

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

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

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

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

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

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

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

39 (e) Housing court judges shall be appointed pursuant to subdivision  
40 (f) of this section and shall be duly constituted judicial officers,  
41 empowered to hear, determine and grant any relief within the powers of  
42 the housing part in any action or proceeding except those to be tried by  
43 jury. Such housing judges shall have the power of judges of the court to  
44 punish for contempts. Rules of evidence shall be applicable in actions  
45 and proceedings before the housing part. The determination of a housing  
46 judge shall be final and shall be entered and may be appealed in the  
47 same manner as a judgment of the court.

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

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

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

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

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

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

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

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

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

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