

# STATE OF NEW YORK

7809

## IN SENATE

February 27, 2018

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT relating to enacting the Rochester housing court act

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "Rochester housing court act".

3 § 2. Definitions. As used in this act unless the context otherwise  
4 requires, the following words and terms shall have the meaning ascribed  
5 to them:

6 (a) "Housing codes" means all state and local laws for the establish-  
7 ment and maintenance of housing standards, including but not limited to  
8 the multiple dwelling law, real property law, real property actions and  
9 proceedings law, real property tax law, and the housing and property  
10 code, building code, zoning ordinance, and fire prevention code and  
11 related ordinances of the city of Rochester.

12 (b) "City" means the city of Rochester.

13 § 3. Actions and proceedings permitted. Notwithstanding any other  
14 provision of law, a separate part of the city court of Rochester shall  
15 be exclusively devoted to actions and proceedings involving the enforce-  
16 ment of all housing codes, pertaining to all real property situated  
17 within the city as follows:

18 (a) Actions for the imposition and collection of criminal penalties,  
19 and for the imposition and collection of civil penalties, for the  
20 violation of any state or local laws involving the establishment and  
21 maintenance of housing standards.

22 (b) Actions for the collection of costs, expenses and disbursements  
23 incurred by the city of Rochester in the elimination or correction of a  
24 nuisance or other violation of any of the housing codes, or in the  
25 removal or demolition of any dwelling pursuant to such housing codes.

26 (c) Actions and proceedings for the establishment, enforcement or  
27 foreclosure of liens upon real property and upon the rents therefrom for  
28 civil penalties, or for costs, expenses and disbursements incurred by  
29 the city in the elimination or correction of a nuisance or other

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

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1 violation of any of the housing codes or in the removal or demolition of  
2 any building pursuant to such housing codes.

3 (d) Proceedings for the issuance of injunctions and restraining orders  
4 or other orders for the enforcements of housing standards under any of  
5 the housing codes.

6 (e) All summary proceedings to recover possession of residential prem-  
7 ises to remove tenants therefrom, and to render judgment for rent due,  
8 in which a tenant alleges a defense under section seven hundred fifty-  
9 five of the real property actions and proceedings law, relating to stay  
10 or proceedings or action for rent upon failure to make repairs, section  
11 three hundred two-a of the multiple dwelling law, relating to the abate-  
12 ment of rent in case of certain violations of any housing codes, and  
13 section two hundred thirty-five-b of the real property law, relating to  
14 a landlord's duty to maintain habitable premises, or any other law  
15 involving housing code enforcement. The administrative judge of Roches-  
16 ter city court may, in his or her discretion, empower the housing part  
17 to hear all summary proceedings to recover possession of residential  
18 premises, regardless of whether a tenant alleges a defense, at any time  
19 when he or she feels that housing part is capable of handling all such  
20 summary proceedings.

21 (f) Proceedings for the appointment of a receiver of rents, issues and  
22 profits of buildings in order to remove or remedy a nuisance or to make  
23 repairs required to be made under such housing codes.

24 (g) Actions and proceedings for the removal of housing violations  
25 recorded pursuant to such housing codes, or for the imposition of such  
26 violation or for the stay of any penalty thereunder.

27 (h) Special proceedings to vest title in the city to abandoned multi-  
28 ple dwellings and one and two-unit structures.

29 § 4. Consolidation. On the application of any city department, any  
30 party or on its own motion, the housing part shall, unless good cause is  
31 shown to the contrary, consolidate all actions and proceedings pending  
32 in such part as to any building.

33 § 5. Relief permitted. Regardless of the relief originally sought by a  
34 party, the court may recommend or employ any remedy, program, procedure  
35 or sanction authorized by law for the enforcement of housing standards,  
36 if it believes they will be more effective to accomplish compliance or  
37 to protect and promote the public interest; provided in the event any  
38 such proposed remedy, program or procedure entails the expenditure of  
39 moneys appropriated by the city, other than for the utilization and  
40 deployment of personnel and services incidental thereto, the court shall  
41 give notice of such proposed remedy, program or procedure to the city  
42 department charged with the enforcement of local laws relating to hous-  
43 ing maintenance and shall not employ such proposed remedy, program or  
44 procedure, as the case may be, if such department shall advise the court  
45 in writing within the time fixed by the court, which shall not be less  
46 than fifteen days after such notice has been given, of the reasons such  
47 order should not be issued, which advice shall become part of the  
48 record. The court may retain continuing jurisdiction of any action or  
49 proceeding relating to a building until all violations of law have been  
50 removed.

51 § 6. Joinder. In any of the actions or proceedings specified in  
52 section three of this act and on the application of any party, any city  
53 department or the court, on its own motion, may join any other person or  
54 city department as a party in order to effectuate proper housing mainte-  
55 nance standards and to promote the public interest.

1 § 7. Judge; rules of evidence. Actions and proceedings before the  
2 housing part shall be tried before the housing part judge, who shall be  
3 assigned to the housing part by the administrative judge of the city  
4 court. Rules of evidence shall be applicable in actions and proceedings  
5 before the housing part.

6 § 8. Advisory council; appointment. An advisory council for the hous-  
7 ing part shall be established, and it shall be composed of two members  
8 representative of each of the following: the real estate industry,  
9 tenants' organizations, civic groups, bar associations, the Rochester  
10 housing committee and four members from the public at-large. Such  
11 members shall be appointed by the administrative judge of the city  
12 court, with the approval of the presiding justices of the fourth depart-  
13 ment. The members of the advisory council shall be appointed for a  
14 renewable term of three years provided that one of the initial members  
15 of each classification of membership shall serve for two years, such  
16 classes to be determined by the administrative judge. In addition, the  
17 mayor of the city and the city official in charge of housing programs  
18 shall each appoint one member to serve at their pleasure.

19 § 9. Advisory council; reports. The advisory council shall meet at  
20 least four times a year, and on such additional occasions as they may  
21 require or as may be required by the administrative judge. Members shall  
22 receive no compensation. Members shall visit housing part from time to  
23 time to review the manner in which the part is functioning, and make  
24 recommendations to the administrative judge and to the advisory council.  
25 A report on the work of the court shall be prepared annually and submit-  
26 ted to the administrative judge, the administrative board of the judi-  
27 cial conference, the majority and minority leaders of the senate and  
28 assembly, the governor and the mayor of the city, by January thirty-  
29 first of each year.

30 § 10. Cross-index. The clerk of the court shall maintain a cross-index  
31 of the names of all owners against which any action or proceeding has  
32 been brought under section three of this act. The clerk shall also main-  
33 tain a cross-index number system indicating by street address all  
34 actions and proceedings brought under such section.

35 § 11. Corporation. A corporation which is a party may be represented  
36 by an officer, director or a principal stockholder.

37 § 12. Service of summons. Where the manner of service prescribed for  
38 actions and proceedings in this court includes delivery of the summons  
39 to a person at the actual place of business of the person to be served,  
40 such delivery may be made alternatively to a person of suitable age and  
41 discretion at the address registered with the department charged with  
42 the enforcement of local laws relating to housing maintenance, herein-  
43 after referred to as the "registered address". Where the manner of  
44 service prescribed for actions and proceedings in this court includes  
45 affixing the summons to the door of the actual place of business of the  
46 person to be served, the summons may, as an alternative, be posted in a  
47 conspicuous place on the premises specified in the summons. Where the  
48 manner of service for actions or proceedings in this court includes  
49 mailing the summons to the person to be served at his or her last known  
50 residence, the summons may, as an alternative, be mailed to the regis-  
51 tered address. A copy of the summons with proof of service shall be  
52 filed in the manner provided in section four hundred nine of the uniform  
53 city court act, except that such filing shall be made with the clerk of  
54 housing part.

1     § 13. Jury trial. Nothing contained in this act shall in any way  
2 affect the right of any party to trial by jury as heretofore provided by  
3 law.

4     § 14. This act shall take effect on the sixtieth day after it shall  
5 have become a law. Effective immediately, the office of court adminis-  
6 tration shall promulgate rules and regulations necessary for the imple-  
7 mentation of this act on its effective date.