

# STATE OF NEW YORK

4933

2021-2022 Regular Sessions

## IN ASSEMBLY

February 9, 2021

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

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:

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

3 § 236-a. Death of tenant. 1. Notwithstanding any other provision of  
4 law, and outside a city with a population of one million or more  
5 persons, if the deceased tenant is the sole tenant of the residential  
6 unit, the executor or administrator of the estate of a tenant who dies  
7 during the term of a residential lease shall have the option to termi-  
8 nate the lease upon fourteen days' written notice to the landlord upon  
9 the later of:

10 (a) the last day of the second calendar month that follows the calen-  
11 dar month in which the tenant died; or

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

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

21 § 2. This act shall take effect immediately and shall apply to all  
22 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.

LBD09043-01-1