

MEMORANDUM

A.308 (Burdick) / S.286 (Stewart Cousins)

AN ACT to amend the real property law in relation to prohibiting the termination of tenancy in certain housing occupied by senior citizens and/or persons with disabilities.

LeadingAge New York opposes this legislation which would place substantial limitations on a landlord's ability to terminate the tenancy of seniors residing in certain housing facilities. According to the legislation, if 80% or more of the lessees or tenants occupying units in a rental building (defined as a building with 20 or more residential units) are over the age of sixty-five and/or are persons with disabilities, landlords would be required to receive court approval before terminating a lease agreement, failing to renew a lease agreement, or otherwise terminating a tenancy that is not subject to a lease agreement, unless they are doing so as a result of a tenant's lease violation.

This will substantially limit a senior housing landlord's ability to respond quickly and proactively to a situation that endangers the lives of all the residents of the senior housing building. At times, a tenant may no longer be able to live safely in their apartment, and their continued residence there could endanger their life and the lives of those around them. In these circumstances, a landlord needs to be able to expediently terminate the tenancy to protect the safety of all involved. The requirement that a landlord go to court and receive approval to terminate this tenancy will make this process unduly long and could lead to the continued endangerment of the life of the tenant and the other residents of the building.

The second part of the bill would prohibit landlords in buildings that predominantly serve seniors or individuals with disabilities from increasing the rent by more than 1% above the percentage change in the consumer price index since either the start of the tenancy or the most recent renewal, whichever is more recent at the time of the lease renewal. Landlords would be prohibited from increasing the rent more than once annually.

Annual rent increases in excess of this amount may be necessary to make capital repairs to aging infrastructure. The proposed limit in this bill would substantially inhibit a landlord's ability to make the capital repairs that are needed to maintain a safe living environment for seniors. If a landlord is unable to make such an investment in their senior housing property, the conditions could become hazardous for those individuals living there.

For these reasons, LeadingAge New York opposes A.308 (Burdick) / S.286 (Stewart Cousins).

LeadingAge New York represents over 400 not-for-profit and public long term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.

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