

5993

2013-2014 Regular Sessions

I N A S S E M B L Y

March 12, 2013

Introduced by M. of A. HENNESSEY -- read once and referred to the
Committee on Judiciary

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 ASSEM-
BLY, 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 SHALL 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.

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