

STATE OF NEW YORK

548

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sen. HOYLMAN -- 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 providing a deceased tenant's legal representative the option to terminate such tenant's lease upon notice to the landlord

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
2 236-a to read as follows:

3 § 236-a. Termination of lease of a deceased tenant. Notwithstanding
4 any contrary provision contained in any lease hereafter made or renewed
5 which affects premises demised for residential use, or partly for resi-
6 dential and partly for professional use, the executor, administrator or
7 legal representative of a deceased tenant under such a lease shall have
8 the option to terminate such a lease upon notice given to the landlord.
9 Such termination shall be effective as of the date on which the tenant's
10 estate notifies the landlord of its election to terminate and surrenders
11 possession of the premises. Such termination option shall be accompanied
12 by the written consent thereto of any co-tenant or guarantor of such
13 lease. Nothing in this section shall be construed to relieve the
14 tenant's estate of liability for rent money or any debt incurred prior
15 to the date of termination of the lease, including damages to the prem-
16 ises and any expenses the landlord may incur as a direct result of the
17 tenant's death, except that the tenant's estate shall not be liable for
18 damages or any other penalty for breach of inadequate notice as a result
19 of terminating a lease under this section. Any notice or communication
20 required or authorized to be given hereunder shall be sent by registered
21 or certified mail, return receipt requested. This section shall not
22 apply to a proprietary lease, viz.: a lease to, or held by, a tenant
23 entitled thereto by reason of ownership of stock in a corporate owner of

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

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1 premises which operates the same on a cooperative basis. Any waiver of
2 any part of this section shall be void as against public policy.
3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.