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Int. No. 44

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A Local Law to amend the administrative code of the city of New York, in relation to the senior citizen rent increase exemption and the disability rent increase exemption

Be it enacted by the Council as follows:

Section 1. Section 11-137 of the administrative code of the city of New York, as added by local law number 40 for the year 2015, is amended by adding new subdivisions d and e to read as follows:

d. Information System. The department shall develop and maintain a secure citywide system that allows tenants to access their information related to the rent increase exemption programs. A link to such system shall be prominently displayed on the website of the department and any other city agency website that administers such programs. The information presented in such system shall be updated with any applicable changes no less frequently than daily. Such system shall include, but not be limited to, the following functionality:

(1) allowing any tenant who has submitted an application, renewal application or any other application form required by the department or city agency for a rent increase exemption program to view the current status of their application. Such system shall indicate for each individual whether the department or city agency has:

(i) received such tenant's application;

(ii) approved or rejected such application, if applicable, and if rejected, a brief statement of the reason for rejection as well as a list of any missing documents that led the department or city agency to reject the application; and

(iii) mailed or delivered a letter to such tenant containing information regarding the determination to

approve or reject the application, and shall include the ability for such tenant to view an electronic version of the letter.

(2) allowing the tenant to view their benefit status, including but not limited to, for each exemption:

(i) active status, with the inclusion of the date on which the benefit became active, the date by which the tenant must apply to renew the benefit, and the date on which the benefit will become inactive; and

(ii) inactive status, with a brief explanation of what this status means and why the benefit is categorized as such, as well as information on how the tenant can restore the benefit to active status.

(3) allowing the tenant to view, if applicable, any documents such tenant has submitted to the department or city agency, or that the department or city agency has submitted to such tenant, including the date on which such document was received by the department or city agency or submitted to such tenant;

(4) providing any tenant with the option to receive written or electronic alerts including, but not limited to, notification of a change in their exemption status; and

(5) allowing the tenants to access existing online resources including, but not limited to, resources allowing such property owner to:

(i) submit an initial application, a renewal application and any other form other than an application or renewal application form;

(ii) update tenant or household information; and

(iii) submit questions regarding the rent increase exemption programs.

e. Outreach. The department shall, to the extent practicable, contact by telephone or electronic mail any person who (i) has registered their telephone number or electronic mail address with the department and (ii) has received the notice described in subdivision b of this section. Any such contact shall be made within a time period reasonably proximate to the mailing of such notice.

§ 2. Paragraph (9) of subdivision m of section 26-405 administrative code of the city of New York, as amended by local law number 44 for the year 2009, is amended to read as follows:

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(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to aggregate disposable income which existed at the time of the approval of such eligible head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (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, less than one-third of the aggregate disposable income unless such head of the household has been granted a rent exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income

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resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency as the mayor shall designate made on or after October tenth, two thousand five. For purposes of this paragraph, "adjusted rent" shall mean maximum rent less the amount set forth in a rent exemption order.

§ 3. Paragraph (9) of subdivision b of section 26-509 administrative code of the city of New York, as amended by chapter 553 of the laws of 2015, is amended to read as follows:

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to aggregate disposable income which existed at the time of approval of such head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of adjusted rent be redetermined to be (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, less than one-third of the aggregate disposable income unless such head of the household has been granted a rent exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to such law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to the social services law. For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home;

(iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency as the mayor shall designate made on or after October tenth, two thousand five. For purposes of this paragraph, "adjusted rent" shall mean legal regulated rent less the amount set forth in a rent exemption order.

§ 4. Subdivision d of section 26-605 administrative code of the city of New York, as amended by chapter 553 of the laws of 2015, is amended to read as follows:

(d) Notwithstanding any other provision of law to the contrary, where an eligible head of the household holds a current, valid rent increase exemption order/tax abatement certificate and, after the effective date of this subdivision, there is a permanent decrease in income in an amount which exceeds twenty percent of such income as represented in such eligible head of household's last approved application for a rent increase exemption order/tax abatement certificate or for renewal thereof, such eligible head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to income which existed at the time of approval of such eligible head of the household's last application for a rent increase exemption order/tax abatement certificate or for renewal

thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of an eligible head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of income unless such head of the household qualifies as a person with a disability pursuant to section 26-617 of this chapter and has been granted a rent increase exemption order/tax abatement certificate that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of an eligible head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such eligible head of the household is entitled to receive pursuant to law. For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income. For purposes of this subdivision, a decrease in income shall not include any decrease in income resulting from the manner in which income is calculated pursuant to any amendment to paragraph f of subdivision one of section four hundred sixty-seven-c of the real property tax law or an amendment to subdivision f of section 26-601 of this code made on or after April first, nineteen hundred eighty-seven. For purposes of this subdivision, “adjusted rent” shall mean maximum rent less the amount set forth in a rent increase exemption order/tax abatement certificate.

§ 5. This local law takes effect 120 days after it becomes law, except that the administering agency shall take such measures as are necessary for the implementation of this local law, including the promulgation of

rules, before such date.

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