

3412

2013-2014 Regular Sessions

I N A S S E M B L Y

January 25, 2013

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

AN ACT to amend the multiple dwelling law and the multiple residence
law, in relation to authorizing administrative imposition of civil
penalties in the enforcement of state and local housing maintenance
laws

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

1 Section 1. Paragraphs a and b of subdivision 4 of section 3 of the
2 multiple dwelling law, as amended by chapter 516 of the laws of 1983,
3 are amended to read as follows:
4 a. Any city, town or village may make local laws, ordinances, resol-
5 utions or regulations not less restrictive than those provided in this
6 chapter and may provide for their enforcement by legal or equitable
7 actions or proceedings, OR BY ADMINISTRATIVE PROCEEDINGS, and prescribe
8 the penalties, sanctions and remedies for violations thereof. In the
9 enforcement and administration of this chapter in a city of three
10 hundred twenty-five thousand or more persons, the penalties, sanctions
11 and remedies enacted by local law may be applied, notwithstanding their
12 inconsistency with this chapter, or the provisions of this chapter.
13 b. In a city of three hundred twenty-five thousand or more persons,
14 such local laws may authorize such actions or proceedings against the
15 owner, lessee of a whole multiple dwelling, agent or other person having
16 control of such dwelling, and any responsible party, or against the
17 dwelling in rem. Such local laws may further authorize (1) that civil OR
18 ADMINISTRATIVELY IMPOSED penalties may be enforced against the person
19 liable therefor, and that in addition to the methods of enforcement for
20 judgments established in the civil practice law and rules, a lien may be
21 imposed against the premises and the rents therefrom; (2) that such
22 civil OR ADMINISTRATIVELY IMPOSED penalties may be enforced against the
23 dwelling by the imposition of a lien against the rents therefrom.

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

LBD00960-02-3

1 S 2. Paragraph c of subdivision 4 of section 3 of the multiple dwell-
2 ing law, as amended by chapter 516 of the laws of 1978, is amended to
3 read as follows:

4 c. Such local laws may also authorize that all liens upon rents,
5 whether authorized by state or local law, may be satisfied without
6 further judicial proceedings by the collection of rents due or to become
7 due; AND MAY FURTHER AUTHORIZE THAT ADMINISTRATIVELY IMPOSED PENALTIES
8 MAY BE DOCKETED AND ENFORCED IN THE SAME MANNER AS A JUDGMENT IN A CIVIL
9 ACTION WITHOUT FURTHER JUDICIAL PROCEEDINGS.

10 S 3. Section 304 of the multiple residence law is amended by adding a
11 new subdivision 3 to read as follows:

12 3. IN ADDITION TO THE PENALTIES IMPOSED IN SUBDIVISION ONE OF THIS
13 SECTION, ANY CITY, TOWN OR VILLAGE MAY PROVIDE FOR THE ENFORCEMENT OF
14 THE PROVISIONS OF THIS CHAPTER OR OF LOCAL LAWS, ORDINANCES, RESOLUTIONS
15 OR REGULATIONS PROMULGATED PURSUANT HERETO BY ADMINISTRATIVE PROCEEDINGS
16 AND MAY AUTHORIZE ADMINISTRATIVELY IMPOSED PENALTIES WHICH MAY BE DOCK-
17 ETED AND ENFORCED IN THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION
18 WITHOUT FURTHER JUDICIAL PROCEEDINGS.

19 S 4. This act shall take effect on the thirtieth day after it shall
20 have become a law and shall apply to any proceedings commenced on or
21 after such effective date.