Real Estate Law Alert: New Bill to have Sweeping Effects on Landlords

Governor Andrew Cuomo has just signed into law the Housing Stability and Tenant Protection Act of 2019, which some commentators are calling the strongest tenant protection legislation in state history. Among its sweeping revisions, the Act introduces large scale changes to New York State's Real Property Actions and Proceedings Law (the "RPAPL"), which contains the State's landlord-tenant laws. Of the more notable provisions, the Act provides that:

- **Any fees, charges, or additional penalties other than rent** (which is defined as "the monthly or weekly amount charged in consideration for the use and occupation of a dwelling unit pursuant to a written or oral rental agreement") **may no longer be sought** from the tenant in an eviction proceeding;

- All eviction proceeding papers must now be served on the tenant **no fewer than ten** and **no more than 17** days prior to the selected return date of the hearing (increased from five and 12 days, respectively);

- An eviction proceeding based on the tenant's failure to pay rent may not be brought until **14 days** after the landlord has sent a written notice demanding that the tenant either pay the past due rent or vacate the premises (increased from three days);

- An eviction proceeding based on a tenant's failure to pay rent **shall** be dismissed if, at **any time** prior to the hearing, the tenant pays the full amount of past due rent (eliminates the landlord's option whether to accept the past due rent); and

- In the event the landlord obtains a warrant of eviction, it must provide **14 days' notice** (increased from 72 hours) of execution of the warrant and removal from the premises.

As landlords attempt to navigate and comprehend the Act's impact on their businesses, our Firm's litigation attorneys stand ready to assist.

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