

4035

2011-2012 Regular Sessions

I N   S E N A T E

March 15, 2011

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the multiple dwelling law, in relation to prohibiting service interruption

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

1     Section 1. Section 282-a of the multiple dwelling law, as added by  
2     chapter 147 of the laws of 2010, is amended to read as follows:  
3     S 282-a. Limitation on applications for coverage of interim multiple  
4     dwellings and residential units. 1. All applications for registration as  
5     an interim multiple dwelling or for coverage of residential units under  
6     this article shall be filed with the loft board within six months after  
7     the date the loft board shall have adopted all rules or regulations  
8     necessary in order to implement the provisions of [the] chapter ONE  
9     HUNDRED FORTY-SEVEN of the laws of [2010 which added this section] TWO  
10    THOUSAND TEN. The loft board may subsequently amend such rules and  
11    regulations but such amendments shall not recommence the time period in  
12    which applications may be filed. Notwithstanding any other provision of  
13    this article, after such date no further applications for registration  
14    or coverage as an interim multiple dwelling or for coverage under this  
15    article shall be accepted for owners or occupants of buildings that  
16    would otherwise qualify as interim multiple dwellings or for coverage  
17    pursuant to this article.  
18    2. WHERE ANY OCCUPANT HAS FILED AN APPLICATION FOR COVERAGE PURSUANT  
19    TO THIS ARTICLE AND HAS RECEIVED A DOCKET NUMBER FROM THE LOFT BOARD, IT  
20    SHALL BE UNLAWFUL FOR AN OWNER TO CAUSE OR INTEND TO CAUSE SUCH OCCUPANT  
21    TO VACATE, SURRENDER OR WAIVE ANY RIGHTS IN RELATION TO SUCH OCCUPANCY,  
22    DUE TO REPEATED INTERRUPTIONS OR DISCONTINUANCES OF ESSENTIAL SERVICES,  
23    OR AN INTERRUPTION OR DISCONTINUANCE OF AN ESSENTIAL SERVICE FOR AN  
24    EXTENDED DURATION OR OF SUCH SIGNIFICANCE AS TO SUBSTANTIALLY IMPAIR

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

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1 HABITABILITY OF SUCH UNIT, AT ANY TIME BEFORE THE LOFT BOARD HAS MADE A  
2 FINAL DETERMINATION, INCLUDING APPEALS, TO APPROVE OR DENY SUCH APPLICA-  
3 TION. THIS SUBDIVISION SHALL NOT GRANT ANY RIGHTS OF CONTINUED OCCUPANCY  
4 OTHER THAN THOSE OTHERWISE GRANTED BY LAW. ANY AGREEMENT THAT WAIVES OR  
5 LIMITS THE BENEFITS OF THIS SUBDIVISION SHALL BE DEEMED VOID AS AGAINST  
6 PUBLIC POLICY. IN ADDITION TO ANY OTHER REMEDIES PROVIDED IN THIS ARTI-  
7 CLE FOR FAILURE TO BE IN COMPLIANCE, IN ARTICLE EIGHT OF THIS CHAPTER,  
8 OR IN THE REGULATIONS PROMULGATED BY THE LOFT BOARD, AN OCCUPANT WHO HAS  
9 FILED AN APPLICATION WITH THE LOFT BOARD FOR COVERAGE UNDER THIS ARTICLE  
10 MAY, NO LATER THAN THIRTY-SIX MONTHS AFTER THE LOFT BOARD SHALL HAVE  
11 ADOPTED RULES AND REGULATIONS AS SET FORTH IN SUBDIVISION ONE OF THIS  
12 SECTION, COMMENCE AN ACTION OR PROCEEDING IN A COURT OF COMPETENT JURIS-  
13 DICTION, WHICH NOTWITHSTANDING ANY OTHER PROVISION OF LAW SHALL INCLUDE  
14 THE HOUSING PART OF THE NEW YORK CITY CIVIL COURT, TO ENFORCE THE  
15 PROVISIONS OF THIS SUBDIVISION.  
16 S 2. This act shall take effect immediately.