

STATE OF NEW YORK

7114

2021-2022 Regular Sessions

IN ASSEMBLY

April 22, 2021

Introduced by M. of A. GONZALEZ-ROJAS -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to permitting a tenant to utilize a security deposit to pay rent during a state disaster emergency

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

Section 1. Section 7-108 of the general obligations law is amended by adding a new subdivision 1-b to read as follows:

1-b. (a) Notwithstanding any provision of law to the contrary, during a state disaster emergency as defined in section twenty of the executive law, a residential tenant who has suffered a loss of income or loss of employment as a result of such state disaster emergency may elect to utilize any sum of money deposited as security for the full performance by such residential tenant of the terms of the lease, in whole or in part, to pay the monthly rent due pursuant to such lease.

(b) A residential tenant who makes an election pursuant to the provisions of paragraph (a) of this subdivision shall replenish any such money deposited as security used to pay rent within one year from the last date such election was made.

(c) For the purposes of this subdivision, "residential tenant" shall mean: a tenant as defined in paragraph (a) of subdivision one of section two hundred thirty-five-f of the real property law; a person who otherwise pays for the use and occupancy of a residential dwelling; or an occupant, as defined in paragraph (b) of subdivision one of section two hundred thirty-five-f of the real property law.

§ 2. This act shall take effect immediately and shall apply to any lease or rental agreement or renewal of a lease or rental agreement entered into 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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