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

5330

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MORAHAN -- 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, in relation to landlord checks of the state sex offender registry and notification of certain tenants

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

Section 1. The multiple dwelling law is amended by adding a new section 301-a to read as follows:

S 301-A. SEX OFFENDER REGISTRY CHECK. 1. LANDLORDS OF MULTIPLE DWELLINGS SHALL, WITHIN THE FIRST SIXTY DAYS FOLLOWING: A. EXECUTION OF A LEASE WITH A NEW TENANT; OR B. NOTICE OF OCCUPANCY BY A THIRD PARTY OR ADULT OCCUPANT IN INTEREST TO A LEASED UNIT, PERFORM A CHECK OF SUCH NEW TENANT, SUBTENANT OR ADULT OCCUPANT IN THE SEX OFFENDER REGISTRY MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-B OF THE CORRECTION LAW. LANDLORD ACCESS TO THE REGISTRY SHALL BE THROUGH THE "900" TELEPHONE NUMBER MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND ACCORDING TO THE REQUIREMENTS FOR ACCESS AS SPECIFIED IN SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW OR THROUGH THE INTERNET SITE MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES.

2. IF SUCH NEW TENANT, SUBTENANT OR ADULT OCCUPANT IS LISTED IN THE REGISTRY AS A SEX OFFENDER, THE LANDLORD SHALL PROVIDE WRITTEN NOTIFICATION OF SUCH FINDING TO BUILDING TENANTS.

3. ALL LEASES OFFERED TO TENANTS IN MULTIPLE DWELLINGS SHALL CONTAIN A NOTICE, CONSPICUOUSLY SET FORTH THEREIN, ADVISING TENANTS OF THE REQUIREMENTS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

4. NO LANDLORD SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT INFORMATION PURSUANT TO THIS SECTION OR FOR FAILING TO RELEASE RELEVANT INFORMATION

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

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PURSUANT TO THIS SECTION, UNLESS IT IS SHOWN THAT SUCH LANDLORD ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to leases or subleases entered into on or after such date.