

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 13

Introduced by Council Members Cornegy, Chin, Constantinides, Cumbo, Eugene, Gentile, Gibson, Johnson, King, Koo, Koslowitz, Mendez, Rose, Rosenthal, Vallone, Cohen, Menchaca, Dromm, Cabrera, Levin, Miller, Kallos, Lancman, Van Bramer, Lander, Ferreras-Copeland and Williams

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring notice to certain tenants enrolled in the senior citizen rent increase exemption or disability rent increase exemption program.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 11-138 to read as follows:

§ 11-138 Notice to senior citizen rent increase exemption and disability rent increase exemption program tenants regarding legal regulated and preferential rents.

a. Definitions. For purposes of this section, the term “preferential rent” means the amount of rent charged to and paid by a tenant that is less than the legal regulated rent.

b. The department of finance shall provide any tenants enrolled in the senior citizen rent increase exemption or disability rent increase exemption program pursuant to section 26-509 with the following information:

- 1. the rent amount on which the benefit calculation is based;*
- 2. an explanation that the benefit calculation is based on the legal regulated rent, except that the benefit calculation may be based on a preferential rent in the following cases: (a) the*

tenant pays a preferential rent pursuant to a written agreement with the landlord that states that the preferential rent will be charged for the life of the tenancy; or (b) the tenant lives in a building that has received a tax credit pursuant to section 42 of the internal revenue code;

3. the legal regulated rent amount;

4. an explanation that the tenant may continue to pay the preferential rent, in accordance with the terms of the lease, even after enrolling in the program; and

5. beginning January 1, 2018, in cases where a tenant who pays a preferential rent submits an initial or renewal application for the senior citizen rent increase exemption or disability rent increase exemption program, the preferential rent amount.

c. 1. The information required pursuant to subdivision b of this section shall be included in any notice issued by the department of finance pertaining to the senior citizen rent increase exemption or disability rent increase exemption program where such notice is related to:

(a) the approval of such application;

(b) the approval of a tenant's application for an apartment benefit transfer;

(c) the approval of a tenant's application for benefit takeover;

(d) any notice of a tax abatement credit adjustment sent to the tenant;

(e) the approval of a tenant's application for a redetermination; and

(f) any other document deemed appropriate by the department of finance.

2. Any such notice shall also include a statement that such tenant can obtain a rent registration history from, and file a complaint of rent overcharge with, the state division of housing and community renewal should such tenant believe his or her landlord has charged or registered more than the regulated rent amount the landlord could lawfully collect from such tenant. Such statement shall also include a telephone number and email address for the state

division of housing and community renewal at which inquiries or complaints regarding rent administration can be received.

d. No later than January 1, 2018, in cases where a tenant who pays a preferential rent submits an initial or renewal application for the senior citizen rent increase exemption or disability rent increase exemption program, the department of finance shall ensure that any computer system or database used by the department of finance for the purpose of maintaining or compiling information about applicants and beneficiaries of the program contains both the legal regulated and preferential rents.

§ 2. This local law takes effect 90 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on January 19, 2016 and approved by the Mayor on February 8, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 13 of 2016, Council Int. No. 798-B of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.