

6391

I N S E N A T E

February 2, 2012

Introduced by Sen. ESPAILLAT -- 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 and the emergency tenant protection act of nineteen seventy-four, in relation to warehousing of housing accommodations and penalties therefor

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

1 Section 1. Legislative findings and intent. The legislature finds and
2 declares that each person in the state shall have a right to be housed
3 and that such right to housing is a basic human right.

4 The legislature further finds and declares that the practice of "ware-
5 housing", that is of intentionally withholding housing accommodations
6 from the housing market, including the withholding of apartments for
7 purposes of future co-operative apartment conversion, has contributed
8 significantly to the shortage of housing in this state, especially in
9 the city of New York.

10 The legislature further finds and declares that the practice of ware-
11 housing has violated the right to housing of many of the citizens and
12 residents of this state.

13 It is thus the intent of the legislature to eliminate the practice of
14 warehousing by providing strong penalties to deter such practice.

15 S 2. Section 26-412 of the administrative code of the city of New York
16 is amended by adding a new subdivision g to read as follows:

17 G. IT SHALL BE UNLAWFUL TO HARASS A TENANT TO OBTAIN VACANCY OF HIS OR
18 HER HOUSING ACCOMMODATION OR TO HAVE INTENTIONALLY WITHHELD A HOUSING
19 ACCOMMODATION FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION
20 FOR THE PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION. FOR THE
21 PURPOSES OF THIS SUBDIVISION, HARASSMENT CONSISTS OF ENGAGING IN A
22 COURSE OF CONDUCT OR REPEATEDLY COMMITTING ACTS WHICH ALARM OR SERIOUSLY
23 ANNOY A TENANT OR OTHER PERSON RESIDING IN THE TENANT'S HOUSING ACCOMMO-
24 DATION AND WHICH SERVE NO LEGITIMATE PURPOSE.

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

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1 S 3. Paragraph 2 of subdivision c of section 26-516 of the administra-
2 tive code of the city of New York, as amended by section 1 of chapter
3 480 of the laws of 2009, is amended to read as follows:

4 (2) to have harassed a tenant to obtain vacancy of his or her housing
5 accommodation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION
6 FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE
7 PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner
8 may impose by administrative order after hearing, a civil penalty for
9 any such violation. Such penalty shall be in the amount of two thousand
10 dollars for a first such offense and up to ten thousand dollars for each
11 subsequent offense or for a violation consisting of conduct directed at
12 the tenants of more than one housing accommodation.

13 S 4. Paragraph 2 of subdivision c of section 26-516 of the administra-
14 tive code of the city of New York, as amended by section 2 of chapter
15 480 of the laws of 2009, is amended to read as follows:

16 (2) to have harassed a tenant to obtain vacancy of his or her housing
17 accommodation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION
18 FROM THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE
19 PURPOSE OF FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner
20 may impose by administrative order after hearing, a civil penalty for
21 any such violation. Such penalty shall be in the amount of two thousand
22 dollars for a first such offense and up to ten thousand dollars for each
23 subsequent offense or for a violation consisting of conduct directed at
24 the tenants of more than one housing accommodation.

25 S 5. Clause (ii) of paragraph 3 of subdivision a of section 12 of
26 section 4 of chapter 576 of the laws of 1974, constituting the emergency
27 tenant protection act of nineteen seventy-four, as amended by section 5
28 of chapter 480 of the laws of 2009, is amended to read as follows:

29 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
30 modation OR TO HAVE INTENTIONALLY WITHHELD A HOUSING ACCOMMODATION FROM
31 THE MARKET, INCLUDING WITHHOLDING SUCH ACCOMMODATION FOR THE PURPOSE OF
32 FUTURE CO-OPERATIVE APARTMENT CONVERSION, the commissioner may impose by
33 administrative order after hearing, a civil penalty for any such
34 violation. Such penalty shall be in the amount of two thousand dollars
35 for the first such offense and ten thousand dollars for each subsequent
36 offense or for a violation consisting of conduct directed at the tenants
37 of more than one housing accommodation.

38 S 6. This act shall take effect immediately; provided that the amend-
39 ment to section 26-412 of the city rent and rehabilitation law made by
40 section two of this act shall remain in full force and effect only as
41 long as the public emergency requiring the regulation and control of
42 residential rents and evictions continues, as provided in subdivision 3
43 of section 1 of the local emergency housing rent control act; and
44 provided further that the amendment to section 26-516 of the rent
45 stabilization law of nineteen hundred sixty-nine made by section three
46 of this act shall be subject to the expiration and reversion of such
47 paragraph pursuant to section 46 of chapter 116 of the laws of 1997, as
48 amended, when upon such date the provisions of section four of this act
49 shall take affect; provided, however that if section 26-516 of the rent
50 stabilization law of nineteen hundred sixty-nine shall expire as
51 provided under section 26-520 of the administrative code of the city of
52 New York prior to the expiration pursuant to section 46 of chapter 116
53 of the laws of 1997, as amended, takes effect, sections three and four
54 of this act shall not affect the expiration of such law as provided
55 under section 26-520 and shall be deemed to expire therewith; and
56 provided further that the amendment to clause (ii) of paragraph 3 of

1 subdivision a of section 12 of the emergency tenant protection act of
2 nineteen seventy-four made by section five of this act shall not affect
3 the expiration of such clause as provided in section 46 of chapter 116
4 of the laws of 1997, as amended and shall not affect the expiration of
5 such act as provided in section 17 of chapter 576 of the laws of 1974,
6 as amended.