STATE OF NEW YORK

2368

2017-2018 Regular Sessions

IN ASSEMBLY

January 18, 2017

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Codes

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. 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:

1. With intent to cause physical injury to 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.

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

§ 2. The penal law is amended by adding a new section 241.03 to read as follows:

§ 241.03 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 the intent to cause a rent regulated tenant to vacate a housing accommodation, such owner intentionally impairs the habitability of a housing accommodation, or creates or maintains a condition, which endangers the safety or health of the dwelling's tenant.

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

§ 3. This act shall take effect immediately; provided however that the provisions of this act shall not affect the expiration and repeal of article 241 of the penal law pursuant to subdivision 6 of section 46 of chapter 116 of the laws of 1997, as amended, and shall expire and be deemed repealed therewith.

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

LBD03414-01-7