

4945

2011-2012 Regular Sessions

I N   S E N A T E

May 2, 2011

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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 muni-  
18    cipality, and is at least five hundred fifty square feet in area. The  
19    term "interim multiple dwelling" as used in this subdivision shall not  
20    include (i) any building in an industrial business zone established  
21    pursuant to chapter six-D of title twenty-two of the administrative code  
22    of the city of New York except that a building in the  
23    Williamsburg/Greenpoint or North Brooklyn industrial business zones and

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

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

36 S 2. This act shall take effect immediately.