

5953

2015-2016 Regular Sessions

I N   S E N A T E

June 12, 2015

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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, chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, chapter 402 of the laws of 1983 amending the general business law relating to conversion of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland and the rent regulation reform act of 1997, in relation to extending the effectiveness thereof (Part A); to amend the public housing law, in relation to establishing a tenant protection unit within the division of housing and community renewal (Part B); to amend the public housing law and the tax law, in relation to income verification for rent controlled apartments (Part C); 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 (Part D); and prohibiting the subletting of rent controlled apartments except under limited circumstances (Part E)

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 relating to rent regulation and real property tax abatements. Each  
3 component is wholly contained within a Part identified as Parts A  
4 through E. The effective date for each particular provision contained  
5 within such Part is set forth in the last section of such Part. Any

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

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provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

## PART A

Section 1. Short title. This act shall be known and may be cited as the "rent act of 2015".

S 1-a. 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 section 1-a of part B of chapter 97 of the laws of 2011, 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 fifteenth day of June [2015] 2023; 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 section 2 of part B of chapter 97 of the laws of 2011, 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 15, [2015] 2023.

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 section 3 of part B of chapter 97 of the laws of 2011, 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 15, [2015] 2023.

S 4. Section 10 of chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, as amended by section 4 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

S 10. This act shall take effect immediately; provided, that the provisions of sections one, two and nine of this act shall remain in full force and effect only until and including June 15, [2015] 2023; provided further that the provisions of section three of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues as provided in subdivision 3 of section 1 of the local emergency housing rent control act; provided further that the provisions of

1 sections four, five, six and seven of this act shall expire in accord-  
2 ance with the provisions of section 26-520 of the administrative code of  
3 the city of New York as such section of the administrative code is, from  
4 time to time, amended; provided further that the provisions of section  
5 26-511 of the administrative code of the city of New York, as amended by  
6 this act, which the New York City Department of Housing Preservation and  
7 Development must find are contained in the code of the real estate  
8 industry stabilization association of such city in order to approve it,  
9 shall be deemed contained therein as of the effective date of this act;  
10 and provided further that any plan accepted for filing by the department  
11 of law on or before the effective date of this act shall continue to be  
12 governed by the provisions of section 352-eeee of the general business  
13 law as they had existed immediately prior to the effective date of this  
14 act.

15 S 5. Section 4 of chapter 402 of the laws of 1983 amending the general  
16 business law relating to conversion of rental residential property to  
17 cooperative or condominium ownership in certain municipalities in the  
18 counties of Nassau, Westchester and Rockland, as amended by section 5 of  
19 part B of chapter 97 of the laws of 2011, is amended to read as follows:

20 S 4. This act shall take effect immediately; provided, that the  
21 provisions of sections one and three of this act shall remain in full  
22 force and effect only until and including June 15, [2015] 2023; and  
23 provided further that any plan accepted for filing by the department of  
24 law on or before the effective date of this act shall continue to be  
25 governed by the provisions of section 352-eee of the general business  
26 law as they had existed immediately prior to the effective date of this  
27 act.

28 S 6. Subdivision 6 of section 46 of chapter 116 of the laws of 1997  
29 constituting the rent regulation reform act of 1997, as amended by  
30 section 6 of part B of chapter 97 of the laws of 2011, is amended to  
31 read as follows:

32 6. sections twenty-eight, twenty-eight-a, twenty-eight-b and twenty-  
33 eight-c of this act shall expire and be deemed repealed after June 15,  
34 [2015] 2023;

35 S 7. This act shall take effect immediately.

36

## PART B

37 Section 1. Section 10 of the public housing law, as amended by chapter  
38 398 of the laws of 1961, is amended to read as follows:

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

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

48 (A) TO CONDUCT AUDITS AND HEARINGS THEREON TO REVIEW RENT INCREASES  
49 RESULTING FROM INDIVIDUAL APARTMENT IMPROVEMENTS AUTHORIZED PURSUANT TO  
50 PARAGRAPH THIRTEEN OF SUBDIVISION C OF SECTION 26-511 OF THE ADMINISTRA-  
51 TIVE CODE OF THE CITY OF NEW YORK OR PARAGRAPH ONE OF SUBDIVISION (D) OF  
52 SECTION SIX OF THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-  
53 FOUR. SUCH AUDITS MAY REQUIRE THE PRODUCTION OF BOOKS, PAPERS, RECORDS,  
54 CONTRACTS, CHECKS OR ANY OTHER DOCUMENTS RELEVANT AND MATERIAL TO INDI-

1 VIDUAL APARTMENT IMPROVEMENTS. ANY AUDIT SHALL BE LIMITED TO THOSE INDI-  
2 VIDUAL APARTMENT IMPROVEMENTS FOR WHICH RENT INCREASES RESULTING FROM  
3 SUCH IMPROVEMENTS TOOK EFFECT WITHIN THREE CALENDAR YEARS PRIOR TO THE  
4 DATE OF THE NOTICE OF THE AUDIT;

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

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

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

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

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

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

48 (E) ANY DETERMINATION BY THE TENANT PROTECTION UNIT SHALL BE SUBJECT  
49 TO A PETITION FOR ADMINISTRATIVE REVIEW BY THE DEPUTY COMMISSIONER OF  
50 THE OFFICE OF RENT ADMINISTRATION WHICH SHALL ISSUE A FINAL DETERMI-  
51 NATION. THE DIVISION OF HOUSING AND COMMUNITY RENEWAL SHALL, BY REGU-  
52 LATION, PROVIDE FOR THE ADMINISTRATIVE REVIEW OF ALL DETERMINATIONS  
53 ISSUED BY THE TENANT PROTECTION UNIT PURSUANT TO THIS SECTION. A PETI-  
54 TION FOR SUCH REVIEW SHALL BE DISPOSED OF BY A FINAL DETERMINATION WITH-  
55 IN NINETY DAYS AFTER IT IS FILED, OR IT SHALL BE DEEMED TO BE DENIED.  
56 PROVIDED, HOWEVER, SUCH REGULATION SHALL PROVIDE FOR ONE EXTENSION NOT

TO EXCEED THIRTY DAYS UPON THE CONSENT OF THE PARTY FILING SUCH PETITION. A FINAL DETERMINATION OR A PRESUMPTIVE DENIAL BY THE OFFICE OF RENT ADMINISTRATION SHALL BE SUBJECT TO JUDICIAL REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

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

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

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided however the division of housing and community renewal is authorized and directed to promulgate rules and regulations necessary for the implementation of this act on or before such date.

## PART C

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

7. (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL ESTABLISH A SYSTEM TO IDENTIFY AND VERIFY QUALIFICATION OF ANY LESSEE ENTERING INTO OR RENEWING A LEASE FOR AN APARTMENT 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, AND TO DOCUMENT AND RETAIN A RECORD OF EVERY SUCH LESSEE AND EVERY SUCH APARTMENT THAT IS SUBJECT TO SUCH PROVISIONS.

(B) SUCH SYSTEM SHALL REQUIRE THE SUBMISSION OF INFORMATION, IN A FORM AND MANNER DETERMINED BY THE COMMISSIONER, BY ANY OWNER, WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION TO IDENTIFY AND CATALOGUE EACH APARTMENT, OWNED AND MAINTAINED BY SUCH OWNER, THAT IS 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, AND ANY LESSEE CURRENTLY RESIDING IN SUCH APARTMENT. SUCH SUBMISSION SHALL INCLUDE: ADDRESS, INCLUDING APARTMENT NUMBER, NUMBER OF BEDROOMS; SQUARE FOOTAGE; AND ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER TO IDENTIFY SUCH APARTMENT. SUCH SUBMISSION SHALL ALSO CONTAIN INFORMATION IDENTIFYING THE CURRENT LESSEE OF THE APARTMENT, IF SUCH APARTMENT

1 IS LEASED, OR RESIDENT OF SUCH APARTMENT INCLUDING: FULL NAME; TERMS OF  
2 THE LEASE; AND ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSION-  
3 ER TO IDENTIFY SUCH LESSEE. UPON THE SUBMISSION AND REVIEW OF SUCH  
4 INFORMATION, THE COMMISSIONER SHALL MAINTAIN A DATABASE CONTAINING ALL  
5 SUCH INFORMATION SO SUBMITTED IDENTIFYING EVERY SUCH APARTMENT AND ANY  
6 LESSEE OR RESIDENT OF SUCH APARTMENT.

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

11 (D) ANY FINDINGS PURSUANT TO SECTION ONE HUNDRED SEVENTY-ONE-Z OF THE  
12 TAX LAW THAT A LESSEE OR RESIDENT OF ANY SUCH APARTMENT DOES NOT SATISFY  
13 ANY INCOME ELIGIBILITY OR RESIDENCY REQUIREMENTS PRESCRIBED BY THE EMER-  
14 GENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, THE RENT STABILI-  
15 ZATION LAW OF NINETEEN HUNDRED SIXTY-NINE, THE EMERGENCY HOUSING RENT  
16 CONTROL LAW AND THE LOCAL EMERGENCY RENT CONTROL ACT FOR THE APPLICABLE  
17 INCOME TAX YEAR SHALL RESULT IN A WRITTEN NOTICE WITHIN THIRTY DAYS OF  
18 SUCH FINDING, BY THE COMMISSIONER TO THE OWNER OF SUCH APARTMENT OF SUCH  
19 A FINDING.

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

38 (F) THE COMMISSIONER SHALL, PERIODICALLY, REQUIRE FURTHER SUBMISSIONS  
39 CONSISTENT WITH THIS SUBDIVISION TO UPDATE ANY SUCH INFORMATION SO  
40 RETAINED.

41 (G) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, ANY INFORMATION  
42 RETAINED BY THE COMMISSIONER PURSUANT TO THIS SUBDIVISION SHALL NOT BE  
43 SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS  
44 LAW.

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

47 S 171-Z. INCOME VERIFICATION FOR ANY RESIDENT SUBJECT TO THE EMERGENCY  
48 TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, THE RENT STABILIZATION  
49 LAW OF NINETEEN HUNDRED SIXTY-NINE, THE EMERGENCY HOUSING RENT CONTROL  
50 LAW AND THE LOCAL EMERGENCY RENT CONTROL ACT. (1) THE DEPARTMENT SHALL  
51 ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF HOUSING AND  
52 COMMUNITY RENEWAL, HEREINAFTER REFERRED TO AS THE DIVISION, TO VERIFY,  
53 TO THE EXTENT PRACTICABLE, WHETHER A LESSEE OR RESIDENT OF AN APARTMENT  
54 SUBJECT TO THE EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR,  
55 THE RENT STABILIZATION OF LAW OF NINETEEN HUNDRED SIXTY-NINE, THE EMER-  
56 GENCY 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.

#### PART D

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

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

(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 A 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 2. Paragraph 2 of subdivision c of section 26-516 of the administrative code of the city of New York, as amended by section 2 of chapter 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 A 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

1 section 3 of chapter 480 of the laws of 2009, is amended to read as  
2 follows:

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

24 S 4. Subparagraph (a) of paragraph 2 of subdivision b of section  
25 26-413 of the administrative code of the city of New York, as amended by  
26 section 4 of chapter 480 of the laws of 2009, is amended to read as  
27 follows:

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

49 S 5. Clauses (i) and (ii) of paragraph 3 of subdivision a of section  
50 12 of section 4 of chapter 576 of the laws of 1974 constituting the  
51 emergency tenant protection act of nineteen seventy-four, as amended by  
52 section 5 of chapter 480 of the laws of 2009, are amended to read as  
53 follows:

54 (i) to have violated an order of the division the commissioner may  
55 impose by administrative order after hearing, a civil penalty [in the  
56 amount of one thousand dollars for the first such offense and two] AT

1 MINIMUM IN THE AMOUNT OF ONE THOUSAND BUT NOT TO EXCEED TWO THOUSAND  
2 DOLLARS FOR THE FIRST SUCH OFFENSE, AND AT MINIMUM IN THE AMOUNT OF TWO  
3 THOUSAND BUT NOT TO EXCEED THREE thousand dollars for each subsequent  
4 offense; or

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

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

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

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

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

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

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

44 4. the amendments to paragraph 2 of subdivision c of section 26-516 of  
45 the administrative code of the city of New York made by section one of  
46 this act shall be subject to the expiration and reversion of such para-  
47 graph pursuant to section 46 of chapter 116 of the laws of 1997, as  
48 amended, when upon such date the provisions of section two of this act  
49 shall take effect;

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

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

8 PART E

9 Section 1. Notwithstanding any provision of law to the contrary, no  
10 apartment subject to the emergency tenant protection act of nineteen  
11 seventy-four, the rent stabilization law of nineteen hundred sixty-nine,  
12 the emergency housing rent control law and the local emergency rent  
13 contract act shall be authorized to be sublet for any period unless  
14 authorized to be sublet within any respective lease agreement and  
15 approval of such sublet is received from the division of housing and  
16 community renewal. Any amounts so charged by the sublessor to the  
17 sublessee for such sublet shall not exceed the proportional share of  
18 rent charged for such period by the lessor to the lessee. Any lessee  
19 found to be in violation of this act shall be subject to a penalty of  
20 one thousand dollars or three times the amount charged and received for  
21 such sublease. Such penalty shall be enforced by the New York state  
22 division of housing and community renewal.

23 S 2. This act shall take effect on the ninetieth day after it shall  
24 have become a law.

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

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