

4035

2011-2012 Regular Sessions

I N S E N A T E

March 15, 2011

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.