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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:

1 Section 1. Section 282-a of the multiple dwelling law, as amended by
2 chapter 159 of the laws of 2011, is amended to read as follows:
3 S 282-a. [Limitation on applications] APPLICATIONS for coverage of
4 interim multiple dwellings and residential units. [1. All applications
5 for registration as an interim multiple dwelling or for coverage of
6 residential units under this article shall be filed with the loft board
7 within six months after the date the loft board shall have adopted all
8 rules or regulations necessary in order to implement the provisions of
9 chapter one hundred forty-seven of the laws of two thousand ten. The
10 loft board may subsequently amend such rules and regulations but such
11 amendments shall not recommence the time period in which applications
12 may be filed. Notwithstanding any other provision of this article,
13 after such date no further applications for registration or coverage as
14 an interim multiple dwelling or for coverage under this article shall be
15 accepted for owners or occupants of buildings that would otherwise qual-
16 ify as interim multiple dwellings or for coverage pursuant to this arti-
17 cle.
18 2.] Where any occupant has filed an application for coverage pursuant
19 to this article and has received a docket number from the loft board, it
20 shall be unlawful for an owner to cause or intend to cause such occupant
21 to vacate, surrender or waive any rights in relation to such occupancy,
22 due to repeated interruptions or discontinuances of essential services,
23 or an interruption or discontinuance of an essential service for an
24 extended duration or of such significance as to substantially impair
25 habitability of such unit, at any time before the loft board has made a
26 final determination, including appeals, to approve or deny such applica-
27 tion. 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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1 occupancy other than those otherwise granted by law. Any agreement that
2 waives or limits the benefits of this [subdivision] SECTION shall be
3 deemed void as against public policy. In addition to any other remedies
4 provided in this article for failure to be in compliance, in article
5 eight of this chapter, or in the regulations promulgated by the loft
6 board, an occupant who has filed an application with the loft board for
7 coverage under this article may[, no later than thirty-six months after
8 the loft board shall have adopted rules and regulations as set forth in
9 subdivision one of this section,] commence an action or proceeding in a
10 court of competent jurisdiction, which notwithstanding any other
11 provision of law shall include the housing part of the New York city
12 civil court, to enforce the provisions of this [subdivision] SECTION.

13 S 2. Paragraph (vi) of subdivision 1 of section 284 of the multiple
14 dwelling law, as amended by chapter 4 of the laws of 2013, is amended to
15 read as follows:

16 (vi) Notwithstanding the provisions of paragraphs (i) through (v) of
17 this subdivision the owner of an interim multiple dwelling made subject
18 to this article by subdivision five of section two hundred eighty-one of
19 this article (A) shall file an alteration application [within nine
20 months from the effective date of the chapter of the laws of two thou-
21 sand ten which amended this subparagraph] ON OR BEFORE MARCH
22 TWENTY-FIRST, TWO THOUSAND ELEVEN, or, for units that became subject to
23 this article pursuant to the chapter of the laws of two thousand thir-
24 teen which amended this paragraph, [within nine months of the promulga-
25 tion of all necessary rules and regulations pursuant to section two
26 hundred eighty-two-a of this article] ON OR BEFORE JUNE ELEVENTH, TWO
27 THOUSAND FOURTEEN, OR, FOR UNITS IN AN INTERIM MULTIPLE DWELLING THAT
28 WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION FILED WITH
29 THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEADING AFTER
30 MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN NINE MONTHS OF EITHER THE
31 DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF THE LOFT
32 BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE DATE OF
33 THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER, and (B) shall take
34 all reasonable and necessary action to obtain an approved alteration
35 permit [within twelve months from such effective date] ON OR BEFORE JUNE
36 TWENTY-FIRST, TWO THOUSAND ELEVEN, or, for units that became subject to
37 this article pursuant to the chapter of the laws of two thousand thir-
38 teen which amended this paragraph, [within twelve months of the promul-
39 gation of all necessary rules and regulations pursuant to section two
40 hundred eighty-two-a of this article] ON OR BEFORE SEPTEMBER ELEVENTH,
41 TWO THOUSAND FOURTEEN, OR, FOR UNITS IN AN INTERIM MULTIPLE DWELLING
42 THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION FILED
43 WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEADING
44 AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN TWELVE MONTHS OF
45 EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF
46 THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE
47 DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER, and (C) shall
48 achieve compliance with the standards of safety and fire protection set
49 forth in article seven-B of this chapter for the residential portions of
50 the building within eighteen months from obtaining such alteration
51 permit, and (D) shall take all reasonable and necessary action to obtain
52 a certificate of occupancy as a class A multiple dwelling for the resi-
53 dential portions of the building or structure [within thirty months from
54 such effective date] ON OR BEFORE DECEMBER TWENTY-FIRST, TWO THOUSAND
55 TWELVE, or for units that became subject to this article pursuant to the
56 chapter of the laws of two thousand thirteen which amended this para-

1 graph [within thirty months of the promulgation of all necessary rules
2 and regulations pursuant to section two hundred eighty-two-a of this
3 article] ON OR BEFORE MARCH ELEVENTH, TWO THOUSAND SIXTEEN, OR, FOR
4 UNITS IN AN INTERIM MULTIPLE DWELLING THAT WERE LISTED ON AN APPLICATION
5 FOR COVERAGE OR REGISTRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS
6 ARTICLE OR IN A COURT PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOUR-
7 TEEN, WITHIN THIRTY MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION
8 FOR COVERAGE OR THE DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM
9 MULTIPLE DWELLING NUMBER OR THE DATE OF THE SERVICE OF THE PLEADING,
10 WHICHEVER IS EARLIER. The loft board may, upon good cause shown, and
11 upon proof of compliance with the standards of safety and fire
12 protection set forth in article seven-B of this chapter, twice extend
13 the time of compliance with the requirement to obtain a residential
14 certificate of occupancy for periods not to exceed twelve months each.

15 S 3. Paragraph (vi) of subdivision 1 of section 284 of the multiple
16 dwelling law, as amended by chapter 135 of the laws of 2010, is amended
17 to read as follows:

18 (vi) Notwithstanding the provisions of paragraphs (i) through (v) of
19 this subdivision the owner of an interim multiple dwelling made subject
20 to this article by subdivision five of section two hundred eighty-one of
21 this article (A) shall file an alteration application [within nine
22 months from the effective date of the chapter of the laws of two thou-
23 sand ten which amended this subparagraph] ON OR BEFORE MARCH
24 TWENTY-FIRST, TWO THOUSAND ELEVEN, OR, FOR UNITS IN AN INTERIM MULTIPLE
25 DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGISTRATION
26 FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT PLEAD-
27 ING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN NINE MONTHS OF
28 EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE DATE OF
29 THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER OR THE
30 DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER and (B) shall
31 take all reasonable and necessary action to obtain an approved alter-
32 ation permit [within twelve months from such effective date] ON OR
33 BEFORE JUNE TWENTY-FIRST, TWO THOUSAND ELEVEN, OR, FOR UNITS IN AN
34 INTERIM MULTIPLE DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVER-
35 AGE OR REGISTRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE
36 OR IN A COURT PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN,
37 WITHIN TWELVE MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION FOR
38 COVERAGE OR THE DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE
39 DWELLING NUMBER OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS
40 EARLIER and (C) shall achieve compliance with the standards of safety
41 and fire protection set forth in article seven-B of this chapter for the
42 residential portions of the building within eighteen months from obtain-
43 ing such alteration permit [or eighteen months from such effective date,
44 whichever is later], and (D) shall take all reasonable and necessary
45 action to obtain a certificate of occupancy as a class A multiple dwell-
46 ing for the residential portions of the building or structure [within
47 thirty-six months from such effective date] ON OR BEFORE JUNE
48 TWENTY-FIRST, TWO THOUSAND THIRTEEN, OR, FOR UNITS IN AN INTERIM MULTI-
49 PLE DWELLING THAT WERE LISTED ON AN APPLICATION FOR COVERAGE OR REGIS-
50 TRATION FILED WITH THE LOFT BOARD PURSUANT TO THIS ARTICLE OR IN A COURT
51 PLEADING AFTER MARCH ELEVENTH, TWO THOUSAND FOURTEEN, WITHIN THIRTY-SIX
52 MONTHS OF EITHER THE DATE OF THE INITIAL APPLICATION FOR COVERAGE OR THE
53 DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER
54 OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER. The
55 loft board may, upon good cause shown, and upon proof of compliance with
56 the standards of safety and fire protection set forth in article seven-B

1 of this chapter, twice extend the time of compliance with the require-
2 ment to obtain a residential certificate of occupancy for periods not to
3 exceed twelve months each.

4 S 4. This act shall take effect immediately and shall be deemed to
5 have been in full force and effect on and after March 11, 2014;
6 provided, however, that the amendments to paragraph (vi) of subdivision
7 1 of section 284 of the multiple dwelling law made by section two of
8 this act shall be subject to the expiration and reversion of such para-
9 graph pursuant to subdivision (h) of section 27 of chapter 4 of the laws
10 of 2013, as amended, when upon such date the provisions of section three
11 of this act shall take effect.