

2758

2015-2016 Regular Sessions

I N S E N A T E

January 29, 2015

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to enforcement of the warranty of habitability

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

1 Section 1. Legislative findings and purpose. The legislature hereby
2 finds that the rental housing market in the state of New York remains in
3 a state of crisis, due not only to severe shortages in the stock of safe
4 and affordable housing but also to the state of disrepair and blight
5 that afflicts rental housing opportunities available to people of lower
6 incomes throughout the state. The legislature further finds that the
7 warranty of habitability set forth in section 235-b of the real property
8 law represents a critical safeguard of the health and safety of tenants
9 across the state of New York by requiring that all rental housing accom-
10 modations be maintained in a safe and sanitary condition for the
11 tenants; that enforcement efforts by the several agencies of the city of
12 New York and the state of New York, although often successful, are not
13 always sufficient to deter such breaches of the warranty by such owners
14 and landlords, so that in spite of the protections provided by law,
15 every year many tenants in the state of New York must endure housing
16 conditions that fail to meet the basic standards of safety required by
17 law. In light of the foregoing, the legislature hereby finds that the
18 state of New York must adopt additional measures to deter the most egre-
19 gious breaches of the warranty of habitability set forth in section
20 235-b of the real property law, and that the codification of law award-
21 ing punitive damages to tenants who suffer intentional breaches of the
22 warranty is an appropriate method to realize such a purpose. The legis-
23 lature therefore enacts the following law granting the courts discretion
24 to award punitive damages in cases where the warranty of habitability
25 set forth in section 235-b of the real property law is breached inten-

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

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1 tionally or with conscious disregard to severe risks to the life,
2 health, or safety of the tenant.

3 S 2. Section 235-b of the real property law is amended by adding a new
4 subdivision 4 to read as follows:

5 4. THE COURT MAY AWARD PUNITIVE DAMAGES TO THE TENANT UPON A FINDING
6 THAT THE LANDLORD'S BREACH OF THE WARRANTY SET FORTH IN THIS SECTION WAS
7 INTENTIONAL AND MALICIOUS OR DEMONSTRATES A CONSCIOUS DISREGARD OF
8 SEVERE RISKS TO THE LIFE, HEALTH, OR SAFETY OF THE TENANT.

9 S 3. This act shall take effect on the ninetieth day after it shall
10 have become a law.