S T A T E  O F  N E W  Y O R K

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2011-2012 Regular Sessions

I N  S E N A T E

June 16, 2011

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the multiple dwelling law, in relation to interim multiple dwellings

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

Section 1. Subdivision 1 of section 281 of the multiple dwelling law, as added by chapter 349 of the laws of 1982, is amended to read as follows:

1. Except as provided in subdivision two of this section, the term "interim multiple dwelling" means any building or structure or portion thereof located in a city of more than one million persons which (i) at any time was occupied for manufacturing, commercial, or warehouse purposes; and (ii) lacks a certificate of compliance or occupancy pursuant to section three hundred one of this chapter, NOTWITHSTANDING ANY OTHER PORTION OF ANY SUCH BUILDING HAVING A CERTIFICATE OF COMPLIANCE OR OCCUPANCY PURSUANT TO SECTION THREE HUNDRED ONE OF THIS CHAPTER; and (iii) on December first, nineteen hundred eighty-one was occupied for residential purposes since April first, nineteen hundred eighty as the residence or home of any three or more families living independently of one another.

S 2. Subdivision 3 of section 281 of the multiple dwelling law, as added by chapter 349 of the laws of 1982, is amended to read as follows:

3. In addition to the residents of an interim multiple dwelling, residential occupants in units first occupied after April first, nineteen hundred eighty and prior to April first, nineteen hundred eighty-one shall be qualified for protection pursuant to this article, provided

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

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that the building or any portion thereof otherwise qualifies as an interim multiple dwelling, and the tenants are eligible under the local zoning resolution for such occupancy. A reduction in the number of occupied residential units in a building after December first, nineteen hundred eighty-one shall not eliminate the protections of this article for any remaining residential occupants qualified for such protections. Non-residential space in a building as of [the effective date of the act which added this article] JUNE TWENTY-FIRST, NINETEEN HUNDRED EIGHTY-TWO shall be offered for residential use only after the obtaining of a residential certificate of occupancy for such space, and such space shall be exempt from this article, even if a portion of such building may be an interim multiple dwelling.

S 3. Subdivision 5 of section 281 of the multiple dwelling law, as amended by chapter 139 of the laws of 2011, is amended to read as follows:

5. Notwithstanding the provisions of paragraphs (i), (iii) and (iv) of subdivision two of this section, but subject to paragraphs (i) and (ii) of subdivision one of this section and paragraph (ii) of subdivision two of this section, the term "interim multiple dwelling" shall include buildings, structures or portions thereof that are located in a city of more than one million persons which were occupied for residential purposes as the residence or home of any three or more families living independently from one another for a period of twelve consecutive months during the period commencing January first, two thousand eight, and ending December thirty-first, two thousand nine, provided that the unit: is not located in a basement or cellar and has at least one entrance that does not require passage through another residential unit to obtain access to the unit, has at least one window opening onto a street or a 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 term "interim multiple dwelling" as used in this subdivision shall not include (i) any building in an industrial business zone established pursuant to chapter six-D of title twenty-two of the administrative code of the city of New York except that a building in the Williamsburg/Greenpoint or North Brooklyn industrial business zones and a building located in that portion of the Long Island city industrial business zone that has frontage on either side of forty-seventh avenue or is located north of forty-seventh avenue and south of Skillman avenue or in that portion of the Long Island city industrial business zone that is located north of forty-fourth drive, south of Queens plaza north, and west of twenty-third street may be included in the term "interim multiple dwelling," or (ii) units in any building that, at the time this subdivision shall take effect AND CONTINUING AT THE TIME OF THE SUBMISSION OF AN APPLICATION FOR COVERAGE BY ANY PARTY, also contains a use actively and currently pursued, which use is set forth in use groups fifteen through eighteen, as described in the zoning resolution of such municipality in effect on June twenty-first, two thousand ten, and which the loft board has determined in rules and regulation is inherently incompatible with residential use in the same building, provided that if a building does not contain such active uses at the time this subdivision takes effect, no subsequent use by the owner of the building shall eliminate the protections of this section for any residential occupants in the building already qualified for such protections. The term "interim multiple dwelling," as used in this subdivision shall also include buildings, structures or portions thereof that are located north of West 24th Street and south of West 27th Street and west of tenth avenue and

east of eleventh avenue in a city of more than one million persons which were occupied for residential purposes as the residence or home of any two or more families living independently from one another for a period of twelve consecutive months during the period commencing January first, two thousand eight, and ending December thirty-first, two thousand nine and subject to all the conditions and limitations of this subdivision other than the number of units in the building. A reduction in the number of occupied residential units in a building after meeting the aforementioned twelve consecutive month requirement shall not eliminate the protections of this section for any remaining residential occupants qualified for such protections. Non-residential space in a building as of [the effective date of this subdivision] JUNE TWENTY-FIRST, TWO THOUSAND TEN shall be offered for residential use only after the obtaining of a residential certificate of occupancy for such space and such space shall be exempt from this article, even if a portion of such building may be an interim multiple dwelling.

S 4. Paragraph (vi) of subdivision 1 of section 284 of the multiple dwelling law, as amended by chapter 135 of the laws of 2010, is amended to read as follows:

(vi) Notwithstanding the provisions of paragraphs (i) through (v) of this subdivision the owner of an interim multiple dwelling made subject to this article by subdivision five of section two hundred eighty-one of this article (A) shall file an alteration application within nine months from the [effective date of the chapter of the laws of two thousand ten which amended this subparagraph] PROMULGATION OF THE RULES AND REGULATIONS PURSUANT TO SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-ONE OF THIS ARTICLE, and (B) shall take all reasonable and necessary action to obtain an approved alteration permit within twelve months from [such effective date] THE PROMULGATION OF THE RULES AND REGULATIONS PURSUANT TO SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-ONE OF THIS ARTICLE, and (C) shall achieve compliance with the standards of safety and fire protection set forth in article seven-B of this chapter for the residential portions of the building within eighteen months from obtaining such alteration permit [or eighteen months from such effective date, whichever is later], and (D) shall take all reasonable and necessary action to obtain a certificate of occupancy as a class A multiple dwelling for the residential portions of the building or structure within thirty-six months from [such effective date] THE PROMULGATION OF THE RULES AND REGULATIONS PURSUANT TO SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-ONE OF THIS ARTICLE. The loft board may, upon good cause shown, and upon proof of compliance with the standards of safety and fire protection set forth in article seven-B of this chapter, twice extend the time of compliance with the requirement to obtain a residential certificate of occupancy for periods not to exceed twelve months each.

S 5. Paragraph (ix) of subdivision 1 of section 284 of the multiple dwelling law, as amended by chapter 135 of the laws of 2010, is amended to read as follows:

(ix) In addition to the penalties provided in article eight of this chapter, if there is a finding by the loft board that an owner has failed to satisfy any requirement specified in paragraph (i), (ii), (iii), (iv), (v), or (vi) of this subdivision, a court may order specific performance to enforce the provisions of this article upon the application of [three occupants of separate residential units] ANY OCCUPANT, qualified for the protection of this article WHO RESIDES IN THE AFFECTED INTERIM MULTIPLE DWELLING, or upon the application of the municipality.

S 6. Subdivision 2 of section 285 of the multiple dwelling law, as amended by chapter 135 of the laws of 2010, is amended to read as follows:

2. Notwithstanding any other provision of this article, an owner may apply to the loft board for exemption of a building or portion thereof from this article on the basis that compliance with this article in obtaining a legal residential certificate of occupancy would cause an unjustifiable hardship either because: (i) it would cause an unreasonably adverse impact on a non-residential conforming use tenant within the building or (ii) the cost of compliance renders legal residential conversion infeasible. Residential and other tenants shall be given not less than sixty days notice in advance of the hearing date for such application. If the loft board approves such application, the building or portion thereof shall be exempt from this article, and may be converted to non-residential conforming uses, provided, however, that the owner shall, as a condition of approval of such application, agree to file an irrevocable recorded covenant in form satisfactory to the loft board enforceable for fifteen years by the municipality, that the building will not be re-converted to residential uses during such time. The standard for granting such hardship application for a building or portion thereof shall be as follows: (a) the loft board shall only grant the minimum relief necessary to relieve any alleged hardship with the understanding if compliance is reasonably possible it should be achieved even if it requires alteration of units, relocation of tenants to vacant space within the building, re-design of space or application for a non-use-related variance, special permit, minor modification or administrative certification; (b) self-created hardship shall not be allowed; (c) the test for cost infeasibility shall be that of a reasonable return on the owner's investment not maximum return on investment; (d) the test for unreasonably adverse impact on a non-residential conforming use tenant shall be whether residential conversion would necessitate displacement. Such hardship applications shall be submitted to the loft board within nine months of the establishment of the loft board (or, in the case of interim multiple dwellings referred to in subdivision four of section two hundred eighty-one of this article, within nine months of [the effective date of such subdivision four] JUNE TWENTY-FIRST, NINETEEN HUNDRED EIGHTY-TWO or in the case of interim multiple dwellings made subject to this article by subdivision five of section two hundred eighty-one of this article, within nine months of [the effective date of such subdivision five] JUNE TWENTY-FIRST, TWO THOUSAND TEN), but shall not be considered, absent a waiver by the loft board, unless the owner has also filed an alteration application. In determination of any such hardship application, the loft board may demand such information as it deems necessary. In approving any such hardship application, the loft board may fix reasonable terms and conditions for the vacating of residential occupancy.

S 7. Section 286 of the multiple dwelling law, as added by chapter 349 of the laws of 1982, subdivision 2 as amended by chapter 414 of the laws of 1999, subparagraphs (A) and (B) of paragraph (ii) of subdivision 2, paragraph (iii) of subdivision 2, and subdivision 3 as amended by chapter 135 of the laws of 2010, is amended to read as follows:

S 286. Tenant protection. 1. It shall not be a ground for an action or proceeding to recover possession of a unit occupied by a residential occupant qualified for the protection of this article that the occupancy of the unit is illegal or in violation of provisions of the tenant's lease or rental agreement because a residential certificate of occupancy

has not been issued for the building, or because residential occupancy is not permitted by the lease or rental agreement.

2. (i) Prior to compliance with safety and fire protection standards of article seven-B of this chapter, residential occupants qualified for protection pursuant to this article shall be entitled to continued occupancy, provided that the unit is their primary residence, and shall pay the same rent, [including escalations,] specified in their lease or rental agreement to the extent to which such lease or rental agreement remains in effect or, in the absence of a lease or rental agreement, the same rent most recently paid and accepted by the owner; if there is no lease or other rental agreement in effect, rent adjustments prior to article seven-B compliance shall be in conformity with guidelines to be set by the loft board for such residential occupants within six months from [the effective date of this article] JUNE TWENTY-FIRST, NINETEEN HUNDRED EIGHTY-TWO, PROVIDED, HOWEVER, THAT SUCH RENT ADJUSTMENTS, ALLOWED PURSUANT TO THIS PARAGRAPH, SHALL NOT APPLY TO UNITS MADE SUBJECT TO THIS ARTICLE BY SUBDIVISION FIVE OF SECTION TWO HUNDRED EIGHTY-ONE OF THIS ARTICLE.

(ii) In addition to any rent adjustment pursuant to paragraph (i) of this subdivision, on or after June twenty-first, nineteen hundred ninety-two, the rent for residential units in interim multiple dwellings that are not yet in compliance with the requirements of subdivision one of section two hundred eighty-four of this article shall be adjusted as follows:

(A) Upon the owners' filing of an alteration application, as required by paragraph (ii), (iii), (iv), (v), or (vi) of subdivision one of section two hundred eighty-four of this article, an adjustment equal to THE COST OF FILING AN ALTERATION APPLICATION DIVIDED BY EIGHTY-FOUR, DIVIDED BY THE AMOUNT OF SQUARE FOOTAGE LOCATED WITHIN ALL OF THE INTERIM MULTIPLE DWELLING UNITS, AND THEN MULTIPLIED BY THE AMOUNT OF SQUARE FOOTAGE LOCATED WITHIN SUCH INTERIM MULTIPLE DWELLING UNIT UP TO A MAXIMUM OF six percent of the rent in effect at the time the owner files the alteration application. THE INCREASE PERMITTED PURSUANT TO THIS SUBPARAGRAPH SHALL BE COLLECTED AS A MONTHLY SURCHARGE TO THE MAXIMUM RENT. IT SHALL BE SEPARATELY DESIGNATED AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY OTHER ADJUSTMENT TO THE MAXIMUM RENT. COLLECTION OF SURCHARGES PURSUANT TO THIS SUBPARAGRAPH SHALL CEASE WHEN THE OWNER HAS RECOVERED THE COST OF FILING AN ALTERATION APPLICATION. THE OWNER SHALL FILE WITH THE LOFT BOARD AN EXPLANATION OF HOW THE SURCHARGE WAS COMPUTED, AND ALL DOCUMENTS NECESSARY TO SUPPORT THE COLLECTION OF SUCH SURCHARGE, INCLUDING BUT NOT LIMITED TO, CANCELLED CHECKS, INVOICES AND SIGNED CONTRACTS. SUCH INFORMATION SHALL ALSO BE MADE AVAILABLE TO ANY LEGAL OCCUPANT RESIDING WITHIN THE AFFECTED INTERIM MULTIPLE DWELLING UNIT.

(B) Upon obtaining an alteration permit, as required by paragraph (ii), (iii), (iv), (v), or (vi) of subdivision one of section two hundred eighty-four of this article, an adjustment equal to THE COST OF OBTAINING AN ALTERATION PERMIT DIVIDED BY EIGHTY-FOUR, DIVIDED BY THE AMOUNT OF SQUARE FOOTAGE LOCATED WITHIN ALL OF THE INTERIM MULTIPLE DWELLING UNITS, AND THEN MULTIPLIED BY THE AMOUNT OF SQUARE FOOTAGE LOCATED WITHIN SUCH INTERIM MULTIPLE DWELLING UNIT UP TO A MAXIMUM OF eight percent of the rent in effect at the time the owner obtains the alteration permit. THE INCREASE PERMITTED PURSUANT TO THIS SUBPARAGRAPH SHALL BE COLLECTED AS A MONTHLY SURCHARGE TO THE MAXIMUM RENT. IT SHALL BE SEPARATELY DESIGNATED AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY OTHER ADJUSTMENT TO THE MAXIMUM RENT. COLLECTION OF SURCHARGES

PURSUANT TO THIS SUBPARAGRAPH SHALL CEASE WHEN THE OWNER HAS RECOVERED THE COST OF OBTAINING AN ALTERATION PERMIT. THE OWNER SHALL FILE WITH THE LOFT BOARD AN EXPLANATION OF HOW THE SURCHARGE WAS COMPUTED, AND ALL DOCUMENTS NECESSARY TO SUPPORT THE COLLECTION OF SUCH SURCHARGE, INCLUDING BUT NOT LIMITED TO, CANCELLED CHECKS, INVOICES AND SIGNED CONTRACTS. SUCH INFORMATION SHALL ALSO BE MADE AVAILABLE TO ANY LEGAL OCCUPANT RESIDING WITHIN THE AFFECTED INTERIM MULTIPLE DWELLING UNIT.

(C) Upon achieving compliance with the standards of safety and fire protection set forth in article seven-B of this chapter for the residential portions of the building, an adjustment equal to THE COST OF ACHIEVING COMPLIANCE WITH THE STANDARDS OF SAFETY AND FIRE PROTECTION DIVIDED BY EIGHTY-FOUR, DIVIDED BY THE AMOUNT OF SQUARE FOOTAGE LOCATED WITHIN ALL OF THE INTERIM MULTIPLE DWELLING UNITS, AND THEN MULTIPLIED BY THE AMOUNT OF SQUARE FOOTAGE LOCATED WITHIN SUCH INTERIM MULTIPLE DWELLING UNIT UP TO A MAXIMUM OF six percent of the rent in effect at the time the owner achieves such compliance. THE INCREASE PERMITTED PURSUANT TO THIS SUBPARAGRAPH SHALL BE COLLECTED AS A MONTHLY SURCHARGE TO THE MAXIMUM RENT. IT SHALL BE SEPARATELY DESIGNATED AND BILLED AS SUCH AND SHALL NOT BE COMPOUNDED BY ANY OTHER ADJUSTMENT TO THE MAXIMUM RENT. COLLECTION OF SURCHARGES PURSUANT TO THIS SUBPARAGRAPH SHALL CEASE WHEN THE OWNER HAS RECOVERED THE COST OF ACHIEVING COMPLIANCE WITH THE STANDARDS OF SAFETY AND FIRE PROTECTION. THE OWNER SHALL FILE WITH THE LOFT BOARD AN EXPLANATION OF HOW THE SURCHARGE WAS COMPUTED, AND ALL DOCUMENTS NECESSARY TO SUPPORT THE COLLECTION OF SUCH SURCHARGE, INCLUDING BUT NOT LIMITED TO, CANCELLED CHECKS, INVOICES AND SIGNED CONTRACTS. SUCH INFORMATION SHALL ALSO BE MADE AVAILABLE TO ANY LEGAL OCCUPANT RESIDING WITHIN THE AFFECTED INTERIM MULTIPLE DWELLING UNIT.

(D) Owners who filed an alteration application prior to [the effective date of this subparagraph] JUNE TWENTY-FIRST, NINETEEN HUNDRED NINETY-TWO shall be entitled to a prospective adjustment equal to six percent of the rent on [the effective date of this subparagraph] JUNE TWENTY-FIRST, NINETEEN HUNDRED NINETY-TWO.

(E) Owners who obtained an alteration permit prior to June twenty-first, nineteen hundred ninety-two shall be entitled to a prospective adjustment equal to fourteen percent of the rent on June twenty-first, nineteen hundred ninety-two.

(F) Owners who achieved compliance with the standards of safety and fire protection set forth in article seven-B of this chapter for the residential portions of the building prior to June twenty-first, nineteen hundred ninety-two shall be entitled to a prospective adjustment equal to twenty percent of the rent on June twenty-first, nineteen hundred ninety-two.

(iii) Any rent adjustments pursuant to paragraph (ii) of this subdivision shall not apply to units which were rented at market value after June twenty-first, nineteen hundred eighty-two and prior to [June twenty-first, nineteen hundred ninety-two. This paragraph shall not apply to units made subject to this article by subdivision five of section two hundred eighty-one of this article] DECEMBER THIRTY-FIRST, TWO THOUSAND NINE.

(iv) Payment of any rent adjustments pursuant to paragraph (ii) of this subdivision shall commence the month immediately following the month in which the act entitling the owner to the adjustment occurred.

3. Upon or after compliance with the safety and fire protection standards of article seven-B of this chapter, an owner may apply to the loft board for an adjustment of rent based upon the cost of such compliance. Upon approval by the loft board of such compliance, the loft board shall

set the initial legal regulated rent, and each residential occupant qualified for protection pursuant to this article shall be offered a residential lease subject to the provisions regarding evictions and regulation of rent set forth in the emergency tenant protection act of nineteen seventy-four, except to the extent the provisions of this article are inconsistent with such act.

4. The initial legal regulated rent established by the loft board shall be equal to (i) the rent in effect, [including escalations,] as of the date of application for adjustment ("base rent"), plus, (ii) the maximum annual amount of any increase allocable to compliance as provided herein; and (iii) the percentage increase then applicable to one, two or three year leases, as elected by the tenant, as established by the local rent guidelines board, and applied to the base rent, provided, however, such percentage increases may be adjusted downward by the loft board if prior increases based on loft board guidelines cover part of the same time period to be covered by the rent guidelines board adjustments.

5. An owner may apply to the loft board for rent adjustments once based upon the cost of compliance with article seven-B of this chapter and once based upon the obtaining of a residential certificate of occupancy. If the initial legal regulated rent has been set based only upon article seven-B compliance, a further adjustment may be obtained upon the obtaining of a residential certificate of occupancy. Upon receipt of such records as the loft board shall require, the loft board shall determine the costs necessarily and reasonably incurred, including financing, in obtaining compliance with this article pursuant to a schedule of reasonable costs to be promulgated by it. The adjustment in maximum rents for compliance with this article shall be determined either (i) by dividing the amount of the cash cost of such improvements exclusive of interest and service charges over a ten year period of amortization, or (ii) by dividing the amount of the cash cost of such improvements exclusive of interest and service charges over a fifteen year period of amortization, plus the actual annual mortgage debt service attributable to interest and service charges in each year of indebtedness to an institutional lender, or other lender approved by the loft board, incurred by the owner to pay the cash cost of the improvements, provided that the maximum amount of interest charged includable in rent shall reflect an annual amortization factor of one-fifteenth of the outstanding principal balance. Rental adjustments to each residential unit shall be determined on a basis approved by the loft board. An owner may elect that the loft board shall deem the total cost of compliance with this article to be the amounts certified by the [local department of housing preservation and development] APPLICABLE LOCAL AGENCY of such municipality in any certificate of eligibility issued in connection with an application for tax exemption or tax abatement to the extent such certificate reflects categories of costs approved by the loft board as reasonable and necessary for such compliance. Rental adjustments attributable to the cost of compliance with this article shall not become part of the base rent for purposes of calculating rents adjusted pursuant to rent guidelines board increases. NO RENT ADJUSTMENT ALLOWED PURSUANT TO THIS SUBDIVISION SHALL BE GIVEN FOR ANY RENT ADJUSTMENT TO COVER COSTS ALLOWED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

6. Notwithstanding any provision of law to the contrary, a residential tenant qualified for protection pursuant to this chapter may sell any improvements to the unit made or purchased by him to an incoming tenant provided, however, that the tenant shall first offer the improvements to

the owner for an amount equal to their fair market value. Upon purchase of such improvements by the owner, any unit subject to rent regulation solely by reason of this article and not receiving any benefits of real estate tax exemption or tax abatement, shall be exempted from the provisions of this article requiring rent regulation if such building had fewer than six [residential] units USED FOR RESIDENTIAL PURPOSES as of [the effective date of the act which added this article, or rented at market value subject to subsequent rent regulation if such building had six or more residential units at such time] DECEMBER THIRTY-FIRST, TWO THOUSAND NINE. The loft board shall establish rules and regulations regarding such sale of improvements which shall include provisions that such right to sell improvements may be exercised only once for each unit subject to this article, and that the opportunity for decontrol or market rentals shall not be available to an owner found guilty by the loft board of harassment of tenants.

7. The local rent guidelines board shall annually establish guidelines for rent adjustments for the category of buildings covered by this article in accordance with the standards established pursuant to the emergency tenant protection act of nineteen seventy-four. The local rent guidelines board shall consider the necessity of a separate category for such buildings, and a separately determined guideline for rent adjustments for those units in which heat is not required to be provided by the owner, and may establish such separate category and guideline. The loft board shall annually commission a study by an independent consultant to assist the rent guidelines board in determining the economics of loft housing.

8. Cooperative and condominium units occupied by owners or tenant-shareholders shall not be subject to rent regulation pursuant to this article.

9. No eviction plan for conversion to cooperative or condominium ownership for a building which is, or a portion of which is an interim multiple dwelling shall be submitted for filing to the department of law pursuant to the general business law until a residential certificate of occupancy is obtained as required by this article, and the residential occupants qualified for protection pursuant to this article are offered one, two or three year leases, as elected by such persons, in accordance with the provisions for establishment of initial legal regulated rent contained herein. Non-eviction plans for such buildings may be submitted for filing only if the sponsor remains responsible for compliance with article seven-B and for all work in common areas required to obtain a residential certificate of occupancy. Cooperative conversion shall be fully in accordance with section three hundred fifty-two-eeee of the general business law, the requirements of the code of the local real estate industry stabilization association, and with the rules and regulations promulgated by the attorney general.

10. The functions of the local conciliation and appeals board of such municipality regarding owners and tenants subject to rent regulation pursuant to this article shall be carried out by the loft board until such time as provided otherwise by local law.

11. Residential occupants qualified for protection pursuant to this article shall be afforded the protections available to residential tenants pursuant to the real property law and the real property actions and proceedings law. RESIDENTIAL OCCUPANTS SHALL BE ALLOWED TO COMMENCE AN ACTION OR PROCEEDING IN A COURT OF COMPETENT JURISDICTION, WHICH NOTWITHSTANDING ANY OTHER PROVISION OF LAW SHALL INCLUDE THE HOUSING

PART OF THE NEW YORK CITY CIVIL COURT, TO ENFORCE THE PROVISIONS OF THIS SUBDIVISION.

12. No waiver of rights pursuant to this article by a residential occupant qualified for protection pursuant to this article made prior to [the effective date of the act which added this article] JUNE TWENTY-FIRST, NINETEEN HUNDRED EIGHTY-TWO shall be accorded any force or effect; however, subsequent to [the effective date] JUNE TWENTY-FIRST, NINETEEN HUNDRED EIGHTY-TWO an owner and a residential occupant may agree to the purchase by the owner of such person's rights in a unit.

13. The applicability of the emergency tenant protection act of nineteen seventy-four to buildings occupied by residential tenants qualified for protection pursuant to this article shall be subject to a declaration of emergency by the local legislative body. In the event such act expires prior to the expiration of this article, [tenents] TENANTS in interim multiple dwellings shall be included in coverage of the rent stabilization law of nineteen hundred sixty-nine of the city of New York.

S 8. This act shall take effect immediately.