

STATE OF NEW YORK

3280--A

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sens. COONEY, BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to enacting the Rochester housing court act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Rochester housing court act".

3 § 2. Definitions. As used in this act unless the context otherwise
4 requires, the following words and terms shall have the meaning ascribed
5 to them:

6 (a) "Housing codes" means all state and local laws for the establish-
7 ment and maintenance of housing standards, including but not limited to
8 the multiple residence law, real property law, real property actions and
9 proceedings law, real property tax law, and the housing and property
10 code, building code, zoning ordinance, and fire prevention code and
11 related ordinances of the city of Rochester.

12 (b) "City" means the city of Rochester.

13 § 3. Actions and proceedings permitted. Notwithstanding any other
14 provision of law, a separate part of the city court of Rochester shall
15 be exclusively devoted to actions and proceedings involving the enforce-
16 ment of all housing codes, pertaining to all real property situated
17 within the city as follows:

18 (a) Actions for the imposition and collection of criminal penalties,
19 and for the imposition and collection of civil penalties, for the
20 violation of any state or local laws involving the establishment and
21 maintenance of housing standards.

22 (b) Actions for the collection of costs, expenses and disbursements
23 incurred by the city of Rochester in the elimination or correction of a

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

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1 nuisance or other violation of any of the housing codes, or in the
2 removal or demolition of any dwelling pursuant to such housing codes.

3 (c) Actions and proceedings for the establishment, enforcement or
4 foreclosure of liens upon real property and upon the rents therefrom for
5 civil penalties, or for costs, expenses and disbursements incurred by
6 the city in the elimination or correction of a nuisance or other
7 violation of any of the housing codes or in the removal or demolition of
8 any building pursuant to such housing codes.

9 (d) Proceedings for the issuance of injunctions and restraining orders
10 or other orders for the enforcements of housing standards under any of
11 the housing codes.

12 (e) All summary proceedings to recover possession of residential prem-
13 ises to remove tenants therefrom, and to render judgment for rent due,
14 in which a tenant alleges a defense under section seven hundred fifty-
15 five of the real property actions and proceedings law, relating to stay
16 or proceedings or action for rent upon failure to make repairs, section
17 three hundred five-a of the multiple residence law, relating to the
18 abatement of rent in case of certain violations of any housing codes,
19 and section two hundred thirty-five-b of the real property law, relating
20 to a landlord's duty to maintain habitable premises, or any other law
21 involving housing code enforcement. The administrative judge of Roches-
22 ter city court may, in his or her discretion, empower the housing part
23 to hear all summary proceedings to recover possession of residential
24 premises, regardless of whether a tenant alleges a defense, at any time
25 when he or she feels that housing part is capable of handling all such
26 summary proceedings.

27 (f) Proceedings for the appointment of a receiver of rents, issues and
28 profits of buildings in order to remove or remedy a nuisance or to make
29 repairs required to be made under such housing codes.

30 (g) Actions and proceedings for the removal of housing violations
31 recorded pursuant to such housing codes, or for the imposition of such
32 violation or for the stay of any penalty thereunder.

33 (h) Special proceedings to convey title in the city to abandoned
34 dwellings pursuant to article 19-A of the real property actions and
35 proceedings law.

36 (i) Civil cases pursuant to section seven hundred sixty-eight of the
37 real property actions and proceedings law.

38 Nothing in this section shall limit in any manner the jurisdiction or
39 authority of the municipal code violations bureau of the city of Roches-
40 ter as set forth in chapter 13A of the municipal code of the city of
41 Rochester.

42 § 4. Consolidation. On the application of any city department, any
43 party or on its own motion, the housing part shall, unless good cause is
44 shown to the contrary, consolidate all actions and proceedings pending
45 in such part as to any building.

46 § 5. Relief permitted. Regardless of the relief originally sought by a
47 party, the court may recommend or employ any remedy, program, procedure
48 or sanction authorized by law for the enforcement of housing standards,
49 if it believes they will be more effective to accomplish compliance or
50 to protect and promote the public interest; provided in the event any
51 such proposed remedy would require an expenditure by the city, such
52 remedy shall be subject to appropriation by city council and shall not
53 bind the city absent such appropriation. Any expenditure made by the
54 city shall become a lien upon the subject property and may be incorpo-
55 rated by the court into any judgment rendered in the proceeding.

1 § 6. Joinder. In any of the actions or proceedings specified in
2 section three of this act and on the application of any party, any city
3 department or the court, on its own motion, may join any other person or
4 city department as a party in order to effectuate proper housing mainte-
5 nance standards and to promote the public interest.

6 § 7. Judge; rules of evidence. Actions and proceedings before the
7 housing part shall be tried before the housing part judge, who shall be
8 assigned to the housing part by the administrative judge of the city
9 court. Rules of evidence shall be applicable in actions and proceedings
10 before the housing part.

11 § 8. Advisory council; appointment. An advisory council for the hous-
12 ing part shall be established, and it shall be composed of two members
13 representative of each of the following: the real estate industry,
14 tenants' organizations, landlords' organizations, civil legal service
15 providers, and the city of Rochester. Such members shall be appointed by
16 the administrative judge of the city court, with the approval of the
17 presiding justices of the fourth department. The members of the advisory
18 council shall be appointed for a renewable term of three years provided
19 that one of the initial members of each classification of membership
20 shall serve for two years, such classes to be determined by the adminis-
21 trative judge. In addition, the mayor of the city and the city official
22 in charge of housing programs shall each appoint one member to serve at
23 their pleasure.

24 § 9. Advisory council; reports. The advisory council shall meet at
25 least four times a year, and on such additional occasions as they may
26 require or as may be required by the administrative judge. Members shall
27 receive no compensation. Members shall visit housing part from time to
28 time to review the manner in which the part is functioning, and make
29 recommendations to the administrative judge and to the advisory council.
30 A report on the work of the court shall be prepared annually and submit-
31 ted to the administrative judge, the administrative board of the judi-
32 cial conference, the majority and minority leaders of the senate and
33 assembly, the governor and the mayor of the city, by January thirty-
34 first of each year.

35 § 10. Cross-index. The clerk of the court shall maintain a cross-index
36 of the names of all owners against which any action or proceeding has
37 been brought under section three of this act. The clerk shall also main-
38 tain a cross-index number system indicating by street address all
39 actions and proceedings brought under such section.

40 § 11. Service of summons. Where the manner of service prescribed for
41 actions and proceedings in this court includes delivery of the summons
42 to a person at the actual place of business of the person to be served,
43 such delivery may be made alternatively to a person of suitable age and
44 discretion at the address registered with the department charged with
45 the enforcement of local laws relating to housing maintenance, herein-
46 after referred to as the "registered address". Where the manner of
47 service prescribed for actions and proceedings in this court includes
48 affixing the summons to the door of the actual place of business of the
49 person to be served, the summons may, as an alternative, be posted in a
50 conspicuous place on the premises specified in the summons. Where the
51 manner of service for actions or proceedings in this court includes
52 mailing the summons to the person to be served at his or her last known
53 residence, the summons may, as an alternative, be mailed to the regis-
54 tered address. A copy of the summons with proof of service shall be
55 filed in the manner provided in section four hundred nine of the uniform

1 city court act, except that such filing shall be made with the clerk of
2 housing part.

3 § 12. Jury trial. Nothing contained in this act shall in any way
4 affect the right of any party to trial by jury as heretofore provided by
5 law.

6 § 13. This act shall take effect on the sixtieth day after it shall
7 have become a law. Effective immediately, the office of court adminis-
8 tration shall promulgate rules and regulations necessary for the imple-
9 mentation of this act on its effective date.