**New York State Assembly | Bill Search and Legislative Information**

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**A04267 Summary:**

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Rpld & add §227-c, RP L

Provides for the termination of a residential lease by a victim of domestic violence; further provides for the lease termination procedure; allows the tenants to pay rent, pro-rata, up to the lease termination date; imposes a civil penalty; makes related provisions.

### A04267 Actions:

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A04267 Memo:

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A4267A

SPONSOR: Hevesi

TITLE OF BILL: An act to amend the real property law, in relation to the termination of a residential lease by a victim of domestic violence; and to repeal certain provisions of such law relating thereto

PURPOSE OR GENERAL IDEA OF BILL:

This bill amends Real Property Law § 227-c to streamline the procedure for early lease termination by domestic violence survivors, allowing more survivors to exercise this provision when necessary to ensure both their immediate physical safety and long-term financial security.

SUMMARY OF PROVISIONS:

RPL § 227-c allows domestic violence survivors to terminate their residential leases early when necessary for their safety. However, the current statute contains several provisions that impose significant barriers to survivors who are or would be eligible for this option. As a result, domestic violence survivors are faced with a choice of remaining in an unsafe housing situation or exiting the residence without properly terminating their lease only to face subsequent legal and financial consequences.

Specifically, this bill proposes the following changes to Real Property Law § 227-c: Amends the existing Subsection 1 of RPL § 227-c to allow domestic violence survivors to terminate residential leases without obtaining a court order of protection.

Replaces Subsection 2 of RPL § 27-c with a new subsection outlining the process for lease termination under the statute and detailing notice requirements. Subsection 2(a) changes the termination process to written notice requirement instead of a court proceeding. It also eliminates the requirement that a tenant seeking to terminate a lease notify a co-tenant who is also their abuser. Subsection 2(c) expands the categories of documentation required to corroborate the tenant's status as a domestic violence survivor to include police reports, medical reports, and certifications from domestic violence service providers as well as orders of protection. Subsection 2(d) shortens the time period between initiation of the process and the termination date. Subsection 2 also eliminates the requirement that the tenant seeking to terminate a lease be current on rental payments while preserving the landlord's right to seek arrears which accrued prior to the termination of the lease.

Creates a new Subsection 3 of RPL § 227-c which details how rent and any security deposit will be handled. It also establishes a defense to a
subsequent legal action for rental arrears brought by the landlord based upon compliance with the notice and documentation requirements herein. Subsection 3(b) explicitly preserves a landlord's right to seek rental arrears owed prior to the termination date.

Creates a new Subsection 4 of RPL § 227-c to outline and clarify the treatment of other tenants and occupants upon termination. This section largely follows the current language under RPL § 227-c(2)(c)(ii).

Creates a new Subsection 5 of RPL § 227-c which prohibits a lessor or owner from disclosing the terminating tenant's whereabouts and/or utilization of this statute to any person or agency. Creates a new subsection 6 which establishes damages for violations of the statute.

DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION:

Minor technical changes regarding the notice and verification requirements.

JUSTIFICATION:

Housing is consistently identified as one of the primary obstacles facing domestic violence survivors. When it was enacted in 2007, RPL § 227-c sought to address this issue by creating a mechanism for tenants who are domestic violence survivors to terminate their residential leases when leaving the residence to ensure their safety. However, under the existing statute, some tenants who are eligible for this relief are unable to access it because of some of the law's requirements. As a result, these survivors either stay in an unsafe location or flee the residence only to later be held liable for the rent accrued during the remainder of the lease's term.

Requiring domestic violence survivors to be current on their rent in order to terminate their lease ignores the reality that 99% of all survivors experience financial abuse,* and often have little control over whether their rent is paid on time or at all. Eliminating this requirement will allow more survivors to utilize this statute and flee to safety, while still maintaining the landlord's right and ability to pursue any arrears owed at the time of termination.

The current statute requires tenants to seek an order from the court which issued the original order of protection after providing notice to the landlord and any co-tenants, which may include the abuser. This provision brings what is essentially a landlord-tenant issue into Family, Supreme and Criminal Courts. The proposed bill eliminates the requirement of a Court order, allowing a tenant to terminate their lease upon proper notice to the landlord. It also eliminates the requirement that abusers who are co-tenants be notified. While orders of protection are extremely valuable tools for domestic violence survivors, there are situations in which they are not effective or appropriate. By expanding the categories of supporting documentation beyond orders of protection, the proposed Bill makes the lease termination provision under RPL § 227-c available to a greater number of domestic violence survivors as the legislation was originally intended.

PRIOR LEGISLATIVE HISTORY:

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall be effective immediately.


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Ao4267 Text:

STATE OF NEW YORK

4267-A

Cal. No. 293

2019-2020 Regular Sessions

IN ASSEMBLY

February 1, 2019

Introduced by M. of A. HEVESI, ENGLEBRIGHT, L. ROSENTHAL, GUNThER, ARROYO, ROZIC, LAVINE, GIGLIO, D’URSO, GALEF, JOYNER, SIMON, RIVERA, TAYLOR, HUNTER, SEArthur, BICHOTTE, MOSLEY, NIou, ORTIZ, BARRON, WILLIAMS, RICHARDSON, GOTTFRIDe, EPSTEn, WRIGHT, BLake, MCDONALD, WALCZYK, BUTTEnSCHON, WALLACE, CRuZ, REyEs -- read once and referred to the Committee on Housing -- reported and referred to the Committee on Codes -- advanced to a third reading, passed by Assembly and deliv-ered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the real property law, in relation to the termination of a residential lease by a victim of domestic violence; and to repeal certain provisions of such law relating thereto

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

Section 1. Section 227-c of the real property law is REPEALED and a new section 227-c is added to read as follows:

§ 227-c. Termination of residential lease by victims of domestic violence. 1. Lease or rental agreement. In any lease or rental agree-ment covering premises occupied for dwelling purposes, where a tenant or a member of the tenant’s household is a victim of domestic violence as defined by section four hundred fifty-nine-a of the social services law and reasonably fears remaining in the leasehold premises because of potential further domestic violence, such tenant shall be permitted to
terminate such lease or rental agreement and quit and surrender
possession of the leasehold premises and the land so leased or occupied
pursuant to the provisions of this section and to be released from any
liability to pay to the lessor or owner, rent or other payments in lieu
of rent for the time subsequent to the date of termination of such lease
in accordance with subdivision two of this section.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01057-05-9

A. 4267--A

2. Lease termination procedure. (a) A tenant who meets the require-
ments in subdivision one of this section may terminate the tenant's
lease by notice in writing delivered to the lessor or owner of the prem-
ises occupied by such person, or to the lessor's or owner's agent, and
to any co-tenants of such lessee or tenant other than the perpetrator of
domestic violence. The notice shall specify the termination date which
shall be no earlier than thirty days after such notice is delivered. If
the notice is mailed via first class mail, it shall be deemed delivered
five days after mailing. If the tenant asserts that the lessor or owner
is the perpetrator of domestic violence, a person authorized by the
tenant may deliver such notice on the tenant's behalf.
(b) Such notice shall state that the tenant or a member of the
tenant's household has experienced domestic violence and reasonably
believes the tenant, or the member of the tenant's household, is unable
to safely remain in the leased premises as a result of the domestic
violence.
(c) Within twenty-five days of such notice, the tenant shall provide
documentation demonstrating that the tenant or a member of the tenant's
household has been a victim of domestic violence as described in subdi-
vision one of this section. This documentation may include any one or
more of the following:
(i) A temporary or final order of protection issued by a court of
competent jurisdiction;
(ii) A record, complaint, or report from a federal, state, or local
law enforcement agency of an act of domestic violence as described in
section four hundred fifty-nine-a of the social services law or a family
offense as described in section eight hundred twelve of the family court
act, or certifying that the tenant or a member of the tenant's household
has been subjected to domestic violence;
(iii) A record from a health care provider for treatment related to
domestic violence as described in section four hundred fifty-nine-a of
the social services law or a family offense as described in section
eight hundred twelve of the family court act;
(iv) A written verification from any other qualified third party to
whom the tenant, or a member of the tenant's household reported the
domestic violence.
(A) "Qualified third party" shall include: any law enforcement offi-
cer; employee of a court of the state; attorney, physician, psychia-
trist, psychologist, social worker, registered nurse, therapist, or
clinical professional counselor licensed to practice in any state;
person employed by a government or non-profit agency or service that
advises or provides services to persons regarding domestic violence; or
any member of the clergy of a church or religious society or denomi-
nation.
(B) Written verification as described herein shall be satisfied by any
sworn or notarized statement including the required information.
(d) The following sample forms shall satisfy the notice and verifica-
tion requirements but are not required. These sample forms shall be
posted to the New York state unified court system's website, and shall
be made available in the state's family, civil, housing, criminal, and
supreme courts:

Part I. Tenant/Legal Occupant Statement

I, (insert name of tenant), state as follows:

A. 4267--A

(Choose the next part (A, B, or C) that most accurately describes your situation)

(A) I have been subject to domestic violence. Date(s) of recent incident(s) happened on or about:

(B) A member of my household has been subject to domestic violence. Date(s) of recent incident(s) happened on or about:

(C) Both I and at least one member of my household have been subject to domestic violence. Date(s) of recent incident(s) happened on or about:

The person I have asserted has perpetrated domestic violence is my co-tenant, and I cannot safely give notice of my termination to my co-tenant. (YES/NO)

I reasonably fear that I cannot safely remain in my current apartment. I hereby terminate my lease effective (date at least thirty days after this notice is delivered).

__________________________          ______________
(signature of tenant)                (date)

Acknowledgement

State of ____________________________

County of ___________________________

On the ______ day of ___________ in the year ______, before me, the undersigned notary public, personally appeared ______, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

__________________________
Notary Public

Part II. Qualified Third Party Statement

I, (insert name of qualified third party), state as follows:

My employer name/address/phone number/e-mail address are as follows:

I am:

A law enforcement officer employed by the (insert law enforcement agency).

An employee of ___________________________ court located in the state of ___________________________

An attorney licensed to practice in (insert name of state(s)).
A physician licensed to practice in (insert name of state(s)).
A psychiatrist licensed to practice in (insert name of state(s)).
A psychologist licensed to practice in (insert name of state(s)).
A social worker licensed to practice in (insert name of state(s)).
A nurse licensed to practice in (insert name of state(s)).
A therapist or clinical professional counselor licensed to practice in (insert name of state(s)).
Employed by a government or non-profit agency or service that advises persons regarding domestic violence or refers them to persons or agencies for services or advice.
A member of the clergy of a church or religious society or denomination.
Other (describe):

The person who signed the Tenant/Legal Occupant Statement above has stated to me that he/she/they, or a member of his/her/their household, has been subject to domestic violence.

This person further stated to me the incident(s) occurred on or about the date(s) stated above.

I understand that the person who signed the Tenant/Legal Occupant Statement may use this document as a basis for terminating a lease with the person’s lessor.

(name of qualified third party)

(signature of qualified third party)

(date)

Acknowledgement

State of }

County of }

On the day of in the year , before me, the undersigned notary public, personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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Notary Public

Part III. Statement of Interpretation/Translation

I am bilingual in English and and have translated or interpreted this document to the best of my ability for the signer above.
(name of interpreter/translator)

(signature of interpreter/translator)

(date)

Acknowledgement

State of

County of

On the __________ day of __________, in the year __________, before me, the undersigned notary public, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

3. Treatment of rent. (a) The tenant terminating the lease shall pay rent, pro-rata, up to the lease termination date pursuant to this section.

(b) The tenant terminating the lease shall be entitled to a refund for any prepaid rent or other payments covering the period after the effective date of the lease termination, as long as the tenant has vacated the premises. Such refund shall be provided within ten days of delivery of the written notice as outlined in subdivision two of this section.

(c) A tenant who meets the requirements in subdivision one of this section and submits proper notice pursuant to subdivision two of this section shall have a defense in any action brought by a landlord against such tenant to recover rent and/or damages for breach of lease and shall not be liable for any rent after the effective termination date.

(d) The lessor or owner may withhold a security deposit in part or in full to the extent allowed by the lease or statute, except for the early termination granted by this section, and shall not withhold any part of the security deposit due to the tenant’s exercise of rights under this section.

A. 4267--A

(e) Nothing in this section shall be construed to be a defense against an action for rent for a period of time before the tenant vacated the premises and gave notice as required in subdivision two of this section.

4. Co-tenants and other occupants. Upon termination:

(a) If the terminating tenant is the sole leaseholder, the premises shall be delivered to the lessor or owner:

(i) free of all tenants and occupants, provided that the terminating tenant shall not be responsible for ensuring that the abusive household member is not present; and

(ii) in accordance with the terms of the lease relating to delivery of the premises at the termination of the lease.

(b) If there are tenants on the lease other than the terminating tenant:

(i) the landlord shall not, except upon consent of such additional tenants, terminate or sever the co-tenancy. The landlord must provide the remaining tenant at least thirty days from the termination date to
decide whether to consent to a termination or severance.

(ii) The remaining co-tenant or co-tenants hold the right to add an additional occupant as defined by paragraph (b) of subdivision one of section two hundred thirty-five-f of this article.

5. Confidentiality provisions. (a) Unless the terminating tenant provides written authorization for the release of information or unless required by law, court order, or statute, the information shall not be released. Information that shall be kept confidential shall include information obtained during the process of the tenant terminating his or her lease in accordance with this section, such as: (i) the nature of the termination, (ii) the status of the tenant or member of the tenant's household as a victim of domestic violence, and (iii) any information contained in documentation provided to demonstrate status as a victim of domestic violence.

(b) Pursuant to this section, the landlord shall not divulge, describe, or characterize the termination of the rental agreement as an early termination by a current lessor to a prospective lessor or any third party.

6. Violations. (a) Landlords who knowingly, or intentionally violate any part of this section may be liable for liquidated damages, not to exceed one thousand dollars, actual damages, costs and attorneys' fees.

(b) Any agreement by a lessee or tenant of premises occupied for dwelling purposes waiving or modifying his or her rights as set forth in this section shall be void as contrary to public policy.

§ 2. This act shall take effect immediately.
### A02665 Summary:

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Establishes the right of tenants to call police or emergency assistance without fear of losing their housing as the result of landlord actions or local nuisance laws.

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### A02665 Memo:

NEW YORK STATE ASSEMBLY

8/6/2019, 12:54 PM
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER:  A2665A

SPONSOR:  Lavine (MS)

TITLE OF BILL:  An act to amend the civil rights law, in relation to
the right to call for police and emergency assistance and providing
victim protections

PURPOSE OF BILL:
This legislation will help ensure that victims of domestic violence and
crime victims can access police or emergency assistance without fear of
losing their housing.

SUMMARY OF PROVISIONS:
Section 1 of the bill creates a new Article 9 in the Civil Rights Law
that outlines rights and protections for domestic violence and other
crime victims in separate sections of the Article as follows. New
Section 90 of the Civil Rights Law relates to legislative findings.

New Section 91 of the Civil Rights Law provides any person who is a
victim of domestic violence or who otherwise believes that he or she is
in need of police or emergency assistance the right to request such
assistance without penalty or reprisal, by application of a local law or
ordinance, for accessing the assistance.

New Section 92 of the Civil Rights Law outlines exceptions to the
protections outlined in new section 91 of the Civil Rights Law. New
Section 93 of the Civil Rights Law outlines the rights of property
owners to be free of penalty for respecting the rights of an occupant to
request police or emergency assistance.

New Section 94 of the Civil Rights Law prohibits limitations on a
victim's rights under the article to request police or emergency assist-
ance.

New Section 95 of the Civil Rights Law creates defenses in local ordi-
nance enforcement actions by municipalities against property owners in
violation of the protections created under the Article. It also provides
for notice to residential occupants in such enforcement actions and
standing to contest application of the nuisance ordinance to their resi-
dence in the face of an eviction.

New Section 96 of the Civil Rights Law provides for the removal of the
perpetrator of violence while assuring continued occupancy by a victim.
New Section 97 of the Civil Rights Law creates remedies for any person
or entity aggrieved by a violation of the protections created under the
Article.

New Section 98 of the Civil Rights Law provides that seeking remedies or
relief under Article 9 will not diminish or impair the right of a person
to seek or receive any other relief, remedy or benefit under any other
applicable law or legal process.

Section 2 of the bill is the effective date.

LEGISLATIVE HISTORY:

Committed to Rules 2014; 2016 referred to Rules; 2017-18: Passed Assembly / Senate Housing

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None.

EFFECTIVE DATE:

Immediately and shall apply to all pending actions and proceedings.

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A02665 Text:

STATE OF NEW YORK

2665--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 24, 2019

Introduced by M. of A. LAVINE, LUPARDO, WEPRIN, L. ROSENTHAL, MOSLEY, BRONSON, PEOPLES-STOKES, TITUS, ABINANTI, FAHY, WALKER, ZEBROWSKI, RAIA, SEAWRIGHT, STECK, JAFFEE, GALEF, SOLAGES, OTIS, WEINSTEIN -- Multi-Sponsored by -- M. of A. PERRY, SIMON -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, in relation to the right to call for police and emergency assistance and providing victim protections

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

1. Section 1. Article 9 and sections 90 and 91 of the civil rights law, as renumbered by chapter 310 of the laws of 1962, are renumbered article 10 and sections 100 and 101, and a new article 9 is added to read as follows:

ARTICLE 9
RIGHT TO CALL POLICE AND EMERGENCY ASSISTANCE/VICTIM PROTECTIONS

8/6/2019, 12:54 PM
Section 90. Legislative findings.

91. Right to call for police and emergency assistance; victim protections.

92. Protections not applicable to breaches of lease, illicit activities or other violations of law.

93. Right of property owners to be free of penalty for respecting the rights of an occupant to request police or emergency assistance.

94. Limitation on right to request police or emergency assistance prohibited.

95. Defenses.

96. Removal of the perpetrator of violence while assuring continued occupancy by victim.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [---] is old law to be omitted.

A. 2665--A

97. Remedies.

98. Availability of remedies.

§ 90. Legislative findings. No victim of domestic violence, or other person threatened with violence or in jeopardy of harm, should fail to access police or emergency assistance when needed because of the fear that doing so may result in losing their housing through eviction or other actions to remove them from the property. Some local laws or policies have the effect of treating such requests for police or emergency aid as a disturbance constituting a "public nuisance" or otherwise treating the individual faced with the violence in need of assistance as an undesirable tenant or undesirable influence on the neighborhood based upon a call for help to their home. Legislation is needed to assure that victims of violence or threats of harm or violence are not penalized in relation to any law enforcement activity and intervention necessary to address offender accountability and victim safety.

Municipalities throughout the state have increasingly begun to adopt local laws and ordinances to address public nuisances or other intrusions on the quiet enjoyment of their residents and communities. Despite their intent to aid communities, overly broad ordinances have instead had a harmful chilling effect deterring victims of violence and crime from accessing police assistance and have jeopardized public safety. They also can unfairly penalize landlords when their tenants need emergency assistance. Courts in New York and other states have found such public ordinances to be unconstitutional because of these harms. Moreover, the U.S. Department of Housing and Urban Development issued guidance in 2016 on how these ordinances can violate the Fair Housing Act's prohibitions on discrimination based on sex, race, disability, and national origin.

Given the negative impact that certain provisions have on the community at large, and to victims of crime in particular, remedial legislation is necessary that will both protect the rights of domestic violence and crime victims and others to access essential police and emergency assistance, as well as preserve the locality's right to address conduct that may undermine the community's safety or integrity.

The legislature therefore finds that it is desirable to clarify the law in this area in order to protect people from violence and crime.

The legislature further finds that there is a need to assure that victims of violence, including persons threatened with harm or violence, have a clear right to access assistance to protect personal or public safety.

The legislature further finds that clarification in this area will advance the state's interest in stopping crime and further the aims of penal laws that depend on citizens to report incidents of crime to law enforcement.
enforcement.

The legislature finally finds that there is a need to assure that people who need emergency assistance, including persons with disabilities, have a clear right to access assistance without fear of penalty or reprisal.

With this remedial legislation the legislature specifically intends that the coverage of this article includes, but is not limited to, laws or ordinances that use any form of cumulative point system for the purpose of identifying any persons or properties who or which would be subject to municipal enforcement action.

§ 91. Right to call for police and emergency assistance; victim protections. 1. Any person who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law,

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or who otherwise believes they are in need of police or emergency assistance has the right to request such assistance and to be free of any direct or indirect penalty or reprisal for accessing assistance, or because they reside at a property where domestic violence or other law enforcement or emergency response occurred. Other than as provided in section ninety-two of this article, no victim of conduct which has been used as the grounds for the application of a local law or ordinance established for the purpose of regulating nuisances shall be directly or indirectly penalized, or otherwise subject to reprisal by application of such local law, including by termination or refusal to renew a tenancy or by eviction. These protections shall also extend to any residential occupant upon whose behalf a third party has called for police or emergency assistance.

2. No residential occupant shall be required, either orally or in writing, to waive rights under this article, and any such waiver shall be void and unenforceable.

§ 92. Protections not applicable to breaches of lease, illicit activities or other violations of law. The protections of this article shall not be deemed to prohibit a municipality from enforcing an ordinance or local law, nor restrict a landlord from terminating, evicting or refusing to renew a tenancy, when such action is premised upon grounds other than access of police or emergency assistance or is otherwise premised on conduct unrelated to the residential occupant’s status as a target or victim of violence or harm.

§ 93. Right of property owners to be free of penalty for respecting the rights of an occupant to request police or emergency assistance. No landlord or other property owner shall be subject to fines or loss of permits or licenses by a municipality for failing to penalize or take steps to remove an occupant who has exercised rights under this article.

§ 94. Limitation on right to request police or emergency assistance prohibited. A municipality, municipal authority, landlord or property owner shall not prohibit, restrict, penalize or in any other way directly or indirectly limit any person’s exercise of rights under this article and any such limitation shall be void as contrary to public policy. The protections of this prohibition shall extend to any residential occupant upon whose behalf a third party has called for police or emergency assistance.

§ 95. Defenses. 1. It is a defense to any judicial or administrative action or proceeding taken by any municipality or municipal authority enforcing any local law or ordinance that the enforcement action directly or indirectly penalizes a residential occupant or property owner for the exercise of rights under this article. Prior to initiation of any such enforcement action or proceeding all parties and any residential occupant that may be so impacted shall be given written notice by the municipality of the protections of this article and shall have the right to be heard in the action or proceeding to advance the defenses provided by this article.

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2. It is a defense in any action or proceeding by a landlord or other owner of real property to regain possession of that property that the action or proceeding directly or indirectly penalizes a residential occupant for the exercise of rights under this article. Any residential occupant whose right to continued occupancy may be impacted by the action or proceeding shall be given written notice of the action or proceeding and the protections of this article by the party initiating the action or proceeding. The residential occupant shall have the right to appear as a necessary party in accordance with the provisions of the civil practice law and rules and the real property actions and proceedings law in order to advance the defenses provided by this article.

§ 96. Removal of the perpetrator of violence while assuring continued occupancy by victim. Actions including termination, eviction or refusal to renew a leasehold interest or termination of any other form of lawful occupancy through a judicial proceeding may be carried out against the perpetrator of such violence or harm. Notwithstanding the terms of an existing lease, written or oral, or other form of occupancy agreement, any person with rights described in section ninety-one of this article shall have the right to continue in occupancy, and the court may so order, for a term equivalent to the balance of the original term and under the same terms and conditions as provided in the original lease or occupancy agreement.

§ 97. Remedies. Any person or entity aggrieved by a violation of the protections created by this article shall have the right to bring an action or special proceeding in a court of appropriate jurisdiction to seek damages and/or declaratory and injunctive relief or any other remedies as provided by law with respect to such violation. A prevailing plaintiff may be entitled to an award of costs and attorney's fees.

§ 98. Availability of remedies. Seeking legal remedies or relief under this article shall not diminish or impair the right of a person to seek or receive any other relief, remedy or benefit under any other applicable law or legal process.

§ 2. This act shall take effect immediately and shall apply to all pending actions and proceedings.

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