

MEMORANDUM

TO: REVIEW STAFF

DATE: 7/25/83

FROM: DIANA J. LEE

RE: INTERIM LEASES IN ETPA JURISDICTIONS

A recent case decided by the NYS Division of Housing and Community Renewal provides for the following policies on interim leases in ETPA jurisdictions:

1. Landlord must provide a one or two year lease at the landlord's option upon renting a vacant unit.

2. The lease may be terminated if the tenant fails to comply with the Subscription Agreement on 90 days written notice reciting the date of termination and the facts constituting the failure to comply with the Subscription Agreement.

3. The lease may contain the termination provisions contained in ETP Regulations §2502.5(8)* allowing termination for owner occupancy upon conversion, but only in an eviction plan if subject to §352-eee.

In addition to these requirements, the Part 18 interim lease section, 18.3(o) on page 43, also applies.

*found only in the 1982-1983 pocket part for Unconsolidated Laws §8581-8700.