

421

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

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

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1 REMAIN IN EFFECT FOR A PERIOD OF TEN YEARS AFTER THE OWNER'S ACTUAL
2 RECOVERY OF POSSESSION. ANY APPROVAL, AUTHORIZATION, PERMIT, SPECIAL
3 PERMIT, EXCEPTION, EXEMPTION, CERTIFICATION, VARIANCE, ZONING AMENDMENT,
4 OR ANY FORM OF PERMISSION WHATSOEVER THAT MAY BE GRANTED OR ISSUED BY A
5 PUBLIC BODY IN CONNECTION WITH AN APPLICATION MADE IN VIOLATION OF THE
6 PROVISIONS OF THIS SUBDIVISION SHALL BE VOID.
7 S 2. This act shall take effect immediately, and shall apply to build-
8 ing owners who recover possession of a building as defined and described
9 in section 286-a of the multiple dwelling law, as added by section one
10 of this act on or after said date.