

## MEMORANDUM

A.4454 (Hunter) / S.305 (Salazar)

*AN ACT to amend the real property law, in relation to prohibiting eviction without good cause.*

LeadingAge New York opposes this legislation which would prohibit, for the owner of nearly any multi-family residential rental property of four or more units in the state not already subject to a similar law, termination of a tenancy by eviction or non-renewal of a lease agreement without first showing “good cause” to the court. While well intended, this proposal would ultimately impede a senior housing provider’s ability to respond appropriately to situations that endanger the lives of all the residents of a senior housing building.

Physical and mental health can change rapidly as we age, and at times, a senior renter may no longer be able to live safely in their apartment without endangering their own life or the lives of those around them. In these rare but serious circumstances, a senior housing provider must be able to expediently terminate the tenancy or act to deny renewal to protect the safety of all involved. The requirement that a provider present proof of the tenant’s lease violation to the court to receive approval for lawful termination of the tenancy could make this process unduly long, particularly in the wake of ongoing COVID-related court backlogs, and could therefore exacerbate a threat to the health and wellbeing of a senior resident and their neighbors.

The second part of the bill would effectively prohibit landlords of covered buildings from increasing rent in a calendar year by more than the greater of three percent or 150 percent of the annual percentage change in the Consumer Price Index (CPI) for the region in which the unit is located. Annual rent increases in excess of this amount may occasionally be necessary to make capital repairs to aging infrastructure, to meet changing accessibility guidelines, or to add resident-driven improvements to a market-rate or luxury property, particularly in age-restricted housing where residents often face increasing mobility and connectivity challenges. Furthermore, the rising cost of essential property payments can easily drive an annual increase in rent greater than the amount presumed allowable under this legislation. For multi-family senior housing providers, these essential costs may include not only mortgage, tax, insurance, and utility payments, but the resources and employees necessary to maintain the quality of resident meals, services, and programming from one year to the next.

In addition, planning a rent increase based on the change in CPI as reported the August preceding the calendar year of the increase – or, alternatively, assuming a maximum increase of three percent until that number is reported – will cause confusion and substantially limit the ability of senior housing providers to budget for the upgrades and repairs necessary to maintain a safe and desirable living environment for older adults.

In the event that an eviction or rent increase becomes necessary to protect the wellbeing of a resident or their neighbors, the additional time and evidence required by this legislation to prove a landlord acting in good faith does, in fact, have “good cause” could mean more time that a senior in need – who is experiencing physical or mental distress that may be harmful to them or those around them – remains at risk.

**For these reasons, LeadingAge New York opposes A.4454 (Hunter) / S.305 (Salazar).**