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

3990

2015-2016 Regular Sessions

I N S E N A T E

February 25, 2015

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

AN ACT to amend the New York city charter, in relation to willful neglect of real property prevention

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

Section 1. The New York city charter is amended by adding a new section 1806 to read as follows:

S 1806. WILLFUL NEGLECT OF PROPERTY PREVENTION. 1. FOR THE PURPOSES OF THIS SECTION "WILLFUL NEGLECT" SHALL MEAN IMPROPER MAINTENANCE OR LACK OF MAINTENANCE RESULTING IN SUBSTANTIAL DETERIORATION OF THE PROPERTY.

2. WHERE THERE HAVE BEEN THREE OR MORE GOOD FAITH COMPLAINTS, BY OR ON BEHALF OF THE TENANT, TO THE DEPARTMENT OF ANY HEALTH OR SAFETY LAW, REGULATION, CODE OR ORDINANCE, OR ANY LAW OF REGULATION WHICH HAS AS ITS OBJECTIVE THE REGULATION OF PREMISES USED FOR DWELLING PURPOSES WITHIN A PERIOD OF ONE HUNDRED TWENTY DAYS AND THE CONDITIONS HAVE NOT BEEN REMEDIED AND ARE NOT IN THE PROCESS OF BEING REMEDIED THE DEPARTMENT SHALL NOTIFY THE TENANTS AND THE DEPARTMENT OF BUILDINGS OF THE FAILURE TO REPAIR.

3. UPON THE CONSENSUS OF MORE THAN FIFTY PERCENT OF THE TENANTS, AN ACTION SHALL BE COMMENCED BY THE CITY TO COMPEL THE PERSON OR ENTITY REQUIRED TO MAINTAIN THE PROPERTY TO UNDERTAKE REPAIRS AND IF NECESSARY TO CEASE AND DESIST FROM REMOVING AND DESTROYING STRUCTURAL, MECHANICAL AND ELECTRICAL SYSTEMS NECESSARY FOR THE DELIVERY OF ESSENTIAL SERVICES, INCLUDING APPLIANCES, TO THE TENANTS.

4. IF THE REPAIRS ARE NOT COMPLETED OR IF THE REMOVED OR DESTROYED SYSTEMS HAVE NOT BEEN REPLACED WITHIN NINETY DAYS OF THE JUDGMENT THE DEPARTMENT SHALL NOTIFY THE PERSON OR ENTITY REQUIRED TO MAINTAIN THE PROPERTY THAT THE CITY SHALL PLACE A LIEN ON THE PROPERTY EQUAL TO THE

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

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COSTS OF THE REPAIRS, IMPROVEMENTS, REPLACEMENT AND TREATMENT MEASURES REQUIRED TO REMEDY THE PROPERTY AND THE ADMINISTRATIVE FEES.

5. THE DEPARTMENT SHALL ASSESS AND PREPARE A LIST OF REPAIRS, IMPROVEMENTS, REPLACEMENTS AND TREATMENT MEASURES TO BE TAKEN BY THE PERSON OR ENTITY REQUIRED TO MAINTAIN THE PROPERTY.

6. THE DEPARTMENT SHALL ASSIGN A COMMUNITY BASED HOUSING DEVELOPMENT CORPORATION TO MANAGE THE REPAIRS.

7. THE REPAIRS SHALL BE FINANCED BY PERSONAL INCOME TAX REVENUE BONDS AUTHORIZED BY THE NEW YORK STATE HOUSING FINANCE AGENCY.

8. THE PERSON OR ENTITY REQUIRED TO MAINTAIN THE PROPERTY SHALL BE RESPONSIBLE FOR REIMBURSING THE CITY FOR THE COSTS OF REPAIRS IN ADDITION TO INTEREST AND PENALTIES AND ANY ADMINISTRATIVE MANAGEMENT FEES.

9. SHOULD THE REPAIRS, IMPROVEMENTS OR REPLACEMENTS REQUIRE RELOCATION OF THE TENANT THE PERSON OR ENTITY REQUIRED TO MAINTAIN THE PROPERTY MUST, AT THE TENANT'S OPTION, EITHER RELOCATE THE TENANT TO A COMPARABLE HOUSING ACCOMMODATION IN A CLOSELY PROXIMATE AREA THAT IS THE SAME OR LOWER RENT OR COMPENSATE THE TENANT IN AN AMOUNT NECESSARY TO COVER THEIR COSTS OF RELOCATION FOR THE DURATION OF THE REPAIR.

10. THE DEPARTMENT SHALL CREATE AN "IMMINENT DANGER" LIST OF PROPERTIES FOR WHICH MORE THAN FIVE COMPLAINTS HAVE BEEN FILED DURING THE COURSE OF ANY GIVEN CALENDAR YEAR. SAID LIST SHALL BE AVAILABLE ON THE DEPARTMENT'S WEBSITE.

11. THIS SECTION SHALL NOT PREEMPT, REDUCE OR LIMIT ANY RIGHTS OR OBLIGATIONS IMPOSED BY ANY STATE OR LOCAL LAWS WITH RESPECT TO PROPERTY MAINTENANCE AND A LOCALITY'S ABILITY TO ENFORCE THOSE LAWS OR A TENANT'S RIGHT TO BE RESTORED TO THE VACATED PREMISES.

S 2. This act shall take effect immediately.