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

1137--A

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sens. PERKINS, DIAZ, DUANE, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, ONORATO, PARKER, SCHNEIDERMAN, SERRANO, STAVISKY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to warehousing of housing accommodations and penalties therefor

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

Section 1. Legislative findings and intent. The legislature finds and declares that each person in the state shall have a right to be housed and that such right to housing is a basic human right.

The legislature further finds and declares that the practice of "warehousing", that is of intentionally withholding housing accommodations from the housing market, including the withholding of apartments for purposes of future co-operative apartment conversion, has contributed significantly to the shortage of housing in this state, especially in the city of New York.

The legislature further finds and declares that the practice of warehousing has violated the right to housing of many of the citizens and residents of this state.

It is thus the intent of the legislature to eliminate the practice of warehousing by providing strong penalties to deter such practice.

S 2. Section 26-412 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

G. IT SHALL BE UNLAWFUL TO HARASS A TENANT TO OBTAIN VACANCY OF HIS OR HER HOUSING ACCOMMODATION OR TO HAVE INTENTIONALLY WITHHELD A HOUSING

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

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ACCOMMODATION FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION. FOR THE PURPOSES OF THIS SUBDIVISION, HARASSMENT CONSISTS OF ENGAGING IN A COURSE OF CONDUCT OR REPEATEDLY COMMITTING ACTS WHICH ALARM OR SERIOUSLY ANNOY A TENANT OR OTHER PERSON RESIDING IN THE TENANT'S HOUSING ACCOMMODATION AND WHICH SERVE NO LEGITIMATE PURPOSE.

S 3. Paragraph 2 of subdivision c of section 26-516 of the administrative code of the city of New York, as amended by section 1 of chapter 480 of the laws of 2009, is amended to read as follows:

(2) to have harassed a tenant to obtain vacancy of his or her housing accommodation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner may impose by administrative order after hearing, a civil penalty for any such violation. Such penalty shall be in the amount of two thousand dollars for a first such offense and up to ten thousand dollars for each subsequent offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation.

S 4. Paragraph 2 of subdivision c of section 26-516 of the administrative code of the city of New York, as amended by section 2 of chapter 480 of the laws of 2009, is amended to read as follows:

(2) to have harassed a tenant to obtain vacancy of his or her housing accommodation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner may impose by administrative order after hearing, a civil penalty for any such violation. Such penalty shall be in the amount of two thousand dollars for a first such offense and up to ten thousand dollars for each subsequent offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation.

S 5. Clause (ii) of paragraph 3 of subdivision a of section 12 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 5 of chapter 480 of the laws of 2009, is amended to read as follows:

(ii) to have harassed a tenant to obtain vacancy of his housing accommodation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner may impose by administrative order after hearing, a civil penalty for any such violation. Such penalty shall be in the amount of two thousand dollars for the first such offense and ten thousand dollars for each subsequent offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation.

S 6. Clause (ii) of paragraph 3 of subdivision a of section 12 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by section 6 of chapter 480 of the laws of 2009, is amended to read as follows:

(ii) to have harassed a tenant to obtain vacancy of his housing accommodation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner may impose by administrative order after hearing, a civil penalty for any such violation. Such penalty shall be in the amount of two thousand dollars for the first such offense and ten thousand dollars for each subsequent offense or for a violation consisting of conduct directed at the tenants of more than one housing accommodation.

S 7. This act shall take effect immediately provided that the amendment to section 26-412 of the city rent and rehabilitation law made by section two of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and provided further that the amendment to section 26-516 of the rent stabilization law of nineteen hundred sixty-nine made by sections three and four of this act shall expire on the same date as such law expires, and provided further that the amendment to paragraph 2 of subdivision c of section 26-516 of the administrative code of the city of New York made by section three of this act shall not affect the expiration of such paragraph and shall expire therewith when upon such date section four of this act shall take effect; provided further that the amendment to section 12 of the emergency tenant protection act of nineteen seventy-four made by sections five and six of this act shall expire on the same date as such act expires and shall not affect the expiration of such act as provided in section 17 of chapter 576 of the laws of 1974, as amended; and provided further that the amendments to clause (ii) of paragraph 3 of subdivision a of section 12 of the emergency tenant protection act made by section five of this act shall not affect the expiration of such clause and shall expire therewith when upon such date section six of this act shall take effect.