

STATE OF NEW YORK

429

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

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
52 and/or repeal of any rule or regulation necessary for the implementation
53 of this act on its effective date are authorized to be made and
54 completed on or before such effective date.