



## Legislation Text

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Int. No. 608

By Council Members Krishnan, Avilés, Restler, Brewer, Gutiérrez, Schulman, Ossé, Rivera, Won, Sanchez, Bottcher, Ayala, Marte, Louis and Ung (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to increase tenant relocation services in the event of a vacate order

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 15-227 of the administrative code of the city of New York, as amended by local law 23 of 1990, is amended to read as follows:

f. The commissioner shall give written notice of the closing of any building or structure or part thereof pursuant to this section, and any subsequent actions taken with respect thereto, as soon as practicable, to (i) the borough president of the borough within which the closing has occurred; (ii) the council member representing the district within which the closing has occurred; and (iii) the local community board. Where a vacate order has been issued for a dwelling unit or other space lawfully used for residential purposes, the commissioner shall give notice as soon as practicable to the commissioner of housing preservation and development and the commissioner of buildings. On January first of each year, the commissioner shall submit a report to the council, setting forth the number of closings made in the previous year, the locations of such closings, and the nature and use of the premises closed. The commissioner shall, in addition, as soon as practicable after a building, structure or part thereof has been closed, make and publish a report of said closing in a manner calculated to quickly notify the local community in which such closing occurred. The commissioner shall also make and publish a report of any premises reopened pursuant to his or her permission under this section. Failure to comply with this subdivision shall not invalidate any action taken by the commissioner pursuant to this section.

§ 2. Section 17-159 of the administrative code of the city of New York is amended to read as follows:

§ 17-159. Infected and uninhabitable houses; vacation orders.

a. Whenever it shall be certified to the department by an officer or inspector of the department that any building or any part thereof in the city is infected with communicable disease, or by reason of want of repair has become dangerous to life or is unfit for human habitation because of defects in drainage, plumbing, ventilation, or the construction of the same, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, the department may issue an order requiring all persons therein to vacate such building or part thereof for the reasons to be stated therein. The department shall cause such order to be affixed conspicuously in such building or part thereof and to be personally served on the owner, lessee, agent, occupant, or any person having the charge or care thereof. If the owner, lessee or agent can not be found in the city or does not reside therein, or evades or resists service, then such order may be served by depositing a copy thereof in the post-office in the city, properly enclosed and addressed to such owner, lessee or agent, at his or her last known place of business and residence, and prepaying the postage thereon; such building or part thereof within ten days after such order shall have been so posted and mailed, or within such shorter time, not less than twenty-four hours, as in such order may be specified, shall be vacated[, but the department whenever it shall become satisfied that the danger from such building or part thereof has ceased to exist, or that such building has been repaired so as to be habitable, may revoke such order].

b. Where the department has issued a vacate order for a dwelling unit or other space lawfully used for residential purposes, the department shall give notice as soon as practicable to the commissioner of housing preservation and development and the commissioner of buildings.

c. If, after the amount of time specified in the vacate order or 5 days have elapsed since the building or part thereof was vacated pursuant to subdivision a of this section, whichever is longer, the department finds that the conditions necessitating the vacate order have not been resolved, the department shall notify the commissioner of housing preservation and development.

§ 3. Subdivision 1 of section 26-301 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

(f) To ensure that representatives of the agency are dispatched to the site of the vacated building upon either the issuance of a vacate order or the receipt of notification that another agency has issued a vacate order. Such representatives shall provide materials to any displaced tenants informing them of their eligibility for relocation assistance in their preferred language, or, if necessary, through translation services. Such representatives shall also ensure that displaced tenants have access to the vacated unit and any personal effects therein provided that the commissioner or other city official has determined that the unit is safe for entry.

§ 4. Subdivision c of section 27-2140 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Where a dwelling or part thereof has been vacated for the amount of time specified in the order pursuant to paragraph 1 and more than 5 additional days have elapsed, or the department has received notification that a vacate order has not been resolved pursuant to section 17-159, and any such order has not been revoked or extended, the department shall initiate a special proceeding pursuant to subdivision 1 of section 770 of the real property actions and proceedings law.

§ 5. Subdivision d of section 27-2142 of the administrative code of the city of New York is amended to read as follows:

d. [The department may require as a condition for revocation of a vacate order, that] Where applicable, the owner shall make reasonable [effort] efforts to notify any tenants who may have vacated the dwelling pursuant to [such] an order to vacate that said tenant has a right to re-occupy the dwelling.

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

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