STATE OF NEW YORK

4098

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sens. PARKER, FERNANDEZ, HARCKHAM, SALAZAR -- 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 real property actions and proceedings law, in relation to conditions precedent to the bringing of certain actions or proceedings

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

Section 1. Subdivision 2 of section 711 of the real property actions and proceedings law, as amended by section 4 of part HH of chapter 56 of the laws of 2024, is amended to read as follows:

2. The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon the tenant as prescribed in section seven hundred thirty-five of this article**, and at the time of commencement of the proceeding there are no violations of any applicable state, city or local codes relating to housing maintenance or housing standards, and no conditions that contravene section two hundred thirty-five-b of the real property law, in the subject apartment or in the common areas of the subject building, and there is no lack of heat, running water, light, electricity or of adequate sewage disposal facilities, or an infestation by rodents, or any other condition dangerous to life, health or safety, which has existed for five days, or any combination of such conditions in any apartments in the subject building. If at the time of filing there exist violations of any applicable state, city or local building or housing codes with respect to the subject apartment or the common areas of the subject building or there is no lack of heat, running water, light, electricity or of adequate sewage disposal facilities, or an infestation by rodents, or any other condition dangerous to life,**

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

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health or safety, which has existed for five days, or any combination of such conditions in any apartments in the subject building, a landlord may commence a proceeding under this subdivision by filing, with the petition and notice of petition prescribed by section seven hundred thirty-one of this article, an affidavit including facts establishing that such violation or violations were recorded erroneously or that a state, city or local agency, authority or department erroneously failed to remove such violation or violations. A proceeding under this subdivision cannot be maintained if the court finds that the allegations in such affidavit are untrue or if the court finds that at the time of commencement of the proceeding there were violations of any applicable state, city or local codes relating to housing maintenance or housing standards or contraventions of section two hundred thirty-five-b of the real property law, in the subject apartment or in the common areas of the subject building, or extremely hazardous violations in any apartments in the subject building. The fourteen-day notice shall append or contain the notice required pursuant to section two hundred thirty-one-c of the real property law, which shall state the following: (i) if the premises are or are not subject to article six-A of the real property law, the "good cause eviction law", and if the premises are exempt, such notice shall state why the premises are exempt from such law; (ii) if the landlord is not renewing the lease for a unit subject to article six-A of the real property law, the lawful basis for such non-renewal; and (iii) if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of the real property law above the applicable local rent standard, as defined in subdivision eight of section two hundred eleven of the real property law, the justification for such increase. Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due such person's predecessor in interest if such person has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants.

§ 1-a. Subdivision 2 of section 711 of the real property actions and proceedings law, as amended by section 12 of part M of chapter 36 of the laws of 2019, is amended to read as follows:

2. The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon [~~him~~] such tenant as prescribed in section seven hundred thirty-five of this article, and at the time of commencement of the proceeding there are no violations of any applicable state, city or local codes relating to housing maintenance or housing standards, and no conditions that contravene section two hundred thirty-five-b of the real property law, in the subject apartment or in the common areas of the subject building, and there is no lack of heat, running water, light, electricity or of adequate sewage disposal facilities, or an infestation by rodents, or any other condition dangerous to life, health or safety, which has existed for five days, or any combination of such conditions in any apartments in the subject building. If at the time of filing there exist violations of any applicable state, city or local building

or housing codes with respect to the subject apartment or the common areas of the subject building or there is no lack of heat, running water, light, electricity or of adequate sewage disposal facilities, or an infestation by rodents, or any other condition dangerous to life, health or safety, which has existed for five days, or any combination of such conditions in any apartments in the subject building, a landlord may commence a proceeding under this subdivision by filing, with the petition and notice of petition prescribed by section seven hundred thirty-one of this article, an affidavit including facts establishing that such violation or violations were recorded erroneously or that a state, city or local agency, authority or department erroneously failed to remove such violation or violations. A proceeding under this subdivision cannot be maintained if the court finds that the allegations in such affidavit are untrue or if the court finds that at the time of commencement of the proceeding there were violations of any applicable state, city or local codes relating to housing maintenance or housing standards or contraventions of section two hundred thirty-five-b of the real property law, in the subject apartment or in the common areas of the subject building, or extremely hazardous violations in any apartments in the subject building. Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due [~~his~~] the predecessor in interest if [~~he~~] such person has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants.

§ 2. Section 741 of the real property actions and proceedings law is amended by adding a new subdivision 3-a to read as follows:

3-a. State that at the time of commencement of the proceeding there are no violations of any applicable state, city or local codes relating to housing maintenance or housing standards, and no conditions that contravene section two hundred thirty-five-b of the real property law, in the subject apartment or in the common areas of the subject building, and no extremely hazardous violations in any apartments in the subject building, or state that an affidavit has been filed as prescribed by section seven hundred eleven of this article.

§ 3. This act shall take effect immediately; provided, however, that the amendments to subdivision 2 of section 711 of the real property actions and proceedings law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 7 of part HH of chapter 56 of the laws of 2024, as amended, when upon such date the provisions of section one-a of this act shall take effect.