

LOCAL LAW NO. "D" FOR 2011

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO PROVIDE RIGHTS TO TENANTS FACING ECONOMICALLY-CAUSED UNEMPLOYMENT OR SIGNIFICANT LOSS OF WORK HOURS

Introduced: 6/13/11

By Messrs. Clenahan and Bullock:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the economic turmoil of the past several years has resulted in many Albany County residents losing their jobs or suffering greatly reduced hours of work through no fault of their own.

This Legislature also finds that these layoffs and reductions in hours worked have left many Albany County tenants unable to pay the rent due for their homes and at risk of breaching their leases due to their loss of income.

This Legislature further finds that, due to these challenging conditions, many Albany County tenants find themselves facing the choice of cutting back on food, clothes and other essentials in order to pay their rent or breaching their lease and exposing themselves to a law suit.

Therefore, the purpose of this local law is to protect tenants by providing them with the ability to terminate a rental agreement lease in the case of the tenant's economically-caused unemployment or significant reduction of hours of work.

Section 2. Definitions.

- A) "Primary employment" shall mean employment totaling at least 35 hours per week.
- B) "Premises" shall mean the property rented by the landlord to the tenant pursuant to the relevant lease.
- C) "Substantial reduction" shall mean of reduction of 50% or more in the number of hours worked per week or reduction of 50% or more in the amount of salary received per week.
- D) "Landlord" and "Tenant" shall have the same meanings as are set out in the New York State Real Property Law.

Section 3.

- A) When a tenant either:

- 1) suffers the loss of his or her primary employment due to economic conditions and through no fault of their own; or
- 2) suffers a substantial reduction in the number of hours worked or salary received at what had been his or her primary employment up until the reduction due to economic conditions and through no fault of their own, the tenant shall have the right to terminate their existing lease for rental of real property.

B) Any tenant exercising his or her rights under subsection A of this section must provide the landlord with thirty (30) days notice of termination.

C) Any tenant exercising his or her rights under subsection A of this section must vacate the premises by no later than twenty five (25) days after providing notice to the landlord pursuant to subsection B of this section. The tenant shall be responsible for payment of rent through 25 days from the date of notice of termination provided to the landlord.

D) Any tenant exercising his or her rights under subsection A of this section must provide the landlord with documented proof of his or her unemployment from primary employment or of the substantial reduction in work hours or salary.

Section 4. Applicability

This law shall apply to any and all actions occurring on or after the effective date of this law.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date.

This law shall take effect immediately.

Referred to Law Committee. 6/13/11