

# STATE OF NEW YORK

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5105--B

2021-2022 Regular Sessions

## IN SENATE

February 23, 2021

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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 -- 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:

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

3 § 713-b. Grounds where no landlord tenant relationships exist in coop-  
4 erative apartments. 1. A person shall not be considered a tenant for the  
5 purposes of section 7-108 of the general obligations law and sections  
6 two hundred twenty-seven-f, two hundred twenty-six-c and two hundred  
7 thirty-eight-a of the real property law, where such person:

8 (a) is a dwelling unit owner of a cooperative apartment or a share-  
9 holder of the ownership entity;

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

11 (c) has established and delimited rights under a proprietary  
12 lease/occupancy agreement.

13 2. Notwithstanding the provisions of section seven hundred two of this  
14 article, maintenance fees, special assessments, and administrative fees  
15 collected from a unit owner by the cooperative apartment under a propri-  
16 etary lease/occupancy agreement shall not be considered rent as defined  
17 in section seven hundred two of this article and may be sought in addi-  
18 tion to rent in a summary proceeding pursuant to this article.

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

LBD03421-05-1

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

5     § 2. This act shall take effect immediately.