

# STATE OF NEW YORK

2148--A

2017-2018 Regular Sessions

## IN SENATE

January 12, 2017

Introduced by Sen. ALCANTARA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to harassment of a rent regulated tenant in the first and second degree; to amend the state finance law, in relation to establishing the "quality affordable housing preservation fund"; and to amend the rent regulation reform act of 1997, in relation to making certain provisions permanent

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

Section 1. 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 intent to cause a rent regulated tenant to vacate a housing accommodation, such owner or his or her representative:

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

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

3. Engages in conduct that violates the provisions of section 241.10 of this article and the health or safety of an individual or a considerable number of persons have been compromised as a result of the owner or his or her representative's failure to remediate improper conditions after receiving three or more complaints from a tenant or tenants relative to those conditions; or

4. Conducts or maintains any premises, housing units, place or common areas where persons gather for purposes of engaging in unlawful conduct.

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

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

3 § 2. The penal law is amended by adding a new section 241.10 to read  
4 as follows:

5 § 241.10 Harassment of a rent regulated tenant in the second degree.

6 1. An owner is guilty of harassment of a rent regulated tenant in the  
7 second degree when with intent to cause a rent regulated tenant to  
8 vacate a housing accommodation, such owner or his or her representative  
9 engages in conduct either unlawful or unreasonable under the circum-  
10 stances, knowingly or recklessly creates or maintains a condition or  
11 conditions which endanger or endangers the safety or health of an indi-  
12 vidual or a considerable number of persons and the tenant or tenants  
13 have notified the landlord on three successive occasions and such owner  
14 or representative ignores complaints relative to those conditions.

15 2. Any person who violates the provisions of this section shall be  
16 guilty of a misdemeanor, and upon conviction thereof shall pay a fine of  
17 three thousand dollars for each offense. Notwithstanding any other  
18 provision of law to the contrary, fines collected pursuant to this  
19 section shall be deposited into the quality affordable housing preserva-  
20 tion fund established pursuant to section ninety-nine-bb of the state  
21 finance law for the investigation and prosecution of crimes under this  
22 article.

23 Harassment of a rent regulated tenant in the second degree is a misde-  
24 meanor.

25 § 3. The state finance law is amended by adding a new section 99-bb to  
26 read as follows:

27 § 99-bb. Quality affordable housing preservation fund. 1. There is  
28 hereby established in the joint custody of the state comptroller and the  
29 commissioner of housing and community renewal a fund to be known as the  
30 "quality affordable housing preservation fund".

31 2. Such fund shall consist of all moneys collected pursuant to the  
32 provisions of section 241.05 of the penal law and all other moneys  
33 appropriated, credited, or transferred thereto from any other fund or  
34 source pursuant to law. Nothing contained in this section shall prevent  
35 the state from receiving grants, gifts or bequests for the purposes of  
36 the fund as defined in this section and depositing them into the fund  
37 according to law. Any interest received by the comptroller on moneys on  
38 deposit in such fund shall be retained in and become part of such fund.

39 3. Moneys of this account shall be available to the division of hous-  
40 ing and community renewal to pay for the costs of investigating and  
41 prosecuting violations of article two hundred forty-one of the penal  
42 law.

43 4. All payments from the fund shall be made on the audit and warrant  
44 of the comptroller.

45 § 4. Subdivision 6 of section 46 of chapter 116 of the laws of 1997,  
46 constituting the rent regulation reform act of 1997, as amended by  
47 section 6 of part A of chapter 20 of the laws of 2015, is amended to  
48 read as follows:

49 6. sections [~~twenty-eight,~~] twenty-eight-a, twenty-eight-b and twen-  
50 ty-eight-c of this act shall expire and be deemed repealed after June  
51 15, 2019;

52 § 5. This act shall take effect immediately; provided, however,  
53 sections one, two and three of this act shall take effect on the nineti-  
54 eth day after it shall have become a law.