



Legislation Text

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Int. No. 129-A

By Council Members Chin, Williams, Barron, Johnson, Palma, Reynoso, Rose, Rosenthal, Mendez, Levine, Cornegy, Levin, Arroyo, Kallos, Garodnick, Menchaca, Dromm, Lander, Mealy and Van Bramer

A Local Law to amend the administrative code of the city of New York, in relation to remedies for breach of the duty of an owner to refrain from harassment of tenants.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision m of section 27-2115 of the administrative code of the city of New York, as added by local law number 7 for the year 2008, is amended to read as follows:

(2) If a court of competent jurisdiction finds that conduct in violation of subdivision d of section 27-2005 of this chapter has occurred, it may determine that a class c violation existed at the time that such conduct occurred. Notwithstanding the foregoing, such court may also issue an order restraining the owner of the property from violating such subdivision and direct the owner to ensure that no further violation occurs, in accordance with section 27-2121 of this chapter. Such court shall impose a civil penalty in an amount not less than one thousand dollars and not more than [five] ten thousand dollars for each dwelling unit in which a tenant or any person lawfully entitled to occupancy of such unit has been the subject of such violation, and such other relief as the court deems appropriate, provided that where a petitioner establishes that there was a previous finding of a violation of subdivision d of section 27-2005 against such owner and such finding was made (i) within the preceding five year period and (ii) on or after the effective date of the local law that added this clause, such court shall impose a civil penalty in an amount not less than two thousand dollars and not more than ten thousand dollars. It shall be an affirmative defense to an allegation by a tenant of the kind described in subparagraphs b, c and g of paragraph forty-eight of subdivision a of section 27-2004 of this chapter that (i)

such condition or service interruption was not intended to cause any lawful occupant to vacate a dwelling unit or waive or surrender any rights in relation to such occupancy, and (ii) the owner acted in good faith in a reasonable manner to promptly correct such condition or service interruption, including providing notice to all affected lawful occupants of such efforts, where appropriate.

§ 2. Subdivision m of section 27-2115 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

(6) After a court of competent jurisdiction has issued a finding that conduct in violation of subdivision d of section 27-2005 of this chapter has occurred, the department, if it receives notice of such finding, shall post on its website, no later than ninety days after having received notice of such finding, the following information for each such finding: (i) the address of the building containing the dwelling unit that was the subject of such violation; (ii) the name of the property owner; (iii) the civil penalty imposed for such violation; (iv) the date such penalty was imposed; and (v) whether an order restraining the owner of such unit from violating subdivision d of section 27-2005 of this chapter was issued.

§ 3. Before the ninetieth day after this local law shall have taken effect, the department shall post on its website the information required by paragraph six of subdivision m of section 27-2115 of the administrative code of the city of New York, as added by section two of this local law, for findings issued by a court of competent jurisdiction within the one year preceding the effective date of this local law, to the extent that the department received notice of such findings.

§ 4. This local law shall take effect 90 days after enactment, except that section 1 of this local law shall take effect 180 days after enactment, and except that the commissioner of housing preservation and development may take all necessary action, including the promulgation of rules, prior to such effective date.

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