

STATE OF NEW YORK

7957--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 16, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to providing remedies for tenants of illegal dwelling units who were forced to vacate due to an emergency vacate order or eviction

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

1 Section 1. The real property law is amended by adding a new section
2 235-k to read as follows:

3 § 235-k. Remedies for tenants of illegal dwelling units. 1. For the
4 purposes of this section, the following terms shall have the following
5 meanings:

6 (a) "Illegal dwelling unit" means any unit:

7 (i) prohibited from lawful residential occupancy by a tenant pursuant
8 to any law, rule, regulation, ordinance, express or implied warranty, or
9 code;

10 (ii) for which the landlord had actual knowledge of the conditions
11 prohibiting lawful residential occupancy by a tenant under subparagraph
12 (i) of this paragraph before entering into a lease agreement with the
13 tenant; and

14 (iii) for which the tenant had no actual knowledge of the conditions
15 prohibiting lawful residential occupancy by a tenant under subparagraph
16 (i) of this paragraph before entering into a lease agreement with the
17 landlord.

18 (b) "Landlord" means the property owner, the managing agent, or any
19 person or entity collecting rent from a tenant on behalf of the property
20 owner.

21 2. Any tenant who is displaced due to an emergency vacate order issued
22 pursuant to section 28-207.4 of the administrative code of the city of
23 New York on or after the effective date of this section, based on a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 finding that such tenant was occupying an illegal dwelling unit, shall
2 be entitled to a full rebate of all rent paid during the tenancy for
3 such illegal dwelling unit.

4 3. Any tenant who, on or after the effective date of this section, is
5 evicted from an illegal dwelling unit, whether by court order, adminis-
6 trative proceeding, or informal means, shall have a private right of
7 action against the landlord of such illegal dwelling unit to recover all
8 rent paid during the tenancy of such illegal dwelling unit.

9 4. The remedies under this section shall apply to any lawful subtenant
10 or occupant, regardless of whether such individual had a direct lease
11 with the landlord of the subject illegal dwelling unit. A landlord of an
12 illegal dwelling unit shall not avoid any liability under this section
13 on the basis that the occupant of such illegal dwelling unit was a
14 subtenant or licensee thereof, provided that rent was paid directly or
15 indirectly to such landlord.

16 5. In any case where a tenant is vacated from an illegal dwelling unit
17 under the circumstances described in subdivision two or three of this
18 section, and there is no safe or accessible on-site location for the
19 temporary storage of such tenant's personal property, the landlord shall
20 be responsible for covering the reasonable costs associated with the
21 removal and storage of such tenant's personal property, including but
22 not limited to furniture and personal effects, in a secure storage
23 facility. Such storage facility shall be located within a reasonable
24 distance from the vacated premises, not to exceed ten miles unless a
25 greater distance is agreed to in writing by the tenant. The landlord
26 shall remain responsible for such storage costs for a period of up to
27 ninety days from the date such tenant was required to vacate the prem-
28 ises, unless such tenant retrieves such stored personal property earlier
29 or notifies the landlord in writing that such tenant no longer intends
30 to claim such personal property. Upon application by the tenant and for
31 good cause shown, a court may extend the landlord's obligation to cover
32 such storage costs for an additional period not to exceed thirty days.
33 Nothing in this subdivision shall be construed to limit a tenant's right
34 to seek additional damages or remedies under any other provision of law.

35 § 2. This act shall take effect immediately.