

# STATE OF NEW YORK

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2592

2019-2020 Regular Sessions

## IN SENATE

January 28, 2019

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Introduced by Sens. STEWART-COUSINS, LIU, MAYER, SEPULVEDA -- read twice  
and ordered printed, and when printed to be committed 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 § 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 involving actions of the tenant that violate the  
11 terms of the lease, such as the non-payment of rent, without the prior  
12 approval of a court of competent jurisdiction. In determining whether  
13 to grant approval, the court shall consider factors including: whether  
14 the lessor is operating the rental building at a profit or loss; the  
15 need for any major capital repairs or improvements that cannot be  
16 performed while the tenants are in occupancy; any written or oral  
17 representations made by the lessor to tenants about how long they could  
18 remain in occupancy; any alternative housing being offered by the  
19 lessor, the number of affected tenants; and the length of time the  
20 affected tenants have lived in their apartments. At the time of filing  
21 any action affecting more than one lease and seeking such prior approval  
22 from a court of competent jurisdiction, the lessor shall notify all the  
23 lessees and tenants occupying units in the rental building that are over

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

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1 sixty-five years of age and/or are persons with disabilities of the  
2 filing of such action. The lessor shall also notify at such time any  
3 village, town, city and county, except counties inside the city of New  
4 York, in which such rental building is located of the filing of such  
5 action. While such action is pending, the lessor shall notify any  
6 prospective lessee or tenant prior to the signing of a lease for prem-  
7 ises in such rental building of the pendency of such action.

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

16 3. Every lessor of rental buildings where substantially all of the  
17 lessees or tenants occupying units are over sixty-five years of age  
18 and/or are persons with disabilities, shall notify prospective tenants  
19 of the provision of this section. Such notice shall be in writing, upon  
20 the rental application, and shall include, in plain and simple English,  
21 in conspicuous print of at least eighteen point type, an explanation of  
22 a tenant's rights under this section and all other applicable require-  
23 ments and duties relating thereto.  
24 Such notice shall read as follows:

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

26 BUILDING TENANCY

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

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

33 4. Any lessor who violates the provisions of this section shall be  
34 liable to the lessee or tenant affected thereby for reasonable costs,  
35 including reasonable attorney's fees, which fees shall be taxed and  
36 collected as a part of the costs in the action, and for the reasonable  
37 expenses incurred by the affected lessee or tenant in relocating to a  
38 new residence. Additionally, lessors shall return initiation fees and  
39 security deposits to lessees or tenants, where appropriate. An action  
40 to recover for such loss, damage or injury may be brought in any court  
41 of competent jurisdiction by the affected tenant or lessee.

42 5. As used in this section:

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

45 (b) "person with a disability" means an individual who is currently  
46 receiving social security disability insurance (SSDI) or supplemental  
47 security income (SSI) benefits under the federal social security act or  
48 disability pension or disability compensation benefits provided by the  
49 United States department of veterans affairs or those previously eligi-  
50 ble by virtue of receiving disability benefits under the supplemental  
51 security income program or the social security disability program and  
52 currently receiving medical assistance benefits based on determination  
53 of disability as provided in section three hundred sixty-six of the  
54 social services law;

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

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

5     § 2. This act shall take effect immediately.