

STATE OF NEW YORK

8891

IN SENATE

January 13, 2026

Introduced by Sen. MARTINS -- 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 income eligibility requirements for occupancy of rent-regulated 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. 1. Notwithstanding any other provision of law to the contrary, any person, or persons, whose income exceeds one hundred twenty-five percent of the area median income shall be ineligible to occupy any housing accommodation subject to the provisions of this act.

2. 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 promulgated shall hold the owner of the housing accommodation, or such owner's agent, harmless for any violation of paragraph one of this subdivision.

3. A tenant found by a court of competent jurisdiction to have willfully violated paragraph one of 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 the provisions of this act, and whose income exceeds the threshold provided in paragraph one of this subdivision, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of paragraph one of this subdivision for a period of ten years from the date of execution of the most recent lease agreement prior to the effective date of this subdivision. After a period of ten years from the date of execution of the lease agreement, continued violation of paragraph one of this subdivision.

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

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1 vision by the tenant, as determined by a court of competent jurisdic-
2 tion, shall constitute grounds for eviction.

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

13 5. Any person who inherits tenancy through successorship as defined in
14 section 24-04 of title twenty-eight of the rules of the city of New
15 York, shall meet the income eligibility requirements as defined in para-
16 graph one of this subdivision, in order to occupy such housing accommo-
17 dation. Notwithstanding any other provision of law, should such person
18 be ineligible as defined in paragraph one of this subdivision, such
19 application for tenancy by successorship shall be denied.

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

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

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

33 (c) A tenant found by a court of competent jurisdiction to have will-
34 fully violated paragraph (a) of this subdivision, including, but not
35 limited to, by providing the owner, or such owner's agent false income
36 documentation in an effort to obtain tenancy of the housing accommo-
37 dation, shall be subject to a civil penalty not to exceed five hundred
38 dollars per day of illegal occupancy, provided however, that a tenant
39 who currently occupies a housing accommodation subject to the provisions
40 of this law, and whose income exceeds the threshold provided in para-
41 graph (a) of this subdivision, shall be exempt from civil penalties and
42 shall not be evicted on the grounds of a violation of paragraph (a) of
43 this subdivision for a period of ten years from the date of execution of
44 the most recent lease agreement prior to the effective date of this
45 subdivision. After a period of ten years from the date of execution of
46 the lease agreement, continued violation of paragraph (a) of this subdivi-
47 sion by the tenant, as determined by a court of competent jurisdic-
48 tion, shall constitute grounds for eviction.

49 (d) A tenant who lawfully occupies a housing accommodation subject to
50 the provisions of this law, and whose income increased above one hundred
51 twenty-five percent of the area median income, shall be exempt from
52 civil penalties and shall not be evicted on the grounds of a violation
53 of this subdivision for a period of three years from the date of
54 execution of the most recent lease agreement prior to such increase in
55 income. After a period of three years from the date of execution of the
56 lease agreement, continued violation of paragraph (a) of this subdivi-

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

3 (e) 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, shall meet the income eligibility requirements as defined in para-
6 graph (a) of this subdivision, in order to occupy such housing accommo-
7 dation. Notwithstanding any other provision of law, should such person
8 be ineligible as defined in paragraph (a) of this subdivision, such
9 application for tenancy by successorship 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 Tenant eligibility. 1. Notwithstanding any other provision of
13 law to the contrary, any person, or persons, whose income exceeds one
14 hundred twenty-five percent of the area median income shall be ineligi-
15 ble to occupy any housing accommodation subject to the provisions of
16 this chapter.

17 2. The division of homes and community renewal and the department of
18 taxation and finance shall promulgate rules and regulations necessary to
19 implement this section, provided however, such rules and regulations
20 promulgated shall hold the owner of the housing accommodation, or such
21 owner's agent, harmless for any violation of subdivision one of this
22 section.

23 3. A tenant found by a court of competent jurisdiction to have will-
24 fully violated subdivision one of this section, including, but not
25 limited to, by providing the owner, or such owner's agent false income
26 documentation in an effort to obtain tenancy of the housing accommo-
27 dation, shall be subject to a civil penalty not to exceed five hundred
28 dollars per day of illegal occupancy, provided however, that a tenant
29 who currently occupies a housing accommodation subject to the provisions
30 of this chapter, and whose income exceeds the threshold provided in
31 subdivision one of this section, shall be exempt from civil penalties
32 and shall not be evicted on the grounds of a violation of subdivision
33 one of this section for a period of ten years from the date of execution
34 of the most recent lease agreement prior to the effective date of this
35 section. After a period of ten years from the date of execution of the
36 lease agreement, continued violation of subdivision one of this section
37 by the tenant, as determined by a court of competent jurisdiction, shall
38 constitute grounds for eviction.

39 4. A tenant who lawfully occupies a housing accommodation subject to
40 the provisions of this chapter, and whose income increased above one
41 hundred twenty-five percent of the area median income, shall be exempt
42 from civil penalties and shall not be evicted on the grounds of a
43 violation of this section for a period of three years from the date of
44 execution of the most recent lease agreement prior to such increase in
45 income. After a period of three years from the date of execution of the
46 lease agreement, continued violation of subdivision one of this section
47 by the tenant, as determined by a court of competent jurisdiction, shall
48 constitute grounds for eviction.

49 5. Any person who inherits tenancy through successorship as defined in
50 section 24-04 of title twenty-eight of the rules of the city of New
51 York, shall meet the income eligibility requirements as defined in
52 subdivision one of this section, in order to occupy such housing accom-
53 modation. Notwithstanding any other provision of law, should such
54 person be ineligible as defined in subdivision one of this section, such
55 application for tenancy by successorship shall be denied.

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

h. (1) Notwithstanding any other provision 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 the area median income.

(2) 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 promulgated shall hold the owner of the dwelling unit harmless for any violation of paragraph one of this subdivision.

(3) A tenant found by a court of competent jurisdiction to have willfully violated paragraph one of this subdivision by occupying a dwelling unit subject to this chapter shall be subject to a civil penalty not to exceed five hundred dollars per day of illegal occupancy, provided however, that a tenant who occupies a dwelling unit subject to this chapter before January first, two thousand twenty-seven, and whose income exceeds the threshold provided in paragraph one of this subdivision, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for a period of ten years from the date of execution of the most recent lease agreement prior to January first, two thousand twenty-seven. After a period of ten years from the date of execution of such lease agreement, continued violation of paragraph one of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(4) A tenant who lawfully occupies a dwelling unit subject to this chapter, and whose income increased above one hundred twenty-five percent of the area median income, shall be exempt from civil penalties and shall not be evicted on the grounds of a violation of this subdivision for a period of three years from the date of execution of the most recent lease agreement. After a period of three years from the date of execution of the lease agreement, continued violation of paragraph one of this subdivision by the tenant, as determined by a court of competent jurisdiction, shall constitute grounds for eviction.

(5) 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, shall meet the income eligibility requirements as defined in paragraph one of this subdivision, in order to occupy such dwelling unit. Notwithstanding any other provision of law, should such person be ineligible as defined in paragraph one of this subdivision, such application for tenancy by successorship shall be denied.

§ 5. The division of homes and community renewal and the department of taxation and finance shall promulgate rules and regulations to implement the provisions of this act.

§ 6. This act shall take effect immediately provided that section 26-418 of the city rent and rehabilitation law as added 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 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.