

# STATE OF NEW YORK

10471

## IN ASSEMBLY

May 29, 2024

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

AN ACT to amend the real property actions and proceedings law and the  
New York city charter, in relation to enforcement of housing code  
violations

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

1 Section 1. Section 770 of the real property actions and proceedings  
2 law is amended by adding a new subdivision 3 to read as follows:

3 3. Where an owner or owner's agent fails to correct or cure twenty or  
4 more violations of the housing maintenance code found to exist in any  
5 dwelling for a period of more than twelve consecutive months, the  
6 commissioner of the department of the city of New York charged with  
7 enforcement of the housing maintenance code of such city shall commence  
8 a proceeding under this article to be appointed as the administrator of  
9 such property.

10 § 2. The opening paragraph of subdivision 1 of section 778 of the real  
11 property actions and proceedings law, as amended by chapter 48 of the  
12 laws of 2015, is amended to read as follows:

13 The court is authorized and empowered, in implementation of a judgment  
14 rendered pursuant to section seven hundred seventy-six or seven hundred  
15 seventy-seven of this article, to appoint a person other than the owner,  
16 a mortgagee or lienor, to receive and administer the rent moneys or  
17 security deposited with such owner, mortgagee or lienor, subject to the  
18 court's direction. The court may appoint the commissioner of the  
19 department of the city of New York charged with enforcement of the hous-  
20 ing maintenance code of such city or the commissioner's designee as such  
21 administrator, provided that the commissioner or the commissioner's  
22 designee shall consent, in writing, to such appointment. Where such  
23 department institutes proceedings under subdivision three of section  
24 seven hundred seventy of this article, and the court finds in favor of  
25 such petition, the court shall appoint the commissioner or the commis-  
26 sioner's designee as the administrator. Any administrator is authorized  
27 and empowered in accordance with the direction of the court, to order

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

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1 the necessary materials, labor and services to remove or remedy the  
2 conditions specified in the judgment, and to make disbursements in  
3 payment thereof; and to demand, collect and receive the rents from the  
4 tenants; and to institute all necessary legal proceedings including, but  
5 not limited to, summary proceedings for the removal of any tenant or  
6 tenants; and to rent or lease for terms not exceeding three years any  
7 part of said premises, however, the court may direct the administrator  
8 to rent or lease commercial parts of said premises for terms that the  
9 court may approve. In addition, such administrator is authorized and  
10 empowered in accordance with the direction of the court to accept and  
11 repay such moneys as may be received from the department charged with  
12 enforcement of the housing maintenance code of the city of New York for  
13 the purpose of managing the premises, replacing or substantially reha-  
14 bilitating systems or making other repairs or capital improvements  
15 authorized by the court. All moneys expended by the department pursuant  
16 to the foregoing shall constitute a debt recoverable from the owner and  
17 a lien upon the building and lot, and upon the rents and other income  
18 thereof. Such lien shall be enforced in accordance with the provisions  
19 of article eight of subchapter five of the housing maintenance code of  
20 the city of New York. Such administrator, shall, upon completion of the  
21 work prescribed in such judgment, file with the court a full accounting  
22 of all receipts and expenditures for such work. Such administrator shall  
23 dispose of the rents and other monies deposited with such administrator  
24 according to the following order of priority:

25 § 3. The New York city charter is amended by adding a new section  
26 1802-a to read as follows:

27 § 1802-a. List of code violations. 1. The department shall establish,  
28 regularly update and maintain and make publicly available on its  
29 website, a list of the owners and managers of multifamily residential  
30 building which:

31 (a) have at least twenty open housing code violations related to  
32 health or safety, or more than four violations which have been falsely  
33 certified as corrected;

34 (b) have open housing code violations for: failure to provide self-  
35 closing public doors or adequate lighting in public areas; lack of post-  
36 ed certificates of occupancy; lack of heat, hot water, gas and electric-  
37 ity; failure to remove vermin or lead-based paint; cracks in tile  
38 floors, broken or defective cabinets, broken or defective sinks, ceiling  
39 water leaks, or mold; and

40 (c) do not have a qualified property manager.

41 2. The department shall arrange and produce the list required by this  
42 section in an order that reflects building owners or managers with the  
43 greatest number of open housing code violations or other formal  
44 complaints. Where an owner has more than one building, the number of  
45 violations shall be cumulative of all buildings owned.

46 3. The department shall bring motions for contempt and civil penalties  
47 for the owner's failure to comply with any existing court orders to  
48 correct housing code violations. The department shall commence  
49 proceedings to enforce money judgments and any civil penalties agreed to  
50 in settlements relating to housing code violations.

51 4. Where a licensee under article twelve-A of the real property law  
52 performs the functions of a property manager or places tenants, collects  
53 rent, negotiates leases or lists property, on behalf of any landlord or  
54 property owner whose properties appear on the list produced pursuant to  
55 this section, the real estate board shall suspend the license of such  
56 licensee and shall require such licensee to re-take the real estate

1 licensing courses required by such article and to re-pass the required  
2 examination.

3 5. An owner who fails to correct housing violations within the  
4 prescribed statutory periods and who appears on the list for more than  
5 twelve consecutive months shall be liable for a fine of ten thousand  
6 dollars for each health or safety violation which has not been timely  
7 cured.

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