



NEW YORK STATE SENATOR

Liz Krueger

## Tenant Protection Act Passes Senate

LIZ KRUEGER April 10, 2019

| ISSUE: **TENANT HARASSMENT, RENT REGULATION, AFFORDABLE HOUSING**



Albany – Today the State Senate passed the Tenant Protection Act of 2019, an Attorney General's program bill carried by Senator Liz Krueger and Assemblymember Joseph Lentol. The bill, aimed at holding New York's most unscrupulous landlords criminally accountable for tenant harassment, has already passed the Assembly, and now awaits the Governor's signature.

“Over the years I have heard far too many horror stories from my constituents about the harassment they have suffered at the hands of unscrupulous landlords trying to drive them out of their homes. But as the law stands now, it is nearly impossible for criminal charges to be filed against even the worst offenders,” said **Senator Krueger**. “It is high time this law was updated to protect tenants and give them a fighting chance, and to safeguard our dwindling stock of affordable housing. I commend Attorney General James for her leadership on this issue, and I urge the Governor to sign this bill so that rent-regulated New Yorkers can live free of the fear of harassment from their landlords.”

“For far too long, unscrupulous landlords have gotten away with subjecting rent-regulated tenants to dangerous and horrific conditions in an attempt to force them out of their homes,” said **Attorney General Letitia James**. “The landlords behind these serious acts of tenant harassment have been able to evade justice because the standard for proving criminal culpability has been impossibly high – today that begins to change. This bill will go a long way in protecting our most vulnerable tenants by changing the legal standard of harassment and allowing prosecutors to finally pursue these acts that have hurt countless New Yorkers. I thank Senator Krueger and the Legislature for their partnership on this action to support tenants and ensure bad actors are held accountable.”

“Rent regulation has provided people the opportunity to stay in the neighborhood they grew up in. Yet, many people have been pushed out by abusive and unscrupulous landlords,” said **Assemblymember Lentol**. “In an effort to get market-value rents, landlords have gone to great lengths to force rent-regulated tenants out of their homes. Their wrongdoings have escaped the scope of current criminal law. This legislation will ensure that landlords are punished if they purposefully harass tenants and sabotage rental units in an effort to force the tenants to leave. This is common-sense legislation and I am glad it finally passed both the Assembly

and Senate.”

Under the existing Harassment of a Rent Regulated Tenant statute, a prosecutor must not only prove that the offending landlord intended to cause the tenant to vacate their home, but also that the tenant sustained physical injury due to the landlord’s actions and that the landlord intended to cause (or acted with criminal recklessness in causing) such injury. This creates an inexplicably high bar that – in the nearly two decades since the law was enacted – has never been met. Analysis of NYS Division of Criminal Justice Services data performed by the Attorney General's office shows that not a single landlord has ever been convicted of the crime of Harassment of a Rent Regulated Tenant.

The Tenant Protection Act sets a more reasonable standard that eliminates the need to prove physical injury to a tenant, and opening the door to prosecutions arising out of more commonplace and insidious tactics -- such as turning off heat and hot water, exposing tenants to hazardous materials, and making rent-stabilized buildings deliberately uninhabitable for current tenants and their families.

Among other things, the Tenant Protection Act would:

- Create a new class A misdemeanor that would apply to landlords and their agents who, with the intent to induce a rent regulated tenant to vacate their home, engage in a “course of conduct” that: “impairs the habitability” of the housing accommodation; creates a condition that endangers the health or safety of the tenant; or is reasonably likely to, and does in fact, “interfere with or disturb the comfort, repose, peace or quiet” of such tenant in the use of their home;
- Expand the existing class E felony Penal Law offense to also make it unlawful for landlords or their agents, with the intent to induce two or more tenants in different rent regulated

units to move out, to engage in a “systematic ongoing course of conduct” that: “impairs the habitability” of the housing accommodations; creates a condition that endangers the health or safety of one or more of the tenants; or is reasonably likely to, and does in fact, “interfere with or disturb the comfort, repose, peace or quiet” of one or more of such tenants in the use of their homes; and

- Make it a class E felony for a landlord to commit the new class A misdemeanor offense after he or she has been convicted of that crime or the class E felony tenant harassment offense within the preceding five years.

The new class A misdemeanor carries a maximum penalty of up to one year in jail. The class E felony carries a maximum sentence of up to four years in State prison.

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#### RELATED LEGISLATION

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### **2019-S2605**

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly

- On Floor Calendar Senate

- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to harassment of a rent regulated tenant

January 28, 2019

Senate Floor Calendar

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Do you support this bill?