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

5885

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. ESPAILLAT -- Multi-Sponsored by -- M. of A. DIAZ, HOOPER, JOHN, PERRY, J. RIVERA, TOWNS -- read once and referred to the Committee on Housing

AN ACT to amend the real property actions and proceedings law, in relation to grounds for proceedings by certain tenants of multiple dwellings to direct deposit of rents and use thereof to remedy dangerous conditions

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

Section 1. Subdivision 1 of section 770 of the real property actions and proceedings law, as amended by chapter 877 of the laws of 1982, is amended to read as follows:

1. One-third or more of the tenants occupying a dwelling located in the city of New York or the commissioner of the department of the city of New York charged with enforcement of the housing maintenance code of such city, or in the counties of Nassau, Suffolk, Rockland and Westchester may maintain a special proceeding as provided in this article, upon the ground that there exists in such dwellings or in any part thereof a lack of heat or of running water or of light or of electricity or of adequate sewage disposal facilities, or any other condition dangerous to life, health or safety, which has existed for five days[,]; OR THERE IS ON PREMISES ILLEGAL DRUG ACTIVITY CONSISTING OF TWO OR MORE ARRESTS OF TENANTS, OR SEARCH WARRANTS EXECUTED IN A MULTIPLE DWELLING, FOR ANY CRIME DEFINED IN ARTICLE TWO HUNDRED TWENTY OR TWO HUNDRED TWENTY-ONE OF THE PENAL LAW, OCCURRING OVER THE PERIOD OF A YEAR AND THE LANDLORD OR OWNER OF RECORD, HAVING NOTICE OF SUCH ACTIVITY, SHALL HAVE FAILED TO TAKE REASONABLE ACTIONS NECESSARY TO SAFEGUARD THE MULTIPLE DWELLING; or an infestation by rodents, or any combination of such conditions; or course of conduct by the owner or his agents of harassment, illegal eviction, continued deprivation of services or other acts dangerous to life, health or safety.

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

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S 2. Subdivision 1 of section 772 of the real property actions and proceedings law, as amended by chapter 877 of the laws of 1982, is amended to read as follows:

1. Allege material facts showing that there exists in such dwelling or any part thereof one or more of the following: a lack of heat or of running water or of light or electricity or of adequate sewage disposal facilities, or any other condition dangerous to life, health or safety, which has existed for five days[,]; OR THERE IS ON PREMISES ILLEGAL DRUG ACTIVITY CONSISTING OF TWO OR MORE ARRESTS OF TENANTS, OR SEARCH WARRANTS EXECUTED IN A MULTIPLE DWELLING, FOR ANY CRIME DEFINED IN ARTICLE TWO HUNDRED TWENTY OR TWO HUNDRED TWENTY-ONE OF THE PENAL LAW, OCCURRING OVER THE PERIOD OF A YEAR AND THE LANDLORD OR OWNER OF RECORD, HAVING NOTICE OF SUCH ACTIVITY, SHALL HAVE FAILED TO TAKE REASONABLE ACTIONS NECESSARY TO SAFEGUARD THE MULTIPLE DWELLING; or an infestation of rodents or course of conduct by the owner or his agents of harassment, illegal eviction, continued deprivation of services or other acts dangerous to life, health or safety.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, any and all actions necessary to implement the provisions of this act on its effective date are immediately authorized and directed to be completed on or before such effective date.