

# STATE OF NEW YORK

6473--A

2017-2018 Regular Sessions

## IN SENATE

May 24, 2017

Introduced by Sens. KRUEGER, ADDABBO, BAILEY, BENJAMIN, BRESLIN, DILAN, HAMILTON, HOYLMAN, PERSAUD, RIVERA, SERRANO -- 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

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 2018".

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:

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

LBD11494-07-8

1 § 241.05 Harassment of a rent regulated tenant in the first degree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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