

8447

I N S E N A T E

July 19, 2010

Introduced by Sen. DILAN -- 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 with a population of one million or more persons

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

1 Section 1. Subdivision 5 of section 281 of the multiple dwelling law,
2 as amended by chapter 147 of the laws of 2010, is amended to read as
3 follows:
4 5. Notwithstanding the provisions of paragraphs (i), (iii) and (iv) of
5 subdivision two of this section, but subject to paragraphs (i) and (ii)
6 of subdivision one of this section and paragraph (ii) of subdivision two
7 of this section, the term "interim multiple dwelling" shall include
8 buildings, structures or portions thereof that are located in a city of
9 more than one million persons which were occupied for residential
10 purposes as the residence or home of any three or more families living
11 independently from one another for a period of twelve consecutive months
12 during the period commencing January first, two thousand eight, and
13 ending December thirty-first, two thousand nine, provided that the unit:
14 is not located in a basement or cellar and has at least one entrance
15 that does not require passage through another residential unit to obtain
16 access to the unit, has at least one window opening onto a street or a
17 lawful yard or court as defined in the zoning resolution for such muni-
18 cipality, and is at least five hundred fifty square feet in area. The
19 term "interim multiple dwelling" as used in this subdivision shall not
20 include (i) any building in an industrial business zone established
21 pursuant to chapter six-D of title twenty-two of the administrative code
22 of the city of New York except that a building in the
23 Williamsburg/Greenpoint or North Brooklyn industrial business zones and
24 a building located in that portion of the Long Island city industrial
25 business zone that has frontage on either side of forty-seventh [street]
26 AVENUE or is located north of forty-seventh [street] AVENUE and south of
27 Skillman avenue or in that portion of the Long Island city industrial

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

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1 business zone that is located north of forty-fourth drive, south of
2 Queens plaza north, and west of twenty-third street may be included in
3 the term "interim multiple dwelling," or (ii) units in any building
4 that, at the time this subdivision shall take effect, also contains a
5 use actively and currently pursued, which use is set forth in use groups
6 fifteen through eighteen, as described in the zoning resolution of such
7 municipality in effect on June twenty-first, two thousand ten, and which
8 the loft board has determined in rules and regulation is inherently
9 incompatible with residential use in the same building, provided that if
10 a building does not contain such active uses at the time this subdivi-
11 sion takes effect, no subsequent use by the owner of the building shall
12 eliminate the protections of this section for any residential occupants
13 in the building already qualified for such protections. The term "inter-
14 im multiple dwelling," as used in this subdivision shall also include
15 buildings, structures or portions thereof that are located north of West
16 24th Street and south of West 27th Street and west of tenth avenue and
17 east of eleventh avenue in a city of more than one million persons which
18 were occupied for residential purposes as the residence or home of any
19 two or more families living independently from one another for a period
20 of twelve consecutive months during the period commencing January first,
21 two thousand eight, and ending December thirty-first, two thousand nine
22 and subject to all the conditions and limitations of this subdivision
23 other than the number of units in the building. A reduction in the
24 number of occupied residential units in a building after meeting the
25 aforementioned twelve consecutive month requirement shall not eliminate
26 the protections of this section for any remaining residential occupants
27 qualified for such protections. Non-residential space in a building as
28 of the effective date of this subdivision shall be offered for residen-
29 tial use only after the obtaining of a residential certificate of occu-
30 pancy for such space and such space shall be exempt from this article,
31 even if a portion of such building may be an interim multiple dwelling.

32 S 2. This act shall take effect immediately.