

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 185

Introduced by Council Members Gibson, Salamanca, King, Ayala, Rosenthal, Rivera, Kallos, Levin and Espinal.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to commercial tenant harassment

Be it enacted by the Council as follows:

Section 1. Section 22-901 of the administrative code of the city of New York, as added by local law number 77 for the year 2016, is amended by adding a new definition of “covered categories of work” in alphabetical order to read as follows:

Covered categories of work. The term “covered categories of work” means the following categories of work at a covered property:

- 1. Demolition of all or part of such covered property;*
- 2. Change of use or occupancy of all or part of such covered property; or*
- 3. Any change to the layout, configuration, or location of any portion of such covered property.*

Exceptions:

- 1. Work conducted in whole or in part for the purpose of making any portion of such covered property accessible to persons with disabilities.*
- 2. Work conducted solely for the purpose of remediating hazardous or impending hazardous conditions, or protecting public health and safety.*
- 3. Work performed pursuant to a lease or other agreement executed prior to the issuance of an order pursuant to paragraph (2) of subdivision a of section 22-903.*

4. *Work performed pursuant to an agreement entered into by a tenant of such covered property.*
5. *Other categories of work that are excluded from the definition of covered categories of work by rule of the department.*

§ 2. Subdivision a of section 22-902 of the administrative code of the city of New York, as added by local law number 77 for the year 2016, is amended to read as follows:

a. A landlord shall not engage in commercial tenant harassment. Except as provided in subdivision b of this section, commercial tenant harassment is any act or omission by or on behalf of a landlord that (i) [is intended to] *would reasonably* cause a commercial tenant to vacate covered property, or to surrender or waive any rights under a lease or other rental agreement or under applicable law in relation to such covered property, and (ii) includes one or more of the following:

1. using force against or making express or implied threats that force will be used against a commercial tenant or such tenant's invitee;
2. causing repeated interruptions or discontinuances of one or more essential services;
3. causing an interruption or discontinuance of an essential service for an extended period of time;
4. causing an interruption or discontinuance of an essential service where such interruption or discontinuance substantially interferes with a commercial tenant's business;
5. repeatedly commencing frivolous court proceedings against a commercial tenant;
6. removing from a covered property any personal property belonging to a commercial tenant or such tenant's invitee;

7. removing the door at the entrance to a covered property occupied by a commercial tenant; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying a key to the new lock to the commercial tenant occupying the covered property;

8. preventing a commercial tenant or such tenant's invitee from entering a covered property occupied by such tenant;

9. substantially interfering with a commercial tenant's business by commencing unnecessary construction or repairs on or near covered property; [or]

10. engaging in any other repeated or enduring acts or omissions that substantially interfere with the operation of a commercial tenant's business [.] ;

11. threatening a commercial tenant based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, sexual orientation, alienage or citizenship status, status as a victim of domestic violence, status as a victim of sex offenses or stalking;

12. requesting identifying documentation that would disclose the citizenship status of a commercial tenant, an invitee of a commercial tenant or any person seeking entry to the covered property in order to patronize such commercial tenant; or

13. unreasonably refusing to cooperate with a tenant's permitted repairs or construction activities.

§ 3. Subdivision a of section 22-903 of the administrative code of the city of New York, as added by local law number 77 for the year 2016, is amended to read as follows:

a. A commercial tenant may bring an action in any court of competent jurisdiction for a claim of commercial tenant harassment. If a court of competent jurisdiction finds that a landlord has engaged in commercial tenant harassment in relation to such commercial tenant, the court shall impose a civil penalty in an amount not less than [one] *ten* thousand dollars and not more than [ten] *fifty* thousand dollars for each covered property in which such commercial tenant has been the subject of commercial tenant harassment and may further:

1. issue an order restraining the landlord from engaging in commercial tenant harassment and directing the landlord to ensure that no further violation occurs; [and]

2. *issue an order to the department of buildings directing such department not to approve construction documents for, or not to issue or renew permits for, covered categories of work in the covered property in which such commercial tenant has been the subject of commercial tenant harassment, for a period of time deemed appropriate by the court; and*

3. award such other relief as the court deems appropriate, including but not limited to injunctive relief, equitable relief, compensatory damages, punitive damages and reasonable attorneys' fees and court costs.

§ 4. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 25, 2019 and returned unsigned by the Mayor on November 13, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 185 of 2019, Council Int. No. 1410-B of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.