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I N   A S S E M B L Y

June 30, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. V. Lopez, Nolan) -- read once and referred to the Committee on Housing

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 a chapter of the laws of 2010, amending the multiple  
3     dwelling law relating to interim multiple dwellings in a city of more  
4     than one million persons, as proposed in legislative bills numbers  
5     S.8377-A and A.11567, is amended to read as follows:  
6     5. Notwithstanding the provisions of paragraphs (i), (iii) and (iv) of  
7     subdivision two of this section, but subject to paragraphs (i) and (ii)  
8     of subdivision one of this section and paragraph (ii) of subdivision two  
9     of this section, the term "interim multiple dwelling" shall include  
10    buildings, structures or portions thereof that are located in a city of  
11    more than one million persons which were occupied for residential  
12    purposes as the residence or home of any three or more families living  
13    independently from one another for a period of twelve consecutive months  
14    during the period commencing January first, two thousand eight, and  
15    ending December thirty-first, two thousand nine, provided that the unit:  
16    is not located in a basement or cellar and has at least one entrance  
17    that does not require passage through another residential unit to obtain  
18    access to the unit, has at least one window opening onto a street or a  
19    lawful yard or court as defined in the zoning resolution for such muni-  
20    cipality, and is at least five hundred fifty square feet in area. The  
21    term "interim multiple dwelling" as used in this subdivision shall not  
22    include (i) any building in an industrial business zone established  
23    pursuant to chapter six-D of title twenty-two of the administrative code  
24    of the city of New York except that a building in the  
25    Williamsburg/Greenpoint or North Brooklyn industrial business zones and  
26    a building located in that portion of the Long Island city industrial  
27    business zone that has frontage on either side of forty-seventh [street]

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

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

34 S 2. This act shall take effect immediately; provided, however, that  
35 section one of this act shall take effect on the same date and in the  
36 same manner as a chapter of the laws of 2010, amending the multiple  
37 dwelling law relating to interim multiple dwellings in a city of more  
38 than one million persons, as proposed in legislative bills numbers  
39 S.8377-A and A.11567, takes effect.