



Legislation Text

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Int. No. 1043

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A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for unlawful evictions

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 26-523 of the administrative code of the city of New York is amended to read as follows:

b. Such person also be subject to a civil penalty of not less than [one thousand] \$5,000 nor more than [ten thousand dollars] \$20,000 for each violation. Each such violation shall be a separate and distinct offense. In the case of a failure to take all reasonable and necessary action to restore an occupant pursuant to subdivision b of section 26-521 [of this chapter], such person shall be subject to an additional civil penalty of not more than [one hundred dollars] \$1,000 per day from the date on which restoration to occupancy is requested until the date on which restoration occurs, provided, however, that such period shall not exceed [six] 12 months.

§ 2. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2093.2 to read as follows:

§ 27-2093.2 Unlawful eviction penalties. a. The owner of a building where a person was found to intentionally violate or assist in the violation of any of the provisions of section 26-521 shall be prohibited from taking part in any subsidy program, tax abatement program or tax exemption program of the city of New York for a period of 60 months from the date of the unlawful eviction.

b. Cure agreement; mandatory set-asides. 1. The owner of a building where a person was found to

intentionally violate or assist in the violation of any of the provisions of section 26-521 may cure such violations for the purposes of this section and on the records of the department with a written agreement in which the owner commits to engage in or provide for new low income housing as such term is defined in section 27-2093.1 through an entity identified by the department as capable of developing such housing in the same community district as the building in which the unlawful eviction occurred. Such new low income housing shall be within the building in which the unlawful eviction occurred, in a new building at the same site as the building in which the unlawful eviction occurred, or in a building within the same community district, in accordance with rules promulgated by the department, provided that such owner shall construct or provide no less than the greater of: (i) 25 percent of the total residential floor area of such building in which the unlawful eviction occurred, or (ii) 20 percent of the total floor area of any separate building. Lawful occupants who were victims of unlawful eviction in such owner's building shall have priority in the allocation of low income units established pursuant to this agreement if such lawful occupants otherwise qualify for such units.

2. The department shall promulgate rules providing for the administration and enforcement of an agreement pursuant to this subdivision, and shall establish criteria for such an agreement to ensure the effective implementation thereof.

3. As part of the agreement established by this subdivision, the owner shall attest that no such construction of low income housing pursuant to such agreement shall be used by the owner to satisfy an eligibility requirement of any real property tax abatement or exemption program, or of a floor area ratio increase pursuant to section 23-90 of the zoning resolution, for which the owner otherwise may be eligible to apply, or to apply for a hardship waiver from any existing code or zoning resolution requirements. The department shall ensure that floor area of low income housing required by this subdivision is in addition to and not in substitution for floor area of low income housing that may be used by the owner to satisfy an eligibility requirement of any real property tax abatement or exemption program, or of a floor area ratio increase pursuant to section 23-90 of the zoning resolution, for which the owner may apply. The department shall ensure that a

city, state or federal subsidy shall not be used for the construction of low income housing required pursuant to this subdivision.

4. Any owner entering into an agreement pursuant to this subdivision shall record and index a restrictive declaration with respect to such agreement with the city register or the county clerk.

§ 3. This local law takes effect 120 days after it becomes law.

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