

1137

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sens. PERKINS, DIAZ, DUANE, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, ONORATO, PARKER, SCHNEIDERMAN, SERRANO, STAVISKY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to warehousing of housing accommodations and penalties therefor

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

1 Section 1. Legislative findings and intent. The legislature finds and  
2 declares that each person in the state shall have a right to be housed  
3 and that such right to housing is a basic human right.

4 The legislature further finds and declares that the practice of "ware-  
5 housing", that is of intentionally withholding housing accommodations  
6 from the housing market, including the withholding of apartments for  
7 purposes of future co-operative apartment conversion, has contributed  
8 significantly to the shortage of housing in this state, especially in  
9 the city of New York.

10 The legislature further finds and declares that the practice of ware-  
11 housing has violated the right to housing of many of the citizens and  
12 residents of this state.

13 It is thus the intent of the legislature to eliminate the practice of  
14 warehousing by providing strong penalties to deter such practice.

15 S 2. Section 26-412 of the administrative code of the city of New York  
16 is amended by adding a new subdivision g to read as follows:

17 G. *IT SHALL BE UNLAWFUL TO HARASS A TENANT TO OBTAIN VACANCY OF HIS OR*  
18 *HER HOUSING ACCOMMODATION OR TO HAVE INTENTIONALLY WITHHELD A HOUSING*  
19 *ACCOMMODATION FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION*  
20 *FOR THE PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION. FOR THE*  
21 *PURPOSES OF THIS SUBDIVISION, HARASSMENT CONSISTS OF ENGAGING IN A*  
22 *COURSE OF CONDUCT OR REPEATEDLY COMMITTING ACTS WHICH ALARM OR SERIOUSLY*

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

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1 ANNOY A TENANT OR OTHER PERSON RESIDING IN THE TENANT'S HOUSING ACCOMMO-  
2 DATION AND WHICH SERVE NO LEGITIMATE PURPOSE.

3 S 3. Paragraph 2 of subdivision c of section 26-516 of the administra-  
4 tive code of the city of New York, as amended by chapter 116 of the laws  
5 of 1997, is amended to read as follows:

6 (2) to have harassed a tenant to obtain vacancy of his or her housing  
7 accommodation FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION  
8 FOR THE PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commis-  
9 sioner may impose by administrative order after hearing, a civil penalty  
10 for any such violation. Such penalty shall be in the amount of not less  
11 than one thousand dollars nor more than five thousand dollars for each  
12 such offense or for a violation consisting of conduct directed at the  
13 tenants of more than one housing accommodation.

14 S 4. Paragraph 2 of subdivision c of section 26-516 of the administra-  
15 tive code of the city of New York is amended to read as follows:

16 (2) to have harassed a tenant to obtain vacancy of his or her housing  
17 accommodation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION  
18 FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE  
19 PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner  
20 may impose by administrative order after hearing, a civil penalty for  
21 any such violation. Such penalty shall be in the amount of up to one  
22 thousand dollars for a first such offense and up to twenty-five hundred  
23 dollars for each subsequent offense or for a violation consisting of  
24 conduct directed at the tenants of more than one housing accommodation.

25 S 5. Clause (ii) of paragraph 3 of subdivision a of section 12 of  
26 section 4 of chapter 576 of the laws of 1974, constituting the emergency  
27 tenant protection act of nineteen seventy-four, as amended by chapter  
28 116 of the laws of 1997, is amended to read as follows:

29 (ii) to have harassed a tenant to obtain vacancy of his housing accom-  
30 modation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION FROM  
31 THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE PURPOSE OF  
32 FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner may impose by  
33 administrative order after hearing, a civil penalty for any such  
34 violation. Such penalty shall be in the amount of not less than one  
35 thousand dollars nor more than five thousand dollars for each offense or  
36 for a violation consisting of conduct directed at the tenants of more  
37 than one housing accommodation.

38 S 6. This act shall take effect immediately provided that the amend-  
39 ment to section 26-412 of the city rent and rehabilitation law made by  
40 section two of this act shall remain in full force and effect only so  
41 long as the public emergency requiring the regulation and control of  
42 residential rents and evictions continues, as provided in subdivision 3  
43 of section 1 of the local emergency housing rent control act; and  
44 provided further that the amendment to section 26-516 of the rent  
45 stabilization law of nineteen hundred sixty-nine made by sections three  
46 and four of this act shall expire on the same date as such law expires,  
47 and provided further that the amendment to paragraph 2 of subdivision c  
48 of section 26-516 of the administrative code of the city of New York  
49 made by section three of this act shall not affect the expiration of  
50 such paragraph and shall expire therewith when upon such date section  
51 four of this act shall take effect; and provided further that the amend-  
52 ment to section 12 of the emergency tenant protection act of nineteen  
53 seventy-four made by section five of this act shall expire on the same  
54 date as such act expires and shall not affect the expiration of such act  
55 as provided in section 17 of chapter 576 of the laws of 1974, as  
56 amended.