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January 13, 2022

VIA ELECTRONIC MAIL

Senator Brad Hoylman
Chair, Senate Standing Committee on Judiciary
310 Legislative Office Building
Albany, NY 12247

Senator Brian Kavanagh
Chair, Senate Standing Committee on Housing, Construction and Community Development
512 Legislative Office Building
Albany, NY 12247

RE: Written Testimony Submission for The Good Cause Eviction Hearing

Dear Senator Hoylman and Senator Kavanagh,

We are writing on behalf of our client, the New York Housing Association, Inc. (NYHA). Enclosed is NYHA's written testimony to be added to the public record for The Good Cause Eviction Hearing that took place on January 7, 2022. We appreciate the opportunity to submit these comments.

Please advise if you have any questions or need additional information.

Very truly yours,

GREENBERG TRAUIG, LLP



Nicola Coleman

NTC/map
Enclosures
ACTIVE 62399602v1



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NYHA Testimony | January 10, 2022

Testimony of the New York Housing Association to The New York State Senate Standing Committees on Housing and Judiciary on S.3082, The Good Cause Eviction Proposal

The New York Housing Association (NYHA), incorporated in 1950, was formed to address concerns of factory-manufactured home builders, retailers and community owners. Since its inception, the Association has grown and evolved into an organization concerned with the total scope of the factory-constructed residential housing industry. NYHA serves as the central office for the Modular Builders, Manufacturers, Manufactured Home Communities and Professional Services & Suppliers in New York State. NYHA is dedicated to encouraging and promoting affordable housing choices for the people of the State of New York, and to enhancing the image and public awareness of factory-built housing living.

Thank you for the opportunity to submit comments regarding S.3082, The Good Cause Eviction Proposal. Of particular concern, S.3082 specifically provides that it applies to manufactured home communities (see proposed subdivision 1 of section 211 of the new Article 6-A created by the bill). The problem with including manufactured homes in communities under the bill is that the proposed amendments would conflict with the provisions of Sections 233 and 233-b of the Real Property Law that were added by the Housing Stability and Tenant Protection Act of 2019 (HSTPA). Specifically, HSTPA enacted the equivalent to “good cause eviction” by eliminating the right to evict holdover tenants. (See, HSTPA, Part O, Section 3, repealing provisions authorizing the eviction of manufactured home tenants who held over after the expiration of their lease.) Moreover, Section 233 has long enumerated the conditions, including some that are unique to manufactured home communities, upon which an eviction can be based. Accordingly, the provisions of proposed section 214 are redundant and, in some cases, inconsistent with the tenant protection provisions of Section 233.

Finally, subdivision a of section 214 of S.3082 relating to rent increases are inconsistent with Section 233-b of the Real Property Law which contains a carefully structured limitation on rent increases in manufactured home communities. Accordingly, if S.3082 is enacted as currently written, there would be confusion as to how to reconcile the conflicts between the two laws.

The simple solution is to remove manufactured home communities from coverage under S.3082. Manufactured home tenants have had protection of “good cause eviction” since 2019 and are also protected against abusive rent increases. Accordingly, the New York Housing Association respectfully requests that, if S.3082 is to be enacted, the provisions of subdivision 1 of Section 210 of Article 6-A should be stricken from the bill.

Thank you again for the opportunity to submit these comments.

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