

# STATE OF NEW YORK

5105--A

2021-2022 Regular Sessions

## IN SENATE

February 23, 2021

Introduced by Sens. LIU, BIAGGI, COMRIE, KAPLAN, KRUEGER, MAYER, PERSAUD, REICHLIN-MELNICK, SEPULVEDA, SKOUFIS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to grounds where no landlord-tenant relationships exist in cooperative apartments

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

Section 1. The real property actions and proceedings law is amended by adding a new section 713-b to read as follows:

§ 713-b. Grounds where no landlord tenant relationships exist in cooperative apartments. 1. A person shall not be considered a tenant for the purposes of section 7-108 of the general obligations law and sections two hundred twenty-seven-f, two hundred twenty-six-c and two hundred thirty-eight-a of the real property law, where such person:

(a) is a dwelling unit owner of a cooperative apartment or a shareholder of the ownership entity;

(b) has exclusive occupancy of such dwelling unit; and

(c) has established and delimited rights under a proprietary lease.

2. Notwithstanding the provisions of section seven hundred two of this article, maintenance fees, special assessments, and administrative fees collected from a unit owner by the cooperative apartment under a proprietary lease shall not be considered rent as defined in section seven hundred two of this article and may be sought in addition to rent in a summary proceeding pursuant to this article.

3. Notwithstanding the provisions of section two hundred thirty-four of the real property law, attorney's fees may be awarded to either party in the event of default judgment if recovery of attorney's fees is provided for in a proprietary lease.

§ 2. This act shall take effect immediately.

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

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