

4937

2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Housing

AN ACT to amend the multiple dwelling law, in relation to interim multiple dwellings in a city with a population of one million or more persons

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

1 Section 1. Subdivision 5 of section 281 of the multiple dwelling law,
2 as amended by chapter 147 of the laws of 2010, is amended to read as
3 follows:
4 5. Notwithstanding the provisions of paragraphs (i), (iii) and (iv) of
5 subdivision two of this section, but subject to paragraphs (i) and (ii)
6 of subdivision one of this section and paragraph (ii) of subdivision two
7 of this section, the term "interim multiple dwelling" shall include
8 buildings, structures or portions thereof that are located in a city of
9 more than one million persons which were occupied for residential
10 purposes as the residence or home of any three or more families living
11 independently from one another for a period of twelve consecutive months
12 during the period commencing January first, two thousand eight, and
13 ending December thirty-first, two thousand nine, provided that the unit:
14 is not located in a basement or cellar and has at least one entrance
15 that does not require passage through another residential unit to obtain
16 access to the unit, has at least one window opening onto a street or a
17 lawful yard or court as defined in the zoning resolution for such municipality, and is at least five hundred fifty square feet in area. The
18 term "interim multiple dwelling" as used in this subdivision shall not
19 include (i) any building in an industrial business zone established
20 pursuant to chapter six-D of title twenty-two of the administrative code
21 of the city of New York except that a building in the
22 Williamsburg/Greenpoint or North Brooklyn industrial business zones and
23 a building located in that portion of the Long Island city industrial
24

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

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1 business zone that has frontage on either side of forty-seventh [street]
2 AVENUE or is located north of forty-seventh [street] AVENUE and south of
3 Skillman avenue or in that portion of the Long Island city industrial
4 business zone that is located north of forty-fourth drive, south of
5 Queens plaza north, and west of twenty-third street may be included in
6 the term "interim multiple dwelling," or (ii) units in any building
7 that, at the time this subdivision shall take effect, also contains a
8 use actively and currently pursued, which use is set forth in use groups
9 fifteen through eighteen, as described in the zoning resolution of such
10 municipality in effect on June twenty-first, two thousand ten, and which
11 the loft board has determined in rules and regulation is inherently
12 incompatible with residential use in the same building, provided that if
13 a building does not contain such active uses at the time this subdivi-
14 sion takes effect, no subsequent use by the owner of the building shall
15 eliminate the protections of this section for any residential occupants
16 in the building already qualified for such protections. The term "inter-
17 im multiple dwelling," as used in this subdivision shall also include
18 buildings, structures or portions thereof that are located north of West
19 24th Street and south of West 27th Street and west of tenth avenue and
20 east of eleventh avenue in a city of more than one million persons which
21 were occupied for residential purposes as the residence or home of any
22 two or more families living independently from one another for a period
23 of twelve consecutive months during the period commencing January first,
24 two thousand eight, and ending December thirty-first, two thousand nine
25 and subject to all the conditions and limitations of this subdivision
26 other than the number of units in the building. A reduction in the
27 number of occupied residential units in a building after meeting the
28 aforementioned twelve consecutive month requirement shall not eliminate
29 the protections of this section for any remaining residential occupants
30 qualified for such protections. Non-residential space in a building as
31 of the effective date of this subdivision shall be offered for residen-
32 tial use only after the obtaining of a residential certificate of occu-
33 pancy for such space and such space shall be exempt from this article,
34 even if a portion of such building may be an interim multiple dwelling.
35 S 2. This act shall take effect immediately.