STATE OF NEW YORK

641--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, GOTTFRIED -- 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 real property law, in relation to violations of certain notice requirements; and to amend the real property tax law, in relation to prohibiting landlords from including incorrect information relating to rent decontrol in certain leases and renewals thereof and requires the standardization of certain notices pertaining to units subject to the Affordable New York Housing Program

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

Section 1. The real property law is amended by adding a new section 235-j to read as follows:

§ 235-j. Willful violations of certain notice requirements. A landlord or any person acting on behalf of the landlord who willfully includes information he or she knows to be misleading or incorrect information in any notice provided pursuant to subparagraph (ii) of paragraph (f) or fails to provide the standardized rider pursuant to paragraph (f-1) of subdivision two of section four hundred twenty-one-a of the real property tax law is guilty of a violation punishable by a fine of one thousand dollars.

§ 2. Subparagraph (ii) of paragraph (f) of subdivision 2 of section 421-a of the real property tax law, as amended by chapter 289 of the laws of 1985, is amended to read as follows:

(ii) with respect to units which become subject to the provisions of this section after the effective date of this subparagraph, such tax benefit period as provided in the opening paragraph of this paragraph or applicable law or act shall have expired and either each lease and

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

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renewal thereof for such unit for the tenant in residence at the time of such decontrol has included a notice in at least twelve point type informing such tenant that the unit shall become subject to such decontrol upon the expiration of such tax benefit period as provided in the opening paragraph of this paragraph or applicable law or act and states the approximate date on which such tax benefit period as provided in the opening paragraph of this paragraph is scheduled to expire; or such unit becomes vacant as provided under subparagraph (i) of this paragraph. **Notwithstanding the provisions of this subparagraph, the notice required by this subdivision shall not be included in any lease or renewal thereof if the unit to which the lease or renewal thereof pertains will remain subject to rent regulation or rent control pursuant to an additional tax exemption or rent stabilization program after the expiration of the tax benefit period as provided in the opening paragraph of this paragraph. Neither a landlord nor any person acting on behalf of the landlord shall include incorrect or misleading information in any notice provided pursuant to this subparagraph.**

§ 3. Subdivision 2 of section 421-a of the real property tax law is amended by adding a new paragraph (f-1) to read as follows:

(f-1) The commissioner of housing and community renewal shall standardize the notice to be provided by landlords to their tenants pursuant to subparagraph (ii) of paragraph (f) of this subdivision. Such notice shall be printed in at least twelve point type and shall include the following language:

421-a Standard Rider Fact Sheet

Any housing unit that receives tax benefits under section 421-a of the New York State Real Property Law will remain affordable for a period of time depending on a variety of factors, including the location of the unit, the commencement of construction and the affordability in the project. Failure to provide the initial standardized rider may result in the unit remaining rent stabilized for the duration of the tenancy. Specific details related to your unit are listed on the next sheet. While your unit receives 421-a tax benefits, it will be subject to rent stabilization. New York State's rent regulation laws provide tenants in rent-stabilized apartments with a variety of legal rights and protections. The owner of your building must provide you with a rent-stabilized lease when you first move in and also each time you renew your lease for your choice of either a one or two year term, for as long as your apartment remains stabilized.

You are entitled to continuous lease renewals while your apartment is rent stabilized. When you renew your lease, your rent may only be increased by an amount determined by New York State's rent regulation laws, which may be found by visiting https://rentguidelinesboard.cityofnewyork.us/resources/rent-regulation-laws/, and permitted by applicable tax benefit laws.

Rent increases for rent-stabilized tenants are determined by the New York City Rent Guidelines Board, and may only increase by a specified amount within a one-year or two-year lease term. For more information, please visit https://rentguidelinesboard.cityofnewyork.us/ or call 311. Rent-stabilized tenants are also entitled to petition the New York State Homes and Community Renewal by visiting https://hcr.ny.gov/ or calling (212) 480-6238.

421-a Rider - Unit Number

As a rent-regulated tenant, your rights are determined by 421-a of the New York State Real Property Law. For more information, you may contact New York State Housing and Community Renewal by calling (212) 480-6238

or visiting https://hcr.ny.gov/ or the New York City Department of Housing Preservation by calling 311 or visiting https://www1.nyc.gov/site/hpd/index.page.
The first rent as of date of initial lease commencement for unit apartment number is amount .
Because unit number receives a 421-a tax abatement, it will be rent regulated until at least MM/DD/YYYY.
Construction commenced on your building, located at address on MM/DD/YYYY.
Construction was completed on MM/DD/YYYY.
On (MM/DD/YYYY specific to tenant), your landlord can begin to increase the rent for unit number by 2.2% each year.

The 421-a benefits for unit number expire on (MM/DD/YYYY). After the expiration of the 421-a tax abatement, your unit will (either remain rent-stabilized for the duration of your tenancy or continue to be protected due to additional programs outlined below).

Unit number also receives (list any other city, state, federal affordability program) and (the impact that has on the unit's continuing affordability, the date on which those benefits expire and the impact of the expiration of those benefits on the unit).

If you believe that any of the information contained in this rider is incorrect, contact New York State Homes and Community Renewal by calling (212) 480-6238 or visiting https://hcr.ny.gov/ or the New York City Department of Housing Preservation by calling 311 or visiting https://www1.nyc.gov/site/hpd/index.page.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law and shall apply to all leases entered into, renewed or extended on and after such effective date. 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 to be made and completed on or before such date.