STATE OF NEW YORK

5339

2021-2022 Regular Sessions

IN SENATE

March 2, 2021

Introduced by Sen. STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to terminating a residential lease upon death of a tenant

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 236-a to read as follows:

§ 236-a. Death of tenant. 1. Notwithstanding any other provision of law, and outside a city with a population of one million or more persons, if the deceased tenant is the sole tenant of the residential unit, the executor or administrator of the estate of a tenant who dies during the term of a residential lease shall have the option to terminate the lease upon fourteen days' written notice to the landlord upon the later of:

(a) the last day of the second calendar month that follows the calendar month in which the tenant died; or

(b) surrender of the rental unit and removal of all of the tenant's personal property.

2. Nothing in this section shall be construed to relieve the tenant's estate of liability for rent money or any other debt incurred prior to the date of termination of the lease, including damages to the premises and any expenses the landlord may incur as a direct result of the tenant's death, except that the tenant's estate shall not be liable for damages or any other penalty for breach or inadequate notice as a result of terminating a lease under subdivision one of this section.

§ 2. This act shall take effect immediately and shall apply to all leases entered into or extended on or after such date.

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

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