STATE OF NEW YORK

7956

2017-2018 Regular Sessions

IN ASSEMBLY

May 23, 2017

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 Assembly, do enact as follows:

Section 1. Section 7805 of the civil practice law and rules is amended to read as follows:

§ 7805. Stay. On the motion of any party or on its own initiative, the court may stay further proceedings, or the enforcement of any determination under review, upon terms including notice, security and payment of costs, except that the enforcement of an order or judgment granted by the appellate division in a proceeding under this article may be stayed only by order of the appellate division or the court of appeals. Unless otherwise ordered, security given on a stay is effective in favor of a person subsequently joined as a party under section 7802 **of this article**. **The court in issuing a stay of the enforcement of a determination involving a permit or approval in connection with the development or construction of residential housing may, upon the filing of a petition by the respondent, require the posting of security bond in an amount the court shall deem proper.**

§ 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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