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

2002

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:

Section 1. Paragraphs 1 and 2 of subdivision c of section 26-516 of the administrative code of the city of New York, paragraph 2 as amended by chapter 116 of the laws of 1997, are amended to read as follows:

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

(2) to have harassed a tenant to obtain vacancy of his or her housing accommodation, the commissioner may impose by administrative order after hearing, a civil penalty for any such violation. Such penalty shall be in the amount of [not less than one] TWO thousand dollars [nor more than five] FOR A FIRST SUCH OFFENSE AND UP TO TEN thousand dollars for each [such] SUBSEQUENT offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation.

S 2. Paragraph 2 of subdivision c of section 26-516 of the administrative code of the city of New York is amended to read as follows:

(2) to have harassed a tenant to obtain vacancy of his or her housing 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.

LBD05220-01-9

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

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

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

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

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

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

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

(ii) to have harassed a tenant to obtain vacancy of his housing accommodation, the commissioner may impose by administrative order after

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

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

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

S 7. Section 64 of 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, is amended to read as follows:

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

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

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

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

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

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

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

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