STATE OF NEW YORK

10991

IN ASSEMBLY

April 14, 2026

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

AN ACT to amend the real property law, in relation to establishing tenant unions and the statewide tenant association; and to amend the state finance law, in relation to establishing the statewide tenant association fund; and making an appropriation therefor

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 article 7-B to read as follows:

ARTICLE 7-B
TENANT POWER ACT

Section 239-h. Short title.
239-i. Definitions.
239-j. Tenant unions and tenant bargaining representatives; recognition, activities, powers, and member rights.
239-k. Statewide tenant association.
239-l. Relationship to real property actions and proceedings law.
239-m. Enforcement.

§ 239-h. Short title. This article shall be known and may be cited as the "tenant power act".

§ 239-i. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Confer in good faith" means to meet and discuss any issue of common concern. Conferring in good faith includes, but is not limited to, maintaining a designated point of contact, engaging in regular communications, responding to reasonable requests for information, allowing participation by non-resident advocates, and negotiating and putting agreements into writing.

2. "Issues of common concern" are topics with respect to which landlords and tenant unions shall confer in good faith. Issues of common concern include, but are not limited to, rent, security deposits, lease terms and duration, housing conditions, health issues, privacy matters,

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

LBD15155-02-6

community life, landlord-tenant relations, and other issues of common interest or concern.

3. "Landlord" means the owner, lessor, or sublessor of a residential building, with the exception of tenants who are also cooperative owners. Landlord includes, but is not limited to, individual persons, corporations, investor-owners, and owners of any property interest in a building.

4. "Major decision" means any actual or projected sale, transfer, or conversion of a property, any projected rent increase, and any actual or projected significant alteration of the premises or services.

5. "Records" means documents and other materials containing information about a landlord's operations. Records include, but are not limited to, documents and other materials discussing a landlord's rent rolls, properties owned, names of individual principals, operating income and expenses, debt service and loan terms, and assessed and outstanding taxes, penalties, fines and fees, tenant complaints, tenant communications, and communications and interactions with tenants.

6. "Subject premises" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes or used as a sleeping space for one or more persons. Subject premises includes, but is not limited to, houses, apartments, hotels, rooming or boarding house accommodations, vehicles, mobile homes, trailers, trailer parks, tents, and any other properties so used. Status as a subject premises pursuant to this article shall not depend on size, legal status, compliance with local, state, or federal law, number of units, or the form or formality of the lease, but rather on the parties' entering into the tenancy agreement with the intent that the tenant shall reside within the dwelling in exchange for any form of consideration.

7. "Tenant" means a person occupying or entitled to occupy a subject premises who is either a party to the lease or rental agreement for such premises or is a statutory tenant pursuant to the emergency housing rent control law, or the city rent and rehabilitation law, or article seven-C of the multiple dwelling law.

8. "Tenant bargaining representative" means an individual, agency, committee or organization that exists for the purpose, in whole or in part, of representing tenants in dealing or negotiating with landlords over the terms and conditions of their residential lives. A tenant bargaining representative may, but need not, be a member of a tenant union and may, but need not, reside in the subject premises. Tenant bargaining representatives shall be registered with the statewide tenant association.

9. "Tenant organization" means any organization that exists, in whole or in part, to educate, organize, serve or otherwise support tenants in order to secure safe, healthy and affordable housing in the state.

10. "Tenant union" means any organization of tenants that represents a majority of occupied units in a subject premises, and which exists for the purpose, in whole or in part, of dealing with landlords concerning issues of common concern, as defined in this section. A tenant union shall have and maintain a democratic constitution or bylaws registered with the statewide tenant association. A tenant union shall admit to membership on a non-discriminatory basis any tenant of such subject premises who is sincerely committed to tenants' interests, needs, and rights. Notwithstanding the foregoing, tenant unions shall exclude from membership any individuals acting as an agent for, or in coordination or collusion with, any landlord, residential owner, developer or management

company, and no tenant union shall receive funds or anything of value from such sources; provided, however, that a tenant union may admit to membership and receive financial or other support from individuals or entities acting as owners, landlords, or developers in connection with bona fide efforts to establish tenant led, non-profit, low-income housing. Tenant unions shall not act in coordination with or as agents of the landlord. Membership in a tenant union shall be considered participation in the activities of a tenant's organization for anti-retaliation purposes pursuant to section two hundred twenty-three-b of this chapter.

11. "Statewide tenant association" means the public entity established pursuant to section two hundred thirty-nine-k of this article that is comprised of tenant unions, individual tenants, and tenant organizations, and exists for the purpose of providing technical and material support for tenant organizing pursuant to this article.

§ 239-j. Tenant unions and tenant bargaining representatives; recognition, activities, powers, and member rights. 1. Tenants of a subject premises with two or more units may establish a tenant union by filing a petition signed by tenants representing a majority of the occupied units of the subject premises with the statewide tenant association and the department of state.

(a) For purposes of this section, a petition may consist of a single document, a collection of individual written statements signed by tenants, or some combination of individual and collective written statements.

(b) Each petition shall include a sworn statement that the tenant union is not being created in coordination with the landlord of the subject premises and that the tenant union will not act as an agent of such landlord.

(c) A tenant union shall maintain copies of all petitions and file such petitions with the statewide tenant association and the department of state. Upon filing such petitions, a tenant union shall be deemed a member of the statewide tenant association and the landlord of the subject premises of the tenant union shall be required to meet and confer with the designated representative of the tenant union pursuant to subdivision three of this section.

2. Within thirty days of filing a petition with the statewide tenant association and the department of state pursuant to subdivision one of this section, a tenant union shall begin to hold regular meetings open to all residents of the subject premises.

3. Landlords shall meet and confer in good faith with tenant unions that file with the statewide tenant association and the department of state pursuant to subdivision one of this section regarding issues of common concern.

(a) Upon the written request of a tenant union, the landlord of the subject premises, or a representative authorized by the landlord to act on the landlord's behalf, shall attend at least one tenant union meeting per calendar quarter; provided, however, that a landlord, or the landlord's authorized representative, may attend meetings more frequently at the request or upon the approval of the tenant union.

(b) Meetings between a tenant union and the landlord of the subject premises shall occur at a mutually convenient time and place. To request that a landlord, or the landlord's authorized representative, attend a meeting, the tenant union shall send the landlord a written request at least fourteen days in advance of such meeting; provided, however, that if the tenant union meets at a regularly scheduled time and place, then

the tenant union may send the landlord a single standing request to attend meetings for the duration of the calendar year.

(c) Apart from meetings between a tenant union and the landlord of the subject premises pursuant to this subdivision, landlords, residential owners, developers or management companies, or their agents, shall not participate in or influence the activities of a tenant union, including but not limited to joining or causing others to join a tenant union, attending or causing others to attend meetings of a tenant union, or gathering information about internal tenant union matters and deliberations.

4. Landlords shall post a notice advising tenants of their rights and the landlord's obligations under this article. Such notice shall be posted in public areas of subject premises that have a tenant union and shall include contact information for the statewide tenant association.

5. A tenant of a subject premises that has a tenant union may, at any time, bring any issue directly to the landlord of the subject premises separately and outside of the tenant union. A landlord may not refuse to meet and confer with a tenant individually due to the existence of a tenant union at the subject premises or the tenant's membership in such a tenant union. Refusal by a landlord of a subject premises to meet and confer with a tenant for such reasons shall constitute a breach of the duty to confer in good faith.

6. A tenant union established in accordance with this section shall remain operative so long as:

(a) Every four years from the date of the initial filing with the statewide tenant association and the department of state, the tenant union files a recertification with the department of state stating that the tenant union continues to represent a majority of the occupied units in the subject premises; and

(b) The tenant union has not been dissolved by a filing signed by a majority of the tenants of the subject premises; provided, however, that a filing to dissolve a tenant union shall include a sworn statement that none of the tenants is acting in coordination with or as an agent of the landlord.

7. A tenant union established in accordance with this section shall have the following powers:

(a) To elect and change its own leadership on a predictable schedule.

(b) To write its own democratic constitution and bylaws, provided that such constitution and bylaws are registered with the statewide tenant association. A tenant union shall admit to membership on a non-discriminatory basis any tenant of the subject premises who is not acting in coordination with or as an agent of the landlord of the subject premises. Tenant unions shall exclude from membership any individuals acting as an agent for, or in coordination or collusion with, any landlord, residential owner, developer or management company, and no tenant union shall receive funds or anything of value from such sources; provided, however, that a tenant union may admit to membership and receive financial or other support from individuals or entities acting as owners, landlords, or developers in connection with bona fide efforts to establish tenant led, non-profit, low-income housing provided that such membership is approved by a majority of members of the tenant union and that the constitution and bylaws of the tenant union are amendable by a vote of all members of the tenant union in which the threshold for approval is, at minimum, a majority vote and, at maximum, two-thirds of voting members.

(c) To collect dues for the tenants that the tenant union represents to fund further development of tenant power.

(d) To affiliate with tenant union locals and/or affiliate with tenant organizations.

(e) To collect information from landlords, including, but not limited to: (i) rent rolls; (ii) a list of properties owned; (iii) names of individual principals; (iv) operating income and expenses; (v) debt service and loan terms; and (vi) assessed and outstanding taxes, penalties, fines and fees.

(f) To select a tenant bargaining representative to meet and confer with the landlord on issues of common concern.

8. Any member of a tenant union shall have the right:

(a) To meet and assemble freely with other members;

(b) To express any views, arguments, or opinions;

(c) To express at meetings of the tenant union their views of candidates in an election of the tenant union or upon any business properly before the meeting, subject to the tenant union's established and reasonable rules pertaining to the conduct of meetings: provided, however, that this subdivision shall not be construed to impair the right of a tenant union to adopt and enforce reasonable rules as to the responsibility of every member toward the tenant union and to their refraining from conduct that would interfere with its performance of its legal or contractual obligations;

(d) To enjoy equal rights and privileges within the tenant union to nominate candidates, to vote in elections or referendums of the tenant union, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such tenant union's constitution and bylaws;

(e) To pursue a private right of action, either in court or before an administrative agency, to: (i) enforce applicable housing code; (ii) make any other cognizable claim against the landlord of the subject premises; or (iii) to make a cognizable claim against the tenant union; and

(f) To receive, upon request, information from the landlord of the subject premises relevant to good-faith consultation on issues of common concern, including, but not limited to: (i) rent rolls; (ii) other properties owned by the landlord; (iii) names of individual principals; (iv) operating income and expenses; (v) debt service and loan terms; and (vi) assessed and outstanding taxes, penalties, fines, and fees.

9. The landlord of subject premises which has a tenant union shall provide at least three months' advance notice to the tenant union of any major decision, as defined in section two hundred thirty-nine-i of this article, affecting tenants of the subject premises. Except under extraordinary circumstances and for cause shown, a court shall issue an injunction to enjoin a landlord from effectuating any major decisions during the three-month advance notice period. During such three-month period, the tenant union or the landlord may request to meet with the other party to negotiate procedures and to consider alternatives to and effects of the major decision. No tenant shall be evicted due to a major decision for a period of at least six months from the date notice was provided to the tenant union pursuant to this subdivision, except under extraordinary circumstances.

10. Once a tenant union has filed with the statewide tenant association and the department of state pursuant to subdivision one of this section, it shall be unlawful for a landlord to: (i) refuse to confer in

good faith; (ii) do so in bad faith or in a surface manner intended to or effectively preventing the ability to confer in good faith; (iii) refuse to provide information as required pursuant to this section; or (iv) engage in retaliatory or discriminatory behavior affecting the ability of any party to confer in good faith. The statewide tenant association shall receive and keep records of complaints of violations of this section.

11. Whenever a change of ownership occurs with respect to subject premises where there is a tenant union, the new owner shall assume by operation of law all of the duties, obligations, and responsibilities of the preceding owner with regards to the tenant union, including any duties, obligations, and responsibilities contained in agreements entered into by the preceding owner affecting tenants of the subject premises.

12. Once a tenant union has filed with the statewide tenant association and the department of state pursuant to subdivision one of this section, the landlord of the subject premises of the tenant union shall notify the tenant union of the landlord's intent to file a summary eviction proceeding against any tenant of the subject premises at least twenty days prior to the commencement of such summary eviction proceeding, unless such proceeding is based on an allegation of nuisance.

13. Any individual or entity serving as the tenant bargaining representative for a tenant union who is not a member of such tenant union shall be entitled to all of the rights provided in subdivision eight of this section.

§ 239-k. Statewide tenant association. 1. There is hereby established a statewide tenant association which shall be comprised of individual tenants, tenant unions, and tenant organizations in the state.

2. The statewide tenant association shall confer membership upon any tenant union that has been established in accordance with subdivision one of section two hundred thirty-nine-j of this article and upon every residential tenant in the state, unless such tenant declines membership by filing a request to decline membership with the statewide tenant association.

3. The statewide tenant association shall be governed by a board of directors that shall consist of fifteen members, which shall be geographically diverse, with no fewer than five members from outside of New York City. Members of the board shall be appointed as follows:

(a) four members shall be individuals who are tenant-members of tenant unions, two of whom shall be appointed by the governor, one of whom shall be appointed by the speaker of the assembly, and one of whom shall be appointed by the president of the senate;

(b) six members shall be individuals who are representatives of tenant advocacy, organizing and legal services organizations, three of whom shall be appointed by the governor and three of whom shall be appointed by the speaker of the assembly; provided, however, that one of whom shall be a representative of a tenant advocacy organization, four of whom shall be representatives of tenant organizations, and one of whom shall be a representative of a legal services organization experienced with tenant issues; and provided further that five of such members shall be representatives of organizations that have an annual budget of no less than one million dollars and membership bases of no fewer than five thousand members and one of such members shall represent an organization with a budget of less than one million dollars and with a membership base of no fewer than one thousand members;

(c) two members shall be individuals with at least five years' experience as a policy specialist with a focus on promoting and protecting the interests of low-income tenants, both of whom shall be appointed by the temporary president of the senate;

(d) one member shall be an individual with at least five years' experience as a tenants' rights attorney and shall have at least two years' experience working in partnership with housing rights organizers, who shall be appointed by the temporary president of the senate;

(e) one member shall be an individual with at least five years' experience as an unhoused people's organizer or advocate with at least two years' experience working on state and/or federal housing issues, who shall be appointed by the governor; and

(f) one member shall be an individual with at least five years' experience as a representative of a public sector labor or service union, who shall be appointed by the governor.

4. Members of the board of directors shall continue as members of the board until their successors are appointed and have qualified. Of the members of the board of directors, the seven members appointed by the governor shall serve initial terms of four years, while the remaining members shall serve initial terms of three years.

5. Vacancies shall be filled in the manner provided for original appointments. Members shall not be removed during their term without written charges and the opportunity to be heard.

6. The members of the board shall designate a chair from among such members. The chair shall preside over meetings of the board and shall serve as the primary liaison between the board and the rest of the members. A vice-chair may be elected by the board from among its other members to serve as such at the pleasure of the board. The vice-chair shall preside over all meetings of the board in the absence of the chair and shall have such other duties as the statewide tenant association may prescribe.

7. The members of the board shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

8. The board of directors of the statewide tenant association shall have the power to:

(a) establish bylaws for the management and regulation of its affairs and to enforce the terms of such bylaws with respect to its members;

(b) appoint officers, agents and employees and fix their compensation, to the provisions of the civil service law; and

(c) prioritize and direct all resources budgeted toward the fulfillment of its responsibilities under this article.

9. The statewide tenant association shall have the following powers and duties:

(a) to support member tenants in organizing building tenant unions and achieving recognition for such tenant unions;

(b) to support member tenant unions in organizing new buildings;

(c) to support member tenants in claiming or enforcing any right or protection offered under state law pertaining to landlord-tenant relations;

(d) to maintain membership records and records related to landlord disclosures;

(e) to provide technical assistance to tenant unions and tenant organizations throughout the state;

(f) to offer advice to members;

(g) to collect information and records from landlords and organizations representing landlords, including but not limited to information required for disclosure pursuant to subdivisions seven and eight of section two hundred thirty-nine-j of this article, including but not limited to rent rolls, properties owned, names of individual principals, operating income and expenses, debt service and loan terms and assessed and outstanding taxes, penalties, fines and fees;

(h) to collect information from tenants and tenant unions;

(i) to disseminate research and analysis to members;

(j) to convene public hearings, alone or in partnership with state or local entities;

(k) to issue reports, analyses and other documents to inform the public discourse;

(l) to appoint officers, agents and employees and fix their compensation, subject to the provisions of the civil service law;

(m) to recommend changes to law, including drafting proposed language;

(n) to advise relevant state and local agencies; and

(o) to allocate funding from the statewide tenant association fund established pursuant to section ninety-nine-uu of the state finance law.

§ 239-l. Relationship to real property actions and proceedings law. 1. Every petition filed pursuant to section seven hundred forty-one of the real property actions and proceedings law shall state that, at the time of commencement of the special proceedings, either:

(a) no tenant union recognized under section two hundred thirty-nine-j of this article exists at the subject premises; or

(b) there is a tenant union at the subject premises and the landlord has met and conferred with such tenant union as required by subdivision three of section two hundred thirty-nine-j of this article.

2. Every petition filed pursuant to section seven hundred forty-one of the real property actions and proceedings law in a subject premises where there exists a tenant union shall state that prior to commencement of the special proceeding, the landlord has notified the tenant union and the statewide tenant association of the proceeding in accordance with section two hundred thirty-nine-j of this article.

§ 239-m. Enforcement. 1. Where a tenant union established pursuant to section two hundred thirty-nine-j of this article exists at the subject premises, the failure of the landlord to comply with subdivision three of section two hundred thirty-nine-j of this article shall be deemed to substantially interfere with the comfort, repose, peace, and quiet of the members of the tenant union, and may serve as the basis for a legal claim by the tenant union or by individual members of the tenant union.

2. A tenant union established pursuant to section two hundred thirty-nine-j of this article or individual members of such a tenant union may bring an action in a court of competent jurisdiction, including but not limited to housing court, against the landlord or lessor of the subject premises to compel compliance with subdivision three of section two hundred thirty-nine-j of this article and to recover damages suffered by reason of noncompliance. In any action brought under this section, the court may award reasonable attorney's fees to a prevailing plaintiff.

3. Damages for landlords' noncompliance with section two hundred thirty-nine-j of this article may be awarded in the form of a rent abatement in a proceeding against a tenant or in a claim brought by a tenant union or individual members thereof.

4. A tenant's individual claim under this section shall survive dissolution of the tenant union at the subject premises.

5. Nothing in this article shall serve to limit the ability of tenants as individuals or as members of a tenant union or other tenant organization to withhold rent, seek repairs, or exercise any other legal right available to them under existing laws.

6. Upon a finding by a court of competent jurisdiction that a landlord has interfered with tenants' right to organize pursuant to this article or failed to comply with subdivision three of section two hundred thirty-nine-j of this article, such landlord shall be barred from increasing the rent at the subject premises from the date of the occurrence of the violation. Such bar shall remain in effect until the landlord adequately provides the tenants with the opportunity to establish a recognized tenant union and/or to meet and confer in accordance with the requirements of section two hundred thirty-nine-j of this article.

§ 2. The state finance law is amended by adding a new section 99-uu to read as follows:

§ 99-uu. Statewide tenant association fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the comptroller a special fund to be known as the "statewide tenant association fund".

2. Such fund shall consist of revenues received pursuant to the provisions of article seven-B of the real property law and all other moneys credited or transferred thereto from any other fund or source pursuant to law. Nothing in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law. Any interest earned by the investment of moneys in the statewide tenant association shall be added to such fund, become part of such fund, and be used for the purposes of such fund.

3. Money allocated to the statewide tenant association fund shall be kept separate and shall not be commingled with any other funds in the custody of the state comptroller.

4. All moneys deposited in the statewide tenant association fund shall be made available for use by the statewide tenant association for the purposes of carrying out the powers and duties of the statewide tenant association pursuant to section two hundred thirty-nine-k of the real property law, including supporting tenant organizing in order to promote increased access to healthy, safe and affordable housing for residents of the state.

5. On or before the first day of February each year, the chair of the statewide tenant association shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, the chair of the assembly ways and means committee, the state comptroller and the public. Such report shall include how the moneys of the statewide tenant association fund were utilized during the preceding calendar year, and shall include:

(a) the amount of money disbursed from the fund and the purposes of such disbursements;

(b) recipients of awards from the fund;

(c) the amount awarded to each recipient;

(d) the purposes for which such awards were granted; and

(e) a summary financial plan for such moneys which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

6. On or before the first day of February of each calendar year, the comptroller shall certify to the governor, the temporary president of

the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee, the amount of money deposited in the statewide tenant association fund during the preceding calendar year as the result of revenue derived pursuant to article seven-B of the real property law, and from all grants, gifts and bequests.

7. Moneys shall be payable from the statewide tenant association fund on the audit and warrant of the comptroller on vouchers approved and certified by the chair of the statewide tenant association.

§ 3. The sum of fifty million dollars ($50,000,000), or so much thereof as may be necessary, is hereby appropriated to the division of housing and community renewal out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of the division of housing and community renewal in the manner prescribed by law.

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