

STATE OF NEW YORK

5132

2017-2018 Regular Sessions

IN SENATE

March 9, 2017

Introduced by Sens. BAILEY, DIAZ, HAMILTON, HOYLMAN, KRUEGER, MONTGOMERY, PARKER, SERRANO, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to warehousing of housing accommodations and penalties therefor

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

1 Section 1. Legislative findings and intent. The legislature finds and
2 declares that each person in the state shall have a right to be housed
3 and that such right to housing is a basic human right.

4 The legislature further finds and declares that the practice of "ware-
5 housing", that is of intentionally withholding housing accommodations
6 from the housing market, including the withholding of apartments for
7 purposes of future co-operative apartment conversion, has contributed
8 significantly to the shortage of housing in this state, especially in
9 the city of New York.

10 The legislature further finds and declares that the practice of ware-
11 housing has violated the right to housing of many of the citizens and
12 residents of this state.

13 It is thus the intent of the legislature to eliminate the practice of
14 warehousing by providing strong penalties to deter such practice.

15 § 2. Section 26-412 of the administrative code of the city of New York
16 is amended by adding a new subdivision g to read as follows:

17 g. It shall be unlawful to harass a tenant to obtain vacancy of his or
18 her housing accommodation or to have intentionally withheld a housing
19 accommodation from the market, including withholding such accommodation
20 for the purpose of future co-operative apartment conversion. For the
21 purposes of this subdivision, harassment consists of engaging in a
22 course of conduct or repeatedly committing acts which alarm or seriously

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

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1 annoy a tenant or other person residing in the tenant's housing accommo-
2 dation and which serve no legitimate purpose.

3 § 3. Paragraph 2 of subdivision c of section 26-516 of the administra-
4 tive code of the city of New York, as amended by section 23 of part A of
5 chapter 20 of the laws of 2015, is amended to read as follows:

6 (2) to have harassed a tenant to obtain vacancy of his or her housing
7 accommodation or to have intentionally withheld a housing accommodation
8 from the market, including withholding such accommodation for the
9 purpose of future co-operative apartment conversion, the commissioner
10 may impose by administrative order after hearing, a civil penalty for
11 any such violation. Such penalty shall be at a minimum in the amount of
12 two thousand but not to exceed three thousand dollars for the first such
13 offense, and at minimum in the amount of ten thousand but not to exceed
14 eleven thousand dollars for each subsequent offense or for a violation
15 consisting of conduct directed at the tenants of more than one housing
16 accommodation.

17 § 4. Paragraph 2 of subdivision c of section 26-516 of the administra-
18 tive code of the city of New York, as amended by section 24 of part A of
19 chapter 20 of the laws of 2015, is amended to read as follows:

20 (2) to have harassed a tenant to obtain vacancy of his or her housing
21 accommodation or to have intentionally withheld a housing accommodation
22 from the market, including withholding such accommodation for the
23 purpose of future co-operative apartment conversion, the commissioner
24 may impose by administrative order after hearing, a civil penalty for
25 any such violation. Such penalty shall be at minimum in the amount of
26 two thousand but not to exceed three thousand dollars for the first such
27 offense, and at a minimum in the amount of ten thousand but not to
28 exceed eleven thousand dollars for each subsequent offense or for a
29 violation consisting of conduct directed at the tenants of more than one
30 housing accommodation.

31 § 5. Clause (ii) of paragraph 3 of subdivision a of section 12 of
32 section 4 of chapter 576 of the laws of 1974, constituting the emergency
33 tenant protection act of nineteen seventy-four, as amended by section 27
34 of part A of chapter 20 of the laws of 2015, is amended to read as
35 follows:

36 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
37 modation or to have intentionally withheld a housing accommodation from
38 the market, including withholding such accommodation for the purpose of
39 future co-operative apartment conversion, the commissioner may impose by
40 administrative order after hearing, a civil penalty for any such
41 violation. Such penalty shall be at minimum in the amount of two thou-
42 sand but not to exceed three thousand dollars for the first such
43 offense, and at minimum in the amount of ten thousand but not to exceed
44 eleven thousand dollars for each subsequent offense or for a violation
45 consisting of conduct directed at the tenants of more than one housing
46 accommodation.

47 § 6. Clause (ii) of paragraph 3 of subdivision a of section 12 of
48 section 4 of chapter 576 of the laws of 1974, constituting the emergency
49 tenant protection act of nineteen seventy-four, as amended by section 28
50 of part A of chapter 20 of the laws of 2015, is amended to read as
51 follows:

52 (ii) to have harassed a tenant to obtain vacancy of his housing accom-
53 modation or to have intentionally withheld a housing accommodation from
54 the market, including withholding such accommodation for the purpose of
55 future co-operative apartment conversion, the commissioner may impose by
56 administrative order after hearing, a civil penalty for any such

1 violation. Such penalty shall be at minimum in the amount of two thou-
2 sand but not to exceed three thousand dollars for the first such
3 offense, and at minimum in the amount of ten thousand but not to exceed
4 eleven thousand dollars for each subsequent offense or for a violation
5 consisting of conduct directed at the tenants of more than one housing
6 accommodation.

7 § 7. This act shall take effect immediately provided that the amend-
8 ment to section 26-412 of the city rent and rehabilitation law made by
9 section two of this act shall remain in full force and effect only so
10 long as the public emergency requiring the regulation and control of
11 residential rents and evictions continues, as provided in subdivision 3
12 of section 1 of the local emergency housing rent control act; and
13 provided further that the amendment to section 26-516 of the rent
14 stabilization law of nineteen hundred sixty-nine made by sections three
15 and four of this act shall expire on the same date as such law expires,
16 and provided further that the amendment to paragraph 2 of subdivision c
17 of section 26-516 of the administrative code of the city of New York
18 made by section three of this act shall not affect the expiration of
19 such paragraph pursuant to subdivision 6 of section 46 of chapter 116 of
20 the laws of 1997, as amended, when upon such date section four of this
21 act shall take effect; provided further that the amendment to section 12
22 of the emergency tenant protection act of nineteen seventy-four made by
23 sections five and six of this act shall expire on the same date as such
24 act expires and shall not affect the expiration of such act as provided
25 in section 17 of chapter 576 of the laws of 1974, as amended; and
26 provided further that the amendments to clause (ii) of paragraph 3 of
27 subdivision a of section 12 of the emergency tenant protection act made
28 by section five of this act shall not affect the expiration of such
29 clause pursuant to subdivision 6 of section 46 of chapter 116 of the
30 laws of 1997, as amended, when upon such date section six of this act
31 shall take effect.