STATE OF NEW YORK

8598

IN ASSEMBLY

January 12, 2024

Introduced by M. of A. VANEL -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to establishing a new housing court part for certain homes

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

Section 1. The judiciary law is amended by adding a new article 4-B to read as follows:

ARTICLE 4-B
HOUSING COURT

Section 135-a. Housing court.

§ 135-a. Housing court. (a) Notwithstanding any law, rule or regulation to the contrary, a housing court shall be established for actions and proceedings involving the enforcement of state and local laws for the establishment and maintenance of housing standards. The jurisdiction of such courts shall extend to the following:

(1) Actions for the imposition and collection of civil penalties for the violation of such laws.

(2) Actions and proceedings for the establishment, enforcement or foreclosure of liens upon real property and upon the rents therefrom for civil penalties, or for costs, expenses and disbursements incurred by the county in the elimination or correction of a nuisance or other violation of such laws.

(3) Proceedings for the issuance of injunctions and restraining orders or other orders for the enforcement of housing standards under such laws.

(4) Actions and proceedings for the partition of real property, for dower, for the foreclosure, redemption or satisfaction of a mortgage upon real property, for the foreclosure of a lien arising out of a contract for the sale of real property, for specific performance of a contract relating to real property, for the enforcement or foreclosure of a mechanic's lien on real property, for reformation or rescission of a deed, contract or mortgage affecting real property, or to compel the determination of a claim to real property under article fifteen of the

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

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real property actions and proceedings law, where the real property to which the action relates is situated within the county; or to foreclose a lien upon a chattel in a case specified in section two hundred six of the lien law where the lien does not exceed twenty-five thousand dollars in amount and the chattel is found within the municipality.

(5) Proceedings for the appointment of a receiver of rents, issues and profits of buildings in order to remove or remedy a nuisance or to make repairs required to be made under such laws.

(6) Actions and proceedings for the removal of housing violations recorded pursuant to such laws, or for the imposition of such violation or for the stay of any penalty thereunder.

(7) The municipal department charged with enforcing the multiple dwelling law and other state and local laws applicable to the enforcement of proper housing standards may commence any action or proceeding described in this subdivision by an order to show cause, returnable within five days, or within any other time period in the discretion of the court. Upon the signing of such order, the clerk of the housing court shall issue an index number.

(b) On the application of any municipal department, any party, or on its own motion, the housing court shall, unless good cause is shown to the contrary, consolidate all actions and proceedings pending in such part as to any building.

(c) The housing court shall continue jurisdiction of any action or proceeding relating to a building until all violations of law have been removed.

(d) In any of the actions or proceedings specified in subdivision (a) of this section and on the application of any party, any municipal department or the court, on its own motion, may join any other person or municipal department as a party in order to effectuate proper housing maintenance standards and to promote the public interest. In addition to any other application of its powers under this subdivision, the court may, on the application of any party or on its own motion, join as a party the department of social services of such county in any action or proceeding in which the payment or non-payment of rent by a recipient of or applicant for public assistance pursuant to the social services law is at issue, and the court may join as a party the division of adult protective services of the social services district in such county in any such action or proceeding, where appropriate.

(e) Housing court judges shall be appointed 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.

(f) The housing court judge may be an elected supreme court judge of such jurisdiction. Such housing judge shall be qualified by training, interest, experience, judicial temperament and knowledge of federal, state and local housing laws and programs.

(g) A housing court judge shall have been admitted to the bar of the state for at least five years, two years of which shall have been in active practice. Each housing judge shall serve full-time for five years. If such housing court judge was appointed, reappointment shall be at the discretion of the administrative judge of the supreme court

and on the basis of the performance, competency and results achieved during the preceding term.

(h) Any municipal department charged with enforcing any state or local law applicable to the enforcement of proper housing standards may be represented in the housing part by its department counsel in any action or proceeding in which it is a party. A corporation which is a party may be represented by an officer, director or a principal stockholder.

(i) Nothing contained in this section shall in any way affect the right of any party to trial by jury as provided by law.

(j) There shall be a sufficient number of pro se clerks of the housing court to assist persons without counsel. Such assistance shall include, but need not be limited to, providing information concerning court procedure, helping to file court papers, and, where appropriate, advising persons to seek administrative relief.

(k) The housing court shall establish an escrow account. In order to appear in housing court, a tenant shall submit any owed rent into such escrow account.

(l) Any landlord that owns twenty units or less shall be entitled to free legal services if such landlord can prove a loss of at least twenty percent of rent payments in a calendar year.

(m) Any landlord that is in mortgage foreclosure due to loss of rent payments cannot enter into a state of foreclosure until such housing court resolves any rent issues. The housing court shall track all loss of rent payment cases and subsequent foreclosure cases.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.