

3848

2009-2010 Regular Sessions

I N   S E N A T E

April 2, 2009

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Introduced by Sens. KRUEGER, DUANE, HUNTLEY, MONSERRATE -- 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, in  
relation to primary residence

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

1     Section 1. Section 26-413 of the administrative code of the city of  
2 New York is amended by adding a new subdivision f to read as follows:  
3     F. (1) IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE  
4 PROVISION OF LAW, WHERE AN OWNER OR LESSOR SEEKS TO RECOVER POSSESSION  
5 OF A DWELLING UNIT PURSUANT TO ITEM TEN OF SUBPARAGRAPH (I) OF PARAGRAPH  
6 TWO OF SUBDIVISION E OF SECTION 26-403 OF THIS CHAPTER, ON THE GROUND  
7 THAT THE DWELLING UNIT IS NOT OCCUPIED BY THE TENANT AS SUCH TENANT'S  
8 PRIMARY RESIDENCE, SUCH OWNER OR LESSOR SHALL COMMENCE THE ACTION OR  
9 PROCEEDING IN A COURT OF COMPETENT JURISDICTION ONLY UPON A GOOD FAITH  
10 BELIEF THAT SUCH DWELLING UNIT IS NOT THE PRIMARY RESIDENCE OF SUCH  
11 TENANT.

12     (2) IF ANY OWNER OR LESSOR COMMENCES AN ACTION OR PROCEEDING TO  
13 RECOVER POSSESSION OF A DWELLING UNIT IN VIOLATION OF PARAGRAPH ONE OF  
14 THIS SUBDIVISION, SUCH OWNER OR LESSOR SHALL BE LIABLE TO SUCH TENANT  
15 FOR THREE TIMES THE MONTHLY RENT CHARGED SUCH TENANT, OR THREE TIMES THE  
16 DAMAGES, IF ANY, SUSTAINED BY SUCH TENANT, WHICHEVER IS GREATER, PLUS  
17 REASONABLE ATTORNEY'S FEES AND COSTS AS DETERMINED BY SUCH COURT.

18     S 2. Section 26-515 of the administrative code of the city of New York  
19 is amended by adding a new subdivision e to read as follows:

20     E. (1) IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE  
21 PROVISION OF LAW, WHERE AN OWNER OR LESSOR SEEKS TO RECOVER POSSESSION  
22 OF A DWELLING UNIT PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF  
23 SUBDIVISION A OF SECTION 26-504 OF THIS CHAPTER, ON THE GROUND THAT THE  
24 DWELLING UNIT IS NOT OCCUPIED BY THE TENANT AS SUCH TENANT'S PRIMARY

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

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1 RESIDENCE, SUCH OWNER OR LESSOR SHALL COMMENCE THE ACTION OR PROCEEDING  
2 IN A COURT OF COMPETENT JURISDICTION ONLY UPON A GOOD FAITH BELIEF THAT  
3 SUCH DWELLING UNIT IS NOT THE PRIMARY RESIDENCE OF SUCH TENANT.

4 (2) IF ANY OWNER OR LESSOR COMMENCES AN ACTION OR PROCEEDING TO  
5 RECOVER POSSESSION OF A DWELLING UNIT IN VIOLATION OF PARAGRAPH ONE OF  
6 THIS SUBDIVISION, SUCH OWNER OR LESSOR SHALL BE LIABLE TO SUCH TENANT  
7 FOR THREE TIMES THE MONTHLY RENT CHARGED SUCH TENANT, OR THREE TIMES THE  
8 DAMAGES, IF ANY, SUSTAINED BY SUCH TENANT, WHICHEVER IS GREATER, PLUS  
9 REASONABLE ATTORNEY'S FEES AND COSTS AS DETERMINED BY SUCH COURT.

10 S 3. This act shall take effect immediately and shall apply to all  
11 actions or proceedings pending on or commenced after such date, provided  
12 that the amendments to section 26-413 of the city rent and rehabili-  
13 tation law made by section one of this act shall remain in full force  
14 and effect only so long as the public emergency requiring the regulation  
15 and control of residential rents and evictions continues, as provided in  
16 subdivision 3 of section 1 of the local emergency housing rent control  
17 act and provided further that the amendments to section 26-515 of the  
18 rent stabilization law of nineteen hundred sixty-nine made by section  
19 two of this act shall expire on the same date as such law expires and  
20 shall not affect the expiration of such law as provided under section  
21 26-520 of such law.