

5669

2015-2016 Regular Sessions

I N A S S E M B L Y

March 3, 2015

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.

LBD02154-02-5