

# STATE OF NEW YORK

---

3137

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

---

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

AN ACT to amend the public housing law, in relation to limiting the  
right of the New York city housing authority to transfer elderly and  
long-time residents from their housing accommodations

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

1 Section 1. Subdivision 6 of section 402 of the public housing law, as  
2 added by chapter 970 of the laws of 1968, is amended to read as follows:  
3 6. In addition to all other powers granted by this chapter, the New  
4 York city housing authority shall have the power to act as and be and  
5 become a "developer", as that term is defined in subdivision nine of  
6 section four hundred fifty-two of the education law, of a combined occu-  
7 pancy structure, as defined in subdivision five of section four hundred  
8 fifty-two of such law, which consists of a project, as defined in this  
9 chapter, as well as of school accommodations or other facilities of the  
10 board of education of the city of New York, and to be and become an  
11 "owner", as that term is defined in subdivision fifteen-a of section  
12 four hundred fifty-two of the education law, of the non-school portion,  
13 consisting of a project as defined in this chapter, of such combined  
14 occupancy structure; and to do all things necessary or convenient to  
15 carry out such powers, including (a) construction of such combined occu-  
16 pancy structure as a developer pursuant to the provisions of this chap-  
17 ter and article ten of the education law, and conveyance or lease of the  
18 school portion thereof, and (b) as an owner, making and entering into  
19 contracts for acquisition, lease, sublease or other agreements for or  
20 with respect to the non-school portion, consisting of a project as  
21 defined in this chapter, pursuant to the provisions of article ten of  
22 the education law, and acquiring the same by transfer or conveyance to  
23 it of the fee title, or of possession under such lease, sublease or  
24 other agreement.

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

LBD06535-01-3

1 Notwithstanding any law to the contrary, any resident lease agreement  
2 entered into by the New York city housing authority, containing a  
3 "transfer to appropriate size apartment" provision, or such provision  
4 having substantially the same effect, shall not apply where a member of  
5 the household lawfully occupying the housing accommodation is sixty-two  
6 years of age or older, or has been a tenant in the housing accommodation  
7 in that building for twenty years or more.

8 § 2. This act shall take effect immediately.