



Legislation Text

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File #: Int 0348-2014, Version: A

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Int. No. 348-A

By Council Members Torres, Reynoso, Chin, Johnson, Levin, Levine, Mendez, Rosenthal, Garodnick, Constantinides, Palma, Kallos, Rodriguez, Dromm, Richards, Cornegy, Gentile, Miller, Lander, Cohen, Barron, Gibson and Van Bramer

A Local Law to amend the administrative code of the city of New York, in relation to inspection fees for certain recurring violations of the housing maintenance code.

Be it enacted by the Council as follows:

Section 1. This local law shall be known and may be cited as the “Three Strikes Law.”

§2. Subdivision f of section 27-2115 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) (i) Notwithstanding any other provision of law, where (A) the department has performed two or more complaint-based inspections in the same dwelling unit within a twelve-month period, (B) each such inspection has resulted in the issuance of a hazardous or immediately hazardous violation, and (C) not all such violations have been certified as corrected pursuant to this section, the department may impose an inspection fee of two hundred dollars for the third and for each subsequent complaint-based inspection that it performs in such dwelling unit within the same twelve-month period that results in the issuance of a hazardous or immediately hazardous violation, provided that the department may by rule increase the fee for inspections performed during the period of October first through May thirty-first. Such inspection fee shall be in addition to any civil penalties that may be due and payable.

(ii) Such fee shall not be applicable to inspections (A) performed in a multiple dwelling that is active in the alternative enforcement program pursuant to article ten of subchapter five of this chapter, (B) performed in a multiple dwelling that is subject to a court order appointing an administrator as the result of a proceeding

brought by the department pursuant to article seven-a of the New York state real property actions and proceedings law, (C) performed pursuant to subparagraph iv of paragraph one of subdivision k of this section, (D) resulting exclusively in hazardous or immediately hazardous violations for inoperable smoke detectors, inoperable carbon monoxide detectors, double cylinder locks on entry doors of dwelling units, illegal window gates, absence of window guards, or such other hazardous or immediately hazardous violations that the department specifies by rule or (E) where an owner has notified the department of his or her objection to such fee pursuant to section 27-2129 of this code, has provided such documentation to the department as it shall prescribe by rule regarding such owner's attempted access for the purpose of making repairs to the dwelling unit that is subject to the inspection fee, and the department has reviewed and approved such objection.

(iii) All fees that remain unpaid shall constitute a debt recoverable from the owner and a lien upon the premises, and upon the rents and other income thereof. The provisions of article eight of subchapter five of this chapter shall govern the effect and enforcement of such debt and lien.

§3. This local law shall take effect one hundred eighty days after its enactment, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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LS # 483/959  
11/5/2014 9:06PM