STATE OF NEW YORK

9986

IN ASSEMBLY

May 1, 2024

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the administrative code of the city of New York, in relation to establishing tenant eligibility for certain housing accommodations

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

Section 1. Section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, is amended by adding a new subdivision d to read as follows:

d. Notwithstanding any provisions of law to the contrary, any person, or persons, whose income exceeds one hundred twenty-five percent of area median income shall be ineligible to occupy any housing accommodation subject to this act.

(1) The division of homes and community renewal and the department of taxation and finance shall promulgate rules and regulations necessary to implement this subdivision, provided however, such rules and regulations shall include holding the owner, or such owner's agent, of the housing accommodation harmless for any violation of this subdivision.

(2) A tenant found by a court of competent jurisdiction to have willfully violated this subdivision, including, but not limited to, by providing the owner, or such owner's agent false income documentation in an effort to obtain tenancy of the housing accommodation, shall be subject to a civil penalty not to exceed five hundred dollars per day of illegal occupancy, provided however, that a tenant who currently occupies a housing accommodation subject to this act, and whose income exceeds the threshold provided in this subdivision, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for the duration of the most recent lease agreement executed prior to the effective date of this subdivision. After the duration of the most recent lease agreement executed prior to the effective date of this subdivision has ended, continued violation of this

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

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subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(3) A tenant who lawfully occupies a housing accommodation subject to this act, and whose income increased above one hundred twenty-five percent of area median income, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for the duration of the most recent lease agreement executed prior to the increase in income. After the duration of the most recent lease agreement executed prior to the increase in income has ended, continued violation of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(4) Any person who inherits tenancy through successorship as defined in section 24-04 of title twenty-eight of the rules of the city of New York, must meet the income eligibility requirements as defined in this subdivision, in order to occupy the housing accommodation. Notwithstanding any other provisions of law, should said person be ineligible as defined in this subdivision, such application for tenancy by successorship shall be denied.

§ 2. Section 10 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is amended by adding a new subdivision 6 to read as follows:

6. Notwithstanding any provisions of law to the contrary, any person, or persons, whose income exceeds one hundred twenty-five percent of area median income shall be ineligible to occupy any housing accommodation subject to this act.

(a) The division of homes and community renewal and the department of taxation and finance shall promulgate rules and regulations necessary to implement this subdivision, provided however, such rules and regulations shall include holding the owner, or such owner's agent, of the housing accommodation harmless for any violation of this subdivision.

(b) A tenant found by a court of competent jurisdiction to have willfully violated this subdivision, including but not limited to, by providing the owner, or such owner's agent false income documentation in an effort to obtain tenancy of the housing accommodation, shall be subject to a civil penalty not to exceed five hundred dollars per day of illegal occupancy, provided however, that a tenant who currently occupies a housing accommodation subject to this act, and whose income exceeds the threshold provided in this subdivision, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for the duration of the most recent lease agreement executed prior to the effective date of this subdivision. After the duration of the most recent lease agreement executed prior to the effective date of this subdivision has ended, continued violation of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(c) A tenant who lawfully occupies a housing accommodation subject to this act, and whose income increased above one hundred twenty-five percent of area median income, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for the duration of the most recent lease agreement executed prior to the increase in income. After the duration of the most recent lease agreement executed prior to the increase in income has ended, continued violation of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(d) Any person who inherits tenancy through successorship as defined in section 24-04 of title twenty-eight of the rules of the city of New

York, must meet the income eligibility requirements as defined in this subdivision, in order to occupy the housing accommodation. Notwithstanding any other provisions of law, should said person be ineligible as defined in this subdivision, such application for tenancy by successorship shall be denied.

§ 3. The administrative code of the city of New York is amended by adding a new section 26-418 to read as follows:

§ 26-418 Means testing. a. The division of homes and community renewal and the department of taxation and finance shall promulgate rules and regulations necessary to implement this section, provided however, such rules and regulations shall include holding the owner, or such owner's agent, of the housing accommodation harmless for any violation of this section.

b. A tenant found by a court of competent jurisdiction to have willfully violated this section, including but not limited to, by providing the owner, or such owner's agent false income documentation in an effort to obtain tenancy of the housing accommodation, shall be subject to a civil penalty not to exceed five hundred dollars per day of illegal occupancy, provided however, that a tenant who currently occupies a housing accommodation subject to the emergency tenant protection act of nineteen seventy-four, and whose income exceeds the threshold provided in this section, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this section for the duration of the most recent lease agreement executed prior to the effective date of this section. After the duration of the most recent lease agreement executed prior to the effective date of this subdivision has ended, continued violation of this section by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

c. A tenant who lawfully occupies a housing accommodation subject to the emergency tenant protection act of nineteen seventy-four, and whose income increased above one hundred twenty-five percent of area median income, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this section for the duration of the most recent lease agreement executed prior to the increase in income. After the duration of the most recent lease agreement executed prior to the increase in income has ended, continued violation of this section by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

d. Any person who inherits tenancy through successorship as defined in section 24-04 of title twenty-eight of the rules of the city of New York, must meet the income eligibility requirements as defined in this section, in order to occupy the housing accommodation. Notwithstanding any other provisions of law, should said person be ineligible as defined in this section, such application for tenancy by successorship shall be denied.

§ 4. Section 26-512 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. Notwithstanding any provisions of law to the contrary, beginning January first, two thousand twenty-seven, dwelling units subject to this chapter as prescribed in section 26-504 of this chapter shall be rented to persons whose adjusted gross income is less than one hundred twenty-five percent of area median income.

(1) The division of homes and community renewal and the department of taxation and finance shall promulgate rules and regulations necessary to implement this subdivision, provided however, such rules and regulations

shall include holding the owner of the dwelling unit harmless for any violation of this subdivision.

(2) A tenant found by a court of competent jurisdiction to have willfully violated this paragraph shall be subject to a civil penalty not to exceed five hundred dollars per day of illegal occupancy, provided however, that a tenant who currently occupies a dwelling unit subject to the emergency tenant protection act of nineteen seventy-four, and whose income exceeds the threshold provided in this paragraph, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for the duration of the most recent lease agreement executed prior to the effective date of this subdivision. After the duration of the most recent lease agreement executed prior to the effective date of this subdivision has ended, continued violation of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(3) A tenant who lawfully occupies a dwelling unit subject to the emergency tenant protection act of nineteen seventy-four, and whose income increased above one hundred twenty-five percent of area median income, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for the duration of the most recent lease agreement executed prior to the increase in income. After the duration of the most recent lease agreement executed prior to the increase in income has ended, continued violation of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(4) Any person who inherits tenancy through successorship as defined in section 24-04 of title twenty-eight of the rules of the city of New York, must meet the income eligibility requirements as defined in this subdivision, in order to occupy the dwelling unit. Notwithstanding any other provisions of law, should said person be ineligible as defined in this subdivision, such application for tenancy by successorship shall be denied.

§ 5. The division of homes and community renewal, in conjunction with the department of taxation and finance, shall promulgate rules and regulations necessary for the implementation of this act.

§ 6. This act shall take effect immediately; provided that the addition of section 26-418 of the city rent and rehabilitation law made by section three of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and provided, further that the amendments to section 26-512 of chapter 4 of title 26 of the administrative code of the city of New York made by section four of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law.