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

473--B

Cal. No. 30

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH, GOTTFRIED, ORTIZ, SCARBOROUGH, WRIGHT, MILLMAN, KELLNER, N. RIVERA, FARRELL, ROSENTHAL, POWELL -- Multi-Sponsored by -- M. of A. GLICK, SCHIMEL -- read once and referred to the Committee on Cities -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the administrative code of the city of New York, in relation to primary residence

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

Section 1. Section 26-413 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

F. (1) IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE PROVISION OF LAW, WHERE AN OWNER OR LESSOR SEEKS TO RECOVER POSSESSION OF A DWELLING UNIT PURSUANT TO ITEM TEN OF SUBPARAGRAPH (I) OF PARAGRAPH TWO OF SUBDIVISION E OF SECTION 26-403 OF THIS CHAPTER, ON THE GROUND THAT THE DWELLING UNIT IS NOT OCCUPIED BY THE TENANT AS SUCH TENANT'S PRIMARY RESIDENCE, SUCH OWNER OR LESSOR SHALL COMMENCE THE ACTION OR PROCEEDING IN A COURT OF COMPETENT JURISDICTION ONLY UPON A GOOD FAITH BELIEF THAT SUCH DWELLING UNIT IS NOT THE PRIMARY RESIDENCE OF SUCH TENANT.

(2) IF ANY OWNER OR LESSOR COMMENCES AN ACTION OR PROCEEDING TO RECOVER POSSESSION OF A DWELLING UNIT IN VIOLATION OF PARAGRAPH ONE OF THIS SUBDIVISION, SUCH OWNER OR LESSOR SHALL BE LIABLE TO SUCH TENANT FOR THREE TIMES THE MONTHLY RENT CHARGED SUCH TENANT, OR THREE TIMES THE DAMAGES, IF ANY, SUSTAINED BY SUCH TENANT, WHICHEVER IS GREATER, PLUS REASONABLE ATTORNEY'S FEES AND COSTS AS DETERMINED BY SUCH COURT.

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

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S 2. Section 26-515 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

E. (1) IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE PROVISION OF LAW, WHERE AN OWNER OR LESSOR SEEKS TO RECOVER POSSESSION OF A DWELLING UNIT PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 26-504 OF THIS CHAPTER, ON THE GROUND THAT THE DWELLING UNIT IS NOT OCCUPIED BY THE TENANT AS SUCH TENANT'S PRIMARY RESIDENCE, SUCH OWNER OR LESSOR SHALL COMMENCE THE ACTION OR PROCEEDING IN A COURT OF COMPETENT JURISDICTION ONLY UPON A GOOD FAITH BELIEF THAT SUCH DWELLING UNIT IS NOT THE PRIMARY RESIDENCE OF SUCH TENANT.

(2) IF ANY OWNER OR LESSOR COMMENCES AN ACTION OR PROCEEDING TO RECOVER POSSESSION OF A DWELLING UNIT IN VIOLATION OF PARAGRAPH ONE OF THIS SUBDIVISION, SUCH OWNER OR LESSOR SHALL BE LIABLE TO SUCH TENANT FOR THREE TIMES THE MONTHLY RENT CHARGED SUCH TENANT, OR THREE TIMES THE DAMAGES, IF ANY, SUSTAINED BY SUCH TENANT, WHICHEVER IS GREATER, PLUS REASONABLE ATTORNEY'S FEES AND COSTS AS DETERMINED BY SUCH COURT.

S 3. This act shall take effect immediately and shall apply to all actions or proceedings pending on or commenced after such date, provided that the amendments to section 26-413 of the city rent and rehabilitation law made by section one of this act shall remain in full force and effect only so 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 and provided further that the amendment to section 26-515 of the rent stabilization law of nineteen hundred sixty-nine made by section 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.