STATE OF NEW YORK

4937--A

2021-2022 Regular Sessions

IN SENATE

February 18, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the multiple dwelling law, in relation to authorizing any dwelling with a certificate authorizing occupancy as a Class B hotel to also authorize occupancy of such units in such dwelling for permanent residence purposes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 301 of the multiple dwelling law is amended by adding a new subdivision 7 to read as follows:

7. a. Any certificate by the department authorizing occupancy of a dwelling as a Class B hotel shall also authorize occupancy of units in such dwelling for permanent residence purposes notwithstanding any provision of this chapter or of any state law, local law, ordinance, resolution or regulation that would otherwise prohibit such occupancy, require a change or alteration to the dwelling, or require a new or amended certificate, provided that: (1) such occupancy for permanent residence purposes shall be subject to the approval of the local housing agency in its discretion; (2) a portion of such dwelling shall be located within four hundred feet of a district that under the local zoning regulations or ordinances permits residential uses and such dwelling shall not be located in an industrial business zone established pursuant to chapter six-D of title twenty-two of the administrative code of the city of New York; (3) in the case of a property at which any hotel workers are represented by a collective bargaining representative, prior to the proposed conversion of such property to occupancy for permanent residence purposes, the collective bargaining representative

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

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shall be notified in writing of the proposed conversion, and the property owner shall certify prior to the local housing agency approving such occupancy that the collective bargaining representative has mutually agreed in a separate writing with the property owner to undertake the specific conversion described in the written notice; and (4) such dwelling shall meet the conditions in paragraph b of this subdivision. Alterations to the configuration of any such units shall be permitted and shall comply with any applicable requirements of any state law, local law, ordinance, resolution or regulation relating to Class B hotels. If occupancy for permanent residence purposes is authorized under the provisions of this subdivision within a district where the local zoning regulations or ordinances would not otherwise permit such use, the residential tenants shall be notified of the district's zoning.

b. Occupancy of units in a dwelling shall not be authorized under the provisions of paragraph a of this subdivision unless such units are purchased, acquired, or financed: (1) by the state pursuant to and in compliance with the provisions of article thirty-one of the private housing finance law; or (2) by a local housing agency, for the purpose of creating supportive and/or affordable housing to be operated by an appropriate nonprofit organization pursuant to a regulatory agreement or contract with such local agency for low-income households or people experiencing homelessness immediately prior to entering such housing, where tenants shall pay no more than thirty percent of their income toward rent and all units are rent stabilized and subject to permanent affordability restrictions. For purposes of this paragraph, "appropriate nonprofit organization", "affordable housing", "experiencing homelessness", "rent stabilized", and "permanent affordability restrictions" shall have the same meaning as defined in article thirty-one of the private housing finance law.

§ 2. This act shall take effect immediately.