STATE OF NEW YORK

7957

2025-2026 Regular Sessions

IN ASSEMBLY

April 16, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to providing remedies for tenants of illegal dwelling units who were forced to vacate due to an emergency vacate order or eviction

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

Section 1. The real property law is amended by adding a new section 235-k to read as follows:

§ 235-k. Remedies for tenants of illegal dwelling units. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Illegal dwelling unit" means any unit:

(i) prohibited from lawful residential occupancy by a tenant pursuant to any law, rule, regulation, ordinance, express or implied warranty, or code;

(ii) for which the landlord had actual knowledge of the conditions prohibiting lawful residential occupancy by a tenant under subparagraph (i) of this paragraph before entering into a lease agreement with the tenant; and

(iii) for which the tenant had no actual knowledge of the conditions prohibiting lawful residential occupancy by a tenant under subparagraph (i) of this paragraph before entering into a lease agreement with the landlord.

(b) "Landlord" means the property owner, the managing agent, or any person or entity collecting rent from a tenant on behalf of the property owner.

2. Any tenant who is displaced due to an emergency vacate order issued pursuant to section 28-207.4 of the administrative code of the city of New York on or after the effective date of this section, based on a finding that such tenant was occupying an illegal dwelling unit, shall

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

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be entitled to a full rebate of all rent paid during the tenancy for such illegal dwelling unit.

3. Any tenant who, on or after the effective date of this section, is evicted from an illegal dwelling unit, whether by court order, administrative proceeding, or informal means, shall have a private right of action against the landlord of such illegal dwelling unit to recover all rent paid during the tenancy of such illegal dwelling unit.

4. The remedies under this section shall apply to any lawful subtenant or occupant, regardless of whether such individual had a direct lease with the landlord of the subject illegal dwelling unit. A landlord of an illegal dwelling unit shall not avoid any liability under this section on the basis that the occupant of such illegal dwelling unit was a subtenant or licensee thereof, provided that rent was paid directly or indirectly to such landlord.

§ 2. This act shall take effect immediately.