

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

AN ACT to amend the general municipal law and the penal law, in relation
to liability of owners of illegal rentals if a resident or certain
other person is injured or dies related to such owner's negligent
maintenance of such illegal rental

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

1 Section 1. The general municipal law is amended by adding a new
2 section 99-v to read as follows:
3 S 99-V. LIABILITY OF OWNERS OF ILLEGAL RENTALS. IN THE CASE OF SERI-
4 OUS INJURY OR DEATH OF ANY RESIDENT OF AN ILLEGAL RENTAL, OR PERSON
5 INVOLVED IN RESCUING OR ASSISTING VICTIMS LIVING IN AN ILLEGAL RENTAL,
6 THE OWNER OF SUCH ILLEGAL RENTAL SHALL BE PRESUMED LIABLE PURSUANT TO
7 SECTIONS 120.20 AND 125.10 OF THE PENAL LAW.
8 S 2. The first undesignated paragraph of section 120.20 of the penal
9 law is amended to read as follows:
10 A person is guilty of reckless endangerment in the second degree when:
11 (A) he OR SHE recklessly engages in conduct which creates a substan-
12 tial risk of serious physical injury to another person; OR
13 (B) HE OR SHE IS AN OWNER OF AN ILLEGAL RENTAL UNIT AND A RESIDENT OF
14 SUCH UNIT IS A VICTIM OF SUCH OWNER'S NEGLIGENT MAINTENANCE OF SUCH
15 RENTAL, OR A PERSON INVOLVED IN RESCUING OR ASSISTING SUCH VICTIMS IN
16 SUCH ILLEGAL RENTAL SUFFERS SERIOUS PHYSICAL INJURY.
17 S 3. The first undesignated paragraph of section 125.10 of the penal
18 law is amended to read as follows:
19 A person is guilty of criminally negligent homicide when[,]:
20 (A) with criminal negligence, he OR SHE causes the death of another
21 person; OR

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

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1 (B) HE OR SHE IS AN OWNER OF AN ILLEGAL RENTAL UNIT AND A RESIDENT OF
2 SUCH UNIT IS A VICTIM OF SUCH OWNER'S NEGLIGENT MAINTENANCE OF SUCH
3 RENTAL, OR A PERSON INVOLVED IN RESCUING OR ASSISTING SUCH VICTIMS IN
4 SUCH ILLEGAL RENTAL SUFFERS DEATH.

5 S 4. This act shall take effect on the first of November next succeed-
6 ing the date on which it shall have become a law.