

2493

2009-2010 Regular Sessions

I N S E N A T E

February 20, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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 increasing civil penalties for violations; and to amend chapter 403 of the laws of 1983 amending the emergency tenant protection act of nineteen seventy-four and other laws in relation to residential tenancies, in relation to making conforming technical changes

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

1 Section 1. Paragraphs 1 and 2 of subdivision c of section 26-516 of
2 the administrative code of the city of New York, paragraph 2 as amended
3 by chapter 116 of the laws of 1997, are amended to read as follows:
4 (1) to have violated an order of the division the commissioner may
5 impose by administrative order after hearing, a civil penalty in the
6 amount of [two hundred fifty] ONE THOUSAND dollars for the first such
7 offense and [one] TWO thousand dollars for each subsequent offense; or
8 (2) to have harassed a tenant to obtain vacancy of his or her housing
9 accommodation, the commissioner may impose by administrative order after
10 hearing, a civil penalty for any such violation. Such penalty shall be
11 in the amount of [not less than one] TWO thousand dollars [nor more than
12 five] FOR A FIRST SUCH OFFENSE AND UP TO TEN thousand dollars for each
13 [such] SUBSEQUENT offense or for a violation consisting of conduct
14 directed at the tenants of more than one housing accommodation.
15 S 2. Paragraph 2 of subdivision c of section 26-516 of the administra-
16 tive code of the city of New York is amended to read as follows:
17 (2) to have harassed a tenant to obtain vacancy of his or her housing
18 accommodation, the commissioner may impose by administrative order after
19 hearing, a civil penalty for any such violation. Such penalty shall be
20 in the amount of [up to one] TWO thousand dollars for a first such

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

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1 offense and up to [twenty-five hundred] TEN THOUSAND dollars for each
2 subsequent offense or for a violation consisting of conduct directed at
3 the tenants of more than one housing accommodation.

4 S 3. Subparagraph (a) of paragraph 2 of subdivision b of section
5 26-413 of the administrative code of the city of New York, as amended by
6 chapter 116 of the laws of 1997, is amended to read as follows:

7 (a) Impose by administrative order after hearing, a civil penalty for
8 any violation of said section and bring an action to recover same in any
9 court of competent jurisdiction. Such penalty in the case of a violation
10 of subdivision d of such section shall be in the amount of [not less
11 than one] TWO thousand dollars [nor more than five] FOR THE FIRST
12 OFFENSE AND TEN thousand dollars for each SUBSEQUENT offense or for a
13 violation consisting of conduct directed at the tenants of more than one
14 housing accommodation; and in the case of any other violation of such
15 section in the amount of one [hundred] THOUSAND dollars for the first
16 such offense and [five hundred] TWO THOUSAND dollars for each subsequent
17 offense. Such order by the city rent agency shall be deemed a final
18 determination for the purposes of judicial review as provided in section
19 26-411 of this chapter. Such action shall be brought on behalf of the
20 city and any amount recovered shall be paid into the city treasury. Such
21 right of action may be released, compromised or adjusted by the city
22 rent agency at any [item] TIME subsequent to the issuance of such admin-
23 istrative order.

24 S 4. Subparagraph (a) of paragraph 2 of subdivision b of section
25 26-413 of the administrative code of the city of New York is amended to
26 read as follows:

27 (a) Impose by administrative order after hearing, a civil penalty for
28 any violation of said section and bring an action to recover same in any
29 court of competent jurisdiction. Such penalty in the case of a violation
30 of subdivision d of such section shall be in the amount of [five
31 hundred] TWO THOUSAND dollars for a first such offense and [one] TEN
32 thousand dollars for each subsequent offense or for a violation consist-
33 ing of conduct directed at the tenants of more than one housing accommo-
34 dation; and in the case of any other violation of such section in the
35 amount of [one hundred] ONE THOUSAND dollars for the first such offense
36 and [five hundred] TWO THOUSAND dollars for each subsequent offense.
37 Such order by the city rent agency shall be deemed a final determination
38 for the purposes of judicial review as provided in section 26-411 of
39 this chapter. Such action shall be brought on behalf of the city and any
40 amount recovered shall be paid into the city treasury. Such right of
41 action may be released, compromised or adjusted by the city rent agency
42 at any [item] TIME subsequent to the issuance of such administrative
43 order.

44 S 5. Clauses (i) and (ii) of paragraph 3 of subdivision a of section
45 12 of section 4 of chapter 576 of the laws of 1974 constituting the
46 emergency tenant protection act of nineteen seventy-four, clause (i) as
47 amended by chapter 403 of the laws of 1983 and clause (ii) as amended by
48 chapter 116 of the laws of 1997, are amended to read as follows:

49 (i) to have violated an order of the division the commissioner may
50 impose by administrative order after hearing, a civil penalty in the
51 amount of [two hundred fifty] ONE THOUSAND dollars for the first such
52 offense and [one] TWO thousand dollars for each subsequent offense; or

53 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
54 modation, the commissioner may impose by administrative order after
55 hearing, a civil penalty for any such violation. Such penalty shall be
56 in the amount of [not less than one] TWO thousand dollars [nor more than

1 five] FOR THE FIRST SUCH OFFENSE AND TEN thousand dollars for each
2 SUBSEQUENT offense or for a violation consisting of conduct directed at
3 the tenants of more than one housing accommodation.

4 S 6. Clause (ii) of paragraph 3 of subdivision a of section 12 of
5 section 4 of chapter 576 of the laws of 1974 constituting the emergency
6 tenant protection act of nineteen seventy-four, as amended by chapter
7 403 of the laws of 1983, is amended to read as follows:

8 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
9 modation, the commissioner may impose by administrative order after
10 hearing, a civil penalty for any such violation. Such penalty shall be
11 in the amount of [up to one] TWO thousand dollars for [a] THE first such
12 offense and [up to twenty-five hundred] TEN THOUSAND dollars for each
13 subsequent offense or for a violation consisting of conduct directed at
14 the tenants of more than one housing accommodation.

15 S 7. Section 64 of chapter 403 of the laws of 1983 amending the emer-
16 gency tenant protection act of nineteen seventy-four and other laws in
17 relation to residential tenancies, is amended to read as follows:

18 S 64. This act shall take effect immediately except that sections two
19 through twelve, fourteen, fifteen, sixteen, eighteen through thirty-
20 five, forty-one and forty-two shall take effect April first, nineteen
21 hundred eighty-four, section thirty-six shall take effect September
22 first, nineteen hundred eighty-three, section forty shall take effect
23 August first, nineteen hundred eighty-three and provided that sections
24 thirty-four and thirty-five shall apply to actions and proceedings
25 commencing on and after the date on which such sections have become a
26 law, that sections forty-four, forty-five, forty-eight and fifty-six
27 shall apply to leases and renewals commencing on and after October
28 first, nineteen hundred eighty-three and that the division of housing
29 and community renewal may take required and appropriate actions for
30 timely implementation of this act; AND PROVIDED FURTHER THAT THE AMEND-
31 MENTS TO SECTION 4 OF CHAPTER 576 OF THE LAWS OF 1974 CONSTITUTING THE
32 EMERGENCY TENANT PROTECTION ACT OF NINETEEN SEVENTY-FOUR, MADE BY
33 SECTIONS TWO, THREE, FOUR, FIVE, SIX, FIFTY-THREE, FIFTY-FOUR,
34 FIFTY-FIVE, FIFTY-FIVE-A, FIFTY-SIX, FIFTY-SEVEN AND FIFTY-EIGHT OF THIS
35 ACT SHALL NOT AFFECT THE EXPIRATION OF SUCH ACT AND SHALL BE DEEMED TO
36 EXPIRE THEREWITH.

37 S 8. This act shall take effect immediately; provided, however, that:

38 (a) the amendments to section 26-516 of chapter 4 of title 26 of the
39 administrative code of the city of New York made by sections one and two
40 of this act shall expire on the same date as such law expires and shall
41 not affect the expiration of such law as provided under section 26-520
42 of such law;

43 (b) the amendments to sections 26-413 of the city rent and rehabili-
44 tation law made by sections three and four of this act shall remain in
45 full force and effect only as long as the public emergency requiring the
46 regulation and control of residential rents and evictions continues, as
47 provided in subdivision 3 of section 1 of the local emergency housing
48 rent control act;

49 (c) the amendments to section 12 of the emergency tenant protection
50 act of nineteen seventy-four made by sections five and six of this act
51 shall expire on the same date as such act expires and shall not affect
52 the expiration of such act as provided in section 17 of chapter 576 of
53 the laws of 1974;

54 (d) the amendments to paragraph (2) of subdivision c of section 26-516
55 of the administrative code of the city of New York made by section one
56 of this act shall be subject to the expiration and reversion of such

1 subdivision pursuant to section 46 of chapter 116 of the laws of 1997,
2 as amended, when upon such date the provisions of section two of this
3 act shall take effect;

4 (e) the amendment to subparagraph (a) of paragraph (2) of subdivision
5 b of section 26-413 of the administrative code of the city of New York
6 made by section three of this act shall be subject to the expiration and
7 reversion of such subdivision pursuant to section 46 of chapter 116 of
8 the laws of 1997, as amended, when upon such date the provisions of
9 section four of this act shall take effect; and

10 (f) the amendment to clause (ii) of paragraph (3) of subdivision a of
11 section 12 of chapter 576 of the laws of 1974 constituting the emergency
12 tenant protection act of nineteen seventy-four, made by section five of
13 this act shall be subject to the expiration and reversion of such subdi-
14 vision pursuant to section 46 of chapter 116 of the laws of 1997, as
15 amended, when upon such date the provisions of section six of this act
16 shall take effect.