS.

42 (XXVIII) "RENT STABILIZATION" SHALL MEAN, COLLECTIVELY, THE RENT
43 STABILIZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE RENT STABILIZATION
44 CODE, AND THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN HUNDRED SEVEN-
45 TY-FOUR, ALL AS IN EFFECT AS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE
46 LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION OR AS AMENDED
47 THEREAFTER, TOGETHER WITH ANY SUCCESSOR STATUTES OR REGULATIONS ADDRESS-
48 ING SUBSTANTIALLY THE SAME SUBJECT MATTER.

49 (XXIX) "RENTAL PROJECT" SHALL MEAN AN ELIGIBLE SITE IN WHICH ALL
50 DWELLING UNITS INCLUDED IN ANY APPLICATION ARE OPERATED AS RENTAL HOUS-
51 ING.

52 (XXX) "RESIDENTIAL TAX LOT" SHALL MEAN A TAX LOT THAT CONTAINS DWELL-
53 ING UNITS.

54 (XXXI) "RESTRICTION PERIOD" SHALL MEAN A PERIOD COMMENCING ON THE
55 COMPLETION DATE AND EXPIRING ON THE THIRTY-FIFTH ANNIVERSARY OF THE

COMPLETION DATE, NOTWITHSTANDING ANY EARLIER TERMINATION OR REVOCATION OF 421-A BENEFITS.

(XXXII) "TAX EXEMPT BOND PROCEEDS" SHALL MEAN THE PROCEEDS OF AN EXEMPT FACILITY BOND, AS DEFINED IN PARAGRAPH SEVEN OF SUBSECTION (A) OF SECTION ONE HUNDRED FORTY-TWO OF THE INTERNAL REVENUE CODE OF NINETEEN HUNDRED EIGHTY-SIX, AS AMENDED, THE INTEREST UPON WHICH IS EXEMPT FROM TAXATION UNDER SECTION ONE HUNDRED THREE OF THE INTERNAL REVENUE CODE OF NINETEEN HUNDRED EIGHTY-SIX, AS AMENDED.

(XXXIII) "THIRTY-FIVE YEAR BENEFIT" SHALL MEAN: (A) FOR THE CONSTRUCTION PERIOD, A ONE HUNDRED PERCENT EXEMPTION FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, (B) FOR THE FIRST TWENTY-FIVE YEARS OF THE RESTRICTION PERIOD, A ONE HUNDRED PERCENT EXEMPTION FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, AND (C) FOR THE FINAL TEN YEARS OF THE RESTRICTION PERIOD, AN EXEMPTION FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, EQUAL TO THE AFFORDABILITY PERCENTAGE.

(B) BENEFIT. IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, NOTWITHSTANDING THE PROVISIONS OF ANY OTHER SUBDIVISION OF THIS SECTION OR OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, NEW ELIGIBLE SITES, EXCEPT HOTELS, THAT COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE EXEMPT FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, IN THE AMOUNTS AND FOR THE PERIODS SPECIFIED IN THIS PARAGRAPH. A RENTAL PROJECT THAT MEETS ALL OF THE APPLICABLE REQUIREMENTS OF THIS SUBDIVISION SHALL RECEIVE A THIRTY-FIVE YEAR BENEFIT. A HOMEOWNERSHIP PROJECT SHALL BE ELIGIBLE FOR, AND SHALL RECEIVE, 421-A BENEFITS CONSISTENT WITH THE APPLICABLE REQUIREMENTS OF THIS SUBDIVISION, HOWEVER NO SUCH BENEFIT SHALL BE AWARDED FOR ANY HOMEOWNER-SHIP PROJECTS UNTIL THE MAYOR OF THE CITY OF NEW YORK HAS ENTERED INTO A MEMORANDUM OF UNDERSTANDING WITH AFFECTED PARTIES ASSOCIATED WITH THE CONSTRUCTION OF ANY SUCH PROJECTS TO ENSURE ADEQUATE WAGES ARE ESTABLISHED FOR ANY SUCH CONSTRUCTION. FOR ANY DWELLING UNITS LOCATED OFF-SITE, HOWEVER, THE BENEFIT FOR SUCH UNITS SHALL BE NO LESS THAN FIFTEEN YEARS AND NO MORE THAN TWENTY YEARS AS DETERMINED BY THE AGENCY PURSUANT TO REGULATION PER BOROUGH. ANY BENEFIT SO DETERMINED SHALL PROVIDE A ONE HUNDRED PERCENT EXEMPTION FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS FOR TWO-THIRDS OF THE BENEFIT PERIOD AND FOR THE FINAL ONE-THIRD OF THE BENEFIT PERIOD, AN EXEMPTION FROM REAL PROPERTY TAXES, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, EQUAL TO THE AFFORDABILITY PERCENTAGE.

(C) TAX PAYMENTS. IN ADDITION TO ANY OTHER AMOUNTS PAYABLE PURSUANT TO THIS SUBDIVISION, THE OWNER OF ANY ELIGIBLE SITE RECEIVING 421-A BENEFITS SHALL PAY, IN EACH TAX YEAR IN WHICH SUCH 421-A BENEFITS ARE IN EFFECT, REAL PROPERTY TAXES AND ASSESSMENTS AS FOLLOWS:

(I) WITH RESPECT TO EACH ELIGIBLE MULTIPLE DWELLING CONSTRUCTED ON SUCH ELIGIBLE SITE, REAL PROPERTY TAXES ON THE ASSESSED VALUATION OF SUCH LAND AND ANY IMPROVEMENTS THEREON IN EFFECT DURING THE TAX YEAR PRIOR TO THE COMMENCEMENT DATE OF SUCH ELIGIBLE MULTIPLE DWELLING, WITHOUT REGARD TO ANY EXEMPTION FROM OR ABATEMENT OF REAL PROPERTY TAXATION IN EFFECT DURING SUCH TAX YEAR, WHICH REAL PROPERTY TAXES SHALL BE CALCULATED USING THE TAX RATE IN EFFECT AT THE TIME SUCH TAXES ARE DUE; AND

(II) ALL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

(D) LIMITATION ON BENEFITS FOR NON-RESIDENTIAL SPACE. IF THE AGGREGATE FLOOR AREA OF COMMERCIAL, COMMUNITY FACILITY AND ACCESSORY USE SPACE IN AN ELIGIBLE SITE, OTHER THAN PARKING WHICH IS LOCATED NOT MORE THAN TWENTY-THREE FEET ABOVE THE CURB LEVEL, EXCEEDS TWELVE PERCENT OF THE

1 AGGREGATE FLOOR AREA IN SUCH ELIGIBLE SITE, ANY 421-A BENEFITS SHALL BE
2 REDUCED BY A PERCENTAGE EQUAL TO SUCH EXCESS. IF AN ELIGIBLE SITE
3 CONTAINS MULTIPLE TAX LOTS, THE TAX ARISING OUT OF SUCH REDUCTION IN
4 421-A BENEFITS SHALL FIRST BE APPORTIONED PRO RATA AMONG ANY NON-RESI-
5 DENTIAL TAX LOTS. AFTER ANY SUCH NON-RESIDENTIAL TAX LOTS ARE FULLY
6 TAXABLE, THE REMAINDER OF THE TAX ARISING OUT OF SUCH REDUCTION IN 421-A
7 BENEFITS, IF ANY, SHALL BE APPORTIONED PRO RATA AMONG THE REMAINING
8 RESIDENTIAL TAX LOTS.

9 (E) CALCULATION OF BENEFIT. BASED ON THE CERTIFICATION OF THE AGENCY
10 CERTIFYING THE APPLICANT'S ELIGIBILITY FOR 421-A BENEFITS, THE ASSESSORS
11 SHALL CERTIFY TO THE COLLECTING OFFICER THE AMOUNT OF TAXES TO BE
12 EXEMPTED. ADDITIONALLY, FOR HOMEOWNERSHIP PROJECTS, THE ASSESSOR SHALL
13 PROVIDE GUIDANCE AND INFORMATION TO THE DEVELOPER OF SUCH PROJECT
14 INCLUDING AN ASSESSMENT BEFORE THE SALE OF ANY SUCH UNIT THAT REQUIRES
15 AN ASSESSED VALUE NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS.

16 (F) AFFORDABILITY REQUIREMENTS. DURING THE RESTRICTION PERIOD, A
17 RENTAL PROJECT SHALL COMPLY WITH EITHER AFFORDABILITY OPTION A, AFFORDA-
18 BILITY OPTION B, OR AFFORDABILITY OPTION C OR FOR PURPOSES OF A HOMEOWN-
19 ERSHIP PROJECT, SUCH PROJECT SHALL COMPLY WITH AFFORDABILITY OPTION D.
20 SUCH ELECTION SHALL BE MADE IN THE APPLICATION AND SHALL NOT THEREAFTER
21 BE CHANGED. THE RENTAL PROJECT SHALL ALSO COMPLY WITH ALL PROVISIONS OF
22 THIS PARAGRAPH DURING THE RESTRICTION PERIOD AND WITH SUBPARAGRAPH (III)
23 OF THIS PARAGRAPH BOTH DURING AND AFTER THE RESTRICTION PERIOD TO THE
24 EXTENT PROVIDED IN SUCH SUBPARAGRAPH.

25 (I) ALL RENTAL DWELLING UNITS IN AN ELIGIBLE MULTIPLE DWELLING WHERE
26 SUCH UNITS ARE IN THE SAME DWELLING SHALL BE ACCESSED THROUGH THE SAME
27 STREET ENTRANCES AND LOBBIES, AND NO SUCH ENTRANCE OR LOBBY SHALL SERVE
28 SOME RENTAL DWELLING UNITS TO THE EXCLUSION OF OTHERS.

29 (II) UNLESS PREEMPTED BY THE REQUIREMENTS OF A FEDERAL, STATE OR LOCAL
30 HOUSING PROGRAM, EITHER: (A) THE AFFORDABLE HOUSING UNITS IN AN ELIGIBLE
31 SITE CONTAINING RENTAL UNITS SHALL HAVE A UNIT MIX PROPORTIONAL TO THE
32 MARKET UNITS, OR (B) AT LEAST FIFTY PERCENT OF THE AFFORDABLE HOUSING
33 UNITS IN AN ELIGIBLE SITE CONTAINING RENTAL UNITS SHALL HAVE TWO OR MORE
34 BEDROOMS AND NO MORE THAN TWENTY-FIVE PERCENT OF THE AFFORDABLE HOUSING
35 UNITS SHALL HAVE LESS THAN ONE BEDROOM.

36 (III) NOTWITHSTANDING ANY PROVISION OF RENT STABILIZATION TO THE
37 CONTRARY, THE RENTS OF ALL AFFORDABLE HOUSING UNITS SHALL BE FULLY
38 SUBJECT TO RENT STABILIZATION DURING THE RESTRICTION PERIOD, PROVIDED
39 THAT TENANTS HOLDING A LEASE AND IN OCCUPANCY OF SUCH AFFORDABLE HOUSING
40 UNITS AT THE EXPIRATION OF THE RESTRICTION PERIOD SHALL HAVE THE RIGHT
41 TO REMAIN AS RENT STABILIZED TENANTS FOR THE DURATION OF THEIR OCCUPAN-
42 CY.

43 (IV) ALL RENT STABILIZATION REGISTRATIONS REQUIRED TO BE FILED PURSU-
44 ANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL CONTAIN A DESIGNATION
45 THAT SPECIFICALLY IDENTIFIES AFFORDABLE HOUSING UNITS CREATED PURSUANT
46 TO THIS SUBDIVISION AS "421-A AFFORDABLE HOUSING UNITS" AND SHALL
47 CONTAIN AN EXPLANATION OF THE REQUIREMENTS THAT APPLY TO ALL SUCH
48 AFFORDABLE HOUSING UNITS.

49 (V) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH THAT
50 REQUIRE THE CREATION, MAINTENANCE, RENT STABILIZATION COMPLIANCE AND
51 OCCUPANCY OF AFFORDABLE HOUSING UNITS OR FOR PURPOSES OF A HOMEOWNERSHIP
52 PROJECT THE FAILURE TO COMPLY WITH AFFORDABILITY OPTION D SHALL RESULT
53 IN REVOCATION OF ANY 421-A BENEFITS FOR THE PERIOD OF SUCH NON-COMPLI-
54 ANCE.

55 (VI) NOTHING IN THIS SUBDIVISION SHALL: (A) PROHIBIT THE OCCUPANCY OF
56 AN AFFORDABLE HOUSING UNIT BY INDIVIDUALS OR FAMILIES WHOSE INCOME AT

1 ANY TIME IS LESS THAN THE MAXIMUM PERCENTAGE OF THE AREA MEDIAN INCOME,
2 ADJUSTED FOR FAMILY SIZE, SPECIFIED FOR SUCH AFFORDABLE HOUSING UNIT
3 PURSUANT TO THIS SUBDIVISION, OR (B) PROHIBIT THE OWNER OF AN ELIGIBLE
4 SITE FROM REQUIRING, UPON INITIAL RENTAL OR UPON ANY RENTAL FOLLOWING A
5 VACANCY, THE OCCUPANCY OF ANY AFFORDABLE HOUSING UNIT BY SUCH LOWER
6 INCOME INDIVIDUALS OR FAMILIES.

7 (VII) FOLLOWING ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY AND
8 UPON EACH VACANCY THEREAFTER, AN AFFORDABLE HOUSING UNIT SHALL PROMPTLY
9 BE OFFERED FOR RENTAL BY INDIVIDUALS OR FAMILIES WHOSE INCOME DOES NOT
10 EXCEED THE MAXIMUM PERCENTAGE OF THE AREA MEDIAN INCOME, ADJUSTED FOR
11 FAMILY SIZE, SPECIFIED FOR SUCH AFFORDABLE HOUSING UNIT PURSUANT TO THIS
12 SUBDIVISION AND WHO INTEND TO OCCUPY SUCH AFFORDABLE HOUSING UNIT AS
13 THEIR PRIMARY RESIDENCE. AN AFFORDABLE HOUSING UNIT SHALL NOT BE: (A)
14 RENTED TO A CORPORATION, PARTNERSHIP OR OTHER ENTITY, OR (B) HELD OFF
15 THE MARKET FOR A PERIOD LONGER THAN IS REASONABLY NECESSARY TO PERFORM
16 REPAIRS NEEDED TO MAKE SUCH AFFORDABLE HOUSING UNIT AVAILABLE FOR OCCU-
17 PANCY.

18 (VIII) AN AFFORDABLE HOUSING UNIT SHALL NOT BE RENTED ON A TEMPORARY,
19 TRANSIENT OR SHORT-TERM BASIS. EVERY LEASE AND RENEWAL THEREOF FOR AN
20 AFFORDABLE HOUSING UNIT SHALL BE FOR A TERM OF ONE OR TWO YEARS, AT THE
21 OPTION OF THE TENANT.

22 (IX) AN AFFORDABLE HOUSING UNIT SHALL NOT BE CONVERTED TO COOPERATIVE
23 OR CONDOMINIUM OWNERSHIP.

24 (X) THE AGENCY MAY ESTABLISH BY RULE SUCH REQUIREMENTS AS THE AGENCY
25 DEEMS NECESSARY OR APPROPRIATE FOR: (A) THE MARKETING OF AFFORDABLE
26 HOUSING UNITS, BOTH UPON INITIAL OCCUPANCY AND UPON ANY VACANCY, (B)
27 MONITORING COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH, (C) THE
28 MARKETING AND MONITORING OF ANY HOMEOWNERSHIP PROJECT THAT IS GRANTED AN
29 EXEMPTION PURSUANT TO THIS SUBDIVISION, (D) APPROVAL OF AN ELIGIBLE SITE
30 UNDER THIS SECTION THAT PROVIDES BOTH ONSITE AND OFFSITE AFFORDABLE
31 HOUSING UNITS GRANTED PURSUANT TO A CERTIFICATE PROGRAM THAT SHALL BE
32 ESTABLISHED BY SUCH AGENCY; AND (E) CONVENING A WORKING GROUP OF STAKE-
33 HOLDERS TO EXAMINE THE PROGRAM INCLUDING THE LABOR AND WORKFORCE
34 CONCERNS RELATED TO CONSTRUCTION UNDER TAKEN PURSUANT TO THIS SECTION,
35 AND THE CREATION OF AFFORDABLE HOUSING. SUCH REQUIREMENTS MAY INCLUDE,
36 BUT NEED NOT BE LIMITED TO, RETAINING A MONITOR APPROVED BY THE AGENCY
37 AND PAID FOR BY THE OWNER.

38 (XI) NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION TO THE CONTRA-
39 RY, A MARKET UNIT SHALL BE SUBJECT TO RENT STABILIZATION UNLESS, IN THE
40 ABSENCE OF 421-A BENEFITS, THE OWNER WOULD BE ENTITLED TO REMOVE SUCH
41 MARKET UNIT FROM RENT STABILIZATION UPON VACANCY BY REASON OF THE MONTH-
42 LY RENT EXCEEDING ANY LIMIT ESTABLISHED THEREUNDER.

43 (G) BUILDING SERVICE EMPLOYEES. (I) FOR THE PURPOSES OF THIS PARA-
44 GRAPH, "APPLICANT" SHALL MEAN AN APPLICANT FOR 421-A BENEFITS, ANY
45 SUCCESSOR TO SUCH APPLICANT, OR ANY EMPLOYER OF BUILDING SERVICE EMPLOY-
46 EES FOR SUCH APPLICANT, INCLUDING, BUT NOT LIMITED TO, A PROPERTY
47 MANAGEMENT COMPANY OR CONTRACTOR.

48 (II) ALL BUILDING SERVICE EMPLOYEES EMPLOYED BY THE APPLICANT AT THE
49 ELIGIBLE SITE SHALL RECEIVE THE APPLICABLE PREVAILING WAGE FOR THE
50 ENTIRE RESTRICTION PERIOD.

51 (III) THE FISCAL OFFICER SHALL HAVE THE POWER TO ENFORCE THE
52 PROVISIONS OF THIS PARAGRAPH. IN ENFORCING SUCH PROVISIONS, THE FISCAL
53 OFFICER SHALL HAVE THE POWER:

54 (A) TO INVESTIGATE OR CAUSE AN INVESTIGATION TO BE MADE TO DETERMINE
55 THE PREVAILING WAGES FOR BUILDING SERVICE EMPLOYEES; IN MAKING SUCH
56 INVESTIGATION, THE FISCAL OFFICER MAY UTILIZE WAGE AND FRINGE BENEFIT

DATA FROM VARIOUS SOURCES, INCLUDING, BUT NOT LIMITED TO, DATA AND DETERMINATIONS OF FEDERAL, STATE OR OTHER GOVERNMENTAL AGENCIES;

(B) TO INSTITUTE AND CONDUCT INSPECTIONS AT THE SITE OF THE WORK OR ELSEWHERE;

(C) TO EXAMINE THE BOOKS, DOCUMENTS AND RECORDS PERTAINING TO THE WAGES PAID TO, AND THE HOURS OF WORK PERFORMED BY, BUILDING SERVICE EMPLOYEES;

(D) TO HOLD HEARINGS AND, IN CONNECTION THEREWITH, TO ISSUE SUBPOENAS, ADMINISTER OATHS AND EXAMINE WITNESSES; THE ENFORCEMENT OF A SUBPOENA ISSUED UNDER THIS PARAGRAPH SHALL BE REGULATED BY THE CIVIL PRACTICE LAW AND RULES;

(E) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOGNIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE EMPLOYEES IN SUCH CLASSIFICATION;

(F) TO REQUIRE THE APPLICANT TO FILE WITH THE FISCAL OFFICER A RECORD OF THE WAGES ACTUALLY PAID BY SUCH APPLICANT TO THE BUILDING SERVICE EMPLOYEES AND OF THEIR HOURS OF WORK;

(G) TO DELEGATE ANY OF THE FOREGOING POWERS TO HIS OR HER DEPUTY OR OTHER AUTHORIZED REPRESENTATIVE; AND

(H) TO PROMULGATE RULES AS HE OR SHE SHALL CONSIDER NECESSARY FOR THE PROPER EXECUTION OF THE DUTIES, RESPONSIBILITIES AND POWERS CONFERRED UPON HIM OR HER BY THE PROVISIONS OF THIS SUBPARAGRAPH.

(IV) IF THE FISCAL OFFICER FINDS THAT THE APPLICANT HAS FAILED TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH, HE OR SHE SHALL PRESENT EVIDENCE OF SUCH NONCOMPLIANCE TO THE AGENCY.

(V) SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL NOT BE APPLICABLE TO:

(A) AN ELIGIBLE MULTIPLE DWELLING CONTAINING LESS THAN FIFTY DWELLING UNITS; OR

(B) AN ELIGIBLE MULTIPLE DWELLING WHERE THE LOCAL HOUSING AGENCY CERTIFIES THAT AT INITIAL OCCUPANCY AT LEAST FIFTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE TO INDIVIDUALS OR FAMILIES WITH A GROSS HOUSEHOLD INCOME AT OR BELOW ONE HUNDRED TWENTY-FIVE PERCENT OF THE AREA MEDIAN INCOME AND THAT ANY SUCH UNITS WHICH ARE LOCATED IN RENTAL BUILDINGS WILL BE SUBJECT TO RESTRICTIONS TO INSURE THAT THEY WILL REMAIN AFFORDABLE FOR THE ENTIRE PERIOD DURING WHICH THEY RECEIVE BENEFITS UNDER THIS SECTION.

(H) REPLACEMENT RATIO. IF THE LAND ON WHICH AN ELIGIBLE SITE IS LOCATED CONTAINED ANY DWELLING UNITS THREE YEARS PRIOR TO THE COMMENCEMENT DATE OF THE FIRST ELIGIBLE MULTIPLE DWELLING THEREON, THEN SUCH ELIGIBLE SITE SHALL CONTAIN AT LEAST ONE AFFORDABLE HOUSING UNIT FOR EACH DWELLING UNIT THAT EXISTED ON SUCH DATE AND WAS THEREAFTER DEMOLISHED, REMOVED OR RECONFIGURED.

(I) CONCURRENT EXEMPTIONS OR ABATEMENTS. AN ELIGIBLE MULTIPLE DWELLING RECEIVING 421-A BENEFITS SHALL NOT RECEIVE ANY EXEMPTION FROM OR ABATEMENT OF REAL PROPERTY TAXATION UNDER ANY OTHER LAW.

(J) VOLUNTARY RENUNCIATION OR TERMINATION. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN OWNER SHALL NOT BE ENTITLED TO VOLUNTARILY RENOUNCE OR TERMINATE ANY 421-A BENEFITS UNLESS THE AGENCY AUTHORIZES SUCH RENUNCIATION OR TERMINATION IN CONNECTION WITH THE COMMENCEMENT OF A NEW TAX EXEMPTION PURSUANT TO EITHER THE PRIVATE HOUSING FINANCE LAW OR SECTION FOUR HUNDRED TWENTY-C OF THIS TITLE.

(K) TERMINATION OR REVOCATION. THE AGENCY MAY TERMINATE OR REVOKE 421-A BENEFITS FOR NONCOMPLIANCE WITH THIS SUBDIVISION. IF 421-A BENEFITS ARE TERMINATED OR REVOKED FOR NONCOMPLIANCE WITH THIS SUBDIVISION,

1 ALL OF THE AFFORDABLE HOUSING UNITS SHALL REMAIN SUBJECT TO RENT
2 STABILIZATION OR FOR A HOMEOWNERSHIP PROJECT SUCH PROJECT SHALL CONTINUE
3 TO COMPLY WITH AFFORDABILITY OPTION D OF THIS SUBDIVISION AND ALL OTHER
4 REQUIREMENTS OF THIS SUBDIVISION FOR THE RESTRICTION PERIOD AND ANY
5 ADDITIONAL PERIOD EXPRESSLY PROVIDED IN THIS SUBDIVISION, AS IF THE
6 421-A BENEFITS HAD NOT BEEN TERMINATED OR REVOKED.

7 (L) POWERS CUMULATIVE. THE ENFORCEMENT PROVISIONS OF THIS SUBDIVISION
8 SHALL NOT BE EXCLUSIVE, AND ARE IN ADDITION TO ANY OTHER RIGHTS, REME-
9 DIES, OR ENFORCEMENT POWERS SET FORTH IN ANY OTHER LAW OR AVAILABLE AT
10 LAW OR IN EQUITY.

11 (M) MULTIPLE TAX LOTS. IF AN ELIGIBLE SITE CONTAINS MULTIPLE TAX LOTS,
12 AN APPLICATION MAY BE SUBMITTED WITH RESPECT TO ONE OR MORE OF SUCH TAX
13 LOTS. THE AGENCY SHALL DETERMINE ELIGIBILITY FOR 421-A BENEFITS BASED
14 UPON THE TAX LOTS INCLUDED IN SUCH APPLICATION.

15 (N) APPLICATIONS. (I) THE APPLICATION WITH RESPECT TO ANY ELIGIBLE
16 MULTIPLE DWELLING SHALL BE FILED WITH THE AGENCY NOT LATER THAN ONE YEAR
17 AFTER THE COMPLETION DATE OF SUCH ELIGIBLE MULTIPLE DWELLING.

18 (II) NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
19 LAW TO THE CONTRARY, THE AGENCY MAY REQUIRE BY RULE THAT APPLICATIONS BE
20 FILED ELECTRONICALLY.

21 (III) THE AGENCY MAY RELY ON CERTIFICATION BY AN ARCHITECT OR ENGINEER
22 SUBMITTED BY AN APPLICANT IN CONNECTION WITH THE FILING OF AN APPLICA-
23 TION. A FALSE CERTIFICATION BY SUCH ARCHITECT OR ENGINEER SHALL BE
24 DEEMED TO BE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE
25 HUNDRED NINE OF THE EDUCATION LAW. ANY LICENSEE FOUND GUILTY OF SUCH
26 MISCONDUCT UNDER THE PROCEDURES PRESCRIBED IN SECTION SIXTY-FIVE HUNDRED
27 TEN OF THE EDUCATION LAW SHALL BE SUBJECT TO THE PENALTIES PRESCRIBED IN
28 SECTION SIXTY-FIVE HUNDRED ELEVEN OF SUCH LAW, AND SHALL THEREAFTER BE
29 INELIGIBLE TO SUBMIT A CERTIFICATION PURSUANT TO THIS SUBDIVISION.

30 (O) FILING FEE. THE AGENCY MAY REQUIRE A FILING FEE OF THREE THOUSAND
31 DOLLARS PER DWELLING UNIT IN CONNECTION WITH ANY APPLICATION. HOWEVER,
32 THE AGENCY MAY PROMULGATE RULES IMPOSING A LESSER FEE FOR ELIGIBLE SITES
33 CONTAINING ELIGIBLE MULTIPLE DWELLINGS CONSTRUCTED WITH THE SUBSTANTIAL
34 ASSISTANCE OF GRANTS, LOANS OR SUBSIDIES PROVIDED BY A FEDERAL, STATE OR
35 LOCAL GOVERNMENTAL AGENCY OR INSTRUMENTALITY PURSUANT TO A PROGRAM FOR
36 THE DEVELOPMENT OF AFFORDABLE HOUSING.

37 (P) RULES. THE AGENCY MAY PROMULGATE RULES TO CARRY OUT THE PROVISIONS
38 OF THIS SUBDIVISION.

39 (Q) AUTHORITY OF CITY TO ENACT LOCAL LAW. A CITY TO WHICH THIS SUBDI-
40 VISION IS APPLICABLE SHALL NOT BE AUTHORIZED TO ENACT A LOCAL LAW TO
41 RESTRICT, LIMIT OR CONDITION THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT
42 OF 421-A BENEFITS IN ANY MANNER, OR GRANT 421-A BENEFITS BEYOND THOSE
43 PROVIDED IN THIS SUBDIVISION. THE PROVISIONS OF SECTIONS 11-245 AND
44 11-245.1 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR OF ANY
45 OTHER LOCAL LAW OF THE CITY OF NEW YORK THAT WERE ENACTED ON OR BEFORE
46 THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN
47 THAT ADDED THIS PARAGRAPH SHALL NOT RESTRICT, LIMIT OR CONDITION THE
48 ELIGIBILITY FOR OR THE SCOPE OR AMOUNT OF 421-A BENEFITS PURSUANT TO
49 THIS SUBDIVISION.

50 (R) ELECTION. NOTWITHSTANDING ANYTHING IN THIS SUBDIVISION TO THE
51 CONTRARY, A RENTAL PROJECT WITH A COMMENCEMENT DATE ON OR BEFORE DECEM-
52 BER THIRTY-FIRST, TWO THOUSAND FIFTEEN THAT HAS NOT RECEIVED BENEFITS
53 PURSUANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF
54 THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION MAY ELECT
55 TO COMPLY WITH THIS SUBDIVISION AND RECEIVE 421-A BENEFITS PURSUANT TO
56 THIS SUBDIVISION.

17. (A) DEFINITIONS. FOR PURPOSES OF THIS SUBDIVISION:

(I) "AFFORDABLE HOUSING EIGHTY PERCENT UNITS" SHALL MEAN DWELLING UNITS THAT: (A) ARE SITUATED WITHIN THE EXTENDED AFFORDABILITY PROPERTY, (B) UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL FOLLOWING A VACANCY DURING THE EXTENDED AFFORDABILITY PERIOD, ARE EACH AFFORDABLE AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT, AND (C) UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL FOLLOWING A VACANCY DURING THE EXTENDED AFFORDABILITY PERIOD, ARE COLLECTIVELY AFFORDABLE AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE HOUSEHOLD INCOME DOES NOT EXCEED AN AVERAGE OF EIGHTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

(II) "AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS" SHALL MEAN DWELLING UNITS THAT: (A) ARE SITUATED WITHIN AN EXTENDED AFFORDABILITY PROPERTY, AND (B) UPON INITIAL RENTAL AND UPON EACH SUBSEQUENT RENTAL FOLLOWING A VACANCY DURING THE EXTENDED AFFORDABILITY PERIOD, ARE EACH AFFORDABLE AND RESTRICTED TO OCCUPANCY BY INDIVIDUALS OR FAMILIES WHOSE HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED THIRTY PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE, AT THE TIME THAT SUCH HOUSEHOLD INITIALLY OCCUPIES SUCH DWELLING UNIT.

(III) "AFFORDABLE HOUSING UNIT" SHALL MEAN, COLLECTIVELY AND INDIVIDUALLY, AFFORDABLE HOUSING EIGHTY PERCENT UNITS AND AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

(IV) "AGENCY" SHALL MEAN THE DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT.

(V) "APPLICATION" SHALL MEAN AN APPLICATION FOR EXTENDED BENEFITS PURSUANT TO THIS SUBDIVISION.

(VI) "BUILDING SERVICE EMPLOYEE" SHALL MEAN ANY PERSON WHO IS REGULARLY EMPLOYED AT, AND PERFORMS WORK IN CONNECTION WITH THE CARE OR MAINTENANCE OF, AN EXTENDED AFFORDABILITY PROPERTY, INCLUDING, BUT NOT LIMITED TO, A WATCHMAN, GUARD, DOORMAN, BUILDING CLEANER, PORTER, HANDYMAN, JANITOR, GARDENER, GROUNDSKEEPER, ELEVATOR OPERATOR AND STARTER, AND WINDOW CLEANER, BUT NOT INCLUDING PERSONS REGULARLY SCHEDULED TO WORK FEWER THAN EIGHT HOURS PER WEEK IN THE EXTENDED AFFORDABILITY PROPERTY.

(VII) "COMMENCEMENT DATE" SHALL MEAN THE LATER OF: (A) THE EXPIRATION DATE, OR (B) THE RESTRICTIVE DECLARATION DATE.

(VIII) "EXPIRATION DATE" SHALL MEAN THE DATE UPON WHICH BENEFITS GRANTED TO A TWENTY YEAR BENEFIT PROPERTY OR TWENTY-FIVE YEAR BENEFIT PROPERTY PURSUANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION WOULD EXPIRE.

(IX) "EXTENDED AFFORDABILITY PERIOD" SHALL MEAN, NOTWITHSTANDING ANY EARLIER TERMINATION OR REVOCATION OF THE EXTENDED BENEFIT, THE PERIOD COMMENCING UPON THE COMMENCEMENT DATE AND ENDING: (A) FIFTEEN YEARS THEREAFTER FOR A TWENTY YEAR BENEFIT PROPERTY, AND (B) TEN YEARS THEREAFTER FOR A TWENTY-FIVE YEAR BENEFIT PROPERTY.

(X) "EXTENDED AFFORDABILITY PROPERTY" SHALL MEAN A TWENTY YEAR BENEFIT PROPERTY OR A TWENTY-FIVE YEAR BENEFIT PROPERTY THAT COMPLIES WITH THE PROVISIONS OF THIS SUBDIVISION.

(XI) "EXTENDED AFFORDABILITY REQUIREMENT" SHALL MEAN THAT, WITHIN ANY EXTENDED AFFORDABILITY PROPERTY: (A) NOT LESS THAN TWENTY PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING EIGHTY PERCENT UNITS, AND (B) NOT LESS THAN AN ADDITIONAL FIVE PERCENT OF THE DWELLING UNITS ARE AFFORDABLE HOUSING ONE HUNDRED THIRTY PERCENT UNITS.

(XII) "EXTENDED BENEFIT" SHALL MEAN, FOR ANY EXTENDED AFFORDABILITY PROPERTY, A FIFTY PERCENT EXEMPTION FROM REAL PROPERTY TAXATION, OTHER THAN ASSESSMENTS FOR LOCAL IMPROVEMENTS, FOR THE EXTENDED AFFORDABILITY PERIOD.

(XIII) "FISCAL OFFICER" SHALL MEAN THE COMPTROLLER OR OTHER ANALOGOUS OFFICER IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

(XIV) "FLOOR AREA" SHALL MEAN "FLOOR AREA" AS DEFINED IN THE NEW YORK CITY ZONING RESOLUTION.

(XV) "MULTIPLE DWELLING" SHALL HAVE THE MEANING SET FORTH IN THE MULTIPLE DWELLING LAW.

(XVI) "RESIDENTIAL TAX LOT" SHALL MEAN A TAX LOT THAT CONTAINS DWELLING UNITS.

(XVII) "RESTRICTIVE DECLARATION" SHALL MEAN A DOCUMENT EXECUTED BY ALL PARTIES IN INTEREST TO THE EXTENDED AFFORDABILITY PROPERTY WHICH PROVIDES THAT, DURING THE EXTENDED AFFORDABILITY PERIOD, THE EXTENDED AFFORDABILITY PROPERTY SHALL COMPLY WITH THE EXTENDED AFFORDABILITY REQUIREMENT.

(XVIII) "RESTRICTIVE DECLARATION DATE" SHALL MEAN THE DATE UPON WHICH THE RESTRICTIVE DECLARATION IS RECORDED AGAINST THE EXTENDED AFFORDABILITY PROPERTY.

(XIX) "TWENTY YEAR BENEFIT PROPERTY" SHALL MEAN A MULTIPLE DWELLING THAT COMMENCED CONSTRUCTION PRIOR TO JULY FIRST, TWO THOUSAND EIGHT AND THAT WAS GRANTED BENEFITS PURSUANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION DUE TO ITS COMPLIANCE WITH THE REQUIREMENTS OF ITEM (B) OF CLAUSE (A) OF SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION.

(XX) "TWENTY-FIVE YEAR BENEFIT PROPERTY" SHALL MEAN A MULTIPLE DWELLING THAT COMMENCED CONSTRUCTION PRIOR TO JULY FIRST, TWO THOUSAND EIGHT AND THAT WAS GRANTED BENEFITS PURSUANT TO THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FIFTEEN THAT ADDED THIS SUBDIVISION DUE TO ITS COMPLIANCE WITH THE REQUIREMENTS OF ITEM (B) OF CLAUSE (D) OF SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION.

(B) BENEFIT. IN CITIES HAVING A POPULATION OF ONE MILLION OR MORE, NOTWITHSTANDING THE PROVISIONS OF ANY OTHER SUBDIVISION OF THIS SECTION OR OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN EXTENDED AFFORDABILITY PROPERTY SHALL BE GRANTED AN EXTENDED BENEFIT, PROVIDED, HOWEVER, THAT SUCH EXTENDED BENEFIT SHALL BE AVAILABLE ONLY IF ALL RESIDENTIAL TAX LOTS IN SUCH EXTENDED AFFORDABILITY PROPERTY OPERATE AS RENTAL HOUSING.

(C) TAX PAYMENTS. IN ADDITION TO ANY OTHER AMOUNTS PAYABLE PURSUANT TO THIS SUBDIVISION, THE OWNER OF AN EXTENDED AFFORDABILITY PROPERTY RECEIVING AN EXTENDED BENEFIT SHALL PAY, IN EACH TAX YEAR IN WHICH SUCH EXTENDED BENEFIT IS IN EFFECT, REAL PROPERTY TAXES AND ASSESSMENTS AS FOLLOWS:

(I) REAL PROPERTY TAXES ON THE ASSESSED VALUATION OF SUCH LAND AND ANY IMPROVEMENTS THEREON IN EFFECT DURING THE TAX YEAR PRECEDING THE COMMENCEMENT OF THE CONSTRUCTION OF SUCH EXTENDED AFFORDABILITY PROPERTY WITHOUT REGARD TO ANY EXEMPTION OR ABATEMENT FROM REAL PROPERTY TAXATION IN EFFECT PRIOR TO SUCH CONSTRUCTION WHICH REAL PROPERTY TAXES SHALL BE CALCULATED ON THE TAX RATE IN EFFECT AT THE TIME SUCH TAXES ARE DUE; AND

(II) ALL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

(D) LIMITATION ON BENEFITS FOR NON-RESIDENTIAL SPACE. ANY EXTENDED BENEFIT SHALL BE REDUCED BY THE PERCENTAGE OF AGGREGATE FLOOR AREA OF THE EXTENDED AFFORDABILITY PROPERTY OCCUPIED BY COMMERCIAL, COMMUNITY

1 FACILITY, PARKING, AND ACCESSORY USES AS PROVIDED IN PARAGRAPH (D) OF
2 SUBDIVISION TWO OF THIS SECTION.

3 (E) CALCULATION OF BENEFIT. BASED ON THE CERTIFICATION OF THE AGENCY
4 CERTIFYING THE APPLICANT'S ELIGIBILITY FOR THE EXTENDED BENEFIT, THE
5 ASSESSORS SHALL CERTIFY TO THE COLLECTING OFFICER THE AMOUNT OF TAXES TO
6 BE EXEMPTED.

7 (F) AFFORDABILITY REQUIREMENT. DURING THE EXTENDED AFFORDABILITY PERI-
8 OD, AN EXTENDED AFFORDABILITY PROPERTY MUST COMPLY WITH THE EXTENDED
9 AFFORDABILITY REQUIREMENT AND THE RESTRICTIVE DECLARATION. THE EXTENDED
10 AFFORDABILITY PROPERTY SHALL ALSO COMPLY WITH ALL PROVISIONS OF THIS
11 PARAGRAPH DURING THE EXTENDED AFFORDABILITY PERIOD AND WITH SUBPARAGRAPH
12 (I) OF THIS PARAGRAPH BOTH DURING AND AFTER THE EXTENDED AFFORDABILITY
13 PERIOD TO THE EXTENT PROVIDED IN SUCH SUBPARAGRAPH.

14 (I) NOTWITHSTANDING THE PROVISIONS OF ANY LOCAL LAW FOR THE STABILIZA-
15 TION OF RENTS OR THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVEN-
16 TY-FOUR, THE RENTS OF ALL AFFORDABLE HOUSING UNITS IN AN EXTENDED
17 AFFORDABILITY PROPERTY SHALL BE FULLY SUBJECT TO CONTROL UNDER SUCH
18 LOCAL LAW OR SUCH ACT DURING THE EXTENDED AFFORDABILITY PERIOD, PROVIDED
19 THAT TENANTS HOLDING A LEASE AND IN OCCUPANCY OF SUCH AFFORDABLE HOUSING
20 UNITS IN AN EXTENDED AFFORDABILITY PROPERTY AT THE EXPIRATION OF THE
21 EXTENDED AFFORDABILITY PERIOD SHALL HAVE THE RIGHT TO REMAIN AS RENT
22 STABILIZED TENANTS FOR THE DURATION OF THEIR OCCUPANCY. UPON ANY VACANCY
23 OF AN AFFORDABLE HOUSING UNIT AFTER THE EXTENDED AFFORDABILITY PERIOD,
24 SUCH AFFORDABLE HOUSING UNIT SHALL REMAIN FULLY SUBJECT TO RENT STABILI-
25 ZATION UNLESS THE OWNER IS ENTITLED TO REMOVE SUCH AFFORDABLE HOUSING
26 UNIT FROM RENT STABILIZATION UPON SUCH VACANCY BY REASON OF THE MONTHLY
27 RENT EXCEEDING ANY LIMIT ESTABLISHED THEREUNDER.

28 (II) ALL RENT STABILIZATION REGISTRATIONS REQUIRED TO BE FILED PURSU-
29 ANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONTAIN A DESIGNATION
30 THAT SPECIFICALLY IDENTIFIES AFFORDABLE HOUSING UNITS COMPLYING WITH THE
31 EXTENDED AFFORDABILITY REQUIREMENT AS "421-A AFFORDABLE HOUSING UNITS"
32 AND SHALL CONTAIN AN EXPLANATION OF THE REQUIREMENTS THAT APPLY TO ALL
33 SUCH AFFORDABLE HOUSING UNITS.

34 (III) FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH THAT
35 REQUIRE THE MAINTENANCE, RENT STABILIZATION AND OCCUPANCY OF AFFORDABLE
36 HOUSING UNITS IN AN EXTENDED AFFORDABILITY PROPERTY SHALL RESULT IN
37 REVOCATION OF THE EXTENDED BENEFIT FOR THE PERIOD OF SUCH NON-COMPLI-
38 ANCE.

39 (IV) NOTHING IN THIS SUBDIVISION SHALL: (A) PROHIBIT THE OCCUPANCY OF
40 AN AFFORDABLE HOUSING UNIT BY INDIVIDUALS OR FAMILIES WHOSE INCOME AT
41 ANY TIME IS LESS THAN THE MAXIMUM PERCENTAGE OF THE AREA MEDIAN INCOME,
42 ADJUSTED FOR FAMILY SIZE, SPECIFIED FOR SUCH AFFORDABLE HOUSING UNIT
43 PURSUANT TO THIS SUBDIVISION, OR (B) PROHIBIT THE OWNER OF AN EXTENDED
44 AFFORDABILITY PROPERTY FROM REQUIRING, UPON INITIAL RENTAL OR UPON ANY
45 RENTAL FOLLOWING A VACANCY, THE OCCUPANCY OF ANY AFFORDABLE HOUSING UNIT
46 BY SUCH LOWER INCOME INDIVIDUALS OR FAMILIES.

47 (V) UPON EACH VACANCY, AN AFFORDABLE HOUSING UNIT SHALL PROMPTLY BE
48 OFFERED FOR RENTAL BY INDIVIDUALS OR FAMILIES WHOSE INCOME DOES NOT
49 EXCEED THE MAXIMUM PERCENTAGE OF THE AREA MEDIAN INCOME, ADJUSTED FOR
50 FAMILY SIZE, SPECIFIED FOR SUCH AFFORDABLE HOUSING UNIT PURSUANT TO THIS
51 SUBDIVISION AND WHO INTEND TO OCCUPY SUCH AFFORDABLE HOUSING UNIT AS
52 THEIR PRIMARY RESIDENCE. AN AFFORDABLE HOUSING UNIT SHALL NOT BE: (A)
53 RENTED TO A CORPORATION, PARTNERSHIP OR OTHER ENTITY, OR (B) HELD OFF
54 THE MARKET FOR A PERIOD LONGER THAN IS REASONABLY NECESSARY TO PERFORM
55 REPAIRS NEEDED TO MAKE SUCH AFFORDABLE HOUSING UNIT AVAILABLE FOR OCCU-
56 PANCY.

1 (VI) AN AFFORDABLE HOUSING UNIT SHALL NOT BE RENTED ON A TEMPORARY,
2 TRANSIENT OR SHORT-TERM BASIS. EVERY LEASE AND RENEWAL THEREOF FOR AN
3 AFFORDABLE HOUSING UNIT SHALL BE FOR A TERM OF ONE OR TWO YEARS, AT THE
4 OPTION OF THE TENANT.

5 (VII) AN AFFORDABLE HOUSING UNIT SHALL NOT BE CONVERTED TO COOPERATIVE
6 OR CONDOMINIUM OWNERSHIP.

7 (VIII) THE AGENCY MAY ESTABLISH BY RULE SUCH REQUIREMENTS AS THE AGEN-
8 CY DEEMS NECESSARY OR APPROPRIATE FOR: (A) THE MARKETING OF AFFORDABLE
9 HOUSING UNITS, AND (B) MONITORING COMPLIANCE WITH THE PROVISIONS OF THIS
10 PARAGRAPH. SUCH REQUIREMENTS MAY INCLUDE, BUT NEED NOT BE LIMITED TO,
11 RETAINING A MONITOR APPROVED BY THE AGENCY AND PAID FOR BY THE OWNER.

12 (G) BUILDING SERVICE EMPLOYEES. (I) FOR THE PURPOSES OF THIS PARA-
13 GRAPH, "APPLICANT" SHALL MEAN AN APPLICANT FOR EXTENDED BENEFITS, ANY
14 SUCCESSOR TO SUCH APPLICANT, OR ANY EMPLOYER OF BUILDING SERVICE EMPLOY-
15 EES FOR SUCH APPLICANT, INCLUDING, BUT NOT LIMITED TO, A PROPERTY
16 MANAGEMENT COMPANY OR CONTRACTOR.

17 (II) ALL BUILDING SERVICE EMPLOYEES EMPLOYED BY THE APPLICANT AT THE
18 EXTENDED AFFORDABILITY PROPERTY SHALL RECEIVE THE APPLICABLE PREVAILING
19 WAGE FOR THE ENTIRE EXTENDED AFFORDABILITY PERIOD.

20 (III) THE FISCAL OFFICER SHALL HAVE THE POWER TO ENFORCE THE
21 PROVISIONS OF THIS PARAGRAPH. IN ENFORCING SUCH PROVISIONS, THE FISCAL
22 OFFICER SHALL HAVE THE POWER:

23 (A) TO INVESTIGATE OR CAUSE AN INVESTIGATION TO BE MADE TO DETERMINE
24 THE PREVAILING WAGES FOR BUILDING SERVICE EMPLOYEES; IN MAKING SUCH
25 INVESTIGATION, THE FISCAL OFFICER MAY UTILIZE WAGE AND FRINGE BENEFIT
26 DATA FROM VARIOUS SOURCES, INCLUDING, BUT NOT LIMITED TO, DATA AND
27 DETERMINATIONS OF FEDERAL, STATE OR OTHER GOVERNMENTAL AGENCIES;

28 (B) TO INSTITUTE AND CONDUCT INSPECTIONS AT THE SITE OF THE WORK OR
29 ELSEWHERE;

30 (C) TO EXAMINE THE BOOKS, DOCUMENTS AND RECORDS PERTAINING TO THE
31 WAGES PAID TO, AND THE HOURS OF WORK PERFORMED BY, BUILDING SERVICE
32 EMPLOYEES;

33 (D) TO HOLD HEARINGS AND, IN CONNECTION THEREWITH, TO ISSUE SUBPOENAS,
34 ADMINISTER OATHS AND EXAMINE WITNESSES; THE ENFORCEMENT OF A SUBPOENA
35 ISSUED UNDER THIS PARAGRAPH SHALL BE REGULATED BY THE CIVIL PRACTICE LAW
36 AND RULES;

37 (E) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOG-
38 NIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO
39 DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE
40 EMPLOYEES IN SUCH CLASSIFICATION;

41 (F) TO REQUIRE THE APPLICANT TO FILE WITH THE FISCAL OFFICER A RECORD
42 OF THE WAGES ACTUALLY PAID BY SUCH APPLICANT TO THE BUILDING SERVICE
43 EMPLOYEES AND OF THEIR HOURS OF WORK;

44 (G) TO DELEGATE ANY OF THE FOREGOING POWERS TO HIS OR HER DEPUTY OR
45 OTHER AUTHORIZED REPRESENTATIVE; AND

46 (H) TO PROMULGATE RULES AS HE OR SHE SHALL CONSIDER NECESSARY FOR THE
47 PROPER EXECUTION OF THE DUTIES, RESPONSIBILITIES AND POWERS CONFERRED
48 UPON HIM OR HER BY THE PROVISIONS OF THIS SUBPARAGRAPH.

49 (IV) IF THE FISCAL OFFICER FINDS THAT THE APPLICANT HAS FAILED TO
50 COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH, HE OR SHE SHALL PRESENT
51 EVIDENCE OF SUCH NONCOMPLIANCE TO THE AGENCY.

52 (V) SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL NOT BE APPLICABLE TO:

53 (A) AN EXTENDED AFFORDABILITY PROJECT CONTAINING LESS THAN FIFTY
54 DWELLING UNITS; OR

55 (B) AN EXTENDED AFFORDABILITY PROJECT WHERE THE LOCAL HOUSING AGENCY
56 CERTIFIES THAT AT INITIAL OCCUPANCY AT LEAST FIFTY PERCENT OF THE DWELL-

1 ING UNITS ARE AFFORDABLE TO INDIVIDUALS OR FAMILIES WITH A GROSS HOUSE-
2 HOLD INCOME AT OR BELOW ONE HUNDRED TWENTY-FIVE PERCENT OF THE AREA
3 MEDIAN INCOME AND THAT ANY SUCH UNITS WHICH ARE LOCATED IN RENTAL BUILD-
4 INGS WILL BE SUBJECT TO RESTRICTIONS TO INSURE THAT THEY WILL REMAIN
5 AFFORDABLE FOR THE ENTIRE PERIOD DURING WHICH THEY RECEIVE BENEFITS
6 UNDER THIS SECTION.

7 (H) CONCURRENT EXEMPTIONS OR ABATEMENTS. AN EXTENDED AFFORDABILITY
8 PROPERTY RECEIVING AN EXTENDED BENEFIT SHALL NOT RECEIVE ANY EXEMPTION
9 FROM OR ABATEMENT OF REAL PROPERTY TAXATION UNDER ANY OTHER LAW.

10 (I) VOLUNTARY RENUNCIATION OR TERMINATION. NOTWITHSTANDING THE
11 PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN
12 OWNER SHALL NOT BE ENTITLED TO VOLUNTARILY RENOUNCE OR TERMINATE AN
13 EXTENDED BENEFIT UNLESS THE AGENCY AUTHORIZES SUCH RENUNCIATION OR
14 TERMINATION IN CONNECTION WITH THE COMMENCEMENT OF A NEW TAX EXEMPTION
15 PURSUANT TO EITHER THE PRIVATE HOUSING FINANCE LAW OR SECTION FOUR
16 HUNDRED TWENTY-C OF THIS TITLE.

17 (J) TERMINATION OR REVOCATION. THE AGENCY MAY TERMINATE OR REVOKE THE
18 EXTENDED BENEFIT FOR NONCOMPLIANCE WITH THIS SUBDIVISION. IF THE
19 EXTENDED BENEFIT IS TERMINATED OR REVOKED FOR NONCOMPLIANCE WITH THIS
20 SUBDIVISION, ALL OF THE AFFORDABLE HOUSING UNITS SHALL REMAIN SUBJECT TO
21 THE PROVISIONS OF ANY LOCAL LAW FOR THE STABILIZATION OF RENTS OR THE
22 EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR AND ALL OTHER
23 REQUIREMENTS OF THIS SUBDIVISION FOR THE ENTIRE EXTENDED AFFORDABILITY
24 PERIOD AND ANY ADDITIONAL PERIOD EXPRESSLY PROVIDED IN THIS SUBDIVISION,
25 AS IF THE EXTENDED BENEFIT HAD NOT BEEN TERMINATED OR REVOKED.

26 (K) POWERS CUMULATIVE. THE ENFORCEMENT PROVISIONS OF THIS SUBDIVISION
27 SHALL NOT BE EXCLUSIVE, AND ARE IN ADDITION TO ANY OTHER RIGHTS, REME-
28 DIES, OR ENFORCEMENT POWERS SET FORTH IN ANY OTHER LAW OR AVAILABLE AT
29 LAW OR IN EQUITY.

30 (L) MULTIPLE TAX LOTS. IF AN EXTENDED AFFORDABILITY PROPERTY CONTAINS
31 MULTIPLE TAX LOTS, AN APPLICATION MAY BE SUBMITTED WITH RESPECT TO ONE
32 OR MORE OF SUCH TAX LOTS. THE AGENCY SHALL DETERMINE ELIGIBILITY FOR AN
33 EXTENDED BENEFIT BASED UPON THE TAX LOTS INCLUDED IN SUCH APPLICATION.

34 (M) APPLICATIONS. (I) THE APPLICATION WITH RESPECT TO ANY EXTENDED
35 AFFORDABILITY PROPERTY SHALL INCLUDE A CERTIFICATION THAT: (A) THE
36 RESTRICTIVE DECLARATION HAS BEEN RECORDED AGAINST THE EXTENDED AFFORDA-
37 BILITY PROPERTY, AND (B) THE EXTENDED AFFORDABILITY PROPERTY IS IN
38 COMPLIANCE WITH SUCH RESTRICTIVE DECLARATION AND THIS SUBDIVISION.

39 (II) THE APPLICATION WITH RESPECT TO ANY EXTENDED AFFORDABILITY PROP-
40 ERTY SHALL BE FILED WITH THE AGENCY ON OR BEFORE THE LATER OF: (A)
41 DECEMBER THIRTY-FIRST, TWO THOUSAND SIXTEEN, OR (B) EIGHTEEN MONTHS
42 AFTER THE EXPIRATION DATE.

43 (III) NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
44 LAW TO THE CONTRARY, THE AGENCY MAY REQUIRE BY RULE THAT APPLICATIONS BE
45 FILED ELECTRONICALLY.

46 (IV) THE AGENCY MAY RELY ON CERTIFICATION BY AN ARCHITECT OR ENGINEER
47 SUBMITTED BY AN APPLICANT IN CONNECTION WITH THE FILING OF AN APPLICA-
48 TION. A FALSE CERTIFICATION BY SUCH ARCHITECT OR ENGINEER SHALL BE
49 DEEMED TO BE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE
50 HUNDRED NINE OF THE EDUCATION LAW. ANY LICENSEE FOUND GUILTY OF SUCH
51 MISCONDUCT UNDER THE PROCEDURES PRESCRIBED IN SECTION SIXTY-FIVE HUNDRED
52 TEN OF THE EDUCATION LAW SHALL BE SUBJECT TO THE PENALTIES PRESCRIBED IN
53 SECTION SIXTY-FIVE HUNDRED ELEVEN OF SUCH LAW, AND SHALL THEREAFTER BE
54 INELIGIBLE TO SUBMIT A CERTIFICATION PURSUANT TO THIS SUBDIVISION.

55 (N) FILING FEE. THE AGENCY MAY REQUIRE A FILING FEE OF THREE THOUSAND
56 DOLLARS PER DWELLING UNIT IN CONNECTION WITH ANY APPLICATION.

1 (O) RULES. THE AGENCY MAY PROMULGATE RULES TO CARRY OUT THE PROVISIONS
2 OF THIS SUBDIVISION.

3 (P) AUTHORITY OF CITY TO ENACT LOCAL LAW. A CITY TO WHICH THIS SUBDI-
4 VISION IS APPLICABLE SHALL NOT BE AUTHORIZED TO ENACT A LOCAL LAW TO
5 RESTRICT, LIMIT OR CONDITION THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT
6 OF EXTENDED BENEFITS IN ANY MANNER, OR GRANT EXTENDED BENEFITS BEYOND
7 THOSE PROVIDED IN THIS SUBDIVISION. THE PROVISIONS OF SECTIONS 11-245
8 AND 11-245.1 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR OF
9 ANY OTHER LOCAL LAW OF THE CITY OF NEW YORK THAT WERE ENACTED ON OR
10 BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
11 FIFTEEN THAT ADDED THIS PARAGRAPH SHALL NOT RESTRICT, LIMIT OR CONDITION
12 THE ELIGIBILITY FOR OR THE SCOPE OR AMOUNT OF EXTENDED BENEFITS PURSUANT
13 TO THIS SUBDIVISION.

14 S 2. The opening paragraph of clause (A) of subparagraph (iv) of para-
15 graph (a) of subdivision 2 of section 421-a of the real property tax
16 law, as amended by chapter 19 of the laws of 2015, is amended to read as
17 follows:

18 [Unless excluded by local law, in] IN the city of New York, the bene-
19 fits of this subparagraph shall be available in the borough of Manhattan
20 for new multiple dwellings on tax lots now existing or hereafter created
21 south of or adjacent to either side of one hundred tenth street that
22 commence construction after July first, nineteen hundred ninety-two and
23 ON OR before [June twenty-third] DECEMBER THIRTY-FIRST, two thousand
24 fifteen, PROVIDED, HOWEVER, THAT (1) SUCH A MULTIPLE DWELLING RECEIVES
25 ITS FIRST TEMPORARY OR PERMANENT CERTIFICATE OF OCCUPANCY COVERING ALL
26 RESIDENTIAL AREAS ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWEN-
27 TY-ONE, AND (2) SOLELY FOR PURPOSES OF DETERMINING WHETHER THIS CLAUSE
28 APPLIES AND NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, "COMMENCE"
29 SHALL MEAN THE DATE UPON WHICH EXCAVATION AND CONSTRUCTION OF INITIAL
30 FOOTINGS AND FOUNDATIONS LAWFULLY BEGINS IN GOOD FAITH OR, FOR AN ELIGI-
31 BLE CONVERSION, THE DATE UPON WHICH THE ACTUAL CONSTRUCTION OF THE
32 CONVERSION, ALTERATION OR IMPROVEMENT OF THE PRE-EXISTING BUILDING OR
33 STRUCTURE LAWFULLY BEGINS IN GOOD FAITH, only if:

34 S 3. Subparagraph (ii) of paragraph (c) of subdivision 2 of section
35 421-a of the real property tax law, as amended by of chapter 19 of the
36 laws of 2015, is amended to read as follows:

37 (ii) construction is commenced after January first, nineteen hundred
38 seventy-five and ON OR before [June twenty-third] DECEMBER THIRTY-FIRST,
39 two thousand fifteen, provided, however, that (A) SUCH A MULTIPLE DWELL-
40 ING RECEIVES ITS FIRST TEMPORARY OR PERMANENT CERTIFICATE OF OCCUPANCY
41 COVERING ALL RESIDENTIAL AREAS ON OR BEFORE DECEMBER THIRTY-FIRST, TWO
42 THOUSAND TWENTY-ONE, (B) SOLELY FOR PURPOSES OF DETERMINING WHETHER THIS
43 SUBPARAGRAPH APPLIES AND NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY,
44 "COMMENCE" SHALL MEAN THE DATE UPON WHICH EXCAVATION AND CONSTRUCTION OF
45 INITIAL FOOTINGS AND FOUNDATIONS LAWFULLY BEGINS IN GOOD FAITH OR, FOR
46 AN ELIGIBLE CONVERSION, THE DATE UPON WHICH THE ACTUAL CONSTRUCTION OF
47 THE CONVERSION, ALTERATION OR IMPROVEMENT OF THE PRE-EXISTING BUILDING
48 OR STRUCTURE LAWFULLY BEGINS IN GOOD FAITH, AND (C) such commencement
49 period shall not apply to multiple dwellings eligible for benefits under
50 subparagraph (iv) of paragraph (a) of this subdivision;

51 S 4. Subdivision 2 of section 421-a of the real property tax law is
52 amended by adding a new paragraph (j) to read as follows:

53 (J) VOLUNTARY RENUNCIATION OR TERMINATION. NOTWITHSTANDING THE
54 PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, AN
55 OWNER SHALL NOT BE ENTITLED TO VOLUNTARILY RENOUNCE OR TERMINATE ANY TAX
56 EXEMPTION GRANTED PURSUANT TO THIS SUBDIVISION UNLESS THE LOCAL HOUSING

1 AGENCY AUTHORIZES SUCH RENUNCIATION OR TERMINATION IN CONNECTION WITH
2 THE COMMENCEMENT OF A NEW TAX EXEMPTION PURSUANT TO EITHER THE PRIVATE
3 HOUSING FINANCE LAW OR SECTION FOUR HUNDRED TWENTY-C OF THIS TITLE.

4 S 5. The opening paragraph of subdivision 3 of section 421-a of the
5 real property tax law is designated paragraph (a) and a new paragraph
6 (b) is added to read as follows:

7 (B) NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL
8 LAW TO THE CONTRARY, THE LOCAL HOUSING AGENCY MAY REQUIRE BY RULE THAT
9 APPLICATIONS BE FILED ELECTRONICALLY.

10 S 6. Paragraph (a) of subdivision 6 of section 421-a of the real prop-
11 erty tax law is amended by adding three new subparagraphs (iii), (iv)
12 and (v) to read as follows:

13 (III) "COMMENCEMENT DATE" SHALL MEAN, WITH RESPECT TO ANY BUILDING IN
14 A COVERED PROJECT AND NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, THE
15 DATE UPON WHICH EXCAVATION AND CONSTRUCTION OF INITIAL FOOTINGS AND
16 FOUNDATIONS LAWFULLY BEGINS IN GOOD FAITH OR, FOR AN ELIGIBLE CONVER-
17 SION, THE DATE UPON WHICH THE ACTUAL CONSTRUCTION OF THE CONVERSION,
18 ALTERATION OR IMPROVEMENT OF THE PRE-EXISTING BUILDING OR STRUCTURE
19 LAWFULLY BEGINS IN GOOD FAITH.

20 (IV) "COMPLETION DATE" SHALL MEAN THE DATE UPON WHICH THE LOCAL
21 DEPARTMENT OF BUILDINGS ISSUES THE FIRST TEMPORARY OR PERMANENT CERTIF-
22 ICATE OF OCCUPANCY COVERING ALL RESIDENTIAL AREAS OF A BUILDING IN A
23 COVERED PROJECT.

24 (V) "COVERED PROJECT AGREEMENT" SHALL MEAN AN AGREEMENT EXECUTED AND
25 RECORDED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, AND
26 NOT THEREAFTER AMENDED TO INCLUDE ADDITIONAL REAL PROPERTY, BY AND
27 BETWEEN THE OWNERS OF THE REAL PROPERTY CONTAINING ALL OF THE AFFORDABLE
28 UNITS AND THE MARKET UNITS WHICH WILL CONSTITUTE A SINGLE COVERED
29 PROJECT AS DEFINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH.

30 S 7. Paragraph (b) of subdivision 6 of section 421-a of the real prop-
31 erty tax law, as added by chapter 110 of the laws of 2005, is amended to
32 read as follows:

33 (b) No benefits under the provisions of this section shall be
34 conferred on any BUILDING IN A covered project located in the Greenpoint
35 - Williamsburg waterfront exclusion area unless [such] THE REAL PROPERTY
36 CONTAINING SUCH BUILDING IS IDENTIFIED IN A COVERED PROJECT AGREEMENT,
37 AND THE COVERED project THAT INCLUDES SUCH BUILDING shall provide
38 affordable housing for persons and families of low and moderate income
39 that meets one of the following conditions:

40 (i) not less than twenty percent of the units in the covered project
41 are affordable to and occupied or available for occupancy by individuals
42 or families whose incomes at the time of initial occupancy do not exceed
43 eighty percent of the area median incomes adjusted for family size, AND
44 AT LEAST ONE BUILDING IN SUCH COVERED PROJECT THAT CONTAINS NOT LESS
45 THAN TWENTY PERCENT OF ITS DWELLING UNITS MEETING THIS AFFORDABLE HOUS-
46 ING REQUIREMENT HAS A COMMENCEMENT DATE ON OR BEFORE DECEMBER
47 THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ALL OF THE BUILDINGS IN SUCH
48 COVERED PROJECT THAT RECEIVE BENEFITS PURSUANT TO PARAGRAPH (F) OF THIS
49 SUBDIVISION HAVE A COMPLETION DATE ON OR BEFORE JUNE FIFTEENTH, TWO
50 THOUSAND TWENTY-FIVE; or

51 (ii) not less than ten percent of the units in the covered project are
52 affordable to and occupied or available for occupancy by individuals or
53 families whose incomes at the time of initial occupancy do not exceed
54 eighty percent of the area median incomes adjusted for family size and
55 not less than an additional fifteen percent of the units in the covered
56 project are affordable to and occupied or available for occupancy by

1 individuals or families whose incomes at the time of initial occupancy
2 do not exceed one hundred twenty-five percent of the area median incomes
3 adjusted for family size, AND AT LEAST ONE BUILDING IN SUCH COVERED
4 PROJECT THAT CONTAINS NOT LESS THAN TWENTY-FIVE PERCENT OF ITS DWELLING
5 UNITS MEETING THIS AFFORDABLE HOUSING REQUIREMENT HAS A COMMENCEMENT
6 DATE ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN AND ALL OF
7 THE BUILDINGS IN SUCH COVERED PROJECT THAT RECEIVE BENEFITS PURSUANT TO
8 PARAGRAPH (F) OF THIS SUBDIVISION HAVE A COMPLETION DATE ON OR BEFORE
9 JUNE FIFTEENTH, TWO THOUSAND TWENTY-FIVE.

10 S 8. Paragraph (f) of subdivision 6 of section 421-a of the real prop-
11 erty tax law, as added by chapter 110 of the laws of 2005, is amended to
12 read as follows:

13 (f) With respect to any covered project located entirely within the
14 Greenpoint - Williamsburg waterfront exclusion area, the period of tax
15 benefits awarded to any building in such covered project shall be the
16 same as the period of tax benefits awarded under clause [(A)] (D) of
17 subparagraph (iii) of paragraph (a) of subdivision two of this section.
18 With respect to any covered project which includes one or more buildings
19 located outside the Greenpoint - Williamsburg waterfront exclusion area,
20 the period of tax benefits awarded to any building in such covered
21 project that is located within the Greenpoint - Williamsburg waterfront
22 exclusion area shall be the same as the period of tax benefits awarded
23 under clause (A) of subparagraph (ii) of paragraph (a) of subdivision
24 two of this section.

25 S 9. Subdivision 8 of section 421-a of the real property tax law, as
26 added by chapter 618 of the laws of 2007, subparagraph (i) of paragraph
27 (a) and paragraph (c) as amended by chapter 15 of the laws of 2008, and
28 paragraphs (d) and (e) as amended by chapter 619 of the laws of 2007, is
29 amended to read as follows:

30 8. (a) As used in this subdivision, the following terms shall have the
31 following meanings:

32 (i) "APPLICANT" MEANS AN APPLICANT FOR BENEFITS PURSUANT TO THIS
33 SECTION, ANY SUCCESSOR TO SUCH APPLICANT, OR ANY EMPLOYER OF BUILDING
34 SERVICE EMPLOYEES FOR SUCH APPLICANT, INCLUDING, BUT NOT LIMITED TO, A
35 PROPERTY MANAGEMENT COMPANY OR CONTRACTOR.

36 (II) "Building service employee" means any person who is regularly
37 employed at a building who performs work in connection with the care or
38 maintenance of such building. "Building service employee" includes, but
39 is not limited to [superintendent,] watchman, guard, doorman, building
40 cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator
41 operator and starter, and window cleaner, but shall not include persons
42 regularly scheduled to work fewer than eight hours per week in the
43 building.

44 [(ii) "Prevailing wage" means the wage determined by the fiscal offi-
45 cer to be prevailing for the various classes of building service employ-
46 ees in the locality pursuant to section two hundred thirty of the labor
47 law.]

48 (III) "FISCAL OFFICER" MEANS THE COMPTROLLER OR OTHER ANALOGOUS OFFI-
49 CER IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

50 (b) [No benefits under this section shall be conferred for any
51 construction commenced on or after December twenty-eighth, two thousand
52 seven for any tax lots now existing or hereafter created except where
53 the applicant agrees that all building service employees employed at the
54 building, whether employed directly by the applicant or its successors,
55 or through a property management company or a contractor, shall receive
56 the applicable prevailing wage for the duration of the building's tax

1 exemption.] ALL BUILDING SERVICE EMPLOYEES EMPLOYED BY THE APPLICANT IN
2 A BUILDING WHOSE CONSTRUCTION COMMENCED ON OR AFTER DECEMBER
3 TWENTY-EIGHTH, TWO THOUSAND SEVEN SHALL RECEIVE THE APPLICABLE PREVAIL-
4 ING WAGE FOR THE DURATION OF BENEFITS PURSUANT TO THIS SECTION.

5 (C) [The limitations contained in paragraph] THE FISCAL OFFICER SHALL
6 HAVE THE POWER TO ENFORCE THE PROVISIONS OF THIS SUBDIVISION. IN ENFORC-
7 ING SUCH PROVISIONS, THE FISCAL OFFICER SHALL HAVE THE POWER:

8 (I) TO INVESTIGATE OR CAUSE AN INVESTIGATION TO BE MADE TO DETERMINE
9 THE PREVAILING WAGES FOR BUILDING SERVICE EMPLOYEES; IN MAKING SUCH
10 INVESTIGATION, THE FISCAL OFFICER MAY UTILIZE WAGE AND FRINGE BENEFIT
11 DATA FROM VARIOUS SOURCES, INCLUDING, BUT NOT LIMITED TO, DATA AND
12 DETERMINATIONS OF FEDERAL, STATE OR OTHER GOVERNMENTAL AGENCIES;

13 (II) TO INSTITUTE AND CONDUCT INSPECTIONS AT THE SITE OF THE WORK OR
14 ELSEWHERE;

15 (III) TO EXAMINE THE BOOKS, DOCUMENTS AND RECORDS PERTAINING TO THE
16 WAGES PAID TO, AND THE HOURS OF WORK PERFORMED BY, BUILDING SERVICE
17 EMPLOYEES;

18 (IV) TO HOLD HEARINGS AND, IN CONNECTION THEREWITH, TO ISSUE SUBPOE-
19 NAS, ADMINISTER OATHS AND EXAMINE WITNESSES; THE ENFORCEMENT OF A
20 SUBPOENA ISSUED UNDER THIS SUBDIVISION SHALL BE REGULATED BY THE CIVIL
21 PRACTICE LAW AND RULES;

22 (V) TO MAKE A CLASSIFICATION BY CRAFT, TRADE OR OTHER GENERALLY RECOG-
23 NIZED OCCUPATIONAL CATEGORY OF THE BUILDING SERVICE EMPLOYEES AND TO
24 DETERMINE WHETHER SUCH WORK HAS BEEN PERFORMED BY THE BUILDING SERVICE
25 EMPLOYEES IN SUCH CLASSIFICATION;

26 (VI) TO REQUIRE THE APPLICANT TO FILE WITH THE FISCAL OFFICER A RECORD
27 OF THE WAGES ACTUALLY PAID BY SUCH APPLICANT TO THE BUILDING SERVICE
28 EMPLOYEES AND OF THEIR HOURS OF WORK;

29 (VII) TO DELEGATE ANY OF THE FOREGOING POWERS TO HIS OR HER DEPUTY OR
30 OTHER AUTHORIZED REPRESENTATIVE; AND

31 (VIII) TO PROMULGATE RULES AS HE OR SHE SHALL CONSIDER NECESSARY FOR
32 THE PROPER EXECUTION OF THE DUTIES, RESPONSIBILITIES AND POWERS
33 CONFERRED UPON HIM OR HER BY THE PROVISIONS OF THIS PARAGRAPH.

34 (D) IF THE FISCAL OFFICER FINDS THAT THE APPLICANT HAS FAILED TO
35 COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION, HE OR SHE SHALL PRESENT
36 EVIDENCE OF SUCH NONCOMPLIANCE TO THE LOCAL HOUSING AGENCY.

37 (E) PARAGRAPH (b) of this subdivision shall not be applicable to:

38 (i) projects containing less than fifty dwelling units; or

39 (ii) buildings where the local housing agency certifies that at
40 initial occupancy at least fifty percent of the dwelling units are
41 affordable to individuals or families with a gross household income at
42 or below one hundred twenty-five percent of the area median income and
43 that any such units which are located in rental buildings will be
44 subject to restrictions to insure that they will remain affordable for
45 the entire period during which they receive benefits under this section.

46 [(d)] (F) The local housing agency shall prescribe appropriate sanc-
47 tions for failure to comply with the provisions of this subdivision.

48 [(e)] (G) Solely for purposes of paragraph (b) of this subdivision,
49 construction shall be deemed to have commenced when excavation or alter-
50 ation has begun in good faith on the basis of approved construction
51 plans.

52 [(f)] (H) The [limitations on] eligibility CRITERIA for benefits
53 contained in this subdivision shall be in addition to those contained in
54 any other law or regulation.

55 S 10. This act shall take effect immediately, except that sections
56 six, seven and eight of this act shall be deemed to have been in full

force and effect on and after June 21, 2005, and section nine of this act shall be deemed to have been in full force and effect on and after August 17, 2007. Any such benefits provided pursuant to this act, however, shall be suspended if within one year from the effective date of this act no memorandum of understanding has been entered into pursuant to paragraph (b) of subdivision 16 of section 421-a of the real property tax law as added by section one of this act, however, that upon the execution of such memorandum of understanding after such one year period such benefits shall be reinstated.

PART C

Section 1. Section 34 of chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

S 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [2015] 2016; provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [2015] 2016 the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

S 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009 amending the education law relating to the New York city board of education, chancellor, community councils, and community superintendents, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [2015] 2016.

S 3. Section 2851 of the education law is amended by adding a new subdivision 5 to read as follows:

1 5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN A CITY
2 HAVING A POPULATION OF ONE MILLION OR MORE INHABITANTS, A CHARTER SCHOOL
3 APPROVED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION
4 MAY APPLY AT ANY TIME TO ANOTHER CHARTER ENTITY DEFINED IN PARAGRAPH (B)
5 OR (C) OF SUBDIVISION THREE OF THIS SECTION TO REQUEST SUCH OTHER CHAR-
6 TER ENTITY TO OVERSEE AND SUPERVISE SUCH CHARTER SCHOOL. ALL OBLIGATIONS
7 OF THE CHANCELLOR TO OVERSEE AND SUPERVISE A CHARTER SCHOOL SHALL TERMINATE
8 UPON SUCH CHARTER SCHOOL ENTERING INTO A CHARTER AGREEMENT, AS
9 DEFINED IN SUBDIVISION FIVE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF
10 THIS ARTICLE, WITH ANOTHER CHARTER ENTITY, AND THE CHANCELLOR SHALL
11 PROVIDE IN A TIMELY FASHION INFORMATION RELEVANT TO THE CHARTER AS
12 REQUESTED BY SUCH OTHER CHARTER ENTITY.

13 S 4. Subdivisions 9 and 9-a of section 2852 of the education law,
14 subdivision 9 as amended and subdivision 9-a as added by chapter 101 of
15 the laws of 2010, paragraph (a) of subdivision 9-a as amended by chapter
16 221 of the laws of 2010, paragraph (f) of subdivision 9-a as amended by
17 chapter 102 of the laws of 2010, are amended to read as follows:

18 9. The total number of charters issued pursuant to this article STATE-
19 WIDE shall not exceed four hundred sixty. (a) [One hundred of such
20 charters shall be issued on the recommendation of the charter entity
21 described in paragraph (b) of subdivision three of section twenty-eight
22 hundred fifty-one of this article; (b) one hundred of such charters
23 shall be issued on the recommendation of the other charter entities set
24 forth in subdivision three of section twenty-eight hundred fifty-one of
25 this article; (c) up to fifty of the additional charters authorized to
26 be issued by the chapter of the laws of two thousand seven which amended
27 this subdivision effective July first, two thousand seven shall be
28 reserved for a city school district of a city having a population of one
29 million or more; (d) one hundred thirty charters shall be issued by the
30 board of regents pursuant to a competitive process in accordance with
31 subdivision nine-a of this section, provided that no more than fifty-
32 seven of such charters shall be granted to a charter for a school to be
33 located in a city having a population of one million or more; (e) one
34 hundred thirty charters shall be issued by the board of regents on the
35 recommendation of the board of trustees of the state university of New
36 York pursuant to a competitive process in accordance with subdivision
37 nine-a of this section, provided that no more than fifty-seven of such
38 charters shall be granted to a charter for a school to be located in a
39 city having a population of one million or more] ALL CHARTERS ISSUED ON
40 OR AFTER FEBRUARY FIRST, TWO THOUSAND FIFTEEN AND COUNTED TOWARD THE
41 NUMERICAL LIMITS ESTABLISHED BY THIS SUBDIVISION SHALL BE ISSUED BY THE
42 BOARD OF REGENTS UPON APPLICATION DIRECTLY TO THE BOARD OF REGENTS OR ON
43 THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF
44 NEW YORK PURSUANT TO A COMPETITIVE PROCESS IN ACCORDANCE WITH SUBDIVI-
45 SION NINE-A OF THIS SECTION. The failure of any body to issue the regu-
46 lations authorized pursuant to this article shall not affect the author-
47 ity of a charter entity to propose a charter to the board of regents or
48 the board of regents' authority to grant such charter. A conversion of
49 an existing public school to a charter school or the renewal or exten-
50 sion of a charter APPROVED BY ANY CHARTER ENTITY shall not be counted
51 toward the numerical limits established by this subdivision.

52 (B) A CHARTER SCHOOL WHOSE CHARTER HAS BEEN SURRENDERED, REVOKED OR
53 TERMINATED, INCLUDING A CHARTER THAT HAS NOT BEEN RENEWED BY ACTION OF
54 ITS CHARTER ENTITY, SHALL NOT BE COUNTED TOWARD THE NUMERICAL LIMITS
55 ESTABLISHED BY THIS SUBDIVISION AND INSTEAD SHALL BE RETURNED TO THE
56 STATEWIDE POOL AND MAY BE REISSUED BY THE BOARD OF REGENTS EITHER UPON

APPLICATION DIRECTLY TO THE BOARD OF REGENTS OR ON THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK PURSUANT TO A COMPETITIVE PROCESS IN ACCORDANCE WITH SUBDIVISION NINE-A OF THIS SECTION.

(C) FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF CHARTERS ISSUED WITHIN THE NUMERICAL LIMITS ESTABLISHED BY THIS SUBDIVISION, THE APPROVAL DATE OF THE CHARTERING ENTITY SHALL BE THE DETERMINING FACTOR.

9-a. (a) The board of regents is hereby authorized and directed to issue [two] UP TO FOUR hundred sixty charters UPON EITHER APPLICATIONS SUBMITTED DIRECTLY TO THE BOARD OF REGENTS OR APPLICATIONS RECOMMENDED BY THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK pursuant to a competitive request for proposals process.

[(i) Commencing on August first, two thousand ten through September first, two thousand thirteen, the board of regents and the board of trustees of the state university of New York shall each issue a request for proposals in accordance with this subdivision and this subparagraph:

(1) Each request for proposals to be issued by the board of regents and the board of trustees of the state university of New York on August first, two thousand ten shall be for a maximum of thirty-two charters to be issued for charter schools which would commence instructional operation by the September of the next calendar year.

(2) Each request for proposals to be issued by the board of regents and the board of trustees of the state university of New York on January first, two thousand eleven shall be for a maximum of thirty-three charters to be issued for charter schools which would commence instructional operation by the September of the next calendar year.

(3) Each request for proposals to be issued by the board of regents and the board of trustees of the state university of New York on January first, two thousand twelve shall be for a maximum of thirty-two charters to be issued for charter schools which would commence instructional operation by the September of the next calendar year.

(4) Each request for proposals to be issued by the board of regents and the board of trustees of the state university of New York on September first, two thousand thirteen shall be for a maximum of thirty-three charters to be issued for charter schools which would commence instructional operation by the September of the next calendar year.

(ii) If after September first, two thousand thirteen, either the board of regents or the board of trustees of the state university of New York have any charters which have not yet been issued, they may be issued pursuant to requests for proposals issued in each succeeding year, without limitation as to when such requests for proposals may be issued, or a limitation on the number of charters which may be issued.

(iii) Notwithstanding the provisions of clauses one, two, three and four of subparagraph (i) of this paragraph and subparagraph (ii) of this paragraph, if fewer charters are issued than were requested in such request for proposals, the difference may be added to the number of charters requested in the request for proposals issued in each succeeding year.

(iv)] The board of regents shall make a determination to issue a charter pursuant to a request for proposals no later than December thirty-first of each year.

(b) The board of regents and the board of trustees of the state university of New York shall each develop such request for proposals in a manner that facilitates a thoughtful review of charter school applications, considers the demand for charter schools by the community, and seeks to locate charter schools in a region or regions where there may

1 be a lack of alternatives and access to charter schools would provide
2 new alternatives within the local public education system that would
3 offer the greatest educational benefit to students. Applications shall
4 be evaluated in accordance with the criteria and objectives contained
5 within a request for proposals. The board of regents and the board of
6 trustees of the state university of New York shall not consider any
7 applications which do not rigorously demonstrate that they have met the
8 following criteria:

9 (i) that the proposed charter school would meet or exceed enrollment
10 and retention targets, as prescribed by the board of regents or the
11 board of trustees of the state university of New York, as applicable, of
12 students with disabilities, English language learners, and students who
13 are eligible applicants for the free and reduced price lunch program.
14 When developing such targets, the board of regents and the board of
15 trustees of the state university of New York, shall ensure (1) that such
16 enrollment targets are comparable to the enrollment figures of such
17 categories of students attending the public schools within the school
18 district, or in a city school district in a city having a population of
19 one million or more inhabitants, the community school district, in which
20 the proposed charter school would be located; and (2) that such
21 retention targets are comparable to the rate of retention of such cate-
22 gories of students attending the public schools within the school
23 district, or in a city school district in a city having a population of
24 one million or more inhabitants, the community school district, in which
25 the proposed charter school would be located; and

26 (ii) that the applicant has conducted public outreach, in conformity
27 with a thorough and meaningful public review process prescribed by the
28 board of regents and the board of trustees of the state university of
29 New York, to solicit community input regarding the proposed charter
30 school and to address comments received from the impacted community
31 concerning the educational and programmatic needs of students.

32 (c) The board of regents and the board of trustees of the state
33 university of New York shall grant priority based on a scoring rubric to
34 those applications that best demonstrate how they will achieve the
35 following objectives, and any additional objectives the board of regents
36 and the board of trustees of the state university of New York, may
37 prescribe:

38 (i) increasing student achievement and decreasing student achievement
39 gaps in reading/language arts and mathematics;

40 (ii) increasing high school graduation rates and focusing on serving
41 specific high school student populations including, but not limited to,
42 students at risk of not obtaining a high school diploma, re-enrolled
43 high school drop-outs, and students with academic skills below grade
44 level;

45 (iii) focusing on the academic achievement of middle school students
46 and preparing them for a successful transition to high school;

47 (iv) utilizing high-quality assessments designed to measure a
48 student's knowledge, understanding of, and ability to apply, critical
49 concepts through the use of a variety of item types and formats;

50 (v) increasing the acquisition, adoption, and use of local instruc-
51 tional improvement systems that provide teachers, principals, and admin-
52 istrators with the information and resources they need to inform and
53 improve their instructional practices, decision-making, and overall
54 effectiveness;

55 (vi) partnering with low performing public schools in the area to
56 share best educational practices and innovations;

(vii) demonstrating the management and leadership techniques necessary to overcome initial start-up problems to establish a thriving, financially viable charter school;

(viii) demonstrating the support of the school district in which the proposed charter school will be located and the intent to establish an ongoing relationship with such school district.

(d) No later than November first, two thousand ten, and of each succeeding year, after a thorough review of applications received, the board of trustees of the state university of New York shall recommend for approval to the board of regents the qualified applications that it has determined rigorously demonstrate the criteria and best satisfy the objectives contained within a request for proposals, along with supporting documentation outlining such determination.

(e) Upon receipt of a proposed charter to be issued pursuant to this subdivision submitted by a charter entity, the board of regents or the board of trustees of the state university of New York, shall review, recommend and issue, as applicable, such charters in accordance with the standards established in this subdivision.

(f) The board of regents shall be the only entity authorized to issue a charter pursuant to this article. The board of regents shall consider applications submitted directly to the board of regents and applications recommended by the board of trustees of the state university of New York. Provided, however, that all such recommended applications shall be deemed approved and issued pursuant to the provisions of subdivisions five, five-a and five-b of this section.

(g) Each application submitted in response to a request for proposals pursuant to this subdivision shall also meet the application requirements set out in this article and any other applicable laws, rules and regulations.

(h) During the development of a request for proposals pursuant to this subdivision the board of regents and the board of trustees of the state university of New York shall each afford the public an opportunity to submit comments and shall review and consider the comments raised by all interested parties.

S 5. Section 2590-q of the education law is amended by adding a new subdivision 19 to read as follows:

19. WITH RESPECT TO SPECIAL, FEDERAL, STATE, AND PRIVATE FUNDS, THE CHANCELLOR SHALL REPORT THE DISTRIBUTION OF SUCH FUNDS BY INDIVIDUAL SCHOOL, AND ON A PER PUPIL BASIS FOR EACH INDIVIDUAL SCHOOL TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, AND SPEAKER OF THE CITY COUNCIL ON OR BEFORE MAY FIRST OF EACH YEAR.

S 6. The opening paragraph of section 2590-r of the education law, as amended by chapter 345 of the laws of 2009, is amended to read as follows:

The chancellor shall, in consultation with the city board and community district superintendents, establish in regulations a comprehensive process of school-based budgeting and expenditure reporting no later than November first, nineteen hundred ninety-eight. ANY REPORT PREPARED IN ACCORDANCE WITH THIS SECTION SHALL BE PUBLICLY AVAILABLE ON THE WEBSITE OF THE NEW YORK CITY DEPARTMENT OF EDUCATION. Notwithstanding any provision of section twenty-five hundred ninety-q of this article to the contrary, such regulations shall include provisions for:

S 7. Section 2590-g of the education law is amended by adding a new subdivision 12-a to read as follows:

12-A. PROVIDE INFORMATION, DATA, ESTIMATES AND STATISTICS REGARDING ALL MATTERS RELATING TO THE CITY DISTRICT, AS REQUESTED BY MEMBERS AND

1 OFFICERS OF THE SENATE, ASSEMBLY, AND GOVERNOR'S OFFICE, IN A TIMELY
2 FASHION. SUCH INFORMATION SHALL BE MAINTAINED AND UPDATED IN A TIMELY
3 FASHION AND SHALL AT A MINIMUM INCLUDE DATA RELATING TO: (A) NEW YORK
4 CITY DEPARTMENT OF EDUCATION SCHOOL CHARACTERISTICS INCLUDING GRADES
5 SERVED, NUMBER OF TEACHERS, STUDENT ENROLLMENT, SCHOOL TYPE, SCHOOL
6 CHARACTERISTICS, QUALITY REVIEW SCORES, GRADUATION RATES AND AVERAGE
7 CLASS SIZE; (B) NEW YORK CITY DEPARTMENT OF EDUCATION PRINCIPAL CHARAC-
8 TERISTICS INCLUDING CURRENT EMPLOYMENT STATUS, EDUCATION LEVEL, YEARS OF
9 EXPERIENCE AND TENURE STATUS; (C) NEW YORK CITY DEPARTMENT OF EDUCATION
10 TEACHER CHARACTERISTICS INCLUDING CURRENT EMPLOYMENT STATUS, EDUCATION
11 LEVEL, YEARS OF TEACHING EXPERIENCE, TENURE STATUS, SUBJECT AREA TAUGHT,
12 NUMBER OF STUDENTS TAUGHT, NUMBER OF CLASSES TAUGHT PER DAY AND ATTRI-
13 TION RATE; (D) NEW YORK CITY DEPARTMENT OF EDUCATION STUDENT CHARACTER-
14 ISTICS INCLUDING GRADE LEVEL, SCHOOL ATTENDANCE, AND OTHER DEMOGRAPHICS;
15 (E) GIFTED AND TALENTED PROGRAMS APPLICATION DATA INCLUDING ADMISSION
16 DECISIONS, STUDENT DEMOGRAPHICS AND STUDENT TEST SCORES; (F) PRE-KINDER-
17 GARTEN PROGRAMS INCLUDING PROGRAM LOCATIONS, CAPACITY, STUDENT ENROLL-
18 MENT, NUMBER OF TEACHERS, TEACHER CHARACTERISTICS, STUDENT ATTENDANCE,
19 STUDENT DEMOGRAPHICS AND EFFECTIVENESS DATA; (G) FUNDING FOR NEW YORK
20 CITY DEPARTMENT OF EDUCATION SCHOOLS INCLUDING DEPARTMENT FUNDING BY
21 DOLLARS, EXPENDITURES BY CATEGORY AND EXTERNAL FUNDING IN DOLLARS; (H)
22 FUNDING FOR NEW YORK CITY DEPARTMENT OF EDUCATION PROGRAMS INCLUDING
23 DEPARTMENT FUNDING IN DOLLARS, AND EXTERNAL FUNDING IN DOLLARS; AND (I)
24 GENERAL NEW YORK CITY DEPARTMENT OF EDUCATION BUDGET. PROVIDED, HOWEVER,
25 THAT ALL INQUIRIES MADE IN ACCORDANCE WITH THIS SUBDIVISION SHALL COMPLY
26 WITH APPLICABLE STATE AND FEDERAL PRIVACY LAWS.

27 S 8. Paragraph (b) of subdivision 2 of section 2854 of the education
28 law, as amended by chapter 101 of the laws of 2010, is amended and a new
29 paragraph (b-1) is added to read as follows:

30 (b) Any child who is qualified under the laws of this state for admis-
31 sion to a public school is qualified for admission to a charter school.
32 Applications for admission to a charter school shall be submitted on a
33 uniform application form created by the department and shall be made
34 available by a charter school in languages predominately spoken in the
35 community in which such charter school is located. The school shall
36 enroll each eligible student who submits a timely application by the
37 first day of April each year, unless the number of applications exceeds
38 the capacity of the grade level or building. In such cases, students
39 shall be accepted from among applicants by a random selection process,
40 provided, however, that an enrollment preference shall be provided to
41 pupils returning to the charter school in the second or any subsequent
42 year of operation and pupils residing in the school district in which
43 the charter school is located, and siblings of pupils already enrolled
44 in the charter school.

45 (B-1) THE SCHOOL MAY OFFER AN ENROLLMENT PREFERENCE TO PUPILS WHO ARE
46 THE CHILDREN OF EMPLOYEES OF THE CHARTER SCHOOL, THE EDUCATION CORPO-
47 RATION, OR THE CHARTER MANAGEMENT ORGANIZATION FOR SUCH CHARTER SCHOOL;
48 PROVIDED THAT ANY ENROLLMENT PREFERENCES OFFERED PURSUANT TO THIS PARA-
49 GRAPH SHALL NOT TOGETHER EXCEED TWENTY PERCENT OF NEWLY ADMITTED
50 STUDENTS IN THE APPLICABLE SCHOOL YEAR.

51 (B-2) The commissioner shall establish regulations to require that the
52 random selection process conducted pursuant to this paragraph be
53 performed in a transparent and equitable manner and to require that the
54 time and place of the random selection process be publicized in a manner
55 consistent with the requirements of section one hundred four of the
56 public officers law and be open to the public. For the purposes of this

1 paragraph and paragraph (a) of this subdivision, the school district in
2 which the charter school is located shall mean, for the city school
3 district of the city of New York, the community district in which the
4 charter school is located.

5 S 9. Paragraph (a-1) of subdivision 3 of section 2854 of the education
6 law, as added by chapter 4 of the laws of 1998, is amended to read as
7 follows:

8 (a-1) The board of trustees of a charter school shall employ and
9 contract with necessary teachers, administrators and other school
10 personnel. Such teachers shall be certified in accordance with the
11 requirements applicable to other public schools; provided, however, that
12 a charter school may employ as teachers (i) uncertified teachers with at
13 least three years of elementary, middle or secondary classroom teaching
14 experience; (ii) tenured or tenure track college faculty; (iii) individ-
15 uals with two years of satisfactory experience through the Teach for
16 America program; and (iv) individuals who possess exceptional business,
17 professional, artistic, athletic, or military experience, provided,
18 however, that such teachers described in clauses (i), (ii), (iii), and
19 (iv) of this paragraph shall not in total comprise more than thirty per
20 centum of the teaching staff of a charter school, or five teachers,
21 whichever is [less] GREATER. A teacher certified or otherwise approved
22 by the commissioner shall not be included in the numerical limits estab-
23 lished by the preceding sentence.

24 S 10. Pursuant to a schedule to be developed by the director of the
25 budget, the mayor of the city of New York shall submit an education
26 budget plan, including the overall education funding amount and funding
27 distribution policy, in a form to be developed by the director of the
28 budget, demonstrating how the mayor's proposed education budget will
29 target resources at schools serving students with higher needs to
30 improve student achievement city-wide. Such education budget plan must
31 be approved by the director of the budget, the temporary president of
32 the senate, and the speaker of the assembly prior to the mayor's
33 submission of a proposed executive budget to the New York city council.
34 The final adopted budget, as well as any subsequent modifications, shall
35 be consistent with the approved education budget plan unless any changes
36 are approved by the director of the budget, the temporary president of
37 the senate, and the speaker of the assembly.

38 S 11. This act shall take effect immediately; provided that:

39 1. The amendments to section 2590-q of the education law made by
40 section five of this act shall be deemed to have been in full force and
41 effect on and after January 1, 2012, and shall not affect the expiration
42 of such section and shall expire therewith;

43 2. The amendments to section 2590-r of the education law made by
44 section six of this act shall be deemed to have been in full force and
45 effect on and after January 1, 2012, and shall not affect the expiration
46 of such section and shall expire therewith;

47 3. The amendments to section 2590-g of the education law made by
48 section seven of this act shall be deemed to have been in full force and
49 effect on and after January 1, 2012, and shall not affect the expiration
50 of such section and shall expire therewith.

51 PART D

52 Section 1. Section 1 of subpart E of part EE of chapter 56 of the laws
53 of 2015, amending the education law relating to annual performance

1 reviews of classroom teachers and building principals, is amended to
2 read as follows:

3 Section 1. Authority of the commissioner. Notwithstanding any
4 provisions of section 3012-c of the education law to the contrary, the
5 commissioner of the state education department, is hereby authorized and
6 directed to, subject to the provisions of section 207 of the education
7 law, adopt regulations of the commissioner and guidelines no later than
8 June 30, 2015 AND SHALL THEREAFTER PUBLISH SUCH REGULATIONS FOR A
9 COMMENT PERIOD OF FORTY-FIVE DAYS AFTER WHICH SUCH REGULATIONS MAY BE
10 AMENDED; to implement a statewide annual teacher and principal evalu-
11 ation system in New York state pursuant to section 3012-d of the educa-
12 tion law, as added by this act, after consulting with experts and prac-
13 titioners in the fields of education, economics and psychometrics and
14 taking into consideration the parameters set forth in the letter from
15 the Chancellor of the Board of Regents and acting commissioner dated
16 December 31, 2014, to the New York State Director of State Operations.
17 The commissioner shall also establish a process to accept public
18 comments and recommendations regarding the adoption of regulations
19 pursuant to section 3012-d of the education law and consult in writing
20 with the Secretary of the United States Department of Education on
21 weights, measures and ranking of evaluation categories and subcomponents
22 and shall release the response from the Secretary upon receipt thereof
23 but in any event prior to publication of the regulations hereunder.

24 S 2. Subdivision 11 of section 3012-d of the education law, as added
25 by section 2 of subpart E of part EE of chapter 56 of the laws of 2015,
26 is amended and a new subdivision 11-a is added to read as follows:

27 11. Notwithstanding any inconsistent provision of law, no school
28 district shall be eligible for an apportionment of general support for
29 public schools from the funds appropriated for the 2015--2016 school
30 year and any year thereafter in excess of the amount apportioned to such
31 school district in the respective base year unless such school district
32 has submitted documentation that has been approved by the commissioner
33 by [November fifteenth] FEBRUARY FIFTEENTH, two thousand [fifteen]
34 SIXTEEN, or by September first of each subsequent year, demonstrating
35 that it has fully implemented the standards and procedures for conduct-
36 ing annual teacher and principal evaluations of teachers and principals
37 in accordance with the requirements of this section and the regulations
38 issued by the commissioner. Provided further that any apportionment
39 withheld pursuant to this section shall not occur prior to April first
40 of the current year and shall not have any effect on the base year
41 calculation for use in the subsequent school year. For purposes of this
42 section, "base year" shall mean the base year as defined in paragraph b
43 of subdivision one of section thirty-six hundred two of this chapter,
44 and "current year" shall mean the current year as defined in paragraph a
45 of subdivision one of section thirty-six hundred two of this chapter.

46 11-A. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO
47 PROVIDE A WAIVER FROM FULLY IMPLEMENTING THE STANDARDS AND PROCEDURES
48 FOR CONDUCTING ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF TEACHERS AND
49 PRINCIPALS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION AND THE
50 REGULATIONS BY THE COMMISSIONER BY FEBRUARY FIFTEENTH, TWO THOUSAND
51 SIXTEEN, BASED ON HARDSHIP.

52 S 3. Section 305 of the education law is amended by adding a new
53 subdivision 51-a to read as follows:

54 51-A. ON OR BEFORE JUNE FIRST, TWO THOUSAND FIFTEEN, AND EACH YEAR
55 THEREAFTER, THE COMMISSIONER SHALL RELEASE THE TEST QUESTIONS AND CORRE-
56 SPONDING CORRECT ANSWERS FROM EACH OF THE MOST RECENTLY ADMINISTERED

1 ENGLISH LANGUAGE ARTS AND MATHEMATICS EXAMINATIONS IN GRADES THREE
2 THROUGH EIGHT OF THAT YEAR. THE NUMBER OF QUESTIONS AND ANSWERS RELEASED
3 SHALL NOT BE SO SIGNIFICANT AS TO HINDER OR IMPAIR THE VALIDITY AND/OR
4 RELIABILITY OF FUTURE EXAMINATIONS BUT SHALL PROVIDE ENOUGH OF AN OVER-
5 VIEW OF EACH EXAMINATION SO THAT TEACHERS, ADMINISTRATORS, PRINCIPALS,
6 PARENTS AND STUDENTS CAN BE PROVIDED WITH SUFFICIENT FEEDBACK ON THE
7 TYPES OF QUESTIONS ADMINISTERED AND BY JULY FIRST, TWO THOUSAND FIFTEEN,
8 AND EACH YEAR THEREAFTER, THE COMMISSIONER SHALL RELEASE THE GENERAL
9 STUDENT SUCCESS RATE IN ANSWERING SUCH QUESTIONS CORRECTLY.

10 S 4. The sum of eight million four hundred thousand dollars
11 (\$8,400,000), or so much thereof as may be necessary, is hereby appro-
12 priated to the department of education out of any moneys in the state
13 treasury in the general fund to the credit of the state purposes
14 account, not otherwise appropriated, and made immediately available, for
15 the purpose of carrying out the provisions of subdivision 51-a of
16 section 305 of the education law, as added by section three of this act,
17 and in order to create and print more forms of state standardized
18 assessments in order to eliminate stand-alone multiple choice field
19 tests and release a significant amount of test questions. Such moneys
20 shall be payable on the audit and warrant of the comptroller on vouchers
21 certified or approved by the commissioner of education in the manner
22 prescribed by law.

23 S 5. Subparagraph 1 of paragraph a of subdivision 4 of section 3012-d
24 of the education law, as added by section 2 of subpart E of part EE of
25 chapter 56 of the laws of 2015, is amended to read as follows:

26 (1) For the first subcomponent, (A) for a teacher whose course ends in
27 a state-created or administered test for which there is a state-provided
28 growth model, such teacher shall have a state-provided growth score
29 based on such model, WHICH SHALL TAKE INTO CONSIDERATION CERTAIN STUDENT
30 CHARACTERISTICS, AS DETERMINED BY THE COMMISSIONER, INCLUDING BUT NOT
31 LIMITED TO STUDENTS WITH DISABILITIES, POVERTY, ENGLISH LANGUAGE LEARNER
32 STATUS, PRIOR ACADEMIC HISTORY AND WHICH SHALL IDENTIFY EDUCATORS WHOSE
33 STUDENT'S GROWTH IS WELL ABOVE OR WELL BELOW AVERAGE COMPARED TO SIMILAR
34 STUDENTS FOR A TEACHER'S OR PRINCIPAL'S STUDENTS AFTER THE CERTAIN
35 STUDENT CHARACTERISTICS LISTED ABOVE ARE TAKEN INTO ACCOUNT; and (B) for
36 a teacher whose course does not end in a state-created or administered
37 test such teacher shall have a student learning objective (SLO) consist-
38 ent with a goal-setting process determined or developed by the commis-
39 sioner, that results in a student growth score; provided that, for any
40 teacher whose course ends in a state-created or administered assessment
41 for which there is no state-provided growth model, such assessment must
42 be used as the underlying assessment for such SLO;

43 S 6. Section 305 of the education law is amended by adding two new
44 subdivisions 53 and 54 to read as follows:

45 53. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO ESTABLISH A CONTENT
46 REVIEW COMMITTEE FOR THE PURPOSES OF REVIEWING ALL STANDARDIZED TEST
47 ITEMS AND/OR SELECTED PASSAGES USED ON ENGLISH LANGUAGE ARTS AND MATH-
48 EMATICS STATE ASSESSMENTS FOR GRADES THREE THROUGH EIGHT TO ENSURE: (A)
49 THEY ARE GRADE LEVEL APPROPRIATE, IN GENERAL; (B) THEY ARE PRESENTED AT
50 A READABILITY LEVEL THAT IS GRADE LEVEL APPROPRIATE; (C) THEY ARE WITHIN
51 GRADE LEVEL EXPECTATION; AND (D) THEY APPROPRIATELY MEASURE THE LEARNING
52 STANDARDS APPROVED BY THE BOARD OF REGENTS APPLICABLE TO SUCH SUBJECT
53 AND/OR GRADE LEVEL. THE REVIEW OF SUCH ITEMS AND PASSAGES SHALL BE
54 CONDUCTED PRIOR TO THEIR USE IN SUCH ASSESSMENTS PROVIDED HOWEVER, FOR
55 THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR ONLY, IF SUCH
56 REQUIREMENT WOULD PREVENT THE ABILITY OF SUCH ASSESSMENTS TO BE ADMINIS-

1 TERED, THEN ITEMS OR PASSAGES THAT HAVE NOT BEEN REVIEWED MAY BE USED.
2 PROVIDED FURTHER, THE CONTENT REVIEW COMMITTEE SHALL REVIEW ANY NEW
3 STANDARDIZED TEST ITEMS AND/OR SELECTED PASSAGES PRIOR TO THEIR USE IN
4 STATE ASSESSMENTS. SUCH COMMITTEE SHALL ALSO ENSURE THAT ANY NEW TEST
5 ITEMS AND/OR SELECTED PASSAGES ARE FAIR AND APPROPRIATELY MEASURE THE
6 LEARNING STANDARDS APPROVED BY THE BOARD OF REGENTS APPLICABLE TO SUCH
7 SUBJECT AND/OR GRADE LEVEL. SUCH COMMITTEE SHALL ALSO ENSURE THAT
8 ADEQUATE AND APPROPRIATE TIME IS GIVEN TO STUDENTS FOR THE ADMINIS-
9 TRATION OF SUCH ASSESSMENTS, PROVIDED HOWEVER THAT SUBDIVISION
10 FORTY-NINE OF THIS SECTION MUST BE COMPLIED WITH. THE CONTENT REVIEW
11 COMMITTEE SHALL INCLUDE CLASSROOM TEACHERS AND EXPERIENCED EDUCATORS IN
12 THE CONTENT AREA AND/OR GRADE LEVEL OF THE ITEMS/PASSAGES BEING
13 REVIEWED, INCLUDING TEACHERS OF STUDENTS WITH DISABILITIES AND ENGLISH
14 LANGUAGE LEARNERS.

15 54. A. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, NO
16 TEACHER, PRINCIPAL, OR SUPERINTENDENT SHALL BE REQUIRED TO SIGN A CONFIDEN-
17 TIALITY AGREEMENT WITH THEIR RESPECTIVE SCHOOL DISTRICT, BOARD OF
18 COOPERATIVE EDUCATIONAL SERVICES, OR THE DEPARTMENT THAT PREVENTS SUCH
19 TEACHER, PRINCIPAL, OR SUPERINTENDENT FROM DISCUSSING THE CONTENTS OF
20 ANY ENGLISH LANGUAGE ARTS AND MATHEMATICS ASSESSMENTS IN GRADES THREE
21 THROUGH EIGHT.

22 B. THE COMMISSIONER SHALL AMEND AND/OR MODIFY ANY CURRENT CONFIDEN-
23 TIALITY AGREEMENT TO REMOVE ANY PROVISIONS THAT PREVENT TEACHERS, PRIN-
24 CIPALS, OR SUPERINTENDENTS FROM DISCUSSING THE CONTENTS OF ANY ENGLISH
25 LANGUAGE ARTS AND MATHEMATICS ASSESSMENTS IN GRADES THREE THROUGH EIGHT.

26 S 7. Notwithstanding any other provision of law, rule or regulation to
27 the contrary, any previously entered into contract shall be amended to
28 incorporate the provisions of section six of this act and any required
29 approval of such contract amendments by a state agency shall be expe-
30 dited to ensure compliance with section six of this act.

31 S 8. The commissioner of education shall conduct a comprehensive
32 review of the education standards administered by the state education
33 department and seek input from education stakeholders when conducting
34 such review. The review shall examine aspects of the learning standards
35 adopted by the board of regents in 2011 including but not limited to:
36 whether curriculum materials and modules are aligned to standards and
37 fully available to school districts, age and grade appropriateness of
38 such standards, and current progress of the implementation of such stan-
39 dards. The review shall also contain recommendations on how to modify
40 the standards if deemed necessary and appropriate provided such recom-
41 mended modifications shall be in accordance with federal requirements.
42 This review shall be completed on or before June 30, 2016. Upon
43 completion of the review the board of regents shall consider the find-
44 ings of the review and vote to accept or reject any recommendations made
45 by the commissioner within 60 days.

46 S 9. This act shall take effect immediately; provided, however, that
47 nothing in this act shall prevent or impair the commissioner of educa-
48 tion from complying with the provisions of section three of this act
49 prior to its effective date and provided further that, if this act takes
50 effect after June 1, 2015, the commissioner of education shall have
51 thirty days from such effective date to comply with the provisions of
52 section three of this act; and provided further that section six of this
53 act shall take effect December 1, 2015.

1 Section 1. Section 13 of part A of chapter 97 of the laws of 2011,
2 amending the general municipal law and the education law relating to
3 establishing limits upon school district and local government tax
4 levies, is amended to read as follows:

5 S 13. This act shall take effect immediately; provided, however, that
6 sections two through eleven of this act shall take effect July 1, 2011
7 and shall first apply to school district budgets and the budget adoption
8 process for the 2012-13 school year; and shall continue to apply to
9 school district budgets and the budget adoption process for any school
10 year beginning in any calendar year during which this act is in effect;
11 provided further, that if section 26 of part A of chapter 58 of the laws
12 of 2011 shall not have taken effect on or before such date then section
13 ten of this act shall take effect on the same date and in the same
14 manner as such chapter of the laws of 2011, takes effect; provided
15 further, that section one of this act shall first apply to the levy of
16 taxes by local governments for the fiscal year that begins in 2012 and
17 shall continue to apply to the levy of taxes by local governments for
18 any fiscal year beginning in any calendar year during which this act is
19 in effect[; provided, further, that this act shall remain in full force
20 and effect at a minimum until and including June 15, 2016 and shall
21 remain in effect thereafter only so long as the public emergency requir-
22 ing the regulation and control of residential rents and evictions and
23 all such laws providing for such regulation and control continue as
24 provided in subdivision 3 of section 1 of the local emergency rent
25 control act, sections 26-501, 26-502 and 26-520 of the administrative
26 code of the city of New York, section 17 of chapter 576 of the laws of
27 1974 and subdivision 2 of section 1 of chapter 274 of the laws of 1946
28 constituting the emergency housing rent control law, and section 10 of
29 chapter 555 of the laws of 1982, amending the general business law and
30 the administrative code of the city of New York relating to conversions
31 of residential property to cooperative or condominium ownership in the
32 city of New York as such laws are continued by chapter 93 of the laws of
33 2011 and as such sections are amended from time to time].

34 S 2. This act shall take effect immediately.

35 PART F

36 Section 1. The real property tax law is amended by adding a new
37 section 1306-b to read as follows:

38 S 1306-B. NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM. 1. TAX REBATES.
39 (A) FOR BASIC AND ENHANCED REBATES BEGINNING IN THE TWO THOUSAND
40 FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND EACH YEAR THEREAFTER IF A
41 PARCEL IS ENTITLED TO THE BASIC OR ENHANCED STAR EXEMPTION AUTHORIZED BY
42 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, A LOCAL PROPERTY TAX
43 REBATE SHALL BE PROVIDED TO THE OWNER OR OWNERS OF SUCH PARCEL AS SHOWN
44 ON THE FINAL ASSESSMENT ROLL FOR SUCH YEAR, IN AN AMOUNT COMPUTED AS
45 PRESCRIBED BY THIS SECTION AND SECTION ONE HUNDRED SEVENTY-EIGHT OF THE
46 TAX LAW.

47 (B) NO TAX REBATE SHALL BE PROVIDED TO AN OWNER OR OWNERS PURSUANT TO
48 PARAGRAPH A OF THIS SUBDIVISION IF THE AMOUNT OF SUCH REBATE IS LESS
49 THAN OR EQUAL TO A CREDIT AUTHORIZED TO BE PROVIDED TO A TAX PAYER OF AN
50 INDEPENDENT OR DEPENDENT SCHOOL DISTRICT PURSUANT TO SUBSECTION (BBB) OF
51 SECTION SIX HUNDRED SIX OF THE TAX LAW OR IF SUCH CREDIT IS LESS THAN
52 TWENTY DOLLARS IN A SINGLE YEAR.

53 (C) AN INDEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS
54 OF SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW MUST MEET

1 THE APPLICABLE REQUIREMENTS OF SECTION TWO THOUSAND TWENTY-THREE-B OF
2 THE EDUCATION LAW FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN
3 SCHOOL YEAR TO RENDER ITS PROPERTY OWNERS ELIGIBLE FOR THE NEW YORK
4 PROPERTY TAX RELIEF CHECK PROGRAM PURSUANT TO THIS SECTION. FOR ALL
5 SCHOOL YEARS THEREAFTER, IN ORDER FOR AN INDEPENDENT SCHOOL DISTRICT TO
6 QUALIFY ITS PROPERTY OWNERS TO RECEIVE A REBATE PURSUANT TO THIS
7 SECTION, THE BUDGET SO ADOPTED SHALL NOT EXCEED THE TAX LEVY LIMIT
8 PRESCRIBED BY SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW.

9 (D) A CITY WITH A DEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE
10 PROVISIONS OF SECTION THREE-C OF THE GENERAL MUNICIPAL LAW AND ITS
11 DEPENDENT SCHOOL DISTRICT MUST JOINTLY COMPLY WITH THE REQUIREMENTS OF
12 SUBDIVISION TWO, AND EITHER SUBDIVISION THREE OR FOUR OF SECTION THREE-D
13 OF THE GENERAL MUNICIPAL LAW IN ORDER TO RENDER ITS PROPERTY OWNERS
14 ELIGIBLE FOR THE NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM FOR A CITY
15 FISCAL YEAR BEGINNING IN TWO THOUSAND FIFTEEN PURSUANT TO THIS SECTION.
16 FOR ALL FISCAL YEARS THEREAFTER WHERE A REBATE WOULD BE AUTHORIZED, A
17 CITY WITH A DEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS
18 OF SECTION THREE-C OR THREE-E OF THE GENERAL MUNICIPAL LAW MUST ADOPT A
19 BUDGET THAT DOES NOT EXCEED THE TAX LEVY LIMIT PRESCRIBED BY SUCH
20 SECTION IN ORDER TO RENDER ITS PROPERTY OWNERS ELIGIBLE FOR THE NEW YORK
21 PROPERTY TAX RELIEF CHECK PROGRAM.

22 (E) IT SHALL BE THE RESPONSIBILITY OF THE DEPARTMENT TO ISSUE SUCH TAX
23 REBATES TO SUCH OWNER OR OWNERS IN THE MANNER PROVIDED BY SECTION ONE
24 HUNDRED SEVENTY-EIGHT OF THE TAX LAW. NOTHING CONTAINED HEREIN SHALL BE
25 CONSTRUED AS PERMITTING PARTIAL OR INSTALLMENT PAYMENTS OF TAXES IN A
26 JURISDICTION WHICH HAS NOT AUTHORIZED THE SAME PURSUANT TO LAW. TO THE
27 EXTENT PRACTICABLE REBATES MADE TO AN OWNER OR OWNERS PURSUANT TO THIS
28 SECTION AND CREDITS PROVIDED TO THE SAME PURSUANT TO SUBSECTION (BBB) OF
29 SECTION SIX HUNDRED SIX OF THE TAX LAW SHALL BE DISBURSED IN COMBINA-
30 TION.

31 2. PROCEDURE. (A) ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND FIFTEEN
32 AND EACH YEAR THEREAFTER, THE COMMISSIONER, OR HIS OR HER DESIGNEE,
33 SHALL CREATE A REPORT, IF SUCH REPORT IS DEEMED NECESSARY BY THE COMMIS-
34 SIONER TO ESTABLISH ELIGIBILITY OF AN OWNER OR OWNERS TO A REBATE UNDER
35 THIS SECTION, CONCERNING THOSE PARCELS WHICH HAVE BEEN GRANTED AN EXCEP-
36 TION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER, OR
37 ON OR BEFORE JULY FIRST, TWO THOUSAND FIFTEEN AND EACH YEAR THEREAFTER,
38 IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE
39 COMMISSIONER OF FINANCE, OR HIS OR HER DESIGNEE, SHALL PROVIDE TO THE
40 COMMISSIONER OF TAXATION AND FINANCE A REPORT IN A MUTUALLY AGREEABLE
41 FORMAT CONCERNING THOSE PARCELS WHICH HAVE BEEN GRANTED AN EXEMPTION
42 AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER ON THE
43 ASSESSMENT ROLLS USED TO GENERATE THE SCHOOL TAX BILLS FOR THE TWO THOU-
44 SAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL TAX YEAR AND FOR EACH YEAR
45 THEREAFTER; PROVIDED HOWEVER THE INFORMATION TO BE PROVIDED ON SUCH
46 REPORT SHALL BE OBTAINED FROM THE FINAL ASSESSMENT ROLL DATA FILES USED
47 TO GENERATE THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL TAX
48 BILLS AND EACH YEAR THEREAFTER, FILED WITH THE DEPARTMENT PURSUANT TO
49 SECTION FIFTEEN HUNDRED NINETY OF THIS CHAPTER ON OR BEFORE JULY THIR-
50 TY-FIRST OF SUCH YEAR. SUCH REPORT SHALL SET FORTH THE NAMES AND MAILING
51 ADDRESSES OF THE OWNER OR OWNERS OF SUCH PARCELS AS SHOWN ON SUCH
52 ASSESSMENT ROLL DATA FILES, THE IDENTIFICATION NUMBERS OF SUCH PARCELS
53 AS SHOWN ON SUCH ASSESSMENT ROLL DATA FILES, AND SUCH OTHER INFORMATION
54 IN THE POSSESSION OF THE DEPARTMENT, OR IN THE CASE OF A CITY WITH A
55 POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, AS THE
56 COMMISSIONER MAY DEEM NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS

1 PROGRAM, INCLUDING INFORMATION REGARDING COOPERATIVE APARTMENT BUILDINGS
2 AND MOBILE HOME PARKS OR SIMILAR PROPERTY. IT SHALL BE THE RESPONSIBIL-
3 ITY OF THE ASSESSOR OR ASSESSORS OF EACH ASSESSING UNIT TO ENSURE THAT
4 THE NAMES AND MAILING ADDRESSES OF SUCH OWNER OR OWNERS ARE ACCURATELY
5 RECORDED ON SUCH ROLLS AND FILES TO THE BEST OF HIS OR HER ABILITY,
6 BASED UPON THE INFORMATION CONTAINED IN HIS OR HER OFFICE. NOTHING
7 CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED AS AFFECTING IN ANY WAY
8 THE VALIDITY OR ENFORCEABILITY OF A REAL PROPERTY TAX, OR THE APPLICA-
9 BILITY OF INTEREST OR PENALTIES WITH RESPECT THERETO, WHEN AN OWNER'S
10 NAME OR MAILING ADDRESS HAS NOT BEEN ACCURATELY RECORDED.

11 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
12 SION, WHERE AN ASSESSING UNIT CONTAINS ONE OR MORE PROPERTIES WHICH ARE
13 RECEIVING SUCH EXEMPTION IN RELATION TO A PRIOR YEAR ASSESSMENT ROLL
14 PURSUANT TO PARAGRAPH (D) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED
15 TWENTY-FIVE OF THIS CHAPTER, OR CONTAINS ONE OR MORE PARCELS WITH
16 RESPECT TO WHICH SUCH EXEMPTION WAS DULY ADDED OR REMOVED AFTER THE
17 FILING OF THE FINAL ASSESSMENT ROLL PURSUANT TO THE PROVISIONS OF TITLE
18 THREE OF ARTICLE FIVE OF THIS CHAPTER, THE DEPARTMENT MAY REQUIRE THE
19 ASSESSOR TO FILE WITH IT, ON OR BEFORE JULY THIRTY-FIRST, TWO THOUSAND
20 FIFTEEN AND EACH YEAR THEREAFTER, OR SUCH LATER DATE AS SUCH OFFICE MAY
21 SPECIFY, A SUPPLEMENTAL REPORT RELATING TO SUCH PROPERTY OR PROPERTIES,
22 SO THAT INFORMATION PERTAINING TO THE OWNER OR OWNERS THEREOF MAY BE
23 INCLUDED IN THE REPORT TO BE MADE TO THE COMMISSIONER PURSUANT TO THIS
24 PARAGRAPH. WHEN ANY INFORMATION REQUIRED BY THIS PARAGRAPH IS RECEIVED
25 BY THE DEPARTMENT AFTER JULY THIRTY-FIRST, TWO THOUSAND FIFTEEN AND EACH
26 YEAR THEREAFTER, SUCH INFORMATION SHALL BE TRANSMITTED AS SOON AS
27 REASONABLY PRACTICABLE FOR USE IN ISSUING LOCAL PROPERTY TAX REBATES
28 PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW.

29 3. REBATE BASE. (A) THE DEPARTMENT SHALL CALCULATE THE REBATE BASE AS
30 PROVIDED HEREIN AND CERTIFY THE SAME NO LATER THAN JULY FIRST, TWO THOU-
31 SAND FIFTEEN.

32 (B) A REBATE GRANTED PURSUANT TO THIS SECTION:

33 (I) FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR
34 SHALL BE COMPUTED BY DETERMINING THE EXEMPT AMOUNT ESTABLISHED FOR
35 PURPOSES OF THE BASIC OR ENHANCED STAR EXEMPTION FOR SUCH SCHOOL YEAR
36 AND MULTIPLYING THAT AMOUNT BY THIRTY-SIX AND ONE-HALF PERCENT.

37 (II) FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR
38 SHALL BE COMPUTED BY DETERMINING THE EXEMPT AMOUNT ESTABLISHED FOR
39 PURPOSES OF THE BASIC OR ENHANCED STAR EXEMPTION FOR SUCH SCHOOL YEAR
40 AND MULTIPLYING THAT AMOUNT BY THIRTY-SEVEN AND ONE-HALF PERCENT.

41 (III) FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL
42 YEAR SHALL BE COMPUTED BY DETERMINING THE EXEMPT AMOUNT ESTABLISHED FOR
43 PURPOSES OF THE BASIC OR ENHANCED STAR EXEMPTION FOR SUCH SCHOOL YEAR
44 AND MULTIPLYING THAT AMOUNT BY FIFTY-FIVE PERCENT.

45 (IV) FOR THE TWO THOUSAND EIGHTEEN--TWO THOUSAND NINETEEN SCHOOL YEAR,
46 AND EACH YEAR THEREAFTER, SHALL BE COMPUTED BY DETERMINING THE EXEMPT
47 AMOUNT ESTABLISHED FOR PURPOSES OF THE BASIC OR ENHANCED STAR EXEMPTION
48 FOR SUCH SCHOOL YEAR AND MULTIPLYING THAT AMOUNT BY FIFTY-FIVE PERCENT.

49 S 2. The tax law is amended by adding a new section 178 to read as
50 follows:

51 S 178. NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM. 1. THE COMMISSION-
52 ER SHALL ISSUE THE LOCAL PROPERTY TAX REBATES AUTHORIZED BY SECTION
53 THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW. FOR PURPOSES OF
54 THIS SECTION THE REBATE SHALL BE CALCULATED USING THE FORMULA SET FORTH
55 IN SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROP-
56 ERTY TAX LAW. PROVIDED, HOWEVER, SUCH REBATES SHALL NOT BE ISSUED IN ANY

1 YEAR IN WHICH AN APPROPRIATION TO PAY SUCH REBATES HAS NOT BEEN INCLUDED
2 IN THE ENACTED STATE BUDGET FOR SUCH YEAR.

3 2. ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND FIFTEEN AND EACH YEAR
4 THEREAFTER, THE COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL CREATE A
5 REPORT, IF SUCH A REPORT IS DEEMED NECESSARY BY THE COMMISSIONER TO
6 ESTABLISH ELIGIBILITY OF A REBATE PURSUANT TO SECTION THIRTEEN HUNDRED
7 SIX-B OF THE REAL PROPERTY TAX LAW, CONCERNING THOSE PARCELS WHICH
8 SATISFY THE CRITERIA SET FORTH IN SECTION THIRTEEN HUNDRED SIX-B OF THE
9 REAL PROPERTY TAX LAW, OR ON OR BEFORE JULY FIRST, TWO THOUSAND FIFTEEN
10 AND EACH YEAR THEREAFTER IN THE CASE OF A CITY WITH A POPULATION OF ONE
11 MILLION OR MORE, THE COMMISSIONER OF FINANCE, SHALL PROVIDE TO THE
12 COMMISSIONER A REPORT IN A MUTUALLY AGREEABLE FORMAT CONCERNING THOSE
13 PARCELS WHICH SATISFY THE CRITERIA SET FORTH IN SECTION THIRTEEN HUNDRED
14 SIX-B OF THE REAL PROPERTY TAX LAW.

15 3. THE COMMISSIONER IN CONSULTATION WITH THE COMMISSIONER OF FINANCE,
16 FOR A CITY WITH A POPULATION OF ONE MILLION OR MORE, IS AUTHORIZED TO
17 DEVELOP PROCEDURES NECESSARY TO PROVIDE FOR THE ISSUANCE OF LOCAL PROP-
18 ERTY TAX REBATES TO QUALIFYING PROPERTY OWNERS, AND THOSE QUALIFYING
19 PROPERTY OWNERS THAT DID NOT RECEIVE THEM INITIALLY. IF THE COMMISSION-
20 ER IS NOT SATISFIED THAT THE PROPERTY OWNER OR OWNERS ARE QUALIFIED FOR
21 THE LOCAL PROPERTY TAX REBATE, THE COMMISSIONER SHALL NOT ISSUE SUCH
22 REBATE.

23 4. BY DEPOSITING A REBATE ISSUED PURSUANT TO THIS SECTION AND AUTHOR-
24 IZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW, THE
25 PAYEE IS CERTIFYING THAT HE OR SHE IS THE PROPERTY OWNER, AND THAT THE
26 PRIMARY RESIDENCE OF SUCH PROPERTY OWNER OR OWNERS IS NOT SUBJECT TO ANY
27 DELINQUENT SCHOOL TAXES.

28 5. CONFIDENTIAL INFORMATION; DISCLOSURE PROHIBITION. INFORMATION
29 REGARDING REBATES ISSUED TO INDIVIDUALS SHALL NOT BE SUBJECT TO DISCLO-
30 SURE; INCLUDING NAMES, ADDRESSES, AND DOLLAR AMOUNTS OF REBATES.

31 S 3. Section 606 of the tax law is amended by adding a new subsection
32 (n-1) to read as follows:

33 (N-1) SCHOOL DISTRICT PROPERTY TAX CREDIT. (1) (A) IN ANY TAXABLE
34 YEAR IN WHICH TAXPAYERS ARE NOT ELIGIBLE TO RECEIVE REBATES PURSUANT TO
35 SECTION ONE HUNDRED SEVENTY-EIGHT OF THIS CHAPTER SOLELY BECAUSE AN
36 APPROPRIATION TO PAY SUCH REBATES WAS NOT INCLUDED IN THE ENACTED STATE
37 BUDGET, FOR SUCH YEAR, THE CREDIT ALLOWED BY THIS SUBSECTION SHALL
38 APPLY.

39 (B) NO CREDIT SHALL BE PROVIDED TO A TAXPAYER PURSUANT TO THIS SECTION
40 IF THE AMOUNT OF SUCH CREDIT IS LESS THAN OR EQUAL TO A CREDIT AUTHOR-
41 IZED TO BE PROVIDED TO A TAXPAYER OF AN INDEPENDENT OR DEPENDENT SCHOOL
42 DISTRICT PURSUANT TO SUBSECTION (BBB) OF THIS SECTION OR IF SUCH CREDIT
43 IS LESS THAN TWENTY DOLLARS IN A SINGLE YEAR.

44 (C) AN INDEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS
45 OF SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW MUST MEET
46 THE APPLICABLE REQUIREMENTS OF SECTION TWO THOUSAND TWENTY-THREE-B OF
47 THE EDUCATION LAW FOR THE TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN
48 SCHOOL YEAR TO RENDER ITS TAXPAYERS ELIGIBLE FOR A CREDIT PURSUANT TO
49 THIS SECTION. FOR ALL SCHOOL YEARS THEREAFTER, IN ORDER FOR AN INDEPEND-
50 ENT SCHOOL DISTRICT TO QUALIFY ITS TAXPAYERS TO RECEIVE A CREDIT PURSU-
51 ANT TO THIS SECTION, THE BUDGET SO ADOPTED SHALL NOT EXCEED THE TAX LEVY
52 LIMIT PRESCRIBED BY SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION
53 LAW.

54 (D) A CITY WITH A DEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE
55 PROVISIONS OF SECTION THREE-C OF THE GENERAL MUNICIPAL LAW AND ITS
56 DEPENDENT SCHOOL DISTRICT MUST JOINTLY COMPLY WITH THE REQUIREMENTS OF

SUBDIVISION TWO, AND SUBDIVISION THREE OR FOUR OF SECTION THREE-D OF THE GENERAL MUNICIPAL LAW IN ORDER TO RENDER ITS TAXPAYERS ELIGIBLE FOR A CREDIT AUTHORIZED PURSUANT TO THIS SECTION FOR A CITY FISCAL YEAR BEGINNING IN TWO THOUSAND FIFTEEN. FOR ALL FISCAL YEARS THEREAFTER WHERE A CREDIT UNDER THIS SECTION WOULD BE AUTHORIZED, A CITY WITH A DEPENDENT SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF SECTION THREE-C OR THREE-E OF THE GENERAL MUNICIPAL LAW MUST ADOPT A BUDGET THAT DOES NOT EXCEED THE TAX LEVY LIMIT.

(2) FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN IF THE CREDIT IS APPLICABLE IN SUCH YEAR, A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE IN AN AMOUNT EQUAL TO THE REBATE CHECK CALCULATED PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT OF THIS CHAPTER.

(3) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

(4) (A) TAXPAYERS WHO WOULD HAVE QUALIFIED FOR THE CREDIT UNDER THIS SUBSECTION FOR TAXABLE YEAR TWO THOUSAND FOURTEEN, HAD SUCH CREDIT BEEN AUTHORIZED IN SUCH TAXABLE YEAR, SHALL BE TREATED AS HAVING MADE A PAYMENT AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR SUCH TAXABLE YEAR IN AN AMOUNT EQUAL TO SUCH CREDIT FOR SUCH TAXABLE YEAR. SUCH PAYMENT SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE REFUNDED AS SOON AS PRACTICABLE, BUT NOT LONGER THAN FORTY-FIVE DAYS FROM FILING A CLAIM FOR A REFUND, IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER THAT NO INTEREST SHALL BE PAID THEREON. ALL QUALIFIED TAXPAYERS MAY SUBMIT A CLAIM FOR AN ADVANCE PAYMENT OF SUCH REFUND ON FORMS PREPARED BY THE DEPARTMENT, PROVIDED SUCH FORMS ARE FILED WITH THE DEPARTMENT ON OR BEFORE AUGUST THIRTY-FIRST, TWO THOUSAND FIFTEEN.

(B) THE AMOUNT OF THE CREDIT WHICH IS ALLOWED UNDER THIS SUBSECTION FOR THE TAXPAYER'S TAXABLE YEAR BEGINNING IN TWO THOUSAND FIFTEEN SHALL BE REDUCED BY THE PAYMENTS MADE TO THE TAXPAYER UNDER THIS SUBSECTION. ANY FAILURE TO SO REDUCE THE CREDIT SHALL BE TREATED AS ARISING OUT OF A MATHEMATICAL OR CLERICAL ERROR AND ASSESSED ACCORDING TO SUBSECTION (D) OF SECTION SIX HUNDRED EIGHTY-ONE OF THIS ARTICLE.

(C) ANY FAILURE TO APPLY FOR AN ADVANCE PAYMENT SHALL NOT IMPAIR A TAXPAYER'S ABILITY TO APPLY FOR THE CREDIT UPON FILING THEIR RETURN FOR SUCH TAX YEAR.

(5) IF THE COMMISSIONER DETERMINES IT TO BE NECESSARY FOR PROPER ADMINISTRATION OF THE CREDIT ALLOWED UNDER THIS SUBSECTION, THE COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES OF ANY COUNTY, OR IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSIONER OF FINANCE, UPON THE REQUEST OF THE COMMISSIONER, SHALL FILE A REPORT WITH THE DEPARTMENT IDENTIFYING ALL PARCELS IN THE COUNTY OR IN THE CITY ON WHICH SCHOOL TAXES FOR THE PRIOR SCHOOL YEAR REMAINED UNPAID AS OF JUNE THIRTIETH OF SUCH PRIOR SCHOOL YEAR, PROVIDED THAT PARCELS NOT RECEIVING THE BASIC OR ENHANCED STAR EXEMPTION SHALL BE EXCLUDED FROM SUCH LIST. SUCH COUNTY DIRECTOR SHALL OBTAIN FROM THE TAX COLLECTING OFFICERS AND TAX ENFORCEMENT OFFICERS WITHIN THE COUNTY SUCH INFORMATION AS HE OR SHE MAY NEED TO PREPARE SUCH LIST. SUCH LIST SHALL BE PREPARED IN A FORMAT PRESCRIBED BY THE COMMISSIONER.

(6) IF THE SCHOOL PROPERTY TAXES TO WHICH THE CREDIT RELATES ARE NOT PAID, THE CREDIT ALLOWED WITH RESPECT TO SUCH PROPERTY TAXES MUST BE ADDED BACK IN THE TAX YEAR IN WHICH SUCH CREDIT WAS CLAIMED.

(7) ONLY ONE CREDIT PER RESIDENCE SHALL BE ALLOWED PER TAXABLE YEAR UNDER THIS SUBSECTION. WHEN TWO OR MORE MEMBERS OF A RESIDENCE ARE ABLE TO MEET THE QUALIFICATIONS FOR A QUALIFIED TAXPAYER, THE CREDIT SHALL BE EQUALLY DIVIDED BETWEEN OR AMONG SUCH INDIVIDUALS. IN THE CASE OF SPOUSES WHO FILE A JOINT FEDERAL RETURN BUT WHO ARE REQUIRED TO DETERMINE THEIR NEW YORK TAXES SEPARATELY, THE CREDIT ALLOWED PURSUANT TO THIS SUBSECTION MAY BE APPLIED AGAINST THE TAX OF EITHER OR DIVIDED BETWEEN THEM AS THEY MAY ELECT.

S 4. The opening paragraph of paragraph 2 of subsection (bbb) of section 606 of the tax law, as added by section 1 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

An individual taxpayer who meets the eligibility standards set forth in paragraph three of this subsection and whose primary residence is located in a taxing jurisdiction that has a freeze-compliant budget for the fiscal year starting in two thousand fourteen, two thousand fifteen or two thousand sixteen, whichever is applicable, shall be allowed a credit against the taxes imposed by this article. HOWEVER, THAT IN TWO THOUSAND FIFTEEN NO CREDIT WILL BE PROVIDED UNDER THIS SECTION AS A CREDIT ON TAXES IMPOSED ON BEHALF OF AN INDEPENDENT OR DEPENDENT SCHOOL DISTRICT, IF AN AMOUNT GREATER THAN SUCH CREDIT WOULD BE AUTHORIZED TO BE RECEIVED BY A PROPERTY OWNER OR OWNERS IN THE FORM OF A REBATE PURSUANT TO SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR TO BE RECEIVED IN THE FORM OR A CREDIT PURSUANT TO SUBSECTION (N-1) OF THIS SECTION. Subject to the provisions of paragraph six of this subsection, such credit shall be determined as follows:

S 5. Paragraph 4 of subsection (bbb) of section 606 of the tax law, as added by section 1 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

(4) For each year this credit is allowed, the commissioner shall determine the taxpayer's eligibility for this credit utilizing the information available to the commissioner. When the commissioner has determined a taxpayer to be eligible for this credit, the commissioner shall advance a payment of the amount determined in accordance with this subsection. HOWEVER, THAT IN TWO THOUSAND FIFTEEN NO CREDIT WILL BE PROVIDED UNDER THIS SECTION AS A CREDIT ON TAXES IMPOSED ON BEHALF OF AN INDEPENDENT OR DEPENDENT SCHOOL DISTRICT, IF AN AMOUNT GREATER THAN SUCH CREDIT WOULD BE AUTHORIZED TO BE RECEIVED BY A PROPERTY OWNER OR OWNERS IN THE FORM OF A REBATE PURSUANT TO SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR TO BE RECEIVED IN THE FORM OR A CREDIT PURSUANT TO SUBSECTION (N-1) OF THIS SECTION.

The taxpayer shall not apply for such credit in conjunction with the filing of his or her return. A taxpayer who has failed to receive an advance payment that he or she believes was due to him or her, or who has received an advance payment that he or she believes is less than the amount that was due to him or her, may request payment of the claimed deficiency in a manner prescribed by the commissioner.

S 6. The opening paragraph of section 2023-b of the education law, as added by section 2 of part FF of chapter 59 of the laws of 2014, is amended to read as follows:

Certification of compliance with property tax freeze, NEW YORK PROPERTY TAX RELIEF CHECK PROGRAM OR THE SCHOOL DISTRICT PROPERTY TAX CREDIT requirements. A school district that is subject to the provisions of section two thousand twenty-three-a of this part must comply with the requirements of subdivision two of this section in order to render its taxpayers eligible for the real property tax freeze credit authorized by subsection (bbb) of section six hundred six of the tax law for a fiscal

1 year starting in two thousand fourteen. The property tax cuts will be
2 extended for a second year, A NEW YORK PROPERTY TAX RELIEF CHECK WILL BE
3 PROVIDED PURSUANT TO SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY
4 TAX LAW OR A TAX CREDIT WILL BE PROVIDED PURSUANT TO SUBSECTION N-1 OF
5 SECTION SIX HUNDRED SIX OF THE TAX LAW in jurisdictions which comply
6 with the tax cap and have a state approved government efficiency plan
7 which demonstrate three year savings and efficiencies of at least one
8 percent per year from shared services, cooperation agreements and/or
9 mergers or efficiencies. The director of the budget shall consider past
10 efficiencies, shared services and reforms in their approval process.
11 While localities may offer a variety of approaches it is anticipated
12 that the county government or board of cooperative educational services
13 will convene and facilitate a process and submit a county wide or board
14 of cooperative educational services region wide plan for approval. A
15 school district that is subject to the provisions of section two thou-
16 sand twenty-three-a of this part must comply with the requirements of
17 subdivision two and either subdivision three or subdivision four of this
18 section in order to render its taxpayers eligible for the real property
19 tax freeze credit authorized by subsection (bbb) of section six hundred
20 six of the tax law for a fiscal year starting in two thousand fifteen.

21 S 7. Paragraph b of subdivision 2 of section 2023-b of the education
22 law, as added by section 2 of part FF of chapter 59 of the laws of 2014,
23 is amended to read as follows:

24 b. In order for such certification to give rise to a real property tax
25 freeze credit under subsection (bbb) of section six hundred six of the
26 tax law, A NEW YORK PROPERTY TAX RELIEF CHECK PURSUANT TO SECTION THIR-
27 TEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR A TAX CREDIT PURSUANT
28 TO SUBSECTION (N-1) OF SECTION SIX HUNDRED SIX OF THE TAX LAW, such
29 certification shall be made no later than the twenty-first day of the
30 fiscal year to which it applies.

31 S 8. The opening paragraph of section 3-d of the general municipal
32 law, as added by section 3 of part FF of chapter 59 of the laws of 2014,
33 is amended to read as follows:

34 Certification of compliance with property tax freeze, THE NEW YORK
35 PROPERTY TAX RELIEF CHECK PROGRAM OR THE SCHOOL DISTRICT PROPERTY TAX
36 CREDIT requirements. A municipal corporation or an independent special
37 district that is subject to the provisions of section three-c of this
38 article must comply with the requirements of subdivision two of this
39 section in order to render its taxpayers eligible for the real property
40 tax freeze credit authorized by subsection (bbb) of section six hundred
41 six of the tax law for a fiscal year starting in two thousand fifteen.
42 The property tax cuts will be extended for a second year OR AN AUTHOR-
43 IZED REBATE OR CREDIT WILL BE PROVIDED in jurisdictions which comply
44 with the tax cap and have a state approved government efficiency plan
45 which demonstrate three year savings and efficiencies of at least one
46 percent per year from shared services, cooperation agreements and/or
47 mergers or efficiencies. The director of the budget shall consider past
48 efficiencies, shared services and reforms in their approval process.
49 While localities may offer a variety of approaches it is anticipated
50 that the county government or board of cooperative educational services
51 will convene and facilitate a process and submit a county wide or board
52 of cooperative educational services region wide plan for approval. A
53 municipal corporation or an independent special district that is subject
54 to the provisions of section three-c of this article must comply with
55 the requirements of subdivision two and either subdivision three or
56 subdivision four of this section in order to render its taxpayers eligi-

1 ble for the real property tax freeze credit authorized by subsection
2 (bbb) of section six hundred six of the tax law for a fiscal year start-
3 ing in two thousand sixteen. Provided however, that a city with a
4 dependent school district must comply with the requirements of subdivi-
5 sion two of this section in order to render its taxpayers eligible for
6 the real property tax freeze credit authorized by subsection (bbb) of
7 section six hundred six of the tax law for a fiscal year starting in two
8 thousand fourteen and comply with the requirements of subdivision two of
9 this section, and both the city and its dependent school district must
10 jointly comply with the requirements of subdivision three or subdivision
11 four of this section, in order to render its taxpayers eligible for the
12 real property tax freeze credit authorized by subsection (bbb) of
13 section six hundred six of the tax law, FOR THE NEW YORK PROPERTY TAX
14 RELIEF CHECK AUTHORIZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL
15 PROPERTY TAX LAW OR THE SCHOOL DISTRICT PROPERTY TAX CREDIT PURSUANT TO
16 SUBSECTION (N-1) OF SECTION SIX HUNDRED SIX OF THE TAX LAW for a fiscal
17 year starting in two thousand fifteen or two thousand sixteen.

18 S 9. Paragraph (b) of subdivision 2 of section 3-d of the general
19 municipal law, as added by section 3 of part FF of chapter 59 of the
20 laws of 2014, is amended to read as follows:

21 (b) In order for such certification to give rise to a real property
22 tax freeze credit under subsection (bbb) of section six hundred six of
23 the tax law, A NEW YORK PROPERTY TAX RELIEF CHECK PURSUANT TO SECTION
24 THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW OR THE SCHOOL
25 DISTRICT PROPERTY TAX CREDIT PURSUANT TO SUBSECTION (N-1) OF SECTION SIX
26 HUNDRED SIX OF THE TAX LAW, such certification shall be made no later
27 than the twenty-first day of the fiscal year to which it applies.

28 S 10. This act shall take effect immediately.

29 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
30 sion, section or part of this act shall be adjudged by any court of
31 competent jurisdiction to be invalid, such judgment shall not affect,
32 impair, or invalidate the remainder thereof, but shall be confined in
33 its operation to the clause, sentence, paragraph, subdivision, section
34 or part thereof directly involved in the controversy in which such judg-
35 ment shall have been rendered. It is hereby declared to be the intent of
36 the legislature that this act would have been enacted even if such
37 invalid provisions had not been included herein.

38 S 3. This act shall take effect immediately provided, however, that
39 the applicable effective date of Parts A through F of this act shall be
40 as specifically set forth in the last section of such Parts.