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

355--B

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PERALTA -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, ESPAILLAT, McENENY, ORTIZ, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to penalties for rentals which violate occupancy restrictions

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

Section 1. Section 235 of the real property law is amended by adding a new subdivision 3 to read as follows:

3. ANY PERSONS OR ENTITY WHO, FOR A FEE, KNOWINGLY PERMITS A RESIDENTIAL DWELLING ACCOMMODATION TO BE OCCUPIED BY MORE THAN THE LEGALLY PERMISSIBLE NUMBER OF UNRELATED PERSONS IN VIOLATION OF STATE OR LOCAL OCCUPANCY LIMITS, ZONING REGULATIONS, BUILDING CODES OR ANY RELATED RULES OR REGULATIONS, SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED TWENTY-FIVE HUNDRED DOLLARS, OR BY AN ALTERNATIVE SENTENCE PURSUANT TO SUBDIVISION FIVE OF SECTION 80.05 OF THE PENAL LAW, WHICHEVER AMOUNT IS GREATER; UPON CONVICTION SUCH PERSON OR ENTITY SHALL RETURN THE PROPERTY TO ITS LEGAL CONDITION AND PAY ALL RELOCATION COSTS FOR ANY PERSON WHO IS REQUIRED TO RELOCATE TO REMEDY THE ILLEGAL OCCUPANCY.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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