

42 finance authority or fiscal stability authority including such powers or
43 duties that may require the tax levy limit, as that term is defined in
44 section one or section two of this act, to be exceeded.

45 § 13. This act shall take effect immediately; provided, however, that
46 sections two through eleven of this act shall take effect July 1, 2011
47 and shall first apply to school district budgets and the budget adoption
48 process for the 2012-13 school year; and shall continue to apply to
49 school district budgets and the budget adoption process for any school
50 year beginning in any calendar year during which this act is in effect;
51 provided further, that if section 26 of part A of chapter 58 of the laws
52 of 2011 shall not have taken effect on or before such date then section
53 ten of this act shall take effect on the same date and in the same
54 manner as such chapter of the laws of 2011, takes effect; provided
55 further, that section one of this act shall first apply to the levy of
56 taxes by local governments for the fiscal year that begins in 2012 and
S. 5856 20 A. 8518

1 shall continue to apply to the levy of taxes by local governments for
2 any fiscal year beginning in any calendar year during which this act is
3 in effect; provided, further, that this act shall remain in full force
4 and effect at a minimum until and including June 15, 2016 and shall
5 remain in effect thereafter only so long as the public emergency requir-
6 ing the regulation and control of residential rents and evictions and
7 all such laws providing for such regulation and control continue as
8 provided in subdivision 3 of section 1 of the local emergency rent
9 control act, sections 26-501, 26-502 and 26-520 of the administrative
10 code of the city of New York, section 17 of chapter 576 of the laws of
11 1974 and subdivision 2 of section 1 of chapter 274 of the laws of 1946
12 constituting the emergency housing rent control law, and section 10 of
13 chapter 555 of the laws of 1982, amending the general business law and
14 the administrative code of the city of New York relating to conversions
15 of residential property to cooperative or condominium ownership in the
16 city of New York as such laws are continued by chapter 93 of the laws of
17 2011 and as such sections are amended from time to time.

18 PART B

19 Section 1. Short title. This act shall be known and may be cited as
20 the "rent act of 2011."

21 § 1-a. Section 17 of chapter 576 of the laws of 1974 amending the
22 emergency housing rent control law relating to the control of and
23 stabilization of rent in certain cases, as amended by chapter 93 of the
24 laws of 2011, is amended to read as follows:

25 § 17. Effective date. This act shall take effect immediately and
26 shall remain in full force and effect until and including the [~~twenty-~~
27 ~~third~~] fifteenth day of June [~~2011~~] 2015; except that sections two and
28 three shall take effect with respect to any city having a population of
29 one million or more and section one shall take effect with respect to
30 any other city, or any town or village whenever the local legislative
31 body of a city, town or village determines the existence of a public
32 emergency pursuant to section three of the emergency tenant protection
33 act of nineteen seventy-four, as enacted by section four of this act,
34 and provided that the housing accommodations subject on the effective
35 date of this act to stabilization pursuant to the New York city rent
36 stabilization law of nineteen hundred sixty-nine shall remain subject to
37 such law upon the expiration of this act.

38 § 2. Subdivision 2 of section 1 of chapter 274 of the laws of 1946

39 constituting the emergency housing rent control law, as amended by chap-
40 ter 93 of the laws of 2011, is amended to read as follows:

41 2. The provisions of this act, and all regulations, orders and
42 requirements thereunder shall remain in full force and effect until and
43 including June [~~23, 2011~~] 15, 2015.

44 § 3. Section 2 of chapter 329 of the laws of 1963 amending the emer-
45 gency housing rent control law relating to recontrol of rents in Albany,
46 as amended by chapter 93 of the laws of 2011, is amended to read as
47 follows:

48 § 2. This act shall take effect immediately and the provisions of
49 subdivision 6 of section 12 of the emergency housing rent control law,
50 as added by this act, shall remain in full force and effect until and
51 including June [~~23, 2011~~] 15, 2015.

52 § 4. Section 10 of chapter 555 of the laws of 1982 amending the gener-
53 al business law and the administrative code of the city of New York
54 relating to conversion of residential property to cooperative or condo-
S. 5856 21 A. 8518

1 minium ownership in the city of New York, as amended by chapter 93 of
2 the laws of 2011, is amended to read as follows:

3 § 10. This act shall take effect immediately; provided, that the
4 provisions of sections one, two and nine of this act shall remain in
5 full force and effect only until and including June [~~23, 2011~~] 15, 2015;
6 provided further that the provisions of section three of this act shall
7 remain in full force and effect only so long as the public emergency
8 requiring the regulation and control of residential rents and evictions
9 continues as provided in subdivision 3 of section 1 of the local emer-
10 gency housing rent control act; provided further that the provisions of
11 sections four, five, six and seven of this act shall expire in accord-
12 ance with the provisions of section 26-520 of the administrative code of
13 the city of New York as such section of the administrative code is, from
14 time to time, amended; provided further that the provisions of section
15 26-511 of the administrative code of the city of New York, as amended by
16 this act, which the New York City Department of Housing Preservation and
17 Development must find are contained in the code of the real estate
18 industry stabilization association of such city in order to approve it,
19 shall be deemed contained therein as of the effective date of this act;
20 and provided further that any plan accepted for filing by the department
21 of law on or before the effective date of this act shall continue to be
22 governed by the provisions of section 352-eeee of the general business
23 law as they had existed immediately prior to the effective date of this
24 act.

25 § 5. Section 4 of chapter 402 of the laws of 1983 amending the general
26 business law relating to conversion of rental residential property to
27 cooperative or condominium ownership in certain municipalities in the
28 counties of Nassau, Westchester and Rockland, as amended by chapter 93
29 of the laws of 2011, is amended to read as follows:

30 § 4. This act shall take effect immediately; provided, that the
31 provisions of sections one and three of this act shall remain in full
32 force and effect only until and including June [~~23, 2011~~] 15, 2015; and
33 provided further that any plan accepted for filing by the department of
34 law on or before the effective date of this act shall continue to be
35 governed by the provisions of section 352-eee of the general business
36 law as they had existed immediately prior to the effective date of this
37 act.

38 § 6. Subdivision 6 of section 46 of chapter 116 of the laws of 1997
39 constituting the rent regulation reform act of 1997, as amended by chap-

40 ter 93 of the laws of 2011, is amended to read as follows:

41 6. sections twenty-eight, twenty-eight-a, twenty-eight-b and twenty-
42 eight-c of this act shall expire and be deemed repealed after June [~~23,~~
43 ~~2011~~] 15, 2015;

44 § 7. Paragraph 5-a of subdivision c of section 26-511 of the adminis-
45 trative code of the city of New York, as added by chapter 116 of the
46 laws of 1997, is amended to read as follows:

47 (5-a) provides that, notwithstanding any provision of this chapter,
48 the legal regulated rent for any vacancy lease entered into after the
49 effective date of this paragraph shall be as hereinafter provided in
50 this paragraph. The previous legal regulated rent for such housing
51 accommodation shall be increased by the following: (i) if the vacancy
52 lease is for a term of two years, twenty percent of the previous legal
53 regulated rent; or (ii) if the vacancy lease is for a term of one year
54 the increase shall be twenty percent of the previous legal regulated
55 rent less an amount equal to the difference between (a) the two year
56 renewal lease guideline promulgated by the guidelines board of the city
S. 5856 22 A. 8518

1 of New York applied to the previous legal regulated rent and (b) the one
2 year renewal lease guideline promulgated by the guidelines board of the
3 city of New York applied to the previous legal regulated rent. In addi-
4 tion, if the legal regulated rent was not increased with respect to such
5 housing accommodation by a permanent vacancy allowance within eight
6 years prior to a vacancy lease executed on or after the effective date
7 of this paragraph, the legal regulated rent may be further increased by
8 an amount equal to the product resulting from multiplying such previous
9 legal regulated rent by six-tenths of one percent and further multiply-
10 ing the amount of rent increase resulting therefrom by the greater of
11 (A) the number of years since the imposition of the last permanent
12 vacancy allowance, or (B) if the rent was not increased by a permanent
13 vacancy allowance since the housing accommodation became subject to this
14 chapter, the number of years that such housing accommodation has been
15 subject to this chapter. Provided that if the previous legal regulated
16 rent was less than three hundred dollars the total increase shall be as
17 calculated above plus one hundred dollars per month. Provided, further,
18 that if the previous legal regulated rent was at least three hundred
19 dollars and no more than five hundred dollars in no event shall the
20 total increase pursuant to this paragraph be less than one hundred
21 dollars per month. Such increase shall be in lieu of any allowance
22 authorized for the one or two year renewal component thereof, but shall
23 be in addition to any other increases authorized pursuant to this chap-
24 ter including an adjustment based upon a major capital improvement, or a
25 substantial modification or increase of dwelling space or services, or
26 installation of new equipment or improvements or new furniture or
27 furnishings provided in or to the housing accommodation pursuant to this
28 section. The increase authorized in this paragraph may not be imple-
29 mented more than one time in any calendar year, notwithstanding the
30 number of vacancy leases entered into in such year.

31 § 8. Subdivision (a-1) of section 10 of section 4 of chapter 576 of
32 the laws of 1974, constituting the emergency tenant protection act of
33 nineteen seventy-four, as added by chapter 116 of the laws of 1997, is
34 amended to read as follows:

35 (a-1) provides that, notwithstanding any provision of this act, the
36 legal regulated rent for any vacancy lease entered into after the effec-
37 tive date of this subdivision shall be as hereinafter set forth. The
38 previous legal regulated rent for such housing accommodation shall be

39 increased by the following: (i) if the vacancy lease is for a term of
40 two years, twenty percent of the previous legal regulated rent; or (ii)
41 if the vacancy lease is for a term of one year the increase shall be
42 twenty percent of the previous legal regulated rent less an amount equal
43 to the difference between (a) the two year renewal lease guideline
44 promulgated by the guidelines board of the county in which the housing
45 accommodation is located applied to the previous legal regulated rent
46 and (b) the one year renewal lease guideline promulgated by the guide-
47 lines board of the county in which the housing accommodation is located
48 applied to the previous legal regulated rent. In addition, if the legal
49 regulated rent was not increased with respect to such housing accommo-
50 dation by a permanent vacancy allowance within eight years prior to a
51 vacancy lease executed on or after the effective date of this subdivi-
52 sion, the legal regulated rent may be further increased by an amount
53 equal to the product resulting from multiplying such previous legal
54 regulated rent by six-tenths of one percent and further multiplying the
55 amount of rent increase resulting therefrom by the greater of (A) the
56 number of years since the imposition of the last permanent vacancy
S. 5856 23 A. 8518

1 allowance, or (B) if the rent was not increased by a permanent vacancy
2 allowance since the housing accommodation became subject to this act,
3 the number of years that such housing accommodation has been subject to
4 this act. Provided that if the previous legal regulated rent was less
5 than three hundred dollars the total increase shall be as calculated
6 above plus one hundred dollars per month. Provided, further, that if the
7 previous legal regulated rent was at least three hundred dollars and no
8 more than five hundred dollars in no event shall the total increase
9 pursuant to this subdivision be less than one hundred dollars per month.
10 Such increase shall be in lieu of any allowance authorized for the one
11 or two year renewal component thereof, but shall be in addition to any
12 other increases authorized pursuant to this act including an adjustment
13 based upon a major capital improvement, or a substantial modification or
14 increase of dwelling space or services, or installation of new equipment
15 or improvements or new furniture or furnishings provided in or to the
16 housing accommodation pursuant to section six of this act. The increase
17 authorized in this subdivision may not be implemented more than one time
18 in any calendar year, notwithstanding the number of vacancy leases
19 entered into in such year.

20 § 9. Paragraph (n) of subdivision 2 of section 2 of chapter 274 of the
21 laws of 1946, constituting the emergency housing rent control law, as
22 amended by chapter 82 of the laws of 2003, is amended to read as
23 follows:

24 (n) any housing accommodation with a maximum rent of two thousand
25 dollars or more per month at any time between the effective date of this
26 paragraph and October first, nineteen hundred ninety-three which is or
27 becomes vacant on or after the effective date of this paragraph[7]; or,
28 for any housing accommodation with a maximum rent of two thousand
29 dollars or more per month at any time on or after the effective date of
30 the rent regulation reform act of 1997 and before the effective date of
31 the rent act of 2011, which is or becomes vacant on or after the effec-
32 tive date of the rent regulation reform act of 1997 and before the
33 effective date of the rent act of 2011. This exclusion shall apply
34 regardless of whether the next tenant in occupancy or any subsequent
35 tenant in occupancy is charged or pays less than two thousand dollars a
36 month; or, for any housing accommodation with a maximum rent of two
37 thousand five hundred dollars or more per month at any time on or after

38 the effective date of the rent act of 2011, which is or becomes vacant
39 on or after such effective date. This exclusion shall apply regardless
40 of whether the next tenant in occupancy or any subsequent tenant in
41 occupancy actually is charged or pays less than two thousand five
42 hundred dollars a month. [~~This~~] An exclusion pursuant to this paragraph
43 shall not apply, however, to or become effective with respect to housing
44 accommodations which the commissioner determines or finds that the land-
45 lord or any person acting on his or her behalf, with intent to cause the
46 tenant to vacate, has engaged in any course of conduct (including, but
47 not limited to, interruption or discontinuance of required services)
48 which interfered with or disturbed or was intended to interfere with or
49 disturb the comfort, repose, peace or quiet of the tenant in his or her
50 use or occupancy of the housing accommodations and in connection with
51 such course of conduct, any other general enforcement provision of this
52 law shall also apply.

53 § 10. Paragraph 13 of subdivision a of section 5 of section 4 of chap-
54 ter 576 of the laws of 1974, constituting the emergency tenant
55 protection act of nineteen seventy-four, as amended by chapter 82 of the
56 laws of 2003, is amended to read as follows:

S. 5856

24

A. 8518

1 (13) any housing accommodation with a legal regulated rent of two
2 thousand dollars or more per month at any time between the effective
3 date of this paragraph and October first, nineteen hundred ninety-three
4 which is or becomes vacant on or after the effective date of this para-
5 graph~~[7]~~; or, for any housing accommodation with a legal regulated rent
6 of two thousand dollars or more per month at any time on or after the
7 effective date of the rent regulation reform act of 1997 and before the
8 effective date of the rent act of 2011, which is or becomes vacant on or
9 after the effective date of the rent regulation reform act of 1997 and
10 before the effective date of the rent act of 2011. This exclusion shall
11 apply regardless of whether the next tenant in occupancy or any subse-
12 quent tenant in occupancy is charged or pays less than two thousand
13 dollars a month; or, for any housing accommodation with a legal regu-
14 lated rent of two thousand five hundred dollars or more per month at any
15 time on or after the effective date of the rent act of 2011, which is or
16 becomes vacant on or after such effective date. [~~This~~] An exclusion
17 pursuant to this paragraph shall apply regardless of whether the next
18 tenant in occupancy or any subsequent tenant in occupancy actually is
19 charged or pays less than two thousand five hundred dollars a month.
20 Provided however, that [~~this~~] an exclusion pursuant to this paragraph
21 shall not apply to housing accommodations which became or become subject
22 to this act (a) by virtue of receiving tax benefits pursuant to section
23 four hundred twenty-one-a or four hundred eighty-nine of the real prop-
24 erty tax law, except as otherwise provided in subparagraph (i) of para-
25 graph (f) of subdivision two of section four hundred twenty-one-a of the
26 real property tax law, or (b) by virtue of article seven-C of the multi-
27 ple dwelling law. This paragraph shall not apply, however, to or become
28 effective with respect to housing accommodations which the commissioner
29 determines or finds that the landlord or any person acting on his or her
30 behalf, with intent to cause the tenant to vacate, has engaged in any
31 course of conduct (including, but not limited to, interruption or
32 discontinuance of required services) which interfered with or disturbed
33 or was intended to interfere with or disturb the comfort, repose, peace
34 or quiet of the tenant in his or her use or occupancy of the housing
35 accommodations and in connection with such course of conduct, any other
36 general enforcement provision of this act shall also apply.

37 § 11. Subparagraph (k) of paragraph 2 of subdivision e of section
38 26-403 of the administrative code of the city of New York, as amended by
39 chapter 82 of the laws of 2003, is amended to read as follows:

40 (k) Any housing accommodation which becomes vacant on or after April
41 first, nineteen hundred ninety-seven and before the effective date of
42 the rent act of 2011, and where at the time the tenant vacated such
43 housing accommodation the maximum rent was two thousand dollars or more
44 per month; or, for any housing accommodation which is or becomes vacant
45 on or after the effective date of the rent regulation reform act of 1997
46 and before the effective date of the rent act of 2011 with a maximum
47 rent of two thousand dollars or more per month. This exclusion shall
48 apply regardless of whether the next tenant in occupancy or any subse-
49 quent tenant in occupancy is charged or pays less than two thousand
50 dollars a month; or, for any housing accommodation with a maximum rent
51 of two thousand five hundred dollars or more per month at any time on or
52 after the effective date of the rent act of 2011, which is or becomes
53 vacant on or after such effective date. This exclusion shall apply
54 regardless of whether the next tenant in occupancy or any subsequent
55 tenant in occupancy actually is charged or pays less than two thousand
56 five hundred dollars a month. Provided however, that [~~this~~] an exclu-
S. 5856 25 A. 8518

1 sion pursuant to this subparagraph shall not apply to housing accommo-
2 dations which became or become subject to this law by virtue of receiv-
3 ing tax benefits pursuant to section four hundred eighty-nine of the
4 real property tax law. This subparagraph shall not apply, however, to or
5 become effective with respect to housing accommodations which the
6 commissioner determines or finds that the landlord or any person acting
7 on his or her behalf, with intent to cause the tenant to vacate, has
8 engaged in any course of conduct (including, but not limited to, inter-
9 ruption or discontinuance of required services) which interfered with or
10 disturbed or was intended to interfere with or disturb the comfort,
11 repose, peace or quiet of the tenant in his or her use or occupancy of
12 the housing accommodations and in connection with such course of
13 conduct, any other general enforcement provision of this law shall also
14 apply.

15 § 12. Section 26-504.2 of the administrative code of the city of New
16 York, as amended by chapter 116 of the laws of 1997, subdivision a as
17 amended by chapter 82 of the laws of 2003 and subdivision b as added by
18 local law number 12 of the city of New York for the year 2000, is
19 amended to read as follows:

20 § 26-504.2 Exclusion of high rent accommodations. a. "Housing accommo-
21 dations" shall not include: any housing accommodation which becomes
22 vacant on or after April first, nineteen hundred ninety-seven and before
23 the effective date of the rent act of 2011 and where at the time the
24 tenant vacated such housing accommodation the legal regulated rent was
25 two thousand dollars or more per month^[7]; or, for any housing accommo-
26 dation which is or becomes vacant on or after the effective date of the
27 rent regulation reform act of 1997 and before the effective date of the
28 rent act of 2011, with a legal regulated rent of two thousand dollars or
29 more per month. This exclusion shall apply regardless of whether the
30 next tenant in occupancy or any subsequent tenant in occupancy is
31 charged or pays less than two thousand dollars a month; or, for any
32 housing accommodation with a legal regulated rent of two thousand five
33 hundred dollars or more per month at any time on or after the effective
34 date of the rent act of 2011, which is or becomes vacant on or after
35 such effective date. This exclusion shall apply regardless of whether

36 the next tenant in occupancy or any subsequent tenant in occupancy actu-
37 ally is charged or pays less than two thousand five hundred dollars a
38 month. Provided however, that [~~this~~] an exclusion pursuant to this
39 subdivision shall not apply to housing accommodations which became or
40 become subject to this law (a) by virtue of receiving tax benefits
41 pursuant to section four hundred twenty-one-a or four hundred eighty-
42 nine of the real property tax law, except as otherwise provided in
43 subparagraph (i) of paragraph (f) of subdivision two of section four
44 hundred twenty-one-a of the real property tax law, or (b) by virtue of
45 article seven-C of the multiple dwelling law. This section shall not
46 apply, however, to or become effective with respect to housing accommo-
47 dations which the commissioner determines or finds that the landlord or
48 any person acting on his or her behalf, with intent to cause the tenant
49 to vacate, engaged in any course of conduct (including, but not limited
50 to, interruption or discontinuance of required services) which interfer-
51 ed with or disturbed or was intended to interfere with or disturb the
52 comfort, repose, peace or quiet of the tenant in his or her use or occu-
53 pancy of the housing accommodations and in connection with such course
54 of conduct, any other general enforcement provision of this law shall
55 also apply.

S. 5856

26

A. 8518

1 b. The owner of any housing accommodation that is not subject to this
2 law pursuant to the provisions of subdivision a of this section or
3 subparagraph k of paragraph 2 of subdivision e of section 26-403 of this
4 code shall give written notice certified by such owner to the first
5 tenant of that housing accommodation after such housing accommodation
6 becomes exempt from the provisions of this law or the city rent and
7 rehabilitation law. Such notice contain the last regulated rent,
8 the reason that such housing accommodation is not subject to this law or
9 the city rent and rehabilitation law, a calculation of how either the
10 rental amount charged when there is no lease or the rental amount
11 provided for in the lease has been derived so as to reach two thousand
12 dollars or more per month or, for a housing accommodation with a legal
13 regulated rent or maximum rent of two thousand five hundred dollars or
14 more per month on or after the effective date of the rent act of 2011,
15 which is or becomes vacant on or after such effective date, whether the
16 next tenant in occupancy or any subsequent tenant in occupancy actually
17 is charged or pays less than a legal regulated rent or maximum rent of
18 two thousand five hundred dollars or more per month, a statement that
19 the last legal regulated rent or the maximum rent may be verified by the
20 tenant by contacting the state division of housing and community
21 renewal, or any successor thereto, and the address and telephone number
22 of such agency, or any successor thereto. Such notice shall be sent by
23 certified mail within thirty days after the tenancy commences or after
24 the signing of the lease by both parties, whichever occurs first or
25 shall be delivered to the tenant at the signing of the lease. In addi-
26 tion, the owner shall send and certify to the tenant a copy of the
27 registration statement for such housing accommodation filed with the
28 state division of housing and community renewal indicating that such
29 housing accommodation became exempt from the provisions of this law or
30 the city rent and rehabilitation law, which form shall include the last
31 regulated rent, and shall be sent to the tenant within thirty days after
32 the tenancy commences or the filing of such registration, whichever
33 occurs later.

34 § 13. Subdivision a-2 of section 10 of section 4 of chapter 576 of the
35 laws of 1974, constituting the emergency tenant protection act of nine-

36 teen seventy-four, as added by chapter 82 of the laws of 2003, is
37 amended to read as follows:

38 ~~[a-2.]~~ (a-2) Provides that where the amount of rent charged to and
39 paid by the tenant is less than the legal regulated rent for the housing
40 accommodation, the amount of rent for such housing accommodation which
41 may be charged upon renewal or upon vacancy thereof may, at the option
42 of the owner, be based upon such previously established legal regulated
43 rent, as adjusted by the most recent applicable guidelines increases and
44 other increases authorized by law. Where, subsequent to vacancy, such
45 legal regulated rent, as adjusted by the most recent applicable guide-
46 lines increases and any other increases authorized by law is two thou-
47 sand dollars or more per month or, for any housing accommodation which
48 is or becomes vacant on or after the effective date of the rent act of
49 2011, is two thousand five hundred dollars or more per month, such hous-
50 ing accommodation shall be excluded from the provisions of this act
51 pursuant to paragraph thirteen of subdivision a of section five of this
52 act.

53 § 14. Paragraph 14 of subdivision c of section 26-511 of the adminis-
54 trative code of the city of New York, as added by chapter 82 of the laws
55 of 2003, is amended to read as follows:

S. 5856

27

A. 8518

1 (14) provides that where the amount of rent charged to and paid by the
2 tenant is less than the legal regulated rent for the housing accommo-
3 dation, the amount of rent for such housing accommodation which may be
4 charged upon renewal or upon vacancy thereof may, at the option of the
5 owner, be based upon such previously established legal regulated rent,
6 as adjusted by the most recent applicable guidelines increases and any
7 other increases authorized by law. Where, subsequent to vacancy, such
8 legal regulated rent, as adjusted by the most recent applicable guide-
9 lines increases and any other increases authorized by law is two thou-
10 sand dollars or more per month or, for any housing accommodation which
11 is or becomes vacant on or after the effective date of the rent act of
12 2011, is two thousand five hundred dollars or more per month, such hous-
13 ing accommodation shall be excluded from the provisions of this law
14 pursuant to section 26-504.2 of this chapter.

15 § 15. Subparagraph (e) of paragraph 1 of subdivision g of section
16 26-405 of the administrative code of the city of New York, as amended by
17 chapter 253 of the laws of 1993, is amended to read as follows:

18 (e) The landlord and tenant by mutual voluntary written agreement
19 agree to a substantial increase or decrease in dwelling space or a
20 change in the services, furniture, furnishings or equipment provided in
21 the housing accommodations. An adjustment under this subparagraph shall
22 be equal to one-fortieth, in the case of a building with thirty-five or
23 fewer housing accommodations, or one-sixtieth, in the case of a building
24 with more than thirty-five housing accommodations where such adjustment
25 takes effect on or after September twenty-fourth, two thousand eleven,
26 of the total cost incurred by the landlord in providing such modifica-
27 tion or increase in dwelling space, services, furniture, furnishings or
28 equipment, including the cost of installation, but excluding finance
29 charges, provided further ~~[than]~~ that an owner who is entitled to a rent
30 increase pursuant to this subparagraph shall not be entitled to a
31 further rent increase based upon the installation of similar equipment,
32 or new furniture or furnishings within the useful life of such new
33 equipment, or new furniture or furnishings. The owner shall give written
34 notice to the city rent agency of any such adjustment pursuant to this
35 subparagraph~~[-]~~; or

36 § 16. Paragraph 13 of subdivision c of section 26-511 of the adminis-
37 trative code of the city of New York, as added by chapter 253 of the
38 laws of 1993, is amended to read as follows:

39 (13) provides that an owner is entitled to a rent increase where there
40 has been a substantial modification or increase of dwelling space or an
41 increase in the services, or installation of new equipment or improve-
42 ments or new furniture or furnishings provided in or to a tenant's hous-
43 ing accommodation, on written tenant consent to the rent increase. In
44 the case of a vacant housing accommodation, tenant consent shall not be
45 required. The permanent increase in the legal regulated rent for the
46 affected housing accommodation shall be one-fortieth, in the case of a
47 building with thirty-five or fewer housing accommodations, or one-sixti-
48 eth, in the case of a building with more than thirty-five housing accom-
49 modations where such permanent increase takes effect on or after Septem-
50 ber twenty-fourth, two thousand eleven, of the total cost incurred by
51 the landlord in providing such modification or increase in dwelling
52 space, services, furniture, furnishings or equipment, including the cost
53 of installation, but excluding finance charges. Provided further that an
54 owner who is entitled to a rent increase pursuant to this paragraph
55 shall not be entitled to a further rent increase based upon the instal-
S. 5856 28 A. 8518

1 lation of similar equipment, or new furniture or furnishings within the
2 useful life of such new equipment, or new furniture or furnishings.

3 § 17. Intentionally omitted.

4 § 18. Paragraph 1 of subdivision d of section 6 of section 4 of chap-
5 ter 576 of the laws of 1974, constituting the emergency tenant
6 protection act of nineteen seventy-four, as added by chapter 253 of the
7 laws of 1993, is amended to read as follows:

8 (1) there has been a substantial modification or increase of dwelling
9 space or an increase in the services, or installation of new equipment
10 or improvements or new furniture or furnishings, provided in or to a
11 tenant's housing accommodation, on written tenant consent to the rent
12 increase. In the case of a vacant housing accommodation, tenant consent
13 shall not be required. The permanent increase in the legal regulated
14 rent for the affected housing accommodation shall be one-fortieth, in
15 the case of a building with thirty-five or fewer housing accommodations,
16 or one-sixtieth, in the case of a building with more than thirty-five
17 housing accommodations where such permanent increase takes effect on or
18 after September twenty-fourth, two thousand eleven, of the total cost
19 incurred by the landlord in providing such modification or increase in
20 dwelling space, services, furniture, furnishings or equipment, including
21 the cost of installation, but excluding finance charges. Provided
22 further [~~than~~] that an owner who is entitled to a rent increase pursuant
23 to this paragraph shall not be entitled to a further rent increase based
24 upon the installation of similar equipment, or new furniture or
25 furnishings within the useful life of such new equipment, or new furni-
26 ture or furnishings.

27 § 19. Intentionally omitted.

28 § 20. Intentionally omitted.

29 § 21. Intentionally omitted.

30 § 22. Intentionally omitted.

31 § 23. Intentionally omitted.

32 § 24. Intentionally omitted.

33 § 25. The second undesignated paragraph of paragraph (a) of subdivi-
34 sion 4 of section 4 of chapter 274 of the laws of 1946, constituting the
35 emergency housing rent control law, as amended by chapter 21 of the laws

36 of 1962, clause 5 as amended by chapter 253 of the laws of 1993, is
37 amended to read as follows:

38 No application for adjustment of maximum rent based upon a sales price
39 valuation shall be filed by the landlord under this subparagraph prior
40 to six months from the date of such sale of the property. In addition,
41 no adjustment ordered by the commission based upon such sales price
42 valuation shall be effective prior to one year from the date of such
43 sale. Where, however, the assessed valuation of the land exceeds four
44 times the assessed valuation of the buildings thereon, the commission
45 may determine a valuation of the property equal to five times the equal-
46 ized assessed valuation of the buildings, for the purposes of this
47 subparagraph. The commission may make a determination that the valu-
48 ation of the property is an amount different from such equalized
49 assessed valuation where there is a request for a reduction in such
50 assessed valuation currently pending; or where there has been a
51 reduction in the assessed valuation for the year next preceding the
52 effective date of the current assessed valuation in effect at the time
53 of the filing of the application. Net annual return shall be the amount
54 by which the earned income exceeds the operating expenses of the proper-
55 ty, excluding mortgage interest and amortization, and excluding allow-
56 ances for obsolescence and reserves, but including an allowance for
S. 5856 29 A. 8518

1 depreciation of two per centum of the value of the buildings exclusive
2 of the land, or the amount shown for depreciation of the buildings in
3 the latest required federal income tax return, whichever is lower;
4 provided, however, that (1) no allowance for depreciation of the build-
5 ings shall be included where the buildings have been fully depreciated
6 for federal income tax purposes or on the books of the owner; or (2) the
7 landlord who owns no more than four rental units within the state has
8 not been fully compensated by increases in rental income sufficient to
9 offset unavoidable increases in property taxes, fuel, utilities, insur-
10 ance and repairs and maintenance, excluding mortgage interest and amor-
11 tization, and excluding allowances for depreciation, obsolescence and
12 reserves, which have occurred since the federal date determining the
13 maximum rent or the date the property was acquired by the present owner,
14 whichever is later; or (3) the landlord operates a hotel or rooming
15 house or owns a cooperative apartment and has not been fully compensated
16 by increases in rental income from the controlled housing accommodations
17 sufficient to offset unavoidable increases in property taxes and other
18 costs as are allocable to such controlled housing accommodations,
19 including costs of operation of such hotel or rooming house, but exclud-
20 ing mortgage interest and amortization, and excluding allowances for
21 depreciation, obsolescence and reserves, which have occurred since the
22 federal date determining the maximum rent or the date the landlord
23 commenced the operation of the property, whichever is later; or (4) the
24 landlord and tenant voluntarily enter into a valid written lease in good
25 faith with respect to any housing accommodation, which lease provides
26 for an increase in the maximum rent not in excess of fifteen per centum
27 and for a term of not less than two years, except that where such lease
28 provides for an increase in excess of fifteen per centum, the increase
29 shall be automatically reduced to fifteen per centum; or (5) the land-
30 lord and tenant by mutual voluntary written agreement agree to a
31 substantial increase or decrease in dwelling space or a change in the
32 services, furniture, furnishings or equipment provided in the housing
33 accommodations; provided that an owner shall be entitled to a rent
34 increase where there has been a substantial modification or increase of

35 dwelling space or an increase in the services, or installation of new
36 equipment or improvements or new furniture or furnishings provided in or
37 to a tenant's housing accommodation. The permanent increase in the maxi-
38 mum rent for the affected housing accommodation shall be one-fortieth,
39 in the case of a building with thirty-five or fewer housing accommo-
40 dations, or one-sixtieth, in the case of a building with more than thir-
41 ty-five housing accommodations where such permanent increase takes
42 effect on or after September twenty-fourth, two thousand eleven, of the
43 total cost incurred by the landlord in providing such modification or
44 increase in dwelling space, services, furniture, furnishings or equip-
45 ment, including the cost of installation, but excluding finance charges
46 provided further that an owner who is entitled to a rent increase pursu-
47 ant to this clause shall not be entitled to a further rent increase
48 based upon the installation of similar equipment, or new furniture or
49 furnishings within the useful life of such new equipment, or new furni-
50 ture or furnishings. The owner shall give written notice to the commis-
51 sion of any such adjustment pursuant to this clause; or (6) there has
52 been, since March first, nineteen hundred fifty, an increase in the
53 rental value of the housing accommodations as a result of a substantial
54 rehabilitation of the building or housing accommodation therein which
55 materially adds to the value of the property or appreciably prolongs its
56 life, excluding ordinary repairs, maintenance and replacements; or (7)
S. 5856 30 A. 8518

1 there has been since March first, nineteen hundred fifty, a major capi-
2 tal improvement required for the operation, preservation or maintenance
3 of the structure; or (8) there has been since March first, nineteen
4 hundred fifty, in structures containing more than four housing accommo-
5 dations, other improvements made with the express consent of the tenants
6 in occupancy of at least seventy-five per centum of the housing accom-
7 modations, provided, however, that no adjustment granted hereunder shall
8 exceed fifteen per centum unless the tenants have agreed to a higher
9 percentage of increase, as herein provided; or (9) there has been,
10 since March first, nineteen hundred fifty, a subletting without written
11 consent from the landlord or an increase in the number of adult occu-
12 pants who are not members of the immediate family of the tenant, and the
13 landlord has not been compensated therefor by adjustment of the maximum
14 rent by lease or order of the commission or pursuant to the federal act;
15 or (10) the presence of unique or peculiar circumstances materially
16 affecting the maximum rent has resulted in a maximum rent which is
17 substantially lower than the rents generally prevailing in the same area
18 for substantially similar housing accommodations.

19 § 26. Intentionally omitted.

20 § 27. Intentionally omitted.

21 § 28. Intentionally omitted.

22 § 29. Paragraph 12 of subdivision a of section 5 of section 4 of chap-
23 ter 576 of the laws of 1974, constituting the emergency tenant
24 protection act of nineteen seventy-four, as amended by chapter 116 of
25 the laws of 1997, is amended to read as follows:

26 (12) upon issuance of an order by the division, housing accommodations
27 which are: (1) occupied by persons who have a total annual income [~~in~~
28 ~~excess of one hundred seventy five thousand dollars per annum in each of~~
29 ~~the two preceding calendar years, as defined in and subject to the limi-~~
30 ~~tations and process set forth in section five-a of this act] as defined
31 in and subject to the limitations and process set forth in section
32 five-a of this act in excess of the deregulation income threshold, as
33 defined in section five-a of this act, in each of the two preceding~~

34 calendar years; and (2) have a legal regulated rent [~~of two thousand~~
35 ~~dollars or more per month~~] that equals or exceeds the deregulation rent
36 threshold, as defined in section five-a of this act. Provided however,
37 that this exclusion shall not apply to housing accommodations which
38 became or become subject to this act (a) by virtue of receiving tax
39 benefits pursuant to section four hundred twenty-one-a or four hundred
40 eighty-nine of the real property tax law, except as otherwise provided
41 in subparagraph (i) of paragraph (f) of subdivision two of section four
42 hundred twenty-one-a of the real property tax law, or (b) by virtue of
43 article seven-C of the multiple dwelling law.

44 § 30. Section 5-a of section 4 of chapter 576 of the laws of 1974,
45 constituting the emergency tenant protection act of nineteen seventy-
46 four, as added by chapter 253 of the laws of 1993, subdivision (b) and
47 paragraphs 1 and 2 of subdivision (c) as amended and subdivision (e) as
48 added by chapter 116 of the laws of 1997, is amended to read as follows:

49 § 5-a. High income rent [~~decontrol~~] deregulation. (a) 1. For purposes
50 of this section, annual income shall mean the federal adjusted gross
51 income as reported on the New York state income tax return. Total annual
52 income means the sum of the annual incomes of all persons whose names
53 are recited as the tenant or co-tenant on a lease who occupy the housing
54 accommodation and all other persons that occupy the housing accommo-
55 dation as their primary residence on other than a temporary basis,
56 excluding bona fide employees of such occupants residing therein in
S. 5856 31 A. 8518

1 connection with such employment and excluding bona fide subtenants in
2 occupancy pursuant to the provisions of section two hundred twenty-six-b
3 of the real property law. In the case where a housing accommodation is
4 sublet, the annual income of the tenant or co-tenant recited on the
5 lease who will reoccupy the housing accommodation upon the expiration of
6 the sublease shall be considered.

7 2. Deregulation income threshold means total annual income equal to
8 one hundred seventy-five thousand dollars in each of the two preceding
9 calendar years for proceedings commenced before July first, two thousand
10 eleven. For proceedings commenced on or after July first, two thousand
11 eleven, the deregulation income threshold means the total annual income
12 equal to two hundred thousand dollars in each of the two preceding
13 calendar years.

14 3. Deregulation rent threshold means two thousand dollars for
15 proceedings commenced before July first, two thousand eleven. For
16 proceedings commenced on or after July first, two thousand eleven, the
17 deregulation rent threshold means two thousand five hundred dollars.

18 (b) On or before the first day of May in each calendar year, the owner
19 of each housing accommodation for which the legal regulated monthly rent
20 [~~is two thousand dollars or more per month~~] equals or exceeds the dereg-
21 ulation rent threshold may provide the tenant or tenants residing there-
22 in with an income certification form prepared by the division of housing
23 and community renewal on which such tenant or tenants shall identify all
24 persons referred to in subdivision (a) of this section and shall certify
25 whether the total annual income is in excess of [~~one hundred seventy-~~
26 ~~five thousand dollars in each of the two preceding calendar years~~] the
27 deregulation income threshold in each of the two preceding calendar
28 years. Such income certification form shall state that the income level
29 certified to by the tenant may be subject to verification by the depart-
30 ment of taxation and finance pursuant to section one hundred seventy-
31 one-b of the tax law, and shall not require disclosure of any informa-
32 tion other than whether the aforementioned threshold has been exceeded.

33 Such income certification form shall clearly state that: (i) only
34 tenants residing in housing accommodations which had a legal regulated
35 monthly rent [of two thousand dollars or more per month] that equals or
36 exceeds the deregulation rent threshold are required to complete the
37 certification form; (ii) that tenants have protections available to them
38 which are designed to prevent harassment; (iii) that tenants are not
39 required to provide any information regarding their income except that
40 which is requested on the form and may contain such other information
41 the division deems appropriate. The tenant or tenants shall return the
42 completed certification to the owner within thirty days after service
43 upon the tenant or tenants. In the event that the total annual income as
44 certified is in excess of [~~one hundred seventy-five thousand dollars in~~
45 ~~each such year~~] the deregulation income threshold in each of the two
46 preceding calendar years, the owner may file the certification with the
47 state division of housing and community renewal on or before June thir-
48 tieth of such year. Upon filing such certification with the division,
49 the division shall, within thirty days after the filing, issue an order
50 providing that such housing accommodation shall not be subject to the
51 provisions of this act upon the expiration of the existing lease. A copy
52 of such order shall be mailed by regular and certified mail, return
53 receipt requested, to the tenant or tenants and a copy thereof shall be
54 mailed to the owner.

55 (c) 1. In the event that the tenant or tenants either fail to return
56 the completed certification to the owner on or before the date required
S. 5856 32 A. 8518

1 by subdivision (b) of this section or the owner disputes the certif-
2 ication returned by the tenant or tenants, the owner may, on or before
3 June thirtieth of such year, petition the state division of housing and
4 community renewal to verify, pursuant to section one hundred seventy-
5 one-b of the tax law, whether the total annual income exceeds [~~one~~
6 ~~hundred seventy-five thousand dollars in each of the two preceding~~
7 ~~calendar years~~] the deregulation income threshold in each of the two
8 preceding calendar years. Within twenty days after the filing of such
9 request with the division, the division shall notify the tenant or
10 tenants that such tenant or tenants named on the lease must provide the
11 division with such information as the division and the department of
12 taxation and finance shall require to verify whether the total annual
13 income exceeds [~~one hundred seventy-five thousand dollars in each such~~
14 ~~year~~] the deregulation income threshold in each of the two preceding
15 calendar years. The division's notification shall require the tenant or
16 tenants to provide the information to the division within sixty days of
17 service upon such tenant or tenants and shall include a warning in bold
18 faced type that failure to respond will result in an order being issued
19 by the division providing that such housing accommodations shall not be
20 subject to the provisions of this act.

21 2. If the department of taxation and finance determines that the total
22 annual income is in excess of [~~one hundred seventy-five thousand dollars~~
23 ~~in each of the two preceding calendar years~~] the deregulation income
24 threshold in each of the two preceding calendar years, the division
25 shall, on or before November fifteenth of such year, notify the owner
26 and tenants of the results of such verification. Both the owner and the
27 tenants shall have thirty days within which to comment on such verifica-
28 tion results. Within forty-five days after the expiration of the
29 comment period, the division shall, where appropriate, issue an order
30 providing that such housing accommodation shall not be subject to the
31 provisions of this act upon expiration of the existing lease. A copy of

32 such order shall be mailed by regular and certified mail, return receipt
33 requested, to the tenant or tenants and a copy thereof shall be sent to
34 the owner.

35 3. In the event the tenant or tenants fail to provide the information
36 required pursuant to paragraph one of this subdivision, the division
37 shall issue, on or before December first of such year, an order provid-
38 ing that such housing accommodation shall not be subject to the
39 provisions of this act upon the expiration ~~[or]~~ of the current lease. A
40 copy of such order shall be mailed by regular and certified mail, return
41 receipt requested, to the tenant or tenants and a copy thereof shall be
42 sent to the owner.

43 4. The provisions of the state freedom of information act shall not
44 apply to any income information obtained by the division pursuant to
45 this section.

46 (d) This section shall apply only to paragraph twelve of subdivision a
47 of section five of this act.

48 (e) Upon receipt of such order of ~~[decontrol]~~ deregulation pursuant to
49 this section, an owner shall offer the housing accommodation subject to
50 such order to the tenant at a rent not in excess of the market rent,
51 which for the purposes of this section means a rent obtainable in an
52 arm's length transaction. Such rental offer shall be made by the owner
53 in writing to the tenant by certified and regular mail and shall inform
54 the tenant that such offer must be accepted in writing within ten days
55 of receipt. The tenant shall respond within ten days after receipt of
56 such offer. If the tenant declines the offer or fails to respond within

S. 5856

33

A. 8518

1 such period, the owner may commence an action or proceeding for the
2 eviction of such tenant.

3 § 31. Paragraph (m) of subdivision 2 of section 2 of chapter 274 of
4 the laws of 1946, constituting the emergency housing rent control law,
5 as amended by chapter 116 of the laws of 1997, is amended to read as
6 follows:

7 (m) upon the issuance of an order of ~~[decontrol]~~ deregulation by the
8 division, housing accommodations which: (1) are occupied by persons who
9 have a total annual income, as defined in and subject to the limitations
10 and process set forth in section two-a of this law, in excess of ~~[one~~
11 ~~hundred seventy-five thousand dollars in each of the two preceding~~
12 ~~calendar years, as defined in and subject to the limitations and process~~
13 ~~set forth in section two-a of this law]~~ the deregulation income thresh-
14 old as defined in section two-a of this law in each of the two preceding
15 calendar years; and (2) have a maximum rent ~~[of two thousand dollars or~~
16 ~~more per month]~~ that equals or exceeds the deregulation rent threshold
17 as defined in section two-a of this law.

18 § 32. Section 2-a of chapter 274 of the laws of 1946, constituting the
19 emergency housing rent control law, as added by chapter 253 of the laws
20 of 1993, subdivision (b) and paragraphs 1 and 2 of subdivision (c) as
21 amended and subdivision (e) as added by chapter 116 of the laws of 1997,
22 is amended to read as follows:

23 § 2-a. (a) 1. For purposes of this section, annual income shall mean
24 the federal adjusted gross income as reported on the New York state
25 income tax return. Total annual income means the sum of the annual
26 incomes of all persons who occupy the housing accommodation as their
27 primary residence on other than a temporary basis, excluding bona fide
28 employees of such occupants residing therein in connection with such
29 employment and excluding bona fide subtenants in occupancy pursuant to
30 the provisions of section two hundred twenty-six-b of the real property

31 law. In the case where a housing accommodation is sublet, the annual
32 income of the sublessor shall be considered.

33 2. Deregulation income threshold means total annual income equal to
34 one hundred seventy-five thousand dollars in each of the two preceding
35 calendar years for proceedings commenced before July first, two thousand
36 eleven. For proceedings commenced on or after July first, two thousand
37 eleven, the deregulation income threshold means the total annual income
38 equal to two hundred thousand dollars in each of the two preceding
39 calendar years.

40 3. Deregulation rent threshold means two thousand dollars for
41 proceedings commenced prior to July first, two thousand eleven. For
42 proceedings commenced on or after July first, two thousand eleven, the
43 deregulation rent threshold means two thousand five hundred dollars.

44 (b) On or before the first day of May in each calendar year, the owner
45 of each housing accommodation for which the maximum monthly rent [~~is two~~
46 ~~thousand dollars or more per month~~] equals or exceeds the deregulation
47 rent threshold may provide the tenant or tenants residing therein with
48 an income certification form prepared by the division of housing and
49 community renewal on which such tenant or tenants shall identify all
50 persons referred to in subdivision (a) of this section and shall certify
51 whether the total annual income is in excess of [~~one hundred seventy-~~
52 ~~five thousand dollars in each of the two preceding calendar years~~] the
53 deregulation income threshold in each of the two preceding calendar
54 years. Such income certification form shall state that the income level
55 certified to by the tenant may be subject to verification by the depart-
56 ment of taxation and finance pursuant to section one hundred seventy-
S. 5856 34 A. 8518

1 one-b of the tax law and shall not require disclosure of any income
2 information other than whether the aforementioned threshold has been
3 exceeded. Such income certification form shall clearly state that: (i)
4 only tenants residing in housing accommodations which had a maximum
5 monthly rent equal to or in excess of [~~two thousand dollars or more per~~
6 ~~month~~] the deregulation rent threshold are required to complete the
7 certification form; (ii) that tenants have protections available to them
8 which are designed to prevent harassment; (iii) that tenants are not
9 required to provide any information regarding their income except that
10 which is requested on the form and may contain such other information
11 the division deems appropriate. The tenant or tenants shall return the
12 completed certification to the owner within thirty days after service
13 upon the tenant or tenants. In the event that the total annual income as
14 certified is in excess of [~~one hundred seventy-five thousand dollars in~~
15 ~~each such year~~] the deregulation income threshold in each of the two
16 preceding calendar years, the owner may file the certification with the
17 state division of housing and community renewal on or before June thir-
18 tieth of such year. Upon filing such certification with the division,
19 the division shall, within thirty days after the filing, issue an order
20 of [~~decontrol~~] deregulation providing that such housing accommodations
21 shall not be subject to the provisions of this law as of the first day
22 of June in the year next succeeding the filing of the certification by
23 the owner. A copy of such order shall be mailed by regular and certified
24 mail, return receipt requested, to the tenant or tenants and a copy
25 thereof shall be mailed to the owner.

26 (c) 1. In the event that the tenant or tenants either fail to return
27 the completed certification to the owner on or before the date required
28 by subdivision (b) of this section or the owner disputes the certif-
29 ication returned by the tenant or tenants, the owner may, on or before

30 June thirtieth of such year, petition the state division of housing and
31 community renewal to verify, pursuant to section one hundred seventy-
32 one-b of the tax law, whether the total annual income exceeds [~~one~~
33 ~~hundred seventy-five thousand dollars in each of the two preceding~~
34 ~~calendar years~~] the deregulation income threshold in each of the two
35 preceding calendar years. Within twenty days after the filing of such
36 request with the division, the division shall notify the tenant or
37 tenants that such tenant or tenants must provide the division with such
38 information as the division and the department of taxation and finance
39 shall require to verify whether the total annual income exceeds [~~one~~
40 ~~hundred seventy-five thousand dollars in each such year~~] the deregu-
41 lation income threshold in each of the two preceding calendar years.
42 The division's notification shall require the tenant or tenants to
43 provide the information to the division within sixty days of service
44 upon such tenant or tenants and shall include a warning in bold faced
45 type that failure to respond will result in an order of [~~decontrol~~
46 deregulation] being issued by the division for such housing accommo-
47 dation.

48 2. If the department of taxation and finance determines that the total
49 annual income is in excess of [~~one hundred seventy-five thousand dollars~~
50 ~~in each of the two preceding calendar years~~] the deregulation income
51 threshold in each of the two preceding calendar years, the division
52 shall, on or before November fifteenth of such year, notify the owner
53 and tenants of the results of such verification. Both the owner and the
54 tenants shall have thirty days within which to comment on such verifica-
55 tion results. Within forty-five days after the expiration of the
56 comment period, the division shall, where appropriate, issue an order of
S. 5856 35 A. 8518

1 [~~decontrol~~] deregulation providing that such housing accommodation shall
2 not be subject to the provisions of this law as of the first day of
3 March in the year next succeeding the filing of the owner's petition
4 with the division. A copy of such order shall be mailed by regular and
5 certified mail, return receipt requested, to the tenant or tenants and a
6 copy thereof shall be sent to the owner.

7 3. In the event the tenant or tenants fail to provide the information
8 required pursuant to paragraph one of this subdivision, the division
9 shall issue, on or before December first of such year, an order of
10 [~~decontrol~~] deregulation providing that such housing accommodation shall
11 not be subject to the provisions of this law as of the first day of
12 March in the year next succeeding the last day on which the tenant or
13 tenants were required to provide the information required by such para-
14 graph. A copy of such order shall be mailed by regular and certified
15 mail, return receipt requested, to the tenant or tenants and a copy
16 thereof shall be sent to the owner.

17 4. The provisions of the state freedom of information act shall not
18 apply to any income information obtained by the division pursuant to
19 this section.

20 (d) This section shall apply only to paragraph (m) of subdivision two
21 of section two of this law.

22 (e) Upon receipt of such order of [~~decontrol~~] deregulation pursuant to
23 this section, an owner shall offer the housing accommodation subject to
24 such order to the tenant at a rent not in excess of the market rent,
25 which for the purposes of this section means a rent obtainable in an
26 arm's length transaction. Such rental offer shall be made by the owner
27 in writing to the tenant by certified and regular mail and shall inform
28 the tenant that such offer must be accepted in writing within ten days

29 of receipt. The tenant shall respond within ten days after receipt of
30 such offer. If the tenant declines the offer or fails to respond within
31 such period, the owner may commence an action or proceeding for the
32 eviction of such tenant.

33 § 33. Subparagraph (j) of paragraph 2 of subdivision e of section
34 26-403 of the administrative code of the city of New York, as amended by
35 chapter 116 of the laws of 1997, is amended to read as follows:

36 (j) Upon the issuance of an order of [~~decontrol~~] deregulation by the
37 division, housing accommodations which: (1) are occupied by persons who
38 have a total annual income, as defined in and subject to the limitations
39 and process set forth in section 26-403.1 of this chapter, in excess of
40 [~~one hundred seventy-five thousand dollars per annum~~] the deregulation
41 income threshold, as defined in section 26-403.1 of this chapter, in
42 each of the two preceding calendar years [~~, as defined in and subject to~~
43 ~~the limitations and process set forth in section 26-403.1 of this chap-~~
44 ~~ter~~]; and (2) have a maximum rent [~~of two thousand dollars or more per~~
45 ~~month~~] that equals or exceeds the deregulation rent threshold, as
46 defined in section 26-403.1 of this chapter. Provided however, that
47 this exclusion shall not apply to housing accommodations which became or
48 become subject to this law by virtue of receiving tax benefits pursuant
49 to section four hundred eighty-nine of the real property tax law.

50 § 34. Section 26-403.1 of the administrative code of the city of New
51 York, as added by chapter 253 of the laws of 1993, subdivision (b) and
52 paragraphs 1 and 2 of subdivision (c) as amended and subdivision (e) as
53 added by chapter 116 of the laws of 1997, is amended to read as follows:

54 § 26-403.1 High income rent [~~decontrol~~] deregulation. (a) 1. For
55 purposes of this section, annual income shall mean the federal adjusted
56 gross income as reported on the New York state income tax return. Total
S. 5856 36 A. 8518

1 annual income means the sum of the annual incomes of all persons who
2 occupy the housing accommodation as their primary residence other than
3 on a temporary basis, excluding bona fide employees of such occupants
4 residing therein in connection with such employment and excluding bona
5 fide subtenants in occupancy pursuant to the provisions of section two
6 hundred twenty-six-b of the real property law. In the case where a hous-
7 ing accommodation is sublet, the annual income of the sublessor shall be
8 considered.

9 2. Deregulation income threshold means total annual income equal to
10 one hundred seventy-five thousand dollars in each of the two preceding
11 calendar years for proceedings commenced prior to July first, two thou-
12 sand eleven. For proceedings commenced on or after July first, two
13 thousand eleven, the deregulation income threshold means the total annu-
14 al income equal to two hundred thousand dollars in each of the two
15 preceding calendar years.

16 3. Deregulation rent threshold means two thousand dollars for
17 proceedings commenced before July first, two thousand eleven. For
18 proceedings commenced on or after July first, two thousand eleven, the
19 deregulation rent threshold means two thousand five hundred dollars.

20 (b) On or before the first day of May in each calendar year, the owner
21 of each housing accommodation for which the maximum rent [~~is two thou-~~
22 ~~sand dollars or more per month~~] equals or exceeds the deregulation rent
23 threshold may provide the tenant or tenants residing therein with an
24 income certification form prepared by the division of housing and commu-
25 nity renewal on which such tenant or tenants shall identify all persons
26 referred to in subdivision (a) of this section and shall certify whether
27 the total annual income is in excess of [~~one hundred seventy-five thou-~~

28 ~~said dollars in each of the two preceding calendar years]~~ the deregulation
29 income threshold in each of the two preceding calendar years.
30 Such income certification form shall state that the income level certi-
31 fied to by the tenant may be subject to verification by the department
32 of taxation and finance pursuant to section one hundred seventy-one-b of
33 the tax law and shall not require disclosure of any income information
34 other than whether the aforementioned threshold has been exceeded. Such
35 income certification form shall clearly state that: (i) only tenants
36 residing in housing accommodations which have a maximum monthly rent [~~of~~
37 ~~two thousand dollars or more per month]~~ that equals or exceeds the
38 deregulation rent threshold are required to complete the certification
39 form; (ii) that tenants have protections available to them which are
40 designed to prevent harassment; (iii) that tenants are not required to
41 provide any information regarding their income except that which is
42 requested on the form and may contain such other information the divi-
43 sion deems appropriate. The tenant or tenants shall return the completed
44 certification to the owner within thirty days after service upon the
45 tenant or tenants. In the event that the total annual income as certi-
46 fied is in excess of [~~one hundred seventy-five thousand dollars in each~~
47 ~~such year]~~ the deregulation income threshold in each of the two preced-
48 ing calendar years, the owner may file the certification with the state
49 division of housing and community renewal on or before June thirtieth of
50 such year. Upon filing such certification with the division, the divi-
51 sion shall, within thirty days after the filing, issue an order of
52 [~~decontrol]~~ deregulation providing that such housing accommodations
53 shall not be subject to the provisions of this law as of the first day
54 of June in the year next succeeding the filing of the certification by
55 the owner. A copy of such order shall be mailed by regular and certified
S. 5856 37 A. 8518

1 mail, return receipt requested, to the tenant or tenants and a copy
2 thereof shall be mailed to the owner.

3 (c) 1. In the event that the tenant or tenants either fail to return
4 the completed certification to the owner on or before the date required
5 by subdivision (b) of this section or the owner disputes the certifi-
6 cation returned by the tenant or tenants, the owner may, on or before
7 June thirtieth of such year, petition the state division of housing and
8 community renewal to verify, pursuant to section one hundred seventy-
9 one-b of the tax law, whether the total annual income exceeds [~~one~~
10 ~~hundred seventy-five thousand dollars in each of the two preceding~~
11 ~~calendar years]~~ the deregulation income threshold in each of the two
12 preceding calendar years. Within twenty days after the filing of such
13 request with the division, the division shall notify the tenant or
14 tenants that such tenant or tenants must provide the division with such
15 information as the division and the department of taxation and finance
16 shall require to verify whether the total annual income exceeds [~~one~~
17 ~~hundred seventy-five thousand dollars in each such year]~~ the deregu-
18 lation income threshold in each of the two preceding calendar years.
19 The division's notification shall require the tenant or tenants to
20 provide the information to the division within sixty days of service
21 upon such tenant or tenants and shall include a warning in bold faced
22 type that failure to respond will result in an order of [~~decontrol]~~
23 deregulation being issued by the division for such housing accommo-
24 dation.

25 2. If the department of taxation and finance determines that the total
26 annual income is in excess of [~~one hundred seventy-five thousand dollars~~
27 ~~in each of the two preceding calendar years]~~ the deregulation income

28 threshold in each of the two preceding calendar years, the division
29 shall, on or before November fifteenth of such year, notify the owner
30 and tenants of the results of such verification. Both the owner and the
31 tenants shall have thirty days within which to comment on such verifica-
32 tion results. Within forty-five days after the expiration of the
33 comment period, the division shall, where appropriate, issue an order of
34 ~~[decontrol]~~ deregulation providing that such housing accommodation shall
35 not be subject to the provisions of this law as of the first day of
36 March in the year next succeeding the filing of the owner's petition
37 with the division. A copy of such order shall be mailed by regular and
38 certified mail, return receipt requested, to the tenant or tenants and a
39 copy thereof shall be sent to the owner.

40 3. In the event the tenant or tenants fail to provide the information
41 required pursuant to paragraph one of this subdivision, the division
42 shall issue, on or before December first of such year, an order of
43 ~~[decontrol]~~ deregulation providing that such housing accommodation shall
44 not be subject to the provisions of this law as of the first day of
45 March in the year next succeeding the last day on which the tenant or
46 tenants were required to provide the information required by such para-
47 graph. A copy of such order shall be mailed by regular and certified
48 mail, return receipt requested, to the tenant or tenants and a copy
49 thereof shall be sent to the owner.

50 4. The provisions of the state freedom of information act shall not
51 apply to any income information obtained by the division pursuant to
52 this section.

53 (d) This section shall apply only to subparagraph (j) of paragraph two
54 of subdivision e of section 26-403 of this ~~[code]~~ chapter.

55 (e) Upon receipt of such order of ~~[decontrol]~~ deregulation pursuant to
56 this section, an owner shall offer the housing accommodation subject to
S. 5856 38 A. 8518

1 such order to the tenant at a rent not in excess of the market rent,
2 which for the purposes of this section means a rent obtainable in an
3 arm's length transaction. Such rental offer shall be made by the owner
4 in writing to the tenant by certified and regular mail and shall inform
5 the tenant that such offer must be accepted in writing within ten days
6 of receipt. The tenant shall respond within ten days after receipt of
7 such offer. If the tenant declines the offer or fails to respond within
8 such period, the owner may commence an action or proceeding for the
9 eviction of such tenant.

10 § 35. Section 26-504.1 of the administrative code of the city of New
11 York, as amended by chapter 116 of the laws of 1997, is amended to read
12 as follows:

13 § 26-504.1 Exclusion of accommodations of high income renters. Upon
14 the issuance of an order by the division, "housing accommodations" shall
15 not include housing accommodations which: (1) are occupied by persons
16 who have a total annual income, as defined in and subject to the limita-
17 tions and process set forth in section 26-504.3 of this chapter, in
18 excess of ~~[one hundred seventy-five thousand dollars per annum]~~ the
19 deregulation income threshold, as defined in section 26-504.3 of this
20 chapter, for each of the two preceding calendar years~~[, as defined in~~
21 ~~and subject to the limitations and process set forth in section 26-504.3~~
22 ~~of this chapter]~~; and (2) have a legal regulated monthly rent ~~[of two~~
23 ~~thousand dollars or more per month]~~ that equals or exceeds the deregu-
24 lation rent threshold, as defined in section 26-504.3 of this chapter.
25 Provided, however, that this exclusion shall not apply to housing accom-
26 modations which became or become subject to this law (a) by virtue of

27 receiving tax benefits pursuant to section four hundred twenty-one-a or
28 four hundred eighty-nine of the real property tax law, except as other-
29 wise provided in subparagraph (i) of paragraph (f) of subdivision two of
30 section four hundred twenty-one-a of the real property tax law, or (b)
31 by virtue of article seven-C of the multiple dwelling law.

32 § 36. Section 26-504.3 of the administrative code of the city of New
33 York, as added by chapter 253 of the laws of 1993, subdivision (b) and
34 paragraphs 1 and 2 of subdivision (c) as amended and subdivision (e) as
35 added by chapter 116 of the laws of 1997, is amended to read as follows:

36 § 26-504.3 High income rent [~~decontrol~~] deregulation. (a) 1. For
37 purposes of this section, annual income shall mean the federal adjusted
38 gross income as reported on the New York state income tax return. Total
39 annual income means the sum of the annual incomes of all persons whose
40 names are recited as the tenant or co-tenant on a lease who occupy the
41 housing accommodation and all other persons that occupy the housing
42 accommodation as their primary residence on other than a temporary
43 basis, excluding bona fide employees of such occupants residing therein
44 in connection with such employment and excluding bona fide subtenants in
45 occupancy pursuant to the provisions of section two hundred twenty-six-b
46 of the real property law. In the case where a housing accommodation is
47 sublet, the annual income of the tenant or co-tenant recited on the
48 lease who will reoccupy the housing accommodation upon the expiration of
49 the sublease shall be considered.

50 2. Deregulation income threshold means total annual income equal to
51 one hundred seventy-five thousand dollars in each of the two preceding
52 calendar years for proceedings commenced before July first, two thousand
53 eleven. For proceedings commenced on or after July first, two thousand
54 eleven, the deregulation income threshold means the total annual income
55 equal to two hundred thousand dollars in each of the two preceding
56 calendar years.

S. 5856

39

A. 8518

1 3. Deregulation rent threshold means two thousand dollars for
2 proceedings commenced before July first, two thousand eleven. For
3 proceedings commenced on or after July first, two thousand eleven, the
4 deregulation rent threshold means two thousand five hundred dollars.

5 (b) On or before the first day of May in each calendar year, the owner
6 of each housing accommodation for which the legal regulated rent [~~is two~~
7 ~~thousand dollars or more per month~~] equals or exceeds the deregulation
8 rent threshold may provide the tenant or tenants residing therein with
9 an income certification form prepared by the division of housing and
10 community renewal on which such tenant or tenants shall identify all
11 persons referred to in subdivision (a) of this section and shall certify
12 whether the total annual income is in excess of [~~one hundred seventy-~~
13 ~~five thousand dollars in each of the two preceding calendar years~~] the
14 deregulation income threshold in each of the two preceding calendar
15 years. Such income certification form shall state that the income level
16 certified to by the tenant may be subject to verification by the depart-
17 ment of taxation and finance pursuant to section one hundred seventy-
18 one-b of the tax law and shall not require disclosure of any income
19 information other than whether the aforementioned threshold has been
20 exceeded. Such income certification form shall clearly state that: (i)
21 only tenants residing in housing accommodations which have a legal regu-
22 lated monthly rent [~~of two thousand dollars or more per month~~], that
23 equals or exceeds the deregulation rent threshold are required to
24 complete the certification form; (ii) that tenants have protections
25 available to them which are designed to prevent harassment; (iii) that

26 tenants are not required to provide any information regarding their
27 income except that which is requested on the form and may contain such
28 other information the division deems appropriate. The tenant or tenants
29 shall return the completed certification to the owner within thirty days
30 after service upon the tenant or tenants. In the event that the total
31 annual income as certified is in excess of [~~one hundred seventy-five~~
32 ~~thousand dollars in each such year~~] the deregulation income threshold in
33 each of the two preceding calendar years, the owner may file the certifi-
34 cation with the state division of housing and community renewal on or
35 before June thirtieth of such year. Upon filing such certification with
36 the division, the division shall, within thirty days after the filing,
37 issue an order providing that such housing accommodation shall not be
38 subject to the provisions of this act upon the expiration of the exist-
39 ing lease. A copy of such order shall be mailed by regular and certified
40 mail, return receipt requested, to the tenant or tenants and a copy
41 thereof shall be mailed to the owner.

42 (c) 1. In the event that the tenant or tenants either fail to return
43 the completed certification to the owner on or before the date required
44 by subdivision (b) of this section or the owner disputes the certifi-
45 cation returned by the tenant or tenants, the owner may, on or before
46 June thirtieth of such year, petition the state division of housing and
47 community renewal to verify, pursuant to section one hundred seventy-
48 one-b of the tax law, whether the total annual income exceeds [~~one~~
49 ~~hundred seventy-five thousand dollars in each of the two preceding~~
50 ~~calendar years~~] the deregulation income threshold in each of the two
51 preceding calendar years. Within twenty days after the filing of such
52 request with the division, the division shall notify the tenant or
53 tenants named on the lease that such tenant or tenants must provide the
54 division with such information as the division and the department of
55 taxation and finance shall require to verify whether the total annual
56 income exceeds [~~one hundred seventy-five thousand dollars in each such~~
S. 5856 40 A. 8518

1 ~~year~~] the deregulation income threshold in each of the two preceding
2 calendar years. The division's notification shall require the tenant or
3 tenants to provide the information to the division within sixty days of
4 service upon such tenant or tenants and shall include a warning in bold
5 faced type that failure to respond will result in an order being issued
6 by the division providing that such housing accommodation shall not be
7 subject to the provisions of this law.

8 2. If the department of taxation and finance determines that the total
9 annual income is in excess of [~~one hundred seventy-five thousand dollars~~
10 ~~in each of the two preceding calendar years~~] the deregulation income
11 threshold in each of the two preceding calendar years, the division
12 shall, on or before November fifteenth of such year, notify the owner
13 and tenants of the results of such verification. Both the owner and the
14 tenants shall have thirty days within which to comment on such verifica-
15 tion results. Within forty-five days after the expiration of the
16 comment period, the division shall, where appropriate, issue an order
17 providing that such housing accommodation shall not be subject to the
18 provisions of this law upon the expiration of the existing lease. A copy
19 of such order shall be mailed by regular and certified mail, return
20 receipt requested, to the tenant or tenants and a copy thereof shall be
21 sent to the owner.

22 3. In the event the tenant or tenants fail to provide the information
23 required pursuant to paragraph one of this subdivision, the division
24 shall issue, on or before December first of such year, an order provid-

25 ing that such housing accommodation shall not be subject to the
26 provisions of this law upon the expiration of the current lease. A copy
27 of such order shall be mailed by regular and certified mail, return
28 receipt requested, to the tenant or tenants and a copy thereof shall be
29 sent to the owner.

30 4. The provisions of the state freedom of information act shall not
31 apply to any income information obtained by the division pursuant to
32 this section.

33 (d) This section shall apply only to section 26-504.1 of this ~~[code]~~
34 chapter.

35 (e) Upon receipt of such order of ~~[decontrol]~~ deregulation pursuant to
36 this section, an owner shall offer the housing accommodation subject to
37 such order to the tenant at a rent not in excess of the market rent,
38 which for the purposes of this section means a rent obtainable in an
39 arm's length transaction. Such rental offer shall be made by the owner
40 in writing to the tenant by certified and regular mail and shall inform
41 the tenant that such offer must be accepted in writing within ten days
42 of receipt. The tenant shall respond within ten days after receipt of
43 such offer. If the tenant declines the offer or fails to respond within
44 such period, the owner may commence an action or proceeding for the
45 eviction of such tenant.

46 § 37. Paragraph (b) of subdivision 3 of section 171-b of the tax law,
47 as amended by chapter 116 of the laws of 1997, is amended to read as
48 follows:

49 (b) The department, when requested by the division of housing and
50 community renewal, shall verify the total annual income of all persons
51 residing in housing accommodations as their primary residence subject to
52 rent regulation and shall notify the commissioner of the division of
53 housing and community renewal as may be appropriate whether the total
54 annual income exceeds ~~[one hundred seventy-five thousand dollars per~~
55 ~~annum in each of the two preceding calendar years]~~ the applicable dereg-
56 ulation income threshold in each of the two preceding calendar years.

S. 5856

41

A. 8518

1 No other information regarding the annual income of such persons shall
2 be provided.

3 § 38. Subparagraph (i) of paragraph (a) of subdivision 2 of section
4 421-a of the real property tax law, as amended by chapter 288 of the
5 laws of 1985, is amended to read as follows:

6 (i) Within a city having a population of one million or more, new
7 multiple dwellings, except hotels, shall be exempt from taxation for
8 local purposes, other than assessments for local improvements, for the
9 tax year or years immediately following taxable status dates occurring
10 subsequent to the commencement and prior to the completion of
11 construction, but not to exceed three such tax years, except for new
12 multiple dwellings the construction of which commenced between January
13 first, two thousand seven, and June thirtieth, two thousand nine, shall
14 have an additional thirty-six months to complete construction and shall
15 be eligible for full exemption from taxation for the first three years
16 of the period of construction; any eligible project that seeks to
17 utilize the six-year period of construction authorized by this section
18 must apply for a preliminary certificate of eligibility within one year
19 of the effective date of the rent act of 2011, provided, however that
20 such multiple dwellings shall be eligible for a maximum of three years
21 of benefits during the construction period, and shall continue to be
22 exempt from such taxation in tax years immediately following the taxable
23 status date first occurring after the expiration of the exemption herein