

STATE OF NEW YORK

538

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. MARTINS, BORRELLO, RHOADS, ROLISON -- 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 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) The division of homes and community renewal and the department of
2 taxation and finance shall promulgate rules and regulations necessary to
3 implement this subdivision, provided however, such rules and regulations
4 shall include holding the owner of the dwelling unit harmless for any
5 violation of this subdivision.

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

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

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

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

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