STATE OF NEW YORK

9645

IN ASSEMBLY

March 28, 2022

Introduced by M. of A. TAPIA, ROZIC -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the administrative code of the city of New York, in relation to establishing a private right of action for tenants alleging a failure to keep and maintain self-closing doors

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

Section 1. Section 382 of the executive law is amended by adding a new subdivision 5 to read as follows:

5. a. A lawful occupant of a dwelling unit or a group of such occupants in a building may bring an action alleging a violation of the uniform code for failure to keep and maintain self-closing doors in any court of competent jurisdiction. If such court finds that an owner of such building is in violation of such uniform code, such court shall, in addition to any other relief such court determines to be appropriate:

i. award to each such occupant (A) compensatory damages and, in such court's discretion, punitive damages or (B) at the election of each occupant, damages of one thousand dollars;

ii. award to such occupants reasonable attorneys' fees and court costs; and

iii. issue an order to such owner to remedy the conditions related to such self-closing doors.

b. Such occupant or occupants shall not be relieved of the obligation to pay rent for which such occupant or occupants are otherwise liable to an owner. Any monetary relief awarded to such occupant or occupants pursuant to paragraph a of this subdivision shall be reduced by any amount of delinquent rent or other sum for which such court finds such occupant or occupants to be liable to such owner.

c. This subdivision does not limit or abrogate any claim or cause of action a person has under common law or by other law or rule. The provisions of this subdivision are in addition to any other remedies that may be provided for under common law or by other law or rule.

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

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d. Nothing contained in this subdivision shall be construed as creating any private right of action against a local government or any agency or employee thereof.

§ 2. The administrative code of the city of New York is amended by adding a new section 27-2114-a to read as follows:

§ 27-2114-a Private right of action. a. A lawful occupant of a dwelling unit or a group of such occupants in a building may bring an action alleging a violation of this code for failure to keep and maintain self-closing doors in any court of competent jurisdiction. If such court finds that an owner of such building is in violation of such code, such court shall, in addition to any other relief such court determines to be appropriate:

1. award to each such occupant (i) compensatory damages and, in such court's discretion, punitive damages or (ii) at the election of each occupant, damages of one thousand dollars;

2. award to such occupants reasonable attorneys' fees and court costs; and

3. issue an order to such owner to remedy the conditions related to such self-closing doors.

b. Such occupant or occupants shall not be relieved of the obligation to pay rent for which such occupant or occupants are otherwise liable to an owner. Any monetary relief awarded to such occupant or occupants pursuant to subdivision a of this section shall be reduced by any amount of delinquent rent or other sum for which such court finds such occupant or occupants to be liable to such owner.

c. This section does not limit or abrogate any claim or cause of action a person has under common law or by other law or rule. The provisions of this section are in addition to any other remedies that may be provided for under common law or by other law or rule.

d. Nothing contained in this section shall be construed as creating any private right of action against the city or any agency or employee thereof.

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