

# 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:

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

§ 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.

§ 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.

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.