

STATE OF NEW YORK

7992

2017-2018 Regular Sessions

IN ASSEMBLY

May 25, 2017

Introduced by M. of A. LENTOL, CYMBROWITZ -- (at request of the Department of Law) -- 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:

1 Section 1. This act shall be known and may be cited as the "tenant
2 protection act of 2017".

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

5 § 241.02 Harassment of a rent regulated tenant in the second degree.

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

10 1. impairs the habitability of a housing accommodation; or

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

13 3. is reasonably likely to interfere with or disturb, and does inter-
14 fere with or disturb, the comfort, repose, peace or quiet of such rent
15 regulated tenant in his or her use and occupancy of such housing accom-
16 modation including, but not limited to, the interruption or discontin-
17 uance of essential services. The good faith commencement and pursuit of
18 a lawful eviction action by an owner against a rent regulated tenant in
19 a court of competent jurisdiction shall not, by itself, constitute a
20 "course of conduct" in violation of this subdivision.

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

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

25 § 241.05 Harassment of a rent regulated tenant in the first degree.

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

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

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

5 [~~1-~~] (a) With intent to cause physical injury to such tenant, causes
6 such injury to such tenant or to a third person; or

7 [~~2-~~] (b) Recklessly causes physical injury to such tenant or to a
8 third person[~~-~~]; or

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

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

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

16 (c) is reasonably likely to interfere with or disturb, and does inter-
17 fere with or disturb, the comfort, repose, peace or quiet of one or more
18 of such rent regulated tenants in their use and occupancy of such hous-
19 ing accommodations including, but not limited to, the interruption or
20 discontinuance of essential services; or

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

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

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

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

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

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