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2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. SILVER, V. LOPEZ, JEFFRIES, JACOBS, KELLNER, BING, ROSENTHAL, O'DONNELL, FARRELL, WRIGHT, N. RIVERA -- Multi-Sponsored by -- M. of A. DIAZ, GLICK, HEASTIE, KAVANAGH, ORTIZ, PERRY, PHEFFER, POWELL, ROBINSON, SPANO -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to increasing civil penalties for violations; and to amend chapter 403 of the laws of 1983 amending the emergency tenant protection act of nineteen seventy-four and other laws in relation to residential tenancies, in relation to making conforming technical changes

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

1 Section 1. Paragraphs 1 and 2 of subdivision c of section 26-516 of
2 the administrative code of the city of New York, paragraph 2 as amended
3 by chapter 116 of the laws of 1997, are amended to read as follows:
4 (1) to have violated an order of the division the commissioner may
5 impose by administrative order after hearing, a civil penalty in the
6 amount of [two hundred fifty] ONE THOUSAND dollars for the first such
7 offense and [one] TWO thousand dollars for each subsequent offense; or
8 (2) to have harassed a tenant to obtain vacancy of his or her housing
9 accommodation, the commissioner may impose by administrative order after
10 hearing, a civil penalty for any such violation. Such penalty shall be
11 in the amount of [not less than one] TWO thousand dollars [nor more than
12 five] FOR A FIRST SUCH OFFENSE AND UP TO TEN thousand dollars for each
13 [such] SUBSEQUENT offense or for a violation consisting of conduct
14 directed at the tenants of more than one housing accommodation.
15 S 2. Paragraph 2 of subdivision c of section 26-516 of the administra-
16 tive code of the city of New York is amended to read as follows:
17 (2) to have harassed a tenant to obtain vacancy of his or her housing
18 accommodation, the commissioner may impose by administrative order after

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

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1 hearing, a civil penalty for any such violation. Such penalty shall be
2 in the amount of [up to one] TWO thousand dollars for a first such
3 offense and up to [twenty-five hundred] TEN THOUSAND dollars for each
4 subsequent offense or for a violation consisting of conduct directed at
5 the tenants of more than one housing accommodation.

6 S 3. Subparagraph (a) of paragraph 2 of subdivision b of section
7 26-413 of the administrative code of the city of New York, as amended by
8 chapter 116 of the laws of 1997, is amended to read as follows:

9 (a) Impose by administrative order after hearing, a civil penalty for
10 any violation of said section and bring an action to recover same in any
11 court of competent jurisdiction. Such penalty in the case of a violation
12 of subdivision d of such section shall be in the amount of [not less
13 than one] TWO thousand dollars [nor more than five] FOR THE FIRST
14 OFFENSE AND TEN thousand dollars for each SUBSEQUENT offense or for a
15 violation consisting of conduct directed at the tenants of more than one
16 housing accommodation; and in the case of any other violation of such
17 section in the amount of one [hundred] THOUSAND dollars for the first
18 such offense and [five hundred] TWO THOUSAND dollars for each subsequent
19 offense. Such order by the city rent agency shall be deemed a final
20 determination for the purposes of judicial review as provided in section
21 26-411 of this chapter. Such action shall be brought on behalf of the
22 city and any amount recovered shall be paid into the city treasury. Such
23 right of action may be released, compromised or adjusted by the city
24 rent agency at any [item] TIME subsequent to the issuance of such admin-
25 istrative order.

26 S 4. Subparagraph (a) of paragraph 2 of subdivision b of section
27 26-413 of the administrative code of the city of New York is amended to
28 read as follows:

29 (a) Impose by administrative order after hearing, a civil penalty for
30 any violation of said section and bring an action to recover same in any
31 court of competent jurisdiction. Such penalty in the case of a violation
32 of subdivision d of such section shall be in the amount of [five
33 hundred] TWO THOUSAND dollars for a first such offense and [one] TEN
34 thousand dollars for each subsequent offense or for a violation consist-
35 ing of conduct directed at the tenants of more than one housing accommo-
36 dation; and in the case of any other violation of such section in the
37 amount of [one hundred] ONE THOUSAND dollars for the first such offense
38 and [five hundred] TWO THOUSAND dollars for each subsequent offense.
39 Such order by the city rent agency shall be deemed a final determination
40 for the purposes of judicial review as provided in section 26-411 of
41 this chapter. Such action shall be brought on behalf of the city and any
42 amount recovered shall be paid into the city treasury. Such right of
43 action may be released, compromised or adjusted by the city rent agency
44 at any [item] TIME subsequent to the issuance of such administrative
45 order.

46 S 5. Clauses (i) and (ii) of paragraph 3 of subdivision a of section
47 12 of section 4 of chapter 576 of the laws of 1974 constituting the
48 emergency tenant protection act of nineteen seventy-four, clause (i) as
49 amended by chapter 403 of the laws of 1983 and clause (ii) as amended by
50 chapter 116 of the laws of 1997, are amended to read as follows:

51 (i) to have violated an order of the division the commissioner may
52 impose by administrative order after hearing, a civil penalty in the
53 amount of [two hundred fifty] ONE THOUSAND dollars for the first such
54 offense and [one] TWO thousand dollars for each subsequent offense; or

55 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
56 modation, the commissioner may impose by administrative order after

1 hearing, a civil penalty for any such violation. Such penalty shall be
2 in the amount of [not less than one] TWO thousand dollars [nor more than
3 five] FOR THE FIRST SUCH OFFENSE AND TEN thousand dollars for each
4 SUBSEQUENT offense or for a violation consisting of conduct directed at
5 the tenants of more than one housing accommodation.

6 S 6. Clause (ii) of paragraph 3 of subdivision a of section 12 of
7 section 4 of chapter 576 of the laws of 1974 constituting the emergency
8 tenant protection act of nineteen seventy-four, as amended by chapter
9 403 of the laws of 1983, is amended to read as follows:

10 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
11 modation, the commissioner may impose by administrative order after
12 hearing, a civil penalty for any such violation. Such penalty shall be
13 in the amount of [up to one] TWO thousand dollars for [a] THE first such
14 offense and [up to twenty-five hundred] TEN THOUSAND dollars for each
15 subsequent offense or for a violation consisting of conduct directed at
16 the tenants of more than one housing accommodation.

17 S 7. Section 64 of chapter 403 of the laws of 1983 amending the emer-
18 gency tenant protection act of nineteen seventy-four and other laws in
19 relation to residential tenancies, is amended to read as follows:

20 S 64. This act shall take effect immediately except that sections two
21 through twelve, fourteen, fifteen, sixteen, eighteen through thirty-
22 five, forty-one and forty-two shall take effect April first, nineteen
23 hundred eighty-four, section thirty-six shall take effect September
24 first, nineteen hundred eighty-three, section forty shall take effect
25 August first, nineteen hundred eighty-three and provided that sections
26 thirty-four and thirty-five shall apply to actions and proceedings
27 commencing on and after the date on which such sections have become a
28 law, that sections forty-four, forty-five, forty-eight and fifty-six
29 shall apply to leases and renewals commencing on and after October
30 first, nineteen hundred eighty-three and that the division of housing
31 and community renewal may take required and appropriate actions for
32 timely implementation of this act; AND PROVIDED FURTHER THAT THE AMEND-
33 MENTS TO SECTION 4 OF CHAPTER 576 OF THE LAWS OF 1974 CONSTITUTING THE
34 EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, MADE BY
35 SECTIONS TWO, THREE, FOUR, FIVE, SIX, FIFTY-THREE, FIFTY-FOUR,
36 FIFTY-FIVE, FIFTY-FIVE-A, FIFTY-SIX, FIFTY-SEVEN AND FIFTY-EIGHT OF THIS
37 ACT SHALL NOT AFFECT THE EXPIRATION OF SUCH ACT AND SHALL BE DEEMED TO
38 EXPIRE THEREWITH.

39 S 8. This act shall take effect immediately; provided, however, that:

40 (a) the amendments to section 26-516 of chapter 4 of title 26 of the
41 administrative code of the city of New York made by sections one and two
42 of this act shall expire on the same date as such law expires and shall
43 not affect the expiration of such law as provided under section 26-520
44 of such law;

45 (b) the amendments to sections 26-413 of the city rent and rehabili-
46 tation law made by sections three and four of this act shall remain in
47 full force and effect only as long as the public emergency requiring the
48 regulation and control of residential rents and evictions continues, as
49 provided in subdivision 3 of section 1 of the local emergency housing
50 rent control act;

51 (c) the amendments to section 12 of the emergency tenant protection
52 act of nineteen seventy-four made by sections five and six of this act
53 shall expire on the same date as such act expires and shall not affect
54 the expiration of such act as provided in section 17 of chapter 576 of
55 the laws of 1974;

1 (d) the amendments to paragraph (2) of subdivision c of section 26-516
2 of the administrative code of the city of New York made by section one
3 of this act shall be subject to the expiration and reversion of such
4 subdivision pursuant to section 46 of chapter 116 of the laws of 1997,
5 as amended, when upon such date the provisions of section two of this
6 act shall take effect;

7 (e) the amendment to subparagraph (a) of paragraph (2) of subdivision
8 b of section 26-413 of the administrative code of the city of New York
9 made by section three of this act shall be subject to the expiration and
10 reversion of such subdivision pursuant to section 46 of chapter 116 of
11 the laws of 1997, as amended, when upon such date the provisions of
12 section four of this act shall take effect; and

13 (f) the amendment to clause (ii) of paragraph (3) of subdivision a of
14 section 12 of chapter 576 of the laws of 1974 constituting the emergency
15 tenant protection act of nineteen seventy-four, made by section five of
16 this act shall be subject to the expiration and reversion of such subdi-
17 vision pursuant to section 46 of chapter 116 of the laws of 1997, as
18 amended, when upon such date the provisions of section six of this act
19 shall take effect.