

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:

1 Section 1. The real property law is amended by adding a new section
2 235-j to read as follows:

3 § 235-j. Willful violations of certain notice requirements. A landlord
4 or any person acting on behalf of the landlord who willfully includes
5 information he or she knows to be misleading or incorrect information in
6 any notice provided pursuant to subparagraph (ii) of paragraph (f) or
7 fails to provide the standardized rider pursuant to paragraph (f-1) of
8 subdivision two of section four hundred twenty-one-a of the real proper-
9 ty tax law is guilty of a violation punishable by a fine of one thousand
10 dollars.

11 § 2. Subparagraph (ii) of paragraph (f) of subdivision 2 of section
12 421-a of the real property tax law, as amended by chapter 289 of the
13 laws of 1985, is amended to read as follows:

14 (ii) with respect to units which become subject to the provisions of
15 this section after the effective date of this subparagraph, such tax
16 benefit period as provided in the opening paragraph of this paragraph or
17 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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1 renewal thereof for such unit for the tenant in residence at the time of
2 such decontrol has included a notice in at least twelve point type
3 informing such tenant that the unit shall become subject to such decon-
4 trol upon the expiration of such tax benefit period as provided in the
5 opening paragraph of this paragraph or applicable law or act and states
6 the approximate date on which such tax benefit period as provided in the
7 opening paragraph of this paragraph is scheduled to expire; or such unit
8 becomes vacant as provided under subparagraph (i) of this paragraph.

9 Notwithstanding the provisions of this subparagraph, the notice required
10 by this subdivision shall not be included in any lease or renewal there-
11 of if the unit to which the lease or renewal thereof pertains will
12 remain subject to rent regulation or rent control pursuant to an addi-
13 tional tax exemption or rent stabilization program after the expiration
14 of the tax benefit period as provided in the opening paragraph of this
15 paragraph. Neither a landlord nor any person acting on behalf of the
16 landlord shall include incorrect or misleading information in any notice
17 provided pursuant to this subparagraph.

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

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

25 421-a Standard Rider Fact Sheet

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

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

46 Rent increases for rent-stabilized tenants are determined by the New
47 York City Rent Guidelines Board, and may only increase by a specified
48 amount within a one-year or two-year lease term. For more information,
49 please visit <https://rentguidelinesboard.cityofnewyork.us/> or call 311.
50 Rent-stabilized tenants are also entitled to petition the New York State
51 Homes and Community Renewal by visiting <https://hcr.ny.gov/> or calling
52 (212) 480-6238.

53 421-a Rider - Unit Number

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

1 or visiting <https://hcr.ny.gov/> or the New York City Department of Hous-
2 ing Preservation by calling 311 or visiting
3 <https://www1.nyc.gov/site/hpd/index.page>.

4 The first rent as of date of initial lease commencement for unit apart-
5 ment number is amount .

6 Because unit number receives a 421-a tax abatement, it will be rent
7 regulated until at least MM/DD/YYYY.

8 Construction commenced on your building, located at address on
9 MM/DD/YYYY.

10 Construction was completed on MM/DD/YYYY.

11 On (MM/DD/YYYY specific to tenant), your landlord can begin to increase
12 the rent for unit number by 2.2% each year.

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

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

21 If you believe that any of the information contained in this rider is
22 incorrect, contact New York State Homes and Community Renewal by calling
23 (212) 480-6238 or visiting <https://hcr.ny.gov/> or the New York City
24 Department of Housing Preservation by calling 311 or visiting
25 <https://www1.nyc.gov/site/hpd/index.page>.

26 § 4. This act shall take effect on the sixtieth day after it shall
27 have become a law and shall apply to all leases entered into, renewed or
28 extended on and after such effective date. Effective immediately the
29 addition, amendment and/or repeal of any rule or regulation necessary
30 for the implementation of this act on its effective date are authorized
31 to be made and completed on or before such date.