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

3900

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. WALKER, ALFANO, BARRA -- read once and referred to the Committee on Judiciary

AN ACT to amend the general municipal law and the penal law, in relation to liability of owners of illegal rentals if a resident or certain other person is injured or dies related to such owner's negligent maintenance of such illegal rental

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

Section 1. The general municipal law is amended by adding a new section 99-v to read as follows:

S 99-V. LIABILITY OF OWNERS OF ILLEGAL RENTALS. IN THE CASE OF SERIOUS INJURY OR DEATH OF ANY RESIDENT OF AN ILLEGAL RENTAL, OR PERSON INVOLVED IN RESCUING OR ASSISTING VICTIMS LIVING IN AN ILLEGAL RENTAL, THE OWNER OF SUCH ILLEGAL RENTAL SHALL BE PRESUMED LIABLE PURSUANT TO SECTIONS 120.20 AND 125.10 OF THE PENAL LAW.

S 2. The first undesignated paragraph of section 120.20 of the penal law is amended to read as follows:

A person is guilty of reckless endangerment in the second degree when:

(A) he OR SHE recklessly engages in conduct which creates a substantial risk of serious physical injury to another person; OR

(B) HE OR SHE IS AN OWNER OF AN ILLEGAL RENTAL UNIT AND A RESIDENT OF SUCH UNIT IS A VICTIM OF SUCH OWNER'S NEGLIGENT MAINTENANCE OF SUCH RENTAL, OR A PERSON INVOLVED IN RESCUING OR ASSISTING SUCH VICTIMS IN SUCH ILLEGAL RENTAL SUFFERS SERIOUS PHYSICAL INJURY.

S 3. The first undesignated paragraph of section 125.10 of the penal law is amended to read as follows:

A person is guilty of criminally negligent homicide when[,]:

(A) with criminal negligence, he OR SHE causes the death of another person; OR

(B) HE OR SHE IS AN OWNER OF AN ILLEGAL RENTAL UNIT AND A RESIDENT OF SUCH UNIT IS A VICTIM OF SUCH OWNER'S NEGLIGENT MAINTENANCE OF SUCH

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

LBD01632-01-9

RENTAL, OR A PERSON INVOLVED IN RESCUING OR ASSISTING SUCH VICTIMS IN SUCH ILLEGAL RENTAL SUFFERS DEATH.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.