

Legislative Bill Drafting Commission
11494-05-7

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

PENALA
(Relates to harassment of a rent
regulated tenant)

Pen L. harassment rent regulated

AN ACT

to amend the penal law, in relation
to harassment of a rent regulated
tenant

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s50 DeFrancisco	s27 Hoylman	s25 Montgomery	s23 Savino
s52 Akshar	s32 Diaz	s60 Jacobs	s40 Murphy	s41 Serino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s29 Serrano
s46 Amedore	s17 Felder	s63 Kennedy	s62 Ortt	s51 Seward
s11 Avella	s02 Flanagan	s34 Klein	s21 Parker	s26 Squadron
s36 Bailey	s55 Funke	s28 Krueger	s13 Peralta	s16 Stavisky
s42 Bonacic	s59 Gallivan	s24 Lanza	s19 Persaud	s35 Stewart- Cousins
s04 Boyle	s12 Gianaris	s39 Larkin	s07 Phillips	s49 Tedisco
s44 Breslin	s22 Golden	s37 Latimer	s61 Ranzenhofer	s53 Valesky
s08 Brooks	s47 Griffo	s01 LaValle	s48 Ritchie	s57 Young
s38 Carlucci	s20 Hamilton	s45 Little	s33 Rivera	s30
s14 Comrie	s06 Hannon	s05 Marcellino	s56 Robach	
s03 Croci	s54 Helming	s43 Marchione	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a097 Jaffee	a145 Morinello	a111 Santabarbara
a092 Abinanti	a070 Dickens	a011 Jean-Pierre	a057 Mosley	a140 Schimminger
a084 Arroyo	a054 Dilan	a116 Jenne	a039 Moya	a076 Seawright
a035 Aubry	a081 Dinowitz	a135 Johns	a003 Murray	a087 Sepulveda
a120 Barclay	a147 DiPietro	a115 Jones	a065 Niou	a027 Simanowitz
a030 Barnwell	a016 D'Urso	a077 Joyner	a037 Nolan	a052 Simon
a106 Barrett	a004 Englebright	a074 Kavanagh	a144 Norris	a036 Simotas
a060 Barron	a133 Errigo	a142 Kearns	a130 Oaks	a104 Skartados
a082 Benedetto	a109 Fahy	a040 Kim	a069 O'Donnell	a099 Skoufis
a042 Bichotte	a071 Farrell	a131 Kolb	a051 Ortiz	a022 Solages
a079 Blake	a126 Finch	a105 Lalor	a091 Otis	a114 Stec
a117 Blankenbush	a008 Fitzpatrick	a013 Lavine	a132 Palmesano	a110 Steck
a098 Brabenc	a124 Friend	a134 Lawrence	a002 Palumbo	a127 Stirpe
a026 Braunstein	a095 Galef	a050 Lentol	a088 Paulin	a001 Thiele
a119 Brindisi	a137 Gantt	a125 Lifton	a141 Peoples- Stokes	a061 Titone
a138 Bronson	a007 Garbarino	a102 Lopez		a031 Titus
a093 Buchwald	a148 Giglio	a123 Lupardo	a058 Perry	a033 Vanel
a118 Butler	a080 Gjonaj	a010 Lupinacci	a023 Pheffer	a055 Walker
a094 Byrne	a066 Glick	a121 Magee	Amato	a143 Wallace
a103 Cahill	a150 Goodell	a129 Magnarelli	a086 Pichardo	a112 Walsh
a044 Carroll	a075 Gottfried	a064 Malliotakis	a089 Pretlow	a146 Walter
a062 Castorina	a005 Graf	a090 Mayer	a073 Quart	a041 Weinstein
a047 Colton	a100 Gunther	a108 McDonald	a019 Ra	a024 Weprin
a032 Cook	a046 Harris	a014 McDonough	a012 Raia	a059 Williams
a085 Crespo	a139 Hawley	a017 McKevitt	a006 Ramos	a113 Woerner
a122 Crouch	a083 Heastie	a107 McLaughlin	a043 Richardson	a056 Wright
a021 Curran	a028 Hevesi	a101 Miller, B.	a078 Rivera	a096 Zebrowski
a063 Cusick	a048 Hikind	a038 Miller, M.G.	a068 Rodriguez	a009
a045 Cymbrowitz	a018 Hooper	a020 Miller, M.L.	a067 Rosenthal	
a053 Davila	a128 Hunter	a015 Montesano	a025 Rozic	
a072 De La Rosa	a029 Hyndman	a136 Morelle	a149 Ryan	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. This act shall be known and may be cited as the "tenant
2 protection act of 2017".

3 § 2. The penal law is amended by adding a new section 241.02 to read
4 as follows:

5 § 241.02 Harassment of a rent regulated tenant in the second degree.

6 An owner is guilty of harassment of a rent regulated tenant in the
7 second degree when, with intent to induce a rent regulated tenant to
8 vacate a housing accommodation, such owner intentionally engages in a
9 course of conduct that:

10 1. impairs the habitability of a housing accommodation; or

11 2. creates or maintains a condition which endangers the safety or
12 health of the dwelling's tenant; or

13 3. is reasonably likely to interfere with or disturb, and does inter-
14 fere with or disturb, the comfort, repose, peace or quiet of such rent
15 regulated tenant in his or her use and occupancy of such housing accom-
16 modation including, but not limited to, the interruption or discontin-
17 uance of essential services. The good faith commencement and pursuit of
18 a lawful eviction action by an owner against a rent regulated tenant in
19 a court of competent jurisdiction shall not, by itself, constitute a
20 "course of conduct" in violation of this subdivision.

21 Harassment of a rent regulated tenant in the second degree is a class
22 A misdemeanor.

23 § 3. Section 241.05 of the penal law, as added by chapter 116 of the
24 laws of 1997, is amended to read as follows:

25 § 241.05 Harassment of a rent regulated tenant in the first degree.

26 An owner is guilty of harassment of a rent regulated tenant in the
27 first degree when [with]:

1 1. With intent to [cause] induce a rent regulated tenant to vacate a
2 housing accommodation, such owner:

3 [1.] (a) With intent to cause physical injury to such tenant, causes
4 such injury to such tenant or to a third person; or

5 [2.] (b) Recklessly causes physical injury to such tenant or to a
6 third person[.]; or

7 2. With intent to induce two or more rent regulated tenants occupying
8 different housing accommodations to vacate such housing accommodations,
9 such owner intentionally engages in a systematic ongoing course of
10 conduct that:

11 (a) impairs the habitability of such housing accommodations; or

12 (b) creates or maintains a condition which endangers the safety or
13 health of one or more of the dwellings' rent regulated tenants; or

14 (c) is reasonably likely to interfere with or disturb, and does inter-
15 fere with or disturb, the comfort, repose, peace or quiet of one or more
16 of such rent regulated tenants in their use and occupancy of such hous-
17 ing accommodations including, but not limited to, the interruption or
18 discontinuance of essential services; or

19 3. Such owner commits the crime of harassment of a rent regulated
20 tenant in the second degree as defined in section 241.02 of this article
21 and has previously been convicted within the preceding five years of
22 such crime or the crime of harassment of a rent regulated tenant in the
23 first degree.

24 The good faith commencement and pursuit of a lawful eviction action by
25 an owner against a rent regulated tenant in a court of competent juris-
26 diction shall not, by itself, constitute a "systematic ongoing course of
27 conduct" in violation of paragraph (c) of subdivision two of this
28 section.

1 Harassment of a rent regulated tenant in the first degree is a class E
2 felony.

3 § 4. Subdivision 1 of section 241.00 of the penal law, as added by
4 chapter 116 of the laws of 1997, is amended to read as follows:

5 1. "Rent regulated tenant" shall mean a person occupying a housing
6 accommodation or any lawful successor to the tenancy which is subject to
7 the regulations and control of residential rents and evictions pursuant
8 to the emergency housing rent control law, the local emergency housing
9 rent control act, the emergency tenant protection act of nineteen seven-
10 ty-four, the New York city rent and rehabilitation law or the New York
11 city rent stabilization law of nineteen hundred sixty-nine, and such
12 person is either a party to a lease or rental agreement for such housing
13 accommodation, a statutory tenant or a person who lawfully occupies such
14 housing accommodation with such party to a lease or rental agreement or
15 with such statutory tenant. The definition of "rent regulated tenant"
16 as used in this subdivision shall be applicable only to the provisions
17 of this article and shall not be applicable to any other provision of
18 law.

19 § 5. This act shall take effect on the one hundred eightieth day after
20 it shall have become a law; provided, however, that the amendments to
21 article 241 of the penal law made by sections two, three and four of
22 this act shall not affect the repeal of such article and shall be deemed
23 repealed therewith.