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

5084

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. V. LOPEZ, ESPAILLAT, ROSENTHAL, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to increasing the penalties for failing to install window guards in multiple dwellings

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

Section 1. Subdivision c of section 17-123 of the administrative code of the city of New York, as amended by local law number 22 of the city of New York for the year 2002, is amended to read as follows:

c. The department of health and mental hygiene shall promulgate such regulations as it deems necessary to comply with the provisions of this section, with respect to the annual notice to tenants, and the notice requirement in all multiple dwelling leases. THE DEPARTMENT SHALL ALSO DEVELOP A PROGRAM TO EDUCATE THE COMMUNITY OF THE RISK OF INJURY OR DEATH TO CHILDREN WHEN RESIDING IN MULTIPLE DWELLINGS WHICH DO NOT HAVE WINDOW GUARDS INSTALLED.

S 2. Subdivision d of section 17-123 of the administrative code of the city of New York, as added by local law number 33 of the city of New York for the year 1986, is amended to read as follows:

d. Any person who violates the provisions of this section, or the regulations promulgated hereunder, shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars or imprisonment for up to six months or both FOR THE FIRST VIOLATION AND BY A FINE OF UP TO ONE THOUSAND DOLLARS OR IMPRISONMENT FOR UP TO ONE YEAR OR BOTH FOR ANY SUBSEQUENT VIOLATION. In addition, any violation of this section shall constitute a civil violation subject to a penalty of not more than [five hundred] ONE THOUSAND dollars [per] FOR THE FIRST violation, TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE SECOND VIOLATION AND FIVE THOUSAND DOLLARS FOR ANY SUBSEQUENT VIOLATION. A civil violation under this

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

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section shall be adjudicated before the administrative tribunal of the department.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.