

STATE OF NEW YORK

4781

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Housing

AN ACT to amend the administrative code of the city of New York, in
relation to recovery of certain housing accommodations by a landlord

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

1 Section 1. Subparagraph (b) of paragraph 9 of subdivision c of section
2 26-511 of the administrative code of the city of New York is amended to
3 read as follows:

4 (b) where he or she seeks to recover possession of one or more dwell-
5 ing units for his or her own personal use and occupancy as his or her
6 primary residence in the city of New York and/or for the use and occu-
7 pancy of a member of his or her immediate family as his or her primary
8 residence in the city of New York, provided however, that this subpara-
9 graph shall not apply where a tenant or the spouse of a tenant lawfully
10 occupying the dwelling unit is sixty-two years of age or older, or has
11 been a tenant in the dwelling unit in that building for twenty years or
12 more, or has an impairment which results from anatomical, physiological
13 or psychological conditions, other than addiction to alcohol, gambling,
14 or any controlled substance, which are demonstrable by medically accept-
15 able clinical and laboratory diagnostic techniques, and which are
16 expected to be permanent and which prevent the tenant from engaging in
17 any substantial gainful employment, unless such owner offers to provide
18 and if requested, provides an equivalent or superior housing accommo-
19 dation at the same or lower stabilized rent in a closely proximate area.
20 The provisions of this subparagraph shall only permit one of the indi-
21 vidual owners of any building to recover possession of one or more
22 dwelling units for his or her own personal use and/or for that of his or
23 her immediate family. Any dwelling unit recovered by an owner pursuant
24 to this subparagraph shall not for a period of three years be rented,
25 leased, subleased or assigned to any person other than a person for

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

LBD05271-01-7

1 whose benefit recovery of the dwelling unit is permitted pursuant to
2 this subparagraph or to the tenant in occupancy at the time of recovery
3 under the same terms as the original lease. This subparagraph shall not
4 be deemed to establish or eliminate any claim that the former tenant of
5 the dwelling unit may otherwise have against the owner. Any such rental,
6 lease, sublease or assignment during such period to any other person may
7 be subject to a penalty of a forfeiture of the right to any increases in
8 residential rents in such building for a period of three years; or
9 § 2. This act shall take effect immediately and shall apply to any
10 tenant in possession at or after the time it takes effect, regardless of
11 whether the landlord's application for an order, refusal to renew a
12 lease or refusal to extend or renew a tenancy took place before this act
13 shall have taken effect, provided that the amendments to section 26-511
14 of chapter 4 of title 26 of the administrative code of the city of New
15 York made by section one of this act shall expire on the same date as
16 such law expires and shall not affect the expiration of such law as
17 provided under section 26-520 of such law.