

STATE OF NEW YORK

S. 6458

A. 8281

2019-2020 Regular Sessions

SENATE - ASSEMBLY

June 11, 2019

IN SENATE -- Introduced by Sens. STEWART-COUSINS, KAVANAGH, MYRIE, GIANARIS, SALAZAR, SERRANO, KRUEGER, BAILEY, RAMOS, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. HEASTIE, CYMBROWITZ, HUNTER, DINOWITZ, O'DONNELL, L. ROSENTHAL, THIELE, BRONSON, RYAN, BARRETT, MOSLEY, PICHARDO, BARRON, JOYNER, RICHARDSON, NIOU, EPSTEIN, ROMEO, GOTTFRIED, LENTOL, WEINSTEIN, NOLAN, COOK, GLICK, AUBRY, PERRY, ARROYO, COLTON, PEOPLES-STOKES, TITUS, BENEDETTO, HEVESI, JAFFEE, DenDEKKER, CRESPO, M. L. MILLER, WEPRIN, QUART, SOLAGES, STECK, BICHOTTE, BLAKE, DILAN, SEAWRIGHT, SIMON, WALKER, CARROLL, DE LA ROSA, D. ROSENTHAL, TAYLOR, CRUZ, FERNANDEZ, FRONTUS, JACOBSON, RAYNOR, REYES, SAYEGH -- read once and referred to the Committee on Housing

AN ACT to amend chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, the emergency housing rent control law, chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, and the rent regulation reform act of 1997, in relation to making such provisions permanent; to amend chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, chapter 402 of the laws of 1983 amending the general business law relating to conversion of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland, in relation to making such provisions permanent (Part A); to repeal certain provisions of the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the local emergency rent control act, relating to rent increases after vacancy of a housing accommodation (Part B); to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen

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

LBD11905-07-9

1 The effect of the presumption shall be to require the landlord to
2 ~~[provide a credible explanation of]~~ establish a non-retaliatory motive
3 for his acts~~[-. Such an explanation shall overcome and remove the~~
4 ~~presumption unless the tenant disproves it]~~ by a preponderance of the
5 evidence.

6 5-a. Any lease provision which seeks to assess a fee, penalty or
7 dollar charge, in addition to the stated rent, against a tenant because
8 such tenant files a bona fide complaint with the landlord, the land-
9 lord's agent or a building code officer regarding the condition of such
10 tenant's leased premises shall be null and void as being against public
11 policy. A landlord or agent of the landlord who seeks to enforce such a
12 fee, penalty or charge shall be liable to the tenant for triple the
13 amount of such fee, penalty or charge.

14 6. This section shall apply to all rental residential premises except
15 owner-occupied dwellings with less than four units. However, its
16 provisions shall not be given effect in any case in which it is estab-
17 lished that the condition from which the complaint or action arose was
18 caused by the tenant, a member of the tenant's household, or a guest of
19 the tenant. Nor shall it apply in a case where a tenancy was terminated
20 pursuant to the terms of a lease as a result of a bona fide transfer of
21 ownership.

22 § 3. The real property law is amended by adding a new section 226-c to
23 read as follows:

24 § 226-c. Notice of rent increase or non-renewal of residential tenan-
25 cy. 1. Whenever a landlord intends to offer to renew the tenancy of an
26 occupant in a residential dwelling unit with a rent increase equal to or
27 greater than five percent above the current rent, or the landlord does
28 not intend to renew the tenancy, the landlord shall provide written
29 notice as required in subdivision two of this section. If the landlord
30 fails to provide timely notice, the occupant's lawful tenancy shall
31 continue under the existing terms of the tenancy from the date on which
32 the landlord gave actual written notice until the notice period has
33 expired, notwithstanding any provision of a lease or other tenancy
34 agreement to the contrary.

35 2. (a) If the tenant has occupied the unit for less than one year and
36 does not have a lease term of at least one year, the landlord shall
37 provide at least thirty days' notice.

38 (b) If the tenant has occupied the unit for more than one year but
39 less than two years, or has a lease term of at least one year but less
40 than two years, the landlord shall provide at least sixty days' notice.

41 (c) If the tenant has occupied the unit for more than two years or has
42 a lease term of at least two years, the landlord shall provide at least
43 ninety days' notice.

44 § 4. The real property law is amended by adding a new section 227-e to
45 read as follows:

46 § 227-e. Landlord duty to mitigate damages. In any lease or rental
47 agreement, excluding any real estate purchase contract defined in para-
48 graphs (a), (c) and (d) of subdivision four of section four hundred
49 sixty-one of this chapter, covering premises occupied for dwelling
50 purposes, if a tenant vacates a premises in violation of the terms of
51 the lease, the landlord shall, in good faith and according to the land-
52 lord's resources and abilities, take reasonable and customary actions to
53 rent the premises at fair market value or at the rate agreed to during
54 the term of the tenancy, whichever is lower. If the landlord rents the
55 premises at fair market value or at the rate agreed to during the term
56 of the tenancy, the new tenant's lease shall, once in effect, terminate