

STATE OF NEW YORK

1418

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

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

AN ACT to amend the emergency tenant protection act of nineteen seven-
ty-four, in relation to the use of certain residential dwellings by
tenants who left the dwelling temporarily due to the health impacts of
COVID-19

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

1 Section 1. Paragraph 11 of subdivision a of section 5 of section 4 of
2 chapter 576 of the laws of 1974, constituting the emergency tenant
3 protection act of nineteen seventy-four, as amended by section 1 of part
4 J of chapter 36 of the laws of 2019, is amended to read as follows:
5 (11) housing accommodations which are not occupied by the tenant, not
6 including subtenants or occupants, as [~~his or her~~] such tenant's primary
7 residence, as determined by a court of competent jurisdiction. For the
8 purposes of determining primary residency, a tenant who is a victim of
9 domestic violence, as defined in section four hundred fifty-nine-a of
10 the social services law, who has left the unit because of such violence,
11 and who asserts an intent to return to the housing accommodation shall
12 be deemed to be occupying the unit as [~~his or her~~] such tenant's primary
13 residence. For the purposes of determining primary residency, a tenant
14 who has left the unit between the dates of March 12, 2020 and January 1,
15 2022 due to the health impacts of COVID-19 in the city of New York and
16 is a senior citizen or is a disabled person as defined in 9 NYCRR
17 2520.6, and who asserts an intent to return to the housing accommodation
18 shall be deemed to be occupying the unit as such tenant's primary resi-
19 dence. For the purposes of this paragraph, where a housing accommodation
20 is rented to a not-for-profit hospital for residential use, affiliated
21 subtenants authorized to use such accommodations by such hospital shall
22 be deemed to be tenants. For the purposes of this paragraph, where a
23 housing accommodation is rented to a not-for-profit for providing, as of

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

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1 and after the effective date of the chapter of the laws of two thousand
2 nineteen that amended this paragraph, permanent housing to individuals
3 who are or were homeless or at risk of homelessness, affiliated subten-
4 ants authorized to use such accommodations by such not-for-profit shall
5 be deemed to be tenants. No action or proceeding shall be commenced
6 seeking to recover possession on the ground that a housing accommodation
7 is not occupied by the tenant as [~~his or her~~] such tenant's primary
8 residence unless the owner or lessor shall have given thirty days notice
9 to the tenant of [~~his or her~~] such owner's or lessor's intention to
10 commence such action or proceeding on such grounds.
11 § 2. This act shall take effect immediately.