STATE OF NEW YORK

308

2023-2024 Regular Sessions

IN ASSEMBLY

January 4, 2023

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Aging

AN ACT to amend the real property law, in relation to prohibiting the termination of tenancy in certain housing occupied by senior citizens and/or persons with disabilities

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

Section 1. The real property law is amended by adding a new section 228-a to read as follows:

§ 228-a. Tenancy in rental buildings; senior citizens; persons with disabilities. 1. Notwithstanding the provisions of section two hundred twenty-eight of this article or any other provision to the contrary, if substantially all of the lessees or tenants occupying units in a rental building are over sixty-five years of age and/or are persons with disabilities, the lessor may not terminate or fail to renew a lease for premises in such building or terminate a tenancy at will or at sufferance, except for cause involving actions of the tenant that violate the terms of the lease, such as the non-payment of rent, without the prior approval of a court of competent jurisdiction. In determining whether to grant approval, the court shall consider factors including: whether the lessor is operating the rental building at a profit or loss; the need for any major capital repairs or improvements that cannot be performed while the tenants are in occupancy; any written or oral representations made by the lessor to tenants about how long they could remain in occupancy; any alternative housing being offered by the lessor, the number of affected tenants; and the length of time the affected tenants have lived in their apartments. At the time of filing any action affecting more than one lease and seeking such prior approval from a court of competent jurisdiction, the lessor shall notify all the lessees and tenants occupying units in the rental building that are over sixty-five years of age and/or are persons with disabilities of the filing of such action. The lessor shall also notify at such time any village, town, city and county, except counties inside the city of New York, in which such rental building is located of the filing of such

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

LBD01124-01-3

action. While such action is pending, the lessor shall notify any prospective lessee or tenant prior to the signing of a lease for premises in such rental building of the pendency of such action.

2. Notwithstanding any provision to the contrary, a lessor of a rental building where substantially all of the lessees or tenants occupying units in the rental building are over sixty-five years of age and/or are persons with disabilities may not increase the rent in such rental building by more than one percent above the percentage change in the consumer price index since the start of the tenancy or most recent renewal, whichever is more recent at the time of renewal of a lease and may not increase the rent more than one time annually.

3. Every lessor of rental buildings where substantially all of the lessees or tenants occupying units are over sixty-five years of age and/or are persons with disabilities, shall notify prospective tenants of the provision of this section. Such notice shall be in writing, upon the rental application, and shall include, in plain and simple English, in conspicuous print of at least eighteen point type, an explanation of a tenant's rights under this section and all other applicable requirements and duties relating thereto.

Such notice shall read as follows:

NOTICE TO SENIOR CITIZENS AND/OR PERSONS WITH DISABILITIES: BUILDING TENANCY

SECTION 228-A OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK PROHIBITS A LESSOR FROM TERMINATING OR FAILING TO RENEW A LEASE OR TENANCY FOR PREMISES IN CERTAIN HOUSING FOR SENIOR CITIZENS AND/OR PERSONS WITH DISABILITIES, EXCEPT FOR CAUSE.

(CONSULT SECTION 228-A OF THE REAL PROPERTY LAW FOR SPECIFIC INFORMATION AND CRITERIA.)

4. Any lessor who violates the provisions of this section shall be liable to the lessee or tenant affected thereby for reasonable costs, including reasonable attorney's fees, which fees shall be taxed and collected as a part of the costs in the action, and for the reasonable expenses incurred by the affected lessee or tenant in relocating to a new residence. Additionally, lessors shall return initiation fees and security deposits to lessees or tenants, where appropriate. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by the affected tenant or lessee.

5. As used in this section:

(a) "lessor" means the owner or landlord of a rental building, or his or her agent;

(b) "person with a disability" means an individual who is currently receiving social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs or those previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and currently receiving medical assistance benefits based on determination of disability as provided in section three hundred sixty-six of the social services law;

(c) "rental building" means twenty or more residential units; and

(d) "substantially all" means approximately eighty percent or more of the lessees or tenants occupying units in a rental building, provided that the court need not rely on a strict percentage when, in its determination, the interests of justice warrant it.

§ 2. This act shall take effect immediately.