STATE OF NEW YORK

5591

2023-2024 Regular Sessions

IN ASSEMBLY

March 16, 2023

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

AN ACT to amend the administrative code of the city of New York, in relation to prohibiting the owner of a building from declining to renew a lease to a tenant whose lease term started prior to the owner's purchase of the building on the grounds of occupancy by the owner or an immediate family member

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

Section 1. Subparagraph (b) of paragraph 9 of subdivision c of section 26-511 of the administrative code of the city of New York, as amended by section 14 of part Q of chapter 39 of the laws of 2019, is amended to read as follows:

(b) where he or she seeks to recover possession of one dwelling unit because of immediate and compelling necessity for his or her own personal use and occupancy as his or her primary residence or for the use and occupancy of a member of his or her immediate family as his or her primary residence, provided however, that this subparagraph shall permit recovery of only one dwelling unit and shall not apply where **the tenant's initial tenancy, or the initial tenancy of any family member of the tenant to which the tenant succeeded, commenced before the owner acquired the building containing such dwelling units. Furthermore, this subparagraph shall not apply where** a tenant or the spouse of a tenant lawfully occupying the dwelling unit is sixty-two years of age or older, has been a tenant in a dwelling unit in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment, unless such owner offers

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

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to provide and if requested, provides an equivalent or superior housing accommodation at the same or lower stabilized rent in a closely proximate area. The provisions of this subparagraph shall only permit one of the individual owners of any building to recover possession of one dwelling unit for his or her own personal use and/or for that of his or her immediate family. A dwelling unit recovered by an owner pursuant to this subparagraph shall not for a period of three years be rented, leased, subleased or assigned to any person other than a person for whose benefit recovery of the dwelling unit is permitted pursuant to this subparagraph or to the tenant in occupancy at the time of recovery under the same terms as the original lease; provided, however, that a tenant required to surrender a dwelling unit under this subparagraph shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this subparagraph a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees. This subparagraph shall not be deemed to establish or eliminate any claim that the former tenant of the dwelling unit may otherwise have against the owner. Any such rental, lease, sublease or assignment during such period to any other person may be subject to a penalty of a forfeiture of the right to any increases in residential rents in such building for a period of three years; or

§ 2. This act shall take effect immediately; provided that the amendments to section 26-511 of chapter 4 of title 26 of the administrative code of the city of New York made by section one of this act shall expire on the same date as such law expires and shall not affect the expiration of such law as provided under section 26-520 of such law.