

# STATE OF NEW YORK

1911

2023-2024 Regular Sessions

## IN SENATE

January 17, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the executive law and the administrative code of the city of New York, in relation to establishing a private right of action for tenants alleging a failure to keep and maintain self-closing doors

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

1 Section 1. Section 382 of the executive law is amended by adding a new  
2 subdivision 5 to read as follows:

3 5. a. A lawful occupant of a dwelling unit or a group of such occu-  
4 pants in a building may bring an action alleging a violation of the  
5 uniform code for failure to keep and maintain self-closing doors in any  
6 court of competent jurisdiction. If such court finds that an owner of  
7 such building is in violation of such uniform code, such court shall, in  
8 addition to any other relief such court determines to be appropriate:

9 i. award to each such occupant (A) compensatory damages and, in such  
10 court's discretion, punitive damages or (B) at the election of each  
11 occupant, damages of one thousand dollars;

12 ii. award to such occupants reasonable attorneys' fees and court  
13 costs; and

14 iii. issue an order to such owner to remedy the conditions related to  
15 such self-closing doors.

16 b. Such occupant or occupants shall not be relieved of the obligation  
17 to pay rent for which such occupant or occupants are otherwise liable to  
18 an owner. Any monetary relief awarded to such occupant or occupants  
19 pursuant to paragraph a of this subdivision shall be reduced by any  
20 amount of delinquent rent or other sum for which such court finds such  
21 occupant or occupants to be liable to such owner.

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

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1 c. This subdivision does not limit or abrogate any claim or cause of  
2 action a person has under common law or by other law or rule. The  
3 provisions of this subdivision are in addition to any other remedies  
4 that may be provided for under common law or by other law or rule.

5 d. Nothing contained in this subdivision shall be construed as creat-  
6 ing any private right of action against a local government or any agency  
7 or employee thereof.

8 § 2. The administrative code of the city of New York is amended by  
9 adding a new section 27-2114-a to read as follows:

10 § 27-2114-a Private right of action. a. A lawful occupant of a dwell-  
11 ing unit or a group of such occupants in a building may bring an action  
12 alleging a violation of this code for failure to keep and maintain self-  
13 closing doors in any court of competent jurisdiction. If such court  
14 finds that an owner of such building is in violation of such code, such  
15 court shall, in addition to any other relief such court determines to be  
16 appropriate:

17 1. award to each such occupant (i) compensatory damages and, in such  
18 court's discretion, punitive damages or (ii) at the election of each  
19 occupant, damages of one thousand dollars;

20 2. award to such occupants reasonable attorneys' fees and court costs;  
21 and

22 3. issue an order to such owner to remedy the conditions related to  
23 such self-closing doors.

24 b. Such occupant or occupants shall not be relieved of the obligation  
25 to pay rent for which such occupant or occupants are otherwise liable to  
26 an owner. Any monetary relief awarded to such occupant or occupants  
27 pursuant to subdivision a of this section shall be reduced by any amount  
28 of delinquent rent or other sum for which such court finds such occupant  
29 or occupants to be liable to such owner.

30 c. This section does not limit or abrogate any claim or cause of  
31 action a person has under common law or by other law or rule. The  
32 provisions of this section are in addition to any other remedies that  
33 may be provided for under common law or by other law or rule.

34 d. Nothing contained in this section shall be construed as creating  
35 any private right of action against the city or any agency or employee  
36 thereof.

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