

5993--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 12, 2013

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Introduced by M. of A. HENNESSEY, RAIA -- Multi-Sponsored by -- M. of A. McDONOUGH, RA -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to a stay of the enforcement of a determination involving a permit or approval in connection with the development or construction of residential housing

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

1     Section 1. Section 7805 of the civil practice law and rules is amended  
2     to read as follows:  
3     S 7805. Stay. On the motion of any party or on its own initiative, the  
4     court may stay further proceedings, or the enforcement of any determi-  
5     nation under review, upon terms including notice, security and payment  
6     of costs, except that the enforcement of an order or judgment granted by  
7     the appellate division in a proceeding under this article may be stayed  
8     only by order of the appellate division or the court of appeals. Unless  
9     otherwise ordered, security given on a stay is effective in favor of a  
10    person subsequently joined as a party under section 7802. THE COURT IN  
11    ISSUING A STAY OF THE ENFORCEMENT OF A DETERMINATION INVOLVING A PERMIT  
12    OR APPROVAL IN CONNECTION WITH THE DEVELOPMENT OR CONSTRUCTION OF RESI-  
13    DENTIAL HOUSING MAY REQUIRE THE POSTING OF SECURITY IN AN AMOUNT THE  
14    COURT SHALL DEEM PROPER.  
15    S 2. This act shall take effect immediately.

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

LBD04580-03-4