

**LOCAL LAWS**  
**OF**  
**THE CITY OF NEW YORK**  
**FOR THE YEAR 1986**

**No. 52**

Introduced by the Vice-Chairman (Council Member Vallone), Council Members Spigner, De Marco, Dryfoos, McCaffrey, Friedlander and the Council President (Mr. Stein); also Council Members Albanese, Alter, Berman, Castaneira Colon, Clark, Crispino, Dear, DiBrienza, Eisland, Ferrer, Gerges, Greitzer, Harrison, Horwitz, Katzman, Leffler, Maloney, Messinger, Michels, O'Donovan, Pinkett, Povman, Robles, Ward, Williams, Wooten and Molinari.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to increasing income levels to exempt senior citizens from rent increases.**

*Be it enacted by the Council as follows:*

Section one. Subdivision d of Section 26-601 of chapter 7 of title 26 of the administrative code of the city of New York, as last amended by local law ninety-eight of nineteen hundred eighty-five, is hereby amended to read as follows:

d. "Eligible head of the household" means a person or his or her spouse who is sixty-two years of age or older and is entitled to the possession or to the use and occupancy of a dwelling unit and whose income when combined with the income of all other members of the household, does not exceed twelve thousand twenty-five dollars for the taxable period.

Sec. 2. Subparagraph (ii) of paragraph (2) of subdivision m of section 26-405 of chapter 3 of such title, as last amended by local law sixty-three of nineteen hundred eighty-five, is hereby amended to read as follows:

(ii) The aggregate disposable income (as defined by regulation of the department of housing preservation and development) of all members of the household residing in the housing accommodation does not exceed twelve thousand twenty-five dollars per year, after deduction of federal, state and city income and social security taxes; and

Sec. 3. Paragraph (5) of subdivision m of such section, chapter and title as last amended by such local law is hereby amended to read as follows:

(5) A rent exemption order shall be issued to each tenant who applies to the New York City department of housing preservation and development in accordance with its regulations and who is found to be eligible under this subdivision. Such order shall take effect on the first day of the first month after receipt of such application, except that where the aggregate disposable income of all members of the household residing in the housing accommodation is greater than five thousand dollars per year but does not exceed twelve thousand twenty-five dollars per year pursuant to subparagraph (ii) of paragraph two of this subdivision m of this section on orders issued on applications received before July first, nineteen hundred seventy-five, the effective date of such order shall be the later of (1) June thirty, nineteen hundred seventy-four or (2) the last day of the month in which a person becomes an eligible head of household in the housing accommodation in which such person resides at the time of filing the most recent application for a rent exemption order; and further, except that where any other application has been received within ninety days of the issuance of the order increasing the tenant's maximum rent pursuant to paragraph three, four or

six of subdivision (a) of this section, or subparagraph (a), (b), (c) or (1) of paragraph (1) of subdivision (g) of this section or pursuant to court order, whichever is later, the rent exemption order shall without further order take effect as of the effective date of said order increasing the tenant's rent including any retroactive increments collectible pursuant to such orders.

Sect. 4. Subparagraph (ii) of paragraph (2) of subdivision b of section 26-509 of chapter 4 of such title as last amended by such local law is amended to read as follows:

(ii) the aggregate disposable income (as defined by regulation of the department of housing preservation and development) of all members of the household residing in the housing accommodation does not exceed twelve thousand twenty-five dollars per year, after deduction of federal, state and city income and social security taxes.

Sec. 5. This local law shall take effect immediately and shall be retroactive to and shall be deemed to have been in full force and effect on and after August second, nineteen hundred eighty-six. Notwithstanding any inconsistent provision of the administrative code, any person who on August second, nineteen hundred eighty-six would have been eligible for a rent increase exemption order pursuant to such code but for the fact that his or her income exceed the ten thousand five hundred dollar income limitation in effect before the enactment of this local law, and who as a result of the enactment of this local law increasing the maximum income limitation to twelve thousand twenty-five dollars is eligible effective August second, nineteen hundred eighty-six, for such order, may file an application for such order within ninety days of the enactment of this local law, and any such order issued to such applicant shall be effective as of August second, nineteen hundred eighty-six.

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 November 6, 1986, and approved by the Mayor on November 19, 1986.

CARLOS CUEVAS, City Clerk, Clerk of Council.

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CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 52 of 1986, Council Int. No. 681) contains the correct text and:

Received the following vote at the meeting of the New York City Council on November 6, 1986: 34 for, 0 against.

Was approved by the Mayor on November 19, 1986.

Was returned to the City Clerk on November 20, 1986.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.