

STATE OF NEW YORK

4098

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sens. PARKER, FERNANDEZ, HARCKHAM, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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. Subdivision 2 of section 711 of the real property actions
2 and proceedings law, as amended by section 4 of part HH of chapter 56 of
3 the laws of 2024, is amended to read as follows:

4 2. The tenant has defaulted in the payment of rent, pursuant to the
5 agreement under which the premises are held, and a written demand of the
6 rent has been made with at least fourteen days' notice requiring, in the
7 alternative, the payment of the rent, or the possession of the premises,
8 has been served upon the tenant as prescribed in section seven hundred
9 thirty-five of this article, and at the time of commencement of the
10 proceeding there are no violations of any applicable state, city or
11 local codes relating to housing maintenance or housing standards, and no
12 conditions that contravene section two hundred thirty-five-b of the real
13 property law, in the subject apartment or in the common areas of the
14 subject building, and there is no lack of heat, running water, light,
15 electricity or of adequate sewage disposal facilities, or an infestation
16 by rodents, or any other condition dangerous to life, health or safety,
17 which has existed for five days, or any combination of such conditions
18 in any apartments in the subject building. If at the time of filing
19 there exist violations of any applicable state, city or local building
20 or housing codes with respect to the subject apartment or the common
21 areas of the subject building or there is no lack of heat, running
22 water, light, electricity or of adequate sewage disposal facilities, or
23 an infestation by rodents, or any other condition dangerous to life,

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

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1 health or safety, which has existed for five days, or any combination of
2 such conditions in any apartments in the subject building, a landlord
3 may commence a proceeding under this subdivision by filing, with the
4 petition and notice of petition prescribed by section seven hundred
5 thirty-one of this article, an affidavit including facts establishing
6 that such violation or violations were recorded erroneously or that a
7 state, city or local agency, authority or department erroneously failed
8 to remove such violation or violations. A proceeding under this subdivi-
9 sion cannot be maintained if the court finds that the allegations in
10 such affidavit are untrue or if the court finds that at the time of
11 commencement of the proceeding there were violations of any applicable
12 state, city or local codes relating to housing maintenance or housing
13 standards or contraventions of section two hundred thirty-five-b of the
14 real property law, in the subject apartment or in the common areas of
15 the subject building, or extremely hazardous violations in any apart-
16 ments in the subject building. The fourteen-day notice shall append or
17 contain the notice required pursuant to section two hundred thirty-one-c
18 of the real property law, which shall state the following: (i) if the
19 premises are or are not subject to article six-A of the real property
20 law, the "good cause eviction law", and if the premises are exempt, such
21 notice shall state why the premises are exempt from such law; (ii) if
22 the landlord is not renewing the lease for a unit subject to article
23 six-A of the real property law, the lawful basis for such non-renewal;
24 and (iii) if the landlord is increasing the rent upon an existing lease
25 of a unit subject to article six-A of the real property law above the
26 applicable local rent standard, as defined in subdivision eight of
27 section two hundred eleven of the real property law, the justification
28 for such increase. Any person succeeding to the landlord's interest in
29 the premises may proceed under this subdivision for rent due such
30 person's predecessor in interest if such person has a right thereto.
31 Where a tenant dies during the term of the lease and rent due has not
32 been paid and the apartment is occupied by a person with a claim to
33 possession, a proceeding may be commenced naming the occupants of the
34 apartment seeking a possessory judgment only as against the estate.
35 Entry of such a judgment shall be without prejudice to the possessory
36 claims of the occupants, and any warrant issued shall not be effective
37 as against the occupants.

38 § 1-a. Subdivision 2 of section 711 of the real property actions and
39 proceedings law, as amended by section 12 of part M of chapter 36 of the
40 laws of 2019, is amended to read as follows:

41 2. The tenant has defaulted in the payment of rent, pursuant to the
42 agreement under which the premises are held, and a written demand of the
43 rent has been made with at least fourteen days' notice requiring, in the
44 alternative, the payment of the rent, or the possession of the premises,
45 has been served upon [him] such 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 any applicable state, city or
48 local codes relating to housing maintenance or housing standards, and no
49 conditions that contravene section two hundred thirty-five-b of the real
50 property law, in the subject apartment or in the common areas of the
51 subject building, and there is no lack of heat, running water, light,
52 electricity or of adequate sewage disposal facilities, or an infestation
53 by rodents, or any other condition dangerous to life, health or safety,
54 which has existed for five days, or any combination of such conditions
55 in any apartments in the subject building. If at the time of filing
56 there exist violations of any applicable state, city or local building

1 or housing codes with respect to the subject apartment or the common
2 areas of the subject building or there is no lack of heat, running
3 water, light, electricity or of adequate sewage disposal facilities, or
4 an infestation by rodents, or any other condition dangerous to life,
5 health or safety, which has existed for five days, or any combination of
6 such conditions in any apartments in the subject building, a landlord
7 may commence a proceeding under this subdivision by filing, with the
8 petition and notice of petition prescribed by section seven hundred
9 thirty-one of this article, an affidavit including facts establishing
10 that such violation or violations were recorded erroneously or that a
11 state, city or local agency, authority or department erroneously failed
12 to remove such violation or violations. A proceeding under this subdivi-
13 sion cannot be maintained if the court finds that the allegations in
14 such affidavit are untrue or if the court finds that at the time of
15 commencement of the proceeding there were violations of any applicable
16 state, city or local codes relating to housing maintenance or housing
17 standards or contraventions of section two hundred thirty-five-b of the
18 real property law, in the subject apartment or in the common areas of
19 the subject building, or extremely hazardous violations in any apart-
20 ments in the subject building. Any person succeeding to the landlord's
21 interest in the premises may proceed under this subdivision for rent due
22 [~~his~~] the predecessor in interest if [~~he~~] such person has a right there-
23 to. Where a tenant dies during the term of the lease and rent due has
24 not been paid and the apartment is occupied by a person with a claim to
25 possession, a proceeding may be commenced naming the occupants of the
26 apartment seeking a possessory judgment only as against the estate.
27 Entry of such a judgment shall be without prejudice to the possessory
28 claims of the occupants, and any warrant issued shall not be effective
29 as against the occupants.

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

32 3-a. State that at the time of commencement of the proceeding there
33 are no violations of any applicable state, city or local codes relating
34 to housing maintenance or housing standards, and no conditions that
35 contravene section two hundred thirty-five-b of the real property law,
36 in the subject apartment or in the common areas of the subject building,
37 and no extremely hazardous violations in any apartments in the subject
38 building, or state that an affidavit has been filed as prescribed by
39 section seven hundred eleven of this article.

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