

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision c of section 17-123 of the administrative code
2 of the city of New York, as amended by local law number 22 of the city
3 of New York for the year 2002, is amended to read as follows:
4 c. The department of health and mental hygiene shall promulgate such
5 regulations as it deems necessary to comply with the provisions of this
6 section, with respect to the annual notice to tenants, and the notice
7 requirement in all multiple dwelling leases. THE DEPARTMENT SHALL ALSO
8 DEVELOP A PROGRAM TO EDUCATE THE COMMUNITY OF THE RISK OF INJURY OR
9 DEATH TO CHILDREN WHEN RESIDING IN MULTIPLE DWELLINGS WHICH DO NOT HAVE
10 WINDOW GUARDS INSTALLED.
11 S 2. Subdivision d of section 17-123 of the administrative code of
12 the city of New York, as added by local law number 33 of the city of New
13 York for the year 1986, is amended to read as follows:
14 d. Any person who violates the provisions of this section, or the
15 regulations promulgated hereunder, shall be guilty of a misdemeanor
16 punishable by a fine of up to five hundred dollars or imprisonment for
17 up to six months or both FOR THE FIRST VIOLATION AND BY A FINE OF UP TO
18 ONE THOUSAND DOLLARS OR IMPRISONMENT FOR UP TO ONE YEAR OR BOTH FOR ANY
19 SUBSEQUENT VIOLATION. In addition, any violation of this section shall
20 constitute a civil violation subject to a penalty of not more than [five
21 hundred] ONE THOUSAND dollars [per] FOR THE FIRST violation, TWO THOU-
22 SAND FIVE HUNDRED DOLLARS FOR THE SECOND VIOLATION AND FIVE THOUSAND
23 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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1 section shall be adjudicated before the administrative tribunal of the
2 department.
3 S 3. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.