STATE OF NEW YORK

5427

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. VALDEZ -- 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 protecting tenants displaced due to fire

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

Section 1. The administrative code of the city of New York is amended by adding a new section 26-307 to read as follows:

§ 26-307 Protecting tenants displaced due to fire. 1. Any tenant who is evicted or otherwise removed from a dwelling unit as a result of a vacate order issued by any governmental agency or department due to fire shall be entitled to a suitable accommodation as defined by subdivision two of this section while the vacate order remains in effect. The department of housing preservation and development shall refer the tenant to such suitable accommodation and, if the tenant accepts, the owner of the building from which such tenant was relocated shall pay for the rent on the suitable accommodation upon a finding that the owner, or such owner's designated agent, negligently or intentionally caused or contributed to the fire resulting in the vacate order. Such owner shall be liable to pay for the rent of such suitable accommodation until the commissioner determines that sufficient repairs are completed and until such tenant is notified of their right of first refusal pursuant to subdivision four of this section.

2. For purposes of this section, "suitable accommodation" shall mean a dwelling unit approved by the commissioner of the department of housing preservation and development that:

(a) has adequate floor area for the tenant and such tenant's family pursuant to the housing maintenance code of the city of New York;

(b) has no immediately hazardous violations of record in the dwelling unit;

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

LBD08296-01-5

(c) has no violations of record in the dwelling unit for vermin, mice, or other pest infestations, unless a letter from a licensed exterminator certifies that the building is under contract to be serviced monthly;

(d) does not have any rooms or facilities which can be reached only through a public area, unless the dwelling unit is approved for single room occupancy use or is a room in a dwelling unit;

(e) has heat and hot water;

(f) contains a private kitchen or kitchenette for the exclusive use of the tenant and such tenant's family, unless the dwelling unit is approved for single room occupancy use or is a room in a dwelling unit;

(g) contains private and fully enclosed toilet and bathing facilities for the exclusive use of the tenant and such tenant's family, unless the dwelling unit is approved for single room occupancy use or is a room in a dwelling unit;

(h) has a window or adequate light and ventilation in each room pursuant to the housing maintenance code of the city of New York;

(i) complies with accessibility standards under the federal Americans with Disabilities Act; and

(j) where feasible, is comparable to the dwelling unit of the displaced tenant in terms of square footage, amenities, number of bedrooms, and borough location.

3. Any tenant subject to a vacate order issued due to a fire may apply to the department of housing preservation and development to establish reduced rent for the vacated apartment at one dollar per month or another nominal amount. If the department establishes such nominal rent, the tenant shall pay such rent, without interruption, to establish and maintain their right of first refusal.

4. Any tenant who is evicted or otherwise removed from their unit as a result of a vacate order issued due to a fire shall have a right of first refusal to return to such unit as a tenant upon a determination by the department of housing preservation and conservation that repairs on the unit are complete and that the dwelling unit was restored with amenities equal to or better than before the fire took place. In addition to offering a right of first refusal to the tenant, the owner shall also cover the reasonable costs of moving back in without imposing a new security deposit. Any tenant unlawfully denied such right of first refusal to return to such unit shall have a cause of action in any court of competent jurisdiction for compensatory damages or declaratory and injunctive relief as the court deems necessary in the interests of justice, provided that such compensatory relief shall not exceed the annual rental charges for such unit.

5. If the owner fails, neglects, or refuses to pay the rent for the suitable accommodation of a displaced tenant pursuant to subdivision one of this section, the department of housing preservation and development may advance such rent payments. The department shall then be entitled to recover from the owner any amount the department paid to the tenant. In addition, the department shall also be entitled to recover from the owner an additional amount equal to the sum of one-half the amount so paid, but not to exceed ten thousand dollars, as a penalty for failure to make timely payment to the displaced tenant.

6. The commissioner may adopt any rules or regulations necessary to effectuate the purposes of this section.

§ 2. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation

to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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