

STATE OF NEW YORK

2436

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

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

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to the duration of renewal leases

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

Section 1. Paragraph 4 of subdivision c of section 26-511 of the administrative code of the city of New York is amended to read as follows:

(4) includes provisions requiring owners to grant a [~~one or two~~] one, two, three or four year vacancy or renewal lease at the option of the tenant except where a mortgage or mortgage commitment existing as of April first, nineteen hundred sixty-nine, provides that the mortgagor shall not grant a one year lease;

§ 2. Subdivision a of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 15 of part Q of chapter 39 of the laws of 2019, is amended to read as follows:

a. For cities having a population of less than one million and towns and villages, the state division of housing and community renewal shall be empowered to implement this act by appropriate regulations. Such regulations may encompass such speculative or manipulative practices or renting or leasing practices as the state division of housing and community renewal determines constitute or are likely to cause circumvention of this act. Such regulations shall prohibit practices which are likely to prevent any person from asserting any right or remedy granted by this act, including but not limited to retaliatory termination of periodic tenancies and shall require owners to grant a new [~~one or two~~] one, two, three or four year vacancy or renewal lease at the option of the tenant, except where a mortgage or mortgage commitment existing as of the local

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

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1 effective date of this act provides that the owner shall not grant a
2 one-year lease; and shall prescribe standards with respect to the terms
3 and conditions of new and renewal leases, additional rent and such
4 related matters as security deposits, advance rental payments, the use
5 of escalator clauses in leases and provision for increase in rentals for
6 garages and other ancillary facilities, so as to ensure that the level
7 of rent adjustments authorized under this law will not be subverted and
8 made ineffective. Any provision of the regulations permitting an owner
9 to refuse to renew a lease on grounds that the owner seeks to recover
10 possession of a housing accommodation for his or her own use and occu-
11 pancy or for the use and occupancy of his or her immediate family shall
12 permit recovery of only one housing accommodation, shall require that an
13 owner demonstrate immediate and compelling need and that the housing
14 accommodation will be the proposed occupants' primary residence and
15 shall not apply where a member of the housing accommodation is sixty-two
16 years of age or older, has been a tenant in a housing accommodation in
17 that building for fifteen years or more, or has an impairment which
18 results from anatomical, physiological or psychological conditions,
19 other than addiction to alcohol, gambling, or any controlled substance,
20 which are demonstrable by medically acceptable clinical and laboratory
21 diagnostic techniques, and which are expected to be permanent and which
22 prevent the tenant from engaging in any substantial gainful employment;
23 provided, however, that a tenant required to surrender a housing accom-
24 modation under this subdivision shall have a cause of action in any
25 court of competent jurisdiction for damages, declaratory, and injunctive
26 relief against a landlord or purchaser of the premises who makes a frau-
27 dulent statement regarding a proposed use of the housing accommodation.
28 In any action or proceeding brought pursuant to this subdivision a
29 prevailing tenant shall be entitled to recovery of actual damages, and
30 reasonable attorneys' fees.

31 § 3. This act shall take effect immediately; provided, however, that
32 the amendments to section 26-511 of chapter 4 of title 26 of the admin-
33 istrative code of the city of New York made by section one of this act
34 shall expire on the same date as such law expires and shall not affect
35 the expiration of such law as provided under section 26-520 of such law.