

# STATE OF NEW YORK

512

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KRUEGER, RIVERA -- 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 Assem-  
bly, do enact as follows:

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

3 § 26-605.2 Required notice. (a) A tenant residing in a dwelling unit  
4 subject to the provisions of this chapter shall be furnished a notice  
5 informing such tenant about his or her potential eligibility for a rent  
6 increase exemption pursuant to this chapter and the real property tax  
7 law. The form and content of such notice shall be promulgated by the  
8 commissioner of finance and shall include the statement:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (B) The commissioner of housing preservation and development shall  
54 provide such notice to a tenant when a lease rider is required by 9  
55 NYCRR 2522.5(e)(2) for a lease containing an escalator clause providing  
56 for an annual or other periodic 2.2 percent rent increase for buildings

1 receiving benefits pursuant to section four hundred twenty-one-a of this  
2 title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 § 4. This act shall take effect on the thirtieth day after it shall  
51 have become a law. Effective immediately, the addition, amendment and/or  
52 repeal of any rule or regulation necessary for the implementation of  
53 this act on its effective date are authorized and directed to be made  
54 and completed on or before such effective date.