

STATE OF NEW YORK

308

2023-2024 Regular Sessions

IN ASSEMBLY

January 4, 2023

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Aging

AN ACT to amend the real property law, in relation to prohibiting the termination of tenancy in certain housing occupied by senior citizens and/or persons with disabilities

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
2 228-a to read as follows:

3 § 228-a. Tenancy in rental buildings; senior citizens; persons with
4 disabilities. 1. Notwithstanding the provisions of section two hundred
5 twenty-eight of this article or any other provision to the contrary, if
6 substantially all of the lessees or tenants occupying units in a rental
7 building are over sixty-five years of age and/or are persons with disa-
8 bilities, the lessor may not terminate or fail to renew a lease for
9 premises in such building or terminate a tenancy at will or at suffer-
10 ance, except for cause involving actions of the tenant that violate the
11 terms of the lease, such as the non-payment of rent, without the prior
12 approval of a court of competent jurisdiction. In determining whether
13 to grant approval, the court shall consider factors including: whether
14 the lessor is operating the rental building at a profit or loss; the
15 need for any major capital repairs or improvements that cannot be
16 performed while the tenants are in occupancy; any written or oral
17 representations made by the lessor to tenants about how long they could
18 remain in occupancy; any alternative housing being offered by the
19 lessor, the number of affected tenants; and the length of time the
20 affected tenants have lived in their apartments. At the time of filing
21 any action affecting more than one lease and seeking such prior approval
22 from a court of competent jurisdiction, the lessor shall notify all the
23 lessees and tenants occupying units in the rental building that are over
24 sixty-five years of age and/or are persons with disabilities of the
25 filing of such action. The lessor shall also notify at such time any
26 village, town, city and county, except counties inside the city of New
27 York, in which such rental building is located of the filing of such

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

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1 action. While such action is pending, the lessor shall notify any
2 prospective lessee or tenant prior to the signing of a lease for prem-
3 ises in such rental building of the pendency of such action.

4 2. Notwithstanding any provision to the contrary, a lessor of a rental
5 building where substantially all of the lessees or tenants occupying
6 units in the rental building are over sixty-five years of age and/or are
7 persons with disabilities may not increase the rent in such rental
8 building by more than one percent above the percentage change in the
9 consumer price index since the start of the tenancy or most recent
10 renewal, whichever is more recent at the time of renewal of a lease and
11 may not increase the rent more than one time annually.

12 3. Every lessor of rental buildings where substantially all of the
13 lessees or tenants occupying units are over sixty-five years of age
14 and/or are persons with disabilities, shall notify prospective tenants
15 of the provision of this section. Such notice shall be in writing, upon
16 the rental application, and shall include, in plain and simple English,
17 in conspicuous print of at least eighteen point type, an explanation of
18 a tenant's rights under this section and all other applicable require-
19 ments and duties relating thereto.

20 Such notice shall read as follows:

21 NOTICE TO SENIOR CITIZENS AND/OR PERSONS WITH DISABILITIES:

22 BUILDING TENANCY

23 SECTION 228-A OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK
24 PROHIBITS A LESSOR FROM TERMINATING OR FAILING TO RENEW A LEASE OR
25 TENANCY FOR PREMISES IN CERTAIN HOUSING FOR SENIOR CITIZENS AND/OR
26 PERSONS WITH DISABILITIES, EXCEPT FOR CAUSE.

27 (CONSULT SECTION 228-A OF THE REAL PROPERTY LAW FOR SPECIFIC
28 INFORMATION AND CRITERIA.)

29 4. Any lessor who violates the provisions of this section shall be
30 liable to the lessee or tenant affected thereby for reasonable costs,
31 including reasonable attorney's fees, which fees shall be taxed and
32 collected as a part of the costs in the action, and for the reasonable
33 expenses incurred by the affected lessee or tenant in relocating to a
34 new residence. Additionally, lessors shall return initiation fees and
35 security deposits to lessees or tenants, where appropriate. An action
36 to recover for such loss, damage or injury may be brought in any court
37 of competent jurisdiction by the affected tenant or lessee.

38 5. As used in this section:

39 (a) "lessor" means the owner or landlord of a rental building, or his
40 or her agent;

41 (b) "person with a disability" means an individual who is currently
42 receiving social security disability insurance (SSDI) or supplemental
43 security income (SSI) benefits under the federal social security act or
44 disability pension or disability compensation benefits provided by the
45 United States department of veterans affairs or those previously eligi-
46 ble by virtue of receiving disability benefits under the supplemental
47 security income program or the social security disability program and
48 currently receiving medical assistance benefits based on determination
49 of disability as provided in section three hundred sixty-six of the
50 social services law;

51 (c) "rental building" means twenty or more residential units; and

52 (d) "substantially all" means approximately eighty percent or more of
53 the lessees or tenants occupying units in a rental building, provided
54 that the court need not rely on a strict percentage when, in its deter-
55 mination, the interests of justice warrant it.

56 § 2. This act shall take effect immediately.