

STATE OF NEW YORK

2422

2025-2026 Regular Sessions

IN ASSEMBLY

January 16, 2025

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

AN ACT to amend the administrative code of the city of New York, in
relation to recovery of certain housing accommodations by a landlord

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

1 Section 1. Subparagraph (b) of paragraph 9 of subdivision c of section
2 26-511 of the administrative code of the city of New York, as amended by
3 section 14 of part Q of chapter 39 of the laws of 2019, is amended to
4 read as follows:

5 (b) where [~~he or she~~] such owner seeks to recover possession of one
6 dwelling unit because of immediate and compelling necessity for [~~his or~~
7 ~~her~~] such owner's own personal use and occupancy as [~~his or her~~] such
8 owner's primary residence or for the use and occupancy of a member of
9 [~~his or her~~] such owner's immediate family as [~~his or her~~] such immedi-
10 ate family member's primary residence, provided however, that this
11 subparagraph shall permit recovery of only one dwelling unit and shall
12 not apply where a tenant or the spouse of a tenant lawfully occupying
13 the dwelling unit is sixty-two years of age or older, has been a tenant
14 in a dwelling unit in that building for [~~fifteen~~] twenty years or more,
15 or has an impairment which results from anatomical, physiological or
16 psychological conditions, other than addiction to alcohol, gambling, or
17 any controlled substance, which are demonstrable by medically acceptable
18 clinical and laboratory diagnostic techniques, and which are expected to
19 be permanent and which prevent the tenant from engaging in any substan-
20 tial gainful employment, unless such owner offers to provide and if
21 requested, provides an equivalent or superior housing accommodation at
22 the same or lower stabilized rent in a closely proximate area. The
23 provisions of this subparagraph shall only permit one of the individual
24 owners of any building to recover possession of one dwelling unit for
25 [~~his or her~~] such owner's own personal use and/or for that of [~~his or~~

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

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1 ~~he~~] such owner's immediate family. A dwelling unit recovered by an
2 owner pursuant to this subparagraph shall not for a period of three
3 years be rented, leased, subleased or assigned to any person other than
4 a person for whose benefit recovery of the dwelling unit is permitted
5 pursuant to this subparagraph or to the tenant in occupancy at the time
6 of recovery under the same terms as the original lease; provided, howev-
7 er, that a tenant required to surrender a dwelling unit under this
8 subparagraph shall have a cause of action in any court of competent
9 jurisdiction for damages, declaratory, and injunctive relief against a
10 landlord or purchaser of the premises who makes a fraudulent statement
11 regarding a proposed use of the housing accommodation. In any action or
12 proceeding brought pursuant to this subparagraph a prevailing tenant
13 shall be entitled to recovery of actual damages, and reasonable attor-
14 neys' fees. This subparagraph shall not be deemed to establish or elimi-
15 nate any claim that the former tenant of the dwelling unit may otherwise
16 have against the owner. Any such rental, lease, sublease or assignment
17 during such period to any other person may be subject to a penalty of a
18 forfeiture of the right to any increases in residential rents in such
19 building for a period of three years; or

20 § 2. This act shall take effect immediately and shall apply to any
21 tenant in possession at or after the time it takes effect, regardless of
22 whether the landlord's application for an order, refusal to renew a
23 lease or refusal to extend or renew a tenancy took place before this act
24 shall have taken effect, provided that the amendments to section 26-511
25 of chapter 4 of title 26 of the administrative code of the city of New
26 York made by section one of this act shall expire on the same date as
27 such law expires and shall not affect the expiration of such law as
28 provided under section 26-520 of such law.