

3715

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 28, 2009

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Introduced by M. of A. LENTOL -- read once and referred to the Committee  
on Housing

AN ACT to amend the multiple dwelling law, in relation to providing  
tenant protection in connection with unlawful interim multiple dwell-  
ings

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

1     Section 1. The multiple dwelling law is amended by adding a new  
2     section 286-a to read as follows:  
3     S 286-A. TENANT PROTECTION; UNLAWFUL INTERIM MULTIPLE DWELLINGS. 1.  
4     DEFINITIONS. FOR PURPOSES OF THIS SECTION: (I) THE TERM "BUILDING"  
5     INCLUDES A BUILDING, STRUCTURE, OR PORTION THEREOF, OR A UNIT THEREIN;  
6     (II) THE TERM "PUBLIC BODY" INCLUDES STATE AND MUNICIPAL AGENCIES,  
7     DEPARTMENTS, AND BOARDS, INCLUDING LOCAL PLANNING AGENCIES AND THE LOFT  
8     BOARD; AND (III) THE TERM "SPECIFIED GROUNDS" INCLUDES THE GROUND THAT  
9     (A) THE BUILDING OR OCCUPANCY DOES NOT SATISFY ONE OR MORE REQUIREMENTS  
10    PERTAINING TO INTERIM MULTIPLE DWELLINGS AS SET FORTH IN THIS ARTICLE OR  
11    IN ANY OTHER PROVISION OF LAW OR IN REGULATION, (B) THE OWNER HAS FAILED  
12    TO SATISFY ONE OR MORE REQUIREMENTS PERTAINING TO INTERIM MULTIPLE  
13    DWELLINGS AS SET FORTH IN THIS ARTICLE OR IN ANY OTHER PROVISION OF LAW  
14    OR IN REGULATION, (C) A RESIDENTIAL CERTIFICATE OF OCCUPANCY HAS NOT  
15    BEEN ISSUED FOR THE BUILDING, OR (D) RESIDENTIAL OCCUPANCY IS NOT  
16    PERMITTED BY THE LOCAL ZONING RESOLUTION.  
17    2. RULE. AN OWNER WHO HAS RECOVERED POSSESSION OF A BUILDING OCCUPIED  
18    BY A RESIDENTIAL OCCUPANT ON THE BASIS THAT THE OCCUPANCY IS UNLAWFUL ON  
19    SPECIFIED GROUNDS SHALL NOT MAKE ANY APPLICATION UNDER ANY PROVISION OF  
20    STATE LAW OR LOCAL LAW, CODE, ORDINANCE, RULE OR REGULATION, TO ANY  
21    PUBLIC BODY FOR THE PURPOSE OF, OR THAT WOULD HAVE THE EFFECT OF OR AID  
22    IN, LEGALIZING OR AUTHORIZING, ANY USE OF THE BUILDING AS AN INTERIM  
23    MULTIPLE DWELLING. THE PROHIBITION SET FORTH IN THIS SUBDIVISION SHALL  
24    REMAIN IN EFFECT FOR A PERIOD OF TEN YEARS AFTER THE OWNER'S ACTUAL

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

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1 RECOVERY OF POSSESSION. ANY APPROVAL, AUTHORIZATION, PERMIT, SPECIAL  
2 PERMIT, EXCEPTION, EXEMPTION, CERTIFICATION, VARIANCE, ZONING AMENDMENT,  
3 OR ANY FORM OF PERMISSION WHATSOEVER THAT MAY BE GRANTED OR ISSUED BY A  
4 PUBLIC BODY IN CONNECTION WITH AN APPLICATION MADE IN VIOLATION OF THE  
5 PROVISIONS OF THIS SUBDIVISION SHALL BE VOID.  
6 S 2. This act shall take effect immediately, and shall apply to build-  
7 ing owners who recover possession of a building as defined and described  
8 in section 286-a of the multiple dwelling law, as added by section one  
9 of this act on or after said date, provided, however that the amendments  
10 made to article 7-C of the multiple dwelling law by section one of this  
11 act shall not affect the repeal of such article and shall be deemed  
12 repealed therewith.