

# STATE OF NEW YORK

3280--B

2021-2022 Regular Sessions

## IN SENATE

January 28, 2021

Introduced by Sens. COONEY, BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation 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 residence 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.

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

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

5 (c) Actions and proceedings for the establishment, enforcement or  
6 foreclosure of liens upon real property and upon the rents therefrom for  
7 civil penalties, or for costs, expenses and disbursements incurred by  
8 the city in the elimination or correction of a nuisance or other  
9 violation of any of the housing codes or in the removal or demolition of  
10 any building pursuant to such housing codes.

11 (d) Proceedings for the issuance of injunctions and restraining orders  
12 or other orders for the enforcements of housing standards under any of  
13 the housing codes.

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

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

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

35 (h) Special proceedings to convey title in the city to abandoned  
36 dwellings pursuant to article 19-A of the real property actions and  
37 proceedings law.

38 (i) Civil cases pursuant to section seven hundred sixty-eight of the  
39 real property actions and proceedings law.

40 Nothing in this section shall limit in any manner the jurisdiction or  
41 authority of the municipal code violations bureau of the city of Roches-  
42 ter as set forth in chapter 13A of the municipal code of the city of  
43 Rochester.

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

48 § 5. Relief permitted. Regardless of the relief originally sought by a  
49 party, the court may recommend or employ any remedy, program, procedure  
50 or sanction authorized by law for the enforcement of housing standards,  
51 if it believes they will be more effective to accomplish compliance or  
52 to protect and promote the public interest; provided in the event any  
53 such proposed remedy would require an expenditure by the city, such  
54 remedy shall be subject to appropriation by city council and shall not  
55 bind the city absent such appropriation. Any expenditure made by the

1 city shall be incorporated by the court into any judgment rendered in  
2 the proceeding and shall be enforceable against the property owner.

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

8 § 7. Judge; rules of evidence. Actions and proceedings before the  
9 housing part shall be tried before the housing part judge, who shall be  
10 assigned to the housing part by the administrative judge of the city  
11 court. Rules of evidence shall be applicable in actions and proceedings  
12 before the housing part.

13 § 8. Advisory council; appointment. An advisory council for the hous-  
14 ing part shall be established, and it shall be composed of two members  
15 representative of each of the following: the real estate industry,  
16 tenants' organizations, landlords' organizations, civil legal service  
17 providers, and the city of Rochester. Such members shall be appointed by  
18 the administrative judge of the city court, with the approval of the  
19 presiding justices of the fourth department. The members of the advisory  
20 council shall be appointed for a renewable term of three years provided  
21 that one of the initial members of each classification of membership  
22 shall serve for two years, such classes to be determined by the adminis-  
23 trative judge. In addition, the mayor of the city and the city official  
24 in charge of housing programs shall each appoint one member to serve at  
25 their pleasure.

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

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

42 § 11. Service of summons. Where the manner of service prescribed for  
43 actions and proceedings in this court includes delivery of the summons  
44 to a person at the actual place of business of the person to be served,  
45 such delivery may be made alternatively to a person of suitable age and  
46 discretion at the address registered with the department charged with  
47 the enforcement of local laws relating to housing maintenance, hereinafter  
48 referred to as the "registered address". Where the manner of  
49 service prescribed for actions and proceedings in this court includes  
50 affixing the summons to the door of the actual place of business of the  
51 person to be served, the summons may, as an alternative, be posted in a  
52 conspicuous place on the premises specified in the summons. Where the  
53 manner of service for actions or proceedings in this court includes  
54 mailing the summons to the person to be served at his or her last known  
55 residence, the summons may, as an alternative, be mailed to the regis-  
56 tered address. A copy of the summons with proof of service shall be

1 filed in the manner provided in section four hundred nine of the uniform  
2 city court act, except that such filing shall be made with the clerk of  
3 housing part.

4 § 12. Jury trial. Nothing contained in this act shall in any way  
5 affect the right of any party to trial by jury as heretofore provided by  
6 law.

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