

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:

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

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

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

13 (2) A tenant found by a court of competent jurisdiction to have will-
14 fully violated this subdivision, including, but not limited to, by
15 providing the owner, or such owner's agent false income documentation in
16 an effort to obtain tenancy of the housing accommodation, shall be
17 subject to a civil penalty not to exceed five hundred dollars per day of
18 illegal occupancy, provided however, that a tenant who currently occu-
19 pies a housing accommodation subject to this act, and whose income
20 exceeds the threshold provided in this subdivision, shall be exempt from
21 civil penalties and shall not be evicted on the grounds of a violation
22 of this subdivision for the duration of the most recent lease agreement
23 executed prior to the effective date of this subdivision. After the
24 duration of the most recent lease agreement executed prior to the effec-
25 tive 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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1 subdivision by the tenant, as determined by a court of competent juris-
2 isdiction, shall constitute grounds for eviction.

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

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

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

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

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

31 (b) A tenant found by a court of competent jurisdiction to have will-
32 fully violated this subdivision, including but not limited to, by
33 providing the owner, or such owner's agent false income documentation in
34 an effort to obtain tenancy of the housing accommodation, shall be
35 subject to a civil penalty not to exceed five hundred dollars per day of
36 illegal occupancy, provided however, that a tenant who currently occu-
37 pies a housing accommodation subject to this act, and whose income
38 exceeds the threshold provided in this subdivision, shall be exempt from
39 civil penalties and shall not be evicted on the grounds of a violation
40 of this subdivision for the duration of the most recent lease agreement
41 executed prior to the effective date of this subdivision. After the
42 duration of the most recent lease agreement executed prior to the effec-
43 tive date of this subdivision has ended, continued violation of this
44 subdivision by the tenant, as determined by a court of competent juris-
45 isdiction, shall constitute grounds for eviction.

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

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

1 York, must meet the income eligibility requirements as defined in this
2 subdivision, in order to occupy the housing accommodation. Notwith-
3 standing any other provisions of law, should said person be ineligible
4 as defined in this subdivision, such application for tenancy by succes-
5 orship shall be denied.

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

8 § 26-418 Means testing. a. The division of homes and community
9 renewal and the department of taxation and finance shall promulgate
10 rules and regulations necessary to implement this section, provided
11 however, such rules and regulations shall include holding the owner, or
12 such owner's agent, of the housing accommodation harmless for any
13 violation of this section.

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

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

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

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

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

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

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

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

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

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

33 § 5. The division of homes and community renewal, in conjunction with
34 the department of taxation and finance, shall promulgate rules and regu-
35 lations necessary for the implementation of this act.

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