

STATE OF NEW YORK

2042

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. WALKER, VANEL, COLTON, COOK -- Multi-Sponsored by
-- M. of A. SIMON -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to enforcement of the warranty of habitability

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

1 Section 1. Legislative findings and purpose. The legislature hereby
2 finds that the rental housing market in the state of New York remains in
3 a state of crisis, due not only to severe shortages in the stock of safe
4 and affordable housing but also to the state of disrepair and blight
5 that afflicts rental housing opportunities available to people of lower
6 incomes throughout the state. The legislature further finds that the
7 warranty of habitability set forth in section 235-b of the real property
8 law represents a critical safeguard of the health and safety of tenants
9 across the state of New York by requiring that all rental housing accommodations be maintained in a safe and sanitary condition for the
10 tenants; that enforcement efforts by the several agencies of the city of
11 New York and the state of New York, although often successful, are not
12 always sufficient to deter such breaches of the warranty by such owners
13 and landlords, so that in spite of the protections provided by law,
14 every year many tenants in the state of New York must endure housing
15 conditions that fail to meet the basic standards of safety required by
16 law. In light of the foregoing, the legislature hereby finds that the
17 state of New York must adopt additional measures to deter the most egregious breaches of the warranty of habitability set forth in section
18 235-b of the real property law, and that the codification of law awarding punitive damages to tenants who suffer intentional breaches of the
19 warranty is an appropriate method to realize such a purpose. The legislature therefore enacts the following law granting the courts discretion
20 to award punitive damages in cases where the warranty of habitability
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD06745-01-3

1 set forth in section 235-b of the real property law is breached inten-
2 tionally or with conscious disregard to severe risks to the life,
3 health, or safety of the tenant.

4 § 2. Section 235-b of the real property law is amended by adding a new
5 subdivision 4 to read as follows:

6 4. The court may award punitive damages to the tenant upon a finding
7 that the landlord's breach of the warranty set forth in this section was
8 intentional and malicious or demonstrates a conscious disregard of
9 severe risks to the life, health, or safety of the tenant. Punitive
10 damages under this section shall not be awarded to tenants of any such
11 multiple dwelling owned or operated by a municipal housing authority
12 organized pursuant to article thirteen of the public housing law.

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