STATE OF NEW YORK

983

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

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

AN ACT to amend the real property actions and proceedings law, the uniform city court act, the uniform district court act, the uniform justice court act, and the New York city civil court act, in relation to jurisdiction of proceedings under the tenant dignity and safe housing act; and to amend a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, in relation to the effectiveness thereof

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

Section 1. Article 7-C of the real property actions and proceedings law, as added by a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, is renumbered article 7-D.

§ 2. Sections 797, 797-b and 797-c of the real property actions and proceedings law, as added by a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, are amended to read as follows:

§ 797. Jurisdiction; courts; venue. 1. Except as prohibited under subdivision three of this section, a special proceeding for judgment directing repairs of conditions and other relief in residential real property constituting violation of applicable local and state housing standards or section two hundred thirty-five-b of the real property law may be maintained in a county court, justice court, district court, **or** city court[~~, or civil court of the city of New York~~].

2. The place of trial of the special proceeding shall be within the jurisdictional area of the court in which the residential real property or a portion thereof is situated.

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

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3. A special proceeding [~~for judgment directing repairs of conditions and/or other relief in residential real property under~~] pursuant to this article shall not be maintained [~~where such residential real property located in the county~~] in any court within the counties of Nassau [~~or the county of Suffolk, and shall not be maintained in any court in such counties~~], Suffolk, Richmond, New York, Bronx, Kings or Queens.

§ 797-b. Respondent. The following may be named as a respondent:

1. The person, corporation, limited liability company, general partnership, limited partnership, or any other entity holding title to the real property or an ownership interest in the property.

2. The person or organization listed on any state or local residential registration statement.

3. Anyone who [~~holds themselves out as landlord by such actions as collecting rent, making repairs, signing leases, or other such conduct~~] has a legal obligation to maintain the premises consistent with the warranty of habitability: owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation, directly or indirectly in control of a dwelling, but not a receiver appointed pursuant to section three hundred nine of the multiple dwelling law.

4. A public housing authority or a governmental body that owns or manages the property.

§ 797-c. Commencement; notice of petition; petition. 1. The proceeding shall be commenced by the filing of a notice of petition and petition with the clerk of the court. A notice of petition may be issued by an attorney, judge, or clerk of the court.

2. The notice of petition shall specify the time and place of the hearing on the petition and state that if the respondent shall fail to appear at such time and place to interpose any defense, the respondent may be precluded from asserting such defense.

3. The office of court administration shall promulgate [~~simple forms that~~] instructional materials in which tenant-petitioners may [~~use~~] find guidance on how to commence the special proceedings. Such instructional materials shall be in plain, accessible language. Such instructional materials shall be published in English, Spanish and in other languages spoken by limited-English proficient individuals in any judicial district as needed.

[~~4. Court clerks shall be charged with assisting petitioners to complete and serve the notice of petition and petition to commence the special proceeding.~~]

§ 3. Subdivision 5 of section 797-e of the real property actions and proceedings law, as added by a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, is amended to read as follows:

5. In the alternative, personal service may be completed [~~by the court clerk~~] on any natural person, partnership, corporation, or limited liability company by mailing the notice of petition and petition by certified and first-class mail to an address where local property tax bills are sent. If the jurisdiction in which the court sits has a rental registry requirement, service may be completed by mailing to the address for the real property in the registry.

§ 4. Section 797-j of the real property actions and proceedings law, as added by a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, is amended to read as follows:

§ 797-j. Judgment. 1. The court shall direct that final judgment be entered determining the rights of the parties.

2. The judgment may include:

a. An order to repair conditions constituting violation of applicable local and state housing standards or section two hundred thirty-five-b of the real property law; **and**

b. [~~**A monetary judgment in favor of the petitioner for the diminished value of the real property resulting from violation of applicable local and state housing standards or section two hundred thirty-five-b of the real property law;**~~

~~**c. A reduction in future rent for the diminished value of the real property resulting from violation of applicable local and state housing standards or section two hundred thirty-five-b of the real property law until such time that, to the court's satisfaction, the violation has been cured; and**~~

~~**d.**~~] Any other relief that the court may deem just.

§ 5. Section 204 of the uniform city court act, as amended by a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, is amended to read as follows:

§ 204. Summary proceedings.

The court shall have jurisdiction of summary proceedings to recover possession of real property located in whole or in part within the city, to remove tenants therefrom, and to render judgment for rent due without regard to amount. Except as otherwise prohibited pursuant to subdivision three of section seven hundred ninety-seven of the real property actions and proceedings law, the court shall have jurisdiction of summary proceedings commenced under article [~~**seven-C**~~] **seven-D** of the real property actions and proceedings law relating to real property located in whole or in part within the city, and render relief authorized therein.

§ 6. Section 204 of the uniform district court act, as amended by a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, is amended to read as follows:

§ 204. Summary proceedings.

The court shall have jurisdiction of summary proceedings to recover possession of real property located in whole or in part within a district of the court in the county, to remove tenants therefrom, and to render judgment for rent due without regard to amount. Except as otherwise prohibited pursuant to subdivision three of section seven hundred ninety-seven of the real property actions and proceedings law, the court shall have jurisdiction of summary proceedings commenced under article [~~**seven-C**~~] **seven-D** of the real property actions and proceedings law relating to real property located in whole or in part within the district, and render relief authorized therein.

§ 7. Section 204 of the uniform justice court act, as amended by a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, is amended to read as follows:

§ 204. Summary proceedings.

The court shall have jurisdiction of summary proceedings to recover possession of real property located in whole or in part within the city, to remove tenants therefrom, and to render judgment for rent due without regard to amount. Except as otherwise prohibited pursuant to subdivision three of section seven hundred ninety-seven of the real property actions and proceedings law, the court shall have jurisdiction of summary

proceedings commenced under article [~~seven-C~~] **seven-D** of the real property actions and proceedings law relating to real property located in whole or in part within the city, and render relief authorized therein.

§ 8. Section 204 of the New York city civil court act, as amended by a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, is amended to read as follows:

§ 204. Summary proceedings. The court shall have jurisdiction over summary proceedings to recover possession of real property located within the city of New York, to remove tenants therefrom, and to render judgment for rent due without regard to amount, and in such a proceeding after the court has determined that a warrant of eviction be issued, it shall not be necessary for the court to sign the warrant, but it may be signed by the clerk of said court. The court shall also have jurisdiction over special proceedings by tenants of multiple dwellings in the city of New York for judgment directing deposit of rents and the use thereof for the purpose of remedying conditions dangerous to life, health or safety, as authorized by article seven-a of the real property actions and proceedings law. [~~Except as otherwise prohibited pursuant to subdivision three of section seven hundred ninety-seven of the real property actions and proceedings law, the court shall have jurisdiction of summary proceedings commenced under article seven-C of the real property actions and proceedings law relating to real property located in whole or in part within the city of New York, and render relief authorized therein.~~]

§ 9. Section 7 of a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-b and A.354-B, is amended to read as follows:

§ 7. This act shall take effect [~~on the one hundred eightieth day~~] **one year** after it shall have become a law.

§ 10. This act shall take effect immediately; provided that sections one through eight of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 enacting the tenant dignity and safe housing act, as proposed in legislative bills numbers S. 4594-B and A.354-B, take effect.