

6873--A

I N S E N A T E

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Introduced by Sens. KRUEGER, ADAMS, DUANE, HASSELL-THOMPSON, MONTGOMERY, PARKER, SQUADRON, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the multiple dwelling law and the administrative code of the city of New York, in relation to clarifying certain provisions relating to occupancy of class A multiple dwellings

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

- 1 Section 1. Paragraph a of subdivision 8 of section 4 of the multiple
2 dwelling law, as amended by chapter 562 of the laws of 1954, is amended
3 to read as follows:
4 a. A "class A" multiple dwelling is a multiple dwelling [which] THAT
5 is occupied[, as a rule,] for permanent residence purposes. This class
6 shall include tenements, flat houses, maisonette apartments, apartment
7 houses, apartment hotels, bachelor apartments, studio apartments, duplex
8 apartments, kitchenette apartments, garden-type maisonette dwelling
9 projects, and all other multiple dwellings except class B multiple
10 dwellings. A CLASS A MULTIPLE DWELLING SHALL ONLY BE USED FOR PERMANENT
11 RESIDENCE PURPOSES. FOR THE PURPOSES OF THIS DEFINITION, "PERMANENT
12 RESIDENCE PURPOSES" SHALL CONSIST OF OCCUPANCY OF A DWELLING UNIT BY THE
13 SAME NATURAL PERSON OR FAMILY FOR THIRTY CONSECUTIVE DAYS OR MORE AND A
14 PERSON OR FAMILY SO OCCUPYING A DWELLING UNIT SHALL BE REFERRED TO HERE-
15 IN AS THE PERMANENT OCCUPANTS OF SUCH DWELLING UNIT. THE FOLLOWING USES
16 OF A DWELLING UNIT BY THE PERMANENT OCCUPANTS THEREOF SHALL NOT BE
17 DEEMED TO BE INCONSISTENT WITH THE OCCUPANCY OF SUCH DWELLING UNIT FOR
18 PERMANENT RESIDENCE PURPOSES:
19 (1) OCCUPANCY OF SUCH DWELLING UNIT FOR FEWER THAN THIRTY CONSECUTIVE
20 DAYS BY OTHER NATURAL PERSONS LIVING WITHIN THE HOUSEHOLD OF THE PERMA-
21 NENT OCCUPANT SUCH AS HOUSE GUESTS OR LAWFUL BOARDERS, ROOMERS OR LODG-
22 ERS; OR
23 (2) INCIDENTAL AND OCCASIONAL OCCUPANCY OF SUCH DWELLING UNIT FOR
24 FEWER THAN THIRTY CONSECUTIVE DAYS BY OTHER NATURAL PERSONS WHEN THE

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

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1 PERMANENT OCCUPANTS ARE TEMPORARILY ABSENT FOR PERSONAL REASONS SUCH AS
2 VACATION OR MEDICAL TREATMENT, PROVIDED THAT THERE IS NO MONETARY
3 COMPENSATION PAID TO THE PERMANENT OCCUPANTS FOR SUCH OCCUPANCY.

4 S 2. Section 67 of the multiple dwelling law is amended by adding a
5 new subdivision 16 to read as follows:

6 16. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
7 WITHIN A DWELLING TO WHICH THIS SECTION IS APPLICABLE THE USE OF DWELL-
8 ING UNITS AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES, AS
9 DEFINED IN PARAGRAPH A OF SUBDIVISION EIGHT OF SECTION FOUR OF THIS
10 CHAPTER, THAT WOULD OTHERWISE BE PROHIBITED SHALL BE PERMITTED TO
11 CONTINUE FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS
12 SUBDIVISION PROVIDED THAT:

13 (1) SUCH DWELLING UNITS WERE USED FOR OTHER THAN PERMANENT RESIDENCE
14 PURPOSES ON JANUARY FIRST, TWO THOUSAND NINE AND ON THE EFFECTIVE DATE
15 OF THIS SUBDIVISION AND FIFTY-ONE PERCENT OR MORE OF THE TOTAL NUMBER OF
16 DWELLING UNITS IN SUCH DWELLING WERE USED FOR OTHER THAN PERMANENT RESI-
17 DENCE PURPOSES ON SUCH DATES;

18 (2) SUCH DWELLING WAS OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT
19 RESIDENCE PURPOSES ON DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE;

20 (3) SUCH DWELLING IS OF FIREPROOF CONSTRUCTION AND WAS OF FIREPROOF
21 CONSTRUCTION ON JANUARY FIRST, TWO THOUSAND NINE;

22 (4) SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE
23 PURPOSES HAVE AT LEAST TWO LAWFUL MEANS OF EGRESS, INCLUDING EXIT
24 STAIRS, FIRE TOWERS OR EXTERIOR STAIRS BUT EXCLUDING FIRE ESCAPES AND
25 HAD SUCH LAWFUL MEANS OF EGRESS ON JANUARY FIRST, TWO THOUSAND NINE;

26 (5) SUCH DWELLING HAS OPERATIONAL EXIT SIGNS AND A FIRE ALARM SYSTEM
27 COMPLYING WITH THE PROVISIONS FOR EXISTING TRANSIENT OCCUPANCIES IN
28 ACCORDANCE WITH LOCAL LAW AND HAD SUCH EXIT SIGNS AND FIRE ALARM SYSTEM
29 ON JANUARY FIRST, TWO THOUSAND NINE; AND

30 (6) SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE
31 PURPOSES ARE REGISTERED WITH THE DEPARTMENT WITHIN ONE HUNDRED EIGHTY
32 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION IN A FORM AND MANNER
33 TO BE PROVIDED BY SUCH DEPARTMENT, INCLUDING A REQUIREMENT THAT THE
34 APPLICANT SUBMIT CERTIFICATION OF COMPLIANCE WITH SUBPARAGRAPHS THREE,
35 FOUR AND FIVE OF THIS PARAGRAPH, SIGNED AND SEALED BY A REGISTERED
36 ARCHITECT OR LICENSED PROFESSIONAL ENGINEER IN GOOD STANDING UNDER THE
37 EDUCATION LAW. THE DEPARTMENT MAY ASSESS FEES TO COVER ALL COSTS ASSO-
38 CIATED WITH SUCH REGISTRATION. THE DEPARTMENT MAY REFUSE TO REGISTER
39 DWELLING UNITS OR MAY REVOKE SUCH REGISTRATION IF IT DETERMINES SUCH
40 DWELLING UNITS OR DWELLING DO NOT COMPLY WITH THE CONDITIONS FOR REGIS-
41 TRATION SET FORTH IN SUBPARAGRAPHS ONE THROUGH FIVE OF THIS PARAGRAPH.

42 B. THE OWNER SHALL OBTAIN A CERTIFICATE OF OCCUPANCY FOR THE USE OF
43 REGISTERED DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES
44 WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION. UPON
45 APPLICATION PRIOR TO THE EXPIRATION OF SUCH TWO YEAR PERIOD, THE DEPART-
46 MENT MAY, FOR GOOD CAUSE, EXTEND SUCH TIME FOR UP TO ONE ADDITIONAL YEAR
47 BUT NO SUCH EXTENSION SHALL BE GRANTED UNLESS THE DEPARTMENT FINDS THAT:

48 (1) THE OWNER HAS OBTAINED THE NECESSARY PERMIT OR PERMITS FOR ALL
49 WORK NECESSARY TO BRING SUCH DWELLING INTO COMPLIANCE WITH THE REQUIRE-
50 MENTS OF THIS CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR
51 THE USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES;

52 (2) ALL CONSTRUCTION AUTHORIZED BY SUCH PERMIT OR PERMITS HAS BEEN
53 SUBSTANTIALLY COMPLETED; AND

54 (3) THERE ARE NO CONSIDERATIONS OF PUBLIC SAFETY, HEALTH AND WELFARE
55 THAT HAVE BECOME APPARENT SINCE THE ISSUANCE OF THE ABOVE DESCRIBED
56 PERMIT OR PERMITS THAT INDICATE AN OVERRIDING BENEFIT TO THE PUBLIC IN

1 ENFORCING THE REQUIREMENT THAT THE APPLICANT OBTAIN A CERTIFICATE OF
 2 OCCUPANCY FOR THE USE OF REGISTERED DWELLING UNITS FOR OTHER THAN PERMA-
 3 NENT RESIDENCE PURPOSES WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF
 4 THIS SUBDIVISION.

5 C. UPON APPLICATION PRIOR TO THE EXPIRATION OF THE TIME FOR OBTAINING
 6 A CERTIFICATE OF OCCUPANCY, AS EXTENDED BY THE DEPARTMENT PURSUANT TO
 7 PARAGRAPH B OF THIS SUBDIVISION, THE BOARD OF STANDARDS AND APPEALS MAY
 8 GRANT FURTHER EXTENSIONS OF TIME TO OBTAIN A CERTIFICATE OF OCCUPANCY IN
 9 A CASE WHERE THERE ARE CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL OR
 10 HARDSHIP IN THE WAY OF OBTAINING SUCH CERTIFICATE WITHIN THE TIME
 11 ALLOWED BY THE DEPARTMENT BUT NO MORE THAN TWO SUCH EXTENSIONS OF ONE
 12 YEAR EACH SHALL BE GRANTED FOR A BUILDING AND NO SUCH EXTENSION SHALL BE
 13 GRANTED UNLESS THE BOARD FINDS THAT THERE ARE NO OUTSTANDING BUILDING OR
 14 FIRE CODE VIOLATIONS OF RECORD AT THE PROPERTY.

15 D. THE DEPARTMENT SHALL ISSUE SUCH CERTIFICATE OF OCCUPANCY UPON PROOF
 16 THAT SAID DWELLING CONFORMS IN ALL RESPECTS TO THE REQUIREMENTS OF THIS
 17 CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE USE OF
 18 DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES. IF NO SUCH
 19 CERTIFICATE OF OCCUPANCY IS ISSUED WITHIN TWO YEARS AFTER THE EFFECTIVE
 20 DATE OF THIS SUBDIVISION OR, IF APPLICABLE, WITHIN THE TIME AS EXTENDED
 21 BY THE DEPARTMENT OR AS FURTHER EXTENDED BY THE BOARD OF STANDARDS AND
 22 APPEALS, ALL USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE
 23 PURPOSES SHALL THEREAFTER CEASE.

24 E. IF AFTER A CERTIFICATE OF OCCUPANCY IS ISSUED PURSUANT TO PARAGRAPH
 25 D OF THIS SUBDIVISION, THE USE OF SUCH DWELLING UNITS FOR OTHER THAN
 26 PERMANENT RESIDENCE PURPOSES IS DISCONTINUED, NOTHING IN THIS SUBDIVI-
 27 SION SHALL BE CONSTRUED TO LIMIT THE APPLICATION OF THE LOCAL ZONING
 28 RESOLUTION WITH RESPECT TO SUCH DISCONTINUANCE.

29 S 3. Article 4 of the multiple dwelling law is amended by adding a new
 30 title 3 to read as follows:

31 TITLE 3
 32 CERTAIN CLASS A MULTIPLE DWELLINGS ERECTED PRIOR TO
 33 DECEMBER 15, 1961

34 SECTION 120. USE OF DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR
 35 OTHER THAN PERMANENT RESIDENCE PURPOSES.

36 S 120. USE OF DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR OTHER
 37 THAN PERMANENT RESIDENCE PURPOSES. 1. NOTWITHSTANDING ANY OTHER
 38 PROVISION OF LAW TO THE CONTRARY, WITHIN A CLASS A MULTIPLE DWELLING TO
 39 WHICH THIS ARTICLE IS APPLICABLE THE USE OF DWELLING UNITS AS A HOTEL
 40 FOR OTHER THAN PERMANENT RESIDENCE PURPOSES, AS DEFINED IN PARAGRAPH A
 41 OF SUBDIVISION EIGHT OF SECTION FOUR OF THIS CHAPTER, THAT WOULD OTHER-
 42 WISE BE PROHIBITED SHALL BE PERMITTED TO CONTINUE FOR A PERIOD OF TWO
 43 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION PROVIDED THAT:

44 A. SUCH DWELLING UNITS WERE USED FOR OTHER THAN PERMANENT RESIDENCE
 45 PURPOSES ON JANUARY FIRST, TWO THOUSAND NINE AND ON THE EFFECTIVE DATE
 46 OF THIS SUBDIVISION AND FIFTY-ONE PERCENT OR MORE OF THE TOTAL NUMBER OF
 47 DWELLING UNITS IN SUCH DWELLING WERE USED FOR OTHER THAN PERMANENT RESI-
 48 DENCE PURPOSES ON SUCH DATES;

49 B. (1) SUCH DWELLING WAS INITIALLY CONSTRUCTED AS AND IDENTIFIED ON
 50 ITS INITIAL CERTIFICATE OF OCCUPANCY AS "APARTMENT HOTEL" OR "CLASS A
 51 HOTEL" AND OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE
 52 PURPOSES ON DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE OR, IF SUCH
 53 DWELLING WAS UNDER CONSTRUCTION AND NOT YET COMPLETE ON SUCH DATE, WAS
 54 OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES AT THE

1 TIME THE DWELLING WAS COMPLETED, OR (2) SUCH DWELLING IS IN ZONING
2 DISTRICT C5 AS DESIGNATED IN THE NEW YORK CITY ZONING RESOLUTION AND WAS
3 INITIALLY CONSTRUCTED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE
4 PURPOSES PRIOR TO DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE AND
5 OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON
6 DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE, OR (3) SUCH DWELLING (A)
7 IS WITHIN TWELVE HUNDRED FEET OF ZONING DISTRICT C5 AS DESIGNATED IN THE
8 NEW YORK CITY ZONING RESOLUTION, (B) WAS INITIALLY CONSTRUCTED AS A
9 HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES IN ACCORDANCE WITH A
10 PERMIT THAT WAS ISSUED PRIOR TO DECEMBER FIFTEENTH, NINETEEN HUNDRED
11 SIXTY-ONE, AND (C) WAS COMPLETED AFTER DECEMBER FIFTEENTH, NINETEEN
12 HUNDRED SIXTY-ONE AND WAS INITIALLY OCCUPIED AS A HOTEL FOR OTHER THAN
13 PERMANENT RESIDENCE PURPOSES;

14 C. SUCH DWELLING IS OF FIREPROOF CONSTRUCTION AND WAS OF FIREPROOF
15 CONSTRUCTION ON JANUARY FIRST, TWO THOUSAND NINE;

16 D. SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE
17 PURPOSES HAVE AT LEAST TWO LAWFUL MEANS OF EGRESS, INCLUDING EXIT
18 STAIRS, FIRE TOWERS OR EXTERIOR STAIRS BUT EXCLUDING FIRE ESCAPES AND
19 HAD SUCH LAWFUL MEANS OF EGRESS ON JANUARY FIRST, TWO THOUSAND NINE;

20 E. SUCH DWELLING HAS OPERATIONAL EXIST SIGNS AND A FIRE ALARM SYSTEM
21 COMPLYING WITH THE PROVISIONS FOR EXISTING TRANSIENT OCCUPANCIES IN
22 ACCORDANCE WITH LOCAL LAW AND HAD SUCH EXIT SIGNS AND FIRE ALARM SYSTEM
23 ON JANUARY FIRST, TWO THOUSAND NINE; AND

24 F. SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE
25 PURPOSES ARE REGISTERED WITH THE DEPARTMENT WITHIN ONE HUNDRED EIGHTY
26 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION IN A FORM AND MANNER TO BE
27 PROVIDED BY SUCH DEPARTMENT, INCLUDING A REQUIREMENT THAT THE APPLICANT
28 SUBMIT CERTIFICATION OF COMPLIANCE WITH PARAGRAPHS D AND E OF THIS
29 SUBDIVISION, SIGNED AND SEALED BY A REGISTERED ARCHITECT OR LICENSED
30 PROFESSIONAL ENGINEER IN GOOD STANDING UNDER THE EDUCATION LAW. THE
31 DEPARTMENT MAY ASSESS FEES TO COVER ALL COSTS ASSOCIATED WITH SUCH
32 REGISTRATION. THE DEPARTMENT MAY REFUSE TO REGISTER DWELLING UNITS OR
33 MAY REVOKE SUCH REGISTRATION IF IT DETERMINES SUCH DWELLING UNITS OR
34 DWELLING DO NOT COMPLY WITH THE CONDITIONS FOR REGISTRATION SET FORTH IN
35 PARAGRAPHS A THROUGH E OF THIS SUBDIVISION.

36 2. THE OWNER SHALL OBTAIN A CERTIFICATE OF OCCUPANCY FOR THE USE OF
37 REGISTERED DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES
38 WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION. UPON APPLICA-
39 TION PRIOR TO THE EXPIRATION OF SUCH TWO YEAR PERIOD, THE DEPARTMENT
40 MAY, FOR GOOD CAUSE, EXTEND SUCH TIME FOR UP TO ONE ADDITIONAL YEAR BUT
41 NO SUCH EXTENSION SHALL BE GRANTED UNLESS THE DEPARTMENT FINDS THAT:

42 A. THE OWNER HAS OBTAINED THE NECESSARY PERMIT OR PERMITS FOR ALL WORK
43 NECESSARY TO BRING SUCH DWELLING INTO COMPLIANCE WITH THE REQUIREMENTS
44 OF THIS CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE
45 USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES;

46 B. ALL CONSTRUCTION AUTHORIZED BY SUCH PERMIT OR PERMITS HAS BEEN
47 SUBSTANTIALLY COMPLETED; AND

48 C. THERE ARE NO CONSIDERATIONS OF PUBLIC SAFETY, HEALTH AND WELFARE
49 THAT HAVE BECOME APPARENT SINCE THE ISSUANCE OF THE ABOVE DESCRIBED
50 PERMIT OR PERMITS THAT INDICATE AN OVERRIDING BENEFIT TO THE PUBLIC IN
51 ENFORCING THE REQUIREMENT THAT THE APPLICANT OBTAIN A CERTIFICATE OF
52 OCCUPANCY FOR THE USE OF REGISTERED DWELLING UNITS FOR OTHER THAN PERMA-
53 NENT RESIDENCE PURPOSES WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF
54 THIS SECTION.

55 3. UPON APPLICATION PRIOR TO THE EXPIRATION OF THE TIME FOR OBTAINING
56 A CERTIFICATE OF OCCUPANCY, AS EXTENDED BY THE DEPARTMENT PURSUANT TO

1 SUBDIVISION TWO OF THIS SECTION, THE BOARD OF STANDARDS AND APPEALS MAY
2 GRANT FURTHER EXTENSIONS OF TIME TO OBTAIN A CERTIFICATE OF OCCUPANCY IN
3 A CASE WHERE THERE ARE CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL OR
4 HARDSHIP IN THE WAY OF OBTAINING SUCH CERTIFICATE WITHIN THE TIME
5 ALLOWED BY THE DEPARTMENT BUT NO MORE THAN TWO SUCH EXTENSIONS OF ONE
6 YEAR EACH SHALL BE GRANTED FOR A BUILDING AND NO SUCH EXTENSION SHALL BE
7 GRANTED UNLESS THE BOARD FINDS THAT THERE ARE NO OUTSTANDING BUILDING OR
8 FIRE CODE VIOLATIONS OF RECORD AT THE PROPERTY.

9 4. THE DEPARTMENT SHALL ISSUE SUCH CERTIFICATE OF OCCUPANCY UPON PROOF
10 THAT SAID DWELLING CONFORMS IN ALL RESPECTS TO THE REQUIREMENTS OF THIS
11 CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE USE OF
12 DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES. IF NO SUCH
13 CERTIFICATE OF OCCUPANCY IS ISSUED WITHIN TWO YEARS AFTER THE EFFECTIVE
14 DATE OF THIS SECTION OR, IF APPLICABLE, WITHIN THE TIME AS EXTENDED BY
15 THE DEPARTMENT OR AS FURTHER EXTENDED BY THE BOARD OF STANDARDS AND
16 APPEALS, ALL USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE
17 PURPOSES SHALL THEREAFTER CEASE.

18 5. IF AFTER A CERTIFICATE OF OCCUPANCY IS ISSUED PURSUANT TO SUBDIVI-
19 SION FOUR OF THIS SECTION, THE USE OF SUCH DWELLING UNITS FOR OTHER THAN
20 PERMANENT RESIDENCE PURPOSES IS DISCONTINUED, NOTHING IN THIS SECTION
21 SHALL BE CONSTRUED TO LIMIT THE APPLICATION OF THE LOCAL ZONING RESOL-
22 UTION WITH RESPECT TO SUCH DISCONTINUANCE.

23 S 4. Subdivisions 1 and 16 of section 248 of the multiple dwelling
24 law, subdivision 1 as amended by chapter 116 of the laws of 1950, are
25 amended to read as follows:

26 1. It shall be unlawful to occupy any frame multiple dwelling for
27 single room occupancy. It shall be unlawful to occupy any other existing
28 class A dwelling or part thereof as a rooming house or furnished room
29 house or for single room occupancy unless such dwelling or part shall
30 conform to the provisions of this section and to such other provisions
31 of this chapter as were applicable to such dwelling before such conver-
32 sion. This section shall not be construed to prohibit the letting by a
33 family of one or more rooms within their apartment to not more than a
34 total of four boarders, roomers or lodgers provided, however, that every
35 room in such apartment shall have free and unobstructed access to each
36 required exit from such apartment as required by the provisions of para-
37 graphs a, b and c of subdivision four of this section. A dwelling occu-
38 pied pursuant to this section shall be deemed a class A dwelling AND
39 DWELLING UNITS OCCUPIED PURSUANT TO THIS SECTION SHALL BE OCCUPIED FOR
40 PERMANENT RESIDENCE PURPOSES, AS DEFINED IN PARAGRAPH A OF SUBDIVISION
41 EIGHT OF SECTION FOUR OF THIS CHAPTER.

42 [16. It shall be unlawful to rent any room in any such dwelling for a
43 period of less than a week.]

44 S 5. Section 27-265 of the administrative code of the city of New York
45 is amended to read as follows:

46 S 27-265 Occupancy group J-2. Shall include buildings with three or
47 more dwelling units that are [primarily occupied for the shelter and
48 sleeping accommodation of individuals on a month-to-month or longer-term
49 basis] OCCUPIED FOR PERMANENT RESIDENCE PURPOSES AS DEFINED IN SUBPARA-
50 GRAPH (A) OF PARAGRAPH EIGHT OF SUBDIVISION A OF SECTION 27-2004 OF THE
51 HOUSING MAINTENANCE CODE.

52 S 6. Section 310.1.2 of BC 310 of the New York City building code of
53 chapter 7 of title 28 of the administrative code of the city of New
54 York, as added by local law number 33 of the city of New York for the
55 year 2007, is amended to read as follows:

1 310.1.2 Group R-2. This occupancy shall include buildings or portions
2 thereof containing sleeping units or more than two dwelling units that
3 are occupied[, as a rule, for shelter and sleeping accommodation on a
4 long-term basis for a month or more at a time] FOR PERMANENT RESIDENCE
5 PURPOSES AS DEFINED IN SUBPARAGRAPH (A) OF PARAGRAPH EIGHT OF SUBDIVI-
6 SION A OF SECTION 27-2004 OF THE NEW YORK CITY HOUSING MAINTENANCE CODE.
7 Such occupancy shall be subject to the New York State Multiple Dwelling
8 Law. This group shall include, but not be limited to, the following:

9 Adult homes or enriched housing with 16 or fewer occupants requiring
10 supervised care on a 24-hour basis in the same building, provided that
11 the number of occupants per dwelling unit does not exceed the definition
12 of a family

13 Apartment houses

14 Apartment hotels (nontransient)

15 Class A multiple dwellings as defined in Section 27-2004 of the New
16 York City Housing Maintenance Code and Section 4 of the New York State
17 Multiple Dwelling Law, including the following:

18 1. Dwelling units where the resident of the unit provides custodial
19 care to no more than four persons on less than a 24-hour basis and not
20 overnight.

21 2. Dwelling units where the resident of the unit provides child custo-
22 dial care as a family day care home registered with the New York City
23 Department of Health and Mental Hygiene in accordance with the New York
24 State Social Services Law with no more than six children between the
25 ages of 2 and 13, or with no more than five children if any are under
26 the age of 2, receiving supervised care on less than a 24-hour basis and
27 not overnight.

28 Exception: Class A multiple dwellings classified in Group I-1.

29 Convents and monasteries with more than 20 occupants in the building

30 Student apartments

31 S 7. Subparagraph (a) of paragraph 8 of subdivision a of section
32 27-2004 of the administrative code of the city of New York is amended to
33 read as follows:

34 (a) A class A multiple dwelling is a multiple dwelling [which] THAT is
35 occupied[, as a rule,] for permanent residence purposes. This class
36 shall include tenements, flat houses, maisonette apartments, apartment
37 houses, apartment hotels, bachelor apartments, studio apartments, duplex
38 apartments, kitchenette apartments, garden-type maisonette dwelling
39 projects, and all other multiple dwellings except class B multiple
40 dwellings. A CLASS A MULTIPLE DWELLING SHALL ONLY BE USED FOR PERMANENT
41 RESIDENCE PURPOSES. FOR THE PURPOSES OF THIS SUBPARAGRAPH, "PERMANENT
42 RESIDENCE PURPOSES" SHALL CONSIST OF OCCUPANCY OF A DWELLING UNIT BY THE
43 SAME NATURAL PERSON OR FAMILY FOR THIRTY CONSECUTIVE DAYS OR MORE, AND A
44 NATURAL PERSON OR FAMILY SO OCCUPYING A DWELLING UNIT SHALL BE REFERRED
45 TO HEREIN AS THE PERMANENT OCCUPANTS OF SUCH DWELLING UNIT. THE FOLLOW-
46 ING USES OF A DWELLING UNIT BY THE PERMANENT OCCUPANTS THEREOF SHALL NOT
47 BE DEEMED TO BE INCONSISTENT WITH OCCUPANCY OF SUCH DWELLING UNIT FOR
48 PERMANENT RESIDENCE PURPOSES:

49 (1) OCCUPANCY OF SUCH DWELLING UNIT FOR FEWER THAN THIRTY CONSECUTIVE
50 DAYS BY OTHER NATURAL PERSONS LIVING WITHIN THE HOUSEHOLD OF THE PERMA-
51 NENT OCCUPANT SUCH AS HOUSE GUESTS OR LAWFUL BOARDERS, ROOMERS OR LODG-
52 ERS; OR

53 (2) INCIDENTAL AND OCCASIONAL OCCUPANCY OF SUCH DWELLING UNIT FOR
54 FEWER THAN THIRTY CONSECUTIVE DAYS BY OTHER NATURAL PERSONS WHEN THE
55 PERMANENT OCCUPANTS ARE TEMPORARILY ABSENT FOR PERSONAL REASONS SUCH AS

1 VACATION OR MEDICAL TREATMENT, PROVIDED THAT THERE IS NO MONETARY
2 COMPENSATION PAID TO THE PERMANENT OCCUPANTS FOR SUCH OCCUPANCY.

3 S 8. This act shall take effect immediately and shall apply to all
4 buildings in existence on such effective date and to buildings
5 constructed after such effective date.