

STATE OF NEW YORK

5724

2019-2020 Regular Sessions

IN SENATE

May 13, 2019

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York, in relation to prohibiting the owner of a building from declining to renew a lease to a tenant whose lease term started prior to the owner's purchase of the building on the grounds of occupancy by the owner or an immediate family member

The People of the State of New York, represented in Senate and Assembly, 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 the tenant's initial tenancy, or the initial
10 tenancy of any family member of the tenant to which the tenant
11 succeeded, commenced before the owner acquired the building containing
12 such dwelling units. Furthermore, this subparagraph shall not apply
13 where a tenant or the spouse of a tenant lawfully occupying the dwelling
14 unit is sixty-two years of age or older, or has an impairment which
15 results from anatomical, physiological or psychological conditions,
16 other than addiction to alcohol, gambling, or any controlled substance,
17 which are demonstrable by medically acceptable clinical and laboratory
18 diagnostic techniques, and which are expected to be permanent and which
19 prevent the tenant from engaging in any substantial gainful employment,
20 unless such owner offers to provide and if requested, provides an equiv-
21 alent or superior housing accommodation at the same or lower stabilized

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

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1 rent in a closely proximate area. The provisions of this subparagraph
2 shall only permit one of the individual owners of any building to
3 recover possession of one or more dwelling units for his or her own
4 personal use and/or for that of his or her immediate family. Any dwell-
5 ing unit recovered by an owner pursuant to this subparagraph shall not
6 for a period of three years be rented, leased, subleased or assigned to
7 any person other than a person for whose benefit recovery of the dwell-
8 ing unit is permitted pursuant to this subparagraph or to the tenant in
9 occupancy at the time of recovery under the same terms as the original
10 lease. This subparagraph shall not be deemed to establish or eliminate
11 any claim that the former tenant of the dwelling unit may otherwise have
12 against the owner. Any such rental, lease, sublease or assignment during
13 such period to any other person may be subject to a penalty of a forfei-
14 ture of the right to any increases in residential rents in such building
15 for a period of three years; or

16 § 2. This act shall take effect immediately; provided that the amend-
17 ments to section 26-511 of chapter 4 of title 26 of the administrative
18 code of the city of New York made by section one of this act shall
19 expire on the same date as such law expires and shall not affect the
20 expiration of such law as provided under section 26-520 of such law.