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

5387

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MAISEL, MILLMAN, ROBINSON, PHEFFER -- Multi-Sponsored by -- M. of A. ABBATE, GABRYSZAK, HIKIND -- read once and referred to the Committee on Judiciary

AN ACT to amend the New York city civil court act, in relation to establishing a separate private dwelling calendar part for cases brought by or against two-family or three-family homeowners in the housing part of the court

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

Section 1. Section 110 of the New York city civil court act is amended by adding a new subdivision (q) to read as follows:

(Q) (1) AS USED IN THIS SECTION, A "PRIVATE DWELLING" SHALL MEAN AND INCLUDE ANY BUILDING OR STRUCTURE DESIGNED AND OCCUPIED EXCLUSIVELY FOR RESIDENCE PURPOSES BY TWO FAMILIES, WHICH SHALL BE REFERRED TO AS A TWO-FAMILY PRIVATE DWELLING, OR BY THREE FAMILIES, WHICH SHALL BE REFERRED TO AS A THREE-FAMILY PRIVATE DWELLING. PRIVATE DWELLINGS SHALL ALSO BE DEEMED TO INCLUDE A SERIES OF TWO-FAMILY OR THREE-FAMILY DWELLING UNITS EACH OF WHICH FACES OR IS ACCESSIBLE TO A LEGAL STREET OR PUBLIC THOROUGHFARE PROVIDED THAT EACH SUCH DWELLING UNIT IS EQUIPPED AS A SEPARATE DWELLING UNIT WITH ALL ESSENTIAL SERVICES, AND ALSO PROVIDED THAT EACH SUCH UNIT IS ARRANGED SO THAT IT MAY BE APPROVED AS A LEGAL TWO-FAMILY OR THREE-FAMILY DWELLING.

(2) THERE IS HEREBY ESTABLISHED A SEPARATE PART WITHIN THE HOUSING PART FOR THE HEARING OF ANY ACTION OR PROCEEDING OTHERWISE WITHIN THE JURISDICTION OF THE HOUSING PART WHICH IS BROUGHT BY OR AGAINST ANY OWNER OF A "PRIVATE DWELLING", AS DEFINED IN PARAGRAPH ONE OF THIS SUBDIVISION.

(3) THE ADMINISTRATIVE JUDGE SHALL ASSIGN JUDGES TO THE PART ESTABLISHED IN PARAGRAPH TWO OF THIS SUBDIVISION WHO ARE BY KNOWLEDGE, TRAINING AND EXPERIENCE FAMILIAR WITH THE LAWS AND REGULATIONS THAT PARTIC-

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

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ULARLY AFFECT "PRIVATE DWELLINGS", AS DEFINED IN PARAGRAPH ONE OF THIS SUBDIVISION.

(4) THE PRESIDING JUSTICES OF THE APPELLATE DIVISIONS OF THE SUPREME COURT FOR THE FIRST AND SECOND DEPARTMENTS MAY JOINTLY ADOPT RULES FOR THE EFFICACIOUS ADMINISTRATION OF THE REQUIREMENTS OF THIS SUBDIVISION.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.