STATE OF NEW YORK

10028

IN ASSEMBLY

May 1, 2024

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

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, in relation to the use of certain residential dwellings by tenants who left the dwelling temporarily due to the health impacts of COVID-19

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

Section 1. Paragraph 11 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 1 of part J of chapter 36 of the laws of 2019, is amended to read as follows:

(11) housing accommodations which are not occupied by the tenant, not including subtenants or occupants, as [~~his or her~~] such tenant's primary residence, as determined by a court of competent jurisdiction. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as [~~his or her~~] such tenant's primary residence. For the purposes of determining primary residency, a tenant who has left the unit between the dates of March 12, 2020 and January 1, 2022 due to the health impacts of COVID-19 in the city of New York and is a senior citizen or is a disabled person as defined in 9 NYCRR 2520.6, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as such tenant's primary residence. For the purposes of this paragraph, where a housing accommodation is rented to a not-for-profit hospital for residential use, affiliated subtenants authorized to use such accommodations by such hospital shall be deemed to be tenants. For the purposes of this paragraph, where a housing accommodation is rented to a not-for-profit for providing, as of and after the effective date of the chapter of the laws of two thousand nineteen that amended this paragraph, permanent housing to individuals who are or were homeless or at risk of homelessness, affiliated subten-

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

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ants authorized to use such accommodations by such not-for-profit shall be deemed to be tenants. No action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as [~~his or her~~] such tenant's primary residence unless the owner or lessor shall have given thirty days notice to the tenant of [~~his or her~~] such owner's or lessor's intention to commence such action or proceeding on such grounds.

§ 2. This act shall take effect immediately.