STATE OF NEW YORK

6218

2021-2022 Regular Sessions

IN ASSEMBLY

March 10, 2021

Introduced by M. of A. WILLIAMS -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law and the New York city civil court act, in relation to establishing a new housing court part for certain homes

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

Section 1. The judiciary law is amended by adding a new section 209 to read as follows:

§ 209. Housing part for one to four family homes. (a) A part of each county court, except the county courts of counties within the city of New York, shall be devoted to actions and proceedings involving the enforcement of state and local laws for the establishment and maintenance of housing standards for one to four family homes, in addition to the jurisdiction, power and authority conferred upon a county court in a particular case by special statutory provision. The jurisdiction of such courts shall extend to the following:

(1) Actions for the imposition and collection of civil penalties for the violation of such laws.

(2) Actions for the collection of costs, expenses and disbursements incurred by the county in the elimination or correction of a nuisance or other violation of such laws, or in the removal or demolition of any dwelling pursuant to such laws.

(3) Actions and proceedings for the establishment, enforcement or foreclosure of liens upon real property and upon the rents therefrom for civil penalties, or for costs, expenses and disbursements incurred by the county in the elimination or correction of a nuisance or other violation of such laws.

(4) Proceedings for the issuance of injunctions and restraining orders or other orders for the enforcement of housing standards under such laws.

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

LBD08408-01-1

(5) Actions and proceedings for the partition of real property, for dower, for the foreclosure, redemption or satisfaction of a mortgage upon real property, for the foreclosure of a lien arising out of a contract for the sale of real property, for specific performance of a contract relating to real property, for the enforcement or foreclosure of a mechanic's lien on real property, for reformation or rescission of a deed, contract or mortgage affecting real property, or to compel the determination of a claim to real property under article fifteen of the real property actions and proceedings law, where the real property to which the action relates is situated within the county; or to foreclose a lien upon a chattel in a case specified in section two hundred six of the lien law where the lien does not exceed twenty-five thousand dollars in amount and the chattel is found within the county.

(6) Proceedings for the appointment of a receiver of rents, issues and profits of buildings in order to remove or remedy a nuisance or to make repairs required to be made under such laws.

(7) Actions and proceedings for the removal of housing violations recorded pursuant to such laws, or for the imposition of such violation or for the stay of any penalty thereunder.

(8) Special proceedings to vest title in the county to abandoned multiple dwellings.

(9) The county department charged with enforcing the multiple dwelling law and other state and local laws applicable to the enforcement of proper housing standards may commence any action or proceeding described in the paragraphs of this subdivision by an order to show cause, returnable within five days, or within any other time period in the discretion of the court. Upon the signing of such order, the clerk of the housing part shall issue an index number.

(b) On the application of any city department, any party, or on its own motion, the housing part of the county court shall, unless good cause is shown to the contrary, consolidate all actions and proceedings pending in such part as to any building.

(c) Regardless of the relief originally sought by a party, the court may recommend or employ any remedy, program, procedure or sanction authorized by law for the enforcement of housing standards, if it believes they will be more effective to accomplish compliance or to protect and promote the public interest; provided in the event any such proposed remedy, program or procedure entails the expenditure of monies appropriated by the county, other than for the utilization and deployment of personnel and services incidental thereto, the court shall give notice of such proposed remedy, program or procedure to the county department charged with the enforcement of local laws relating to housing maintenance and shall not employ such proposed remedy, program or procedure, as the case may be, if such department shall advise the court in writing within the time fixed by the court, which shall not be less than fifteen days after such notice has been given, of the reasons such order should not be issued, which advice shall become part of the record. The court may retain continuing jurisdiction of any action or proceeding relating to a building until all violations of law have been removed.

(d) In any of the actions or proceedings specified in subdivision (a) of this section and on the application of any party, any county department or the court, on its own motion, may join any other person or county department as a party in order to effectuate proper housing maintenance standards and to promote the public interest. In addition to any other application of its powers under this subdivision, the court may,

on the application of any party or on its own motion, join as a party the department of social services of such county in any action or proceeding in which the payment or non-payment of rent by a recipient of or applicant for public assistance pursuant to the social services law is at issue, and the court may join as a party the division of adult protective services of the social services district in such county in any such action or proceeding, where appropriate.

(e) Actions and proceedings before the housing part shall be tried before county court judges, acting county court judges, or county court housing judges. County court housing judges shall be appointed pursuant to subdivision (f) of this section and shall be duly constituted judicial officers, empowered to hear, determine and grant any relief within the powers of the housing part in any action or proceeding except those to be tried by jury. Such housing judges shall have the power of judges of the court to punish for contempts. Rules of evidence shall be applicable in actions and proceedings before the housing part. The determination of a housing judge shall be final and shall be entered and may be appealed in the same manner as a judgment of the court.

(f) The county court housing judge may be the elected county judge of such county, or may be appointed by the county judge, or county judge senior in point of service, of such county court, and such housing judge shall be qualified by training, interest, experience, judicial temperament and knowledge of federal, state and local housing laws and programs.

(g) County court housing judges shall have been admitted to the bar of the state for at least five years, two years of which shall have been in active practice. Each housing judge shall serve full-time for five years. If such county court housing judge was appointed, reappointment shall be at the discretion of the county judge and on the basis of the performance, competency and results achieved during the preceding term.

(h) Any county department charged with enforcing any state or local law applicable to the enforcement of proper housing standards may be represented in the housing part by its department counsel in any action or proceeding in which it is a party. A corporation which is a party may be represented by an officer, director or a principal stockholder.

(i) Nothing contained in this section shall in any way affect the right of any party to trial by jury as heretofore provided by law.

(j) There shall be a sufficient number of pro se clerks of the housing part to assist persons without counsel. Such assistance shall include, but need not be limited to, providing information concerning court procedure, helping to file court papers, and, where appropriate, advising persons to seek administrative relief.

§ 2. Section 110 of the New York city civil court act is amended by adding a new subdivision (r) to read as follows:

(r) A separate subpart of the housing part established by this section shall be devoted to actions and proceedings involving one to four family houses for such matters which are within the jurisdiction of the housing part.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.