

6873--B

I N S E N A T E

February 18, 2010

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 -- 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) (A) OCCUPANCY OF SUCH DWELLING UNIT FOR FEWER THAN THIRTY CONSEC-
20 UTIVE DAYS BY OTHER NATURAL PERSONS LIVING WITHIN THE HOUSEHOLD OF THE
21 PERMANENT OCCUPANT SUCH AS HOUSE GUESTS OR LAWFUL BOARDERS, ROOMERS OR
22 LODGERS; OR

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

LBD15564-08-0

1 (B) INCIDENTAL AND OCCASIONAL OCCUPANCY OF SUCH DWELLING UNIT FOR
2 FEWER THAN THIRTY CONSECUTIVE DAYS BY OTHER NATURAL PERSONS WHEN THE
3 PERMANENT OCCUPANTS ARE TEMPORARILY ABSENT FOR PERSONAL REASONS SUCH AS
4 VACATION OR MEDICAL TREATMENT, PROVIDED THAT THERE IS NO MONETARY
5 COMPENSATION PAID TO THE PERMANENT OCCUPANTS FOR SUCH OCCUPANCY.

6 (2) IN A CLASS A MULTIPLE DWELLING OWNED BY AN ACCREDITED NOT-FOR-PRO-
7 FIT COLLEGE OR UNIVERSITY OR LEASED BY SUCH A COLLEGE OR UNIVERSITY
8 UNDER A NET LEASE FOR A TERM OF FORTY-NINE YEARS OR MORE, THE USE OF
9 DESIGNATED DWELLING UNITS FOR OCCUPANCY FOR FEWER THAN THIRTY CONSEC-
10 UTIVE DAYS SHALL NOT BE INCONSISTENT WITH THE OCCUPANCY OF SUCH MULTIPLE
11 DWELLING FOR PERMANENT RESIDENCE PURPOSES IF:

12 (A) NO MORE THAN FIVE PERCENT OF THE DWELLING UNITS IN SUCH MULTIPLE
13 DWELLING BUT NOT LESS THAN ONE DWELLING UNIT, ARE DESIGNATED FOR SUCH
14 USE AND THE DESIGNATION OF A UNIT ONCE MADE MAY NOT BE CHANGED TO ANOTH-
15 ER UNIT;

16 (B) A LIST OF THE DESIGNATED DWELLING UNITS CERTIFIED BY AN AUTHORIZED
17 REPRESENTATIVE OF THE COLLEGE OR UNIVERSITY IS KEPT ON THE PREMISES BY
18 THE OWNER OR NET LESSEE AND MADE AVAILABLE UPON REQUEST FOR INSPECTION
19 BY THE DEPARTMENT OR THE FIRE DEPARTMENT OF SUCH CITY;

20 (C) ONLY DESIGNATED DWELLING UNITS ON THE CERTIFIED LIST ARE USED FOR
21 OCCUPANCY FOR FEWER THAN THIRTY CONSECUTIVE DAYS AND ONLY BY (I) NATURAL
22 PERSONS, OTHER THAN PERSONS WHOSE ONLY RELATIONSHIP WITH THE COLLEGE OR
23 UNIVERSITY IS AS A STUDENT, FOR WHOM THE COLLEGE OR UNIVERSITY HAS
24 UNDERTAKEN TO PROVIDE HOUSING ACCOMMODATIONS SUCH AS VISITING PROFESSORS
25 AND ACADEMICS, GRADUATE STUDENTS WITH RESEARCH OR TEACHING FELLOWSHIPS,
26 RESEARCHERS AND PERSONS PRESENTING ACADEMIC PAPERS, INTERVIEWING FOR
27 POSITIONS OF EMPLOYMENT OR HAVING OTHER SIMILAR BUSINESS WITH THE
28 COLLEGE OR UNIVERSITY, OR (II) NATURAL PERSONS FOR WHOM A HOSPITAL
29 AFFILIATED WITH SUCH COLLEGE OR UNIVERSITY HAS UNDERTAKEN TO PROVIDE
30 HOUSING ACCOMMODATIONS SUCH AS PATIENTS, PATIENTS' FAMILIES AND/OR
31 ACCOMPANYING ESCORTS, MEDICAL PROFESSIONALS AND HEALTHCARE CONSULTANTS
32 OR PERSONS HAVING OTHER SIMILAR BUSINESS WITH SUCH HOSPITAL. A LOG SHALL
33 BE MAINTAINED ON THE PREMISES OF THE NAMES AND ADDRESSES OF SUCH PERSONS
34 AND THE DURATION AND REASON FOR THEIR STAY. SUCH LOG SHALL BE ACCESSIBLE
35 UPON REQUEST FOR INSPECTION BY THE DEPARTMENT AND THE FIRE DEPARTMENT OF
36 SUCH MUNICIPALITY;

37 (D) NO RENT OR OTHER PAYMENT IS COLLECTED FOR SUCH OCCUPANCY; AND

38 (E) THE FIRE DEPARTMENT OF SUCH CITY SHALL REQUIRE THE FILING OF A
39 FIRE SAFETY PLAN OR OTHER APPROPRIATE FIRE SAFETY PROCEDURE.

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

42 16. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
43 WITHIN A DWELLING TO WHICH THIS SECTION IS APPLICABLE THE USE OF DWELL-
44 ING UNITS AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES, AS
45 DEFINED IN PARAGRAPH A OF SUBDIVISION EIGHT OF SECTION FOUR OF THIS
46 CHAPTER, THAT WOULD OTHERWISE BE PROHIBITED SHALL BE PERMITTED TO
47 CONTINUE FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS
48 SUBDIVISION PROVIDED THAT:

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

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

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

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

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

11 (6) SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE
12 PURPOSES ARE REGISTERED WITH THE DEPARTMENT WITHIN ONE HUNDRED EIGHTY
13 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION IN A FORM AND MANNER
14 TO BE PROVIDED BY SUCH DEPARTMENT, INCLUDING A REQUIREMENT THAT THE
15 APPLICANT SUBMIT CERTIFICATION OF COMPLIANCE WITH SUBPARAGRAPHS THREE,
16 FOUR AND FIVE OF THIS PARAGRAPH, SIGNED AND SEALED BY A REGISTERED
17 ARCHITECT OR LICENSED PROFESSIONAL ENGINEER IN GOOD STANDING UNDER THE
18 EDUCATION LAW. THE DEPARTMENT MAY ASSESS FEES TO COVER ALL COSTS ASSO-
19 CIATED WITH SUCH REGISTRATION. THE DEPARTMENT MAY REFUSE TO REGISTER
20 DWELLING UNITS OR MAY REVOKE SUCH REGISTRATION IF IT DETERMINES SUCH
21 DWELLING UNITS OR DWELLING DO NOT COMPLY WITH THE CONDITIONS FOR REGIS-
22 TRATION SET FORTH IN SUBPARAGRAPHS ONE THROUGH FIVE OF THIS PARAGRAPH.

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

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

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

35 (3) THERE ARE NO CONSIDERATIONS OF PUBLIC SAFETY, HEALTH AND WELFARE
36 THAT HAVE BECOME APPARENT SINCE THE ISSUANCE OF THE ABOVE DESCRIBED
37 PERMIT OR PERMITS THAT INDICATE AN OVERRIDING BENEFIT TO THE PUBLIC IN
38 ENFORCING THE REQUIREMENT THAT THE APPLICANT OBTAIN A CERTIFICATE OF
39 OCCUPANCY FOR THE USE OF REGISTERED DWELLING UNITS FOR OTHER THAN PERMA-
40 NENT RESIDENCE PURPOSES WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF
41 THIS SUBDIVISION.

42 C. UPON APPLICATION PRIOR TO THE EXPIRATION OF THE TIME FOR OBTAINING
43 A CERTIFICATE OF OCCUPANCY, AS EXTENDED BY THE DEPARTMENT PURSUANT TO
44 PARAGRAPH B OF THIS SUBDIVISION, THE BOARD OF STANDARDS AND APPEALS MAY
45 GRANT FURTHER EXTENSIONS OF TIME TO OBTAIN A CERTIFICATE OF OCCUPANCY IN
46 A CASE WHERE THERE ARE CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL OR
47 HARDSHIP IN THE WAY OF OBTAINING SUCH CERTIFICATE WITHIN THE TIME
48 ALLOWED BY THE DEPARTMENT BUT NO MORE THAN TWO SUCH EXTENSIONS OF ONE
49 YEAR EACH SHALL BE GRANTED FOR A BUILDING AND NO SUCH EXTENSION SHALL BE
50 GRANTED UNLESS THE BOARD FINDS THAT THERE ARE NO OUTSTANDING BUILDING OR
51 FIRE CODE VIOLATIONS OF RECORD AT THE PROPERTY.

52 D. THE DEPARTMENT SHALL ISSUE SUCH CERTIFICATE OF OCCUPANCY UPON PROOF
53 THAT SAID DWELLING CONFORMS IN ALL RESPECTS TO THE REQUIREMENTS OF THIS
54 CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE USE OF
55 DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES. IF NO SUCH
56 CERTIFICATE OF OCCUPANCY IS ISSUED WITHIN TWO YEARS AFTER THE EFFECTIVE

1 DATE OF THIS SUBDIVISION OR, IF APPLICABLE, WITHIN THE TIME AS EXTENDED
 2 BY THE DEPARTMENT OR AS FURTHER EXTENDED BY THE BOARD OF STANDARDS AND
 3 APPEALS, ALL USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE
 4 PURPOSES SHALL THEREAFTER CEASE.

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

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

12 TITLE 3

13 CERTAIN CLASS A MULTIPLE DWELLINGS ERECTED PRIOR TO
 14 DECEMBER 15, 1961

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

17 S 120. USE OF DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR OTHER
 18 THAN PERMANENT RESIDENCE PURPOSES. 1. NOTWITHSTANDING ANY OTHER
 19 PROVISION OF LAW TO THE CONTRARY, WITHIN A CLASS A MULTIPLE DWELLING TO
 20 WHICH THIS ARTICLE IS APPLICABLE THE USE OF DWELLING UNITS AS A HOTEL
 21 FOR OTHER THAN PERMANENT RESIDENCE PURPOSES, AS DEFINED IN PARAGRAPH A
 22 OF SUBDIVISION EIGHT OF SECTION FOUR OF THIS CHAPTER, THAT WOULD OTHER-
 23 WISE BE PROHIBITED SHALL BE PERMITTED TO CONTINUE FOR A PERIOD OF TWO
 24 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION PROVIDED THAT:

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

30 B. (1) SUCH DWELLING WAS INITIALLY CONSTRUCTED AS AND IDENTIFIED ON
 31 ITS INITIAL CERTIFICATE OF OCCUPANCY AS "APARTMENT HOTEL" OR "CLASS A
 32 HOTEL" AND OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE
 33 PURPOSES ON DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE OR, IF SUCH
 34 DWELLING WAS UNDER CONSTRUCTION AND NOT YET COMPLETE ON SUCH DATE, WAS
 35 OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES AT THE
 36 TIME THE DWELLING WAS COMPLETED, OR (2) SUCH DWELLING IS IN ZONING
 37 DISTRICT C5 AS DESIGNATED IN THE NEW YORK CITY ZONING RESOLUTION AND WAS
 38 INITIALLY CONSTRUCTED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE
 39 PURPOSES PRIOR TO DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE AND
 40 OCCUPIED AS A HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES ON
 41 DECEMBER FIFTEENTH, NINETEEN HUNDRED SIXTY-ONE, OR (3) SUCH DWELLING (A)
 42 IS WITHIN TWELVE HUNDRED FEET OF ZONING DISTRICT C5 AS DESIGNATED IN THE
 43 NEW YORK CITY ZONING RESOLUTION, (B) WAS INITIALLY CONSTRUCTED AS A
 44 HOTEL FOR OTHER THAN PERMANENT RESIDENCE PURPOSES IN ACCORDANCE WITH A
 45 PERMIT THAT WAS ISSUED PRIOR TO DECEMBER FIFTEENTH, NINETEEN HUNDRED
 46 SIXTY-ONE, AND (C) WAS COMPLETED AFTER DECEMBER FIFTEENTH, NINETEEN
 47 HUNDRED SIXTY-ONE AND WAS INITIALLY OCCUPIED AS A HOTEL FOR OTHER THAN
 48 PERMANENT RESIDENCE PURPOSES;

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

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

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

5 F. SUCH DWELLING UNITS USED FOR OTHER THAN PERMANENT RESIDENCE
6 PURPOSES ARE REGISTERED WITH THE DEPARTMENT WITHIN ONE HUNDRED EIGHTY
7 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION IN A FORM AND MANNER TO BE
8 PROVIDED BY SUCH DEPARTMENT, INCLUDING A REQUIREMENT THAT THE APPLICANT
9 SUBMIT CERTIFICATION OF COMPLIANCE WITH PARAGRAPHS D AND E OF THIS
10 SUBDIVISION, SIGNED AND SEALED BY A REGISTERED ARCHITECT OR LICENSED
11 PROFESSIONAL ENGINEER IN GOOD STANDING UNDER THE EDUCATION LAW. THE
12 DEPARTMENT MAY ASSESS FEES TO COVER ALL COSTS ASSOCIATED WITH SUCH
13 REGISTRATION. THE DEPARTMENT MAY REFUSE TO REGISTER DWELLING UNITS OR
14 MAY REVOKE SUCH REGISTRATION IF IT DETERMINES SUCH DWELLING UNITS OR
15 DWELLING DO NOT COMPLY WITH THE CONDITIONS FOR REGISTRATION SET FORTH IN
16 PARAGRAPHS A THROUGH E OF THIS SUBDIVISION.

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

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

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

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

36 3. UPON APPLICATION PRIOR TO THE EXPIRATION OF THE TIME FOR OBTAINING
37 A CERTIFICATE OF OCCUPANCY, AS EXTENDED BY THE DEPARTMENT PURSUANT TO
38 SUBDIVISION TWO OF THIS SECTION, THE BOARD OF STANDARDS AND APPEALS MAY
39 GRANT FURTHER EXTENSIONS OF TIME TO OBTAIN A CERTIFICATE OF OCCUPANCY IN
40 A CASE WHERE THERE ARE CIRCUMSTANCES BEYOND THE APPLICANT'S CONTROL OR
41 HARDSHIP IN THE WAY OF OBTAINING SUCH CERTIFICATE WITHIN THE TIME
42 ALLOWED BY THE DEPARTMENT BUT NO MORE THAN TWO SUCH EXTENSIONS OF ONE
43 YEAR EACH SHALL BE GRANTED FOR A BUILDING AND NO SUCH EXTENSION SHALL BE
44 GRANTED UNLESS THE BOARD FINDS THAT THERE ARE NO OUTSTANDING BUILDING OR
45 FIRE CODE VIOLATIONS OF RECORD AT THE PROPERTY.

46 4. THE DEPARTMENT SHALL ISSUE SUCH CERTIFICATE OF OCCUPANCY UPON PROOF
47 THAT SAID DWELLING CONFORMS IN ALL RESPECTS TO THE REQUIREMENTS OF THIS
48 CHAPTER AND ALL LOCAL HOUSING, BUILDING AND FIRE CODES FOR THE USE OF
49 DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE PURPOSES. IF NO SUCH
50 CERTIFICATE OF OCCUPANCY IS ISSUED WITHIN TWO YEARS AFTER THE EFFECTIVE
51 DATE OF THIS SECTION OR, IF APPLICABLE, WITHIN THE TIME AS EXTENDED BY
52 THE DEPARTMENT OR AS FURTHER EXTENDED BY THE BOARD OF STANDARDS AND
53 APPEALS, ALL USE OF DWELLING UNITS FOR OTHER THAN PERMANENT RESIDENCE
54 PURPOSES SHALL THEREAFTER CEASE.

55 5. IF AFTER A CERTIFICATE OF OCCUPANCY IS ISSUED PURSUANT TO SUBDIVI-
56 SION FOUR OF THIS SECTION, THE USE OF SUCH DWELLING UNITS FOR OTHER THAN

1 PERMANENT RESIDENCE PURPOSES IS DISCONTINUED, NOTHING IN THIS SECTION
2 SHALL BE CONSTRUED TO LIMIT THE APPLICATION OF THE LOCAL ZONING RESOL-
3 UTION WITH RESPECT TO SUCH DISCONTINUANCE.

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

7 1. It shall be unlawful to occupy any frame multiple dwelling for
8 single room occupancy. It shall be unlawful to occupy any other existing
9 class A dwelling or part thereof as a rooming house or furnished room
10 house or for single room occupancy unless such dwelling or part shall
11 conform to the provisions of this section and to such other provisions
12 of this chapter as were applicable to such dwelling before such conver-
13 sion. This section shall not be construed to prohibit the letting by a
14 family of one or more rooms within their apartment to not more than a
15 total of four boarders, roomers or lodgers provided, however, that every
16 room in such apartment shall have free and unobstructed access to each
17 required exit from such apartment as required by the provisions of para-
18 graphs a, b and c of subdivision four of this section. A dwelling occu-
19 pied pursuant to this section shall be deemed a class A dwelling AND
20 DWELLING UNITS OCCUPIED PURSUANT TO THIS SECTION SHALL BE OCCUPIED FOR
21 PERMANENT RESIDENCE PURPOSES, AS DEFINED IN PARAGRAPH A OF SUBDIVISION
22 EIGHT OF SECTION FOUR OF THIS CHAPTER.

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

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

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

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

37 310.1.2 Group R-2. This occupancy shall include buildings or portions
38 thereof containing sleeping units or more than two dwelling units that
39 are occupied[, as a rule, for shelter and sleeping accommodation on a
40 long-term basis for a month or more at a time] FOR PERMANENT RESIDENCE
41 PURPOSES AS DEFINED IN SUBPARAGRAPH (A) OF PARAGRAPH EIGHT OF SUBDIVI-
42 SION A OF SECTION 27-2004 OF THE NEW YORK CITY HOUSING MAINTENANCE CODE.
43 Such occupancy shall be subject to the New York State Multiple Dwelling
44 Law. This group shall include, but not be limited to, the following:

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

49 Apartment houses

50 Apartment hotels (nontransient)

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

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

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

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

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

10 Student apartments

11 S 7. Subparagraph (a) of paragraph 8 of subdivision a of section
12 27-2004 of the administrative code of the city of New York is amended to
13 read as follows:

14 (a) A class A multiple dwelling is a multiple dwelling [which] THAT is
15 occupied[, as a rule,] for permanent residence purposes. This class
16 shall include tenements, flat houses, maisonette apartments, apartment
17 houses, apartment hotels, bachelor apartments, studio apartments, duplex
18 apartments, kitchenette apartments, garden-type maisonette dwelling
19 projects, and all other multiple dwellings except class B multiple
20 dwellings. A CLASS A MULTIPLE DWELLING SHALL ONLY BE USED FOR PERMANENT
21 RESIDENCE PURPOSES. FOR THE PURPOSES OF THIS SUBPARAGRAPH, "PERMANENT
22 RESIDENCE PURPOSES" SHALL CONSIST OF OCCUPANCY OF A DWELLING UNIT BY THE
23 SAME NATURAL PERSON OR FAMILY FOR THIRTY CONSECUTIVE DAYS OR MORE, AND A
24 NATURAL PERSON OR FAMILY SO OCCUPYING A DWELLING UNIT SHALL BE REFERRED
25 TO HEREIN AS THE PERMANENT OCCUPANTS OF SUCH DWELLING UNIT. THE FOLLOW-
26 ING USES OF A DWELLING UNIT BY THE PERMANENT OCCUPANTS THEREOF SHALL NOT
27 BE DEEMED TO BE INCONSISTENT WITH OCCUPANCY OF SUCH DWELLING UNIT FOR
28 PERMANENT RESIDENCE PURPOSES:

29 (1) (A) OCCUPANCY OF SUCH DWELLING UNIT FOR FEWER THAN THIRTY CONSEC-
30 UTIVE DAYS BY OTHER NATURAL PERSONS LIVING WITHIN THE HOUSEHOLD OF THE
31 PERMANENT OCCUPANT SUCH AS HOUSE GUESTS OR LAWFUL BOARDERS, ROOMERS OR
32 LODGERS; OR

33 (B) INCIDENTAL AND OCCASIONAL OCCUPANCY OF SUCH DWELLING UNIT FOR
34 FEWER THAN THIRTY CONSECUTIVE DAYS BY OTHER NATURAL PERSONS WHEN THE
35 PERMANENT OCCUPANTS ARE TEMPORARILY ABSENT FOR PERSONAL REASONS SUCH AS
36 VACATION OR MEDICAL TREATMENT, PROVIDED THAT THERE IS NO MONETARY
37 COMPENSATION PAID TO THE PERMANENT OCCUPANTS FOR SUCH OCCUPANCY.

38 (2) IN A CLASS A MULTIPLE DWELLING OWNED BY AN ACCREDITED NOT-FOR-PRO-
39 FIT COLLEGE OR UNIVERSITY OR LEASED BY SUCH A COLLEGE OR UNIVERSITY
40 UNDER A NET LEASE FOR A TERM OF FORTY-NINE YEARS OR MORE, THE USE OF
41 DESIGNATED DWELLING UNITS FOR OCCUPANCY FOR FEWER THAN THIRTY CONSEC-
42 UTIVE DAYS SHALL NOT BE INCONSISTENT WITH THE OCCUPANCY OF SUCH MULTIPLE
43 DWELLING FOR PERMANENT RESIDENCE PURPOSES IF:

44 (A) NO MORE THAN FIVE PERCENT OF THE DWELLING UNITS IN SUCH MULTIPLE
45 DWELLING BUT NOT LESS THAN ONE DWELLING UNIT, ARE DESIGNATED FOR SUCH
46 USE AND THE DESIGNATION OF A UNIT ONCE MADE MAY NOT BE CHANGED TO ANOTH-
47 ER UNIT;

48 (B) A LIST OF THE DESIGNATED DWELLING UNITS CERTIFIED BY AN AUTHORIZED
49 REPRESENTATIVE OF THE COLLEGE OR UNIVERSITY IS KEPT ON THE PREMISES BY
50 THE OWNER OR NET LESSEE AND MADE AVAILABLE UPON REQUEST FOR INSPECTION
51 BY THE DEPARTMENT OR THE FIRE DEPARTMENT OF SUCH CITY;

52 (C) ONLY DESIGNATED DWELLING UNITS ON THE CERTIFIED LIST ARE USED FOR
53 OCCUPANCY FOR FEWER THAN THIRTY CONSECUTIVE DAYS AND ONLY BY (I) NATURAL
54 PERSONS, OTHER THAN PERSONS WHOSE ONLY RELATIONSHIP WITH THE COLLEGE OR
55 UNIVERSITY IS AS A STUDENT, FOR WHOM THE COLLEGE OR UNIVERSITY HAS
56 UNDERTAKEN TO PROVIDE HOUSING ACCOMMODATIONS SUCH AS VISITING PROFESSORS

1 AND ACADEMICS, GRADUATE STUDENTS WITH RESEARCH OR TEACHING FELLOWSHIPS,
2 RESEARCHERS AND PERSONS PRESENTING ACADEMIC PAPERS, INTERVIEWING FOR
3 POSITIONS OF EMPLOYMENT OR HAVING OTHER SIMILAR BUSINESS WITH THE
4 COLLEGE OR UNIVERSITY, OR (II) NATURAL PERSONS FOR WHOM A HOSPITAL
5 AFFILIATED WITH SUCH COLLEGE OR UNIVERSITY HAS UNDERTAKEN TO PROVIDE
6 HOUSING ACCOMMODATIONS SUCH AS PATIENTS, PATIENTS' FAMILIES AND/OR
7 ACCOMPANYING ESCORTS, MEDICAL PROFESSIONALS AND HEALTHCARE CONSULTANTS
8 OR PERSONS HAVING OTHER SIMILAR BUSINESS WITH SUCH HOSPITAL. A LOG SHALL
9 BE MAINTAINED ON THE PREMISES OF THE NAMES AND ADDRESSES OF SUCH PERSONS
10 AND THE DURATION AND REASON FOR THEIR STAY. SUCH LOG SHALL BE ACCESSIBLE
11 UPON REQUEST FOR INSPECTION BY THE DEPARTMENT AND THE FIRE DEPARTMENT OF
12 SUCH MUNICIPALITY;

13 (D) NO RENT OR OTHER PAYMENT IS COLLECTED FOR SUCH OCCUPANCY; AND

14 (E) THE FIRE DEPARTMENT OF SUCH CITY SHALL REQUIRE THE FILING OF A
15 FIRE SAFETY PLAN OR OTHER APPROPRIATE FIRE SAFETY PROCEDURE.

16 S 8. This act shall take effect immediately and shall apply to all
17 buildings in existence on such effective date and to buildings
18 constructed after such effective date.