

# STATE OF NEW YORK

2072

2023-2024 Regular Sessions

## IN SENATE

January 18, 2023

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to the issuance of certificates of occupancy for rental property damaged by fire

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

1 Section 1. The real property law is amended by adding a new section  
2 235-bbb to read as follows:

3 § 235-bbb. Certificates of occupancy; fire damage. 1. Prior to execut-  
4 ing a residential lease or rental agreement with a tenant, the owner of  
5 real property consisting of one or more rental units that has been  
6 damaged by fire shall:

7 (a) if the real property is located in a municipality that issues  
8 certificates of occupancy, obtain a certificate of occupancy from such  
9 municipality. Such certificate of occupancy shall only be issued if such  
10 real property is habitable and no building code violations are present.  
11 Such certificate of occupancy shall only be valid if it is dated subse-  
12 quent to the date such property was damaged by fire; or

13 (b) if the real property is located in a municipality that does not  
14 issue certificates of occupancy, obtain a written statement of  
15 inspection from the building code enforcement officer of such munici-  
16 pality or an independent building inspector. Such statement of  
17 inspection shall only be issued if such real property is habitable and  
18 no building code violations are present. Such statement of inspection  
19 shall only be valid if it is dated subsequent to the date such property  
20 was damaged by fire.

21 2. Prior to executing a residential lease or rental agreement with a  
22 tenant, the owner of real property subject to subdivision one of this  
23 section shall provide an actual copy of the valid certificate of occu-  
24 pancy or statement of inspection required by such subdivision to such  
25 tenant.

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

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1     3. Any agreement by an owner of real property or tenant of premises  
2     for dwelling purposes waiving or modifying his or her rights as set  
3     forth in this section shall be void as contrary to public policy.

4     4. For purposes of this section, real property shall be considered  
5     damaged by fire if the damage resulting from such fire exceeds one thou-  
6     sand dollars.

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