

STATE OF NEW YORK

6353

2023-2024 Regular Sessions

IN SENATE

April 17, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed 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:

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

3 ARTICLE 4-B

4 HOUSING COURT

5 Section 135-a. Housing court.

6 § 135-a. Housing court. (a) Notwithstanding any law, rule or regu-
7 lation to the contrary, a housing court shall be established for actions
8 and proceedings involving the enforcement of state and local laws for
9 the establishment and maintenance of housing standards. The jurisdiction
10 of such courts shall extend to the following:

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

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

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

21 (4) Actions and proceedings for the partition of real property, for
22 dower, for the foreclosure, redemption or satisfaction of a mortgage
23 upon real property, for the foreclosure of a lien arising out of a
24 contract for the sale of real property, for specific performance of a
25 contract relating to real property, for the enforcement or foreclosure

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

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1 of a mechanic's lien on real property, for reformation or rescission of
2 a deed, contract or mortgage affecting real property, or to compel the
3 determination of a claim to real property under article fifteen of the
4 real property actions and proceedings law, where the real property to
5 which the action relates is situated within the county; or to foreclose
6 a lien upon a chattel in a case specified in section two hundred six of
7 the lien law where the lien does not exceed twenty-five thousand dollars
8 in amount and the chattel is found within the municipality.

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

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

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

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

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

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

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

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

55 (g) A housing court judge shall have been admitted to the bar of the
56 state for at least five years, two years of which shall have been in

1 active practice. Each housing judge shall serve full-time for five
2 years. If such housing court judge was appointed, reappointment shall
3 be at the discretion of the administrative judge of the supreme court
4 and on the basis of the performance, competency and results achieved
5 during the preceding term.

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

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

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

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