

STATE OF NEW YORK

7489

2025-2026 Regular Sessions

IN ASSEMBLY

March 28, 2025

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

AN ACT to amend the administrative code of the city of New York, the emergency housing rent control law and the emergency tenant protection act of nineteen seventy-four, in relation to the eviction of tenants on grounds of landlord's personal use

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

1 Section 1. Paragraph 1 of subdivision b of section 26-408 of the
2 administrative code of the city of New York, as amended by section 1 of
3 part I of chapter 36 of the laws of 2019, is amended to read as follows:

4 (1) The landlord seeks in good faith to recover possession of a hous-
5 ing accommodation [~~because of immediate and compelling necessity~~] for
6 [~~his or her~~] such landlord's own personal use and occupancy as [~~his or~~
7 ~~her~~] such landlord's primary residence or for the use and occupancy of
8 [~~his or her~~] such landlord's immediate family as their primary residence
9 [~~provided, however, that this subdivision shall permit recovery of only~~
10 ~~one housing accommodation and shall not apply where a member of the~~
11 ~~household lawfully occupying the housing accommodation is sixty two~~
12 ~~years of age or older, has been a tenant in a housing accommodation in~~
13 ~~that building for fifteen years or more, or has an impairment which~~
14 ~~results from anatomical, physiological or psychological conditions,~~
15 ~~other than addiction to alcohol, gambling, or any controlled substance,~~
16 ~~which are demonstrable by medically acceptable clinical and laboratory~~
17 ~~diagnostic techniques, and which are expected to be permanent and which~~
18 ~~prevent the tenant from engaging in any substantial gainful employment~~];

19 provided, further, that a tenant required to surrender a housing accom-
20 modation by virtue of the operation of subdivision g or h of this
21 section shall have a cause of action in any court of competent jurisdic-
22 tion for damages, declaratory, and injunctive relief against a landlord
23 or purchaser of the premises who makes a fraudulent statement regarding

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

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1 a proposed use of the housing accommodation. In any action or proceeding
2 brought pursuant to this paragraph a prevailing tenant shall be entitled
3 to recovery of actual damages, and reasonable attorneys' fees; or

4 § 2. Paragraph (a) of subdivision 2 of section 5 of chapter 274 of the
5 laws of 1946, constituting the emergency housing rent control law, as
6 amended by section 16 of part Q of chapter 39 of the laws of 2019, is
7 amended to read as follows:

8 (a) the landlord seeks in good faith to recover possession of a hous-
9 ing accommodation [~~because of immediate and compelling necessity~~] for
10 [~~his or her~~] such landlord's own personal use and occupancy as [~~his or~~
11 ~~her~~] such landlord's primary residence or for the use and occupancy of
12 [~~his or her~~] such landlord's immediate family as their primary resi-
13 dence[~~, provided, however, this subdivision shall permit recovery of~~
14 ~~only one housing accommodation and shall not apply where a member of the~~
15 ~~household lawfully occupying the housing accommodation is sixty-two~~
16 ~~years of age or older, has been a tenant in a housing accommodation in~~
17 ~~that building for fifteen years or more, or has an impairment which~~
18 ~~results from anatomical, physiological or psychological conditions,~~
19 ~~other than addiction to alcohol, gambling, or any controlled substance,~~
20 ~~which are demonstrable by medically acceptable clinical and laboratory~~
21 ~~diagnostic techniques, and which are expected to be permanent and which~~
22 ~~prevent the tenant from engaging in any substantial gainful employment~~];
23 provided, however, that a tenant required to surrender a housing accom-
24 modation under this paragraph shall have a cause of action in any court
25 of competent jurisdiction for damages, declaratory, and injunctive
26 relief against a landlord or purchaser of the premises who makes a frau-
27 dulent statement regarding a proposed use of the housing accommodation.
28 In any action or proceeding brought pursuant to this paragraph a
29 prevailing tenant shall be entitled to recovery of actual damages, and
30 reasonable attorneys' fees; or

31 § 3. Subdivision a of section 10 of section 4 of chapter 576 of the
32 laws of 1974, constituting the emergency tenant protection act of nine-
33 teen seventy-four, as amended by section 15 of part Q of chapter 39 of
34 the laws of 2019, is amended to read as follows:

35 a. For cities having a population of less than one million and towns
36 and villages, the state division of housing and community renewal shall
37 be empowered to implement this act by appropriate regulations. Such
38 regulations may encompass such speculative or manipulative practices or
39 renting or leasing practices as the state division of housing and commu-
40 nity renewal determines constitute or are likely to cause circumvention
41 of this act. Such regulations shall prohibit practices which are likely
42 to prevent any person from asserting any right or remedy granted by this
43 act, including but not limited to retaliatory termination of periodic
44 tenancies and shall require owners to grant a new one or two year vacan-
45 cy or renewal lease at the option of the tenant, except where a mortgage
46 or mortgage commitment existing as of the local effective date of this
47 act provides that the owner shall not grant a one-year lease; and shall
48 prescribe standards with respect to the terms and conditions of new and
49 renewal leases, additional rent and such related matters as security
50 deposits, advance rental payments, the use of escalator clauses in leas-
51 es and provision for increase in rentals for garages and other ancillary
52 facilities, so as to ensure that the level of rent adjustments author-
53 ized under this law will not be subverted and made ineffective. [~~Any~~
54 ~~provision of the regulations permitting an owner to refuse to renew a~~
55 ~~lease on grounds that the owner seeks to recover possession of a housing~~
56 ~~accommodation for his or her own use and occupancy or for the use and~~

1 ~~occupancy of his or her immediate family shall permit recovery of only~~
2 ~~one housing accommodation, shall require that an owner demonstrate imme-~~
3 ~~diate and compelling need and that the housing accommodation will be the~~
4 ~~proposed occupants' primary residence and shall not apply where a member~~
5 ~~of the housing accommodation is sixty-two years of age or older, has~~
6 ~~been a tenant in a housing accommodation in that building for fifteen~~
7 ~~years or more, or has an impairment which results from anatomical, phys-~~
8 ~~iological or psychological conditions, other than addiction to alcohol,~~
9 ~~gambling, or any controlled substance, which are demonstrable by~~
10 ~~medically acceptable clinical and laboratory diagnostic techniques, and~~
11 ~~which are expected to be permanent and which prevent the tenant from~~
12 ~~engaging in any substantial gainful employment; provided] Provided,~~
13 however, that a tenant required to surrender a housing accommodation
14 under this subdivision shall have a cause of action in any court of
15 competent jurisdiction for damages, declaratory, and injunctive relief
16 against a landlord or purchaser of the premises who makes a fraudulent
17 statement regarding a proposed use of the housing accommodation. In any
18 action or proceeding brought pursuant to this subdivision a prevailing
19 tenant shall be entitled to recovery of actual damages, and reasonable
20 attorneys' fees.

21 § 4. This act shall take effect immediately; provided that the amend-
22 ment to section 26-408 of the city rent and rehabilitation law, made by
23 section one of this act, shall remain in full force and effect only as
24 long as the public emergency requiring the regulation and control of
25 residential rents and evictions continues, as provided in subdivision 3
26 of section 1 of the local emergency housing rent control act.