S T A T E O F N E W Y O R K

4893

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI -- Multi-Sponsored by -- M. of A. FIELDS, THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to notice of a change in use of property which is leased as a manufactured home lot

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The real property law is amended by adding a new section 233-b to read as follows:

S 233-B. NOTIFICATION TO TERMINATE THE LEASE OF A MANUFACTURED HOME OR LOT. NOTWITHSTANDING THE PROVISIONS OF SECTION TWO HUNDRED THIRTY-TWO-B OF THIS ARTICLE, A MONTHLY TENANCY, A TENANCY FROM MONTH TO MONTH OR A LEASE OF ANY MANUFACTURED HOME OR LAND UPON WHICH A MANUFACTURED HOME IS LOCATED MAY BE TERMINATED BY THE LANDLORD DUE TO A CHANGE IN USE OF SUCH PROPERTY PROVIDED THE TENANT IS GIVEN WRITTEN NOTICE OF THE PROPOSED CHANGE OF USE AND THE PROPERTY OWNER'S NEED TO SECURE OTHER ACCOMMODATIONS. WHENEVER A PROPERTY OWNER GIVES A NOTICE OF PROPOSED CHANGE OF USE OF ANY PROPERTY ON WHICH A MANUFACTURED HOME IS LOCATED, THE OWNER SHALL, AT THE SAME TIME, GIVE NOTICE OF THE PROPOSED CHANGE OF USE TO ALL OTHER MANUFACTURED HOME OWNERS OR TENANTS ON THE SUBJECT PROPERTY WHO WILL BE REQUIRED TO SECURE OTHER ACCOMMODATIONS AS A RESULT OF SUCH PROPOSED CHANGE OF USE. EVICTION PROCEEDINGS BASED ON A CHANGE IN USE SHALL NOT BE COMMENCED PRIOR TO SIX MONTHS FROM THE SERVICE OF NOTICE OF PROPOSED CHANGE IN USE OR THE END OF THE LEASE TERM, WHICHEVER IS LATER. SUCH NOTICE SHALL BE SERVED IN THE MANNER PRESCRIBED IN SECTION SEVEN HUNDRED THIRTY-FIVE OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

S 2. This act shall take effect immediately.

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

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