§ 241.05 Harassment of a rent regulated tenant in the first degree.

An owner is guilty of harassment of a rent regulated tenant in the first degree when:

1. With intent to induce a rent regulated tenant to vacate a housing accommodation, such owner:

(a) With intent to cause physical injury to such tenant, causes such injury to such tenant or to a third person; or

(b) Recklessly causes physical injury to such tenant or to a third person; or

2. With intent to induce two or more rent regulated tenants occupying different housing accommodations in one residential building, or two rent regulated tenants occupying different housing accommodations in two separate residential buildings, to vacate such housing accommodations, such owner intentionally engages in a systematic ongoing course of conduct that:

(a) impairs the habitability of such housing accommodations; or

(b) creates or maintains a condition which endangers the safety or health of one or more of the dwellings' rent regulated tenants; or

(c) is reasonably likely to interfere with or disturb, and does interfere with or disturb, the comfort, repose, peace or quiet of one or more of such rent regulated tenants in their use and occupancy of such housing accommodations including, but not limited to, the interruption or discontinuance of essential services; or

3. Such owner commits the crime of harassment of a rent regulated tenant in the second degree as defined in section 241.02 of this article and has previously been convicted within the preceding five years of such crime or the crime of harassment of a rent regulated tenant in the first degree.

The good faith commencement and pursuit of a lawful eviction action by an owner against a rent regulated tenant in a court of competent jurisdiction shall not, by itself, constitute a "systematic ongoing course of conduct" in violation of paragraph (c) of subdivision two of

this section.

Harassment of a rent regulated tenant in the first degree is a class E felony.