

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:

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

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

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

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

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

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

22 c. This subdivision does not limit or abrogate any claim or cause of
23 action a person has under common law or by other law or rule. The
24 provisions of this subdivision are in addition to any other remedies
25 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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1 d. Nothing contained in this subdivision shall be construed as creat-
2 ing any private right of action against a local government or any agency
3 or employee thereof.

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

6 § 27-2114-a Private right of action. a. A lawful occupant of a dwell-
7 ing unit or a group of such occupants in a building may bring an action
8 alleging a violation of this code for failure to keep and maintain self-
9 closing doors in any court of competent jurisdiction. If such court
10 finds that an owner of such building is in violation of such code, such
11 court shall, in addition to any other relief such court determines to be
12 appropriate:

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

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

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

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

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

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

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