

1454

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Judiciary

AN ACT to amend the real property law and the administrative code of the
city of New York, in relation to imposing civil penalties on landlords
for including unenforceable provisions in residential leases

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

1 Section 1. The real property law is amended by adding a new section
2 235-h to read as follows:

3 S 235-H. CIVIL PENALTY. IN ADDITION TO ANY OTHER REMEDY PROVIDED BY
4 LAW, A COURT MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED
5 DOLLARS PER VIOLATION, UPON PROOF TO THE SATISFACTION OF THE COURT THAT
6 AN OWNER HAS INCLUDED IN A RESIDENTIAL LEASE CLAUSE OR RIDER ANY
7 PROVISION THAT IS PROHIBITED UNDER STATE OR LOCAL LAW, RENDERING THAT
8 PROVISION VOID OR UNENFORCEABLE. SUCH CIVIL PENALTY MAY BE SOUGHT BY
9 APPLICATION BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE
10 STATE OF NEW YORK AND SHALL BE PAYABLE TO THE MUNICIPALITY IN WHICH THE
11 SUBJECT PREMISES IS LOCATED.

12 S 2. The administrative code of the city of New York is amended by
13 adding a new section 26-516.1 to read as follows:

14 S 26-516.1 CIVIL PENALTY. IN ADDITION TO ANY OTHER REMEDY PROVIDED BY
15 LAW, THE COMMISSIONER OF THE STATE DIVISION OF HOUSING AND COMMUNITY
16 RENEWAL MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS
17 PER VIOLATION, UPON PROOF TO THE SATISFACTION OF THE COMMISSIONER THAT
18 AN OWNER HAS INCLUDED IN A LEASE CLAUSE OR RIDER ANY PROVISION THAT IS
19 PROHIBITED UNDER STATE OR LOCAL LAW, RENDERING THAT PROVISION VOID OR
20 UNENFORCEABLE. SUCH CIVIL PENALTY MAY BE RECOVERED BY ADMINISTRATIVE
21 ORDER AFTER A HEARING. SUCH ORDER SHALL BE DEEMED A FINAL DETERMINATION
22 FOR THE PURPOSES OF JUDICIAL REVIEW. SUCH ACTION SHALL BE BROUGHT ON
23 BEHALF OF THE CITY AND ANY AMOUNT RECOVERED SHALL BE PAID INTO THE CITY
24 TREASURY. SUCH PENALTY MAY, UPON THE EXPIRATION OF THE PERIOD FOR SEEK-

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

LBD01851-01-1

1 ING REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW
2 AND RULES, BE DOCKETED AND ENFORCED IN THE MANNER OF A JUDGMENT OF THE
3 SUPREME COURT.

4 S 3. This act shall take effect immediately; and provided that the
5 addition of section 26-516.1 to chapter 4 of title 26 of the administra-
6 tive code of the city of New York made by section two of this act shall
7 expire on the same date as such law expires and shall not affect the
8 expiration of such law as provided under section 26-520 of such law.