§ 290. Tenant protections in inhabited basement dwelling units and inhabited cellar dwelling units. 1. The program authorized by this article shall require an application to make alterations to legalize an inhabited basement dwelling unit or inhabited cellar dwelling unit be accompanied by a certification indicating whether such unit was rented to a tenant on the effective date of this article, notwithstanding whether the occupancy of such unit was authorized by law. A city may not use such certification as the basis for an enforcement action for illegal occupancy of such unit, provided that nothing contained in this article shall be construed to limit such city from issuing a vacate order for hazardous or unsafe conditions.

2. The local law authorized by this article shall provide that a tenant in occupancy at the time of the effective date of this article, who is evicted or otherwise removed from such unit as a result of an alteration necessary to bring an inhabited basement dwelling unit or inhabited cellar dwelling unit into compliance with the standards established by the local law authorized by this article, shall have a right of first refusal to return to such unit as a tenant upon its first lawful occupancy as a legal dwelling unit, notwithstanding whether the occupancy at the time of the effective date of this article was authorized by law. Such local law shall specify how to determine priority when multiple tenants may claim such right.

3. A tenant unlawfully denied a right of first refusal to return to a legal dwelling unit, as provided pursuant to the local law authorized by this article, shall have a cause of action in any court of competent jurisdiction for compensatory damages or declaratory and injunctive relief as the court deems necessary in the interests of justice, provided that such compensatory relief shall not exceed the annual rental charges for such legal dwelling unit.