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

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I N S E N A T E

May 29, 2014

Introduced by Sen. HOYLMAN -- 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 coverage of interim multiple dwellings and owner obligations

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

Section 1. Section 282-a of the multiple dwelling law, as amended by chapter 159 of the laws of 2011, is amended to read as follows:

S 282-a. [Limitation on applications] APPLICATIONS for coverage of interim multiple dwellings and residential units. [1. All applications for registration as an interim multiple dwelling or for coverage of residential units under this article shall be filed with the loft board within six months after the date the loft board shall have adopted all rules or regulations necessary in order to implement the provisions of chapter one hundred forty-seven of the laws of two thousand ten. The loft board may subsequently amend such rules and regulations but such amendments shall not recommence the time period in which applications may be filed. Notwithstanding any other provision of this article, after such date no further applications for registration or coverage as an interim multiple dwelling or for coverage under this article shall be accepted for owners or occupants of buildings that would otherwise qualify as interim multiple dwellings or for coverage pursuant to this article.

2.] Where any occupant has filed an application for coverage pursuant to this article and has received a docket number from the loft board, it shall be unlawful for an owner to cause or intend to cause such occupant to vacate, surrender or waive any rights in relation to such occupancy, due to repeated interruptions or discontinuances of essential services, or an interruption or discontinuance of an essential service for an extended duration or of such significance as to substantially impair habitability of such unit, at any time before the loft board has made a final determination, including appeals, to approve or deny such application. This [subdivision] SECTION shall not grant any rights of continued

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

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occupancy other than those otherwise granted by law. Any agreement that waives or limits the benefits of this [subdivision] SECTION shall be deemed void as against public policy. In addition to any other remedies provided in this article for failure to be in compliance, in article eight of this chapter, or in the regulations promulgated by the loft board, an occupant who has filed an application with the loft board for coverage under this article may[, no later than thirty-six months after the loft board shall have adopted rules and regulations as set forth in subdivision one of this section,] 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] SECTION.

S 2. Paragraph (vi) of subdivision 1 of section 284 of the multiple dwelling law, as amended by chapter 4 of the laws of 2013, 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] ON OR BEFORE MARCH TWENTY-FIRST, TWO THOUSAND ELEVEN, or, for units that became subject to this article pursuant to the chapter of the laws of two thousand thirteen which amended this paragraph, [within nine months of the promulgation of all necessary rules and regulations pursuant to section two hundred eighty-two-a of this article]ON OR BEFORE JUNE ELEVENTH, TWO THOUSAND FOURTEEN, OR, FOR UNITS IN AN INTERIM MULTIPLE DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN NINE MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER, and (B) shall take all reasonable and necessary action to obtain an approved alteration permit [within twelve months from such effective date] ON OR BEFORE JUNE TWENTY-FIRST, TWO THOUSAND ELEVEN, or, for units that became subject to this article pursuant to the chapter of the laws of two thousand thirteen which amended this paragraph, [within twelve months of the promulgation of all necessary rules and regulations pursuant to section two hundred eighty-two-a of this article] ON OR BEFORE SEPTEMBER ELEVENTH, TWO THOUSAND FOURTEEN, OR, FOR UNITS IN AN INTERIM MULTIPLE DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN TWELVE MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER, 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, 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 months from such effective date] ON OR BEFORE DECEMBER TWENTY-FIRST, TWO THOUSAND TWELVE, or for units that became subject to this article pursuant to the chapter of the laws of two thousand thirteen which amended this para-

graph [within thirty months of the promulgation of all necessary rules and regulations pursuant to section two hundred eighty-two-a of this article] ON OR BEFORE MARCH ELEVENTH, TWO THOUSAND SIXTEEN, OR, FOR UNITS IN AN INTERIM MULTIPLE DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN THIRTY MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER. 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 3. 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] ON OR BEFORE MARCH TWENTY-FIRST, TWO THOUSAND ELEVEN, OR, FOR UNITS IN AN INTERIM MULTIPLE DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN NINE MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER and (B) shall take all reasonable and necessary action to obtain an approved alteration permit [within twelve months from such effective date] ON OR BEFORE JUNE TWENTY-FIRST, TWO THOUSAND ELEVEN, OR, FOR UNITS IN AN INTERIM MULTIPLE DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN TWELVE MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER 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] ON OR BEFORE JUNE TWENTY-FIRST, TWO THOUSAND THIRTEEN, OR, FOR UNITS IN AN INTERIM MULTIPLE DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN THIRTY-SIX MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER. 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 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 11, 2014; provided, however, that the amendments to paragraph (vi) of subdivision 1 of section 284 of the multiple dwelling law made by section two of this act shall be subject to the expiration and reversion of such paragraph pursuant to subdivision (h) of section 27 of chapter 4 of the laws of 2013, as amended, when upon such date the provisions of section three of this act shall take effect.