S T A T E O F N E W Y O R K

162

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to an action for willful neglect of residential real property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The real property actions and proceedings law is amended by adding a new section 854 to read as follows:

S 854. ACTION FOR WILLFUL NEGLECT OF RESIDENTIAL REAL PROPERTY; TREBLE DAMAGES. 1. IF A RESIDENTIAL TENANT IS FORCED TO VACATE RESIDENTIAL REAL PROPERTY BECAUSE OF WILLFUL NEGLECT OF SUCH PROPERTY BY THE PERSON OR ENTITY REQUIRED BY STATE OR LOCAL LAW TO MAINTAIN SUCH PROPERTY, HE OR SHE IS ENTITLED TO RECOVER TREBLE DAMAGES IN AN ACTION OR COUNTERCLAIM AGAINST SUCH PERSON OR ENTITY. IN LIEU OF TREBLE DAMAGES, AT THE TENANT'S OPTION, THE PERSON OR ENTITY REQUIRED TO MAINTAIN THE PROPERTY MUST RELOCATE THE TENANT TO A COMPARABLE HOUSING ACCOMMODATION IN A CLOSELY PROXIMATE AREA THAT IS THE SAME OR LOWER RENT.

2. WILLFUL NEGLECT SHALL INCLUDE IMPROPER MAINTENANCE OR LACK OF MAINTENANCE RESULTING IN SUBSTANTIAL DETERIORATION OF THE PROPERTY SUCH AS TO RENDER IT UNINHABITABLE. WILLFUL NEGLECT SHALL BE CONSIDERED WHENEVER THERE HAS BEEN A VACATE ORDER OR ORDER FOR THE DEMOLITION OF THE PROPERTY ISSUED BY AN AGENCY OR OFFICIAL OF STATE OR LOCAL GOVERNMENT. WILLFUL NEGLECT SHALL NOT INCLUDE CONDITIONS BEYOND THE CONTROL OF THE PERSON OR ENTITY REQUIRED TO MAINTAIN THE PROPERTY, SUCH AS A NATURAL DISASTER OR AN ACT OF WAR OR TERRORISM.

3. THIS SECTION SHALL NOT PREEMPT, REDUCE OR LIMIT ANY RIGHTS OR OBLIGATIONS IMPOSED BY ANY STATE OR LOCAL LAWS WITH RESPECT TO PROPERTY MAINTENANCE AND A LOCALITY'S ABILITY TO ENFORCE THOSE LAWS OR A TENANT'S RIGHT TO BE RESTORED TO THE VACATED PREMISES.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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