STATE OF NEW YORK

8287

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

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

AN ACT to amend the real property law, in relation to requiring landlords to pay a fee if they evict a tenant without good cause

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 238-b to read as follows:

§ 238-b. No cause eviction fee. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Landlord" shall mean any owner, lessor, sublessor, assignor, or other person receiving or entitled to receive rent for the occupancy of any housing accommodation, or an agent of any of the foregoing.

(b) "Tenant" shall mean a tenant, subtenant, lessee, sublessee, assignee, manufactured home tenant, as defined in paragraph one of subdivision a of section two hundred thirty-three of this article, an occupant of a rooming house or hotel, as defined in section seven hundred eleven of the real property actions and proceedings law, or any other person entitled to the possession, use, or occupancy of any housing accommodation.

(c) "No cause eviction" shall mean eviction except for any of the following grounds:

(i) The tenant has failed to pay rent due and owing; provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase which is unreasonable or imposed for the purpose of circumventing the intent of this section. In determining whether all or part of the rent due and owing is the result of an unreasonable rent increase, it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unreasonable if said rent has been increased in any calendar year by a percentage exceeding either three percent, or one and one-half times the annual percentage change in the consumer price index for the region in which the housing accommodation is located, as established the August preceding the calendar year in question, whichever is greater;

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

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(ii) The tenant is violating a substantial obligation of his or her tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation cease within ten days of receipt of such written notice; provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this section;

(iii) The tenant is committing or permitting a nuisance in such housing accommodation, or is maliciously or by reason of negligence damaging the housing accommodation, or the tenant's conduct is such as to interfere with the comfort of the landlord or other tenants or occupants of the same or adjacent buildings or structures;

(iv) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties therefor; provided, however, that an agency of the state or municipality having jurisdiction has issued an order requiring the tenant to vacate the housing accommodation;

(v) The tenant is using or permitting the housing accommodation to be used for an illegal purpose;

(vi) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law, or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein;

(vii) The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for his or her own personal use and occupancy as his or her principal residence, or the personal use and occupancy as principal residence of his or her spouse, parent, child, stepchild, father-in-law or mother-in-law, when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation; or

(viii) The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five units to personally occupy such housing accommodations as his or her principal residence.

2. Applicability. This article shall apply to all housing accommodations except:

(a) Owner-occupied premises with less than four units;

(b) Premises sublet pursuant to section two hundred twenty-six-b of this article, or otherwise, where the sublessor seeks in good faith to recover possession of such housing accommodation for his or her own personal use and occupancy;

(c) Premises the possession, use or occupancy of which is solely incident to employment and such employment is being lawfully terminated; and

(d) Premises otherwise subject to regulation of rents or evictions pursuant to state or federal law to the extent that such state or federal law requires "good cause" for termination or non-renewal of such tenancies.

3. No cause eviction fee. A no cause eviction shall require the landlord to pay a fee to the evicted tenant equal to the amount of one month's rent. Such amount shall not include any portion of a safety deposit return.

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