



MEMORANDUM IN OPPOSITION

S.305 (Salazar)

AN ACT to amend the real property law, in relation to prohibiting eviction without good cause

The Capital Region Chamber, representing 2,600 businesses and organizations from throughout the Capital Region that employ more than 150,000 area residents, strongly opposes S.305, which would set standards for which eviction is acceptable and prohibit eviction without good cause.

According to the sponsors of this legislation, landlords across our state are displacing tenants in order to gain higher profits. The sponsors believe that these so-called de facto evictions happen via non-renewal of their leases. According to the sponsors, these non-renewals are displacing individuals and families in order for owners to rent out their units to higher income tenants. The Chamber strongly disagrees with this premise. While this premise may or may not be true in parts of New York City, it is not true in the Capital Region.

This proposed legislation would not only prohibit eviction without good cause, it would prohibit the non-renewal of a residential lease without good cause. A residential lease, by its very nature, is a contract by which one party conveys property to another for a specified time in return for a periodic payment. This proposal would negate this contractual agreement. The landlord has every right to not re-new a lease agreement at the end of its term and should not be forced into a contract containing such unfavorable terms which have been dictated by the state. Both parties to these contracts should continue to have the right to renegotiate the terms of a lease upon the expiration of the current lease. Furthermore, the process for eviction and non-renewal is so arduous as to make it virtually impossible for a landlord to evict bad tenants and end leases upon their expiration.

Importantly, this legislation would arbitrarily place a cap on rent increases. Again, the state should not be in the business of fixing rent prices in Upstate New York. The housing and rental market is stable in the Capital Region and should not be destabilized by New York State overregulation.

If the intent of this legislation is to stifle the Upstate economy, if enacted, then it will be effective. However, the Chamber strongly encourages the Legislature to reject this proposal in favor of policies that stimulate the economy and grow jobs. In so doing, we can ensure prosperity for all.

For these stated reasons, the Capital Region Chamber strongly opposes this legislation.

Date issued: January 30, 2023

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