

9460

I N A S S E M B L Y

March 7, 2016

Introduced by M. of A. BUCHWALD, MAYER -- read once and referred to the
Committee on Aging

AN ACT to amend the real property law, in relation to prohibiting the
termination of tenancy in certain housing occupied by senior citizens
and/or persons with disabilities

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

1 Section 1. The real property law is amended by adding a new section
2 228-a to read as follows:
3 S 228-A. TENANCY IN RENTAL BUILDINGS; SENIOR CITIZENS; PERSONS WITH
4 DISABILITIES. 1. NOTWITHSTANDING THE PROVISIONS OF SECTION TWO HUNDRED
5 TWENTY-EIGHT OF THIS ARTICLE OR ANY OTHER PROVISION TO THE CONTRARY, IF
6 SUBSTANTIALLY ALL OF THE LESSEES OR TENANTS OCCUPYING UNITS IN A RENTAL
7 BUILDING ARE OVER SIXTY-FIVE YEARS OF AGE AND/OR ARE PERSONS WITH DISA-
8 BILITIES, THE LESSOR MAY NOT TERMINATE OR FAIL TO RENEW A LEASE FOR
9 PREMISES IN SUCH BUILDING OR TERMINATE A TENANCY AT WILL OR AT SUFFER-
10 ANCE, EXCEPT FOR CAUSE SUCH AS THE NON-PAYMENT OF RENT, WITHOUT THE
11 PRIOR APPROVAL OF A COURT OF COMPETENT JURISDICTION.
12 2. NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, A LESSOR OF A RENTAL
13 BUILDING WHERE SUBSTANTIALLY ALL OF THE LESSEES OR TENANTS OCCUPYING
14 UNITS IN THE RENTAL BUILDING ARE OVER SIXTY-FIVE YEARS OF AGE AND/OR ARE
15 PERSONS WITH DISABILITIES MAY NOT INCREASE THE RENT IN SUCH RENTAL
16 BUILDING BY MORE THAN ONE PERCENT ABOVE THE PERCENTAGE CHANGE IN THE
17 CONSUMER PRICE INDEX SINCE THE START OF THE TENANCY OR MOST RECENT
18 RENEWAL, WHICHEVER IS MORE RECENT AT THE TIME OF RENEWAL OF A LEASE AND
19 MAY NOT INCREASE THE RENT MORE THAN ONE TIME ANNUALLY.
20 3. EVERY LESSOR OF RENTAL BUILDINGS WHERE SUBSTANTIALLY ALL OF THE
21 LESSEES OR TENANTS OCCUPYING UNITS ARE OVER SIXTY-FIVE YEARS OF AGE
22 AND/OR ARE PERSONS WITH DISABILITIES, SHALL NOTIFY PROSPECTIVE TENANTS
23 OF THE PROVISION OF THIS SECTION. SUCH NOTICE SHALL BE IN WRITING, UPON
24 THE RENTAL APPLICATION, AND SHALL INCLUDE, IN PLAIN AND SIMPLE ENGLISH,
25 IN CONSPICUOUS PRINT OF AT LEAST EIGHTEEN POINT TYPE, AN EXPLANATION OF
26 A TENANT'S RIGHTS UNDER THIS SECTION AND ALL OTHER APPLICABLE REQUIRE-
27 MENTS AND DUTIES RELATING THERETO.

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

LBD13724-06-6

1 SUCH NOTICE SHALL READ AS FOLLOWS:

2 NOTICE TO SENIOR CITIZENS AND/OR PERSONS WITH DISABILITIES:
3 BUILDING TENANCY

4 SECTION 228-A OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK
5 PROHIBITS A LESSOR FROM TERMINATING OR FAILING TO RENEW A LEASE OR
6 TENANCY FOR PREMISES IN CERTAIN HOUSING FOR SENIOR CITIZENS AND/OR
7 PERSONS WITH DISABILITIES, EXCEPT FOR CAUSE.

8 (CONSULT SECTION 228-A OF THE REAL PROPERTY LAW FOR SPECIFIC
9 INFORMATION AND CRITERIA.)

10 4. ANY LESSOR WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE
11 LIABLE TO THE LESSEE OR TENANT AFFECTED THEREBY FOR REASONABLE COSTS,
12 INCLUDING REASONABLE ATTORNEY'S FEES, WHICH FEES SHALL BE TAXED AND
13 COLLECTED AS A PART OF THE COSTS IN THE ACTION, AND FOR THE REASONABLE
14 EXPENSES INCURRED BY THE AFFECTED LESSEE OR TENANT IN RELOCATING TO A
15 NEW RESIDENCE. ADDITIONALLY, LESSORS SHALL RETURN INITIATION FEES AND
16 SECURITY DEPOSITS TO LESSEES OR TENANTS, WHERE APPROPRIATE. AN ACTION
17 TO RECOVER FOR SUCH LOSS, DAMAGE OR INJURY MAY BE BROUGHT IN ANY COURT
18 OF COMPETENT JURISDICTION BY THE AFFECTED TENANT OR LESSEE.

19 5. AS USED IN THIS SECTION:

20 (A) "LESSOR" MEANS THE OWNER OR LANDLORD OF A RENTAL BUILDING, OR HIS
21 OR HER AGENT;

22 (B) "PERSON WITH A DISABILITY" MEANS AN INDIVIDUAL WHO IS CURRENTLY
23 RECEIVING SOCIAL SECURITY DISABILITY INSURANCE (SSDI) OR SUPPLEMENTAL
24 SECURITY INCOME (SSI) BENEFITS UNDER THE FEDERAL SOCIAL SECURITY ACT OR
25 DISABILITY PENSION OR DISABILITY COMPENSATION BENEFITS PROVIDED BY THE
26 UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THOSE PREVIOUSLY ELIGI-
27 BLE BY VIRTUE OF RECEIVING DISABILITY BENEFITS UNDER THE SUPPLEMENTAL
28 SECURITY INCOME PROGRAM OR THE SOCIAL SECURITY DISABILITY PROGRAM AND
29 CURRENTLY RECEIVING MEDICAL ASSISTANCE BENEFITS BASED ON DETERMINATION
30 OF DISABILITY AS PROVIDED IN SECTION THREE HUNDRED SIXTY-SIX OF THE
31 SOCIAL SERVICES LAW;

32 (C) "RENTAL BUILDING" MEANS TWENTY OR MORE RESIDENTIAL UNITS; AND

33 (D) "SUBSTANTIALLY ALL" MEANS APPROXIMATELY EIGHTY PERCENT OR MORE OF
34 THE LESSEES OR TENANTS OCCUPYING UNITS IN A RENTAL BUILDING, PROVIDED
35 THAT THE COURT NEED NOT RELY ON A STRICT PERCENTAGE WHEN, IN ITS DETER-
36 MINATION, THE INTERESTS OF JUSTICE WARRANT IT.

37 S 2. This act shall take effect immediately.