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:

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

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

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

a. For cities having a population of less than one million and towns and villages, the state division of housing and community renewal shall be empowered to implement this act by appropriate regulations. Such regulations may encompass such speculative or manipulative practices or renting or leasing practices as the state division of housing and community renewal determines constitute or are likely to cause circumvention of this act. Such regulations shall prohibit practices which are likely to prevent any person from asserting any right or remedy granted by this act, including but not limited to retaliatory termination of periodic tenancies and shall require owners to grant a new one or two year vacancy 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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or mortgage commitment existing as of the local effective date of this act provides that the owner shall not grant a one-year lease; and shall prescribe standards with respect to the terms and conditions of new and renewal leases, additional rent and such related matters as security deposits, advance rental payments, the use of escalator clauses in leases and provision for increase in rentals for garages and other ancillary facilities, so as to ensure that the level of rent adjustments authorized under this law will not be subverted and made ineffective. **Such regulations shall require owners of buildings containing six or more dwelling units in which the number of residents aged fifty-five or older exceeds seventy-five percent of the total building residents to offer a vacancy or renewal lease of no fewer than two years.** Any provision of the regulations permitting an owner to refuse to renew a lease on grounds that the owner seeks to recover possession of a housing accommodation for his or her own use and occupancy or for the use and occupancy of his or her immediate family shall permit recovery of only one housing accommodation, shall require that an owner demonstrate immediate and compelling need and that the housing accommodation will be the proposed occupants' primary residence and shall not apply where a member of the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for fifteen years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment; provided, however, that a tenant required to surrender a housing accommodation under this subdivision shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this subdivision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees.

§ 3. This act shall take effect immediately.