

STATE OF NEW YORK

6828--A

2017-2018 Regular Sessions

IN SENATE

June 21, 2017

Introduced by Sens. DILAN, ALCANTARA, AVELLA, BAILEY, HAMILTON, HOYLMAN, KAVANAGH, KRUEGER, MONTGOMERY, PARKER, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the multiple dwelling law, in relation to interim multiple dwellings

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

1 Section 1. Subdivision 5 of section 281 of the multiple dwelling law,
2 as amended by chapter 4 of the laws of 2013, is amended to read as
3 follows:
4 5. (a) Notwithstanding the provisions of paragraphs (i), (iii) and
5 (iv) of subdivision two of this section, but subject to paragraphs (i)
6 and (ii) of subdivision one of this section and paragraph (ii) of subdi-
7 vision two of this section, the term "interim multiple dwelling" shall
8 include buildings, structures or portions thereof that are located in a
9 city of more than one million persons which were occupied for residen-
10 tial purposes as the residence or home of any three or more families
11 living independently from one another for a period of twelve consecutive
12 months during the period commencing January first, two thousand eight,
13 and ending December thirty-first, two thousand nine, provided that the
14 unit seeking coverage: is not located in a [~~basement or~~] cellar and has
15 at least one entrance that does not require passage through another
16 residential unit to obtain access to the unit, [~~has at least one window~~
17 ~~opening onto a street or a lawful yard or court as defined in the zoning~~
18 ~~resolution for such municipality,~~] and is at least four hundred square
19 feet in area.

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

LBD13075-15-8

1 (b) The term "interim multiple dwelling" as used in this subdivision
2 shall not include [~~(i)~~] any building in an industrial business zone
3 established pursuant to chapter six-D of title twenty-two of the admin-
4 istrative code of the city of New York except that a building in the
5 Williamsburg/Greenpoint or North Brooklyn industrial business zones and
6 a building located in that portion of the Long Island city industrial
7 business zone that has frontage on either side of forty-seventh avenue
8 or is located north of forty-seventh avenue and south of Skillman avenue
9 or in that portion of the Long Island city industrial business zone that
10 is located north of forty-fourth drive, south of Queens plaza north, and
11 west of twenty-third street may be included in the term "interim multi-
12 ple dwelling," or (ii) units in any building, other than a building that
13 is already defined as an "interim multiple dwelling" pursuant to subdi-
14 vision one, two, three or four of this section, that, at the time this
15 subdivision shall take effect and continuing at the time of the
16 submission of an application for coverage by any party, also contains a
17 use actively and currently pursued, which use is set forth in use
18 [~~groups fifteen through~~] group eighteen, as described in the zoning
19 resolution of such municipality in effect on June twenty-first, two
20 thousand ten, and which the loft board has determined in rules and regu-
21 lation is inherently incompatible with residential use in the same
22 building, provided that the loft board may by rule exempt categories of
23 units or buildings from such use incompatibility determinations includ-
24 ing but not limited to residentially occupied units or subcategories of
25 such units, and provided, further that if a building does not contain
26 such active uses at the time this subdivision takes effect, no subse-
27 quent use by the owner of the building shall eliminate the protections
28 of this section for any residential occupants in the building already
29 qualified for such protections.

30 (c) The term "interim multiple dwelling," as used in this subdivision
31 shall also include buildings, structures or portions thereof that are
32 located north of West 24th Street and south of West 27th Street and west
33 of tenth avenue and east of eleventh avenue in a city of more than one
34 million persons which were occupied for residential purposes as the
35 residence or home of any two or more families living independently from
36 one another for a period of twelve consecutive months during the period
37 commencing January first, two thousand eight, and ending December thir-
38 ty-first, two thousand nine and subject to all the conditions and limi-
39 tations of this subdivision other than the number of units in the build-
40 ing. A reduction in the number of occupied residential units in a
41 building after meeting the aforementioned twelve consecutive month
42 requirement shall not eliminate the protections of this section for any
43 remaining residential occupants qualified for such protections. Non-re-
44 sidential space in a building as of the effective date of this subdivi-
45 sion shall be offered for residential use only after the obtaining of a
46 residential certificate of occupancy for such space and such space shall
47 be exempt from this article, even if a portion of such building may be
48 an interim multiple dwelling.

49 § 2. Subdivision 5 of section 281 of the multiple dwelling law, as
50 amended by chapter 139 of the laws of 2011, is amended to read as
51 follows:

52 5. (a) Notwithstanding the provisions of paragraphs (i), (iii) and
53 (iv) of subdivision two of this section, but subject to paragraphs (i)
54 and (ii) of subdivision one of this section and paragraph (ii) of subdivi-
55 sion two of this section, the term "interim multiple dwelling" shall
56 include buildings, structures or portions thereof that are located in a

1 city of more than one million persons which were occupied for residen-
2 tial purposes as the residence or home of any three or more families
3 living independently from one another for a period of twelve consecutive
4 months during the period commencing January first, two thousand eight,
5 and ending December thirty-first, two thousand nine, provided that the
6 unit seeking coverage: is not located in a [~~basement or~~] cellar and has
7 at least one entrance that does not require passage through another
8 residential unit to obtain access to the unit, [~~has at least one window~~
9 ~~opening onto a street or a lawful yard or court as defined in the zoning~~
10 ~~resolution for such municipality,~~] and is at least five hundred fifty
11 square feet in area. (b) The term "interim multiple dwelling" as used
12 in this subdivision shall not include [~~(i)~~] any building in an indus-
13 trial business zone established pursuant to chapter six-D of title twen-
14 ty-two of the administrative code of the city of New York except that a
15 building in the Williamsburg/Greenpoint or North Brooklyn industrial
16 business zones and a building located in that portion of the Long Island
17 city industrial business zone that has frontage on either side of
18 forty-seventh avenue or is located north of forty-seventh avenue and
19 south of Skillman avenue or in that portion of the Long Island city
20 industrial business zone that is located north of forty-fourth drive,
21 south of Queens plaza north, and west of twenty-third street may be
22 included in the term "interim multiple dwelling," or (ii) units in any
23 building, other than a building that is already defined as an "interim
24 multiple dwelling" pursuant to subdivision one, two, three or four of
25 this section, that, at the time this subdivision shall take effect and
26 continuing at the time of the submission of an application for coverage
27 by any party, also contains a use actively and currently pursued, which
28 use is set forth in use [~~groups fifteen through~~] group eighteen, as
29 described in the zoning resolution of such municipality in effect on
30 June twenty-first, two thousand ten, and which the loft board has deter-
31 mined in rules and regulation is inherently incompatible with residen-
32 tial use in the same building, provided that the loft board may by rule
33 exempt categories of units or buildings from such use incompatibility
34 determinations including but not limited to residentially occupied units
35 or subcategories of such units, and provided, further that if a building
36 does not contain such active uses at the time this subdivision takes
37 effect, no subsequent use by the owner of the building shall eliminate
38 the protections of this section for any residential occupants in the
39 building already qualified for such protections. (c) The term "interim
40 multiple dwelling," as used in this subdivision shall also include
41 buildings, structures or portions thereof that are located north of West
42 24th Street and south of West 27th Street and west of tenth avenue and
43 east of eleventh avenue in a city of more than one million persons which
44 were occupied for residential purposes as the residence or home of any
45 two or more families living independently from one another for a period
46 of twelve consecutive months during the period commencing January first,
47 two thousand eight, and ending December thirty-first, two thousand nine
48 and subject to all the conditions and limitations of this subdivision
49 other than the number of units in the building. A reduction in the
50 number of occupied residential units in a building after meeting the
51 aforementioned twelve consecutive month requirement shall not eliminate
52 the protections of this section for any remaining residential occupants
53 qualified for such protections. Non-residential space in a building as
54 of the effective date of this subdivision shall be offered for residen-
55 tial use only after the obtaining of a residential certificate of occu-

1 pancy for such space and such space shall be exempt from this article,
2 even if a portion of such building may be an interim multiple dwelling.

3 § 3. Section 281 of the multiple dwelling law is amended by adding a
4 new subdivision 6 to read as follows:

5 6. (a) Notwithstanding the provisions of paragraphs (i), (iii) and
6 (iv) of subdivision two of this section, but subject to paragraphs (i)
7 and (ii) of subdivision one of this section and paragraph (ii) of subdivi-
8 sion two of this section, the term "interim multiple dwelling" shall
9 include buildings, structures or portions thereof that are located in a
10 city of more than one million persons which were occupied for residen-
11 tial purposes as the residence or home of any three or more families
12 living independently from one another for a period of twelve consecutive
13 months during the period commencing January first, two thousand fifteen,
14 and ending December thirty-first, two thousand sixteen, provided that
15 the unit seeking coverage: is not located in a cellar and has at least
16 one entrance that does not require passage through another residential
17 unit to obtain access to the unit, and is at least four hundred square
18 feet in area.

19 (b) The term "interim multiple dwelling" as used in this subdivision
20 shall not include (i) any building in an industrial business zone estab-
21 lished pursuant to chapter six-D of title twenty-two of the administra-
22 tive code of the city of New York except that a building in the
23 Williamsburg/Greenpoint or North Brooklyn industrial business zones and
24 a building located in that portion of the Long Island city industrial
25 business zone that has frontage on either side of forty-seventh avenue
26 or is located north of forty-seventh avenue and south of Skillman avenue
27 or in that portion of the Long Island city industrial business zone that
28 is located north of forty-fourth drive, south of Queens plaza north, and
29 west of twenty-third street may be included in the term "interim multi-
30 ple dwelling", or (ii) units in any building, other than a building that
31 is already defined as an "interim multiple dwelling" pursuant to subdivi-
32 sion one, two, three or four of this section, that, at the time this
33 subdivision shall take effect and continuing at the time of the
34 submission of an application for coverage by any party, also contains a
35 use actively and currently pursued, which use is set forth in use group
36 eighteen, as described in the zoning resolution of such municipality in
37 effect on June twenty-first, two thousand ten, and which the loft board
38 has determined in rules and regulation is inherently incompatible with
39 residential use in the same building, provided that the loft board may
40 by rule exempt categories of units or buildings from such use incompat-
41 ibility determinations including but not limited to residentially occu-
42 pied units or subcategories of such units, and provided, further that if
43 a building does not contain such active uses at the time this subdivi-
44 sion takes effect, no subsequent use by the owner of the building shall
45 eliminate the protections of this section for any residential occupants
46 in the building already qualified for such protections.

47 (c) The term "interim multiple dwelling", as used in this subdivision
48 shall also include buildings, structures or portions thereof that are
49 located north of West 24th Street and south of West 27th Street and west
50 of tenth avenue and east of eleventh avenue in a city of more than one
51 million persons which were occupied for residential purposes as the
52 residence or home of any two or more families living independently from
53 one another for a period of twelve consecutive months during the period
54 commencing January first, two thousand fifteen, and ending December
55 thirty-first, two thousand sixteen and subject to all the conditions and
56 limitations of this subdivision other than the number of units in the

1 building. A reduction in the number of occupied residential units in a
2 building after meeting the aforementioned twelve consecutive month
3 requirement shall not eliminate the protections of this section for any
4 remaining residential occupants qualified for such protections. Non-re-
5 sidential space in a building as of the effective date of this subdivi-
6 sion shall be offered for residential use only after the obtaining of a
7 residential certificate of occupancy for such space and such space shall
8 be exempt from this article, even if a portion of such building may be
9 an interim multiple dwelling.

10 § 4. Section 282 of the multiple dwelling law, as amended by chapter
11 147 of the laws of 2010, is amended to read as follows:

12 § 282. Establishment of special loft unit. (1) In order to resolve
13 complaints of owners of interim multiple dwellings and of residential
14 occupants of such buildings qualified for the protection of this arti-
15 cle, and to act upon hardship applications made pursuant to this arti-
16 cle, a special loft unit referred to herein as the "loft board" shall be
17 established which shall consist of from four to nine members represen-
18 tative of the public, the real estate industry, loft residential
19 tenants, [~~and loft manufacturing interests,~~] and a chairperson, all to
20 be appointed by the mayor of the municipality and to serve such terms as
21 he may designate. The compensation of the members of the loft board
22 shall be fixed by the mayor. The members of the loft board shall not be
23 considered employees of the state or the municipality, provided, howev-
24 er, that state or municipal employees or officers may be named to the
25 loft board. The mayor shall establish the loft board within ninety days
26 of the effective date of chapter three hundred forty-nine of the laws of
27 nineteen hundred eighty-two. The loft board shall have such office and
28 staff as shall be necessary to carry out functions conferred upon it and
29 may request and receive assistance from any state or municipal agency or
30 department. The loft board shall have the following duties: [~~(a)~~] (i)
31 the determination of interim multiple dwelling status and other issues
32 of coverage pursuant to this article; [~~(b)~~] (ii) the resolution of all
33 hardship appeals brought under this article; [~~(c)~~] (iii) the determi-
34 nation of any claim for rent adjustment under this article by an owner
35 or tenant; [~~(d)~~] (iv) the issuance, after a public hearing, and the
36 enforcement of rules and regulations governing minimum housing mainte-
37 nance standards in interim multiple dwellings (subject to the provisions
38 of this chapter and any local building code), rent adjustments prior to
39 legalization, compliance with this article and the hearing of complaints
40 and applications made to it pursuant to this article; and [~~(e)~~] (v)
41 determination of controversies arising over the fair market value of a
42 residential tenant's fixtures or reasonable moving expenses.

43 (2) The violation of any rule or regulation promulgated by the loft
44 board shall be punishable by a civil penalty determined by the loft
45 board not to exceed [~~seventeen thousand five hundred~~] twenty-five thou-
46 sand dollars which may be recovered by the municipality by a proceeding
47 in any court of competent jurisdiction. The corporation counsel may
48 bring and maintain a civil proceeding in the name of the city in the
49 supreme court of the county in which the building, erection or place is
50 located to enjoin violations of this article. The loft board may desig-
51 nate provisions of such rules and regulations for enforcement in
52 proceedings before the environmental control board of such municipality.
53 Notices of violation returnable to such environmental control board may
54 be issued by officers and employees of the department of buildings of
55 such municipality and served in the same manner as violations returnable
56 to such board within the jurisdiction of such department. The environ-

1 mental control board, when acting as the designee of the loft board,
2 shall have the power to impose civil penalties, not to exceed [~~seven-~~
3 ~~teen~~] twenty-five thousand [~~five-hundred~~] dollars for each violation,
4 and to issue judgments, which may be docketed and enforced as set forth
5 in section one thousand forty-nine-a of the New York city charter.

6 (3) The loft board may charge and collect reasonable fees in the
7 execution of its responsibilities. The loft board may administer oaths,
8 take affidavits, hear testimony, and take proof under oath at public or
9 private hearings.

10 § 5. Section 282-a of the multiple dwelling law, as amended by section
11 22 of part A of chapter 20 of the laws of 2015, is amended to read as
12 follows:

13 § 282-a. Applications for coverage of interim multiple dwellings and
14 residential units. [~~1. All applications for registration as an interim~~
15 ~~multiple dwelling or for coverage of residential units under this arti-~~
16 ~~cle shall be filed with the loft board within six months after the date~~
17 ~~the loft board shall have adopted all rules or regulations necessary in~~
18 ~~order to implement the provisions of chapter one hundred forty-seven of~~
19 ~~the laws of two thousand ten, provided, however, that applications for~~
20 ~~registration as an interim multiple dwelling or for coverage of residen-~~
21 ~~tial units under this article may also be filed for a two year period~~
22 ~~starting from the effective date of the chapter of the laws of two thou-~~
23 ~~sand fifteen which amended this section. The loft board may subsequently~~
24 ~~amend such rules and regulations but such amendments shall not recom-~~
25 ~~mence the time period in which applications may be filed.~~

26 2-] Where any occupant has filed an application for coverage pursuant
27 to this article and has received a docket number from the loft board, it
28 shall be unlawful for an owner to cause or intend to cause such occupant
29 to vacate, surrender or waive any rights in relation to such occupancy,
30 due to repeated interruptions or discontinuances of essential services,
31 or an interruption or discontinuance of an essential service for an
32 extended duration or of such significance as to substantially impair
33 habitability of such unit, at any time before the loft board has made a
34 final determination, including appeals, to approve or deny such applica-
35 tion. This section shall not grant any rights of continued occupancy
36 other than those otherwise granted by law. Any agreement that waives or
37 limits the benefits of this section shall be deemed void as against
38 public policy. In addition to any other remedies provided in this arti-
39 cle for failure to be in compliance, in article eight of this chapter,
40 or in the regulations promulgated by the loft board, an occupant who has
41 filed an application with the loft board for coverage under this article
42 may commence an action or proceeding in a court of competent jurisdic-
43 tion, which notwithstanding any other provision of law shall include the
44 housing part of the New York city civil court, to enforce the provisions
45 of this section.

46 § 6. Paragraph (vi) of subdivision 1 of section 284 of the multiple
47 dwelling law, as amended by section 22-a of part A of chapter 20 of the
48 laws of 2015, is amended to read as follows:

49 (vi) Notwithstanding the provisions of paragraphs (i) through (v) of
50 this subdivision the owner of an interim multiple dwelling made subject
51 to this article by subdivision five of section two hundred eighty-one of
52 this article (A) shall file an alteration application on or before March
53 twenty-first, two thousand eleven, or, for units that became subject to
54 this article pursuant to chapter four of the laws of two thousand thir-
55 teen on or before June eleventh, two thousand fourteen, or, for units
56 that became subject to this article pursuant to the chapter of the laws

1 of two thousand eighteen that amended this paragraph within nine months
2 from such effective date, or for units in an interim multiple dwelling
3 that were listed on an application for coverage or registration filed
4 with the loft board pursuant to this article or in a court pleading
5 after March eleventh, two thousand fourteen, within nine months of
6 either the date of the initial application for coverage or the date of
7 the loft board's issuance of an interim multiple dwelling number or the
8 date of the service of the pleading, whichever is earlier, and (B) shall
9 take all reasonable and necessary action to obtain an approved alter-
10 ation permit on or before June twenty-first, two thousand eleven, or,
11 for units that became subject to this article pursuant to chapter four
12 of the laws of two thousand thirteen on or before September eleventh,
13 two thousand fourteen, or, for units that became subject to this article
14 pursuant to the chapter of the laws of two thousand eighteen that
15 amended this paragraph within twelve months from such effective date, or
16 for units in an interim multiple dwelling that were listed on an appli-
17 cation for coverage or registration filed with the loft board pursuant
18 to this article or in a court pleading after March eleventh, two thou-
19 sand fourteen, within twelve months of either the date of the initial
20 application for coverage or the date of the loft board's issuance of an
21 interim multiple dwelling number or the date of the service of the
22 pleading, whichever is earlier, and (C) shall achieve compliance with
23 the standards of safety and fire protection set forth in article seven-B
24 of this chapter for the residential portions of the building within
25 eighteen months from obtaining such alteration permit, and (D) shall
26 take all reasonable and necessary action to obtain a certificate of
27 occupancy as a class A multiple dwelling for the residential portions of
28 the building or structure on or before December twenty-first, two thou-
29 sand twelve, or for units that became subject to this article pursuant
30 to chapter four of the laws of two thousand thirteen on or before March
31 eleventh, two thousand sixteen, or, for units that became subject to
32 this article pursuant to the chapter of the laws of two thousand eigh-
33 teen that amended this paragraph within thirty-six months from such
34 effective date, or for units in an interim multiple dwelling that were
35 listed on an application for coverage or registration filed with the
36 loft board pursuant to this article or in a court pleading after March
37 eleventh, two thousand sixteen, within thirty months of either the date
38 of the initial application for coverage or the date of the loft board's
39 issuance of an interim multiple dwelling number or the date of the
40 service of the pleading, whichever is earlier. The loft board may, upon
41 good cause shown, and upon proof of compliance with the standards of
42 safety and fire protection set forth in article seven-B of this chapter,
43 twice extend the time of compliance with the requirement to obtain a
44 residential certificate of occupancy for periods not to exceed twelve
45 months each.

46 § 7. Paragraph (vi) of subdivision 1 of section 284 of the multiple
47 dwelling law, as amended by chapter 135 of the laws of 2010, is amended
48 to read as follows:

49 (vi) Notwithstanding the provisions of paragraphs (i) through (v) of
50 this subdivision the owner of an interim multiple dwelling made subject
51 to this article by subdivision five of section two hundred eighty-one of
52 this article (A) shall file an alteration application within nine months
53 from the effective date of [~~the~~] chapter one hundred thirty-five of the
54 laws of two thousand ten [~~which amended this subparagraph~~], or for units
55 that became subject to this article pursuant to the chapter of the laws
56 of two thousand eighteen that amended this paragraph within nine months

1 from such effective date, and (B) shall take all reasonable and neces-
2 sary action to obtain an approved alteration permit within twelve months
3 from such effective date, or for units that became subject to this arti-
4 cle pursuant to the chapter of the laws of two thousand eighteen that
5 amended this paragraph within twelve months from such effective date,
6 and (C) shall achieve compliance with the standards of safety and fire
7 protection set forth in article seven-B of this chapter for the residen-
8 tial portions of the building within eighteen months from obtaining such
9 alteration permit or eighteen months from such effective date, whichever
10 is later, and (D) shall take all reasonable and necessary action to
11 obtain a certificate of occupancy as a class A multiple dwelling for the
12 residential portions of the building or structure within thirty-six
13 months from such effective date, or for units that became subject to
14 this article pursuant to the chapter of the laws of two thousand eigh-
15 teen that amended this paragraph within thirty-six months from such
16 effective date. The loft board may, upon good cause shown, and upon
17 proof of compliance with the standards of safety and fire protection set
18 forth in article seven-B of this chapter, twice extend the time of
19 compliance with the requirement to obtain a residential certificate of
20 occupancy for periods not to exceed twelve months each.

21 § 8. Paragraphs (vii), (viii), (ix), (x) and (xi) of subdivision 1 and
22 subdivision 2 of section 284 of the multiple dwelling law, paragraphs
23 (vii), (viii), (ix), (x) and (xi) of subdivision 1 as amended by chapter
24 135 of the laws of 2010 and subdivision 2 as added by chapter 349 of the
25 laws of 1982, are amended to read as follows:

26 (vii) Notwithstanding the provisions of paragraphs (i) through (vi) of
27 this subdivision the owner of an interim multiple dwelling made subject
28 to this article by subdivision six of section two hundred eighty-one of
29 this article (A) shall file an alteration application within nine months
30 from the effective date of the chapter of the laws of two thousand eigh-
31 teen that amended this paragraph, and (B) shall take all reasonable and
32 necessary action to obtain an approved alteration permit within twelve
33 months from such effective date, and (C) shall achieve compliance with
34 the standards of safety and fire protection set forth in article seven-B
35 of this chapter for the residential portions of the building within
36 eighteen months from obtaining such alteration permit or eighteen months
37 from such effective date, whichever is later, and (D) shall take all
38 reasonable and necessary action to obtain a certificate of occupancy as
39 a class A multiple dwelling for the residential portions of the building
40 or structure within thirty-six months from such effective date. The
41 loft board may, upon good cause shown, and upon proof of compliance with
42 the standards of safety and fire protection set forth in article seven-B
43 of this chapter, twice extend the time of compliance with the require-
44 ment to obtain a residential certificate of occupancy for periods not to
45 exceed twelve months each.

46 (viii) An owner who is unable to satisfy any requirement specified in
47 paragraph (ii), (iii), (iv), (v), [~~ex~~] (vi), or (vii) of this subdivi-
48 sion for reasons beyond his/her control, including, but not limited to,
49 a requirement to obtain a certificate of appropriateness for modifica-
50 tion of a landmarked building, a need to obtain a variance from a board
51 of standards and appeals, or the denial of reasonable access to a resi-
52 dential unit as required by paragraph [~~(xi)~~] (xii) of this subdivision,
53 may apply to the loft board for an extension of time to meet the
54 requirement specified in paragraph (ii), (iii), (iv), (v), [~~ex~~] (vi), or
55 (vii) of this subdivision. The loft board may grant an extension of time
56 to meet a requirement specified in paragraph (ii), (iii), (iv), (v),

1 [~~ex~~] (vi), or (vii) of this subdivision provided that the owner demon-
2 strates that he/she has made good faith efforts to satisfy the require-
3 ments.

4 [~~viii~~] (ix) If there is a finding by the loft board that an owner
5 has failed to satisfy any requirement specified in paragraph (i), (ii),
6 (iii), (iv), (v), [~~ex~~] (vi), or (vii) of this subdivision, such owner
7 shall be subject to all penalties set forth in article eight of this
8 chapter.

9 [~~ix~~] (x) In addition to the penalties provided in article eight of
10 this chapter, if there is a finding by the loft board that an owner has
11 failed to satisfy any requirement specified in paragraph (i), (ii),
12 (iii), (iv), (v), [~~ex~~] (vi), or (vii) of this subdivision, a court may
13 order specific performance to enforce the provisions of this article
14 upon the application of three occupants of separate residential units,
15 qualified for the protection of this article, or upon the application of
16 the municipality.

17 [~~x~~] (xi) If, as a consequence of an owner's unlawful failure to
18 comply with the provisions of paragraph (i), (ii), (iii), (iv), (v),
19 [~~ex~~] (vi), or (vii) of this subdivision, any residential occupant quali-
20 fied for protection pursuant to this article is required to vacate his
21 or her unit as a result of a municipal vacate order, such occupant may
22 recover from the owner the fair market value of any improvements made by
23 such tenant and reasonable moving costs. Any vacate order issued as to
24 such unit by a local government shall be deemed an order to the owner to
25 correct the non-compliant conditions, subject to the provisions of this
26 article. Furthermore, when such correction has been made, such occupant
27 shall have the right to re-occupy his or her unit and shall be entitled
28 to all applicable tenant protections of this article.

29 [~~xii~~] (xii) The occupants of a building shall, upon appropriate
30 notice regarding the timing and scope of the work required, afford the
31 owner reasonable access to their units so that the work necessary for
32 compliance with this article can be carried out. Access shall also be
33 afforded, upon reasonable prior notice, for the purpose of inspecting
34 and surveying units as may be required to comply with the provisions of
35 this article and article seven-B of this chapter. Failure to comply with
36 an order of the loft board regarding access shall be grounds for
37 eviction of a tenant.

38 2. Every owner of an interim multiple dwelling, every lessee of a
39 whole building part of which is an interim multiple dwelling, and every
40 agent or other person having control of such a dwelling, shall, within
41 sixty days of the effective date of the act which added this article,
42 file with the loft board or any other authority designated by the mayor
43 a notice in conformity with all provisions of section three hundred
44 twenty-five of this chapter and with rules and regulations to be promul-
45 gated by the loft board.

46 § 9. No provision of this act or article 7-C of the multiple dwelling
47 law, as amended by this act, or any other law shall be construed to
48 prevent a new application for registration as an interim multiple dwell-
49 ing or for coverage of residential units under such article from being
50 filed with the loft board and considered by such board in relation to a
51 building, or units within a building, previously determined not to be
52 covered, where the basis for such application is that such building or
53 units are subject to such article as a result of the amendments made by
54 this act.

1 § 10. This act shall take effect immediately, and shall apply to
2 applications pending approval or on appeal on and after such date
3 provided that:

4 (a) the amendments to subdivision five of section 281 of the multiple
5 dwelling law made by section one of this act shall be subject to the
6 expiration and reversion of such subdivision pursuant to subdivision (h)
7 of section 27 of chapter 4 of the laws of 2013, as amended, when upon
8 such date the provisions of section two of this act shall take effect;
9 and

10 (b) the amendments to paragraph (vi) of subdivision 1 of section 284
11 of the multiple dwelling law made by section six of this act shall be
12 subject to the expiration and reversion of such paragraph when upon such
13 date section seven of this act shall take effect.