



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to the creation of a commercial landlord watch list

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Attachments: 1. Summary of Int. No. 1805, 2. Int. No. 1805, 3. November 26, 2019 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 11-26-19, 5. Minutes of the Stated Meeting - November 26, 2019

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Int. No. 1805

By Council Members Gibson, Kallos and Louis

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a commercial landlord watch list

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1005 to read as follows:

§ 22-1005 Commercial landlord watch list. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Commercial landlord. The term “commercial landlord” means an owner of a covered property, provided that, if the owner of a covered property is an entity, such term includes any individual who owns a controlling interest in, or who is responsible for managing the day-to-day affairs of, such entity.

Commercial tenant. The term “commercial tenant” means a person or entity lawfully occupying a

covered property pursuant to a lease, rental agreement, license agreement or month to month tenancy.

Covered property. The term "covered property" means any building or portion of a building (i) that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.

Department of buildings violation. The term "department of buildings violation" means a violation of a law or rule enforced by the department of buildings.

b. No later than January 1 of each year, the commissioner shall post on the department's website a commercial landlord watch list. Such watch list shall include any commercial landlord who:

1. Within the past 10 years, has been found by a court of competent jurisdiction to have engaged in commercial tenant harassment within the meaning of section 22-902; or

2. Within the past three years, has engaged in a pattern of behavior that in the opinion of the commissioner is consistent with harassment or exploitation of a commercial tenant. The commissioner shall base such opinion on any information the commissioner deems relevant, including any information collected by any agency. In reaching such opinion, the commissioner shall consider, at a minimum, the following information:

(a) The number and severity of department of buildings violations charged against a covered property (or a building containing a covered property) owned by the commercial landlord;

(b) Whether a tax lien has been imposed upon a covered property (or a building containing a covered property) owned by the commercial landlord; and

(c) The number of commercial tenants evicted by the commercial landlord.

c. For each commercial landlord included on the commercial landlord watch list, the watch list shall provide the following information:

1. The name of the commercial landlord;

2. The number of covered properties owned by the commercial landlord;

3. The number of times, within the past 10 years, the commercial landlord has been found by a court of competent jurisdiction to have engaged in commercial tenant harassment within the meaning of section 22-902;
and

4. Any fact underlying the commissioner's opinion that, within the past three years, the landlord has engaged in a pattern of behavior consistent with harassment or exploitation of a commercial tenant.

d. The commissioner shall promulgate rules further specifying the criteria for inclusion on the commercial landlord watch list. The commissioner may also promulgate rules specifying exemptions from the commercial landlord watch list as well as criteria for removal of a commercial landlord from the commercial landlord watch list where the commissioner's analysis of the commercial landlord's behavior has changed.

e. Upon request of the commissioner, all agencies shall cooperate with the department and furnish the department with such information, reports and assistance as the commissioner may require to implement this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

CJM
LS #10943
9/20/2019