S T A T E O F N E W Y O R K

3715

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

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 dwellings

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

Section 1. The multiple dwelling law is amended by adding a new section 286-a to read as follows:

S 286-A. TENANT PROTECTION; UNLAWFUL INTERIM MULTIPLE DWELLINGS. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION: (I) THE TERM "BUILDING" INCLUDES A BUILDING, STRUCTURE, OR PORTION THEREOF, OR A UNIT THEREIN; (II) THE TERM "PUBLIC BODY" INCLUDES STATE AND MUNICIPAL AGENCIES, DEPARTMENTS, AND BOARDS, INCLUDING LOCAL PLANNING AGENCIES AND THE LOFT BOARD; AND (III) THE TERM "SPECIFIED GROUNDS" INCLUDES THE GROUND THAT (A) THE BUILDING OR OCCUPANCY DOES NOT SATISFY ONE OR MORE REQUIREMENTS PERTAINING TO INTERIM MULTIPLE DWELLINGS AS SET FORTH IN THIS ARTICLE OR IN ANY OTHER PROVISION OF LAW OR IN REGULATION, (B) THE OWNER HAS FAILED TO SATISFY ONE OR MORE REQUIREMENTS PERTAINING TO INTERIM MULTIPLE DWELLINGS AS SET FORTH IN THIS ARTICLE OR IN ANY OTHER PROVISION OF LAW OR IN REGULATION, (C) A RESIDENTIAL CERTIFICATE OF OCCUPANCY HAS NOT BEEN ISSUED FOR THE BUILDING, OR (D) RESIDENTIAL OCCUPANCY IS NOT PERMITTED BY THE LOCAL ZONING RESOLUTION.

2. RULE. AN OWNER WHO HAS RECOVERED POSSESSION OF A BUILDING OCCUPIED BY A RESIDENTIAL OCCUPANT ON THE BASIS THAT THE OCCUPANCY IS UNLAWFUL ON SPECIFIED GROUNDS SHALL NOT MAKE ANY APPLICATION UNDER ANY PROVISION OF STATE LAW OR LOCAL LAW, CODE, ORDINANCE, RULE OR REGULATION, TO ANY PUBLIC BODY FOR THE PURPOSE OF, OR THAT WOULD HAVE THE EFFECT OF OR AID IN, LEGALIZING OR AUTHORIZING, ANY USE OF THE BUILDING AS AN INTERIM MULTIPLE DWELLING. THE PROHIBITION SET FORTH IN THIS SUBDIVISION SHALL 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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RECOVERY OF POSSESSION. ANY APPROVAL, AUTHORIZATION, PERMIT, SPECIAL PERMIT, EXCEPTION, EXEMPTION, CERTIFICATION, VARIANCE, ZONING AMENDMENT, OR ANY FORM OF PERMISSION WHATSOEVER THAT MAY BE GRANTED OR ISSUED BY A PUBLIC BODY IN CONNECTION WITH AN APPLICATION MADE IN VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION SHALL BE VOID.

S 2. This act shall take effect immediately, and shall apply to building owners who recover possession of a building as defined and described in section 286-a of the multiple dwelling law, as added by section one of this act on or after said date, provided, however that the amendments made to article 7-C of the multiple dwelling law by section one of this act shall not affect the repeal of such article and shall be deemed repealed therewith.