

# Tenant Protections in New York State: 2019 Changes

UNITED  
TENANTS OF  
ALBANY



## Access to Housing

- Landlords may not refuse to rent to a tenant because of a prior landlord-tenant dispute.
- Source of Income discrimination is now illegal.
- Evictions resulting from foreclosures are sealed.



## Security Deposits

Security deposits or advances may not exceed the cost of one month's rent.

Deposits or lists of withholdings must be returned within 14-days after move-out.

*Tenants were being asked to pay security deposits that were comparable to what is expected for a down-payment on a house.*

## Lease Terminations

Landlords intending to terminate a tenancy or increase rent at a rate equal or greater to 5% must provide the following notices:

*If the tenant has occupied the unit for less than one year and does not have a lease term of at least one year, the landlord must provide at least 30 days' notice*

*If the tenant has occupied the unit for more than one year but less than two years or has a lease term of at least one year, the landlord must provide at least 60 days' notice*

*If the tenant has occupied the unit for more than two years or has a lease term of at least two years, the landlord must provide at least 90 days' notice*

## Retaliatory Evictions

Tenants who make good faith complaints to their landlord or landlord's agent about housing conditions are now protected from retaliatory lease terminations

(previously only complaints to governmental authorities were protected)

## Access to Justice

### Notices

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- Tenants who are behind on rent are entitled to a written 14-day rent demand, sent certified mail

- **Service of court papers must be complete between 10-17 days prior to the scheduled court appearance**

10-17

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- A warrant of eviction must span 14-days, and the warrant must state the earliest date upon which the lockout can occur.

### Adjournments

Tenants have the right to request an adjournment not less than 14-days where triable issues (defenses) are raised to an eviction proceeding.

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## What else changed for tenants?



### Late Fees

Late fees cannot exceed 5% of the rent or \$50, whichever is less.



### Rent

Rent can only be the agreed upon cost of the apartment dwelling.



### Illegal Lockouts

Illegal lockouts are now classified as a Class A Misdemeanor.