S T A T E O F N E W Y O R K

6423--A

2013-2014 Regular Sessions

I N A S S E M B L Y

March 26, 2013

Introduced by M. of A. ROBERTS, COOK, JAFFEE, MONTESANO -- Multi-Sponsored by -- M. of A. ARROYO, HIKIND, MAGEE, WEISENBERG -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the multiple dwelling law, in relation to penalties for building code violations and nuisances and for landlords who allow tenants to violate building codes or create nuisances

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

Section 1. The multiple dwelling law is amended by adding a new section 305-a to read as follows:

S 305-A. PENALTIES FOR BUILDING CODE VIOLATIONS AND NUISANCES. 1. MUNICIPALITIES, TOWNS, VILLAGES AND CITIES MAY FINE A LANDLORD WHO FAILS TO REMEDY A BUILDING CODE VIOLATION OR NUISANCE ON THEIR PROPERTY.

A. SUCH FINE SHALL BE FOR A FIXED AMOUNT ON A FEE SCALE ESTABLISHED BY THE MUNICIPALITY, TOWN, VILLAGE OR CITY AND SHALL BE EXCLUSIVE OF ANY SURCHARGES OR FEES ASSESSED BY THE MUNICIPALITY, TOWN, VILLAGE OR CITY.

B. THE AMOUNT OF THE FINES SHALL RANGE BETWEEN TWO HUNDRED FIFTY DOLLARS AND FIVE THOUSAND DOLLARS DEPENDING ON THE NATURE AND EXTENT OF THE VIOLATION OR NUISANCE AND THE FEE SCALE ESTABLISHED BY THE MUNICIPALITY, TOWN, VILLAGE OR CITY.

2. IN THE EVENT THAT SUCH BUILDING CODE VIOLATION OR NUISANCE IS THE RESULT OF ACTIONS TAKEN BY A TENANT RESIDING IN THE BUILDING THE LANDLORD MAY DEDUCT THE COST OF SUCH FINES FROM THE TENANT'S SECURITY DEPOSIT.

3. IN ORDER FOR A LANDLORD TO BE FINED UNDER THIS SECTION THE LANDLORD SHALL:

A. HAVE RECEIVED ACTUAL NOTICE OF THE BUILDING CODE VIOLATION AND/OR NUISANCE,

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

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B. HAVE FAILED TO TAKE ANY ACTION TO CURE SUCH VIOLATION OR NUISANCE, AND

C. MORE THAN THIRTY DAYS HAVE PASSED SINCE THE LANDLORD RECEIVED ACTUAL NOTICE OF THE BUILDING CODE VIOLATION OR NUISANCE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.