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 9, 2010

Introduced by M. of A. KELLNER, GOTTFRIED, GLICK, ROSENTHAL, MILLMAN -- Multi-Sponsored by -- M. of A. BING, BRENNAN, CLARK -- read once and referred to the Committee on Housing

AN ACT to amend the general business law, in relation to vacancies and illegal use and occupancy relating to cooperative or condominium conversion plans

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

Section 1. Paragraph (e) of subdivision 2 of section 352-eeee of the general business law, as added by chapter 555 of the laws of 1982, is amended to read as follows:

(e) The attorney general finds that an excessive number of long-term vacancies did not exist on the date that the offering statement or prospectus was first submitted to the department of law OR AT ANY TIME BETWEEN THAT DATE AND THE ISSUANCE OF THE LETTER FROM THE ATTORNEY GENERAL STATING THAT THE OFFERING STATEMENT OR PROSPECTUS REQUIRED IN SUBDIVISION ONE OF SECTION THREE HUNDRED FIFTY-TWO-E OF THIS ARTICLE HAS BEEN FILED. "Long-term vacancies" shall mean dwelling units not leased or occupied by bona fide tenants for more than five months prior to the date of such submission to the department of law OR PRIOR TO ANY TIME BETWEEN THAT DATE AND THE ISSUANCE OF SUCH LETTER. "Excessive" shall mean a vacancy rate in excess of the greater of (i) ten percent and (ii) a percentage that is double the normal average vacancy rate for the building or group of buildings or development for two years prior to the January preceding the date the offering statement or prospectus was first submitted to the department of law.

S 2. Subdivision 4 of section 352-eeee of the general business law, as added by chapter 555 of the laws of 1982, is amended to read as follows:

4. It shall be unlawful for any person to engage in any course of conduct, including, but not limited to, interruption or discontinuance of essential services, which substantially interferes with or disturbs the comfort, repose, peace or quiet of any tenant in his use or occupancy of his dwelling unit or the facilities related thereto, OR PERMITTING OR MAINTAINING ANY ILLEGAL USE OR OCCUPANCY OF THE PREMISES. The attor-

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

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ney general may apply to a court of competent jurisdiction for an order restraining such conduct and, if he deems it appropriate, an order restraining the owner from selling the shares allocated to the dwelling unit or the dwelling unit itself or from proceeding with the plan of conversion; provided that nothing contained herein shall be deemed to preclude the tenant from applying on his own behalf for similar relief.

S 3. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act.

S 4. This act shall take effect immediately and shall apply to any matter pending before the attorney general at or after the time this act becomes a law; provided, however, that the amendments to section 352-eeee of the general business law made by this act shall not affect the expiration of such section and shall expire therewith.