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

4600

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. CYMBROWITZ -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, in relation to warrants of eviction

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

Section 1. Clause (ii) of subparagraph (c) of paragraph 9 of subdivision c of section 26-511 of the administrative code of the city of New York is amended to read as follows:

(ii) [the owner requires the unit for a non-residential use in connection with its charitable or educational purposes] THE TENANT'S INITIAL TENANCY COMMENCED BEFORE THE OWNER ACQUIRED THE PROPERTY, AND THE OWNER REQUIRES THE UNIT FOR A NON-RESIDENTIAL USE IN CONNECTION WITH ITS CHARITABLE OR EDUCATIONAL PURPOSES, IF AN OWNER REFUSES TO RENEW A LEASE PURSUANT TO THIS SUBDIVISION, ANY TENANT IN OCCUPANCY MAY FILE AN ORDER TO SHOW CAUSE WHY THE LANDLORD SHOULD NOT BE REQUIRED TO ISSUE A RENEWAL LEASE PURSUANT TO THIS SECTION AND THE COURT SHALL ORDER THE OWNER TO ISSUE A RENEWAL LEASE UNLESS THE OWNER PROVES BY A PREPONDERANCE OF THE EVIDENCE, THAT HE OR SHE WILL SUCCESSFULLY UNDERTAKE SUCH NON-RESIDENTIAL USE IN CONNECTION WITH ITS CHARITABLE OR EDUCATIONAL PURPOSE. SUCH PROOF SHALL INCLUDE DOCUMENTED FINANCIAL ABILITY TO COMPLETE SUCH UNDERTAKING, AND ALL PLANS, PERMITS AND APPLICABLE ZONING VARIANCES NECESSARY FOR THE UNDERTAKING THAT HAVE BEEN APPROVED BY THE APPROPRIATE GOVERNMENTAL AGENCY.

FAILURE TO BEGIN SUCH NON-RESIDENTIAL USE IN CONNECTION WITH ITS CHARITABLE OR EDUCATIONAL PURPOSE AFTER THREE YEARS WILL RESULT IN A PENALTY TO BE IMPOSED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL OF TWENTY-FIVE HUNDRED DOLLARS FOR EACH MONTH THE USE IS UNCHANGED.

IF AFTER AN ADDITIONAL SIX MONTHS THE CONDITION REMAINS UNCHANGED, THE DIVISION, A TENANT OR FORMER TENANT OF THE BUILDING MAY FILE AN ORDER TO SHOW CAUSE REQUIRING THE OWNER TO DEMONSTRATE THAT USE OF THE BUILDING

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

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HAS IN FACT CHANGED TO A NON-RESIDENTIAL USE RELATED TO ITS CHARITABLE OR EDUCATIONAL PURPOSE.

IF THE OWNER CANNOT DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE THAT HE OR SHE HAS COMPLIED WITH THE PROVISIONS OF THIS SUBSECTION, THE COURT MAY ORDER THAT THE TENANTS BE RETURNED TO THEIR FORMER UNITS AT THE LEGAL RENT CHARGED TO THEM WHEN THEY LAST OCCUPIED THE UNITS OR, IF THE FORMER TENANTS ARE UNAVAILABLE, THE DIVISION MAY REQUIRE THE UNITS BE MADE AVAILABLE AS RENT-REGULATED UNITS AT THE RENT LEGALLY CHARGED PRIOR TO THE TENANTS BEING EVICTED; or

S 2. Upon the passage of this act, the commissioner of the division of housing and community renewal is directed to amend 9 NYCRR 2524.4 (b), in relation to recovery of a housing accommodation by a not-for-profit institution.

S 3. This act shall take effect immediately but shall not apply in cases in which a court of competent jurisdiction has issued a warrant of eviction before such effective date; and provided that the amendments to section 26-511 of chapter 4 of title 26 of the administrative code of the city of New York made by section one 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.