

# STATE OF NEW YORK

8887--A

## IN SENATE

March 25, 2024

Introduced by Sens. MARTINS, RHOADS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 duration of the most recent lease agreement executed prior to the effective  
2 date of this subdivision has ended, continued violation of this  
3 subdivision by the tenant, as determined by a court of competent juris-  
4 isdiction, shall constitute grounds for eviction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (1) The division of homes and community renewal and the department of  
56 taxation and finance shall promulgate rules and regulations necessary to

1 implement this subdivision, provided however, such rules and regulations  
2 shall include holding the owner of the dwelling unit harmless for any  
3 violation of this subdivision.

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

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

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

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

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