

STATE OF NEW YORK

962

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

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

AN ACT to amend the administrative code of the city of New York, in
relation to recovery of certain housing accommodations by a landlord

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

1 Section 1. Subparagraph (b) of paragraph 9 of subdivision c of section
2 26-511 of the administrative code of the city of New York, as amended by
3 section 14 of part Q of chapter 39 of the laws of 2019, is amended to
4 read as follows:

5 (b) where he or she seeks to recover possession of one dwelling unit
6 because of immediate and compelling necessity for his or her own
7 personal use and occupancy as his or her primary residence or for the
8 use and occupancy of a member of his or her immediate family as his or
9 her primary residence, provided however, that this subparagraph shall
10 permit recovery of only one dwelling unit and shall not apply where a
11 tenant or the spouse of a tenant lawfully occupying the dwelling unit is
12 sixty-two years of age or older, has been a tenant in a dwelling unit in
13 that building for [~~fifteen~~ twenty years or more, or has an impairment
14 which results from anatomical, physiological or psychological condi-
15 tions, other than addiction to alcohol, gambling, or any controlled
16 substance, which are demonstrable by medically acceptable clinical and
17 laboratory diagnostic techniques, and which are expected to be permanent
18 and which prevent the tenant from engaging in any substantial gainful
19 employment, unless such owner offers to provide and if requested,
20 provides an equivalent or superior housing accommodation at the same or
21 lower stabilized rent in a closely proximate area. The provisions of
22 this subparagraph shall only permit one of the individual owners of any
23 building to recover possession of one dwelling unit for his or her own
24 personal use and/or for that of his or her immediate family. A dwelling
25 unit recovered by an owner pursuant to this subparagraph shall not for a

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

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1 period of three years be rented, leased, subleased or assigned to any
2 person other than a person for whose benefit recovery of the dwelling
3 unit is permitted pursuant to this subparagraph or to the tenant in
4 occupancy at the time of recovery under the same terms as the original
5 lease; provided, however, that a tenant required to surrender a dwelling
6 unit under this subparagraph shall have a cause of action in any court
7 of competent jurisdiction for damages, declaratory, and injunctive
8 relief against a landlord or purchaser of the premises who makes a frau-
9 dulent statement regarding a proposed use of the housing accommodation.
10 In any action or proceeding brought pursuant to this subparagraph a
11 prevailing tenant shall be entitled to recovery of actual damages, and
12 reasonable attorneys' fees. This subparagraph shall not be deemed to
13 establish or eliminate any claim that the former tenant of the dwelling
14 unit may otherwise have against the owner. Any such rental, lease,
15 sublease or assignment during such period to any other person may be
16 subject to a penalty of a forfeiture of the right to any increases in
17 residential rents in such building for a period of three years; or
18 § 2. This act shall take effect immediately and shall apply to any
19 tenant in possession at or after the time it takes effect, regardless of
20 whether the landlord's application for an order, refusal to renew a
21 lease or refusal to extend or renew a tenancy took place before this act
22 shall have taken effect, provided that the amendments to section 26-511
23 of chapter 4 of title 26 of the administrative code of the city of New
24 York made by section one of this act shall expire on the same date as
25 such law expires and shall not affect the expiration of such law as
26 provided under section 26-520 of such law.