

4911

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 9, 2011

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Introduced by M. of A. WRIGHT -- read once and referred to the Committee  
on Housing

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 ASSEM-  
BLY, 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. Clause (ii) of paragraph 3 of subdivision a of section 12 of  
39 section 4 of chapter 576 of the laws of 1974, constituting the emergency  
40 tenant protection act of nineteen seventy-four, as amended by section 6  
41 of chapter 480 of the laws of 2009, is amended to read as follows:

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

51 S 7. This act shall take effect immediately provided that the amend-  
52 ment to section 26-412 of the city rent and rehabilitation law made by  
53 section two of this act shall remain in full force and effect only so  
54 long as the public emergency requiring the regulation and control of  
55 residential rents and evictions continues, as provided in subdivision 3  
56 of section 1 of the local emergency housing rent control act; and

1 provided further that the amendment to section 26-516 of the rent  
2 stabilization law of nineteen hundred sixty-nine made by sections three  
3 and four of this act shall expire on the same date as such law expires,  
4 and provided further that the amendment to paragraph 2 of subdivision c  
5 of section 26-516 of the administrative code of the city of New York  
6 made by section three of this act shall not affect the expiration of  
7 such paragraph and shall expire therewith when upon such date section  
8 four of this act shall take effect; provided further that the amendment  
9 to section 12 of the emergency tenant protection act of nineteen seven-  
10 ty-four made by sections five and six of this act shall expire on the  
11 same date as such act expires and shall not affect the expiration of  
12 such act as provided in section 17 of chapter 576 of the laws of 1974,  
13 as amended; and provided further that the amendments to clause (ii) of  
14 paragraph 3 of subdivision a of section 12 of the emergency tenant  
15 protection act made by section five of this act shall not affect the  
16 expiration of such clause and shall expire therewith when upon such date  
17 section six of this act shall take effect.