

# STATE OF NEW YORK

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6954--C

2021-2022 Regular Sessions

## IN ASSEMBLY

April 14, 2021

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Introduced by M. of A. EPSTEIN, SEAWRIGHT, GOTTFRIED, SIMON, SAYEGH, GLICK, DAVILA, FERNANDEZ, DE LOS SANTOS, DINOWITZ, JACKSON -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to providing a deceased tenant's legal representative the option to terminate such tenant's lease upon notice to the landlord

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

1 Section 1. The real property law is amended by adding a new section  
2 236-a to read as follows:

3 § 236-a. Termination of lease of a deceased tenant. Notwithstanding  
4 any contrary provision contained in any lease hereafter made or renewed  
5 which affects premises demised for residential use, or partly for resi-  
6 dential and partly for professional use, the executor, administrator or  
7 legal representative of a deceased tenant under such a lease shall have  
8 the option to terminate such a lease upon notice given to the landlord.  
9 Such termination shall be effective as of the date on which the tenant's  
10 estate notifies the landlord of its election to terminate and surrenders  
11 possession of the premises. Such termination option shall be accompanied  
12 by the written consent thereto of any co-tenant or guarantor of such  
13 lease. Nothing in this section shall be construed to relieve the  
14 tenant's estate of liability for rent money or any debt incurred prior  
15 to the date of termination of the lease, including damages to the prem-  
16 ises and any expenses the landlord may incur as a direct result of the  
17 tenant's death, except that the tenant's estate shall not be liable for

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

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damages or any other penalty for breach of inadequate notice as a result of terminating a lease under this section. Any notice or communication required or authorized to be given hereunder shall be sent by registered or certified mail, return receipt requested. This section shall not apply to a proprietary lease, viz.: a lease to, or held by, a tenant entitled thereto by reason of ownership of stock in a corporate owner of premises which operates the same on a cooperative basis. Any waiver of any part of this section shall be void as against public policy.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.