

State legislators pass bill to increase tenant protections against unscrupulous landlords

Landlords who harass tenants could face up to four years in prison under the new laws

By **Caroline Spivack** | Apr 10, 2019, 4:58pm EDT



Apartment buildings on the Bowery in Manhattan. | Getty Images

State lawmakers have passed legislation that makes it easier for prosecutors to pursue unscrupulous landlords who harass rent-regulated tenants by lowering the legal standard to prove harassment.

On Wednesday, the state Senate passed the [Tenant Protection Act of 2019](#) that will amend the state's Penal Law to lower the inexplicably high legal bar for landlords to face prosecution for tactics such as turning off heat and hot water, exposing residents to hazardous materials, and making rent-stabilized buildings deliberately uninhabitable. Lawmakers in the state Assembly already passed the bill, and now it heads to Gov. Andrew Cuomo's desk for a signature.

“As the law stands now, it is nearly impossible for criminal charges to be filed against even the worst offenders,” said state Senator Liz Krueger, who represents the Upper East Side and is a sponsor of the legislation. “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.”

Under existing law, criminal charges cannot be pursued unless prosecutors can prove that the offending landlord intended to push tenants out of their homes and that those residents incurred physical harm due to the property owner's deliberate actions. The legal standard is so difficult to meet, not a single landlord has ever been convicted of the crime of harassment of a rent regulated tenant in the state, according to analysis by the New York State Division of Criminal Justice Services of data from the state Attorney General's office.

The new bill eliminates the need for attorneys to prove that a tenant has suffered physical injury. It also creates a new class A misdemeanor—the most serious misdemeanor classification—that would apply to landlords, who with intent to force a tenant out of their unit, act in a way that “impairs the habitability” of the housing or is reasonably likely to “interfere with or disturb the comfort, repose, peace or quiet” of a tenant in their home. The offense carries a sentence of up to one year of jail time.

The legislation's passage in both the senate and assembly is a major step in strengthening tenant protections for New Yorkers, said one Assembly member.

“In an effort to get market-value rents, landlords have gone to great lengths to force rent-regulated tenants out of their homes,” said Assembly member Joseph Lentol, who represents Greenpoint and Williamsburg and also sponsored the act. “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.”

Class E felony offenses are also expanded under the bill to make it unlawful for landlords who make a concerted effort to push out two or more tenants in separate rent-regulated apartments by making units unlivable—with a penalty of up to four years in state prison. The legislation also makes it a class E felony for a landlord to commit the new class A misdemeanor after the owner has already been convicted of that level of crime.