

7920

I N S E N A T E

May 21, 2010

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the multiple dwelling law, in relation to interim multiple dwellings in a city of more than one million persons and to amend chapter 349 of the laws of 1982, amending the multiple dwelling law relating to legalization of interim multiple dwellings in cities over one million, in relation to extending the effectiveness of such chapter; to amend chapter 405 of the laws of 1999 amending the real property tax law relating to improving the administration of the school tax relief (STAR) program, in relation to the lottery game of Quick Draw; and to amend the tax law, in relation to allowing all licensed lottery sales agents to conduct Quick Draw

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

1 Section 1. Section 281 of the multiple dwelling law is amended by  
2 adding a new subdivision 5 to read as follows:  
3 5. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (I), (III) AND (IV) OF  
4 SUBDIVISION TWO OF THIS SECTION, BUT SUBJECT TO PARAGRAPHS (I) AND (II)  
5 OF SUBDIVISION ONE OF THIS SECTION AND PARAGRAPH (II) OF SUBDIVISION TWO  
6 OF THIS SECTION, THE TERM "INTERIM MULTIPLE DWELLING" SHALL INCLUDE  
7 BUILDINGS, STRUCTURES OR PORTIONS THEREOF THAT ARE LOCATED IN A CITY OF  
8 MORE THAN ONE MILLION PERSONS WHICH WERE OCCUPIED FOR RESIDENTIAL  
9 PURPOSES AS THE RESIDENCE OR HOME OF ANY TWO OR MORE FAMILIES LIVING  
10 INDEPENDENTLY FROM ONE ANOTHER FOR A PERIOD OF TWELVE CONSECUTIVE MONTHS  
11 DURING THE PERIOD COMMENCING JANUARY FIRST, TWO THOUSAND EIGHT, AND  
12 ENDING DECEMBER THIRTY-FIRST, TWO THOUSAND NINE. A REDUCTION IN THE  
13 NUMBER OF OCCUPIED RESIDENTIAL UNITS IN A BUILDING AFTER MEETING THE  
14 AFOREMENTIONED TWELVE CONSECUTIVE MONTH REQUIREMENT SHALL NOT ELIMINATE  
15 THE PROTECTIONS OF THIS SECTION FOR ANY REMAINING RESIDENTIAL OCCUPANTS  
16 QUALIFIED FOR SUCH PROTECTIONS. NON-RESIDENTIAL SPACE IN A BUILDING AS  
17 OF THE EFFECTIVE DATE OF THIS SUBDIVISION SHALL BE OFFERED FOR RESIDEN-  
18 TIAL USE ONLY AFTER THE OBTAINING OF A RESIDENTIAL CERTIFICATE OF OCCU-  
19 PANCY FOR SUCH SPACE AND SUCH SPACE SHALL BE EXEMPT FROM THIS ARTICLE,  
20 EVEN IF A PORTION OF SUCH BUILDING MAY BE AN INTERIM MULTIPLE DWELLING.

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

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1 S 2. Section 282 of the multiple dwelling law, as added by chapter 349  
2 of the laws of 1982, is amended to read as follows:

3 S 282. Establishment of special loft unit. In order to resolve  
4 complaints of owners of interim multiple dwellings and of residential  
5 occupants of such buildings qualified for the protection of this arti-  
6 cle, and to act upon hardship applications made pursuant to this arti-  
7 cle, a special loft unit referred to herein as the "loft board" shall be  
8 established which shall consist of from four to nine members represen-  
9 tative of the public, the real estate industry, loft residential  
10 tenants, and loft manufacturing interests, and a chairperson, all to be  
11 appointed by the mayor of the municipality and to serve such terms as he  
12 may designate. The compensation of the members of the loft board shall  
13 be fixed by the mayor. The members of the loft board shall not be  
14 considered employees of the state or the municipality, provided, howev-  
15 er, that state or municipal employees or officers may be named to the  
16 loft board. The mayor shall establish the loft board within ninety days  
17 of the effective date of [the act which added this article] CHAPTER  
18 THREE HUNDRED FORTY-NINE OF THE LAWS OF NINETEEN HUNDRED EIGHTY-TWO.  
19 The loft board shall have such office and staff as shall be necessary to  
20 carry out functions conferred upon it and may request and receive  
21 assistance from any state or municipal agency or department. The loft  
22 board shall have the following duties: (a) the determination of interim  
23 multiple dwelling status and other issues of coverage pursuant to this  
24 article; (b) the resolution of all hardship appeals brought under this  
25 article; (c) the determination of any claim for rent adjustment under  
26 this article by an owner or tenant; (d) the issuance, after a public  
27 hearing, and the enforcement of rules and regulations governing minimum  
28 housing maintenance standards in interim multiple dwellings (subject to  
29 the provisions of this chapter and any local building code), rent  
30 adjustments prior to legalization, compliance with this article and the  
31 hearing of complaints and applications made to it pursuant to this arti-  
32 cle; and (e) determination of controversies arising over the fair market  
33 value of a residential tenant's fixtures or reasonable moving expenses.  
34 The violation of any rule or regulation promulgated by the loft board  
35 shall be punishable by a civil penalty determined by the loft board not  
36 to exceed one thousand dollars which may be recovered by the munici-  
37 pality by a proceeding in any court of competent jurisdiction. The loft  
38 board may NOT charge [and collect reasonable] fees in the execution of  
39 its responsibilities. The loft board may administer oaths, take affida-  
40 vits, hear testimony, and take proof under oath at public or private  
41 hearings.

42 S 3. Subdivision 1 of section 284 of the multiple dwelling law, as  
43 amended by section 2 of part BB of chapter 85 of the laws of 2002, para-  
44 graph (v) as amended by section 2 of part PP-1 of chapter 57 of the laws  
45 of 2008, is amended to read as follows:

46 1. (i) The owner of an interim multiple dwelling (A) shall file an  
47 alteration application within nine months from the effective date of  
48 [the act which added this article] CHAPTER THREE HUNDRED FORTY-NINE OF  
49 THE LAWS OF NINETEEN HUNDRED EIGHTY-TWO, and (B) shall take all reason-  
50 able and necessary action to obtain an approved alteration permit within  
51 twelve months from such effective date, and (C) shall achieve compliance  
52 with the standards of safety and fire protection set forth in article  
53 seven-B of this chapter for the residential portions of the building  
54 within eighteen months from obtaining such alteration permit or eighteen  
55 months from such effective date, whichever is later, and (D) shall take  
56 all reasonable and necessary action to obtain a certificate of occupancy

1 as a class A multiple dwelling for the residential portions of the  
2 building or structure within thirty-six months from such effective date.  
3 The loft board may, upon good cause shown, and upon proof of compliance  
4 with the standards of safety and fire protection set forth in article  
5 seven-B of this chapter, twice extend the time of compliance with the  
6 requirement to obtain a residential certificate of occupancy for periods  
7 not to exceed twelve months each.

8 (ii) An owner of an interim multiple dwelling who has not complied  
9 with the requirements of paragraph (i) of this subdivision by the effec-  
10 tive date of [the chapter of the laws of nineteen hundred ninety-two  
11 which added this paragraph] CHAPTER TWO HUNDRED TWENTY-SEVEN OF THE LAWS  
12 OF NINETEEN HUNDRED NINETY-TWO shall hereafter be deemed in compliance  
13 with this subdivision provided that such owner files an alteration  
14 application by October first, nineteen hundred ninety-two, takes all  
15 reasonable and necessary action to obtain an approved alteration permit  
16 by October first, nineteen hundred ninety-three, achieves compliance  
17 with the standards of safety and fire protection set forth in article  
18 seven-B of this chapter for the residential portions of the building by  
19 April first, nineteen hundred ninety-five, or within eighteen months  
20 from obtaining an approved alteration permit, whichever is later, and  
21 takes all reasonable and necessary action to obtain a certificate of  
22 occupancy as a class A multiple dwelling for the residential portions of  
23 the building or structure by October first, nineteen hundred ninety-five  
24 or within six months from achieving compliance with the aforementioned  
25 standards for the residential portions of the building, whichever is  
26 later.

27 (iii) An owner of an interim multiple dwelling who has not complied  
28 with the requirements of paragraph (i) or (ii) of this subdivision by  
29 the effective date of [the chapter of the laws of nineteen hundred nine-  
30 ty-six which added this paragraph] CHAPTER THREE HUNDRED NINE OF THE  
31 LAWS OF NINETEEN HUNDRED NINETY-SIX shall hereafter be deemed in compli-  
32 ance with this subdivision provided that such owner files an alteration  
33 application by October first, nineteen hundred ninety-six, takes all  
34 reasonable and necessary action to obtain an approved alteration permit  
35 by October first, nineteen hundred ninety-seven, achieves compliance  
36 with the standards of safety and fire protection set forth in article  
37 seven-B of this chapter for the residential portions of the building by  
38 April first, nineteen hundred ninety-nine or within eighteen months from  
39 obtaining an approved alteration permit whichever is later, and takes  
40 all reasonable and necessary action to obtain a certificate of occupancy  
41 as a class A multiple dwelling for the residential portions of the  
42 building or structure by June thirtieth, nineteen hundred ninety-nine or  
43 within three months from achieving compliance with the aforementioned  
44 standards for the residential portions of the building, whichever is  
45 later.

46 (iv) An owner of an interim multiple dwelling who has not complied  
47 with the requirements of paragraph (i), (ii) or (iii) of this subdivi-  
48 sion by the effective date of this paragraph as provided in chapter four  
49 hundred fourteen of the laws of nineteen hundred ninety-nine which added  
50 this paragraph shall hereafter be deemed in compliance with this subdivi-  
51 sion provided that such owner files an alteration application by  
52 September first, nineteen hundred ninety-nine, takes all reasonable and  
53 necessary action to obtain an approved alteration permit by March first,  
54 two thousand, achieves compliance with the standards of safety and fire  
55 protection set forth in article seven-B of this chapter for the residen-  
56 tial portions of the building by May first, two thousand two or within

1 twelve months from obtaining an approved alteration permit whichever is  
2 later, and takes all reasonable and necessary action to obtain a certifi-  
3 cate of occupancy as a class A multiple dwelling for the residential  
4 portions of the building or structure by May thirty-first, two thousand  
5 two or within one month from achieving compliance with the aforemen-  
6 tioned standards for the residential portions of the building, whichever  
7 is later.

8 (v) An owner of an interim multiple dwelling who has not complied with  
9 the requirements of paragraph (i), (ii), (iii) or (iv) of this subdivi-  
10 sion by the effective date of this paragraph as provided in chapter  
11 eighty-five of the laws of two thousand two shall hereafter be deemed in  
12 compliance with this subdivision provided that such owner filed an  
13 alteration application by September first, nineteen hundred ninety-nine,  
14 took all reasonable and necessary action to obtain an approved alter-  
15 ation permit by March first, two thousand, achieves compliance with the  
16 standards of safety and fire protection set forth in article seven-B of  
17 this chapter for the residential portions of the building by May first,  
18 two thousand ten or within twelve months from obtaining an approved  
19 alteration permit whichever is later, and takes all reasonable and  
20 necessary action to obtain a certificate of occupancy as a class A  
21 multiple dwelling for the residential portions of the building or struc-  
22 ture by May thirty-first, two thousand ten or within one month from  
23 achieving compliance with the aforementioned standards for the residen-  
24 tial portions of the building, whichever is later.

25 (vi) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (I) THROUGH (V) OF  
26 THIS SUBDIVISION THE OWNER OF AN INTERIM MULTIPLE DWELLING MADE SUBJECT  
27 TO THIS ARTICLE BY SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-ONE OF  
28 THIS ARTICLE (A) SHALL FILE AN ALTERATION APPLICATION WITHIN NINE MONTHS  
29 FROM THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN  
30 WHICH AMENDED THIS SUBPARAGRAPH, AND (B) SHALL TAKE ALL REASONABLE AND  
31 NECESSARY ACTION TO OBTAIN AN APPROVED ALTERATION PERMIT WITHIN TWELVE  
32 MONTHS FROM SUCH EFFECTIVE DATE, AND (C) SHALL ACHIEVE COMPLIANCE WITH  
33 THE STANDARDS OF SAFETY AND FIRE PROTECTION SET FORTH IN ARTICLE SEVEN-B  
34 OF THIS CHAPTER FOR THE RESIDENTIAL PORTIONS OF THE BUILDING WITHIN  
35 EIGHTEEN MONTHS FROM OBTAINING SUCH ALTERATION PERMIT OR EIGHTEEN MONTHS  
36 FROM SUCH EFFECTIVE DATE, WHICHEVER IS LATER, AND (D) SHALL TAKE ALL  
37 REASONABLE AND NECESSARY ACTION TO OBTAIN A CERTIFICATE OF OCCUPANCY AS  
38 A CLASS A MULTIPLE DWELLING FOR THE RESIDENTIAL PORTIONS OF THE BUILDING  
39 OR STRUCTURE WITHIN THIRTY-SIX MONTHS FROM SUCH EFFECTIVE DATE. THE LOFT  
40 BOARD MAY, UPON GOOD CAUSE SHOWN, AND UPON PROOF OF COMPLIANCE WITH THE  
41 STANDARDS OF SAFETY AND FIRE PROTECTION SET FORTH IN ARTICLE SEVEN-B OF  
42 THIS CHAPTER, TWICE EXTEND THE TIME OF COMPLIANCE WITH THE REQUIREMENT  
43 TO OBTAIN A RESIDENTIAL CERTIFICATE OF OCCUPANCY FOR PERIODS NOT TO  
44 EXCEED TWELVE MONTHS EACH.

45 (VII) An owner who is unable to satisfy any requirement specified in  
46 paragraph (ii), (iii), (iv) [or], (v), OR (VI) of this subdivision for  
47 reasons beyond his/her control, including, but not limited to, a  
48 requirement to obtain a certificate of appropriateness for modification  
49 of a landmarked building, a need to obtain a variance from a board of  
50 standards and appeals, or the denial of reasonable access to a residen-  
51 tial unit as required by paragraph [(x)] (XI) of this subdivision, may  
52 apply to the loft board for an extension of time to meet the requirement  
53 specified in paragraph (ii), (iii), (iv) [or], (v), OR (VI) of this  
54 subdivision. The loft board may grant an extension of time to meet a  
55 requirement specified in paragraph (ii), (iii), (iv) [or], (v), OR (VI)

1 of this subdivision provided that the owner demonstrates that he/she has  
2 made good faith efforts to satisfy the requirements.

3 [(vii)] (VIII) If there is a finding by the loft board that an owner  
4 has failed to satisfy any requirement specified in [paragraphs] PARA-  
5 GRAPH (i), (ii), (iii), (iv) [and], (v), OR (VI) of this subdivision,  
6 such owner shall be subject to all penalties set forth in article eight  
7 of this chapter.

8 [(viii)] (IX) In addition to the penalties provided in article eight  
9 of this chapter, if there is a finding by the loft board that an owner  
10 has failed to satisfy any requirement specified in [paragraphs] PARA-  
11 GRAPH (i), (ii), (iii), (iv) [and], (v), OR (VI) of this subdivision, a  
12 court may order specific performance to enforce the provisions of this  
13 article upon the application of three occupants of separate residential  
14 units, qualified for the protection of this article, or upon the appli-  
15 cation of the municipality.

16 [(ix)] (X) If, as a consequence of an owner's unlawful failure to  
17 comply with the provisions of [paragraphs] PARAGRAPH (i), (ii), (iii),  
18 (iv) [and], (v), OR (VI) of this subdivision, any residential occupant  
19 qualified for protection pursuant to this article is required to vacate  
20 his or her unit as a result of a municipal vacate order, such occupant  
21 may recover from the owner the fair market value of any improvements  
22 made by such tenant and reasonable moving costs. Any vacate order issued  
23 as to such unit by a local government shall be deemed an order to the  
24 owner to correct the non-compliant conditions, subject to the provisions  
25 of this article. Furthermore, when such correction has been made, such  
26 occupant shall have the right to re-occupy his or her unit and shall be  
27 entitled to all applicable tenant protections of this article.

28 [(x)] (XI) The occupants of a building shall, upon appropriate notice  
29 regarding the timing and scope of the work required, afford the owner  
30 reasonable access to their units so that the work necessary for compli-  
31 ance with this article can be carried out. Access shall also be  
32 afforded, upon reasonable prior notice, for the purpose of inspecting  
33 and surveying units as may be required to comply with the provisions of  
34 this article and article seven-B of this chapter. Failure to comply with  
35 an order of the loft board regarding access shall be grounds for  
36 eviction of a tenant.

37 S 4. Subdivision 2 of section 285 of the multiple dwelling law, as  
38 amended by chapter 466 of the laws of 1987, is amended to read as  
39 follows:

40 2. Notwithstanding any other provision of this article, an owner may  
41 apply to the loft board for exemption of a building or portion thereof  
42 from this article on the basis that compliance with this article in  
43 obtaining a legal residential certificate of occupancy would cause an  
44 unjustifiable hardship either because: (i) it would cause an unreason-  
45 ably adverse impact on a non-residential conforming use tenant within  
46 the building or[,] (ii) the cost of compliance renders legal residential  
47 conversion infeasible. Residential and other tenants shall be given not  
48 less than sixty days notice in advance of the hearing date for such  
49 application. If the loft board approves such application, the building  
50 or portion thereof shall be exempt from this article, and may be  
51 converted to non-residential conforming uses, provided, however, that  
52 the owner shall, as a condition of approval of such application, agree  
53 to file an irrevocable recorded covenant in form satisfactory to the  
54 loft board enforceable for fifteen years by the municipality, that the  
55 building will not be re-converted to residential uses during such time.  
56 The standard for granting such hardship application for a building or

1 portion thereof shall be as follows: (a) the loft board shall only grant  
2 the minimum relief necessary to relieve any alleged hardship with the  
3 understanding if compliance is reasonably possible it should be achieved  
4 even if it requires alteration of units, relocation of tenants to vacant  
5 space within the building, re-design of space or application for a non-  
6 use-related variance, special permit, minor modification or administra-  
7 tive certification; (b) self-created hardship shall not be allowed; (c)  
8 the test for cost infeasibility shall be that of a reasonable return on  
9 the owner's investment not maximum return on investment; (d) the test  
10 for unreasonably adverse impact on a non-residential conforming use  
11 tenant shall be whether residential conversion would necessitate  
12 displacement. Such hardship applications shall be submitted to the loft  
13 board within nine months of the establishment of the loft board (or, in  
14 the case of interim multiple dwellings referred to in subdivision four  
15 of section two hundred eighty-one of this [chapter] ARTICLE, within nine  
16 months of the effective date of [that] SUCH subdivision FOUR OR IN THE  
17 CASE OF INTERIM MULTIPLE DWELLINGS MADE SUBJECT TO THIS ARTICLE BY  
18 SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-ONE OF THIS ARTICLE,  
19 WITHIN NINE MONTHS OF THE EFFECTIVE DATE OF SUCH SUBDIVISION FIVE), but  
20 shall not be considered, absent a waiver by the loft board, unless the  
21 owner has also filed an alteration application. In determination of any  
22 such hardship application, the loft board may demand such information as  
23 it deems necessary. In approving any such hardship application, the loft  
24 board may fix reasonable terms and conditions for the vacating of resi-  
25 dential occupancy.

26 S 5. Subparagraphs (A) and (B) of paragraph (ii) and paragraph (iii)  
27 of subdivision 2 of section 286 of the multiple dwelling law, subpara-  
28 graphs (A) and (B) of paragraph (ii) as amended by section 3 of part BB  
29 of chapter 85 of the laws of 2002 and paragraph (iii) as amended by  
30 chapter 414 of the laws of 1999, are amended to read as follows:

31 (A) Upon the owners' filing of an alteration application, as required  
32 by paragraph (ii), (iii), (iv) [or], (v), OR (VI) of subdivision one of  
33 section two hundred eighty-four of this article, an adjustment equal to  
34 six percent of the rent in effect at the time the owner files the alter-  
35 ation application.

36 (B) Upon obtaining an alteration permit, as required by paragraph  
37 (ii), (iii), (iv) [or], (v), OR (VI) of subdivision one of section two  
38 hundred eighty-four of this article, an adjustment equal to eight  
39 percent of the rent in effect at the time the owner obtains the alter-  
40 ation permit.

41 (iii) Any rent adjustments pursuant to paragraph (ii) of this subdivi-  
42 sion shall not apply to units which were rented at market value after  
43 June twenty-first, nineteen hundred eighty-two and prior to June twen-  
44 ty-first, nineteen hundred ninety-two. THIS PARAGRAPH SHALL NOT APPLY  
45 TO UNITS MADE SUBJECT TO THIS ARTICLE BY SUBDIVISION FIVE OF SECTION TWO  
46 HUNDRED EIGHTY-ONE OF THIS ARTICLE.

47 S 6. Subdivision 3 of section 286 of the multiple dwelling law, as  
48 added by chapter 349 of the laws of 1982, is amended to read as follows:

49 3. Upon or after compliance with the safety and fire protection stand-  
50 ards of article seven-B of this chapter, an owner may apply to the loft  
51 board for an adjustment of rent based upon the cost of such compliance.  
52 Upon approval by the loft board of such compliance, the loft board shall  
53 set the initial legal regulated rent, and each residential occupant  
54 qualified for protection pursuant to this article shall be offered a  
55 residential lease subject to the provisions regarding evictions and  
56 regulation of rent set forth in the emergency tenant protection act of

1 nineteen seventy-four, except to the extent the provisions of this arti-  
2 cle are inconsistent with such act. [At such time, the owners of such  
3 buildings shall join a real estate industry stabilization association in  
4 accordance with such act.]

5 S 7. Section 3 of chapter 349 of the laws of 1982, amending the multi-  
6 ple dwelling law relating to legalization of interim multiple dwellings  
7 in cities over one million, as amended by section 1 of part PP-1 of  
8 chapter 57 of the laws of 2008, is amended to read as follows:

9 S 3. Effective date and termination. This act shall take effect imme-  
10 diately. The provisions of this act and all regulations, orders and  
11 requirements thereunder shall terminate at the close of the calendar day  
12 May 31, [2010] 2014.

13 S 8. Section 1 of part J of chapter 405 of the laws of 1999 amending  
14 the real property tax law relating to improving the administration of  
15 the school tax relief (STAR) program, as amended by section 3 of part  
16 PP-1 of chapter 57 of the laws of 2008, is amended to read as follows:

17 Section 1. Notwithstanding the provisions of article 5 of the general  
18 construction law, the provisions of the tax law amended by sections  
19 94-a, 94-d and 94-g of chapter 2 of the laws of 1995 are hereby revived  
20 and shall continue in full force and effect as they existed on March 31,  
21 1999 through May 31, [2010] 2014, when upon such date they shall expire  
22 and be repealed. Sections 1, 2, 3, 4, and 5, and such part of section 10  
23 of chapter 336 of the laws of 1999 as relates to providing for the  
24 effectiveness of such sections 1, 2, 3, 4 and 5 shall be nullified in  
25 effect on the effective date of this section, except that the amendments  
26 made to: paragraph (2) of subdivision a of section 1612 of the tax law  
27 by such section 1; and subdivision b of section 1612 of the tax law by  
28 such section 2; and the repeal of section 152 of chapter 166 of the laws  
29 of 1991 made by such section 5 shall continue to remain in effect.

30 S 9. Paragraph 1 of subdivision a of section 1612 of the tax law, as  
31 amended by chapter 336 of the laws of 1999, is amended to read as  
32 follows:

33 (1) sixty percent of the total amount for which tickets have been sold  
34 for a lawful lottery game introduced on or after the effective date of  
35 this paragraph[, subject to the following provisions:

36 (A) drawings in such game shall be held during no more than thirteen  
37 hours each day, no more than eight hours of which shall be consecutive;

38 (B) such game shall be available only on premises occupied by licensed  
39 lottery sales agents, subject to the following provisions:

40 (i) if the licensee holds a license issued pursuant to the alcoholic  
41 beverage control law to sell alcoholic beverages for consumption on the  
42 premises, then not less than twenty-five percent of the gross sales must  
43 result from sales of food;

44 (ii) if the licensee does not hold a license issued pursuant to the  
45 alcoholic beverage control law to sell alcoholic beverages for consump-  
46 tion on the premises, then the premises must have a minimum square  
47 footage greater than two thousand five hundred square feet;

48 (iii) notwithstanding the foregoing provisions, television equipment  
49 that automatically displays the results of such drawings may be  
50 installed and used without regard to the percentage of food sales or the  
51 square footage if such premises are used as:

52 (I) a commercial bowling establishment, or

53 (II) a facility authorized under the racing, pari-mutuel wagering and  
54 breeding law to accept pari-mutuel wagers;

55 (C) the rules for the operation of such game shall be as prescribed by  
56 regulations promulgated and adopted by the division, provided however,

1 that such rules shall provide that no person under the age of twenty-one  
2 may participate in such games on the premises of a licensee who holds a  
3 license issued pursuant to the alcoholic beverage control law to sell  
4 alcoholic beverages for consumption on the premises; and, provided,  
5 further, that such regulations may be revised on an emergency basis not  
6 later than ninety days after the enactment of this paragraph in order to  
7 conform such regulations to the requirements of this paragraph]; or  
8 S 10. This act shall take effect immediately; provided that the amend-  
9 ments to sections 281, 282, 284, 285 and 286 of article 7-C of the  
10 multiple dwelling law made by sections one through six of this act shall  
11 not affect the repeal of such article and shall be deemed repealed ther-  
12 ewith, pursuant to section 3 of chapter 349 of the laws of 1982, as  
13 amended; and provided further that the amendments to paragraph (1) of  
14 subdivision a of section 1612 of the tax law made by section nine of  
15 this act shall not affect the repeal of such subdivision and shall be  
16 deemed repealed therewith.