

STATE OF NEW YORK

2843

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sens. KAVANAGH, KRUEGER, SALAZAR, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, in relation to not-for-profits' use of certain residential dwellings

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

1 Section 1. Paragraphs 10 and 11 of subdivision a of section 5 of
2 section 4 of chapter 576 of the laws of 1974, constituting the emergency
3 tenant protection act of nineteen seventy-four, paragraph 10 as amended
4 by section 17 of part Q of chapter 39 of the laws of 2019 and paragraph
5 11 as amended by section 1 of part J of chapter 36 of the laws of 2019,
6 are amended to read as follows:

7 (10) housing accommodations in buildings operated exclusively for
8 charitable purposes on a non-profit basis except for permanent or tempo-
9 rary housing accommodations with government contracted services, as of
10 and after the effective date of the chapter of the laws of two thousand
11 nineteen that amended this paragraph, to [~~vulnerable~~] individuals [~~or~~
12 ~~individuals with disabilities~~] who are or were homeless or at risk of
13 homelessness; provided, however, that the terms of leases in existence
14 as of the effective date of the chapter of the laws of two thousand
15 nineteen that amended this paragraph, shall only be affected upon lease
16 renewal, and further provided that upon the vacancy of such housing
17 accommodations, the legal regulated rent for such housing accommodations
18 shall be the legal regulated rent paid for such housing accommodations
19 by the prior tenant, subject only to any adjustment adopted by the
20 applicable rent guidelines board;

21 (11) housing accommodations which are not occupied by the tenant, not
22 including subtenants or occupants, as his or her primary residence, as
23 determined by a court of competent jurisdiction. For the purposes of

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

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1 determining primary residency, a tenant who is a victim of domestic
2 violence, as defined in section four hundred fifty-nine-a of the social
3 services law, who has left the unit because of such violence, and who
4 asserts an intent to return to the housing accommodation shall be deemed
5 to be occupying the unit as his or her primary residence. For the
6 purposes of this paragraph, where a housing accommodation is rented to a
7 not-for-profit hospital for residential use, affiliated subtenants
8 authorized to use such accommodations by such hospital shall be deemed
9 to be tenants. For the purposes of this paragraph, where a housing
10 accommodation is rented to a not-for-profit for providing, as of and
11 after the effective date of the chapter of the laws of two thousand
12 nineteen that amended this paragraph, permanent or temporary housing to
13 individuals who are or were homeless or at risk of homelessness, affil-
14 iated subtenants authorized to use such accommodations by such not-for-
15 profit shall be deemed to be tenants. No action or proceeding shall be
16 commenced seeking to recover possession on the ground that a housing
17 accommodation is not occupied by the tenant as his or her primary resi-
18 dence unless the owner or lessor shall have given thirty days notice to
19 the tenant of his or her intention to commence such action or proceeding
20 on such grounds.

21 § 2. This act shall take effect immediately.