

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

3086--A

2009-2010 Regular Sessions

I N S E N A T E

March 10, 2009

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to grounds for the removal of a tenant from a dwelling when landlord-tenant relationship exists

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

1 Section 1. Subdivision 5 of section 711 of the real property actions
2 and proceedings law, as added by chapter 312 of the laws of 1962, is
3 amended to read as follows:
4 5. The premises, or any part thereof, are used or occupied as a
5 bawdy-house, or house or place of assignation for lewd persons, or for
6 purposes of prostitution, ILLEGAL GAMBLING OR ILLEGAL SALE OR POSSESSION
7 OF A CONTROLLED SUBSTANCE OR MARIHUANA, or for any illegal trade or
8 manufacture, or other illegal business. FOR PURPOSES OF THIS SUBDIVI-
9 SION, TWO OR MORE CONVICTIONS OF ANY TENANT, WITHIN A PERIOD OF ONE
10 YEAR, FOR ANY OF THE OFFENSES DESCRIBED IN ARTICLE TWO HUNDRED TWENTY OR
11 TWO HUNDRED TWENTY-ONE OF THE PENAL LAW OR SECTION 225.00, 225.05,
12 225.10, 225.15, 225.20, 225.30, 225.32, 225.35, 225.40, 230.00, 230.05,
13 230.20, 230.25, 230.30 OR 230.40 OF THE PENAL LAW ARISING OUT OF CONDUCT
14 ENGAGED IN BY SUCH TENANT AT THE SAME REAL PROPERTY CONSISTING OF A
15 DWELLING AS THAT TERM IS DEFINED IN SUBDIVISION FOUR OF SECTION FOUR OF
16 THE MULTIPLE DWELLING LAW OR WITHIN ONE THOUSAND FEET OF SUCH DWELLING
17 SHALL BE PRESUMPTIVE EVIDENCE OF CONDUCT CONSTITUTING USE OF THE PREM-
18 ISES FOR PURPOSES OF PROSTITUTION, ILLEGAL GAMBLING OR ILLEGAL SALE OR
19 POSSESSION OF A CONTROLLED SUBSTANCE OR MARIHUANA.
20 S 2. This act shall take effect immediately.

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

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