

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1988**

**No. 67**

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

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to increasing maximum income levels to \$15,000 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 fifty-two of nineteen hundred eighty-six, 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] *fifteen thousand* dollars for the taxable period.

§2. Subparagraph (ii) of paragraph (2) of subdivision m of section 26-405 of chapter 3 of such title, as last amended by such local law 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] *fifteen thousand* dollars per year, after deduction of federal, state and city income and social security taxes; and

§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] *fifteen thousand* 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.

§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] *fifteen thousand* dollars per year, after deduction of federal, state and city income and social security taxes.

§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 the effective date of a state law authorizing such exemption. Notwithstanding any inconsistent provisions of the administrative code, any person who on the effective date of such state law would have been eligible for a rent increase exemption order pursuant to such code but for the fact that his or her income exceeded the twelve thousand twenty five 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 fifteen thousand dollars is eligible as of the effective date of a state law authorizing such exemption, 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 the effective date of such state 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 October 20, 1988, and approved by the Mayor on November 4, 1988.

CARLOS CUEVAS, City Clerk, Clerk of the Council.

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 67 of 1988, Council Int. No. 1093) contains the correct text and:

Received the following vote at the meeting of the New York City Council on October 20, 1988:  
35 for, 0 against

Was approved by the Mayor on November 4, 1988.

Was returned to the City Clerk on November 4, 1988.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel