STATE OF NEW YORK

10258

IN ASSEMBLY

April 8, 2020

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to permitting the early termination of a lease by a tenant during a state of emergency

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 227-g to read as follows:

§ 227-g. Termination of residential lease during a state of emergency. 1. In any lease or rental agreement covering premises occupied for dwelling purposes, where the tenant of such property no longer requires use of the property for reasons including, but not limited to, the cause of a declared state of emergency causing: (a) the tenant to be required to vacate an area containing such property; (b) the tenant to lose his or her employment; or (c) the tenant no longer be able to attend school, college, or university due to a sudden closure of such educational institution, such tenant shall be permitted to terminate such lease or rental agreement and quit and surrender possession of the leasehold premises and the land so leased or occupied pursuant to the provisions of this section and to be released from any liability to pay to the lessor or owner, rent or other payments in lieu of rent for the time subsequent to the date of termination of such lease in accordance with subdivision two of this section.

2. Any lease or rental agreement covered by subdivision one of this section may be terminated by notice in writing delivered to the lessor or owner or to the lessor's or owner's agent by a lessee or tenant. Unless the lease or rental agreement provides for an earlier termination date, such termination shall be effective no earlier than thirty days after the date on which the next rental payment subsequent to the date when such notice is delivered is due and payable. Such notice shall be accompanied by documentation of the reasons the tenant of such property no longer requires use of the property. Such notice shall be deemed delivered five days after mailing.

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

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3. Any person who shall knowingly seize, hold, or detain the personal effects, clothing, furniture or other property of any person who has lawfully terminated a lease or rental agreement covered by this section or the spouse or dependent of any such person, or in any manner interferes with the removal of such property from the premises covered by such lease or rental agreement, for the purpose of subjecting or attempting to subject any of such property to a purported claim for rent accruing subsequent to the date of termination of such lease or rental agreement, or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed one thousand dollars, or by both such fine and imprisonment.

4. Upon termination:

(a) If the terminating tenant is the sole leaseholder, the premises shall be delivered to the lessor or owner:

(i) free of all tenants and occupants; and

(ii) in accordance with the terms of the lease relating to delivery of the premises at the termination of the lease.

(b) If there are tenants on the lease other than the terminating tenant:

(i) the landlord shall not, except upon consent of such additional tenants, terminate or sever the co-tenancy. The landlord shall provide the remaining tenants at least thirty days from the termination date to decide whether to consent to a termination or severance.

(ii) the remaining co-tenant or co-tenants hold the right to add an additional occupant as defined by paragraph (b) of subdivision one of section two hundred thirty-five-f of this article.

5. Any agreement by a lessee or tenant of premises occupied for dwelling purposes waiving or modifying his or her rights as set forth in this section shall be void as contrary to public policy.

§ 2. This act shall take effect immediately.