



Legislation Text

File #: Res 0119-2024, **Version:** A

Res. No. 119-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.1621/S.4098, in relation to prohibiting property owners from filing eviction proceedings for tenants who reside in buildings with substantial pending housing maintenance code violations

By Council Members Hudson, Cabán, Hanif, Farías, De La Rosa, Schulman, Avilés, Abreu, Joseph, Banks, Louis and Rivera

Whereas, Building and housing maintenance codes are the regulations and standards governing building and housing construction in New York State (NYS or the State) and New York City (NYC or the City), establishing a base set of standards that ensure a building’s safety, quality, and habitability; and

Whereas, The Department of Buildings (DOB) and the Department of Housing Preservation and Development (HPD) hold building owners accountable to these standards through inspections and issuing violations for failure to meet standards and requirements; and

Whereas, Housing maintenance code violations are issued by HPD and can be summarized as Class “A” Non-Hazardous, Class “B” Hazardous, and Class “C” Immediately Hazardous violations; and

Whereas, The Office of the New York City Public Advocate published its “2024 Worst Landlord Watchlist” (Watchlist), in which it found that from November 2023 to October 2024, a total of 399 buildings, housing 4,877 units, averaged 146 open Class B and Class C HPD violations; and

Whereas, On January 31, 2024, HPD began its seventeenth round of the Alternative Enforcement Program (AEP), in which it would increase enforcement at 250 apartment buildings that have around 40,000 combined open Class B and Class C violations, with some of the buildings included in this round belonging to 4 of the 10 Watchlist landlords with the highest number of open violations in 2024; and

Whereas, About half of the Watchlist landlords have evicted 1 or more tenants in the last year, with the

most severe instance evicting 23 tenants in the last 2 years; and

Whereas, A 2021 working paper from the Furman Center at NYU established that a growing body of sociological research shows that eviction is associated with economic hardship, worse health outcomes, and prolonged residential instability; and

Whereas, HPD states that landlords are required to keep their buildings in compliance with the housing maintenance codes and must otherwise keep their buildings in livable conditions, and a property's state of disrepair or poor living conditions is cited by the New York State Unified Court System as a common defense in eviction proceedings; and

Whereas, Tenants have the right to mount a defense against eviction proceedings filed against them, but going through the court system to begin a legal defense requires time, resources, and knowledge that many tenants do not have; and

Whereas, A.1621 sponsored by Assembly Member Linda Rosenthal and pending in the New York State Assembly, and S.4098, sponsored by State Senator Kevin Parker, would prohibit property owners from initiating a nonpayment eviction proceeding if there are any open violations of state housing standards, housing maintenance code violations, or conditions dangerous to life, health or safety, and that have existed for at least five days; and

Whereas, Property owners and landlords with outstanding violations should not be allowed to file eviction proceedings in housing court as doing so would place the burden on the tenant to prove the state of their living conditions in court, a difficult prospect for many tenants who often do not have the money, time, or knowledge to mount an effective eviction defense; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.1621/S.4098, in relation to prohibiting property owners from filing eviction proceedings for tenants who reside in buildings with substantial pending housing maintenance code violations.

Session 13
DJS
LS #9306
03/17/2024

Session 12
CCK
LS # 9306
11/09/2022