

# STATE OF NEW YORK

5409

2019-2020 Regular Sessions

## IN ASSEMBLY

February 11, 2019

Introduced by M. of A. CYMBROWITZ, BARRON, ARROYO, SIMON, DICKENS,  
DE LA ROSA, COLTON, SEAWRIGHT -- Multi-Sponsored by -- M. of A.  
DenDEKKER -- read once and referred to the Committee on Housing

AN ACT to amend the emergency tenant protection act of nineteen seven-  
ty-four, in relation to not-for-profits' use of certain residential  
dwellings

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

1 Section 1. Paragraphs 10 and 11 of subdivision a of section 5 of  
2 section 4 of chapter 576 of the laws of 1974, constituting the emergency  
3 tenant protection act of nineteen seventy-four, paragraph 11 as amended  
4 by chapter 422 of the laws of 2010, are amended to read as follows:

5 (10) housing accommodations in buildings operated exclusively for  
6 charitable purposes on a non-profit basis except for permanent or tempo-  
7 rary housing accommodations provided, as of and after the effective date  
8 of the chapter of the laws of two thousand nineteen that amended this  
9 paragraph, to individuals who are or were homeless or at risk of home-  
10 lessness; provided, however, that terms of leases in existence as of the  
11 effective date of the chapter of the laws of two thousand nineteen that  
12 amended this paragraph, shall not be affected, and further provided that  
13 upon the vacancy of such housing accommodations, the legal regulated  
14 rent for such housing accommodations shall be the legal regulated rent  
15 paid for such housing accommodation by the prior tenant, subject only to  
16 any adjustment adopted by the applicable rent guidelines board;

17 (11) housing accommodations which are not occupied by the tenant, not  
18 including subtenants or occupants, as his or her primary residence, as  
19 determined by a court of competent jurisdiction. For the purposes of  
20 determining primary residency, a tenant who is a victim of domestic  
21 violence, as defined in section four hundred fifty-nine-a of the social  
22 services law, who has left the unit because of such violence, and who  
23 asserts an intent to return to the housing accommodation shall be deemed

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

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1 to be occupying the unit as his or her primary residence. For the  
2 purposes of this paragraph, where a housing accommodation is rented to a  
3 not-for-profit hospital for residential use, affiliated subtenants  
4 authorized to use such accommodations by such hospital shall be deemed  
5 to be tenants. For the purposes of this paragraph, where a housing  
6 accommodation is rented to a not-for-profit for providing, as of and  
7 after the effective date of the chapter of the laws of two thousand  
8 nineteen that amended this paragraph, permanent or temporary housing to  
9 individuals who are or were homeless or at risk of homelessness, affil-  
10 iated subtenants authorized to use such accommodations by such not-for-  
11 profit shall be deemed to be tenants. No action or proceeding shall be  
12 commenced seeking to recover possession on the ground that a housing  
13 accommodation is not occupied by the tenant as his or her primary resi-  
14 dence unless the owner or lessor shall have given thirty days notice to  
15 the tenant of his or her intention to commence such action or proceeding  
16 on such grounds.

17 § 2. This act shall take effect immediately; provided, however, that  
18 the amendments to paragraphs 10 and 11 of subdivision a of section 5 of  
19 the emergency tenant protection act of nineteen seventy-four made by  
20 section one of this act shall expire on the same date as such act  
21 expires and shall not affect the expiration of such act as provided in  
22 section 17 of chapter 576 of the laws of 1974, as amended.