



## Legislation Text

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**File #:** Res 0510-2023, **Version:** \*

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### Res. No. 510

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation denying property owners from filing eviction proceedings for tenants who reside in buildings with substantial pending housing maintenance code violations.

By Council Members Hudson, Cabán, Richardson Jordan, Hanif, Farías, De La Rosa, Schulman and Avilés

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 "2021 Worst Landlord Watchlist", in which it found that from December 2020 to November 2021, a total of 463 buildings, housing 9,384 units, averaged 55,202 open Class B and Class C HPD violations; and

Whereas, On March 1, 2022, HPD announced its 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 Crain's New York Business reporting that more than 50 of the buildings listed as part of the AEP belonged to landlords on the Public Advocate's Worst Landlord Watchlist; and

Whereas, No statute currently prevents landlords or property managers with outstanding housing code

violations from filing eviction proceedings; and

Whereas, The COVID-19 pandemic saw the introduction of a statewide eviction moratorium, which expired on January 15, 2022, allowing eviction proceedings to resume; and

Whereas, The State and particularly the City are experiencing an eviction crisis, as the eviction moratorium's expiration saw an increased rate of eviction filings, which, combined with the backlog of eviction cases present before the pandemic eviction moratorium, resulted in 266,426 total pending eviction cases in New York State for the week of October 23, 2022, according to the advocacy organization Right to Counsel NYC Coalition, citing state court data; and

Whereas, The eviction moratorium's expiration quickly saw NYC Housing Court calendars flooded with eviction cases and legal service providers lacking the resources to keep up with the accelerated pace of residential eviction cases, resulting in many tenants facing eviction proceedings without a lawyer; 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, Independent news organization, The Indy, reported on March 31, 2022 that many tenants across NYC were experiencing poor living conditions, with some facing eviction despite these conditions; 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, Property owners and landlords with outstanding violations should not be allowed to file

eviction proceedings in housing court as doing so would contribute to the backlog in the housing court system, and the burden then falls 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, legislation denying property owners from filing eviction proceedings for tenants who reside in buildings with substantial pending housing maintenance code violations.

CCK  
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