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Res. No. 990

Resolution calling on the New York State legislature to pass, and the Governor to sign, S.5622A, which would amend article 7A of the New York State real property actions and proceedings law to facilitate the remediation of severe housing quality issues

By Council Members Nurse, Brewer and Brannan

Whereas, Many housing units in New York City ("NYC") suffer from habitability issues that may exacerbate health conditions and worsen quality of life for residents; and

Whereas, According to the 2023 Housing and Vacancy Survey, 27 percent of NYC households observed rodents in their units, 12 percent experienced heating breakdowns, and 20 percent reported leaks during the calendar year in which the survey was conducted; and

Whereas, The number of habitability issues in NYC's housing stock has increased in recent years, as the Preliminary Fiscal Year 2025 Mayor's Management Report finds that the number of such issues reported by residents increased by 17 percent between fiscal years 2022 and 2024; and

Whereas, The increase in immediately hazardous habitability issues, such as inadequate heat or hot water, the presence of rodents, or peeling lead paint, has been particularly large, with the number of violations issued for such problems increasing by 52 percent, from 189,243 in fiscal year 2022 to 287,881 in fiscal year 2024; and

Whereas, One method of resolving persistent habitability issues, and potentially other violations of the NYC Housing Maintenance Code ("HMC") and other relevant statutes, is a proceeding conducted pursuant to article 7-A of chapter 81 of the New York State Real Property Actions and Proceedings Law ("7A proceedings"); and

Whereas, If a court determines that a 7A proceeding is meritorious, the judge may order that all rents collected from tenants be dedicated towards funding building repairs, and may further order that a 7A administrator be appointed to manage the building in place of the building owner; and

Whereas, Buildings in NYC that are eligible to maintain a 7A proceeding are those where conditions dangerous to life, health or safety have persisted for at least five days, the building owner has harassed or illegally evicted tenants, the building was selected for and has failed to comply with the requirements of NYC's Alternative Enforcement Program, or certain other conditions are true; and

Whereas, A 7A proceeding may be initiated by either tenant petition or the designation of the NYC Department of Housing Preservation and Development ("HPD"), but in either case, at least one-third of building tenants must consent to the proceeding; and

Whereas, Despite the potential of 7A proceedings to resolve immediately hazardous violations of the HMC and improve the quality of housing for NYC residents living with severe habitability issues, very few buildings enter the 7A program, as HPD testified at a Committee on Housing & Buildings hearing in April, 2025 that there were only 27 buildings in active 7A proceedings at that time; and

Whereas, S.5622A, introduced by State Senator Brad Hoylman-Sigal, would amend the New York State Real Property Actions and Proceedings Law ("RPA") to expand the scope of conditions under which 7A proceedings may be maintained, and additionally, decrease the duration of such proceedings, limit the defenses available to property owners, and make certain other changes to 7A proceedings, which collectively may increase the ability of 7A proceedings to address severe habitability issues; and

Whereas, S.5622A would increase the number of buildings eligible to maintain 7A proceedings by newly permitting such proceedings when a building owner conducts certain types of retaliation or neglect, or interferes with the formation of a tenant association**;** and

Whereas, The amendments made to RPA by S.5622A would both limit the number and length of adjournments during 7A proceedings and require that 7A proceedings take place on consecutive court days until

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the conclusion of the proceeding, which could decrease the duration of the average 7A proceeding; and

Whereas, S.5622A would also restrict the use of certain legal defenses available to building owners during 7A proceedings, remove the ability of an owner or other interested party to avoid the appointment of a 7A administrator by agreeing to remedy habitability issues after the conclusion of a 7A trial, and require that a court review the sale of any property subject to a 7A judgement; and

Whereas, Enactment of S.5622A could help remediate immediately hazardous housing conditions, particularly in cases where a building owner has demonstrated an inability or an unwillingness to address such conditions, and further ensure that tenants are free from harassment, illegal eviction, and other unscrupulous behaviors; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign, S.5622A, which would amend article 7A of the New York State real property actions and proceedings law to facilitate the remediation of severe housing quality issues.

AGB
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