

STATE OF NEW YORK

10224

IN ASSEMBLY

March 24, 2020

Introduced by M. of A. NIOU -- read once and referred to the Committee on Judiciary

AN ACT to suspend rent payments and certain mortgage payments for certain residential tenants and small business commercial tenants for ninety days in response to the outbreak of coronavirus

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

1 Section 1. (a) Notwithstanding any other provision of law, rule or
2 regulation to the contrary, any residential tenant or small business
3 commercial tenant in the state that has lost income or has been forced
4 to close their place of business as a result of government ordered
5 restrictions in response to the outbreak of coronavirus disease 2019
6 (COVID-19), shall have all rent payments suspended for ninety days
7 following the effective date of this act. Such residential tenant or
8 small business commercial tenant shall not and shall never be required
9 to pay any rent waived during such time period. Every residential or
10 small business commercial tenant whose lease expires during this time
11 period shall be subject to an automatic renewal lease at the current
12 rent charged. Late fees shall not be collectable for rent accrued during
13 this time period.
14 (b) (i) Any person who faces a financial hardship as a result of being
15 deprived rent payments for a covered property pursuant to this section
16 shall receive forgiveness on any mortgage payments for such covered
17 property in an amount determined by the following fraction multiplied by
18 such mortgage payment, up to the total dollar amount of lost rent:
19 (A) The numerator shall be the total amount of rent payments suspended
20 for his or her tenants over the ninety day period laid out in this
21 section; and
22 (B) The denominator shall be the total amount of rent payments typi-
23 cally owed for such entire property over the ninety day period laid out
24 in this section.
25 (ii) Any person qualifying for mortgage payment forgiveness under this
26 paragraph shall not and shall never be required to pay any mortgage
27 waived during such time period.

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

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1 § 2. For the purposes of this act, the following terms shall have the
2 following meanings:

3 (a) "Residential tenant" shall have the same meaning as paragraph (a)
4 of subdivision 1 of section 235-f of the real property law, or those who
5 otherwise pay for the use and occupancy of a residential dwelling.

6 (b) "Commercial tenant" shall mean a person or entity lawfully occupy-
7 ing a covered property pursuant to a lease or other rental agreement.

8 (c) "Covered property" shall mean any building or portion of a build-
9 ing:

10 i. that is lawfully used for buying, selling or otherwise providing
11 goods or services, or for other lawful business, commercial or profes-
12 sional services, or manufacturing activities; and

13 ii. for which a certificate of occupancy authorizing residential use
14 of such building or such portion of a building has not been issued.

15 (d) "Small business" shall have the same meaning as section 131 of the
16 economic development law.

17 § 3. This act shall take effect immediately.