

New York State Lease Termination Law

For Tenants Who Are Disabled or Age 62+ and Moving to Certain Other Residences

New York law* allows lease terminations for people age 62 and for disabled tenants, under certain conditions.

Section 227(a) of New York State Real Property Law spells out the rights of people aged 62 and over, and disabled tenants, to terminate a residential lease or rental agreement before the lease time period ends.

Terminating a lease using Section 227(a) is a legal termination, not a lease violation.

This law applies to any type of building or property that the person age 62 or over, or disabled tenant is living in "for dwelling purposes."

This law applies to any person whose name is on the lease who is aged 62 or older, or who will become aged 62 during the term of the lease or rental agreement. The law also applies to such person's husband or wife who is aged 62 or older or who will become aged 62 during the lease's term.

As of 2019, an individual with a "disability", as defined in subdivision 21 of section 292 of the Executive Law or a husband or wife or dependent of such a person residing with him or her is also covered.

Tenants 62 and older and disabled tenants can terminate their lease or rental agreement to move into any of the following types of living arrangements:

- Adult Care Facility (such as an Adult Home, Enriched Housing Program, Family Type Home or Residence for Adults);
- Nursing Home or a facility providing health-related service;
- Subsidized housing (either senior housing or housing meant for tenants of all ages);
- Less expensive senior housing; or

- The home of a family member (after having been certified by a physician as (1) being no longer able, for medical reasons, to live independently, and (2) requiring assistance with instrumental or other activities of daily living).

Tenants 62 and older and disabled tenants can terminate their lease and move into one of the above alternative living arrangements by notifying the landlord/owner/lessor. The notification must:

- Be made in writing and signed by the tenant (or tenant's legal representative);
- Be delivered to the owner or the owner's agent; and,
- Include documentation showing the tenant has been notified that the tenant can now move into one of the housing arrangements described above; or, if moving in with a family member, include a physician's certification that the tenant meets the health-related requirements to live with a family member, as well as the family member's documentation that he/she is related to the tenant, and that the tenant will live with the relative for at least six months.

Generally, lease termination occurs 30 days after the next rental payment due date. The 30 day notice should be effective if provided prior to the last rental payment. For example: a June 30 notice to end the lease as of July 31 is effective notice.

Disability under this statute is defined in NY Executive Law, Section 292, subdivision 21.

Federally subsidized housing (Section 8, for example) is **governed by federal rules that require housing agency approval for early lease terminations.*