



Legislation Text

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Int. No. 533

By Council Members Perkins, Baez, Barron, Clarke, Comrie, Lopez, Martinez, Monserrate, Nelson, Quinn, Seabrook, Serrano, Stewart, Vann and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to the maximum collectible rent from a tenant enrolled in the senior citizen rent increase exemption program when the city rent agency issues an order decreasing such rent.

Be it enacted by the Council as follows:

Section 1. Subparagraph (a) of paragraph three of subdivision m of section 26-405 of the administrative code of the city of New York, as amended by chapter 737 of the laws of 1986, is amended to read as follows:

(3)(a) A rent exemption order pursuant to this subdivision shall provide:

(i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, that the landlord may not collect from the tenant to whom it is issued rent at a rate in excess of one-third of the aggregate disposable income, or the maximum collectible rent in effect on December thirty-first of the year preceding the effective date of the order, whichever is greater; or

(ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, that the landlord may not collect from the tenant to whom it is issued rent at a rate in excess of either the maximum allowance for shelter which the head of the household is entitled to receive, or the maximum collectible rent in effect on December thirty-first of the year preceding the effective date of the order, whichever is greater; except,

(iii) that the landlord may collect from the tenants described in items (i) and (ii) of this subparagraph increases in rent pursuant to subparagraphs (d), (e), and (i) of paragraph one of subdivision g of this section[.];

and such order shall further provide

§ 2. Subparagraph (a) of paragraph three of subdivision m of section 26-405 of the administrative code of the city of New York, as amended by chapter 737 of the laws of 1986, is amended by adding a new clause (iv) to read as follows:

(iv) that when the city rent agency issues an order decreasing the maximum collectible rent, such decrease shall be subtracted from the rent payable by the tenant as specified in the exemption order. Until such time that the city rent agency restores the rent decrease, the landlord may not collect from the tenant a sum of rent exceeding the adjusted amount.

§3. Subparagraph (i) of paragraph three of subdivision b of section 26-509 of the administrative code of the city of New York, as amended by chapter 737 of the laws of 1986, is amended to read as follows:

(3) (i) A rent exemption order pursuant to this subdivision shall provide:

(a) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, that the landlord may not collect from the tenant to whom it is issued rent at a rate in excess of either one-third of the aggregate disposable income, or the rent in effect immediately preceding the eligibility date, whichever is greater; or

(b) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, that the landlord may not collect from the tenant to whom it is issued rent at a rate in excess of either the maximum allowance for shelter which the head of the household is entitled to receive, or the rent in effect immediately preceding the eligibility date, whichever is greater; [and]

(c) that the landlord may collect from the tenant increases in rent based on an electrical inclusion adjustment or an increase in dwelling space, services or equipment[.] ; and

§4. Subparagraph (i) of paragraph three of subdivision b of section 26-509 of the administrative code of the city of New York, as amended by chapter 737 of the laws of 1986, is further amended by adding a new clause (d) to read as follows:

(d) that when the city rent agency issues an order decreasing the maximum collectible rent, such

decrease shall be subtracted from the rent payable by the tenant as specified in the exemption order. Until such time that the city rent agency restores the rent decrease, the landlord may not collect from the tenant a sum of rent exceeding the adjusted amount.

§5. This local law shall take effect immediately.

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