

STATE OF NEW YORK

4565

2023-2024 Regular Sessions

IN SENATE

February 10, 2023

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the emergency tenant protection act of nineteen seventy-four, in relation to housing accommodations in certain buildings where seventy-five percent of the total residents are fifty-five or older

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

1 Section 1. Section 5 of section 4 of chapter 576 of the laws of 1974,
2 constituting the emergency tenant protection act of nineteen seventy-
3 four, is amended by adding a new subdivision c to read as follows:

4 c. The exception in paragraph five of subdivision a of this section
5 shall not apply to housing accommodations in buildings containing six or
6 more dwelling units in which the number of residents aged fifty-five or
7 older exceeds seventy-five percent of the total building residents.

8 § 2. Subdivision a of section 10 of section 4 of chapter 576 of the
9 laws of 1974, constituting the emergency tenant protection act of nine-
10 teen seventy-four, as amended by section 15 of part Q of chapter 39 of
11 the laws of 2019, is amended to read as follows:

12 a. For cities having a population of less than one million and towns
13 and villages, the state division of housing and community renewal shall
14 be empowered to implement this act by appropriate regulations. Such
15 regulations may encompass such speculative or manipulative practices or
16 renting or leasing practices as the state division of housing and commu-
17 nity renewal determines constitute or are likely to cause circumvention
18 of this act. Such regulations shall prohibit practices which are likely
19 to prevent any person from asserting any right or remedy granted by this
20 act, including but not limited to retaliatory termination of periodic
21 tenancies and shall require owners to grant a new one or two year vacan-
22 cy or renewal lease at the option of the tenant, except where a mortgage

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

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1 or mortgage commitment existing as of the local effective date of this
2 act provides that the owner shall not grant a one-year lease; and shall
3 prescribe standards with respect to the terms and conditions of new and
4 renewal leases, additional rent and such related matters as security
5 deposits, advance rental payments, the use of escalator clauses in leas-
6 es and provision for increase in rentals for garages and other ancillary
7 facilities, so as to ensure that the level of rent adjustments author-
8 ized under this law will not be subverted and made ineffective. Such
9 regulations shall require owners of buildings containing six or more
10 dwelling units in which the number of residents aged fifty-five or older
11 exceeds seventy-five percent of the total building residents to offer a
12 vacancy or renewal lease of no fewer than two years. Any provision of
13 the regulations permitting an owner to refuse to renew a lease on
14 grounds that the owner seeks to recover possession of a housing accommo-
15 dation for his or her own use and occupancy or for the use and occupancy
16 of his or her immediate family shall permit recovery of only one housing
17 accommodation, shall require that an owner demonstrate immediate and
18 compelling need and that the housing accommodation will be the proposed
19 occupants' primary residence and shall not apply where a member of the
20 housing accommodation is sixty-two years of age or older, has been a
21 tenant in a housing accommodation in that building for fifteen years or
22 more, or has an impairment which results from anatomical, physiological
23 or psychological conditions, other than addiction to alcohol, gambling,
24 or any controlled substance, which are demonstrable by medically accept-
25 able clinical and laboratory diagnostic techniques, and which are
26 expected to be permanent and which prevent the tenant from engaging in
27 any substantial gainful employment; provided, however, that a tenant
28 required to surrender a housing accommodation under this subdivision
29 shall have a cause of action in any court of competent jurisdiction for
30 damages, declaratory, and injunctive relief against a landlord or
31 purchaser of the premises who makes a fraudulent statement regarding a
32 proposed use of the housing accommodation. In any action or proceeding
33 brought pursuant to this subdivision a prevailing tenant shall be enti-
34 tled to recovery of actual damages, and reasonable attorneys' fees.
35 § 3. This act shall take effect immediately.