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

6235

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

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

AN ACT to amend the multiple residence law and the multiple dwelling law, in relation to penalties for rentals which violate occupancy restrictions

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

Section 1. Subdivision 2 of section 304 of the multiple residence law is renumbered subdivision 3 and a new subdivision 2 is added to read as follows:

2. ANY PERSON WHO KNOWINGLY RENTS A RESIDENTIAL PROPERTY WHEN SUCH RENTAL IS IN VIOLATION OF STATE OR LOCAL OCCUPANCY LIMITS, ZONING REGULATIONS, BUILDING CODES, OR ANY RELATED RULES OR REGULATIONS, OR WHO KNOWINGLY TAKES PART IN OR ASSISTS IN ANY SUCH ILLEGAL RENTAL, SHALL BE GUILTY OF A MISDEMEANOR. UPON CONVICTION SUCH PERSON:

(A) SHALL BE PUNISHABLE BY A FINE OF TWENTY-FIVE HUNDRED DOLLARS FOR THE FIRST OFFENSE, FIVE THOUSAND DOLLARS FOR A SECOND OFFENSE, AND TEN THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE, OR BY AN ALTERNATIVE SENTENCE PURSUANT TO SUBDIVISION FIVE OF SECTION 80.05 OF THE PENAL LAW, WHICHEVER AMOUNT IS GREATER;

(B) SHALL RETURN THE PROPERTY TO ITS CONDITION PRIOR TO THE ILLEGAL RENTAL;

(C) SHALL PAY ALL RELOCATION COSTS FOR ANY PERSONS WHO MUST MOVE OUT OF THE ILLEGAL RENTAL UNIT.

S 2. The multiple dwelling law is amended by adding a new section 15 to read as follows:

S 15. VIOLATION OF RESIDENTIAL OCCUPANCY LAWS; PENALTY. ANY PERSON, AS DEFINED IN SECTION THREE HUNDRED FOUR OF THE MULTIPLE RESIDENCE LAW, WHO KNOWINGLY RENTS A RESIDENTIAL PROPERTY WHEN SUCH RENTAL IS IN VIOLATION OF STATE OR LOCAL OCCUPANCY LIMITS, ZONING REGULATIONS, BUILDING CODES, OR ANY RELATED RULES OR REGULATIONS, OR WHO KNOWINGLY TAKES PART IN OR

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

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ASSISTS IN ANY SUCH ILLEGAL RENTAL, SHALL BE GUILTY OF A MISDEMEANOR. UPON CONVICTION SUCH PERSON:

(A) SHALL BE PUNISHABLE BY A FINE OF TWENTY-FIVE HUNDRED DOLLARS FOR THE FIRST OFFENSE, FIVE THOUSAND DOLLARS FOR A SECOND OFFENSE, AND TEN THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT OFFENSE, OR BY AN ALTERNATIVE SENTENCE PURSUANT TO SUBDIVISION FIVE OF SECTION 80.05 OF THE PENAL LAW, WHICHEVER AMOUNT IS GREATER;

(B) SHALL RETURN THE PROPERTY TO ITS CONDITION PRIOR TO THE ILLEGAL RENTAL;

(C) SHALL PAY ALL RELOCATION COSTS FOR PERSONS WHO MUST MOVE OUT OF THE ILLEGAL RENTAL UNIT.

S 3. This act shall take effect immediately.