

STATE OF NEW YORK

4456

2017-2018 Regular Sessions

IN SENATE

February 15, 2017

Introduced by Sen. PHILLIPS -- read twice and ordered printed, and when printed to be committed 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:

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

3 § 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 § 2. This act shall take effect immediately.

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

LBD07884-01-7