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

3709

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. KOON, CYMBROWITZ, ORTIZ -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, EDDINGTON, MAYERSOHN, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Housing

AN ACT to amend the multiple dwelling law, in relation to landlord checks of the state sex offender registry and notification of certain tenants

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

Section 1. The multiple dwelling law is amended by adding a new section 301-a to read as follows:

S 301-A. SEX OFFENDER REGISTRY CHECK. 1. LANDLORDS OF MULTIPLE DWELLINGS SHALL, WITHIN THE FIRST SIXTY DAYS FOLLOWING: (A) EXECUTION OF A LEASE WITH A NEW TENANT, OR (B) NOTICE OF OCCUPANCY BY A THIRD PARTY OR ADULT OCCUPANT IN INTEREST TO A LEASED UNIT, PERFORM A CHECK OF SUCH NEW TENANT, SUBTENANT OR ADULT OCCUPANT IN THE SEX OFFENDER REGISTRY MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-B OF THE CORRECTION LAW. LANDLORD ACCESS TO THE REGISTRY SHALL BE THROUGH THE "900" TELEPHONE NUMBER MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND ACCORDING TO THE REQUIREMENTS FOR ACCESS AS SPECIFIED IN SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW OR THROUGH THE INTERNET SITE MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES.

2. IF SUCH NEW TENANT, SUBTENANT OR ADULT OCCUPANT IS LISTED IN THE REGISTRY AS A LEVEL THREE SEX OFFENDER, THE LANDLORD SHALL PROVIDE WRITTEN NOTIFICATION OF SUCH FINDING TO BUILDING TENANTS WITH CHILDREN UNDER THE AGE OF SIXTEEN WHETHER THE CHILDREN PERMANENTLY RESIDE WITH SUCH TENANT OR RESIDE FROM TIME TO TIME ON A TEMPORARY BASIS. IT SHALL BE THE TENANT'S DUTY TO NOTIFY THE LANDLORD OF THE AGES OF SUCH TENANT'S CHILDREN. A LANDLORD OF A MULTIPLE DWELLING SHALL PROVIDE A LIST OF NAMES OF CURRENT TENANTS, SUBTENANTS OR ADULT OCCUPANTS OF SUCH MULTIPLE DWELLING TO ANY TENANT IN SUCH MULTIPLE DWELLING, UPON REQUEST BY SUCH

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

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TENANT. SUCH LIST SHALL NOT INCLUDE SPECIFIC APARTMENT NUMBERS OR ADDITIONAL INFORMATION.

3. ALL LEASES OFFERED TO TENANTS IN MULTIPLE DWELLINGS SHALL CONTAIN A NOTICE, CONSPICUOUSLY SET FORTH THEREIN, ADVISING TENANTS OF THE REQUIREMENTS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

4. NO LANDLORD SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT INFORMATION PURSUANT TO THIS SECTION OR FOR FAILING TO RELEASE RELEVANT INFORMATION PURSUANT TO THIS SECTION, UNLESS IT IS SHOWN THAT SUCH LANDLORD ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to leases or subleases entered into on or after such date.