STATE OF NEW YORK

3240

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

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

AN ACT to amend the real property actions and proceedings law, in relation to prohibiting the eviction of tenants for the certified medical use of medical marihuana

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

Section 1. The real property actions and proceedings law is amended by adding a new section 716 to read as follows:

§ 716. Eviction based on the certified medical use of medical marihuana prohibited. 1. A tenant shall not be removed from possession of a residential unit pursuant to this article because of such person's certified medical use of medical marihuana, as defined in section thirty-three hundred sixty of the public health law. It shall be a defense to a proceeding to recover possession of a residential unit that a landlord seeks such recovery because of a person's certified medical use of medical marihuana, and that, but for such use, the landlord would not seek to recover possession. A landlord may rebut such defense by showing that he or she seeks to recover possession of a residential unit because of any other lawful ground.

2. Nothing in this section shall restrict a landlord's legal rights to recover possession of a residential unit on grounds not based on or derived from the certified medical use of medical marihuana.

§ 2. This act shall take effect immediately.

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

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