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

5662

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

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

AN ACT to amend the real property law, in relation to enforcement of the warranty of habitability

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

Section 1. Legislative findings and purpose. The legislature hereby finds that the rental housing market in the state of New York remains in a state of crisis, due not only to severe shortages in the stock of safe and affordable housing but also to the state of disrepair and blight that afflicts rental housing opportunities available to people of lower incomes throughout the state. The legislature further finds that the warranty of habitability set forth in section 235-b of the real property law represents a critical safeguard of the health and safety of tenants across the state of New York by requiring that all rental housing accommodations be maintained in a safe and sanitary condition for the tenants; that enforcement efforts by the several agencies of the city of New York and the state of New York, although often successful, are not always sufficient to deter such breaches of the warranty by such owners and landlords, so that in spite of the protections provided by law, every year many tenants in the state of New York must endure housing conditions that fail to meet the basic standards of safety required by law. In light of the foregoing, the legislature hereby finds that the state of New York must adopt additional measures to deter the most egregious breaches of the warranty of habitability set forth in section 235-b of the real property law, and that the codification of law awarding punitive damages to tenants who suffer intentional breaches of the warranty is an appropriate method to realize such a purpose. The legislature therefore enacts the following law granting the courts discretion to award punitive damages in cases where the warranty of habitability set forth in section 235-b of the real property law is breached inten-

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

LBD05687-02-9

tionally or with conscious disregard to severe risks to the life, health, or safety or the tenant.

S 2. Section 235-b of the real property law is amended by adding a new subdivision 4 to read as follows:

4. THE COURT MAY AWARD PUNITIVE DAMAGES TO THE TENANT UPON A FINDING THAT THE LANDLORD'S BREACH OF THE WARRANTY SET FORTH IN THIS SECTION WAS INTENTIONAL AND MALICIOUS OR DEMONSTRATES A CONSCIOUS DISREGARD OF SEVERE RISKS TO THE LIFE, HEALTH, OR SAFETY OF THE TENANT.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.