

# STATE OF NEW YORK

1621--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL, DINOWITZ, TAYLOR, DAVILA, REYES, VALDEZ, TAPIA, GALLAGHER, SHRESTHA, McDONALD, SIMON, RAGA, GONZALEZ-ROJAS, BURDICK, LEVENBERG, BICHOTTE HERMELYN, MORENO, STECK, HOOKS -- Multi-Sponsored by -- M. of A. COLTON, GLICK -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivisions 1 and 2 of section 711 of the real property  
2 actions and proceedings law, subdivision 1 as amended by chapter 305 of  
3 the laws of 1963 and subdivision 2 as amended by section 4 of part HH of  
4 chapter 56 of the laws of 2024, are amended to read as follows:  
5 1. (a) The tenant continues in possession of any portion of the prem-  
6 ises after the expiration of [~~his~~] such tenant's term, without the  
7 permission of the landlord or, in a case where a new lessee is entitled  
8 to possession, without the permission of the new lessee, providing that,  
9 in all proceedings that are not subject to paragraph (f) of this subdi-  
10 vision herein, at the time of commencement of the proceeding, there are  
11 no violations of record of any applicable state, city or local codes  
12 relating to housing maintenance, safety or housing standards pertaining  
13 to the subject premises or in the common areas of the subject building,  
14 nor any conditions that otherwise contravene section two hundred thir-  
15 ty-five-b of the real property law in the subject premises or in the  
16 common areas of the subject building, nor any tenant declaration of  
17 housing conditions declaring conditions that contravene section two  
18 hundred thirty-five-b of the real property law or that violate any

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

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1 applicable state, city or local codes relating to housing maintenance,  
2 safety or housing standards, in the subject premises or in the common  
3 areas of the subject building or that are hazardous conditions in any  
4 building in the landlord's portfolio subject to paragraph (b) of this  
5 subdivision herein, nor any conditions that are hazardous violations of  
6 any applicable state, city or local codes relating to housing mainte-  
7 nance, safety or housing standards or hazardous violations in any build-  
8 ing in the landlord's portfolio. Acceptance of rent after commencement  
9 of the special proceeding upon this ground shall not terminate such  
10 proceeding nor effect any award of possession to the landlord or to the  
11 new lessee, as the case may be. A proceeding seeking to recover  
12 possession of real property by reason of the termination of the term  
13 fixed in the lease pursuant to a provision contained therein giving the  
14 landlord the right to terminate the time fixed for occupancy under such  
15 agreement if ~~he~~ the landlord deem the tenant objectionable, shall not  
16 be maintainable unless the landlord shall by competent evidence estab-  
17 lish to the satisfaction of the court that the tenant is objectionable.

18 (b) Where a tenant declaration of housing conditions has been filed  
19 with the landlord and the court that is the lawful venue for a special  
20 proceeding under this subdivision, or where there exist any violations  
21 of record of any applicable state, city or local codes relating to hous-  
22 ing maintenance, safety or housing standards in the subject apartment or  
23 in the common areas of the subject building or any hazardous violations  
24 of record of any applicable state, city or local codes relating to hous-  
25 ing maintenance, safety or housing standards in or pertaining to any  
26 building in the landlord's portfolio, a landlord may commence a proceed-  
27 ing under this subdivision by filing, with the petition and notice of  
28 petition prescribed by section seven hundred thirty-one of this article,  
29 an affirmation including facts establishing that the landlord has  
30 corrected any purported conditions contained in the tenant declaration  
31 of housing conditions, or that the conditions specified in the tenant  
32 declaration of housing conditions never existed or that any violations  
33 were placed erroneously by a state, city, or local agency, or that a  
34 state, city or local agency, authority or department erroneously failed  
35 to remove such violations after they were corrected.

36 (c) Failure by the landlord to disclose an existing violation of  
37 record of any applicable state, city or local codes relating to housing  
38 maintenance, safety or housing standards or any condition that otherwise  
39 contravenes section two hundred thirty-five-b of the real property law  
40 in the subject premises or in the common areas of the subject building,  
41 or hazardous conditions or hazardous violations of record of any appli-  
42 cable state, city or local codes relating to housing maintenance, safety  
43 or housing standards in any building in the landlord's portfolio subject  
44 to paragraph (b) of this subdivision herein, or an existing tenant  
45 declaration of housing conditions is grounds for dismissal. If the court  
46 finds that the allegations in such a landlord affirmation are untrue  
47 regarding the correction or nonexistence of conditions in a tenant  
48 declaration of housing conditions or regarding a corrected or erroneously  
49 recorded violation of any applicable state, city, or local codes  
50 related to housing maintenance, safety, or housing standards and condi-  
51 tions, this is grounds for dismissal.

52 (d) For the purposes of this section, the following terms shall have  
53 the following meanings:

54 (i) "Hazardous conditions" shall mean those housing conditions that  
55 have a serious effect on the life, health, or safety of the occupants  
56 thereof. These conditions may include, but are not strictly limited to,

1 cockroach, bedbug, rat, mouse, or other vermin infestations, mold, lead-  
2 based paint, essential utility shut-off (i.e., natural gas, heat,  
3 running water, electricity, or adequate sewage disposal facilities),  
4 defective emergency exits, leaking or defective water supply plumbing,  
5 defective plumbing facility, leaking or collapsed roof, inoperable  
6 carbon monoxide detector, or inoperable smoke detector.

7 (ii) "Landlord's portfolio" shall mean the collection of all housing  
8 accommodations of which the beneficial owner of the premises at issue in  
9 the proceeding is a beneficial owner, directly or indirectly, in whole  
10 or in part, jointly or separately, excluding each natural person owner's  
11 principal residence. For purposes of this subparagraph, a beneficial  
12 owner shall mean a natural person who owns or controls not less than  
13 twenty-five percent of the housing accommodation or, if the landlord is  
14 an entity, a natural person who exercises substantial control over said  
15 entity or owns or controls not less than twenty-five percent of the  
16 ownership interests of the entity.

17 (e) A tenant declaration of housing conditions shall be used by  
18 tenants and occupants to provide notification at any time that at least  
19 one condition that contravenes section two hundred thirty-five-b of the  
20 real property law or any applicable state, city or local codes relating  
21 to housing maintenance, safety or housing standards exists in the  
22 subject premises or in the common areas of the subject building or that  
23 at least one hazardous condition exists in any building in the land-  
24 lord's portfolio subject to paragraph (b) of this subdivision herein. A  
25 tenant or occupant shall file a signed tenant declaration of housing  
26 conditions form with the court that is the lawful venue for a proceeding  
27 filed pursuant to this article with respect to their dwelling, and shall  
28 also provide a copy of the filing to their landlord at the address  
29 designated on their multiple dwelling registration.

30 (f) Nothing in subdivision one of this section shall prevent eviction  
31 proceedings from being commenced or shall cause eviction proceedings to  
32 be stayed if the tenant is persistently and unreasonably engaging in  
33 behavior that substantially infringes on the use and enjoyment of other  
34 tenants or occupants or that causes a substantial safety hazard to  
35 others, provided if an eviction proceeding is pending at the effective  
36 date of this provision, but the petitioner has not previously alleged  
37 that the tenant persistently and unreasonably engaged in such behavior  
38 in said proceeding, the petitioner shall be required to submit a new  
39 petition with such allegations and comply with all notice and service  
40 requirements pursuant to this article.

41 2. (a) The tenant has defaulted in the payment of rent, pursuant to  
42 the agreement under which the premises are held, and a written demand of  
43 the rent has been made with at least fourteen days' notice requiring, in  
44 the alternative, the payment of the rent, or the possession of the prem-  
45 ises, has been served upon the tenant as prescribed in section seven  
46 hundred thirty-five of this article, and at the time of commencement of  
47 the proceeding there are no violations of record of any applicable  
48 state, city or local codes relating to housing maintenance, safety or  
49 housing standards pertaining to the subject premises or in the common  
50 areas of the subject building, nor any conditions that otherwise contra-  
51 vene section two hundred thirty-five-b of the real property law in the  
52 subject premises or in the common areas of the subject building, nor any  
53 tenant declaration of housing conditions declaring conditions that  
54 contravene section two hundred thirty-five-b of the real property law or  
55 that violate any applicable state, city or local codes relating to hous-  
56 ing maintenance, safety or housing standards, in the subject premises or

1 in the common areas of the subject building or that are hazardous condi-  
2 tions in the landlord's portfolio herein subject to paragraph (b) of  
3 subdivision one of this section, nor any conditions that are hazardous  
4 violations of any applicable state, city or local codes relating to  
5 housing maintenance, safety or housing standards or hazardous conditions  
6 in any building in the landlord's portfolio.

7 (b) The fourteen-day notice shall append or contain the notice  
8 required pursuant to section two hundred thirty-one-c of the real prop-  
9 erty law, which shall state the following: (i) if the premises are or  
10 are not subject to article six-A of the real property law, the "good  
11 cause eviction law", and if the premises are exempt, such notice shall  
12 state why the premises are exempt from such law; (ii) if the landlord is  
13 not renewing the lease for a unit subject to article six-A of the real  
14 property law, the lawful basis for such non-renewal; and (iii) if the  
15 landlord is increasing the rent upon an existing lease of a unit subject  
16 to article six-A of the real property law above the applicable local  
17 rent standard, as defined in subdivision eight of section two hundred  
18 eleven of the real property law, the justification for such increase.  
19 Any person succeeding to the landlord's interest in the premises may  
20 proceed under this subdivision for rent due such person's predecessor in  
21 interest if such person has a right thereto. Where a tenant dies during  
22 the term of the lease and rent due has not been paid and the apartment  
23 is occupied by a person with a claim to possession, a proceeding may be  
24 commenced naming the occupants of the apartment seeking a possessory  
25 judgment only as against the estate. Entry of such a judgment shall be  
26 without prejudice to the possessory claims of the occupants, and any  
27 warrant issued shall not be effective as against the occupants.

28 § 1-a. Subdivision 2 of section 711 of the real property actions and  
29 proceedings law, as amended by section 12 of part M of chapter 36 of the  
30 laws of 2019, is amended to read as follows:

31 2. (a) The tenant has defaulted in the payment of rent, pursuant to  
32 the agreement under which the premises are held, and a written demand of  
33 the rent has been made with at least fourteen days' notice requiring, in  
34 the alternative, the payment of the rent, or the possession of the prem-  
35 ises, has been served upon [~~him~~] such tenant as prescribed in section  
36 seven hundred thirty-five of this article, and at the time of commence-  
37 ment of the proceeding there are no violations of record of any applica-  
38 ble state, city or local codes relating to housing maintenance, safety  
39 or housing standards pertaining to the subject premises or in the common  
40 areas of the subject building, nor any conditions that otherwise contra-  
41 vene section two hundred thirty-five-b of the real property law in the  
42 subject premises or in the common areas of the subject building, nor any  
43 tenant declaration of housing conditions declaring conditions that  
44 contravene section two hundred thirty-five-b of the real property law or  
45 that violate any applicable state, city or local codes relating to hous-  
46 ing maintenance, safety or housing standards in the subject premises or  
47 in the common areas of the subject building that are hazardous condi-  
48 tions in any building in the landlord's portfolio subject to paragraph  
49 (b) of subdivision one of this section herein, nor any conditions that  
50 are hazardous conditions of any applicable state, city or local codes  
51 relating to housing maintenance, safety or housing standards or hazard-  
52 ous violations in any building in the landlord's portfolio.

53 (b) Any person succeeding to the landlord's interest in the premises  
54 may proceed under this subdivision for rent due [~~his~~] the predecessor in  
55 interest if [~~he~~] such person has a right thereto. Where a tenant dies  
56 during the term of the lease and rent due has not been paid and the

1 apartment is occupied by a person with a claim to possession, a proceed-  
2 ing may be commenced naming the occupants of the apartment seeking a  
3 possessory judgment only as against the estate. Entry of such a judgment  
4 shall be without prejudice to the possessory claims of the occupants,  
5 and any warrant issued shall not be effective as against the occupants.

6 (c) Where a tenant declaration of housing conditions has been filed  
7 with the landlord and the court that is the lawful venue for a special  
8 proceeding under this subdivision, or where there exist any violations  
9 of record of any applicable state, city or local codes relating to hous-  
10 ing maintenance, safety or housing standards in the subject apartment or  
11 in the common areas of the subject building or any hazardous violations  
12 of record of any applicable state, city or local codes relating to hous-  
13 ing maintenance, safety or housing standards in or pertaining to any  
14 building in the landlord's portfolio, a landlord may commence a proceed-  
15 ing under this subdivision by filing, with the petition and notice of  
16 petition prescribed by section seven hundred thirty-one of this article,  
17 an affirmation including facts establishing that the landlord has  
18 corrected any purported conditions contained in the tenant declaration  
19 of housing conditions, or that the conditions specified in the tenant  
20 declaration of housing conditions never existed or that any violations  
21 were placed erroneously by a state, city, or local agency, or that a  
22 state, city or local agency, authority or department erroneously failed  
23 to remove such violations after they were corrected.

24 (d) Failure by the landlord to disclose an existing violation of  
25 record of any applicable state, city or local codes relating to housing  
26 maintenance, safety or housing standards or any condition that otherwise  
27 contravenes section two hundred thirty-five-b of the real property law  
28 in the subject premises or in the common areas of the subject building,  
29 or hazardous conditions or hazardous violations of record of any appli-  
30 cable state, city or local codes relating to housing maintenance, safety  
31 or housing standards in any building in the landlord's portfolio subject  
32 to paragraph (b) of subdivision one of this section herein, or an exist-  
33 ing tenant declaration of housing conditions is grounds for dismissal.  
34 If the court finds that the allegations in such a landlord affirmation  
35 are untrue regarding the correction or nonexistence of conditions in a  
36 tenant declaration of housing conditions or regarding a corrected or  
37 erroneously recorded violation of any applicable state, city, or local  
38 codes related to housing maintenance, safety, or housing standards and  
39 conditions, this is grounds for dismissal.

40 (e) A tenant declaration of housing conditions shall be used by  
41 tenants and occupants to provide notification at any time that at least  
42 one condition that contravenes section two hundred thirty-five-b of the  
43 real property law or any applicable state, city or local codes relating  
44 to housing maintenance, safety or housing standards exists in the  
45 subject premises or in the common areas of the subject building or that  
46 at least one hazardous condition exists in any building in the land-  
47 lord's portfolio subject to paragraph (b) of subdivision one of this  
48 section herein. A tenant or occupant shall file a signed tenant declara-  
49 tion of housing conditions form with the court that is the lawful venue  
50 for a proceeding filed pursuant to this article with respect to their  
51 dwelling, and shall also provide a copy of the filing to their landlord  
52 at the address designated on their multiple dwelling registration.

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

55 3-a. State in the landlord affirmation that at the time of commence-  
56 ment of the proceeding that there are no violations of record of any

1 applicable state, city or local codes relating to housing maintenance,  
2 safety or housing standards in the subject premises or common areas of  
3 the building nor any tenant declaration of housing conditions declaring  
4 conditions that contravene section two hundred thirty-five-b of the real  
5 property law in the subject premises or in the common areas of the  
6 subject building or hazardous conditions as such term is defined in  
7 paragraph (d) of subdivision one of section seven hundred eleven of this  
8 article in or pertaining to any building in the landlord's portfolio as  
9 such term is defined in paragraph (d) of subdivision one of section  
10 seven hundred eleven of this article subject to paragraph (b) of subdivi-  
11 vision one of section seven hundred eleven of this article herein, nor  
12 any hazardous conditions as such term is defined in paragraph (d) of  
13 subdivision one of section seven hundred eleven of this article or  
14 hazardous violations of record of any applicable state, city or local  
15 codes relating to housing maintenance, safety or housing standards in or  
16 pertaining to any building in the landlord's portfolio as such term is  
17 defined in paragraph (d) of subdivision one of section seven hundred  
18 eleven of this article.

19 § 3. The real property action and proceedings law is amended by adding  
20 a new section 752 to read as follows:

21 § 752. Stay of proceeding or action for nonpayment and holdover cases  
22 upon a finding of existing violations. 1. Upon court discovery of any  
23 new violations of record of any applicable state, city or local codes  
24 relating to housing maintenance, safety or housing standards in the  
25 subject apartment or in the common areas of the subject building, or any  
26 hazardous conditions as defined by paragraph (d) of subdivision one of  
27 section seven hundred eleven of this article or hazardous violations of  
28 record of any applicable state, city or local codes relating to housing  
29 maintenance, safety or housing standards in any building in the land-  
30 lord's portfolio as defined by paragraph (d) of subdivision one of  
31 section seven hundred eleven of this article arising after the commence-  
32 ment of the proceeding a stay shall be granted and remain in effect only  
33 until the condition or violation is corrected consistent with what is  
34 required by law.

35 2. Upon court receipt of any new tenant declaration of housing condi-  
36 tions filed at any time thereafter the commencement of the proceeding, a  
37 stay shall be granted and remain in effect only until the condition is  
38 corrected consistent with what is required by law.

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