

985

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to a stay of the enforcement of a determination involving a permit or approval in connection with the development or construction of residential housing

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

1 Section 1. Section 7805 of the civil practice law and rules is amended
2 to read as follows:
3 S 7805. Stay. On the motion of any party or on its own initiative, the
4 court may stay further proceedings, or the enforcement of any determination under review, upon terms including notice, security and payment
5 of costs, except that the enforcement of an order or judgment granted by
6 the appellate division in a proceeding under this article may be stayed
7 only by order of the appellate division or the court of appeals. Unless
8 otherwise ordered, security given on a stay is effective in favor of a
9 person subsequently joined as a party under section 7802. THE COURT IN
10 ISSUING A STAY OF THE ENFORCEMENT OF A DETERMINATION INVOLVING A PERMIT
11 OR APPROVAL IN CONNECTION WITH THE DEVELOPMENT OR CONSTRUCTION OF RESIDENTIAL HOUSING SHALL REQUIRE THE POSTING OF SECURITY IN AN AMOUNT THE
12 COURT SHALL DEEM PROPER.
13 S 2. This act shall take effect immediately.

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

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