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

6887

2015-2016 Regular Sessions

I N A S S E M B L Y

April 8, 2015

Introduced by M. of A. GOODELL -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law and the labor law, in relation to creating a private right of action for landlords and employers who suffer actual losses as a result of domestic violence

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

Section 1. The real property law is amended by adding a new section 238-a to read as follows:

S 238-A. PRIVATE RIGHT OF ACTION FOR LANDLORDS WHO SUFFER ECONOMIC LOSSES AS A RESULT OF DOMESTIC VIOLENCE. ANY LANDLORD WHO SUFFERS ECONOMIC LOSSES AS A RESULT OF DOMESTIC VIOLENCE SHALL BE ENTITLED TO RECOVER DAMAGES FROM THE ABUSER.

1. FOR THE PURPOSES OF THIS SECTION THE TERM "ECONOMIC LOSSES" SHALL INCLUDE PHYSICAL DAMAGE TO THE RENTAL UNIT, DAMAGES RESULTING FROM THE BREACH OF A RENTAL CONTRACT WHERE THE TENANT VACATES THE RENTED PREMISES BECAUSE OF DOMESTIC VIOLENCE, AND ANY OTHER DAMAGES TO THE LANDLORD CAUSED DIRECTLY OR INDIRECTLY BY THE ABUSER.

2. FOR THE PURPOSES OF THIS SECTION THE TERM "ABUSER" SHALL MEAN THE PERSON WHO PERPETRATED SUCH DOMESTIC VIOLENCE AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW.

S 2. The labor law is amended by adding a new section 10-d to read as follows:

S 10-D. PRIVATE RIGHT OF ACTION FOR EMPLOYERS WHO SUFFER ECONOMIC LOSSES AS A RESULT OF DOMESTIC VIOLENCE. ANY EMPLOYER WHO SUFFERS ECONOMIC LOSSES AS A RESULT OF DOMESTIC VIOLENCE SHALL BE ENTITLED TO RECOVER DAMAGES FROM THE ABUSER.

1. FOR THE PURPOSES OF THIS SECTION THE TERM "ECONOMIC LOSSES" SHALL INCLUDE EXPENSES INCURRED IN HIRING A TEMPORARY WORKER TO COVER THE DUTIES NORMALLY PERFORMED BY THE EMPLOYEE WHO IS OUT OF WORK BECAUSE OF DOMESTIC VIOLENCE OR INCIDENTS STEMMING FROM DOMESTIC VIOLENCE; THE

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

LBD10093-01-5

REASONABLE COST OF REPLACING AN EMPLOYEE WHO RESIGNED AS A RESULT OF DOMESTIC VIOLENCE, ANY INCREASE IN UNEMPLOYMENT COSTS ATTRIBUTABLE TO DOMESTIC VIOLENCE AND ANY OTHER DAMAGES RESULTING FROM SUCH DOMESTIC VIOLENCE.

2. FOR THE PURPOSES OF THIS SECTION THE TERM "ABUSER" SHALL MEAN THE PERSON WHO PERPETRATED SUCH DOMESTIC VIOLENCE AS DEFINED IN SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW.

S 3. This act shall take effect immediately.