

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

748--A

2009-2010 Regular Sessions

I N S E N A T E

January 15, 2009

Introduced by Sens. KRUEGER, DUANE, MONSERRATE, PARKER, PERKINS, SAVINO, SCHNEIDERMAN, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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:

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

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1 E. (1) IN ADDITION TO THE REQUIREMENTS OF ANY OTHER APPLICABLE
2 PROVISION OF LAW, WHERE AN OWNER OR LESSOR SEEKS TO RECOVER POSSESSION
3 OF A DWELLING UNIT PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF
4 SUBDIVISION A OF SECTION 26-504 OF THIS CHAPTER, ON THE GROUND THAT THE
5 DWELLING UNIT IS NOT OCCUPIED BY THE TENANT AS SUCH TENANT'S PRIMARY
6 RESIDENCE, SUCH OWNER OR LESSOR SHALL COMMENCE THE ACTION OR PROCEEDING
7 IN A COURT OF COMPETENT JURISDICTION ONLY UPON A GOOD FAITH BELIEF THAT
8 SUCH DWELLING UNIT IS NOT THE PRIMARY RESIDENCE OF SUCH TENANT.

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

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