

October 1, 2019

**New York State Expands Tenants' Rights with
Significant Reforms to Existing Landlord-Tenant Laws**

On June 14, 2019, Governor Andrew Cuomo signed into law the "Statewide Housing Security and Tenant Protection Act of 2019" ("Act"). The Act dramatically changes existing landlord-tenant laws and extends and expands tenant rights and protections throughout the State of New York. The list below highlights some of the major changes to come from the Act. On October 12, 2019 the entirety of the Act will be in effect.

A sampling of the changes and additions to the law under this Act include, but are not limited to:

- Prohibition of a landlord's refusal to rent to a prospective tenant for their past or pending involvement in eviction proceedings.
- Prohibition of a landlord from charging fees for processing, reviewing or accepting a rental application from a prospective tenant.
- Limitations on the amount a landlord can obtain for a security deposit.
- Mandatory immediate distribution of receipts for rent personally paid to a landlord.
- Timing of written notices when a landlord does not intend to renew tenancy or intends to increase rent greater than or equal to 5%.
- Establishment of a landlord's duty to take reasonable and customary actions to rent the premises that a tenant has vacated in violation of the lease.
- Establishment of timing and procedures for demand notices when a tenant fails to pay rent.
- New limitations on rental payment late fee charges and timing.
- Increased time to allow a tenant in breach of the lease to cure such breach prior to the allowance of an eviction.

- Allowance of a tenant to pay full amount of rent due before an eviction hearing and the requirement of their landlord to accept such payment.
- Increased timing for the execution of warrants of eviction.
- New classification of a landlord's acts of unlawful eviction as a class A misdemeanor.

In addition to some of the changes noted above, the State also passed an amendment earlier this year to New York's Human Rights Law, prohibiting landlords from rejecting prospective tenants based on "lawful income source," which includes public assistance programs such as Section 8 housing vouchers and DSS.

These new changes come amidst protests from landlords that feel adversely affected by the new laws. Landlords have raised concerns that tighter restrictions may hinder landlords' abilities to properly screen and select qualified tenants and remove problem tenants who breach their leases, including payment of rent. However, lawmakers noted that the new changes restore equity, level the playing field, and bring stability to tenants across New York State.

Landlords should review their current lease agreements to ensure compliance with the expansive changes contained in the new legislation. Some lease agreement provisions that are in conflict with the above changes could be deemed void as against public policy. By reviewing current lease agreements now, and consulting with an attorney to ensure compliance with state and federal laws, landlords can save considerable time, expense, and frustration in the future.

If you have any questions about this Legal Briefing, please contact any attorney of our Firm at 585-730-4773.

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