

5669

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 3, 2015

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Introduced by M. of A. LAVINE -- 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 OF THIS  
11    ARTICLE.     THE COURT IN ISSUING A STAY OF THE ENFORCEMENT OF A DETERMI-  
12    NATION INVOLVING A PERMIT OR APPROVAL IN CONNECTION WITH THE DEVELOPMENT  
13    OR CONSTRUCTION OF RESIDENTIAL HOUSING MAY REQUIRE THE POSTING OF SECU-  
14    RITY IN AN AMOUNT THE 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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