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:

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

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

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

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

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

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

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

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

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