STATE OF NEW YORK

8612--A

2025-2026 Regular Sessions

IN SENATE

December 12, 2025

Introduced by Sens. KAVANAGH, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law and the real property actions and proceedings law, in relation to enacting technical changes to the good cause eviction law

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

Section 1. Subdivision 7 of section 211 of the real property law, as added by section 1 of part HH of chapter 56 of the laws of 2024, is amended and a new subdivision 9 is added to read as follows:

7. The term "inflation index" shall mean five percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States bureau of labor statistics for the region in which the housing accommodation is located, as established for the most recent preceding calendar year as shall be published by the division of housing and community renewal no later than the first of [~~August~~] **June** in any given year **and become effective on the first of October of the same year**, provided further that for New York city and any village, town, or city that adopts the provisions of this article by local law pursuant to subdivision one of section two hundred thirteen of this article in the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester, such consumer price index shall be the New York-Newark-Jersey City, NY-NJ-PA consumer price index, and provided further that for any other village, town, or city that adopts the provisions of this article by local law pursuant to subdivision one of section two hundred thirteen of this article, such consumer price index shall be the Northeast Region consumer price index.

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

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9. (a) The term "consummated" shall mean for cooperatives: the transfer of title to the apartment corporation and the issuance of shares and a proprietary lease to at least one subscriber under the plan following a declaration of effectiveness by the sponsor and acceptance of the amendment by the department of law confirming or declaring the plan effective.

(b) The term "consummated" shall mean for condominiums: filing the declaration of condominium and the first transfer of title to a condominium unit to at least one purchaser under the plan following a declaration of effectiveness by the sponsor and acceptance of the amendment by the department of law confirming or declaring the plan effective.

§ 2. Subdivisions 5, 6, 7, 8 and 15 of section 214 of the real property law, as added by section 1 of part HH of chapter 56 of the laws of 2024, are amended to read as follows:

5. unit on or within a housing accommodation where such unit is otherwise subject to regulation of rents or evictions pursuant to local, state or federal law, rule, or regulation **to the extent such law, rule, or regulation requires protections against termination or non-renewal of such tenancies without cause**;

6. unit on or within a housing accommodation where such unit must be affordable to tenants at a specific income level pursuant to statute, regulation, restrictive declaration, or pursuant to a regulatory agreement with a local, state, or federal government entity **to the extent such statute, regulation, restrictive declaration, or regulatory agreement requires protections against termination or non-renewal of such tenancies without cause**;

7. unit on or within a housing accommodation owned as a condominium or cooperative, or a unit on or within a housing accommodation subject to an offering plan submitted to the office of the attorney general **where such plan has been consummated**, provided that nothing herein shall abrogate or otherwise limit any rights or obligations a tenant residing in a unit within a condominium or cooperative or a purchaser, owner, or offeror of a condominium or cooperative unit has pursuant to any other state law;

8. [~~housing accommodation for which a temporary or permanent certificate of occupancy was issued on or after the first of January, two thousand nine, for a period of time of thirty years following issuance of such certificate;~~] **newly created housing unit in a building for which a temporary or permanent certificate of occupancy was issued for that newly created housing unit on or after the first of January, two thousand nine, for a period of time of thirty years following issuance of the earlier of the temporary or permanent certificate for that newly created housing unit;**

15. unit on or within a housing accommodation where the monthly rent is greater than the percent of fair market rent established pursuant to paragraph (a) of subdivision two of section two hundred thirteen of this article in a local law of a village, town, or city, other than the city of New York, adopting the provisions of this article pursuant to subdivision one of section two hundred thirteen of this article, or two hundred forty-five percent of the fair market rent, provided that fair market rent shall refer to the figure published by the United States department of housing and urban development, for the county in which the housing accommodation is located, as shall be published by the division of housing and community renewal no later than the first of [~~August~~] **June** in any given year **and become effective on the first of October of the same year**. The division of housing and community renewal shall

publish the fair market rent and two hundred forty-five percent of the fair market rent for each unit type for which such fair market rent is published by the United States department of housing and urban development for each county in New York state in the annual publication required pursuant to subdivision seven of section two hundred eleven of this article.

§ 3. Subparagraph (i) of paragraph (a) and paragraph (j) of subdivision 1 and subdivision 3 of section 216 of the real property law, as added by section 1 of part HH of chapter 56 of the laws of 2024, are amended and a new subparagraph (iii) of paragraph (a) of subdivision 1 is added to read as follows:

(i) The tenant has [~~failed to pay rent due and owing~~] **engaged in chronic nonpayment of rent**, provided however that the [~~rent due and owing, or any part thereof,~~] **chronic nonpayment of rent** did not result from a **tenant's intentional and lawful withholding of rent or failure to pay a** rent increase which is unreasonable. **The notice of non-renewal as required by section two hundred twenty-six-c of this chapter shall set forth the facts necessary to establish the grounds of chronic nonpayment of rent.** In determining whether [~~all or part of the rent due and owing is the~~] **a tenant was justified in the withholding of rent as a** result of an unreasonable rent increase, it shall be a rebuttable presumption that the rent [~~for a dwelling not protected by rent regulation~~] is unreasonable if said rent has been increased in any calendar year, after the effective date of this article, or after the effective date of the local law in any village, town, or city that enacts such local law to apply this article to such village, town, or city pursuant to subdivision one of section two hundred thirteen of this article, by an amount greater than the local rent standard, provided further that no rent increase less than or equal to the local rent standard shall be deemed unreasonable. **Rent under this section shall not be increased more than one time annually. In the event the court holds that the tenant has engaged in the chronic nonpayment of rent and that the tenant did not intentionally and lawfully withhold rent or fail to pay a rent increase which is unreasonable, the tenant shall have no right to cure. However, the court in its discretion may stay the execution of the warrant upon consideration of factors such as the length of the tenancy, the tenant's payment history prior to the rent defaults complained of, the circumstances and severity of the rent defaults and the tenant's present financial status or other relevant indicia of creditworthiness. The court shall condition such stay upon appropriate terms, such as the tenant's compliance with a prospective payment schedule. In determining the length of the stay, the court shall consider the following, but not limited factors: the length of the tenancy, the tenant's payment history, the number of rent demands served, and nonpayment proceedings commenced, and the length of the proceeding. This subdivision shall apply to actions and proceedings where the notice required pursuant to section two hundred twenty-six-c of this chapter was served after the effective date of the chapter of the laws of two thousand twenty-six that amended this subdivision;**

(iii) Nothing in this section shall limit a landlord's right pursuant to subdivision two of section seven hundred eleven of the real property actions and proceedings law to commence a summary nonpayment case. Tenants whose tenancies are covered under this section may defend against such proceedings by claiming that all or part of the rent due in owing is the result of an unreasonable rent increase pursuant to subparagraphs (i) and (ii) of this paragraph.

(j) The tenant fails to agree to reasonable changes to a lease at renewal, including increases in rent that are not unreasonable as defined in paragraph (a) of this subdivision, as long as written notice of the changes to the lease were provided to the tenant at least thirty days, but no more than [~~ninety~~] one hundred days, prior to the [~~expiration~~] commencement of the [~~current~~] renewal lease.

3. Nothing in this section shall abrogate or limit the tenant's right pursuant to section seven hundred fifty-one of the real property actions and proceedings law to permanently stay the issuance or execution of a warrant or eviction in a summary proceeding, whether characterized as a nonpayment, objectionable tenancy, or holdover proceeding, the underlying basis of which is the nonpayment of rent, so long as the tenant complies with the procedural requirements of section seven hundred fifty-one of the real property actions and proceedings law where applicable; provided, however, that the provisions of this subdivision shall only apply to (a) actions and proceedings pursuant to subparagraph (i) of paragraph (a) of subdivision one of this section filed prior to the effective date of the chapter of the laws of two thousand twenty-six that amended this subdivision; and (b) actions and proceedings pursuant to subparagraph (i) of paragraph (a) of subdivision one of this section and filed on or after the effective date of the chapter of the laws of two thousand twenty-six that amended this subdivision where the notice required pursuant to section two hundred twenty-six-c of this chapter was served prior to the effective date of such chapter of the laws of two thousand twenty-six.

§ 4. Paragraph (a) of subdivision 1 of section 226-c of the real property law, as amended by section 2 of part HH of chapter 56 of the laws of 2024, is amended to read as follows:

(a) Whenever a landlord intends to offer to renew the tenancy of an occupant in a residential dwelling unit with a rent increase equal to or greater than five percent above the current rent, or the landlord does not intend to renew the tenancy, the landlord shall provide written notice as required in subdivision two of this section. The notice shall append or contain the notice required pursuant to section two hundred thirty-one-c of this article, which shall state the following: (i) if the unit is or is not subject to article six-A of this chapter, the "good cause eviction law", and if the unit is exempt, such notice shall state why the unit is exempt from such law; (ii) if the landlord is not renewing the lease for a unit subject to article six-A of this chapter, the lawful basis for such non-renewal; and (iii) if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of this chapter above the applicable local rent standard, as defined in subdivision eight of section two hundred eleven of this chapter, the justification for such increase. If the landlord fails to provide timely notice, the occupant's lawful tenancy shall continue under the existing terms of the tenancy from the date on which the landlord gave actual written notice until the notice period has expired, notwithstanding any provision of a lease or other tenancy agreement to the contrary. Notwithstanding the foregoing provisions of this paragraph, if a housing accommodation is exempt from article six-A of this chapter under subdivision five or six of section two hundred fourteen of such article and such landlord has provided the tenant with a written lease agreement indicating the law, rule or regulation governing the housing accommodation or a lease which states that rents are regulated and that good cause is required for termination or non-renewal of tenancies, such housing accommodation shall be exempt from this paragraph.

§ 5. Subparagraph F of paragraph 2, the opening paragraph of paragraph 3 and subparagraphs E and N of paragraph 4 of subdivision 1 of section 231-c of the real property law, as added by section 3 of part HH of chapter 56 of the laws of 2024, are amended and a new subdivision 2 is added to read as follows:

F. Unit is on or within a housing accommodation owned as a condominium or cooperative, or unit is on or within a housing accommodation subject to an offering plan submitted to the office of the attorney general **where such plan has been consummated** (exemption under subdivision 7 of section 214 of the Real Property Law) ___;

(This section shall be filled out if this is NOT an initial lease for a new tenant.) IF THIS UNIT IS SUBJECT TO ARTICLE 6-A OF THE REAL PROPERTY LAW, KNOWN AS THE NEW YORK STATE GOOD CAUSE EVICTION LAW, AND THIS NOTICE SERVES TO INFORM A TENANT THAT THE LANDLORD IS INCREASING THE RENT ABOVE THE THRESHOLD FOR PRESUMPTIVELY UNREASONABLE RENT INCREASES, WHAT IS THE LANDLORD'S JUSTIFICATION FOR INCREASING THE RENT ABOVE THE THRESHOLD FOR PRESUMPTIVELY UNREASONABLE RENT INCREASES? (A rent increase is presumptively unreasonable if the increase from the prior rent is greater than the lower of: (a) 5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published not later than August 1st of each year by the Division of Housing and Community Renewal; or (b) 10 percent.) (PLEASE MARK AND FILL OUT THE APPLICABLE RESPONSE)

E. The landlord is not renewing the lease because the tenant has [~~failed to pay rent due and owing, and the rent due or owing, or any part thereof, did not result from a rent increase which is unreasonable. A rent increase is presumptively unreasonable if the increase from the prior rent is greater than the lower of: (a) 5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published not later than August 1st of each year by the Division of Housing and Community Renewal; or (b) 10 percent (good cause for eviction under~~] **engaged in the chronic nonpayment of rent pursuant to** paragraph a of subdivision 1 of section 216 of the Real Property Law): ___;

N. The landlord is not renewing the lease because the tenant has failed to agree to reasonable changes at lease renewal, including reasonable increases in rent, and the landlord gave written notice of the changes to the lease to the tenant at least 30 days, but no more than [~~90~~] **100** days, before the current lease expired. A rent increase is presumptively unreasonable if the increase from the prior rent is greater than the lower of: (a) 5 percent plus the annual percentage change in the consumer price index for all urban consumers for all items as published by the United States Bureau of Labor Statistics for the region in which the housing accommodation is located, as published by August 1st of each year by the Division of Housing and Community Renewal; or (b) 10 percent (good cause for eviction under paragraph j of subdivision 1 of section 216 of the Real Property Law):___.

2. Notwithstanding subdivision one of this section, if a housing accommodation is exempt from article six-A of this chapter under subdivision five or six of section two hundred fourteen of such article and such landlord has provided the tenant with a written lease agreement indicating the law, rule or regulation governing the housing accommo-

dation or a lease which states that rents are regulated and that good cause is required for termination or non-renewal of tenancies, such housing accommodation shall be exempt from this section.

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

2. The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon the tenant as prescribed in section seven hundred thirty-five of this article. The fourteen-day notice shall append or contain the notice required pursuant to section two hundred thirty-one-c of the real property law, which shall state the following: (i) if the premises are or are not subject to article six-A of the real property law, the "good cause eviction law", and if the premises are exempt, such notice shall state why the premises are exempt from such law; (ii) if the landlord is not renewing the lease for a unit subject to article six-A of the real property law, the lawful basis for such non-renewal; and (iii) if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of the real property law above the applicable local rent standard, as defined in subdivision eight of section two hundred eleven of the real property law, the justification for such increase. Notwithstanding the foregoing provisions of this subdivision, if a housing accommodation is exempt from article six-A of the real property law under subdivision five or six of section two hundred fourteen of such article and such landlord has provided the tenant with a written lease agreement indicating the law, rule or regulation governing the housing accommodation or a lease which states that rents are regulated and that good cause is required for termination or non-renewal of tenancies, such housing accommodation shall be exempt from this subdivision. Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due such person's predecessor in interest if such person has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants.

§ 7. Subdivision 5-a of section 741 of the real property actions and proceedings law, as added by section 5 of part HH of chapter 56 of the laws of 2024, is amended to read as follows:

5-a. Append or incorporate the notice required pursuant to section two hundred thirty-one-c of the real property law, which shall state the following: (i) if the premises are or are not subject to article six-A of the real property law, the "good cause eviction law", and if the premises are exempt, such petition shall state why the premises are exempt from such law; (ii) if the landlord is not renewing the lease for a unit subject to article six-A of the real property law, the lawful basis for such non-renewal; and (iii) if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of the real property law above the applicable local rent standard, as defined in subdivision eight of section two hundred eleven of the real property law, the justification for such increase. Notwithstanding the foregoing

provisions of this subdivision, if a housing accommodation is exempt from article six-A of the real property law under subdivision five or six of section two hundred fourteen of such article and such landlord has provided the tenant with a written lease agreement indicating the law, rule or regulation governing the housing accommodation or a lease which states that rents are regulated and that good cause is required for termination or non-renewal of tenancies, such housing accommodation shall be exempt from this subdivision.

§ 8. This act shall take effect immediately; provided, however, that:

(a) the amendments to sections 211, 214, 216 and 231-c of the real property law made by sections one, two, three and five of this act shall not affect the repeal of such sections and shall be deemed repealed therewith;

(b) the amendments to paragraph (a) of subdivision 1 of section 226-c of the real property law made by section four of this act shall not affect the expiration of such paragraph and shall expire and be deemed repealed therewith;

(c) the amendments to subdivision two of section 711 of the real property actions and proceedings law made by section six of this act shall not affect the expiration of such subdivision pursuant to section 7 of part HH of chapter 56 of the laws of 2024, as amended, and shall expire therewith;

(d) the amendments to subdivision 5-a of section 741 of the real property actions and proceedings law made by section seven of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

(e) the amendments to subdivision 8 of section 214 of the real property law, made by section two of this act, shall apply to actions and proceedings filed on or after such effective date.