

# STATE OF NEW YORK

6449

2017-2018 Regular Sessions

## IN ASSEMBLY

March 7, 2017

Introduced by M. of A. BUCHWALD, MAYER, M. G. MILLER, ABINANTI, SOLAGES, GOTTFRIED, SIMON, MOSLEY, BLAKE, SEAWRIGHT, CAHILL, JAFFEE, JOYNER, PEOPLES-STOKES, HYNDMAN, HOOPER, BICHOTTE, ORTIZ, STECK, BARRETT, OTIS, CRESPO, WILLIAMS, SEPULVEDA -- Multi-Sponsored by -- M. of A. COOK, GIGLIO, GLICK, KEARNS, LENTOL, MAGEE -- 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 Assembly, do enact as follows:

Section 1. The real property law is amended by adding a new section 228-a to read as follows:

§ 228-a. Tenancy in rental buildings; senior citizens; persons with disabilities. 1. Notwithstanding the provisions of section two hundred twenty-eight of this article or any other provision to the contrary, if substantially all of the lessees or tenants occupying units in a rental building are over sixty-five years of age and/or are persons with disabilities, the lessor may not terminate or fail to renew a lease for premises in such building or terminate a tenancy at will or at sufferance, except for cause such as the non-payment of rent, without the prior approval of a court of competent jurisdiction.

2. Notwithstanding any provision to the contrary, a lessor of a rental building where substantially all of the lessees or tenants occupying units in the rental building are over sixty-five years of age and/or are persons with disabilities may not increase the rent in such rental building by more than one percent above the percentage change in the consumer price index since the start of the tenancy or most recent renewal, whichever is more recent at the time of renewal of a lease and may not increase the rent more than one time annually.

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

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1 3. Every lessor of rental buildings where substantially all of the  
2 lessees or tenants occupying units are over sixty-five years of age  
3 and/or are persons with disabilities, shall notify prospective tenants  
4 of the provision of this section. Such notice shall be in writing, upon  
5 the rental application, and shall include, in plain and simple English,  
6 in conspicuous print of at least eighteen point type, an explanation of  
7 a tenant's rights under this section and all other applicable require-  
8 ments and duties relating thereto.

9 Such notice shall read as follows:

10 NOTICE TO SENIOR CITIZENS AND/OR PERSONS WITH DISABILITIES:

11 BUILDING TENANCY

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

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

18 4. Any lessor who violates the provisions of this section shall be  
19 liable to the lessee or tenant affected thereby for reasonable costs,  
20 including reasonable attorney's fees, which fees shall be taxed and  
21 collected as a part of the costs in the action, and for the reasonable  
22 expenses incurred by the affected lessee or tenant in relocating to a  
23 new residence. Additionally, lessors shall return initiation fees and  
24 security deposits to lessees or tenants, where appropriate. An action  
25 to recover for such loss, damage or injury may be brought in any court  
26 of competent jurisdiction by the affected tenant or lessee.

27 5. As used in this section:

28 (a) "lessor" means the owner or landlord of a rental building, or his  
29 or her agent;

30 (b) "person with a disability" means an individual who is currently  
31 receiving social security disability insurance (SSDI) or supplemental  
32 security income (SSI) benefits under the federal social security act or  
33 disability pension or disability compensation benefits provided by the  
34 United States department of veterans affairs or those previously eligi-  
35 ble by virtue of receiving disability benefits under the supplemental  
36 security income program or the social security disability program and  
37 currently receiving medical assistance benefits based on determination  
38 of disability as provided in section three hundred sixty-six of the  
39 social services law;

40 (c) "rental building" means twenty or more residential units; and

41 (d) "substantially all" means approximately eighty percent or more of  
42 the lessees or tenants occupying units in a rental building, provided  
43 that the court need not rely on a strict percentage when, in its deter-  
44 mination, the interests of justice warrant it.

45 § 2. This act shall take effect immediately.