

Council Members Balarin, Adams, Anane, Farrell, Frederick, Johnson, Keegan, and Romero introduced the following, which was approved:

LOCAL LAW E OF 2024

A LOCAL LAW REPEALING ARTICLE XXIII (PROHIBITION OF EVICTION WITHOUT GOOD CAUSE) OF CHAPTER 30 (CITY COURT ACT) AND ADDING A NEW PART 6 (PROHIBITION OF EVICTION WITHOUT GOOD CAUSE) TO CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION PROHIBITING EVICTIONS WITHOUT GOOD CAUSE

Be it enacted, by the Common Council of the City of Albany, as follows:

Section 1. Article XXIII (Prohibition of Eviction Without Good Cause) of Chapter 30 (City Court Act) of Part I (Administrative Legislation) of the Code of the City of Albany is hereby repealed in its entirety.

Section 2. A new Part 6 (Prohibition of Eviction Without Good Cause) is hereby added to Chapter 231 (Housing) of Part II (General Legislation) of the Code of the City of Albany to read as follows:

§ 30-324 Protections Established

- A. There is hereby established, pursuant to and in accordance with the provisions of, section 213 of Article 6-A of the Real Property Law of the State of New York, a Prohibition of Eviction without Good Cause.
- B. Pursuant to §213- 2(a) of Article 6-A of the Real Property Law of the State of New York, the City of Albany provides that any unit on or within a housing accommodation shall be exempt from the provisions of this article if it has a monthly rate above three hundred forty-five percent of fair market rent as published by the United States Department of Housing and Urban Development and as shall be published for the County of Albany by the New York State Division of Housing and Community Renewal.
- C. Pursuant to §213- 2(b) of Article 6-A of the Real Property Law of the State of New York, the City of Albany defines “small landlord,” for purposes of this Part, to mean a landlord of no more than one unit anywhere in the State of New York.

Section 3. This Local Law shall take effect upon passage, public hearing, and filing with the Secretary of State.

**APPROVED AS TO FORM THIS
24TH DAY OF APRIL, 2024**

Corporation Counsel

To: Shaniqua Jackson, City Clerk

From: Jake Eisland, Esq., Research Counsel
Robert Magee, Esq., Deputy Corporation Counsel
Brett Williams, Esq., Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: April 23, 2024

Sponsor(s): Balarin, Adams, Anane, Farrell, Frederick, Johnson, Keegan, and Romero

LOCAL LAW E OF 2024

TITLE

A LOCAL LAW REPEALING ARTICLE XXIII (PROHIBITION OF EVICTION WITHOUT GOOD CAUSE) OF CHAPTER 30 (CITY COURT ACT) AND ADDING A NEW PART 6 (PROHIBITION OF EVICTION WITHOUT GOOD CAUSE) TO CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION PROHIBITING EVICTIONS WITHOUT GOOD CAUSE

GENERAL PURPOSE OF LEGISLATION

This local law opts the City of Albany into New York State's Good Cause Eviction protections established in the 2024 Budget. While these protections are not as extensive as those originally granted by Local Law F of 2021, they are significant. The new state law provided that rental units with rents 245% in excess of the local fair market rent are exempt from Good Cause protection, but provided localities with the option to change this figure. This legislation sets the figure at 345% of fair market rent in the City of Albany. This local law also redefines the phrase "small landlords," again at local option as provided by the state legislation, to maximize those covered under the protections. This law also repeals the original version of Good Cause Eviction passed by the Council in 2021 because Article 6A of the Real Property Law, enacted on April 20, 2024, has superseded and preempted the City of Albany's original Good Cause Protections.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISITING LAW

National data show that the number of households experiencing housing instability (i.e. being threatened with eviction or being evicted, filing eviction paperwork in court, becoming homeless) was significant at an average of 5 million people per year. And, in addition, these individuals and families go on to experience long-term and severe deficits to their financial security, education, health and well-being. This is particularly true for children, single parent households, victims of domestic violence, and the historically disenfranchised. For instance, landlords often do not rent to individuals with past eviction records or with debt owed to previous landlords which worsens housing instability. As a result, displaced families have few options besides poor living conditions that often have minimal access to transportation or work, which results in intergenerational trauma and poverty. Housing insecurity also prevents many tenant households from reporting building code violations, reporting discriminatory practices or other illegal actions by unscrupulous

landlords, and generally engaging in safe self-advocacy. Finally, the ever-present threat of no-cause eviction interferes in the formation of strong and stable community ties that are essential to quality of life in a city such as Albany.

Landlords across the state displace tenants in order to gain higher profits. The de facto evictions happen, among other ways, via non-renewal of their leases. These non-renewals displace individuals and families in order for owners to rent out their units to higher income tenants. This bill will prohibit landlords from evicting tenants without there being a good cause.

While the bill also prohibits nonpayment as a ground for eviction where nonpayment is caused by an unreasonable rent increase, this legislation also ensures Landlords can respond appropriately to changes in market conditions, such as tax increases and capital improvements. Raises higher than the higher amount of 10% or the inflation index will normally be prohibited, though courts shall consider situations like changes in a landlord's property tax burden. Real Property Law Article 6-A includes many more exceptions than were contained in Local Law F of 2021. These include exemptions for owner-occupied buildings with ten or fewer units and thirty year exemptions for new properties back-dated to 2009. Due to the wording of Real Property Law Article 6A, we may not alter these exemptions.

FISCAL IMPACT(S)

None.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Local Law E of 2024 was co-sponsored by Council Members Flynn, Hoey, Kimbrough, Love, Robinson, and Zamer

Affirmative – Adams, Anane, Balarin, Farrell, Flynn, Frederick, Hoey, Johnson, Keegan, Kimbrough, Love, Robinson, Romero, Zamer

Abstain – Clarke

Affirmative: 14 | Negative: 0 | Abstain: 1

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Shaniqua Jackson, City Clerk and Clerk of the Common Council, do hereby certify that Local Law E of 2024 was passed at a meeting of the Albany Common Council on June 3, 2024.

In affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 18th day of July, 2024.

Shaniqua Jackson, Clerk of the Common Council