



Legislation Text

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Int. No. 36

By Council Members Cohen and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of lot line windows on residential property

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-723.4 to read as follows:

§ 20-723.4 Disclosure of windows situated on a lot line. a. Anyone who advertises or causes to be advertised the sale or lease of a dwelling or space within such dwelling in a newspaper, magazine, circular, pamphlet, store display, online advertisement, letter, handbill or in any other form shall conspicuously include in such advertisement, in a form and manner determined by the department a notice that indicates the presence of any window that is situated on a lot line within such dwelling and describes the requirements associated with window situated on lot lines pursuant to table 705.8 of the New York city building code.

b. Anyone who advertises or causes to be advertised the sale or lease of a dwelling or space within such dwelling in a newspaper, magazine, circular, pamphlet, store display, online advertisement, letter, handbill or in any other form and who must disclose the presence of a window situated on a lot line, pursuant to subdivision a of this section shall not advertise or cause to be advertised a space within such dwelling as a living room, as such term is defined in section 27-2004 of the administrative code, if such space has no legally required window as such term is defined by the zoning resolution.

c. 1. Anyone who offers a dwelling or space within such dwelling for sale or lease shall, before accepting a purchase or rental offer for such dwelling or space, provide the prospective purchaser or lessee with

a notice that indicates the presence of any window that is situated on a lot line within such dwelling or space and describes the requirements associated with windows situated on lot lines pursuant to table 705.8 of the New York city building code.

d. No charge or fee shall be imposed on such prospective purchaser or lessee for the provision of any information required by this section.

e. Violations. 1. Anyone who violates any provision of this section shall be subject to a civil penalty equal to \$500.

2. Civil penalties under this section may be recovered by the department in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board. Such board shall have the power to impose civil penalties provided for in this section.

3. The civil penalties set forth in this section shall be indexed to inflation in a manner to be determined by rules promulgated by the department.

f. Private right of action. 1. A person who purchases or leases a dwelling or space within such dwelling from anyone who violates this section may institute an action in any court of competent jurisdiction for any damages, including punitive damages and such other remedies as may be appropriate resulting from such violation.

2. In any action or proceeding to enforce this section, a court may allow a prevailing plaintiff to recover reasonable attorney's fees as part of the costs.

3. Any action or proceeding to enforce this section shall be commenced no later than 5 years after the date on which the contract of sale or lease agreement is executed.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of consumer affairs may promulgate rules or take other actions for the implementation of this local law prior to such

effective date.

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