

# STATE OF NEW YORK

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5286--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 8, 2019

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Introduced by M. of A. KOLB, FITZPATRICK, MONTESANO -- Multi-Sponsored by -- M. of A. BARCLAY, CROUCH -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the emergency housing rent control law, the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to eliminating rent regulation protections for certain high income tenants; and to amend the emergency housing rent control law, the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four and the administrative code of the city of New York, in relation to the deregulation of rent-stabilized housing accommodations upon vacancy

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

1 Section 1. Chapter 274 of the laws of 1946, constituting the emergency  
2 housing rent control law, is amended by adding a new section 2-a to read  
3 as follows:

4 § 2-a. (a) 1. For purposes of this section, annual income shall mean  
5 the federal adjusted gross income as reported on the New York state  
6 income tax return. Total annual income means the sum of the annual  
7 incomes of all persons who occupy the housing accommodation as their  
8 primary residence on other than a temporary basis, excluding bona fide  
9 employees of such occupants residing therein in connection with such  
10 employment and excluding bona fide subtenants in occupancy pursuant to  
11 the provisions of section two hundred twenty-six-b of the real property  
12 law. In the case where a housing accommodation is sublet, the annual  
13 income of the sublessor shall be considered.

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

LBD04471-02-0

1     2. Deregulation income threshold means total annual income equal to  
2 one hundred seventy-five thousand dollars in each of the two preceding  
3 calendar years for proceedings commenced before July first, two thousand  
4 eleven. For proceedings commenced on or after July first, two thousand  
5 twenty-one, the deregulation income threshold means the total annual  
6 income equal to one hundred twenty-five thousand dollars in each of the  
7 two preceding calendar years.

8     (b) On or before the first day of May in each calendar year, the owner  
9 of each housing accommodation may provide the tenant or tenants residing  
10 therein with an income certification form prepared by the division of  
11 housing and community renewal on which such tenant or tenants shall  
12 identify all persons referred to in subdivision (a) of this section and  
13 shall certify whether the total annual income is in excess of the dereg-  
14 ulation income threshold in each of the two preceding calendar years.  
15 Such income certification form shall state that the income level certi-  
16 fied to by the tenant may be subject to verification by the department  
17 of taxation and finance pursuant to section one hundred seventy-one-b of  
18 the tax law and shall not require disclosure of any income information  
19 other than whether the aforementioned threshold has been exceeded. Such  
20 income certification form shall clearly state that: (i) tenants have  
21 protections available to them which are designed to prevent harassment;  
22 and (ii) tenants are not required to provide any information regarding  
23 their income except that which is requested on the form and may contain  
24 such other information the division deems appropriate. The tenant or  
25 tenants shall return the completed certification to the owner within  
26 thirty days after service upon the tenant or tenants. In the event that  
27 the total annual income as certified is in excess of the deregulation  
28 income threshold in each of the two preceding calendar years, the owner  
29 may file the certification with the state division of housing and commu-  
30 nity renewal on or before June thirtieth of such year. Upon filing such  
31 certification with the division, the division shall, within thirty days  
32 after the filing, issue an order of deregulation providing that such  
33 housing accommodations shall not be subject to the provisions of this  
34 law as of the first day of June in the year next succeeding the filing  
35 of the certification by the owner. A copy of such order shall be mailed  
36 by regular and certified mail, return receipt requested, to the tenant  
37 or tenants and a copy thereof shall be mailed to the owner.

38     (c) 1. In the event that the tenant or tenants either fail to return  
39 the completed certification to the owner on or before the date required  
40 by subdivision (b) of this section or the owner disputes the certifi-  
41 cation returned by the tenant or tenants, the owner may, on or before  
42 June thirtieth of such year, petition the state division of housing and  
43 community renewal to verify, pursuant to section one hundred seventy-  
44 one-b of the tax law, whether the total annual income exceeds the dereg-  
45 ulation income threshold in each of the two preceding calendar years.  
46 Within twenty days after the filing of such request with the division,  
47 the division shall notify the tenant or tenants that such tenant or  
48 tenants must provide the division with such information as the division  
49 and the department of taxation and finance shall require to verify  
50 whether the total annual income exceeds the deregulation income thresh-  
51 old in each of the two preceding calendar years. The division's notifi-  
52 cation shall require the tenant or tenants to provide the information to  
53 the division within sixty days of service upon such tenant or tenants  
54 and shall include a warning in boldfaced type that failure to respond  
55 will result in an order of deregulation being issued by the division for  
56 such housing accommodation.

2. If the department of taxation and finance determines that the total annual income is in excess of the deregulation income threshold in each of the two preceding calendar years, the division shall, on or before November fifteenth of such year, notify the owner and tenants of the results of such verification. Both the owner and the tenants shall have thirty days within which to comment on such verification results. Within forty-five days after the expiration of the comment period, the division shall, where appropriate, issue an order of deregulation providing that such housing accommodation shall not be subject to the provisions of this law as of the first day of March in the year next succeeding the filing of the owner's petition with the division. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

3. In the event the tenant or tenants fail to provide the information required pursuant to paragraph one of this subdivision, the division shall issue, on or before December first of such year, an order of deregulation providing that such housing accommodation shall not be subject to the provisions of this law as of the first day of March in the year next succeeding the last day on which the tenant or tenants were required to provide the information required by such paragraph. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

4. The provisions of the state freedom of information act shall not apply to any income information obtained by the division pursuant to this section.

(d) This section shall apply only to paragraph (m) of subdivision two of section two of this law.

(e) Upon receipt of such order of deregulation pursuant to this section, an owner shall offer the housing accommodation subject to such order to the tenant at a rent not in excess of the market rent, which for the purposes of this section means a rent obtainable in an arm's length transaction. Such rental offer shall be made by the owner in writing to the tenant by certified and regular mail and shall inform the tenant that such offer must be accepted in writing within ten days of receipt. The tenant shall respond within ten days after receipt of such offer. If the tenant declines the offer or fails to respond within such period, the owner may commence an action or proceeding for the eviction of such tenant.

§ 2. The administrative code of the city of New York is amended by adding a new section 26-403.1 to read as follows:

§ 26-403.1 High income rent deregulation. (a) 1. For purposes of this section, annual income shall mean the federal adjusted gross income as reported on the New York state income tax return. Total annual income means the sum of the annual incomes of all persons who occupy the housing accommodation as their primary residence other than on a temporary basis, excluding bona fide employees of such occupants residing therein in connection with such employment and excluding bona fide subtenants in occupancy pursuant to the provisions of section two hundred twenty-six-b of the real property law. In the case where a housing accommodation is sublet, the annual income of the sublessor shall be considered.

2. Deregulation income threshold means total annual income equal to one hundred twenty-five thousand dollars in each of the two preceding calendar years for proceedings commenced on or after July first, two thousand twenty-one.

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total annual income is in excess of the deregulation income threshold in each of the two preceding calendar years. Such income certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursuant to section one hundred seventy-one-b of the tax law and shall not require disclosure of any income information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state that: (i) tenants have protections available to them which are designed to prevent harassment; and (ii) tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total annual income as certified is in excess of the deregulation income threshold in each of the two preceding calendar years, the owner may file the certification with the state division of housing and community renewal on or before June thirtieth of such year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order of deregulation providing that such housing accommodations shall not be subject to the provisions of this law as of the first day of June in the year next succeeding the filing of the certification by the owner. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

(c) 1. In the event that the tenant or tenants either fail to return the completed certification to the owner on or before the date required by subdivision (b) of this section or the owner disputes the certification returned by the tenant or tenants, the owner may, on or before June thirtieth of such year, petition the state division of housing and community renewal to verify, pursuant to section one hundred seventy-one-b of the tax law, whether the total annual income exceeds the deregulation income threshold in each of the two preceding calendar years. Within twenty days after the filing of such request with the division, the division shall notify the tenant or tenants that such tenant or tenants must provide the division with such information as the division and the department of taxation and finance shall require to verify whether the total annual income exceeds the deregulation income threshold in each of the two preceding calendar years. The division's notification shall require the tenant or tenants to provide the information to the division within sixty days of service upon such tenant or tenants and shall include a warning in boldfaced type that failure to respond will result in an order of deregulation being issued by the division for such housing accommodation.

2. If the department of taxation and finance determines that the total annual income is in excess of the deregulation income threshold in each of the two preceding calendar years, the division shall, on or before November fifteenth of such year, notify the owner and tenants of the results of such verification. Both the owner and the tenants shall have thirty days within which to comment on such verification results. Within forty-five days after the expiration of the comment period, the divi-

1 sion shall, where appropriate, issue an order of deregulation providing  
2 that such housing accommodation shall not be subject to the provisions  
3 of this law as of the first day of March in the year next succeeding the  
4 filing of the owner's petition with the division. A copy of such order  
5 shall be mailed by regular and certified mail, return receipt requested,  
6 to the tenant or tenants and a copy thereof shall be sent to the owner.

7 3. In the event the tenant or tenants fail to provide the information  
8 required pursuant to paragraph one of this subdivision, the division  
9 shall issue, on or before December first of such year, an order of  
10 deregulation providing that such housing accommodation shall not be  
11 subject to the provisions of this law as of the first day of March in  
12 the year next succeeding the last day on which the tenant or tenants  
13 were required to provide the information required by such paragraph. A  
14 copy of such order shall be mailed by regular and certified mail, return  
15 receipt requested, to the tenant or tenants and a copy thereof shall be  
16 sent to the owner.

17 4. The provisions of the state freedom of information act shall not  
18 apply to any income information obtained by the division pursuant to  
19 this section.

20 (d) This section shall apply only to subparagraph j of paragraph two  
21 of subdivision e of section 26-403 of this chapter.

22 (e) Upon receipt of such order of deregulation pursuant to this  
23 section, an owner shall offer the housing accommodation subject to such  
24 order to the tenant at a rent not in excess of the market rent, which  
25 for the purposes of this section means a rent obtainable in an arm's  
26 length transaction. Such rental offer shall be made by the owner in  
27 writing to the tenant by certified and regular mail and shall inform the  
28 tenant that such offer must be accepted in writing within ten days of  
29 receipt. The tenant shall respond within ten days after receipt of such  
30 offer. If the tenant declines the offer or fails to respond within such  
31 period, the owner may commence an action or proceeding for the eviction  
32 of such tenant.

33 § 3. The administrative code of the city of New York is amended by  
34 adding a new section 26-504.1 to read as follows:

35 § 26-504.1 Exclusion of accommodations of high income renters. Upon  
36 the issuance of an order by the division of housing and community  
37 renewal, "housing accommodations" shall not include housing accommo-  
38 dations which are occupied by persons who have a total annual income, as  
39 defined in and subject to the limitations and process set forth in  
40 section 26-504.3 of this chapter, in excess of the deregulation income  
41 threshold, as defined in section 26-504.3 of this chapter, for each of  
42 the two preceding calendar years. Provided, however, that this exclusion  
43 shall not apply to housing accommodations which became or become subject  
44 to this law (a) by virtue of receiving tax benefits pursuant to section  
45 four hundred twenty-one-a or four hundred eighty-nine of the real prop-  
46 erty tax law, except as otherwise provided in subparagraph (i) of para-  
47 graph (f) of subdivision two of section four hundred twenty-one-a of the  
48 real property tax law, or (b) by virtue of article seven-C of the multi-  
49 ple dwelling law.

50 § 4. The administrative code of the city of New York is amended by  
51 adding a new section 26-504.3 to read as follows:

52 § 26-504.3 High income rent deregulation. (a) 1. For purposes of this  
53 section, annual income shall mean the federal adjusted gross income as  
54 reported on the New York state income tax return. Total annual income  
55 means the sum of the annual incomes of all persons whose names are  
56 recited as the tenant or co-tenant on a lease who occupy the housing



1 accommodation and all other persons that occupy the housing accommo-  
2 dation as their primary residence on other than a temporary basis,  
3 excluding bona fide employees of such occupants residing therein in  
4 connection with such employment and excluding bona fide subtenants in  
5 occupancy pursuant to the provisions of section two hundred twenty-six-b  
6 of the real property law. In the case where a housing accommodation is  
7 sublet, the annual income of the tenant or co-tenant recited on the  
8 lease who will reoccupy the housing accommodation upon the expiration of  
9 the sublease shall be considered.

10 2. Deregulation income threshold means total annual income equal to  
11 one hundred twenty-five thousand dollars in each of the two preceding  
12 calendar years for proceedings commenced on or after July first, two  
13 thousand twenty-one.

14 (b) On or before the first day of May in each calendar year, the owner  
15 of each housing accommodation may provide the tenant or tenants residing  
16 therein with an income certification form prepared by the division of  
17 housing and community renewal on which such tenant or tenants shall  
18 identify all persons referred to in subdivision (a) of this section and  
19 shall certify whether the total annual income is in excess of the dereg-  
20 ulation income threshold in each of the two preceding calendar years.  
21 Such income certification form shall state that the income level certi-  
22 fied to by the tenant may be subject to verification by the department  
23 of taxation and finance pursuant to section one hundred seventy-one-b of  
24 the tax law and shall not require disclosure of any income information  
25 other than whether the aforementioned threshold has been exceeded. Such  
26 income certification form shall clearly state that: (i) tenants have  
27 protections available to them which are designed to prevent harassment;  
28 and (ii) tenants are not required to provide any information regarding  
29 their income except that which is requested on the form and may contain  
30 such other information the division deems appropriate. The tenant or  
31 tenants shall return the completed certification to the owner within  
32 thirty days after service upon the tenant or tenants. In the event that  
33 the total annual income as certified is in excess of the deregulation  
34 income threshold in each of the two preceding calendar years, the owner  
35 may file the certification with the state division of housing and commu-  
36 nity renewal on or before June thirtieth of such year. Upon filing such  
37 certification with the division, the division shall, within thirty days  
38 after the filing, issue an order providing that such housing accommo-  
39 dation shall not be subject to the provisions of this act upon the expi-  
40 ration of the existing lease. A copy of such order shall be mailed by  
41 regular and certified mail, return receipt requested, to the tenant or  
42 tenants and a copy thereof shall be mailed to the owner.

43 (c) 1. In the event that the tenant or tenants either fail to return  
44 the completed certification to the owner on or before the date required  
45 by subdivision (b) of this section or the owner disputes the certifi-  
46 cation returned by the tenant or tenants, the owner may, on or before  
47 June thirtieth of such year, petition the state division of housing and  
48 community renewal to verify, pursuant to section one hundred seventy-  
49 one-b of the tax law, whether the total annual income exceeds the dereg-  
50 ulation income threshold in each of the two preceding calendar years.  
51 Within twenty days after the filing of such request with the division,  
52 the division shall notify the tenant or tenants named on the lease that  
53 such tenant or tenants must provide the division with such information  
54 as the division and the department of taxation and finance shall require  
55 to verify whether the total annual income exceeds the deregulation  
56 income threshold in each of the two preceding calendar years. The divi-

1 sion's notification shall require the tenant or tenants to provide the  
2 information to the division within sixty days of service upon such  
3 tenant or tenants and shall include a warning in boldfaced type that  
4 failure to respond will result in an order being issued by the division  
5 providing that such housing accommodation shall not be subject to the  
6 provisions of this law.

7 2. If the department of taxation and finance determines that the total  
8 annual income is in excess of the deregulation income threshold in each  
9 of the two preceding calendar years, the division shall, on or before  
10 November fifteenth of such year, notify the owner and tenants of the  
11 results of such verification. Both the owner and the tenants shall have  
12 thirty days within which to comment on such verification results. With-  
13 in forty-five days after the expiration of the comment period, the divi-  
14 sion shall, where appropriate, issue an order providing that such hous-  
15 ing accommodation shall not be subject to the provisions of this law  
16 upon the expiration of the existing lease. A copy of such order shall be  
17 mailed by regular and certified mail, return receipt requested, to the  
18 tenant or tenants and a copy thereof shall be sent to the owner.

19 3. In the event the tenant or tenants fail to provide the information  
20 required pursuant to paragraph one of this subdivision, the division  
21 shall issue, on or before December first of such year, an order provid-  
22 ing that such housing accommodation shall not be subject to the  
23 provisions of this law upon the expiration of the current lease. A copy  
24 of such order shall be mailed by regular and certified mail, return  
25 receipt requested, to the tenant or tenants and a copy thereof shall be  
26 sent to the owner.

27 4. The provisions of the state freedom of information act shall not  
28 apply to any income information obtained by the division pursuant to  
29 this section.

30 (d) This section shall apply only to section 26-504.1 of this chapter.

31 (e) Upon receipt of such order of deregulation pursuant to this  
32 section, an owner shall offer the housing accommodation subject to such  
33 order to the tenant at a rent not in excess of the market rent, which  
34 for the purposes of this section means a rent obtainable in an arm's  
35 length transaction. Such rental offer shall be made by the owner in  
36 writing to the tenant by certified and regular mail and shall inform the  
37 tenant that such offer must be accepted in writing within ten days of  
38 receipt. The tenant shall respond within ten days after receipt of such  
39 offer. If the tenant declines the offer or fails to respond within such  
40 period, the owner may commence an action or proceeding for the eviction  
41 of such tenant.

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

45 § 5-a. High income rent deregulation. (a) 1. For purposes of this  
46 section, annual income shall mean the federal adjusted gross income as  
47 reported on the New York state income tax return. Total annual income  
48 means the sum of the annual incomes of all persons whose names are  
49 recited as the tenant or co-tenant on a lease who occupy the housing  
50 accommodation and all other persons that occupy the housing accommo-  
51 dation as their primary residence on other than a temporary basis,  
52 excluding bona fide employees of such occupants residing therein in  
53 connection with such employment and excluding bona fide subtenants in  
54 occupancy pursuant to the provisions of section two hundred twenty-six-b  
55 of the real property law. In the case where a housing accommodation is  
56 sublet, the annual income of the tenant or co-tenant recited on the

1 lease who will reoccupy the housing accommodation upon the expiration of  
2 the sublease shall be considered.

3 2. Deregulation income threshold means total annual income equal to  
4 one hundred twenty-five thousand dollars in each of the two preceding  
5 calendar years for proceedings commenced on or after July first, two  
6 thousand twenty-one.

7 (b) On or before the first day of May in each calendar year, the owner  
8 of each housing accommodation may provide the tenant or tenants residing  
9 therein with an income certification form prepared by the division of  
10 housing and community renewal on which such tenant or tenants shall  
11 identify all persons referred to in subdivision (a) of this section and  
12 shall certify whether the total annual income is in excess of the dereg-  
13 ulation income threshold in each of the two preceding calendar years.  
14 Such income certification form shall state that the income level certi-  
15 fied to by the tenant may be subject to verification by the department  
16 of taxation and finance pursuant to section one hundred seventy-one-b of  
17 the tax law, and shall not require disclosure of any information other  
18 than whether the aforementioned threshold has been exceeded. Such income  
19 certification form shall clearly state that: (i) tenants have  
20 protections available to them which are designed to prevent harassment;  
21 and (ii) tenants are not required to provide any information regarding  
22 their income except that which is requested on the form and may contain  
23 such other information the division deems appropriate. The tenant or  
24 tenants shall return the completed certification to the owner within  
25 thirty days after service upon the tenant or tenants. In the event that  
26 the total annual income as certified is in excess of the deregulation  
27 income threshold in each of the two preceding calendar years, the owner  
28 may file the certification with the state division of housing and commu-  
29 nity renewal on or before June thirtieth of such year. Upon filing such  
30 certification with the division, the division shall, within thirty days  
31 after the filing, issue an order providing that such housing accommo-  
32 dation shall not be subject to the provisions of this act upon the expi-  
33 ration of the existing lease. A copy of such order shall be mailed by  
34 regular and certified mail, return receipt requested, to the tenant or  
35 tenants and a copy thereof shall be mailed to the owner.

36 (c) 1. In the event that the tenant or tenants either fail to return  
37 the completed certification to the owner on or before the date required  
38 by subdivision (b) of this section or the owner disputes the certif-  
39 ication returned by the tenant or tenants, the owner may, on or before  
40 June thirtieth of such year, petition the state division of housing and  
41 community renewal to verify, pursuant to section one hundred seventy-  
42 one-b of the tax law, whether the total annual income exceeds the dereg-  
43 ulation income threshold in each of the two preceding calendar years.  
44 Within twenty days after the filing of such request with the division,  
45 the division shall notify the tenant or tenants that such tenant or  
46 tenants named on the lease must provide the division with such informa-  
47 tion as the division and the department of taxation and finance shall  
48 require to verify whether the total annual income exceeds the dereg-  
49 ulation income threshold in each of the two preceding calendar years. The  
50 division's notification shall require the tenant or tenants to provide  
51 the information to the division within sixty days of service upon such  
52 tenant or tenants and shall include a warning in boldfaced type that  
53 failure to respond will result in an order being issued by the division  
54 providing that such housing accommodations shall not be subject to the  
55 provisions of this act.



2. If the department of taxation and finance determines that the total annual income is in excess of the deregulation income threshold in each of the two preceding calendar years, the division shall, on or before November fifteenth of such year, notify the owner and tenants of the results of such verification. Both the owner and the tenants shall have thirty days within which to comment on such verification results. Within forty-five days after the expiration of the comment period, the division shall, where appropriate, issue an order providing that such housing accommodation shall not be subject to the provisions of this act upon expiration of the existing lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

3. In the event the tenant or tenants fail to provide the information required pursuant to paragraph one of this subdivision, the division shall issue, on or before December first of such year, an order providing that such housing accommodation shall not be subject to the provisions of this act upon the expiration of the current lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

4. The provisions of the state freedom of information act shall not apply to any income information obtained by the division pursuant to this section.

(d) This section shall apply only to paragraph twelve of subdivision a of section five of this act.

(e) Upon receipt of such order of deregulation pursuant to this section, an owner shall offer the housing accommodation subject to such order to the tenant at a rent not in excess of the market rent, which for the purposes of this section means a rent obtainable in an arm's length transaction. Such rental offer shall be made by the owner in writing to the tenant by certified and regular mail and shall inform the tenant that such offer must be accepted in writing within ten days of receipt. The tenant shall respond within ten days after receipt of such offer. If the tenant declines the offer or fails to respond within such period, the owner may commence an action or proceeding for the eviction of such tenant.

§ 6. Paragraph (i) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as amended by chapter 576 of the laws of 1974, is amended to read as follows:

(i) housing accommodations which become vacant on and after June sixteenth, two thousand twenty-one, provided, however, that this exemption shall not apply or become effective where the commission determines or finds that the housing accommodations became vacant because the landlord or any person acting on his behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including, but not limited to, interruption or discontinuance of essential services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of the housing accommodations; ~~[and further provided that housing accommodations as to which a housing emergency has been declared pursuant to the emergency tenant protection act of nineteen seventy-four shall be subject to the provisions of such act for the duration of such emergency,]~~ or

§ 7. The second undesignated paragraph of subdivision 5 of section 1 of chapter 21 of the laws of 1962, constituting the local emergency

1 housing rent control act, as amended by chapter 82 of the laws of 2003,  
2 is amended to read as follows:

3 Notwithstanding any local law or ordinance, housing accommodations  
4 which [~~became~~] become vacant on or after [~~July first, nineteen hundred~~  
5 ~~seventy-one or which hereafter become vacant~~] June sixteenth, two thou-  
6 sand twenty-one shall be [~~subject to the provisions of the emergency~~  
7 ~~tenant protection act of nineteen seventy-four~~] exempt from regulation  
8 and control, provided, however, that this [~~provision~~] exemption shall  
9 not apply or become effective with respect to housing accommodations  
10 which, by local law or ordinance, are made directly subject to regu-  
11 lation and control by a city housing rent agency and such agency deter-  
12 mines or finds that the housing accommodations became vacant because the  
13 landlord or any person acting on his behalf, with intent to cause the  
14 tenant to vacate, engaged in any course of conduct (including but not  
15 limited to, interruption or discontinuance of essential services) which  
16 interfered with or disturbed or was intended to interfere with or  
17 disturb the comfort, repose, peace or quiet of the tenant in his use or  
18 occupancy of the housing accommodations. The removal of any housing  
19 accommodation from regulation and control of rents pursuant to the  
20 vacancy exemption provided for in this paragraph shall not constitute or  
21 operate as a ground for the subjection to more stringent regulation and  
22 control of any housing accommodation in such property or in any other  
23 property owned by the same landlord, notwithstanding any prior agreement  
24 to the contrary by the landlord. The vacancy exemption provided for in  
25 this paragraph shall not arise with respect to any rented plot or parcel  
26 of land otherwise subject to the provisions of this act, by reason of a  
27 transfer of title and possession occurring on or after July first, nine-  
28 teen hundred seventy-one of a dwelling located on such plot or parcel  
29 and owned by the tenant where such transfer of title and possession is  
30 made to a member of the tenant's immediate family provided that the  
31 member of the tenant's immediate family occupies the dwelling with the  
32 tenant prior to the transfer of title and possession for a continuous  
33 period of two years.

34 § 8. Paragraph (h) of subdivision 10 of section 1 of chapter 21 of the  
35 laws of 1962, constituting the local emergency housing rent control act,  
36 as amended by chapter 576 of the laws of 1974, is amended to read as  
37 follows:

38 (h) Any tenant who has vacated his housing accommodations because the  
39 landlord or any person acting on his behalf, with intent to cause the  
40 tenant to vacate, engaged in any course of conduct (including but not  
41 limited to, interruption or discontinuance of essential services) which  
42 interfered with or disturbed or was intended to interfere with or  
43 disturb the comfort, repose, peace or quiet of the tenant in his use or  
44 occupancy of the housing accommodations may, within ninety days after  
45 vacating, apply for a determination that the housing accommodations were  
46 vacated as a result of such conduct, and may, within one year after such  
47 determination, institute a civil action against the landlord by reason  
48 of such conduct. Application for such determination may be made to the  
49 [~~city housing rent agency with respect to housing accommodations which,~~  
50 ~~by local law or ordinance, are made directly subject to regulation and~~  
51 ~~control by such agency. For all other housing [accommodadations]~~ accom-  
52 modations subject to regulation and control pursuant to the New York  
53 city rent stabilization law of nineteen hundred sixty-nine, application  
54 for such determination may be made to the New York city conciliation and  
55 appeals board. For the purpose of making and enforcing any determi-  
56 nation of the New York city conciliation and appeals board as herein

1 provided, the provisions of sections seven, eight and ten, whenever they  
2 refer to the city housing rent agency, shall be deemed to refer to such  
3 board] state division of housing and community renewal. In such action  
4 the landlord shall be liable to the tenant for three times the damages  
5 sustained on account of such conduct plus reasonable attorney's fees and  
6 costs as determined by the court. In addition to any other damages the  
7 cost of removal of property shall be a lawful measure of damages.

8 § 9. Subdivision a of section 5 of section 4 of chapter 576 of the  
9 laws of 1974, constituting the emergency tenant protection act of nine-  
10 teen seventy-four, is amended by adding a new paragraph 3-a to read as  
11 follows:

12 (3-a) housing accommodations which become vacant on or after June  
13 sixteenth, two thousand twenty-one, provided, however, that this excep-  
14 tion shall not apply to or become effective with respect to housing  
15 accommodations which the commissioner determines or finds became vacant  
16 because the landlord or any person acting on his or her behalf, with  
17 intent to cause the tenant to vacate, engaged in any course of conduct  
18 (including, but not limited to, interruption or discontinuance of  
19 required services) which interfered with or disturbed or was intended to  
20 interfere in his or her use or occupancy of the housing accommodations.

21 § 10. Section 26-504 of the administrative code of the city of New  
22 York is amended by adding a new subdivision d to read as follows:

23 d. Notwithstanding any of the provisions of this section or title or  
24 any other provisions of law, this law shall not apply to any housing  
25 accommodation which becomes vacant on or after June sixteenth, two thou-  
26 sand twenty-one provided, however, that this exception shall not apply  
27 to or become effective with respect to housing accommodations which the  
28 commissioner determines or finds became vacant because the landlord or  
29 any person acting on his or her behalf, with intent to cause the tenant  
30 to vacate, engaged in any course of conduct (including but not limited  
31 to, interruption or discontinuance of required services) which interfer-  
32 ed with or disturbed or was intended to interfere with or disturb the  
33 comfort, repose, peace or quiet of the tenant in his or her use or occu-  
34 pancy of the housing accommodations.

35 § 11. This act shall take effect immediately; provided that section  
36 26-403.1 of the city rent and rehabilitation law as added by section two  
37 of this act shall remain in full force and effect only as long as the  
38 public emergency requiring the regulation and control of residential  
39 rents and evictions continues, as provided in subdivision 3 of section 1  
40 of the local emergency housing rent control act; and provided that  
41 sections 26-504.1 and 26-504.3 of the administrative code of the city of  
42 New York as added by sections three and four of this act, and the amend-  
43 ments to section 26-504 of chapter 4 of title 26 of the administrative  
44 code of the city of New York made by section ten of this act, shall  
45 expire on the same date as such law expires and shall not affect the  
46 expiration of such law as provided under section 26-520 of such law; and  
47 provided that the amendments to the local emergency housing rent control  
48 act made by sections seven and eight of this act shall remain in full  
49 force and effect only so long as the public emergency requiring the  
50 regulation and control of residential rents and evictions continues, as  
51 provided in subdivision 3 of section 1 of the local emergency housing  
52 rent control act.