



Legislation Text

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Int. No. 688

By Council Members Lancman, Mendez, Cohen, Rose and Rosenthal

A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include illegal conversions of dwelling units.

Be it enacted by the Council as follows:

Section 1. Paragraph 48 of subdivision a of section 27-2004 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:

48. Except where otherwise provided, the term “harassment” shall mean:

(a) that an owner has engaged in conduct in violation of section 28-210.3 of the administrative code of New York; or

(b) any act or omission by or on behalf of an owner that (i) causes or is intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, and (ii) includes one or more of the following:

[a.] (1) using force against, or making express or implied threats that force will be used against, any person lawfully entitled to occupancy of such dwelling unit;

[b.] (2) repeated interruptions or discontinuances of essential services, or an interruption or discontinuance of an essential service for an extended duration or of such significance as to substantially impair the habitability of such dwelling unit;

[c.] (3) failing to comply with the provisions of subdivision c of section 27-2140 of this chapter;

[d.] (4) commencing repeated baseless or frivolous court proceedings against any person lawfully entitled to occupancy of such dwelling unit;

[e.] (5) removing the possessions of any person lawfully entitled to occupancy of such dwelling unit;

[f.] (6) removing the door at the entrance to an occupied dwelling unit; 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 persons lawfully entitled to occupancy of such dwelling unit; or

[g.] (7) other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of such dwelling unit and that cause or are intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy.

§2. Subparagraph i of paragraph 2 of subdivision h 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:

(i) Notwithstanding the provisions of paragraph one of this subdivision, where one or more allegations of harassment pursuant to [subparagraphs b, c and g] clauses 2, 3 and 7 of subparagraph b of paragraph 48 of subdivision a of section 27-2004 of this chapter is made, to the extent that any such allegation is based on the physical conditions of a dwelling or dwelling unit, such allegation must be based at least in part on one or more violations of record issued by the department or any other agency. Where any allegation of harassment is based on more than one physical condition, the existence of at least one violation of record with respect to any such physical condition shall be deemed sufficient to meet the requirements of this paragraph.

§3. 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 the 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 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. It shall be an affirmative defense to an allegation by a tenant of the kind described in [subparagraphs b, c and g] clauses 2, 3 and 7 of subparagraph b 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.

§4. This local law shall take effect 120 days after its enactment into 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 effective date.

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