

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. HOYLMAN, KRUEGER, SQUADRON -- 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

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

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1 extended duration or of such significance as to substantially impair
2 habitability of such unit, at any time before the loft board has made a
3 final determination, including appeals, to approve or deny such applica-
4 tion. This [subdivision] SECTION shall not grant any rights of continued
5 occupancy other than those otherwise granted by law. Any agreement that
6 waives or limits the benefits of this [subdivision] SECTION shall be
7 deemed void as against public policy. In addition to any other remedies
8 provided in this article for failure to be in compliance, in article
9 eight of this chapter, or in the regulations promulgated by the loft
10 board, an occupant who has filed an application with the loft board for
11 coverage under this article may[, no later than thirty-six months after
12 the loft board shall have adopted rules and regulations as set forth in
13 subdivision one of this section,] commence an action or proceeding in a
14 court of competent jurisdiction, which notwithstanding any other
15 provision of law shall include the housing part of the New York city
16 civil court, to enforce the provisions of this [subdivision] SECTION.

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

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

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

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

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

1 DATE OF THE LOFT BOARD'S ISSUANCE OF AN INTERIM MULTIPLE DWELLING NUMBER
2 OR THE DATE OF THE SERVICE OF THE PLEADING, WHICHEVER IS EARLIER. The
3 loft board may, upon good cause shown, and upon proof of compliance with
4 the standards of safety and fire protection set forth in article seven-B
5 of this chapter, twice extend the time of compliance with the require-
6 ment to obtain a residential certificate of occupancy for periods not to
7 exceed twelve months each.

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