Legislation Details (With Text)

File #:	Int 0583-2022 **Version:** A	**Name:**	Increasing penalties for violations issued by the department of housing preservation and development and certifying correction of violations in multiple dwellings.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Housing and Buildings
On agenda:	7/14/2022		
Enactment date:	6/11/2023	**Enactment #:**	2023/071

Title: A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for violations issued by the department of housing preservation and development and certifying correction of violations in multiple dwellings

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Indexes: Agency Rule-making Required

Attachments: 1. Summary of Int. No. 583-A, 2. Summary of Int. No. 583, 3. Int. No. 583, 4. July 14, 2022 - Stated Meeting Agenda, 5. Hearing Transcript - Stated Meeting 7-14-22, 6. Minutes of the Stated Meeting - July 14, 2022, 7. Committee Report 12/6/22, 8. Hearing Testimony 12/6/22, 9. Hearing Transcript 12/6/22, 10. Proposed Int. No. 583-A - 4/5/23, 11. Committee Report 5/10/23, 12. Hearing Transcript 5/10/23, 13. Committee Report - Stated Meeting, 14. May 11, 2023 - Stated Meeting Agenda, 15. Hearing Transcript - Stated Meeting 5-11-23, 16. Minutes of the Stated Meeting - May 11, 2023, 17. Int. No. 583-A (FINAL), 18. Fiscal Impact Statement, 19. Legislative Documents - Letter to the Mayor, 20. Local Law 71

Date	Ver.	Action By	Action	Result
7/14/2022	*	City Council	Introduced by Council	
7/14/2022	*	City Council	Referred to Comm by Council	
12/6/2022	*	Committee on Housing and Buildings	Hearing Held by Committee	
12/6/2022	*	Committee on Housing and Buildings	Laid Over by Committee	
5/10/2023	*	Committee on Housing and Buildings	Hearing Held by Committee	
5/10/2023	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
5/10/2023	*	Committee on Housing and Buildings	Amended by Committee	
5/10/2023	A	Committee on Housing and Buildings	Approved by Committee	Pass
5/11/2023	A	City Council	Approved by Council	Pass
5/11/2023	A	City Council	Sent to Mayor by Council	
6/11/2023	A	Administration	City Charter Rule Adopted	
6/13/2023	A	City Council	Returned Unsigned by Mayor	

Int. No. 583-A

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By the Public Advocate (Mr. Williams) and Council Members Cabán, Louis, Hanif, Brewer, Joseph, Nurse, Gutiérrez, Sanchez, Brannan, Narcisse, Hudson and Avilés

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for violations issued by the department of housing preservation and development and certifying correction of violations in multiple dwellings

Be it enacted by the Council as follows:

Section 1. Section 27-2107 of the administrative code of the city of New York is amended to read as follows:

§ 27-2107 Failure to register; penalties. a. A person who is required to file a statement of registration or an amendment of a statement of registration or any other statement required under this article and who fails to file as required [may, whenever appropriate, be punished under the provisions of article three of subchapter five of this code, and such person] shall be subject to a civil penalty of not less than [two] five hundred [and fifty] dollars and not more than one thousand five hundred dollars for a multiple dwelling containing five or less dwelling units, and not less than one thousand dollars and not more than five thousand dollars for a multiple dwelling containing more than five dwelling units, recoverable by the department by civil action in a court of appropriate jurisdiction pursuant to the provisions of article two of subchapter five of this chapter.

a-1. A person who is required to file a statement of registration or an amendment of a statement of registration or any other statement required under this article and who provides false information on any such statement shall be subject to a civil penalty of not less than seven hundred and fifty dollars and not more than five thousand dollars, recoverable by the department by civil action in a court of appropriate jurisdiction pursuant to the provisions of article two of subchapter five of this chapter. The department shall invalidate any statement required under this article that has been found to contain false information.

b. An owner who is required to file a statement of registration under this article and who fails to file as required shall be denied the right to recover possession of the premises for nonpayment of rent during the period of noncompliance, and shall, in the discretion of the court, suffer a stay of proceedings to recover rents, during such period. In any action to recover possession under section seven hundred eleven of the real property

actions and proceedings law, the owner shall set forth his or her registration number issued by the department, and shall allege that he or she has filed a statement of registration and shall annex a copy of the receipt of such registration to his or her petition.

§ 2. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 63 for the year 2022, is amended to read as follows:

(a) [A] In addition to any other penalty authorized by this chapter, a person who violates any law relating to housing standards shall be subject to a civil penalty [of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person making a false certification of correction of a violation shall be subject to a civil penalty in the following amounts, in addition to the other penalties herein provided: not less than five hundred dollars nor more than one thousand dollars for each immediately hazardous violation falsely certified, not less than two hundred fifty dollars nor more than five hundred dollars for each hazardous violation falsely certified, and not less than fifty dollars nor more than two hundred fifty dollars for each non-hazardous violation falsely certified] as follows:

(1) For each non-hazardous violation, not less than fifty dollars nor more than one hundred fifty dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, twenty -five dollars per day;

(2) For each hazardous violation, not less than seventy-five dollars nor more than five hundred dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not

less than twenty-five dollars nor more than one hundred twenty-five dollars per day; and

(3) For each immediately hazardous violation:

(i) In a multiple dwelling containing five or fewer dwelling units, not less than one hundred fifty dollars nor more than seven hundred fifty dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not less than fifty dollars nor more than one hundred fifty dollars per day; and

(ii) In a multiple dwelling containing more than five dwelling units, not less than one hundred fifty dollars nor more than one thousand two hundred dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not less than one hundred fifty dollars nor more than one thousand two hundred dollars per day.

(4) Provided, however, that in addition to the other penalties herein provided, a person who makes a false certification of correction of a violation shall be subject to a civil penalty as follows:

(i) For each non-hazardous violation falsely certified, not less than fifty dollars nor more than two hundred fifty dollars;

(ii) For each hazardous violation falsely certified, not less than two hundred fifty dollars nor more than five hundred dollars; and

(iii) For each immediately hazardous violation falsely certified, not less than five hundred dollars nor more than one thousand dollars.

§ 3. Paragraph (3) of subdivision (f) of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

(3) (i) Such violation shall be deemed corrected seventy days from the date of receipt of such certification by the department unless the department has determined by a re-inspection made within such period that the violation still has not been corrected and has recorded such determination upon its records and has notified the person who executed the certification by registered or certified mail to the address stated in the

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certification that it has been set aside and the reasons therefor; a copy of such notice shall be sent to the complainant.

(ii) Notwithstanding subparagraph (i) of this paragraph, by the later of either January 15, 2025, or the first business day thereafter, and each calendar year thereafter, the department shall compile and post on its website a list of 100 multiple dwellings for which the department has determined that: (A) more than 20 hazardous violations or immediately hazardous violations have been certified as corrected during the previous calendar year, other than a violation issued pursuant to section 27-2017.4 of this code, and (B) at least four of such hazardous or immediately hazardous violations that have been certified as corrected during such calendar year were falsely certified as corrected, provided that to the extent more than 100 multiple dwellings satisfy the criteria described in clauses (A) and (B) of this subparagraph, the department shall include in such list such multiple dwellings with the greatest number of hazardous or immediately hazardous violations that have been certified as corrected during the previous calendar year and that such department found constituted false certifications.

(iii) The department may promulgate rules excluding any immediately hazardous or hazardous violation from calculation in the number of violations certified as corrected for purposes of compiling the list described in subparagraph (ii) of this paragraph when the nature of the condition of any such violation is such that the owner has taken steps toward correcting such condition but compliance may not have been achieved.

(iv) For the duration of the calendar year following the compilation of the list described in subparagraph (ii) of this paragraph, the department shall not deem corrected any immediately hazardous or hazardous violation issued to a multiple dwelling included in such list unless: (A) such immediately hazardous or hazardous violation is excluded from calculation in the number of violations certified as corrected for purposes of compiling such list by rules promulgated pursuant to subparagraph (iii) of this paragraph, or (B) the department has attempted at least two re-inspections of such multiple dwelling to determine whether any such violation has been corrected pursuant to subparagraph (i) of this paragraph.

§ 4. Subparagraph (i) of paragraph (1) of subdivision (k) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 65 for the year 2011, is amended to read as follows:

(i) Notwithstanding any other provision of law, a person who violates section 27-2028, subdivision a of section 27-2029, section 27-2031 or section 27-2032 of this chapter shall be subject to a civil penalty of not less than [two] three hundred fifty nor more than [five] one thousand two hundred fifty dollars per day for each violation from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected and not less than five hundred nor more than one thousand five hundred dollars per day for each subsequent violation of such sections at the same dwelling or multiple dwelling that occurs within two consecutive calendar years or, in the case of subdivision a of section 27-2029, during two consecutive periods of October first through May thirty-first. A person who violates subdivision b of section 27 -2029 of this chapter shall be subject to a civil penalty of [twenty-five] fifty dollars per day from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected but not less than [one] two thousand dollars. There shall be a presumption that the condition constituting a violation continues after the affixing of the notice.

§ 5. This local law takes effect 180 days after it becomes law, 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 date.

Session 12
BM/AS
LS # 3598
4/3/23 6:37 p.m.

Session 11
NAB
LS # 13060
Int 2121