

vote than otherwise would be required by law."

## ARTICLE VII

### Indemnification

Section 1. In Actions by or in the Right of Corporation: Any person made a party to an action by or in the right of the Corporation to procure a judgment in its favor by reason of the fact that he, his testator or intestate is or was a director or officer of the Corporation shall be indemnified by the Corporation against the reasonable expenses, including attorneys' fees, actually and necessarily incurred by him, in connection with the defense of such action, or in connection with an appeal therein, except in relation to matters as to which such director or officer is adjudged to have breached his duty to the Corporation under Section 717 of the Business Corporation Law and except with respect to those amounts and expenses referred to in Paragraph (b) of Section 722 of the Business Corporation Law.

Section 2. In Other Actions or Proceedings: Any person made, or threatened to be made, a party to an action or proceeding other than one by or in the right of the Corporation to procure a judgment in its favor, whether civil or criminal, brought to impose a liability or penalty on such person for an act alleged to have been committed by such person, his testator or intestate, as a director or officer of the Corporation, or of any other corporation which he served as such at the request of the Corporation, shall be indemnified by the Corporation against judgments, fines, amounts paid in settlement and reasonable expenses, including attorneys' fees, actually and necessarily incurred as a result of such action or proceeding, or any appeal therein, if such director or officer acted in good faith, for a purpose which he reasonably believed to be in the best interest of the Corporation and, in criminal actions or proceedings, in addition, had no reasonable cause to believe that his conduct was unlawful.

The termination of any such civil or criminal action or proceeding by judgment, settlement, conviction or upon a plea of nolo contendere, or its equivalent, shall not in itself create a presumption that any such director or officer did not act in good faith for a purpose which he reasonably believed to be in the best interests of the Corporation or that he had reasonable cause to believe that his conduct was unlawful.

Section 3. Other Provisions: Nothing contained in this Article VII shall limit any right to indemnification to which

any director or any officer may be entitled by contract or under any laws now or hereinafter enacted.

## ARTICLE VIII

### Seal

Section 1. The seal of the Corporation shall be circular in form and have inscribed thereon the name of the Corporation, the year of its organization and the words "Corporate Seal" and "New York".

## ARTICLE IX

### Negotiable Instruments

Section 1. All checks, drafts, orders for payment of money and negotiable instruments shall be signed by such officer or officers or employee or employees as the Board of Directors may from time to time, by standing resolution or special order, prescribe.

Section 2. Endorsements or transfers of shares, bonds, or other securities shall be signed by the president or any vice president and by the treasurer or an assistant treasurer or the secretary or an assistant secretary unless the Board of Directors, by special resolution in one or more instances, prescribe otherwise.

Section 3. Safe Deposit Boxes: Such officer or officers as from time to time shall be designated by the Board of Directors shall have access to any safe deposit box of the Corporation in the vault of any safe deposit company.

Section 4. Securities: Such officer or officers as from time to time shall be designated by the Board of Directors shall have power to control and direct the disposition of any bonds or other securities or property of the Corporation deposited in the custody of any trust company, bank or other custodian.

## ARTICLE X

### Fiscal Year

Section 1. The fiscal year of the Corporation shall be the calendar year unless otherwise determined by resolution of the Board of Directors.

## ARTICLE XI

### Sale, Lease, Demolition or Disposition of Property

Section 1. No decision to demolish or reconstruct the building standing on the land owned by the Corporation, or to sell or exchange the Corporation's fee simple interest therein, or to lease the buildings in their entirety or substantially in their entirety, shall be made except upon the affirmative vote of the holders of two-thirds of the shares of the Corporation then issued and outstanding. Notwithstanding the foregoing, the sale, exchange, lease or other disposition of the property owned by the Corporation after the termination of all of the proprietary leases which are made by the Corporation shall be determined by the affirmative vote of the holders of a majority of the shares of the Corporation then issued and outstanding.

## ARTICLE XII

### Amendments

Section 1. By the Shareholders: These By-laws may be amended, altered, repealed or added to at any shareholders' meeting by vote of shareholders of record, present in person or by proxy, of at least two-thirds of the then outstanding capital shares, provided that the proposed amendment or the substance thereof has been inserted in the notice of meeting or that all of the shareholders are present in person or by proxy.

Section 2. By the Directors: The Board of Directors may, by a vote of two-thirds of the then authorized total number of directors at any meeting (regular or special) of such Board, make, alter, amend, or repeal these By-laws, other than Article II, Section 5; Article III, Sections 1, 7 and 12; Article V, Sections 1, 4 and 7; Article VI, Sections 1, 4 and 5; and Article XI; provided, however, that the proposed amendment or the substance thereof shall have been contained in the notice of said meeting or that all directors shall be present in person, and provided, further, that the Board of Directors may not repeal or modify an amendment to these By-laws adopted by the shareholders pursuant to Section 1 of this Article XII.

## ARTICLE XIII

### Miscellaneous

Section 1. Salaries: No salary or other compensation for services shall be paid to any director or officer of the

Corporation for services rendered as such director or officer unless and until the same shall have been authorized in writing or by affirmative vote, taken at a duly held meeting of shareholders, by shareholders owning at least a majority of the then outstanding shares of the Corporation.

Section 2. Definitions: Any term not defined herein shall have the meaning given such term in the Proprietary Lease.

DOCUMENT NO. 6

GENERAL BUSINESS LAW SECTION 352-eeee

Section 352-eeee. Conversions to cooperative or condominium ownership in the City of New York.

1. As used in this section, the following words and terms shall have the following meanings:

(a) "Plan". Every offering statement or prospectus submitted to the department of law pursuant to Section 352-eeee of this article for the conversion of a building or group of buildings or development from residential rental status to cooperative or condominium ownership or other form of cooperative interest in realty, other than an offering statement or prospectus for such conversion pursuant to Article II, VIII or XI of the Private Housing Finance Law.

(b) "Non-eviction plan". A plan which may not be declared effective until written purchase agreements have been executed and delivered for at least fifteen percent of all dwelling units in the building or group of buildings or development by bona fide tenants in occupancy or bona fide purchasers who represent that they intend that they or one or more members of their immediate family intend to occupy the unit when it becomes vacant. As to tenants who were in occupancy on the date a letter was issued by the attorney general accepting the plan for filing, the purchase agreement shall be executed and delivered pursuant to an offering made in good faith without fraud and discriminatory repurchase agreements or other discriminatory inducements.

(c) "Eviction plan". A plan which, pursuant to the provisions of this section, can result in the eviction of a non-purchasing tenant by reason of the tenant failing to purchase pursuant thereto, and which may not be declared effective until at least fifty-one percent of the bona fide tenants in occupancy of all dwelling units in the building or group of buildings or development on the date the offering statement or prospectus was accepted for filing by the attorney general (excluding, for the purposes of determining the number of bona fide tenants in occupancy on such date, eligible senior citizens and eligible disabled persons) shall have executed and delivered written agreements to purchase under the plan pursuant to an offering made in good faith without fraud and with no discriminatory repurchase agreements or other discriminatory inducements.



(d) "Purchaser under the Plan". A person who owns the shares allocated to a dwelling unit or who owns such dwelling unit itself.

(e) "Non-purchasing tenant". A person who has not purchased under the plan and who is a tenant entitled to possession at the time the plan is declared effective or a person to whom a dwelling unit is rented subsequent to the effective date. A person who sublets a dwelling unit from a purchaser under the plan shall not be deemed a non-purchasing tenant.

(f) "Eligible senior citizens". Non-purchasing tenants who are sixty-two years of age or older on the date the attorney general has accepted the plan for filing, and the spouses of any such tenants on such date, and who have elected, within sixty days of the date the attorney general has accepted the plan for filing, on forms promulgated by the attorney general and presented to such tenants by the offeror, to become non-purchasing tenants under the provisions of this section; provided that such election shall not preclude any such tenant from subsequently purchasing the dwelling unit on the terms then offered to tenants in occupancy.

(g) "Eligible disabled persons". Non-purchasing tenants who have an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment on the date the attorney general has accepted the plan for filing, and the spouses of any such tenants on such date, and who have elected, within sixty days of the date the attorney general has accepted the plan for filing, on forms promulgated by the attorney general and presented to such tenants by the offeror, to become non-purchasing tenants under the provisions of this section; provided, however, that if the disability first occurs after acceptance of the plan for filing, then such election may be made within sixty days following the onset of such disability unless during the period subsequent to sixty days following the acceptance of the plan for filing but prior to such election, the offeror accepts a written agreement to purchase the apartment from a bona fide purchaser; and provided further that such election shall not preclude any such tenant from subsequently purchasing the dwelling unit or the shares allocated thereto on the terms then offered to tenants in occupancy.

2. The attorney general shall refuse to issue a letter stating that the offering statement or prospectus required in subdivision one of Section 352-eeee of this chapter has been filed whenever it appears that the offering statement

or prospectus offers for sale residential cooperative apartments or condominium units pursuant to a plan unless:

(a) The plan provides that it will be deemed abandoned, void and of no effect if it does not become effective within fifteen months from the date of issue of the letter of the attorney general stating that the offering statement or prospectus has been accepted for filing and, in the event of such abandonment, no new plan for the conversion of such building or group of buildings or development shall be submitted to the attorney general for at least twelve months after such abandonment.

(b) The plan provides either that it is an eviction plan or that it is a non-eviction plan.

(c) The plan provides, if it is a non-eviction plan, as follows:

(i) The plan may not be declared effective until written purchase agreements have been executed and delivered for at least fifteen percent of all dwelling units in the building or group of buildings or development subscribed for by bona fide tenants in occupancy or bona fide purchasers who represent that they intend that they or one or more members of their immediate family occupy the dwelling unit when it becomes vacant. As to tenants who were in occupancy on the date a letter was issued by the attorney general accepting the plan for filing, the purchase agreement shall be executed and delivered pursuant to an offering made without discriminatory repurchase agreements or other discriminatory inducements.

(ii) No eviction proceedings will be commenced at any time against non-purchasing tenants for failure to purchase or any other reason applicable to expiration of tenancy; provided that such proceedings may be commenced for non-payment of rent, illegal use or occupancy of the premises, refusal of reasonable access to the owner or a similar breach by the non-purchasing tenant of his obligations to the owner of the dwelling unit or the shares allocated thereto; and provided further that an owner of a unit or of the shares allocated thereto may not commence an action to recover possession of a dwelling unit from a non-purchasing tenant on the grounds that he seeks the dwelling unit for the use and occupancy of himself or his family.

(iii) Non-purchasing tenants who reside in dwelling units subject to government regulation as to rentals and continued occupancy prior to the conversion of the building or group of buildings or development to cooperative or condominium ownership shall continue to be subject thereto.

(iv) The rentals of non-purchasing tenants who reside in dwelling units not subject to government regulation as to rentals and continued occupancy and non-purchasing tenants who reside in dwelling units with respect to which government regulation as to rentals and continued occupancy is eliminated or becomes inapplicable after the plan has been accepted for filing by the attorney general shall not be subject to unconscionable increases beyond ordinary rentals for comparable apartments during the period of their occupancy. In determining comparability, consideration shall be given to such factors as building services, level of maintenance and operating expenses.

(v) The plan may not be amended at any time to provide that it shall be an eviction plan.

(vi) The rights granted under the plan to purchasers under the plan and to non-purchasing tenants may not be abrogated or reduced notwithstanding any expiration of, or amendment to, this section.

(vii) After the issuance of the letter from the attorney general stating that the offering statement or prospectus required in subdivision one of Section 352-eeee of this Article has been filed, the offeror shall, on the thirtieth, sixtieth, eighty-eighth and ninetieth day after such date and at least once every thirty days until the plan is declared effective or is abandoned, as the case may be, and on the second day before the expiration of any exclusive purchase period provided in a substantial amendment to the plan, (1) file with the attorney general a written statement, under oath, setting forth the percentage of the dwelling units in the building or group of buildings or development subscribed for by bona fide tenants in occupancy or bona fide purchasers who represent that they intend that they or one or more members of their immediate family occupy the dwelling unit when it becomes vacant as of the date of such statement and, (2) before noon on the day such statement is filed post a copy of such statement in a prominent place accessible to all tenants in each building covered by the plan.

(d) The plan provides, if it is an eviction plan, as follows:

(i) The plan may not be declared effective unless at least fifty-one percent of the bona fide tenants in occupancy of all dwelling units in the building or group of buildings or development on the date the offering statement or prospectus was accepted for filing by the attorney general (excluding, for the purposes of determining the number of bona fide tenants in occupancy on such date, eligible senior citizens and eligible disabled persons) shall have executed and



delivered written agreements to purchase under the plan pursuant to an offering made in good faith without fraud and with no discriminatory repurchase agreements or other discriminatory inducements.

(ii) No eviction proceedings will be commenced against a non-purchasing tenant for failure to purchase or any other reason applicable to expiration of tenancy until the later to occur of (1) the date which is the expiration date provided in such non-purchasing tenant's lease or rental agreement, and (2) the date which is three years after the date on which the plan is declared effective. Non-purchasing tenants who reside in dwelling units subject to government regulation as to rentals and continued occupancy prior to conversion shall continue to be subject thereto during the period of occupancy provided in this paragraph. Thereafter, if a tenant has not purchased, he may be removed by the owner of the dwelling unit or the shares allocated to such dwelling unit.

(iii) No eviction proceedings will be commenced, except as hereinafter provided, at any time against either eligible senior citizens or eligible disabled persons. The rentals of eligible senior citizens and eligible disabled persons who reside in dwelling units not subject to government regulation as to rentals and continued occupancy and eligible senior citizens and eligible disabled persons who reside in dwelling units with respect to which government regulation as to rentals and continued occupancy is eliminated or becomes inapplicable after the plan has been accepted for filing shall not be subject to unconscionable increases beyond ordinary rentals for comparable apartments during the period of their occupancy considering comparability, such factors as building services, level of maintenance and operating expenses; provided that such proceedings may be commenced against such tenants for non-payment of rent, illegal use or occupancy of the premises, refusal of reasonable access to the owner or a similar breach by the tenant of his obligations to the owner of the dwelling unit or the shares allocated thereto.

(iv) Eligible senior citizens and eligible disabled persons who reside in dwelling units subject to government regulation as to rentals and continued occupancy shall continue to be subject thereto.

(v) The rights granted under the plan to eligible senior citizens and eligible disabled persons may not be abrogated or reduced notwithstanding any expiration of, or amendment to, this section.

(vi) Any offeror who disputes the election by a person to be an eligible senior citizen or an eligible dis-

abled person must apply to the attorney general within thirty days of the receipt of the election forms for a determination by the attorney general of such person's eligibility. The attorney general shall, within thirty days thereafter, issue his determination of eligibility. The foregoing shall, in the absence of fraud, be the sole method for determining a dispute as to whether a person is an eligible senior citizen or an eligible disabled person. The determination of the attorney general shall be reviewable only through a proceeding under Article 78 of the civil practice law and rules, which proceeding must be commenced within thirty days after such determination by the attorney general becomes final.

(vii) After the issuance of the letter from the attorney general stating that the offering statement or prospectus required in subdivision one of Section 352-eeee of this Article has been accepted for filing, the offeror shall, on the thirtieth, sixtieth, eighty-eighth and ninetieth days after such date and at least once every thirty days until the plan is declared effective or abandoned, as the case may be, and on the second day before the expiration of any exclusive purchase period provided in a substantial amendment to the plan, (1) file with the attorney general a written statement, under oath, setting forth the percentage of bona fide tenants in occupancy of all dwelling units in the building or group of buildings or development on the date the offering statement or prospectus was accepted for filing by the attorney general who have executed and delivered written agreements to purchase under the plan as of the date of such statement, and (2) before noon on the day such statement is filed post a copy of such statement in a prominent place accessible to all tenants in each building covered by the plan.

(viii) If the plan is amended before it is declared effective to provide that it shall be a non-eviction plan, any person who has agreed to purchase under the plan prior to such amendment shall have a period of thirty days after receiving written notice of such amendment to revoke his agreement to purchase under the plan.

(ix) The tenants in occupancy on the date the attorney general accepts the plan for filing shall have the exclusive right to purchase their dwelling units or the shares allocated thereto for ninety days after the plan is accepted for filing by the attorney general, during which time a tenant's dwelling unit shall not be shown to a third party unless he has, in writing, waived his right to purchase; subsequent to the expiration of such ninety-day period, a tenant in occupancy of a dwelling unit who has not purchased shall be given the exclusive right for an additional period of six months from said expiration date to purchase said dwelling unit or the shares allocated thereto on the same terms and conditions

as are contained in an executed contract to purchase said dwelling unit or shares entered into by a bona fide purchaser, such exclusive right to be exercisable within fifteen days from the date of mailing by registered mail of notice of the execution of a contract of sale together with a copy of said executed contract to said tenant.

(e) The attorney general finds that an excessive number of long-term vacancies did not exist on the date that the offering statement or prospectus was first submitted to the department of law. "Long-term vacancies" shall mean dwelling units not leased or occupied by bona fide tenants for more than five months prior to the date of such submission to the department of law. "Excessive" shall mean a vacancy rate in excess of the greater of (i) ten percent and (ii) a percentage that is double the normal average vacancy rate for the building or group of buildings or development for two years prior to the January preceding the date the offering statement or prospectus was first submitted to the department of law.

(f) The attorney general finds that, following the submission of the offering statement or prospectus to the department of law, each tenant in the building or group of buildings or development was provided with a written notice stating that such offering statement or prospectus has been submitted to the department of law for filing. Such notice shall be accompanied by a copy of the offering statement or prospectus and a statement that the statements submitted pursuant to subparagraph (vii) of paragraph (c) or subparagraph (vii) of paragraph (d) of this subdivision, whichever is applicable, will be available for inspection and copying at the office of the department of law where the submission was made and at the office of the offeror or a selling agent of the offeror. Such notice shall also be accompanied by a statement that tenants or their representatives may physically inspect the premises at any time subsequent to the submission of the plan to the department of law, during normal business hours, upon written request made by them to the offeror, provided such representatives are registered architects or professional engineers licensed to practice in the State of New York. Such notice shall be sent to each tenant in occupancy on the date the plan is first submitted to the department of law.

3. All dwelling units occupied by non-purchasing tenants shall be managed by the same managing agent who manages all other dwelling units in the building or group of buildings or development. Such managing agent shall provide to non-purchasing tenants all services and facilities required by law on a non-discriminatory basis. The offeror shall guarantee the obligation of the managing agent to provide all such services and facilities until such time as the offeror surrenders control to the board of directors or board of managers.

4. It shall be unlawful for any person to engage in any course of conduct, including, but not limited to, interruption or discontinuance of essential services, which substantially interferes with or disturbs the comfort, repose, peace or quiet of any tenant in his use or occupancy of his dwelling unit or the facilities related thereto. The attorney general may apply to a court of competent jurisdiction for an order restraining such conduct and, if he deems it appropriate, an order restraining the owner from selling the shares allocated to the dwelling unit or the dwelling unit itself or from proceeding with the plan of conversion; provided that nothing contained herein shall be deemed to preclude the tenant from applying on his own behalf for similar relief.

5. Any local legislative body may adopt local laws and any agency, officer or public body may prescribe rules and regulations with respect to the continued occupancy by tenants of dwelling units which are subject to regulation as to rentals and continued occupancy pursuant to law, provided that in the event that any such local law, rule or regulation shall be inconsistent with the provisions of this section, the provisions of this section shall control.

6. Any provision of a lease or other rental agreement which purports to waive a tenant's rights under this section or rules and regulations promulgated pursuant hereto shall be void as contrary to public policy.

7. The provisions of this section shall only be applicable in the City of New York.



**APPLICABLE EXCERPTS FROM THE  
RENT CONTROL LAW AND REGULATIONS**

**Rent Control Law**

**§ 751-6.0 - Evictions:**

a. No tenant, so long as he continues to pay the rent to which the landlord is entitled, shall be removed from any housing accommodation which is subject to rent control under this title by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession notwithstanding the fact that the tenant has no lease or that his lease, or other rental agreement, has expired or otherwise terminated, notwithstanding any contract, lease agreement, or obligation heretofore or hereafter entered into which provides for surrender of possession, or which otherwise provides contrary hereto, except on one or more of the following grounds, or unless the landlord has obtained a certificate of eviction pursuant to subdivision b of this section:

(7) The eviction is sought by the owner of a dwelling unit or the shares allocated thereto where such dwelling unit is located in a structure owned as a cooperative or as a condominium and an offering prospectus for the conversion of such structure pursuant to an eviction plan shall have been submitted to the attorney general pursuant to section three hundred fifty-two-eeee of the general business law and accepted for filing by the attorney general, and been declared effective in accordance with such law, and any right of continued occupancy granted by such law to a non-purchasing tenant in occupancy of such dwelling unit shall have expired; provided that the owner of the dwelling unit or the shares allocated thereto seeks in good faith to recover possession of a dwelling unit for his own personal use and occupancy or for the use and occupancy of his immediate family.  
[Added L 1982, ch 555, eff July 20, 1982, and to remain in force only so long as the public emergency requiring the regulation and control of residential rents and evictions continues as provided in Local Emergency Housing Control Act §1, subd 3.]

Rent Control Regulations:

Section 54:

g. The eviction is sought by the owner of a dwelling unit or the shares allocated thereto where such dwelling unit is located in a structure owned as a cooperative or as a condominium and an offering prospectus for the conversion of such structure pursuant to an eviction plan shall have been submitted to and accepted for filing by the Attorney General and declared effective in accordance with Section 352-eeee of the General Business Law provided that:

(1) no eviction proceedings under paragraph g of this section commenced against a non-purchasing tenant who is either an eligible senior citizen or an eligible disabled person as defined in accordance with Section 352-eeee of the General Business Law;

(2) no eviction proceeding under paragraph g of this section shall be commenced against a non-purchasing tenant in occupancy of a dwelling unit until

(a) such tenant's lease or rental agreement has expired or

(b) three years after the eviction plan has been declared effective in accordance with Section 352-eeee of the General Business Law, whichever is later;

(3) the owner of such dwelling unit or the shares allocated thereto seeks in good faith to recover possession of a dwelling unit for his own personal use and occupancy or for the use and occupancy of his immediate family; and

(4) the eviction plan was accepted for filing by the Attorney General on or after July 21, 1982.

Section 55:

g. No certificate of eviction shall be issued under this Section 55 of these Regulations where the offering plan for conversion to cooperative or condominium ownership was accepted for filing by the Attorney General on or after July 21, 1982 in accordance with Section 352-eeee of the General Business Law.

DOCUMENT NO. 8

APPLICABLE EXCERPTS FROM THE RENT  
STABILIZATION LAW OF 1969, AS AMENDED,  
EFFECTIVE JULY 1, 1982, AND THE CODE OF  
THE REAL ESTATE INDUSTRY RENT STABILIZATION  
ASSOCIATION OF NEW YORK CITY, INC.

§YY51-3.0 Application:

This law shall apply to:

a. Class A multiple dwellings not owned as a cooperative or as a condominium, except as provided in section three hundred fifty-two-eeee of the general business law, containing six or more dwelling units which: ...

c. Buildings or structures, not owned as a cooperative or as a condominium, except as provided in section three hundred fifty-two-eeee of the general business law, ...

§YY51-6.0 Real Estate Industry Stabilization Association [as am L 1983, ch 403, §9, eff April 1, 1984] ...

c. A code shall not be approved unless it appears to the department of housing preservation and development that such code ...

(9-a) provides that where an owner has submitted to and the attorney general has accepted for filing an offering plan to convert the building to cooperative or condominium ownership and the owner has presented the offering plan to the tenants in occupancy, any renewal or vacancy lease may contain a provision that if a building is converted to cooperative or condominium ownership pursuant to an eviction plan, as provided in section three hundred fifty-two-eeee of the general business law, the lease may only be cancelled upon the expiration of three years after the plan has been declared effective, and upon ninety days notice to the tenant that such period has expired or will be expiring.

Sections of the Code of the Real Estate Industry Stabilization Association of New York City, Inc. (commonly known as the Rent Stabilization Code) which were formerly applicable to cooperative conversions have not been reprinted as an Exhibit to this offering Plan. When the New York State General Business Law § 352-eeee and the New York City Rent Stabilization Law, New York Unconsolidated Law § YY51-6.0, were amended in 1982 (L. 1982, c.555), the Rent Stabilization Code was also to be amended to be consistent with the changes in GBL § 352-eeee. As of this date, the Code has not been amended. Upon the promulgation of applicable regulations under the Rent Stabilization Law, this Plan will be amended to include a copy of such regulations.



APPLICABLE EXERPTS FROM THE 1983 OMNIBUS HOUSING ACT  
AND CHAPTER 234 OF THE 1984 SESSION LAWS OF NEW YORK

Rent Registration

The Rent Stabilization Law is amended by  
adding a new section YY51-6.0.6 to read as follows:

- 37 § YY51-6.0.6 Rent registration.--a. Each housing accommodation which  
38 is subject to this law shall be registered by the owner thereof with the  
39 state division of housing and community renewal prior to July first,  
40 nineteen hundred eighty-four upon forms prescribed by the commissioner.  
41 The data to be provided on such forms shall include the following: (1)  
42 the name and address of the building or group of buildings or develop-  
43 ment in which such housing accommodation is located and the owner and  
44 the tenant thereof; (2) the number of housing accommodations in the bu-  
45 ilding or group of buildings or development in which such housing accom-  
46 modation is located; (3) the number of housing accommodations in such  
47 building or group of buildings or development subject to this code and  
48 the number of such housing accommodations subject to the local emergency  
49 housing rent control act; (4) the rent charged on the registration date;  
50 (5) the number of rooms in such housing accommodation; and (6) all ser-  
51 vices provided on the date that the housing accommodation became subject  
52 to this law.
- 53 b. Registration pursuant to this section shall not be subject to the  
54 freedom of information law provided that registration information rela-  
1 tive to a tenant, owner, lessor or subtenant shall be made available to  
2 such party or his authorized representative.
- 3 c. Housing accommodations which become subject to this law after the  
4 initial registration period must be registered within ninety days  
5 thereafter. Registration of housing accommodations subject to the local  
6 emergency housing rent control act immediately prior to the date of ini-  
7 tial registration as provided in this section shall include, in addi-  
8 tion to the items listed above, where existing, the maximum base rent  
9 immediately prior to the date that such housing accommodations become  
10 subject to this law.
- 11 d. Copies of the registration shall be filed with the state division  
12 of housing and community renewal in such place or places as it may  
13 require. In addition, one copy of that portion of the registration  
14 statement which pertains to the tenant's unit must be mailed by the ow-  
15 ner to the tenant in possession at the time of initial registration or  
16 to the first tenant in occupancy if the apartment is vacant at the time  
17 of initial registration.
- 18 e. The failure to file a proper and timely initial or annual rent reg-  
19 istration statement shall, until such time as such registration is  
20 filed, bar an owner from applying for or collecting any rent in excess  
21 of the legal regulated rent in effect on the date of the last preceding  
22 registration statement or if no such statements have been filed, the  
23 legal regulated rent in effect on the date that the housing accommoda-  
24 tion became subject to the registration requirements of this section.  
25 The filing of a late registration shall result in the prospective elimi-  
26 nation of such sanctions.
- 27 f. An annual statement shall be filed containing the current rent for  
28 each unit and such other information contained in subdivision a of this  
29 section as shall be required by the division. The owner shall provide  
30 each tenant then in occupancy with a copy of that portion of such annual  
31 statement as pertains to the tenant's unit.

"Roommates"

Real Property Law is amended by adding a new section 235-f to read as follows:

7     § 235-f. Unlawful restrictions on occupancy. 1. As used in this sec-  
8     tion, the terms:

9     (a) "Tenant" means a person occupying or entitled to occupy a residen-  
10    tial rental premises who is either a party to the lease or rental  
11    agreement for such premises or is a statutory tenant pursuant to the  
12    emergency housing rent control law or the city rent and rehabilitation  
13    law or article seven-c of the multiple dwelling law.

14    (b) "Occupant" means a person, other than a tenant or a member of a  
15    tenant's immediate family, occupying a premises with the consent of the  
16    tenant or tenants.

17    2. It shall be unlawful for a landlord to restrict occupancy of resi-  
18    dential premises, by express lease terms or otherwise, to a tenant or  
19    tenants or to such tenants and immediate family. Any such restriction in  
20    a lease or rental agreement entered into or renewed before or after the  
21    effective date of this section shall be unenforceable as against public  
22    policy.

23    3. Any lease or rental agreement for residential premises entered into  
24    by one tenant shall be construed to permit occupancy by the tenant, im-  
25    mediate family of the tenant, one additional occupant, and dependent  
26    children of the occupant.

27    4. Any lease or rental agreement for residential premises entered into  
28    by two or more tenants shall be construed to permit occupancy by ten-  
29    ants, immediate family of tenants, occupants and dependent children of  
30    occupants; provided that the total number of tenants and occupants, ex-  
31    cluding occupants' dependent children, does not exceed the number of  
32    tenants specified in the current lease or rental agreement, and that at  
33    least one tenant or a tenants' spouse occupies the premises as his pri-  
34    mary residence.

35    5. The tenant shall inform the landlord of the name of any occupant  
36    within thirty days following the commencement of occupancy by such per-  
37    son or within thirty days following a request by the landlord.

38    6. No occupant nor occupant's dependent child shall, without express  
39    written permission of the landlord, acquire any right to continued occu-  
40    pancy in the event that the tenant vacates the premises or acquire any  
41    other rights of tenancy; provided that nothing in this section shall be  
42    construed to reduce or impair any right or remedy otherwise available to  
43    any person residing in any housing accommodation on the effective date  
44    of this section which accrued prior to such date.

45    7. Any provision of a lease or rental agreement purporting to waive a  
46    provision of this section is null and void.

47    8. Nothing in this section shall be construed as invalidating or im-  
48    pairing the operation of, or the right of a landlord to restrict occu-  
49    pancy in order to comply with federal, state or local laws, regulations,  
50    ordinances or codes.

51    9. Any person aggrieved by a violation of this section may maintain an  
52    action in any court of competent jurisdiction for:

53    (a) an injunction to enjoin and restrain such unlawful practice;

54    (b) actual damages sustained as a result of such unlawful practice;  
55    and

1    (c) court costs.

## Assignment and Subleasing

Real Property Law section 226-b is amended to read as follows:

- 30 § 226-b. Right to sublease or assign. 1. Unless a greater right to as-  
31 sign is conferred by the lease, a tenant renting a residence may not as-  
32 sign his lease without the written consent of the owner, which consent  
33 may be unconditionally withheld without cause provided that the owner  
34 shall release the tenant from the lease upon request of the tenant upon  
35 thirty days notice if the owner unreasonably withholds consent which  
36 release shall be the sole remedy of the tenant. If the owner reasonably  
37 withholds consent, there shall be no assignment and the tenant shall not  
38 be released from the lease.
- 39 2. (a) A tenant renting a residence pursuant to an existing lease in a  
40 dwelling having four or more residential units shall have the right to  
41 sublease his premises subject to the written consent of the landlord in  
42 advance of the subletting. Such consent shall not be unreasonably  
43 withheld.
- 44 (b) The tenant shall inform the landlord of his intent to sublease by  
45 mailing a notice of such intent by certified mail, return receipt  
46 requested. Such request shall be accompanied by the following  
47 information: (i) the term of the sublease. (ii) the name of the proposed  
48 sublessee. (iii) the business and permanent home address of the proposed  
49 sublessee. (iv) the tenant's reason for subletting. (v) the tenant's ad-  
50 dress for the term of the sublease. (vi) the written consent of any co-  
51 tenant or guarantor of the lease, and (vii) a copy of the proposed su-  
52 blease. to which a copy of the tenant's lease shall be attached if  
53 available, acknowledged by the tenant and proposed subtenant as being a  
54 true copy of such sublease.
- 1 (c) Within ten days after the mailing of such request, the landlord  
2 may ask the tenant for additional information as will enable the lan-  
3 dlord to determine if rejection of such request shall be unreasonable.  
4 Any such request for additional information shall not be unduly  
5 burdensome. Within thirty days after the mailing of the request for con-  
6 sent, or of the additional information reasonably asked for by the lan-  
7 dlord, whichever is later, the landlord shall send a notice to the ten-  
8 ant of his consent or, if he does not consent, his reasons therefor.  
9 Landlord's failure to send such a notice shall be deemed to be a consent  
10 to the proposed subletting. If the landlord consents, the premises may  
11 be sublet in accordance with the request, but the tenant thereunder,  
12 shall nevertheless remain liable for the performance of tenant's obliga-  
13 tions under said lease. If the landlord reasonably withholds consent,  
14 there shall be no subletting and the tenant shall not be released from  
15 the lease. If the landlord unreasonably withholds consent, the tenant  
16 may sublet in accordance with the request and may recover the costs of  
17 the proceeding and attorneys fees if it is found that the owner acted in  
18 bad faith by withholding consent.



19 3. The provisions of this section shall apply to leases entered into  
20 or renewed before or after the effective date of this section, however  
21 they shall not apply to public housing and other units for which there  
22 are constitutional or statutory criteria covering admission thereto nor  
23 to a proprietary lease, viz.: a lease to, or held by, a tenant entitled  
24 thereto by reason of ownership of stock in a corporate owner of premises  
25 which operates the same on a cooperative basis.

26 4. With respect to units covered by the emergency tenant protection  
27 act of nineteen seventy-four or the rent stabilization law of nineteen  
28 hundred sixty-nine the exercise of the rights granted by this section  
29 shall be subject to the applicable provisions of such laws. Nothing con-  
30 tained in this section two hundred twenty-six-b shall be deemed to af-  
31 fect the rights, if any, of any tenant subject to title Y of chapter 51  
32 of the administrative code of the city of New York or the emergency  
33 housing rent control law.

34 5. Any sublet or assignment which does not comply with the provisions  
35 of this section shall constitute a substantial breach of lease or  
36 tenancy.

37 6. Any provision of a lease or rental agreement purporting to waive a  
38 provision of this section is null and void.

39 7. The provisions of this section except for items in paragraph (b) of  
40 subdivision two of this section not previously required, shall apply to  
41 all actions and proceedings pending on the effective date of this  
42 section.

43 8. Nothing contained in this section shall be deemed to prevent or  
44 limit the right of a tenant to sell improvements to a unit pursuant to  
45 article seven-C of the multiple dwelling law.



Section YY51-6.0 of the Administrative Code of the City of New York is amended by adding a new subsection (c)(12) to read as follows:

c. A code shall not be approved hereunder unless it appears to the department of housing preservation and development that such code. . .

43 (12) permits subletting of units subject to this law pursuant to sec-  
44 tion two hundred twenty-six-b of the real property law provided that (a)  
45 the rental charged to the subtenant does not exceed the stabilized rent  
46 plus a ten percent surcharge payable to the tenant if the unit sublet  
47 was furnished with the tenant's furniture; (b) the tenant can establish  
48 that at all times he has maintained the unit as his primary residence  
49 and intends to occupy it as such at the expiration of the sublease; (c)  
50 an owner may terminate the tenancy of a tenant who sublets or assigns  
51 contrary to the terms of this paragraph but no action or proceeding  
52 based on the non-primary residence of a tenant may be commenced prior to  
53 the expiration date of his lease; (d) where an apartment is sublet the  
54 prime tenant shall retain the right to a renewal lease and the rights  
55 and status of a tenant in occupancy as they relate to conversion to con-  
1 dominium or cooperative ownership; (e) where a tenant violates the  
2 provisions of subparagraph (a) of this paragraph the subtenant shall be  
3 entitled to damages of three times the overcharge and may also be  
4 awarded attorneys fees and interest from the date of the overcharge at  
5 the rate of interest payable on a judgment pursuant to section five  
6 thousand four of the civil practice law and rules; (f) the tenant may not  
7 sublet the unit for more than a total of two years, including the term  
8 of the proposed sublease, out of the four-year period preceding the ter-  
9 mination date of the proposed sublease. The provisions of this subpara-  
10 graph (f) shall only apply to subleases commencing on and after July  
11 first, nineteen hundred eighty-three; and (g) for the purposes of this  
12 paragraph only, the term of the proposed sublease may extend beyond the  
13 term of the tenant's lease. In such event, such sublease shall be sub-  
14 ject to the tenant's right to a renewal lease. The subtenant shall have  
15 no right to a renewal lease. It shall be unreasonable for an owner to  
16 refuse to consent to a sublease solely because such sublease extends  
17 beyond the tenant's lease.

### Primary Residence

Subdivision a of section YY51-3.0 of the Administrative Code of the City of New York is amended to except from rent stabilization, apartments which are . . .

6 (f) not occu-  
7 pied by the tenant, not including subtenants or occupants, as his pri-  
8 mary residence, as determined by a court of competent jurisdiction,  
9 provided, however that no action or proceeding shall be commenced seek-  
10 ing to recover possession on the ground that a housing accommodation is  
11 not occupied by the tenant as his primary residence unless the owner or  
12 lessor shall have given thirty days notice to the tenant of his inten-  
13 tion to commence such action or proceeding on such grounds,

Subdivision (i) of paragraph 2 of subdivision (e) of section Y51-3.0 of the Administrative Code of the City of New York is amended to except from rent control . . .

46 (10) Housing accommodations not occupied by the tenant, not including  
47 subtenants or occupants, as his primary residence, as determined by a  
48 court of competent jurisdiction. No action or proceeding shall be com-  
49 menced seeking to recover possession on the ground that a housing accom-  
50 modation is not occupied by the tenant as his primary residence unless  
51 the owner or lessor shall have given thirty days notice to the tenant of  
52 his intention to commence such action or proceeding on such grounds.

# Protection for Seniors and Disabled in Rent-Controlled Apartments

## **EVICTON OF SENIOR CITIZENS, LONG TERM OR DISABLED TENANTS ON GROUNDS OF LANDLORD'S PERSONAL USE**

### **CHAPTER 234**

Approved June 19, 1984, effective as provided in section 4

AN ACT to amend the administrative code of the city of New York, the emergency housing rent control law and the emergency tenant protection act of nineteen seventy-four, in relation to the eviction of senior citizens, long term or disabled tenants on grounds of landlord's personal use

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph one of subdivision b of section Y51-6.0 of the administrative code of the city of New York, as added by local law number twenty of the city of New York for the year nineteen hundred sixty-two and such section as renumbered by chapter one hundred of the laws of nineteen hundred sixty-three, is amended to read as follows:

(1) The landlord seeks in good faith to recover possession of a housing accommodation because of immediate and compelling necessity for his own personal use and occupancy or for the use and occupancy of his immediate family[:] provided, however, that [where the housing accommodation is located in a building containing twelve or less housing accommodations and the landlord does not reside in the building and the landlord seeks in good faith to recover possession for his own personal use and occupancy, an immediate and compelling necessity need not be established] this subdivision shall not apply where a member of the household lawfully occupying the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for twenty years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; or

§ 2. Paragraph (a) of subdivision two of section five of chapter two hundred seventy-four of the laws of nineteen hundred forty-six, constituting the emergency housing rent control law, as amended by chapter three hundred thirty-seven of the laws of nineteen hundred sixty-one, is amended to read as follows:

(a) the landlord seeks in good faith to recover possession of housing accommodations because of immediate and compelling necessity for his own personal use and occupancy or for the use and occupancy of his immediate family; provided, however, [that where the housing accommodations are located in a building containing twelve or less housing accommodations and the landlord does not reside in the building and the landlord seeks in good faith to recover possession for his own personal use and occupancy, an immediate and compelling necessity need not be established] this subdivision shall not apply where a member of the household lawfully occupying the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for twenty years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; or

§ 3. Subdivision a of section ten of section four of chapter five hundred seventy-six of the laws of nineteen hundred seventy four, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter four hundred three of the laws of nineteen hundred eighty-three, is amended to read as follows:

a. For cities having a population of less than one million and towns and villages, the state division of housing and community renewal shall be empowered to implement this act by appropriate regulations. Such regulations may encompass such speculative or manipulative practices or renting or leasing practices as the state division of housing and community renewal determines constitute or are likely to cause circumvention of this act. Such regulations shall prohibit practices which are likely to prevent any person from asserting any right or remedy granted by this act, including but not limited to retaliatory termination of periodic tenancies and shall require owners to grant a new one or two year vacancy or renewal lease at the option of the tenant, except where a mortgage or mortgage commitment existing as of the local effective date of this act provides that the owner shall not grant a one-year lease; and shall prescribe standards with respect to the terms and conditions of new and renewal leases, additional rent and such related matters as security deposits, advance rental payments, the use of escalator clauses in leases and provision for increase in rentals for garages and other ancillary facilities, so as to insure that the level of rent adjustments authorized under this law will not be subverted and made ineffective. Any provision of the regulations permitting an owner to refuse to renew a lease on grounds that the owner seeks to recover possession of the housing accommodation for his own use and occupancy or for the use and occupancy of his immediate family shall require that an owner demonstrate immediate and compelling need and shall not apply where a member of the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for twenty years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment.

§ 4. This act shall take effect immediately and shall apply to any tenant in possession at or after the time it takes effect, regardless of whether the landlord's application for an order, refusal to renew a lease or refusal to extend or renew a tenancy took place before this act shall have taken effect. The amendment to section Y51-6.0 of the city rent and rehabilitation law<sup>1</sup> made by section one of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision three of section one of the local emergency housing rent control act.<sup>2</sup> The amendment to section five of the emergency housing rent control law<sup>3</sup> made by section two of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section one of such law. The amendment to section ten of the emergency tenant protection act of nineteen seventy-four<sup>4</sup> made by section three of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as enacted by chapter five hundred seventy-six of the laws of nineteen hundred seventy-four, as last extended by chapter four hundred three of the laws of nineteen hundred eighty-three.

<sup>1</sup> McK. Unconsol. Laws § Y51-6.0.

<sup>2</sup> McK. Unconsol. Laws § 8001.

<sup>3</sup> McK. Unconsol. Laws § 8585.

<sup>4</sup> McK. Unconsol. Laws § 8630.