

# STATE OF NEW YORK

2055

2023-2024 Regular Sessions

## IN SENATE

January 18, 2023

Introduced by Sens. JACKSON, RIVERA -- read twice and ordered printed,  
and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to permitting a  
tenant to utilize a security deposit to pay rent during a state disaster  
emergency

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

1 Section 1. Section 7-108 of the general obligations law is amended by  
2 adding a new subdivision 1-b to read as follows:

3 1-b. (a) Notwithstanding any provision of law to the contrary, during  
4 a state disaster emergency as defined in section twenty of the executive  
5 law, a residential tenant who has suffered a loss of income or loss of  
6 employment as a result of such state disaster emergency may elect to  
7 utilize any sum of money deposited as security for the full performance  
8 by such residential tenant of the terms of the lease, in whole or in  
9 part, to pay the monthly rent due pursuant to such lease.

10 (b) A residential tenant who makes an election pursuant to the  
11 provisions of paragraph (a) of this subdivision shall replenish any such  
12 money deposited as security used to pay rent within one year from the  
13 last date such election was made.

14 (c) For the purposes of this subdivision, "residential tenant" shall  
15 mean: a tenant as defined in paragraph (a) of subdivision one of section  
16 two hundred thirty-five-f of the real property law; a person who other-  
17 wise pays for the use and occupancy of a residential dwelling; or an  
18 occupant, as defined in paragraph (b) of subdivision one of section two  
19 hundred thirty-five-f of the real property law.

20 § 2. This act shall take effect immediately and shall apply to any  
21 lease or rental agreement or renewal of a lease or rental agreement  
22 entered into on or after such date.

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

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