

# 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 Assem-  
bly, do enact as follows:

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

3 § 716. Eviction based on the certified medical use of medical marihua-  
4 na prohibited. 1. A tenant shall not be removed from possession of a  
5 residential unit pursuant to this article because of such person's  
6 certified medical use of medical marihuana, as defined in section thir-  
7 ty-three hundred sixty of the public health law. It shall be a defense  
8 to a proceeding to recover possession of a residential unit that a land-  
9 lord seeks such recovery because of a person's certified medical use of  
10 medical marihuana, and that, but for such use, the landlord would not  
11 seek to recover possession. A landlord may rebut such defense by showing  
12 that he or she seeks to recover possession of a residential unit because  
13 of any other lawful ground.

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

17 § 2. This act shall take effect immediately.

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

LBD00951-01-1