STATE OF NEW YORK

7992--A

Cal. No. 570

2017-2018 Regular Sessions

IN ASSEMBLY

May 25, 2017

Introduced by M. of A. LENTOL, CYMBROWITZ, SEPULVEDA -- (at request of the Department of Law) -- read once and referred to the Committee on Codes -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the penal law, in relation to harassment of a rent regulated tenant

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "tenant protection act of 2018".

§ 2. The penal law is amended by adding a new section 241.02 to read as follows:

§ 241.02 Harassment of a rent regulated tenant in the second degree.

An owner is guilty of harassment of a rent regulated tenant in the second degree when, with intent to induce a rent regulated tenant to vacate a housing accommodation, such owner intentionally engages in a course of conduct that:

1. impairs the habitability of a housing accommodation; or

2. creates or maintains a condition which endangers the safety or health of the dwelling's tenant; or

3. is reasonably likely to interfere with or disturb, and does interfere with or disturb, the comfort, repose, peace or quiet of such rent regulated tenant in his or her use and occupancy of such housing accommodation including, but not limited to, the interruption or discontinuance of essential services. The good faith commencement and pursuit of a lawful eviction action by an owner against a rent regulated tenant in a court of competent jurisdiction shall not, by itself, constitute a "course of conduct" in violation of this subdivision.

Harassment of a rent regulated tenant in the second degree is a class A misdemeanor.

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

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§ 3. Section 241.05 of the penal law, as added by chapter 116 of the laws of 1997, is amended to read as follows:

§ 241.05 Harassment of a rent regulated tenant **in the first degree**.

An owner is guilty of harassment of a rent regulated tenant **in the first degree** when [~~with~~]**:**

1. With intent to [~~cause~~] **induce** a rent regulated tenant to vacate a housing accommodation, such owner:

[~~1.~~] **(a)** With intent to cause physical injury to such tenant, causes such injury to such tenant or to a third person; or

[~~2.~~] **(b)** Recklessly causes physical injury to such tenant or to a third person[~~.~~]**; or**

2. With intent to induce two or more rent regulated tenants occupying different housing accommodations to vacate such housing accommodations, such owner intentionally engages in a systematic ongoing course of conduct that:

(a) impairs the habitability of such housing accommodations; or

(b) creates or maintains a condition which endangers the safety or health of one or more of the dwellings' rent regulated tenants; or

(c) is reasonably likely to interfere with or disturb, and does interfere with or disturb, the comfort, repose, peace or quiet of one or more of such rent regulated tenants in their use and occupancy of such housing accommodations including, but not limited to, the interruption or discontinuance of essential services; or

3. Such owner commits the crime of harassment of a rent regulated tenant in the second degree as defined in section 241.02 of this article and has previously been convicted within the preceding five years of such crime or the crime of harassment of a rent regulated tenant in the first degree.

The good faith commencement and pursuit of a lawful eviction action by an owner against a rent regulated tenant in a court of competent jurisdiction shall not, by itself, constitute a "systematic ongoing course of conduct" in violation of paragraph (c) of subdivision two of this section.

Harassment of a rent regulated tenant **in the first degree** is a class E felony.

§ 4. Subdivision 1 of section 241.00 of the penal law, as added by chapter 116 of the laws of 1997, is amended to read as follows:

1. "Rent regulated tenant" shall mean a person occupying a housing accommodation **or any lawful successor to the tenancy** which is subject to the regulations and control of residential rents and evictions pursuant to the emergency housing rent control law, the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four, the New York city rent and rehabilitation law or the New York city rent stabilization law of nineteen hundred sixty-nine, and such person is either a party to a lease or rental agreement for such housing accommodation, a statutory tenant or a person who lawfully occupies such housing accommodation with such party to a lease or rental agreement or with such statutory tenant. The definition of "rent regulated tenant" as used in this subdivision shall be applicable only to the provisions of this article and shall not be applicable to any other provision of law.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the amendments to article 241 of the penal law made by sections two, three and four of this act shall not affect the repeal of such article and shall be deemed repealed therewith.