S T A T E O F N E W Y O R K

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I N A S S E M B L Y

February 24, 2010

Introduced by M. of A. GOTTFRIED, ROSENTHAL, KELLNER, GLICK, COLTON, REILLY, CHRISTENSEN, ESPAILLAT, O'DONNELL, MILLMAN, BARRON -- Multi-Sponsored by -- M. of A. BING, BOYLAND, BRENNAN, HEVESI, JAFFEE, KOLB, McDONOUGH, McKEVITT, NOLAN -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the multiple dwelling law and the administrative code of the city of New York, in relation to clarifying certain provisions relating to occupancy of class A multiple dwellings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph a of subdivision 8 of section 4 of the multiple dwelling law, as amended by chapter 562 of the laws of 1954, is amended to read as follows:

a. A "class A" multiple dwelling is a multiple dwelling [which] THAT is occupied[, as a rule,] for permanent residence purposes. This class shall include tenements, flat houses, maisonette apartments, apartment houses, apartment hotels, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments, garden-type maisonette dwelling projects, and all other multiple dwellings except class B multiple dwellings. A CLASS A MULTIPLE DWELLING SHALL ONLY BE USED FOR PERMANENT RESIDENCE PURPOSES. FOR THE PURPOSES OF THIS DEFINITION, "PERMANENT RESIDENCE PURPOSES" SHALL CONSIST OF OCCUPANCY OF A DWELLING UNIT BY THE SAME NATURAL PERSON OR FAMILY FOR THIRTY CONSECUTIVE DAYS OR MORE AND A PERSON OR FAMILY SO OCCUPYING A DWELLING UNIT SHALL BE REFERRED TO HEREIN AS THE PERMANENT OCCUPANTS OF SUCH DWELLING UNIT. THE FOLLOWING USES OF A DWELLING UNIT BY THE PERMANENT OCCUPANTS THEREOF SHALL NOT BE DEEMED TO BE INCONSISTENT WITH THE OCCUPANCY OF SUCH DWELLING UNIT FOR PERMANENT RESIDENCE PURPOSES:

(1) (A) OCCUPANCY OF SUCH DWELLING UNIT FOR FEWER THAN THIRTY CONSECUTIVE DAYS BY OTHER NATURAL PERSONS LIVING WITHIN THE HOUSEHOLD OF THE

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

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PERMANENT OCCUPANT SUCH AS HOUSE GUESTS OR LAWFUL BOARDERS, ROOMERS OR LODGERS; OR

(B) INCIDENTAL AND OCCASIONAL OCCUPANCY OF SUCH DWELLING UNIT FOR FEWER THAN THIRTY CONSECUTIVE DAYS BY OTHER NATURAL PERSONS WHEN THE PERMANENT OCCUPANTS ARE TEMPORARILY ABSENT FOR PERSONAL REASONS SUCH AS VACATION OR MEDICAL TREATMENT, PROVIDED THAT THERE IS NO MONETARY COMPENSATION PAID TO THE PERMANENT OCCUPANTS FOR SUCH OCCUPANCY.

(2) IN A CLASS A MULTIPLE DWELLING OWNED BY AN ACCREDITED NOT-FOR-PROFIT COLLEGE OR UNIVERSITY OR LEASED BY SUCH A COLLEGE OR UNIVERSITY UNDER A NET LEASE FOR A TERM OF FORTY-NINE YEARS OR MORE, THE USE OF DESIGNATED DWELLING UNITS FOR OCCUPANCY FOR FEWER THAN THIRTY CONSECUTIVE DAYS SHALL NOT BE INCONSISTENT WITH THE OCCUPANCY OF SUCH MULTIPLE DWELLING FOR PERMANENT RESIDENCE PURPOSES IF:

(A) NO MORE THAN FIVE PERCENT OF THE DWELLING UNITS IN SUCH MULTIPLE DWELLING BUT NOT LESS THAN ONE DWELLING UNIT, ARE DESIGNATED FOR SUCH USE AND THE DESIGNATION OF A UNIT ONCE MADE MAY NOT BE CHANGED TO ANOTHER UNIT;

(B) A LIST OF THE DESIGNATED DWELLING UNITS CERTIFIED BY AN AUTHORIZED REPRESENTATIVE OF THE COLLEGE OR UNIVERSITY IS KEPT ON THE PREMISES BY THE OWNER OR NET LESSEE AND MADE AVAILABLE UPON REQUEST FOR INSPECTION BY THE DEPARTMENT OR THE FIRE DEPARTMENT OF SUCH CITY;

(C) ONLY DESIGNATED DWELLING UNITS ON THE CERTIFIED LIST ARE USED FOR OCCUPANCY FOR FEWER THAN THIRTY CONSECUTIVE DAYS AND ONLY BY (I) NATURAL PERSONS, OTHER THAN PERSONS WHOSE ONLY RELATIONSHIP WITH THE COLLEGE OR UNIVERSITY IS AS A STUDENT, FOR WHOM THE COLLEGE OR UNIVERSITY HAS UNDERTAKEN TO PROVIDE HOUSING ACCOMMODATIONS SUCH AS VISITING PROFESSORS AND ACADEMICS, GRADUATE STUDENTS WITH RESEARCH OR TEACHING FELLOWSHIPS, RESEARCHERS AND PERSONS PRESENTING ACADEMIC PAPERS, INTERVIEWING FOR POSITIONS OF EMPLOYMENT OR HAVING OTHER SIMILAR BUSINESS WITH THE COLLEGE OR UNIVERSITY, OR (II) NATURAL PERSONS FOR WHOM A HOSPITAL AFFILIATED WITH SUCH COLLEGE OR UNIVERSITY HAS UNDERTAKEN TO PROVIDE HOUSING ACCOMMODATIONS SUCH AS PATIENTS, PATIENTS' FAMILIES AND/OR ACCOMPANYING ESCORTS, MEDICAL PROFESSIONALS AND HEALTHCARE CONSULTANTS OR PERSONS HAVING OTHER SIMILAR BUSINESS WITH SUCH HOSPITAL. A LOG SHALL BE MAINTAINED ON THE PREMISES OF THE NAMES AND ADDRESSES OF SUCH PERSONS AND THE DURATION AND REASON FOR THEIR STAY. SUCH LOG SHALL BE ACCESSIBLE UPON REQUEST FOR INSPECTION BY THE DEPARTMENT AND THE FIRE DEPARTMENT OF SUCH MUNICIPALITY;

(D) NO RENT OR OTHER PAYMENT IS COLLECTED FOR SUCH OCCUPANCY; AND

(E) THE FIRE DEPARTMENT OF SUCH CITY SHALL REQUIRE THE FILING OF A FIRE SAFETY PLAN OR OTHER APPROPRIATE FIRE SAFETY PROCEDURE.

S 2. Section 67 of the multiple dwelling law is amended by adding a new subdivision 16 to read as follows:

16. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WITHIN A DWELLING TO WHICH THIS SECTION IS APPLICABLE THE USE OF DWELLING UNITS AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES, AS DEFINED IN PARAGRAPH A OF SUBDIVISION EIGHT OF SECTION FOUR OF THIS CHAPTER, THAT WOULD OTHERWISE BE PROHIBITED SHALL BE PERMITTED TO CONTINUE FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION PROVIDED THAT:

(1) SUCH DWELLING UNITS WERE USED FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON JANUARY FIRST, TWO THOUSAND NINE AND ON THE EFFECTIVE DATE OF THIS SUBDIVISION AND FIFTY-ONE PERCENT OR MORE OF THE TOTAL NUMBER OF DWELLING UNITS IN SUCH DWELLING WERE USED FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON SUCH DATES;

(2) SUCH DWELLING WAS OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE;

(3) SUCH DWELLING IS OF FIREPROOF CONSTRUCTION AND WAS OF FIREPROOF CONSTRUCTION ON JANUARY FIRST, TWO THOUSAND NINE;

(4) SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE PURPOSES HAVE AT LEAST TWO LAWFUL MEANS OF EGRESS, INCLUDING EXIT STAIRS, FIRE TOWERS OR EXTERIOR STAIRS BUT EXCLUDING FIRE ESCAPES AND HAD SUCH LAWFUL MEANS OF EGRESS ON JANUARY FIRST, TWO THOUSAND NINE;

(5) SUCH DWELLING HAS OPERATIONAL EXIT SIGNS AND A FIRE ALARM SYSTEM COMPLYING WITH THE PROVISIONS FOR EXISTING TRANSIENT OCCUPANCIES IN ACCORDANCE WITH LOCAL LAW AND HAD SUCH EXIT SIGNS AND FIRE ALARM SYSTEM ON JANUARY FIRST, TWO THOUSAND NINE; AND

(6) SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ARE REGISTERED WITH THE DEPARTMENT WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION IN A FORM AND MANNER TO BE PROVIDED BY SUCH DEPARTMENT, INCLUDING A REQUIREMENT THAT THE APPLICANT SUBMIT CERTIFICATION OF COMPLIANCE WITH SUBPARAGRAPHS THREE, FOUR AND FIVE OF THIS PARAGRAPH, SIGNED AND SEALED BY A REGISTERED ARCHITECT OR LICENSED PROFESSIONAL ENGINEER IN GOOD STANDING UNDER THE EDUCATION LAW. THE DEPARTMENT MAY ASSESS FEES TO COVER ALL COSTS ASSOCIATED WITH SUCH REGISTRATION. THE DEPARTMENT MAY REFUSE TO REGISTER DWELLING UNITS OR MAY REVOKE SUCH REGISTRATION IF IT DETERMINES SUCH DWELLING UNITS OR DWELLING DO NOT COMPLY WITH THE CONDITIONS FOR REGISTRATION SET FORTH IN SUBPARAGRAPHS ONE THROUGH FIVE OF THIS PARAGRAPH.

B. THE OWNER SHALL OBTAIN A CERTIFICATE OF OCCUPANCY FOR THE USE OF REGISTERED DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION. UPON APPLICATION PRIOR TO THE EXPIRATION OF SUCH TWO YEAR PERIOD, THE DEPARTMENT MAY, FOR GOOD CAUSE, EXTEND SUCH TIME FOR UP TO ONE ADDITIONAL YEAR BUT NO SUCH EXTENSION SHALL BE GRANTED UNLESS THE DEPARTMENT FINDS THAT:

(1) THE OWNER HAS OBTAINED THE NECESSARY PERMIT OR PERMITS FOR ALL WORK NECESSARY TO BRING SUCH DWELLING INTO COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES;

(2) ALL CONSTRUCTION AUTHORIZED BY SUCH PERMIT OR PERMITS HAS BEEN SUBSTANTIALLY COMPLETED; AND

(3) THERE ARE NO CONSIDERATIONS OF PUBLIC SAFETY, HEALTH AND WELFARE THAT HAVE BECOME APPARENT SINCE THE ISSUANCE OF THE ABOVE DESCRIBED PERMIT OR PERMITS THAT INDICATE AN OVERRIDING BENEFIT TO THE PUBLIC IN ENFORCING THE REQUIREMENT THAT THE APPLICANT OBTAIN A CERTIFICATE OF OCCUPANCY FOR THE USE OF REGISTERED DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

C. UPON APPLICATION PRIOR TO THE EXPIRATION OF THE TIME FOR OBTAINING A CERTIFICATE OF OCCUPANCY, AS EXTENDED BY THE DEPARTMENT PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION, THE BOARD OF STANDARDS AND APPEALS MAY GRANT FURTHER EXTENSIONS OF TIME TO OBTAIN A CERTIFICATE OF OCCUPANCY IN A CASE WHERE THERE ARE CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL OR HARDSHIP IN THE WAY OF OBTAINING SUCH CERTIFICATE WITHIN THE TIME ALLOWED BY THE DEPARTMENT BUT NO MORE THAN TWO SUCH EXTENSIONS OF ONE YEAR EACH SHALL BE GRANTED FOR A BUILDING AND NO SUCH EXTENSION SHALL BE GRANTED UNLESS THE BOARD FINDS THAT THERE ARE NO OUTSTANDING BUILDING OR FIRE CODE VIOLATIONS OF RECORD AT THE PROPERTY.

D. THE DEPARTMENT SHALL ISSUE SUCH CERTIFICATE OF OCCUPANCY UPON PROOF THAT SAID DWELLING CONFORMS IN ALL RESPECTS TO THE REQUIREMENTS OF THIS CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE USE OF

DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES. IF NO SUCH CERTIFICATE OF OCCUPANCY IS ISSUED WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION OR, IF APPLICABLE, WITHIN THE TIME AS EXTENDED BY THE DEPARTMENT OR AS FURTHER EXTENDED BY THE BOARD OF STANDARDS AND APPEALS, ALL USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES SHALL THEREAFTER CEASE.

E. IF AFTER A CERTIFICATE OF OCCUPANCY IS ISSUED PURSUANT TO PARAGRAPH D OF THIS SUBDIVISION, THE USE OF SUCH DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES IS DISCONTINUED, NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO LIMIT THE APPLICATION OF THE LOCAL ZONING RESOLUTION WITH RESPECT TO SUCH DISCONTINUANCE.

S 3. Article 4 of the multiple dwelling law is amended by adding a new title 3 to read as follows:

## TITLE 3
## CERTAIN CLASS A MULTIPLE DWELLINGS ERECTED PRIOR TO DECEMBER 15, 1961

### SECTION 120. USE OF DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR OTHER THAN PERMANENT RESIDENCE PURPOSES.

S 120. USE OF DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR OTHER THAN PERMANENT RESIDENCE PURPOSES. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WITHIN A CLASS A MULTIPLE DWELLING TO WHICH THIS ARTICLE IS APPLICABLE THE USE OF DWELLING UNITS AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES, AS DEFINED IN PARAGRAPH A OF SUBDIVISION EIGHT OF SECTION FOUR OF THIS CHAPTER, THAT WOULD OTHERWISE BE PROHIBITED SHALL BE PERMITTED TO CONTINUE FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION PROVIDED THAT:

A. SUCH DWELLING UNITS WERE USED FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON JANUARY FIRST, TWO THOUSAND NINE AND ON THE EFFECTIVE DATE OF THIS SUBDIVISION AND FIFTY-ONE PERCENT OR MORE OF THE TOTAL NUMBER OF DWELLING UNITS IN SUCH DWELLING WERE USED FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON SUCH DATES;

B. (1) SUCH DWELLING WAS INITIALLY CONSTRUCTED AS AND IDENTIFIED ON ITS INITIAL CERTIFICATE OF OCCUPANCY AS "APARTMENT HOTEL" OR "CLASS A HOTEL" AND OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE OR, IF SUCH DWELLING WAS UNDER CONSTRUCTION AND NOT YET COMPLETE ON SUCH DATE, WAS OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES AT THE TIME THE DWELLING WAS COMPLETED, OR (2) SUCH DWELLING IS IN ZONING DISTRICT C5 AS DESIGNATED IN THE NEW YORK CITY ZONING RESOLUTION AND WAS INITIALLY CONSTRUCTED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES PRIOR TO DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE AND OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE, OR (3) SUCH DWELLING (A) IS WITHIN TWELVE HUNDRED FEET OF ZONING DISTRICT C5 AS DESIGNATED IN THE NEW YORK CITY ZONING RESOLUTION, (B) WAS INITIALLY CONSTRUCTED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES IN ACCORDANCE WITH A PERMIT THAT WAS ISSUED PRIOR TO DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE, AND (C) WAS COMPLETED AFTER DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE AND WAS INITIALLY OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES;

C. SUCH DWELLING IS OF FIREPROOF CONSTRUCTION AND WAS OF FIREPROOF CONSTRUCTION ON JANUARY FIRST, TWO THOUSAND NINE;

D. SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE PURPOSES HAVE AT LEAST TWO LAWFUL MEANS OF EGRESS, INCLUDING EXIT

STAIRS, FIRE TOWERS OR EXTERIOR STAIRS BUT EXCLUDING FIRE ESCAPES AND HAD SUCH LAWFUL MEANS OF EGRESS ON JANUARY FIRST, TWO THOUSAND NINE;

E. SUCH DWELLING HAS OPERATIONAL EXIST SIGNS AND A FIRE ALARM SYSTEM COMPLYING WITH THE PROVISIONS FOR EXISTING TRANSIENT OCCUPANCIES IN ACCORDANCE WITH LOCAL LAW AND HAD SUCH EXIT SIGNS AND FIRE ALARM SYSTEM ON JANUARY FIRST, TWO THOUSAND NINE; AND

F. SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ARE REGISTERED WITH THE DEPARTMENT WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION IN A FORM AND MANNER TO BE PROVIDED BY SUCH DEPARTMENT, INCLUDING A REQUIREMENT THAT THE APPLICANT SUBMIT CERTIFICATION OF COMPLIANCE WITH PARAGRAPHS D AND E OF THIS SUBDIVISION, SIGNED AND SEALED BY A REGISTERED ARCHITECT OR LICENSED PROFESSIONAL ENGINEER IN GOOD STANDING UNDER THE EDUCATION LAW. THE DEPARTMENT MAY ASSESS FEES TO COVER ALL COSTS ASSOCIATED WITH SUCH REGISTRATION. THE DEPARTMENT MAY REFUSE TO REGISTER DWELLING UNITS OR MAY REVOKE SUCH REGISTRATION IF IT DETERMINES SUCH DWELLING UNITS OR DWELLING DO NOT COMPLY WITH THE CONDITIONS FOR REGISTRATION SET FORTH IN PARAGRAPHS A THROUGH E OF THIS SUBDIVISION.

2. THE OWNER SHALL OBTAIN A CERTIFICATE OF OCCUPANCY FOR THE USE OF REGISTERED DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION. UPON APPLICATION PRIOR TO THE EXPIRATION OF SUCH TWO YEAR PERIOD, THE DEPARTMENT MAY, FOR GOOD CAUSE, EXTEND SUCH TIME FOR UP TO ONE ADDITIONAL YEAR BUT NO SUCH EXTENSION SHALL BE GRANTED UNLESS THE DEPARTMENT FINDS THAT:

A. THE OWNER HAS OBTAINED THE NECESSARY PERMIT OR PERMITS FOR ALL WORK NECESSARY TO BRING SUCH DWELLING INTO COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES;

B. ALL CONSTRUCTION AUTHORIZED BY SUCH PERMIT OR PERMITS HAS BEEN SUBSTANTIALLY COMPLETED; AND

C. THERE ARE NO CONSIDERATIONS OF PUBLIC SAFETY, HEALTH AND WELFARE THAT HAVE BECOME APPARENT SINCE THE ISSUANCE OF THE ABOVE DESCRIBED PERMIT OR PERMITS THAT INDICATE AN OVERRIDING BENEFIT TO THE PUBLIC IN ENFORCING THE REQUIREMENT THAT THE APPLICANT OBTAIN A CERTIFICATE OF OCCUPANCY FOR THE USE OF REGISTERED DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION.

3. UPON APPLICATION PRIOR TO THE EXPIRATION OF THE TIME FOR OBTAINING A CERTIFICATE OF OCCUPANCY, AS EXTENDED BY THE DEPARTMENT PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE BOARD OF STANDARDS AND APPEALS MAY GRANT FURTHER EXTENSIONS OF TIME TO OBTAIN A CERTIFICATE OF OCCUPANCY IN A CASE WHERE THERE ARE CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL OR HARDSHIP IN THE WAY OF OBTAINING SUCH CERTIFICATE WITHIN THE TIME ALLOWED BY THE DEPARTMENT BUT NO MORE THAN TWO SUCH EXTENSIONS OF ONE YEAR EACH SHALL BE GRANTED FOR A BUILDING AND NO SUCH EXTENSION SHALL BE GRANTED UNLESS THE BOARD FINDS THAT THERE ARE NO OUTSTANDING BUILDING OR FIRE CODE VIOLATIONS OF RECORD AT THE PROPERTY.

4. THE DEPARTMENT SHALL ISSUE SUCH CERTIFICATE OF OCCUPANCY UPON PROOF THAT SAID DWELLING CONFORMS IN ALL RESPECTS TO THE REQUIREMENTS OF THIS CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES. IF NO SUCH CERTIFICATE OF OCCUPANCY IS ISSUED WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION OR, IF APPLICABLE, WITHIN THE TIME AS EXTENDED BY THE DEPARTMENT OR AS FURTHER EXTENDED BY THE BOARD OF STANDARDS AND APPEALS, ALL USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES SHALL THEREAFTER CEASE.

5. IF AFTER A CERTIFICATE OF OCCUPANCY IS ISSUED PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, THE USE OF SUCH DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES IS DISCONTINUED, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE APPLICATION OF THE LOCAL ZONING RESOLUTION WITH RESPECT TO SUCH DISCONTINUANCE.

S 4. Subdivisions 1 and 16 of section 248 of the multiple dwelling law, subdivision 1 as amended by chapter 116 of the laws of 1950, are amended to read as follows:

1. It shall be unlawful to occupy any frame multiple dwelling for single room occupancy. It shall be unlawful to occupy any other existing class A dwelling or part thereof as a rooming house or furnished room house or for single room occupancy unless such dwelling or part shall conform to the provisions of this section and to such other provisions of this chapter as were applicable to such dwelling before such conversion. This section shall not be construed to prohibit the letting by a family of one or more rooms within their apartment to not more than a total of four boarders, roomers or lodgers provided, however, that every room in such apartment shall have free and unobstructed access to each required exit from such apartment as required by the provisions of paragraphs a, b and c of subdivision four of this section. A dwelling occupied pursuant to this section shall be deemed a class A dwelling AND DWELLING UNITS OCCUPIED PURSUANT TO THIS SECTION SHALL BE OCCUPIED FOR PERMANENT RESIDENCE PURPOSES, AS DEFINED IN PARAGRAPH A OF SUBDIVISION EIGHT OF SECTION FOUR OF THIS CHAPTER.

[16. It shall be unlawful to rent any room in any such dwelling for a period of less than a week.]

S 5. Section 27-265 of the administrative code of the city of New York is amended to read as follows:

S 27-265 Occupancy group J-2. Shall include buildings with three or more dwelling units that are [primarily occupied for the shelter and sleeping accommodation of individuals on a month-to-month or longer-term basis] OCCUPIED FOR PERMANENT RESIDENCE PURPOSES AS DEFINED IN SUBPARAGRAPH (A) OF PARAGRAPH EIGHT OF SUBDIVISION A OF SECTION 27-2004 OF THE HOUSING MAINTENANCE CODE.

S 6. Section 310.1.2 of BC 310 of the New York City building code of chapter 7 of title 28 of the administrative code of the city of New York, as added by local law number 33 of the city of New York for the year 2007, is amended to read as follows:

310.1.2 Group R-2. This occupancy shall include buildings or portions thereof containing sleeping units or more than two dwelling units that are occupied[, as a rule, for shelter and sleeping accommodation on a long-term basis for a month or more at a time] FOR PERMANENT RESIDENCE PURPOSES AS DEFINED IN SUBPARAGRAPH (A) OF PARAGRAPH EIGHT OF SUBDIVISION A OF SECTION 27-2004 OF THE NEW YORK CITY HOUSING MAINTENANCE CODE. Such occupancy shall be subject to the New York State Multiple Dwelling Law. This group shall include, but not be limited to, the following:

Adult homes or enriched housing with 16 or fewer occupants requiring supervised care on a 24-hour basis in the same building, provided that the number of occupants per dwelling unit does not exceed the definition of a family

Apartment houses

Apartment hotels (nontransient)

Class A multiple dwellings as defined in Section 27-2004 of the New York City Housing Maintenance Code and Section 4 of the New York State Multiple Dwelling Law, including the following:

1. Dwelling units where the resident of the unit provides custodial care to no more than four persons on less than a 24-hour basis and not overnight.

2. Dwelling units where the resident of the unit provides child custodial care as a family day care home registered with the New York City Department of Health and Mental Hygiene in accordance with the New York State Social Services Law with no more than six children between the ages of 2 and 13, or with no more than five children if any are under the age of 2, receiving supervised care on less than a 24-hour basis and not overnight.

Exception: Class A multiple dwellings classified in Group I-1.

Convents and monasteries with more than 20 occupants in the building

Student apartments

S 7. Subparagraph (a) of paragraph 8 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended to read as follows:

(a) A class A multiple dwelling is a multiple dwelling [which] THAT is occupied[, as a rule,] for permanent residence purposes. This class shall include tenements, flat houses, maisonette apartments, apartment houses, apartment hotels, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments, garden-type maisonette dwelling projects, and all other multiple dwellings except class B multiple dwellings. A CLASS A MULTIPLE DWELLING SHALL ONLY BE USED FOR PERMANENT RESIDENCE PURPOSES. FOR THE PURPOSES OF THIS SUBPARAGRAPH, "PERMANENT RESIDENCE PURPOSES" SHALL CONSIST OF OCCUPANCY OF A DWELLING UNIT BY THE SAME NATURAL PERSON OR FAMILY FOR THIRTY CONSECUTIVE DAYS OR MORE, AND A NATURAL PERSON OR FAMILY SO OCCUPYING A DWELLING UNIT SHALL BE REFERRED TO HEREIN AS THE PERMANENT OCCUPANTS OF SUCH DWELLING UNIT. THE FOLLOWING USES OF A DWELLING UNIT BY THE PERMANENT OCCUPANTS THEREOF SHALL NOT BE DEEMED TO BE INCONSISTENT WITH OCCUPANCY OF SUCH DWELLING UNIT FOR PERMANENT RESIDENCE PURPOSES:

(1) (A) OCCUPANCY OF SUCH DWELLING UNIT FOR FEWER THAN THIRTY CONSECUTIVE DAYS BY OTHER NATURAL PERSONS LIVING WITHIN THE HOUSEHOLD OF THE PERMANENT OCCUPANT SUCH AS HOUSE GUESTS OR LAWFUL BOARDERS, ROOMERS OR LODGERS; OR

(B) INCIDENTAL AND OCCASIONAL OCCUPANCY OF SUCH DWELLING UNIT FOR FEWER THAN THIRTY CONSECUTIVE DAYS BY OTHER NATURAL PERSONS WHEN THE PERMANENT OCCUPANTS ARE TEMPORARILY ABSENT FOR PERSONAL REASONS SUCH AS VACATION OR MEDICAL TREATMENT, PROVIDED THAT THERE IS NO MONETARY COMPENSATION PAID TO THE PERMANENT OCCUPANTS FOR SUCH OCCUPANCY.

(2) IN A CLASS A MULTIPLE DWELLING OWNED BY AN ACCREDITED NOT-FOR-PROFIT COLLEGE OR UNIVERSITY OR LEASED BY SUCH A COLLEGE OR UNIVERSITY UNDER A NET LEASE FOR A TERM OF FORTY-NINE YEARS OR MORE, THE USE OF DESIGNATED DWELLING UNITS FOR OCCUPANCY FOR FEWER THAN THIRTY CONSECUTIVE DAYS SHALL NOT BE INCONSISTENT WITH THE OCCUPANCY OF SUCH MULTIPLE DWELLING FOR PERMANENT RESIDENCE PURPOSES IF:

(A) NO MORE THAN FIVE PERCENT OF THE DWELLING UNITS IN SUCH MULTIPLE DWELLING BUT NOT LESS THAN ONE DWELLING UNIT, ARE DESIGNATED FOR SUCH USE AND THE DESIGNATION OF A UNIT ONCE MADE MAY NOT BE CHANGED TO ANOTHER UNIT;

(B) A LIST OF THE DESIGNATED DWELLING UNITS CERTIFIED BY AN AUTHORIZED REPRESENTATIVE OF THE COLLEGE OR UNIVERSITY IS KEPT ON THE PREMISES BY THE OWNER OR NET LESSEE AND MADE AVAILABLE UPON REQUEST FOR INSPECTION BY THE DEPARTMENT OR THE FIRE DEPARTMENT OF SUCH CITY;

(C) ONLY DESIGNATED DWELLING UNITS ON THE CERTIFIED LIST ARE USED FOR OCCUPANCY FOR FEWER THAN THIRTY CONSECUTIVE DAYS AND ONLY BY (I) NATURAL

PERSONS, OTHER THAN PERSONS WHOSE ONLY RELATIONSHIP WITH THE COLLEGE OR UNIVERSITY IS AS A STUDENT, FOR WHOM THE COLLEGE OR UNIVERSITY HAS UNDERTAKEN TO PROVIDE HOUSING ACCOMMODATIONS SUCH AS VISITING PROFESSORS AND ACADEMICS, GRADUATE STUDENTS WITH RESEARCH OR TEACHING FELLOWSHIPS, RESEARCHERS AND PERSONS PRESENTING ACADEMIC PAPERS, INTERVIEWING FOR POSITIONS OF EMPLOYMENT OR HAVING OTHER SIMILAR BUSINESS WITH THE COLLEGE OR UNIVERSITY, OR (II) NATURAL PERSONS FOR WHOM A HOSPITAL AFFILIATED WITH SUCH COLLEGE OR UNIVERSITY HAS UNDERTAKEN TO PROVIDE HOUSING ACCOMMODATIONS SUCH AS PATIENTS, PATIENTS' FAMILIES AND/OR ACCOMPANYING ESCORTS, MEDICAL PROFESSIONALS AND HEALTHCARE CONSULTANTS OR PERSONS HAVING OTHER SIMILAR BUSINESS WITH SUCH HOSPITAL. A LOG SHALL BE MAINTAINED ON THE PREMISES OF THE NAMES AND ADDRESSES OF SUCH PERSONS AND THE DURATION AND REASON FOR THEIR STAY. SUCH LOG SHALL BE ACCESSIBLE UPON REQUEST FOR INSPECTION BY THE DEPARTMENT AND THE FIRE DEPARTMENT OF SUCH MUNICIPALITY;

(D) NO RENT OR OTHER PAYMENT IS COLLECTED FOR SUCH OCCUPANCY; AND

(E) THE FIRE DEPARTMENT OF SUCH CITY SHALL REQUIRE THE FILING OF A FIRE SAFETY PLAN OR OTHER APPROPRIATE FIRE SAFETY PROCEDURE.

S 8. This act shall take effect immediately and shall apply to all buildings in existence on such effective date and to buildings constructed after such effective date.