

# STATE OF NEW YORK

7102

## IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to an action for willful neglect of residential real property

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

1 Section 1. The real property actions and proceedings law is amended by  
2 adding a new section 854 to read as follows:

3 § 854. Action for willful neglect of residential real property; treble  
4 damages. 1. If a residential tenant is forced to vacate residential real  
5 property because of willful neglect of such property by the person or  
6 entity required by state or local law to maintain such property, he or  
7 she is entitled to recover treble damages in an action or counterclaim  
8 against such person or entity. In lieu of treble damages, at the  
9 tenant's option, the person or entity required to maintain the property  
10 must relocate the tenant to a comparable housing accommodation in a  
11 closely proximate area that is the same or lower rent.

12 2. Willful neglect shall include improper maintenance or lack of main-  
13 tenance resulting in substantial deterioration of the property such as  
14 to render it uninhabitable. Willful neglect shall be considered whenever  
15 there has been a vacate order or order for the demolition of the proper-  
16 ty issued by an agency or official of state or local government. Will-  
17 ful neglect shall not include conditions beyond the control of the  
18 person or entity required to maintain the property, such as a natural  
19 disaster or an act of war or terrorism.

20 3. This section shall not preempt, reduce or limit any rights or  
21 obligations imposed by any state or local laws with respect to property  
22 maintenance and a locality's ability to enforce those laws or a tenant's  
23 right to be restored to the vacated premises.

24 § 2. This act shall take effect immediately.

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

LBD02368-01-7