STATE OF NEW YORK

5767

2017-2018 Regular Sessions

IN SENATE

April 28, 2017

Introduced by Sen. LANZA -- 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 relating to clarifying certain provisions relating to the occupancy of certain class A multiple dwellings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph 1 of paragraph a of subdivision 8 of section 4 of the multiple dwelling law, as amended by chapter 225 of the laws of 2010, is amended to read as follows:

(1) (A) occupancy of such dwelling unit for fewer than thirty consecutive days by other natural persons living within the household of the permanent occupant such as house guests or lawful boarders, roomers or lodgers; [~~or~~]

(B) incidental and occasional occupancy of such dwelling unit for fewer than thirty consecutive days by other natural persons when the permanent occupants are temporarily absent for personal reasons such as vacation or medical treatment, provided that there is no monetary compensation paid to the permanent occupants for such occupancy[~~.~~]**; or**

(C) incidental and occasional occupancy in exchange for monetary compensation in a cooperative or condominium unit occupied by owners or tenant-shareholders for fewer than thirty consecutive days by other natural persons when the permanent occupant is temporarily absent for personal reasons, such as vacation or medical treatment, provided that:

(i) the dwelling unit or stock allocated to the dwelling unit is owned by or for the benefit of a natural person who resides in the dwelling unit as his or her primary or secondary residence;

(ii) the owner of the dwelling unit or stock and the permanent occupant does not own or control any other class A multiple dwelling being

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

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occupied or made available for occupancy for fewer than thirty consecutive days by other natural persons;

(iii) the incidental and occasional occupancy in exchange for monetary compensation in the dwelling unit for fewer than thirty consecutive days does not exceed ninety total days in any one calendar year; and

(iv) all applicable state and local taxes and fees are collected and remitted in accordance with applicable law.

Nothing in this clause shall be construed to abrogate or annul the by-laws of a cooperative or condominium nor restrict a building owner's rights or the authority of a governing board that has been duly elected by the owners or tenant-shareholders of a cooperative or condominium.

§ 2. This act shall take effect immediately.