STATE OF NEW YORK

8111

2023-2024 Regular Sessions

IN ASSEMBLY

October 13, 2023

Introduced by M. of A. DE LOS SANTOS -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law and the real property law, in relation to unlawful eviction

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

Section 1. Section 768 of the real property actions and proceedings law is amended by adding a new subdivision 3 to read as follows:

3. In any case of public assistance where the municipality or section 8 refuses to pay the required portion of rent under any state, local or federal subsidy program due to building code violations or violations of the warranty of habitability pursuant to section two hundred thirty-five-b of the real property law, the tenant or lawful occupant of a dwelling shall not be required to pay his or her share under any state, local or federal subsidy program and shall not be subject to eviction summary proceedings for non-payment of rent or supplemental rent.

§ 2. Section 770 of the real property actions and proceedings law is amended by adding a new subdivision 3 to read as follows:

3. In any case of public assistance where the municipality or section 8 refuses to pay the required portion of rent under any state, local or federal subsidy program due to building code violations or violations of the warranty of habitability pursuant to section two hundred thirty-five-b of the real property law or pursuant to subdivision one of this section, the tenants or lawful occupants of a dwelling shall not be required to pay his or her share under a state, local or federal subsidy program and shall not be subject to eviction summary proceedings for non-payment of rent or supplemental rent.

§ 3. Section 235-b of the real property law is amended by adding a new subdivision 4 to read as follows:

4. In any case of public assistance where the municipality or section 8 refuses to pay the required portion of rent under any state, local or

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

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federal subsidy program due to building code violations or violations of the warranty of habitability pursuant to this section, the tenants or lawful occupants of a dwelling shall not be required to pay his or her share under any state, local or federal subsidy program and shall not be subject to eviction summary proceedings for non-payment of rent or supplemental rent.

§ 4. This act shall take effect immediately.