STATE OF NEW YORK

10264

IN ASSEMBLY

May 15, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bichotte Hermelyn) -- read once and referred to the Committee on Judiciary

AN ACT to amend the New York city civil court act, in relation to restructuring the selection process for judges of the housing part of the civil court of the city of New York; to amend the election law, in relation to designating petitions for candidates for the office of judge of the housing part of the civil court of the city of New York; to amend the judiciary law, in relation to making conforming changes; to abolish the advisory council for the housing part of the civil court of the city of New York; and to repeal subdivisions (f), (g), (h) and (i) of section 110 of the New York city civil court act relating to the selection and appointment of housing court judges

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

Section 1. Legislative intent. The legislature finds the following:

a. The serious issues relating to many residents of the city of New York remaining in their homes and the maintenance of minimum habitable conditions in their residential buildings remains some of the most urgent and important that have to be addressed by all interested groups including the tenants, the property owners and operators, the state and city of New York.

b. The housing part of the civil court of the city of New York was originally established to enhance the administration of the various laws, rules and regulations governing housing in New York city and provide a fair and independent forum to resolve disputes between the interested and often competing groups. It has not fulfilled all of the expectations of its creators.

c. Section 110 of the New York city civil court act, particularly subdivision (f), has created a convoluted, opaque and potentially unrepresentative method to select the officers currently presiding in the housing part of the civil court of the city of New York. It is a method that is not utilized to elect or appoint any other judge or justice of any New York state court of record within the city of New York. The

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

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current process, as previously enacted by the legislature, vests that authority in the office of court administration and not in the voters of the city or their elected representatives.

d. In order to ensure that all the litigants in this important forum can obtain a satisfactory and legally compliant resolution in a judicial proceeding, it is essential to provide that the arbiter of these disputes is selected in a manner that provides them with the stature, authority and respect that will promote justice, enhance diversity and inspire greater public confidence. The legislature proposes the enactment of a statutory framework creating a new structure that would elect 51 housing judges in the same manner as a judge of the civil court of the city of New York.

§ 2. Subdivisions (f), (g), (h) and (i) of section 110 of the New York city civil court act are REPEALED.

§ 3. Subdivision (e) of section 110 of the New York city civil court act, as amended by chapter 528 of the laws of 1984, is amended to read as follows:

(e) Actions and proceedings before the housing part shall be tried before [~~civil court judges, acting civil court judges, or~~] housing judges. Housing judges shall be [~~appointed~~] elected 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; provided that the assignment of actions and proceedings to housing judges, the conduct of the trial and the contents and filing of a housing judge's decision, and all matters incidental to the operation of the housing part, shall be in accordance with rules jointly promulgated by the first and second departments of the appellate division for such part.

§ 4. Section 110 of the New York city civil court act is amended by adding four new subdivisions (f), (g), (h) and (i) to read as follows:

(f) (1) The housing part of the civil court of the city of New York shall consist of fifty-one judges. One housing judge shall be elected in each of the fifty-one council districts by the voters of that council district at a general election. Elections shall be subject to the provisions of the election law relating to elections for any office to be filled in the city of New York by the voters of a city council district. Each housing judge must be a resident of the council district in which he or she is running for election on the date of the general election. No person may serve in the office of judge of this court after the effective date of this section unless he or she has been admitted to practice law in this state and in active practice in this state for at least ten years as of the date he or she commences the duties of office. The annual salary of a housing judge shall be one hundred fifteen thousand four hundred dollars.

(2) The terms of all housing judges appointed prior to the effective date of this section shall expire on December thirty-first of the year in which the first general election is conducted to elect housing judges as provided in paragraph one of this subdivision; provided, however, that in the event that the office of a judge of the housing part of the civil court of the city of New York is not filled in a council district at the first general election after the effective date of this subdivi-

sion, the housing judge currently serving in such district shall continue in his or her position until his or her successor is duly elected and sworn to the position. Thereafter, a vacancy occurring otherwise than by the expiration of term in the office of a judge of the housing part of the civil court of the city of New York shall be filled by the mayor of the city of New York by an appointment which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

(3) A housing judge shall be eligible for re-election and may serve until the expiration of his or her term or the end of the calendar year in which the judge turns seventy years of age pursuant to section twenty-three of the judiciary law, whichever date is earlier.

(g) Each housing judge may appoint a court attorney to serve at his or her pleasure. Such attorneys shall be appointed in the same manner as a court attorney appointed by a judge of the civil court.

(h) Housing judges shall be subject to the same rules of conduct as other judges of courts of record and subject to the disciplinary powers of the state commission on judicial conduct established pursuant to article two-A of the judiciary law.

(i) Housing judges are prohibited from being assigned to any other part or court of the unified court system.

§ 5. Section 6-168 of the election law is amended by adding a new subdivision 5 to read as follows:

5. The provisions of this section shall apply to the election of judges of the housing part of the civil court of the city of New York.

§ 6. The section heading and subdivision 1 of section 25 of the judiciary law, as amended by chapter 261 of the laws of 1989, are amended to read as follows:

Retirement of state-paid full-time judges or justices of the unified court system and housing judges [~~appointed~~] elected pursuant to subdivision (f) of section one hundred ten of the New York city civil court act for disability. 1. A state-paid full-time judge or justice of the unified court system or housing judge [~~appointed~~] elected pursuant to subdivision (f) of section one hundred ten of the New York city civil court act may apply for the special disability allowance provided for in this section by filing with the appellate division of the supreme court in which he resides (a) his petition, duly verified, stating that for reasons specified he is incapacitated to perform the duties of his office; and (b) his resignation. If the appellate division shall determine that such judge or justice is incapacitated, it may make and enter an order retiring such judge or justice from office. Upon the filing in the office of court administration of a certified copy of such order and such resignation, the office of such judge or justice shall be vacant.

§ 7. The advisory council for the housing part of the civil court of the city of New York is abolished.

§ 8. This act shall take effect immediately and shall apply to the election of judges of the housing part of the civil court of the city of New York on and after January 1, 2024.