# STATE OF NEW YORK

6210

2019-2020 Regular Sessions

# IN SENATE

May 23, 2019

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York and the real property tax law, in relation to notice regarding the rent increase exemption for low income elderly persons and persons with disabilities programs

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. The administrative code of the city of New York is amended by adding a new section 26-605.2 to read as follows:

**§ 26-605.2 Required notice. (a) A tenant residing in a dwelling unit subject to the provisions of this chapter shall be furnished a notice informing such tenant about his or her potential eligibility for a rent increase exemption pursuant to this chapter and the real property tax law. The form and content of such notice shall be promulgated by the commissioner of finance and shall include the statement:**

**"YOU MAY BE ELIGIBLE TO HAVE YOUR RENT FROZEN IF YOU ARE AGED 62 OR OVER OR DISABLED, HAVE AN ANNUAL HOUSEHOLD INCOME OF $50,000 OR LESS AND PAY MORE THAN ONE-THIRD OF YOUR INCOME TOWARD YOUR RENT. FOR MORE INFORMATION ABOUT YOUR ELIGIBILITY TO HAVE YOUR RENT FROZEN, CALL 311 OR VISIT (INSERT URL OF THE CURRENT WEBSITE OF THE AGENCY DESIGNATED)."**

**(b) The notice required by subdivision (a) of this section shall be furnished by the following agencies or individuals at the same time as the notice required by the occurrence of the following events:**

**(1) The state commissioner of housing and community renewal shall provide such notice to a tenant in the event of:**

**(i) Receipt of an application for a rent adjustment due to a major capital improvement;**

**(ii) A rent increase pursuant to section thirty-one of the private housing finance law;**

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

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(iii) Receipt of the annual certification required by section thirty-one of the private housing finance law; and

(iv) For dwelling units subject to chapter three of this title, a maximum base rent adjustment or heating fuel cost adjustment pursuant to paragraph one of subdivision g of section 26-405 of this title.

(2) The commissioner of housing preservation and development shall provide such notice to a tenant when a lease rider is required by 9 NYCRR 2522.5(e)(2) for a lease containing an escalator clause providing for an annual or other periodic 2.2 percent rent increase for buildings receiving benefits pursuant to section four hundred twenty-one-a of the real property tax law.

(3) The landlord of a dwelling unit shall provide such notice to a tenant:

(i) With an initial lease and any renewal lease; and

(ii) Upon the annual registration of a housing accommodation as required by section 26-517 of this title.

(c) When notice is furnished pursuant to paragraph one or two of subdivision (b) of this section, such notice shall include specific information as to the agency providing such notice.

§ 2. Subdivision 3 of section 467-b of the real property tax law is amended by adding a new paragraph j to read as follows:

j. (1) notwithstanding any provision of law to the contrary, a tenant residing in a dwelling unit subject to the provisions of this section shall be furnished a notice informing such tenant about his or her potential eligibility for a rent increase exemption pursuant to this section. The form and content of such notice shall be promulgated by the state commissioner of taxation and finance and shall include the statement:

"YOU MAY BE ELIGIBLE TO HAVE YOUR RENT FROZEN IF YOU ARE AGED 62 OR OVER OR DISABLED, MEET HOUSEHOLD INCOME REQUIREMENTS AND PAY MORE THAN ONE-THIRD OF YOUR INCOME TOWARDS YOUR RENT. FOR MORE INFORMATION ABOUT YOUR ELIGIBILITY TO HAVE YOUR RENT FROZEN, CALL (INSERT PHONE NUMBER OF THE AGENCY DESIGNATED) OR VISIT (INSERT URL OF THE CURRENT WEBSITE OF THE AGENCY DESIGNATED)."

(2) The notice required by subparagraph one of this paragraph shall be furnished by the following agencies or individuals at the same time as the notice required by the occurrence of the following events:

(A) The state commissioner of housing and community renewal shall provide such notice to a tenant in the event of:

(i) Receipt of an application for a rent adjustment due to a major capital improvement;

(ii) A rent increase pursuant to section thirty-one of the private housing finance law;

(iii) Receipt of the annual certification required by section thirty-one of the private housing finance law; and

(iv) For dwelling units subject to chapter three of title twenty-six of the administrative code of the city of New York, a maximum base rent adjustment or heating fuel cost adjustment pursuant to paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York.

(B) The commissioner of housing preservation and development shall provide such notice to a tenant when a lease rider is required by 9 NYCRR 2522.5(e)(2) for a lease containing an escalator clause providing for an annual or other periodic 2.2 percent rent increase for buildings receiving benefits pursuant to section four hundred twenty-one-a of this title.

(C) The landlord of a dwelling unit shall provide such notice to a tenant:

(i) With an initial lease and any renewal lease; and

(ii) Upon the annual registration of a housing accommodation as required by section 26-517 of the administrative code of the city of New York.

(3) When notice is furnished pursuant to item (i) or (ii) of clause (A) of subparagraph two of this paragraph, such notice shall include specific information as to the agency providing such notice.

§ 3. Subdivision 3 of section 467-c of the real property tax law is amended by adding a new paragraph e to read as follows:

e. (1) Notwithstanding any provision of law to the contrary, a tenant residing in a dwelling unit subject to the provisions of this section shall be furnished a notice informing such tenant about his or her potential eligibility for a rent increase exemption pursuant to this section. The form and content of such notice shall be promulgated by the state commissioner of taxation and finance and shall include the statement:

"YOU MAY BE ELIGIBLE TO HAVE YOUR RENT FROZEN IF YOU ARE AGED 62 OR OVER OR DISABLED, MEET HOUSEHOLD INCOME REQUIREMENTS AND PAY MORE THAN ONE-THIRD OF YOUR INCOME TOWARDS YOUR RENT. FOR MORE INFORMATION ABOUT YOUR ELIGIBILITY TO HAVE YOUR RENT FROZEN, CALL (INSERT PHONE NUMBER OF THE AGENCY DESIGNATED) OR VISIT (INSERT URL OF THE CURRENT WEBSITE OF THE AGENCY DESIGNATED)."

(2) The notice required by subparagraph one of this paragraph shall be furnished by the following agencies or individuals at the same time as the notice required by the occurrence of the following events:

(A) The state commissioner of housing and community renewal shall provide such notice to a tenant in the event of:

(i) Receipt of an application for a rent adjustment due to a major capital improvement;

(ii) A rent increase pursuant to section thirty-one of the private housing finance law;

(iii) Receipt of the annual certification required by section thirty-one of the private housing finance law; and

(iv) For dwelling units subject to chapter three of title twenty-six of the administrative code of the city of New York, a maximum base rent adjustment or heating fuel cost adjustment pursuant to paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York.

(B) The landlord of a dwelling unit shall provide such notice to a tenant:

(i) With an initial lease and any renewal lease; and

(ii) Upon the annual registration of a housing accommodation.

(3) When notice is furnished pursuant to clause (A) of subparagraph two of this paragraph, such notice shall include specific information as to the agency providing such notice.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the amendments to section 467-b of the real property tax law made by section two of this act shall not affect the expiration of such section and shall expire therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.