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

3857

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sens. KRUEGER, DUANE, HUNTLEY, MONSERRATE, ONORATO -- 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 multiple dwelling law and the multiple residence law, in relation to authorizing administrative imposition of civil penalties in the enforcement of state and local housing maintenance laws

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

Section 1. Paragraphs a and b of subdivision 4 of section 3 of the multiple dwelling law, as amended by chapter 516 of the laws of 1983, are amended to read as follows:

a. Any city, town or village may make local laws, ordinances, resolutions or regulations not less restrictive than those provided in this chapter and may provide for their enforcement by legal or equitable actions or proceedings, OR BY ADMINISTRATIVE PROCEEDINGS, and prescribe the penalties, sanctions and remedies for violations thereof. In the enforcement and administration of this chapter in a city of three hundred twenty-five thousand or more persons, the penalties, sanctions and remedies enacted by local law may be applied, notwithstanding their inconsistency with this chapter, or the provisions of this chapter.

b. In a city of three hundred twenty-five thousand or more persons, such local laws may authorize such actions or proceedings against the owner, lessee of a whole multiple dwelling, agent or other person having control of such dwelling, and any responsible party, or against the dwelling in rem. Such local laws may further authorize (1) that civil OR ADMINISTRATIVELY IMPOSED penalties may be enforced against the person liable therefor, and that in addition to the methods of enforcement for judgments established in the civil practice law and rules, a lien may be imposed against the premises and the rents therefrom; (2) that such

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

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civil OR ADMINISTRATIVELY IMPOSED penalties may be enforced against the dwelling by the imposition of a lien against the rents therefrom.

S 2. Paragraph c of subdivision 4 of section 3 of the multiple dwelling law, as amended by chapter 516 of the laws of 1978, is amended to read as follows:

c. Such local laws may also authorize that all liens upon rents, whether authorized by state or local law, may be satisfied without further judicial proceedings by the collection of rents due or to become due; AND MAY FURTHER AUTHORIZE THAT ADMINISTRATIVELY IMPOSED PENALTIES MAY BE DOCKETED AND ENFORCED IN THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION WITHOUT FURTHER JUDICIAL PROCEEDINGS.

S 3. Section 304 of the multiple residence law is amended by adding a new subdivision 3 to read as follows:

3. IN ADDITION TO THE PENALTIES IMPOSED IN SUBDIVISION ONE OF THIS SECTION, ANY CITY, TOWN OR VILLAGE MAY PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER OR OF LOCAL LAWS, ORDINANCES, RESOLUTIONS OR REGULATIONS PROMULGATED PURSUANT HERETO BY ADMINISTRATIVE PROCEEDINGS AND MAY AUTHORIZE ADMINISTRATIVELY IMPOSED PENALTIES WHICH MAY BE DOCKETED AND ENFORCED IN THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION WITHOUT FURTHER JUDICIAL PROCEEDINGS.

S 4. This act shall take effect immediately and shall apply to any proceedings commenced on or after such effective date.