STATE OF NEW YORK

458

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. EPSTEIN, SEAWRIGHT, SIMON, SAYEGH, GLICK, DAVILA, DE LOS SANTOS, DINOWITZ, JACKSON, L. ROSENTHAL, STECK -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to providing a deceased tenant's legal representative the option to terminate such tenant's lease upon notice to the landlord

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 236-a to read as follows:

§ 236-a. Termination of lease of a deceased tenant. Notwithstanding any contrary provision contained in any lease hereafter made or renewed which affects premises demised for residential use, or partly for residential and partly for professional use, the executor, administrator or legal representative of a deceased tenant under such a lease shall have the option to terminate such a lease upon notice given to the landlord. Such termination shall be effective as of the date on which the tenant's estate notifies the landlord of its election to terminate and surrenders possession of the premises. Such termination option shall be accompanied by the written consent thereto of any co-tenant or guarantor of such lease. Nothing in this section shall be construed to relieve the tenant's estate of liability for rent money or any debt incurred prior to the date of termination of the lease, including damages to the premises and any expenses the landlord may incur as a direct result of the tenant's death, except that the tenant's estate shall not be liable for damages or any other penalty for breach of inadequate notice as a result of terminating a lease under this section. Any notice or communication required or authorized to be given hereunder shall be sent by registered or certified mail, return receipt requested. This section shall not apply to a proprietary lease, viz.: a lease to, or held by, a tenant entitled thereto by reason of ownership of stock in a corporate owner of

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

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premises which operates the same on a cooperative basis. Any waiver of any part of this section shall be void as against public policy.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.